SECTION 10

CONTRACTING FOR PROFESSIONAL SERVICES CONSULTANT COMPETITIVE NEGOTIATION ACT (CCNA)

10.0 INTRODUCTION

The purpose of this procedure is to provide guidance for hiring professional firms for architectural, engineering, landscape architecture, land survey and mapping services, design build and construction management services as per Florida Statute (F.S.) 287.055. The CCNA process allows for professional firms to be hired based on the ability of the firm and quality of personnel, minority business enterprise consideration, firm experience with projects of similar size and scope, firm's willingness to meet the schedule and budget requirements, volume of work previously awarded by the County, effect of the firms current and projected workload, location and past performance.

In addition, the County has the right, as an option, to bid construction management services and, design build contracts through an invitation to bid or request for proposal process as provided in F.S 255.20 (1), where cost is considered in the award process. The option to bid construction management services and design build contracts shall be the sole option of the County.

10.1 RELEASE OF CCNA REQUEST FOR PROPOSALS

The Purchasing Department shall develop a request for proposal (RFP) document based on the needs of the requisitioning department and release the document per procedure established in section 3.16 of the Purchasing Procedures. The RFP document shall contain a general description of the project and shall indicate the method and the time within which interested professional firms can provide their written responses. In addition, the RFP document shall contain a draft agreement, period of term and any potential contract extensions.

10.2 QUALIFICATION OF CONSULTANTS

The basis of judging qualifications shall be at the time of committee evaluation. The Purchasing Department shall maintain a list of firms by discipline capable of providing services. The firms contained on the list are not deemed to be qualified until judged by an evaluation committee.

10.3 EVALUATION OF CONSULTANTS

The evaluation committee shall review statements of qualifications and performance data submitted in response to a released RFP and "Short List" the most qualified firms accordingly. The process utilized to evaluate CCNA RFP's shall be the same process utilized for all other County RFP processes. This process of evaluation involves individual review with consensus scoring determined at a public meeting. By utilizing this process, CCNA RFP's will be consistent in approach will all other County RFP processes.

10.3 EVALUATION OF CONSULTANTS - Continued

The evaluation committee shall select at least three (3) firms deemed to be the most qualified, if at least three (3) firms respond to the RFP. If there are less than three (3) firms responding to the RFP and after searching it is decided every effort was made to meet the requirements of F.S. 287.055, the County shall proceed with the evaluation process.

The evaluation committee may request public/oral presentations and/or shall request some type of discussions with a minimum of three (3) firms (if three firms submitted to the RFP).The oral presentation shall include a firms' understanding of the project and strength of the individual proposed team members as demonstrated; ability to furnish the required service within time and budget; and approach to the project and methods used to plan, design and administer the project. Each evaluation committee member shall rate each firm and the committee will decide on a total average combined score to determine the top ranked firm. If public/oral presentations are not conducted the ratings applied during the "short list" phase will determine the rank order of firms for negotiation.

10.4 DEFINITION FOR SHORT LIST OR INITIAL RANKING CRITERIA

A. Ability of Firm and its Professional Personnel, Willingness and Ability to Meet Schedule and Budget Based on Current and Projected Workload.

1. Reviews the level of qualifications and experience of the firm and project team and appropriateness of the organization of the project team.
2. Reviews the professional resources available to properly provide services as requested in the RFP document.
3. Reviews the project team to insure the team proposed contains all of the critical disciplines required.
4. Prime team proposed should have exceptional professional resources to properly provide services.
5. The project manager and proposed team should be uniquely qualified to provide the desired services.
6. Evaluates the workload commitments that will impact the firm's ability to complete services on schedule.
7. The submittal should demonstrate that the firm has adequate time available and personnel to compete services on schedule and additional backup staffing capability in the event of unforeseen circumstances.

450 points are possible for this criterion.

B. Firm Experience with Project of Similar Size and Past Performance

1. Reviews the firms experience with projects of similar size, type and scope and the performance on those specific projects.
2. The prime firm must have adequate, recent (within the past five years) experience with projects of similar type as defined in the RFP document.
3. Experience pertaining to specific Pinellas County projects may also be considered. Pinellas County staff shall not however furnish references for such projects.
4. The scope of services provided should represent projects that are similar to those defined in the RFP document.
5. The overall performance of the firm relative to projects of similar size and scope should be evaluated.

375 points are possible for this criterion.

10.4 DEFINITION FOR SHORT LIST OR INITIAL RANKING CRITERIA – Continued

C. Volume of Work Previously Awarded by the County

Pre-populated by the Purchasing Department, the purpose of this criterion is to effect an equitable distribution of contracts. For Continuing Contracts, this criterion is evaluated based on dollars spent with a firm during the two (2) previous completed fiscal years through current date. For Non-Continuing Contracts this criterion is evaluated based on value awarded to a firm during the two (2) previous completed fiscal years through current date. The points are worth 5 percent of the overall points available and are distributed as follows:

$0 - $200,000 – five (5%) percent of points available

$200,001 - $400,000 – four (4%) percent of points available

$400,001 – 600,000 – three (3%) percent of points available

$600,001- $800,000 – two (2%) percent of points available

$800,001 - $1,000,000 – one (1%) percent of points available

Over $1,000,000 – zero (0%) percent of points available

Based on a typical 1000 point evaluation scoring process, a firm deemed to be in the $0-$200,000 category threshold would be allotted 50 points etc.

D. Minority Business Status

Provides points pre-populated by the Purchasing Department for minority business status as designated by the State of Florida. If the firm is designated as a minority business by the State of Florida, five (5%) percent of the total evaluation points are awarded (50 points). If the firm does not have minority business status as per the State of Florida, zero (0%) percent of the points available are awarded.

E. Location

Evaluates the location of the project team relative to Pinellas County including the prime firm and project manager. If firm has an established office located in Pinellas, Manatee, Hillsborough or Pasco counties, 75 points are awarded. If not, no points will be awarded.

10.5 DEFINITION OF PUBLIC/ORAL PRESENTATION CRITERIA

A. Understanding of Project

Evaluate the firm's understanding of the overall project including the scope of work which may include but is not limited to, studies performed that affect the project, key design elements and affect on the community involved. Evaluation of the firm's qualifications and qualifications of the individuals proposed for the project including the project manager and staff of the firm to be assigned. Qualifications shall include but not be limited to experience with similar projects, management experience, firm experience, etc.

B. Ability to Provide Required Services Within the Schedule and Budget

Evaluation of the firm's overall approach including experience in scheduling projects, systems that will be used to keep track of the project schedule, cost control, quality assurance and quality control, issues and methods employed to avoid cost overruns and project delays.

C. Managerial Methods Used to Plan, Design and Administer the Project:

Evaluation of the overall approach of the project proposed by the firm and the appropriateness of the methods proposed to plan, design and administer the project in relation to the scope of work and County requirements.

10.6 EVALUATION COMMITTEES

The CCNA evaluation committee shall consist of at least three (3) but typically not more than seven (7) members (unless deemed to be in the best interest of the County) based upon their expertise and association with the project. The evaluation committee must consist of at least one person from the requesting department or division of a department; however, the requesting department or division within a department cannot have majority representation on the evaluation committee. As an example, an evaluation committee consisting of three (3) representatives shall only contain one representative from the requesting department or division.

The committee may consist of subject matter experts and professionals from outside of County government as deemed necessary. All representatives selected to CCNA evaluation committees must be approved by the CCNA Oversight Committee.

All evaluation committee members must be free of conflicts of any sort, either direct or indirect and must complete the applicable Conflict of Interest form prior to participation in an evaluation process.

10.6 EVALUATION COMMITTEES - Continued

All evaluation meetings are public meetings. The meeting is proctored by a representative of the Purchasing Department. Purchasing Department representatives cannot participate as a voting member on an evaluation committee. The CCNA evaluation committee may be convened at any time to address pertinent issues pertaining to the procurement process; however, any discussion regarding the actual evaluation of proposals must be advertised as a public meeting before the meeting can be held. Advertisement consists of posting the meeting on the official County calendar at least seven (7) days prior to the meeting.

The Purchasing Department shall provide a written summary of the evaluation proceedings. The written summary, at a minimum, shall set forth the names of the evaluation committee member's present and official action taken by the committee.

10.7 EVALUATOR POOL

The Director of Purchasing shall have the responsibility for developing and maintaining a pool of qualified evaluators to participate in CCNA evaluation committees. The pool of evaluators shall be composed of assorted subject matter experts, both internal and external to County government and be capable and willing to evaluate CCNA proposals. The evaluator pool shall not contain members from the Purchasing Department, Office of County Attorney or Board of County Commissioners. Procurement processes for certain specialized services may require the ad hoc addition of evaluators to assist in the evaluation process.

10.8 RANKING OF FIRMS

Members of evaluation committees shall review each proposal submitted during a competitive CCNA process. The evaluation committee will convene at a prescribed public meeting and score proposals based on defined scoring criteria. The evaluation committee shall select in order of preference, at least three (3) firms, if at least three (3) firms responded to the public solicitation. If less than three (3) firms respond, and after the Purchasing Department provides ample due diligence to comply with F.S. 287.055 requirements, the County will evaluate all respondents and proceed with the evaluation process. As an option, the County may conduct public/oral presentations with a minimum of three (3) firms (if three firms submitted).

Upon completion of firm ranking and oral presentations (if applicable), the Purchasing Department will work with the Managing Department to move forward with the negotiation process.

10.9 NEGOTIATION

Staff (usually the department managing the project) will negotiate a contract with the most qualified firm (number one ranked firm) for professional services. The Purchasing Department will be responsible for facilitating this process. Detailed discussions must be held by the firm and the County to clearly establish the scope of the project and the exact services to be performed by the firm. Should the County and firm fail to reach agreement, negotiations with the first firm are terminated and negotiations with the second ranked firm shall commence. If again unsuccessful, the process is repeated with the next ranked firm. The process is continued until a mutually agreeable contract is concluded or the procurement process is abandoned. Termination of negotiations with the first firm and commencement of subsequent negotiations does not require approval.

10.10 TRUTH IN NEGOTIATIONS

The successful professional firm shall execute a truth in negotiation certificate stating that wage rates and other factual unit costs supporting compensation are accurate, complete and current at the time of contracting. Any professional service agreement in which such a certificate is required shall contain a provision that the agreement price shall be adjusted to exclude any significant sums where the County determines the agreement price was increased due to inaccurate, incomplete or noncurrent wage rates and other factual unit costs. All adjustments to the agreement, if any, shall be made within one (1) year following the end of the agreement.

10.11 AWARD

The final negotiated contract will be presented for approval Per Section 2-178(l) of County code. Based upon the final negotiated contract, a contract which is $100,000.00 or less in a fiscal or calendar year may be awarded by the director of purchasing; a contract which is $250,000.00 or less in a fiscal or calendar year may be awarded by the county administrator and all contracts exceeding $250,000.00 in a fiscal or calendar year shall only be awarded by the Board.

10.12 CONTINUING CONTRACTS

Per FS 287.055, a continuing contract is a contract for professional services entered into with all of the procedures of F.S. 287.055 between the County and a firm whereby the firm provides professional services to the agency for projects in which the construction costs do not exceed Florida Statute threshold, for a study activity where the fee for such professional services does not exceed Florida Statute threshold or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause. The consultants on continuous contracts are selected to perform professional services on same or similar terms.

For each specific task to be performed regarding a continuing contract, the requesting department shall prepare or have prepared with the assistance of a consultant the tasked out scope of work. The scope of work shall include only those services to be performed and should include as applicable but not limited to; time for completion, amount of compensation, and construction cost estimate.

Tasked out scope of services are narratively described and supported by a detailed spreadsheet of tasks and subtasks with distribution of appropriate man hours by job title for each task and subtask at rates from the continuing consultant's contract fee schedule. Assignments will be rotated among firms as feasible by the facilitating department based upon the specific discipline required, experience and qualifications of the firm.

Continuing contracts are evaluated as per the evaluation of consultants for all other CCNA contracts. Oral presentations are not required for the evaluation of continuing contracts and the criteria utilized to evaluate the firms will be the same as utilized for determining the short list of other CCNA contracts.

10.13 CCNA OVERSIGHT

The County Administrator shall appoint a minimum of three (3) members of his/her executive management team (Assistant County Administrators) to provide oversight of the CCNA process. Such oversight will pertain to but not be limited to: composition of evaluation committees, evaluator pool members, the evaluation process and any other matters deemed appropriate by the County Administrator.

Prior to the scheduling of CCNA evaluation meetings, the Purchasing Department shall be responsible for obtaining Oversight approval of the committee members for the purpose of insuring the committee is comprised of equitable members and that no apparent conflict exists. The Purchasing Department shall be responsible for obtaining CCNA Oversight pertaining to the evaluation process to BCC consideration. The purpose of this oversight is to review the evaluation process and insure no obvious discrepancies exist such as incorrect scores or errors in the process.

10.14 DESIGN-BUILD SERVICES

Design-build services shall be governed by F.S. 287.055. The County shall award design-build contracts by the use of a qualifications based selection process pursuant to F.S. 287.055(3)--287.055(5), or by use of the competitive proposal selection process set out in this section. The procurement of competitive proposal design-build services shall be made in accordance with the following rules and procedures:

A. Design criteria package: The design criteria package shall be prepared and sealed by a design criteria professional employed or retained by the County. If the County enters into a professional services contract for the preparation of the design criteria package, the professional shall be selected and contracted with in accordance with the requirements of F.S. 287.055(4) and 287.055(5). The professional preparing the design criteria package shall not be eligible to render services under a design-build contract executed pursuant to the package prepared by such professional.

B. Selection/negotiation committee: The County shall publicly advertise in a uniform and consistent manner on each occasion when design-build services are required except in cases of valid public emergencies. The advertisement shall include a general description of the project and shall indicate how, and the time within which, interested design-build firms may apply for consideration.

Any firm or individual desiring to provide design-build services for the County must first be determined legally qualified. Legal qualifications are:

1. Firms must be properly certified to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent.

1. Firms must be properly certified to practice or to offer to practice engineering, architecture, or landscape architecture.

2. The firm shall be duly qualified to perform its proposed services under any other applicable law.

10.15 SOLICITATION AND NEGOTIATION OF DESIGN-BUILD SERVICES

A. Solicitation.

Requests for proposals shall be sent to all interested firms requesting that their qualifications, proposed design be submitted at a time and place certain. The request for proposal shall contain at a minimum the design criteria package; evaluation criteria, technical and design aspects of the project; evaluating procedures and any other information pertinent to selection and award of the design-build contract. As an option, the County shall incorporate price into the evaluation process as well.

B. Evaluation.

The committee shall review all proposals and identify no less than three firms deemed qualified (if three firms propose, see Section 10.8) to perform the required services based on the evaluation criteria contained in the procurement document. The committee shall then rank and short-listed firms based on the evaluation criteria set forth on the request for proposal. The committee may require oral presentations of short-listed firms. The average combined scores received for the written proposal and oral presentation will determine the final ranking of firms. Price will also be considered in the evaluation process if used as an optional criterion.

C. Negotiation.

After ranking, the committee shall attempt to negotiate a contract within the parameters of the design criteria package. Design-build contracts will be awarded under the provisions of section 2-178(l) and other applicable provisions of this article.

D. Additional Functions of Design Criteria Professional

The design-criteria professional shall be consulted in the evaluation process, the supervision or approval of the County of the detailed working drawings of the project and for the evaluation of the compliance of the project construction with its design criteria package.

10.16 CONSTRUCTION MANAGER AT RISK SERVICES

A. Solicitation

Requests for proposals shall be sent to all interested firms requesting that their Letter of Interest; qualifications, general approach to the project and other information as requested in the RFP. The request for proposal shall contain at a minimum a narrative description of the project scope of work, evaluation criteria, evaluating procedures and any other information pertinent to selection and award of the CM contract.

10.16 CONSTRUCTION MANAGER AT RISK SERVICES - Continued

B. Evaluation

The committee shall review all proposals and identify no less than three firms deemed qualified (if three firms propose, see Section 10.8) to perform the required services based on firm qualifications, availability and past work of the firm. The committee shall rank the short-listed firms based on the evaluation criteria set forth on the request for proposal. The committee may, at their option require oral presentations of short-listed firms. The average combined scores received for the written proposal and oral presentation will determine the final ranking of firms. As an option, price may be utilized as a criterion for evaluation.

C. Negotiation

After final ranking (after oral presentations if required), the committee shall attempt to negotiate a contract within the parameters of the narrated scope of work description set forth on the request for proposal. CM contracts will be awarded under the provisions of Section 2-178(l) and other applicable provisions of this article.