



## Legislation Details (With Text)

**File #:** ORD-18:060 **Version:** 2 **Name:** TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES

**Type:** Ordinance **Status:** Passed

**File created:** 9/4/2018 **In control:** Public Works Council Committee

**On agenda:** **Final action:** 2/5/2019

**Title:** AN ORDINANCE TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Daniels\_email\_01042019.pdf, 2. Daniels\_Comments.pdf, 3. Professional services AML opinion, 4. Resolution\_City Attorney\_Introduced\_02052019.pdf, 5. Municipal League Opinion Introduced 02052019.pdf, 6. ORD-18-060\_Redacted.pdf

Date	Ver.	Action By	Action	Result
2/5/2019	2	City Council	Passed	Pass
1/15/2019	2	City Council	Held at second reading	
1/3/2019	2	City Council	Placed on second reading	
12/4/2018	2	City Council	Postponed Temporarily	Pass
11/20/2018	2	City Council	Held at one reading	
11/8/2018	1	Public Works Council Committee	Recommended to Council	Pass
10/2/2018	1	Public Works Council Committee	Postponed Temporarily	Pass

AN ORDINANCE TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES.

Whereas, The City of Jonesboro throughout any given year uses the services of professional architects, engineers, and surveyors for various projects and capital improvements that benefit the citizens of Jonesboro and visitors to the City. The purpose of this Ordinance is to provide accountability and transparency concerning the selection process for professional services and transparency by the City in awarding of work orders, notices to proceed, or formal contracts.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: Professional services are set out in Ordinance No. 17:072 in Section 2-576 (a).

Section 2: The City of Jonesboro shall request annually from all Architects, Engineers, and Surveyors (hereafter

referred to as Professional Service Providers or PSP) a Letter of Interest in being selected for projects that require these professional services. A Letter of Interest shall be published in the Jonesboro Sun and any other publication which the Purchasing Department deems appropriate for giving notice of City projects and the City's need for the above professional services.

Section 3: The request for a Letter of Interest shall be published one time. The first insertion shall be scheduled annually for the second week of December in each year.

The Letter of Interest shall advise Professional Service Providers in the fields of architecture, engineering, and surveying to submit a Statement of Qualifications (SOQ). At a minimum the Statement of Qualifications shall contain the following information:

- a) A copy of a professional license for each licensed person, if more than one licensed professional;
- b) Proof of professional liability insurance;
- c) Proof of worker's compensation insurance;
- d) The number of associates and the duties and qualifications of support associates
- e) A current biography on each licensed professional setting out the professional's experience, education, and training.
- f) A current list of all projects over the previous two years and summary of the type of project, the total project cost, the completion date of each project, and the owner of the project, including address and telephone number.
- g) The location of the Professional Service Provider's home office and professional license holders and familiarity with the City of Jonesboro.

Section 4: All Statement of Qualifications shall be submitted by all interested Professional Service Provider's by February 1 of each year. The names of all Professional Service Providers which are received shall be listed in alphabetic order by the Purchasing Department for the City of Jonesboro and this list of Professional Service Providers by profession shall be distributed to the Mayor, City Council, Department Directors, and be included on the City's web-site. All Statement of Qualifications shall be open to the public for review under the Arkansas Freedom of Information Act (FOIA).

Section 5: All City of Jonesboro projects which require professional services as set out above when the professional services fee or the City project shall not exceed the total cost to the City of \$5,000.00 shall not come within the provisions of this Ordinance and shall be awarded or constructed thru the administrative procedures established by the Mayor's office.

Section 6: All City of Jonesboro projects which require professional services estimated to cost \$5,001.00 to \$20,000.00 for the required professional service as determined by the Department of Engineering which shall be referred to as an "On Call Project" or OCP.

Section 7: The Department of Engineering shall provide the necessary information required for responses to an On Call Project. The City engineer or his designated representative shall select from the current Statement of Qualifications list three Professional Service Providers for the On Call Project. The City Engineer shall submit the three names chosen to the Public Works Committee who shall review the names submitted and rank the Professional Service Providers one through three by a majority vote of the member in attendance at a regular or called meeting.

The Public Works Committee shall submit the names as ranked back to City Engineer who shall negotiate a contract or purchase order with the Professional Service Providers according to their ranking. If the City

Engineer cannot negotiate a contract with the first ranked person or company, he shall go to second ranked person or company. If the City Engineer cannot negotiate a contract with the second ranked person or company, he shall go to the third ranked person or company. If a contract cannot be obtained with the third ranked persons or companies, then the Engineering Department shall re-evaluate the On Call Project and re-submit as provided for in this section.

Section 8: The evaluation of Statements of Qualifications shall be governed by the following factors which shall be considered by the Public Works Committee.

**EVALUATION FACTORS FOR PROFESSIONAL SERVICES WITH MAXIMUM POINTS POSSIBLE FOR EACH FACTOR:**

- A. The specialized experience and technical competence of the Professional Service Providers with respect to the type of professional services required; (10 Points)
- B. The capacity and capability of the Professional Service Providers to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project; (10 Points)
- C. The past record of performance with respect to such factors as control of costs, quality of work, and ability to meet schedules and deadlines; (10 Points)
- D. The Professional Service Providers proximity to and familiarity with the area in which the project is located. Location of home, office and staff to be assigned to the project; (10 Points)
- E. Professional staff including the education, experience, number of personnel available and any partnerships with sub-contractors. Size is not the sole criteria.. (10 Points)
- F. General and professional reputation, including responsiveness to civil rights and equal employment opportunity requirements; (10 Points)
- G. Past work performance in the City; (15 Points)
- H. Experience with projects of a similar nature as those advertised. (25 Points)

**TOTAL OF 100 POINTS POSSIBLE**

Section 9: City of Jonesboro projects which require professional services estimated to cost \$20,001.00 or more for the required professional service as determined by Department of Engineering shall be governed by the following sections.

If a Request for Proposal shall not be determined to be necessary by the Engineering Department, the Engineer or his designee and the Chairman of the Public Works Committee or his designee shall select not more than five qualified and appropriate Statement of Qualifications for the proposed project. The five Statements of Qualifications selected shall be submitted to the Public Works Committee who shall determine the three best qualified Professional Service Providers. The Public Works Committee at a regular or a called meeting shall

after reviewing the Statements of Qualifications received shall determine the top three and shall rank the Professional Service Providers one thru three. The top three Professional Service Providers shall then be sent to the City Engineer and the Mayor to negotiate a contract.

Section 10: Shall be revised as follows: However, if necessary due to the type of proposed project or due to the complexity of the proposed project or due to other factors, the Engineering Department determines it shall be prudent and necessary to prepare a Request for Proposal. The Request for Proposal shall include a detailed description of the proposed project, the scope of work to be provided, the location of any plans and/or specifications for a project, the proposed time frame for commencing and concluding the project, a request for a detailed work plan compliant with the project scope, a list of any concerns associated with the project scope, the Professional Service Provider's organizational chart identifying key personnel by name and title, a completed SF 330 form and, if desired, identification that the Professional Service Provider is requesting special consideration as a Disadvantaged Business Enterprise as defined under law, and any other information deemed necessary by the engineering department, and lastly the time frame for each Professional Service Provider to submit its' response to the Request for Proposal to the engineering department.

The Request For Proposal shall be published in the local paper, sent to all appropriate Professional Service Providers listed on the current Statement of Qualifications, the City's web-site, and, if necessary, in an appropriate professional journal for no less than two times for two consecutive weeks. The timeframe for responses to a Request For Proposal shall be determined by the scope of the overall project but not less than 14 business day. All responses shall comply with the required information requested in the Request for Proposal.

Section 11: After submission of all Request for Proposal's each shall be reviewed by the Engineering Department for technical compliance and the Engineer or his designee and the Chairman of the Public Works or his designee shall select not more than five Professional Service Providers who submitted complaint Request for Proposal to the Public Works Committee. The Public Works Committee shall review each compliant Request for Proposal which was submitted before selecting the top three Professional Service Providers.

Section 12: In determining the top three Professional Service Providers, The Public Works Committee shall interview, at a Special meeting called by the Chair, the top Professional Service Providers prior to ranking the top three Professional Service Providers.

The Public Works Committee shall after interviewing the Professional Service Providers, select the top three Professional Service Providers by a majority vote of Public Work Committee's members in attendance. The top three ranked Professional Service Providers shall be sent by the Public Works chairperson to the Engineering Department and to the Mayor to negotiate a contract.

Section 13: The Mayor with the assistance of any City employee shall negotiate a contract with the top ranked Professional Service Providers and if the negotiations are not successful shall end negotiations with the top ranked Professional Service Providers and commence negotiations with the second Professional Service Providers and if the negotiations are not successful shall end negotiations with the second ranked Professional Service Providers and commence negotiations with third ranked Professional Service Providers and if negotiations are not successful shall end negotiations and shall request the Public Works Committee to review any remaining Professional Service Providers who had submitted a compliant Request For Proposal and forward a new list of Professional Service Providers ranked to the Engineering Department and Mayor.

The Mayor shall with the assistance of any City employee negotiate a contract in the same manner as set out in the above paragraph. If no contract has been successfully negotiated, The Mayor shall advise the Engineering Department and the City Council that negotiations have been unsuccessful, and the Engineering Department

shall re-evaluate the project scope and other project related facts and after re-evaluation proceed to re-submit a Request for Proposal pursuant to the procedures established by this Ordinance.

If a contract is negotiated, the Mayor will have a final contract prepared and executed by the PSP. The Mayor will advise the Public Works Committee and the City Council that a contract has been prepared and signed by the Professional Service Providers and the contract will be first reviewed by the Public Works Committee who shall forward the contract with its' recommendation to the City Council for a final vote. In the event, the contract is not approved by either the Public Works Committee or the City Council the signed contract shall be void and the contract shall be returned to the Mayor with instructions on changes to the contract or with directions to re-commence the process to select a Professional Service Provider for the project.

Section 14: All Statement of Qualifications and Request For Proposal information shall be maintained for two calendar years in the office of the City Clerk. All such information may be maintained in electronic format.

Section 15: In the event any title, section, paragraph, item, sentence, clause, phrase or word of this Ordinance is declared to be invalid or unconstitutional, such a declaration shall not affect the remaining portions of the Ordinance which shall continue in full force and effect as if the portion declared invalid or unconstitutional was not originally a part of this Ordinance.

Section 16: All laws, ordinances, resolutions, or parts of same, that are inconsistent with the provisions of this Ordinance, are repealed to the extent of any inconsistency.

PASSED AND APPROVED this 5th day of February, 2019.

**MAYOR HAROLD PERRIN VETOED ORD-18:060 ON FRIDAY, FEBRUARY 8, 2019. PLEASE SEE ATTACHED LETTER FROM THE MAYOR AND CITY ATTORNEY.**