

**CITY OF CHESAPEAKE, VIRGINIA**

**NUMBER: 4.01 (10.2)**

**ADMINISTRATIVE REGULATION**

**EFFECTIVE DATE: 11/10/99**

**SUBJECT: OFFICE OF THE CITY MANAGER  
PROCUREMENT OF PROFESSIONAL SERVICES**

**SUPERSEDES: 06/01/93**

## **I. PURPOSE AND APPLICATION**

- A. The following procedure is hereby established for the engaging, when needed, of professional services for all City expenditures utilizing these services. Professional services means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, dentistry, medicine, optometry, pharmacy or professional engineering. All matters upon which these procedures apply shall hereafter be conducted in strict conformance to these procedures, or any amendments thereto.
- B. For purposes of this administrative regulation, projects shall be divided into two categories known as major and minor. Major projects will be those for which estimated professional services costs will be more than \$30,000 in the aggregate or for the sum of all phases of a contract. or project. Minor projects are those for which the estimated professional services costs will be less than \$30,000. (Projects with fees less than \$5,000 may be handled through direct negotiation.) The procedures to follow in the two categories. will be as described below.

## **II. PROFESSIONAL SERVICES SELECTION COMMITTEE**

### **A. Professional Services Selection Committee For Major Projects**

There shall be a Selection Committee for major projects as defined in section I-B above. The Committee shall be appointed by the City Manager and shall be composed of no less than five (5) members and can increase to 7 pr 9 members in composition. The sponsoring department members shall not constitute a majority. The membership shall be appointed as follows:

1. Director or designee of the sponsoring department or agency that is responsible for the project under consideration by the Committee. (Chairperson)
2. Representative of Finance Department, purchasing division. (Required)
3. Representative of City Attorney's Office or City Manager's Office. (Required)
4. Director or designee from at least two City Departments, other than the sponsoring Department.

### **B. Professional Services Selection Committee For Minor Projects**

A Selection Committee for minor projects as defined in section I-B above shall be appointed by the City Manager and shall be composed of no less than three (3) members. The sponsoring department members shall not constitute a majority. The membership shall be appointed as follows:

1. The Chairperson shall be from Section II-A(1). The remaining members shall be from any combination of members in Section II-A(2-4).
2. In the event the director or designee of the sponsoring department or agency determines that it is in the City's best interests not to assemble a professional services selection committee for minor projects, the director or designee shall submit in writing to the City Manager a written explanation of the basis for such a determination. With the concurrence of the City Manager, a selection committee need not be assembled. However, the City's small procurement policy for services shall be followed.

### **C. Additions to Membership**

All requests for additions to the above shall be made to the City Manager. Should the scope or characteristics of a particular project be such as to merit special knowledge, technical, financial or otherwise, or special advisory assistance, the City Manager may appoint an additional member or members, not exceeding four, to the Committee. Such members shall have full voting privileges and shall act consistent with this procedure. These appointments may be from within or outside the City government. Such appointees shall serve only for the period or periods of consideration of the particular project and shall be subject to all provisions of this procedure.

#### D. Request for Professional Services Selection Committee Appointment

All City departments and agencies shall forward to the City Manager, in writing, all requests for Professional Services Committee appointments. The requesting department or agency shall certify that sufficient funds are available in the budget for the project. The request shall include a description of the work to be performed and type of professional services to be utilized. The sponsoring department or agency shall define, in general terms, the scope of the project and identify the various project components and phases which shall include the following, as appropriate:

1. A description of the work, its objectives and its component functions, together with their inter-relationships.
2. The nature of the specific tasks and services to be provided by the consultant. (Including permits, etc.)
3. The type and amount of assistance to be given by the City.
4. The location and boundaries of a capital project, if available.
5. Total area or space limitations for a capital project together with any minimum standards for specific functions, if present/available.
6. Required time frame for completing the work requested.
7. Any financial conditions or limitations on the cost or other factors.

The sponsoring department or agency shall further determine and advise the degree, if any, of Federal or State participation in the project. This is to be determined as early as possible since certain planning, consultant selection, obligations to adhere to Federal statutes, impact statements, design criteria., etc., may be prerequisite for Federal and State assistance.

### III. PREQUALIFICATION OF FIRMS

The Committee shall determine when it is in the best interests of the City to prequalify firms.

#### A. Procedure for Prequalification

The procedure for prequalification shall be conducted in accordance with Section 11-46, Code of Virginia, 1950, as amended. It shall be the responsibility of the Chairperson to obtain from the City Attorney's Office the version of Section 11-46 that is in effect at the time for the prequalification of potential offerors.

A firm may be denied prequalification only as set forth in Section 11-46.

Once a firm is prequalified, the steps as outlined in Section V below will apply.

#### B. Notice

When it has been determined that it is the City's intent to prequalify potential offerors, public notice for potential prequalification shall be posted in a public area and published in a newspaper of general circulation at least 10 days prior to the date set to receipt of qualifications. In addition, the City may solicit directly from potential offerors. Any direct solicitation shall include businesses selected from the list of minority business enterprises maintained by the purchasing and contracts manager. For purposes of this section, a public area shall be the bid board in the City's Finance Department, purchasing division. The notice shall direct all potential offerors to obtain an application form to submit for the purpose of complying with the prequalification process. This application form shall include the criteria that will be used in determining prequalification. The notice shall state a deadline for all interested offerors to submit their qualifications.

#### C. Application Form

The application form used in the prequalification process shall set forth the criteria upon which the qualifications of prospective offerors will be evaluated.. The application form shall request of prospective offerors only such information as is appropriate for an objective evaluation of all prospective offerors pursuant to such criteria. Such form shall allow the prospective offerors seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the offeror pursuant to the application shall be considered a trade secret or proprietary information subject to the provisions of Section 11-52(D), Code of Virginia, 1950, as amended.

#### IV. REQUEST FOR PROPOSAL (RFP)

##### A. Notice

Public notice of the Request for Proposal shall be posted in a public area and published in a newspaper of general circulation at least 10 days prior to the date set for receipt of proposals. In addition, the City may solicit directly from potential offerors. Any direct solicitation shall include businesses selected from the list of minority business enterprises maintained by the purchasing and contracts manager. For purposes of this section, a public area shall be the bid board in the City's Finance Department, purchasing division. As additional notice, the RFP may be placed on the City of Chesapeake, Virginia home page.

##### B. Content

###### 1. The RFP shall contain the following:

In general terms the professional service which is sought to be procured, specifying the factors which will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the prospective bidder or offeror, the relative importance of price and any other evaluative factors that will be considered. It shall also include the evaluation criteria set forth in Section V., subsection B.

###### 2. The RFP shall not request that offerors furnish estimates of work, hours or cost for services.

#### V. PROCESS OF SELECTION

##### A. Professional Services Committee Procedures

The committee shall adhere to the following procedures:

1. All selection committee meeting records are to be kept by the Chairperson consistent with the City's record retention policy and are subject to the Virginia Freedom of Information Act except as provided in Chesapeake City Code section 54-75. Voting results' shall be maintained as part of the records.
2. A summary table highlighting each firms compliance with the RFP requirements will be provided by the Chairperson prior to the meeting where firms are short-listed. Short-listing of offerors shall be performed at the discretion of the Chairperson. The Chairperson or designee from the sponsoring department shall review all proposals received and perform preliminary evaluations in accordance with section V.B. to devise a short list of qualified offerors. Selection Committee members are not bound by the preliminary determinations made during the process of short-listing.
3. Notices of committee meetings shall be provided to members in writing at least five (5) days prior to the meeting by the Chairperson. .
4. A detailed description of the work to be performed shall be provided to the committee prior to its first meeting by the Chairperson.
5. The Chairperson will establish a schedule for the completion of the selection process.

##### B. Evaluation Criteria

The Committee shall consider proposals that comply with the requirement.. contained in the RFP. Based on an analysis of the proposals submitted by the offerors, the Committee shall rate the offerors considered to be the highest qualified by virtue of technical competence, responsiveness, general background, experience, availability and other qualifications, for the type of professional services required. The following suggested criteria shall be rated on a scale of 1-10, with (10) being the most desirable. Other criteria may be substituted or included depending on the project. Each of the criteria shall be weighted by the Committee, with the weight assigned to each factor prior to inclusion in the RFP.

1. Specialized experience and technical expertise of the firm in the type of work required, including demonstrated comparable experience with projects similar to the City identified project.
2. Record in accomplishing work on other projects in the required time, and within cost outline and the fee proposal.
3. Geographic location of project personnel relative to the project location.

4. Quality of work previously performed for the City, if known.
5. Evidence of any attempt to evade responsibility on any prior projects, if known.
6. Qualifications, competence, and depth of key personnel to be assigned to the project.
7. Response during project, follow-up during project, and follow-up after project completion.
8. Project specific criteria. to be determined by the Selection Committee.
9. Proposed schedule/time frame to complete the work.
10. The firms responsiveness to the City's request or outline of services for the work as set forth in the RFP.

Where the average rating among Committee. members for criteria 4 and 5 above, either or both, is less than 5, the offeror may be deemed to be not responsible. The Chairperson shall consult with the purchasing and contracts manager who shall have discretion whether to request additional information from the offeror or to declare such offeror to be not responsible in accordance with Chesapeake City Code section 54-116, subsections (b) or (c).

#### C. Interview Process

1. The Committee shall hold an individual interview with at least the top two offerors deemed most qualified, responsible, and suitable on the basis of the initial responses to the RFP.
2. The offerors shall be encouraged to elaborate on their qualifications and performance data, or staff expertise pertinent to the proposed project, as well as alternative concepts. The offerors shall also be encouraged to present the methodology for approaching the work specified in the RFP, as well as proposed deliverables to satisfy the City's request as set forth in the RFP.
3. At the discussion stage, the City may discuss with the offerors nonbinding estimates of total project costs, including but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price of services. Further, the City may discuss all issues related to the qualifications and expectations for the work to be performed. Proprietary information from competing offerors shall not be disclosed to the public or to competitors.
4. At the conclusion of discussion, on the basis of evaluation factors published in the RFP and all information developed in the selection process, the committee shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.
5. Upon reaching this decision, the Committee Chairperson shall prepare a report to the committee including a listing of the names of the offerors in the order in which they are recommended for the specific work.

#### D. Negotiations

1. Negotiations shall be conducted by the Chairperson, or designee(s), with the offeror ranked first. If a contract satisfactory and advantageous to the City can be negotiated at a price considered fair and reasonable, and which defines precisely the scope of services to be provided, conditions of the professional agreement, work plan and schedule, personnel and method of payment, the award of the contract shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated as set forth below, and negotiation conducted with offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.
2. If negotiations with the offeror ranked first are to be terminated, the Chairperson of the Selection Committee shall forward a notice of intent to terminate negotiations to the City Manager, with an explanation of the points which cannot be agreed upon, requesting . the City Manager's concurrence in this action. Upon receipt of the City Manager's concurrence, the Chairperson of the Selection. Committee shall promptly notify the offeror in writing and then. begin negotiations with the offeror chosen second.
3. Should the committee determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than any other offeror under consideration, a contract may be negotiated and awarded to that: offeror. If the City and the offeror cannot reach agreement, their negotiations shall be terminated in writing.

4. Upon completion of negotiations, the formal agreement shall be prepared and submitted to the City Attorney for review. After the agreement has been executed by the offeror, the agreement shall be submitted to the City Attorney for approval as to form, and then shall be forwarded to the City Manager for signature. The unsuccessful candidates shall be notified in writing.