

RESOLUTION NO. ~~2615~~3506

A RESOLUTION SETTING FORTH POLICIES AND PROCEDURES FOR THE SELECTION OF PROFESSIONAL CONSULTING SERVICES WITHIN THE SCOPE OF THE PRACTICE OF ARCHITECTURE, ENGINEERING AND LAND SURVEYING; RESCINDING RESOLUTION NO. 2615.

WHEREAS, ~~the Finance, Administration and Economic Development Committee recommended to the City Council~~ It is deemed advisable to establish a policy and procedure for contracting Professional Consulting Services within the scope of the practice of Architecture, Engineering and Land Surveying;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, as follows:

SECTION 1. Definitions

- (1) “Administering Department” shall mean the department responsible for the project.
- (2) “Council Committee” shall mean one of the four standing Committees of the City Council having jurisdiction of over the involved project.
- (3) “Director” shall mean the department director having jurisdiction over the involved project or that person’s designee.
- (4) ”Firm” shall mean any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering or land surveying in the State of Kansas.
- (5) “Professional Services” shall mean those services within the scope of practice of architecture, engineering or land surveying, as defined by the laws of the State of Kansas, or those performed by any architect, professional engineer, or registered land surveyor in connection with this professional employment or practice.
- (6) “Selection Committee” shall mean at least two members of the City Council, one of whom shall be a member of the Council Committee, and a Staff Committee.
- (7) “Staff Committee” shall mean a committee of at least three City employees designated by the ~~Director~~department director having jurisdiction over the involved project, at least one of whom shall be a person with appropriate professional qualifications.

SECTION 2. Roster of Consultants

- (1) ~~The City Manager or designated staff~~ The Director will maintain a roster, classified by category of ~~p~~Professional ~~s~~Service, of qualified ~~f~~Firms interested in performing ~~p~~Professional ~~s~~Services for the City. ~~Names of firms will be placed on the roster upon~~

~~their request; at the request of members of the City Council; or when recommended by City departments.~~

- (2) Each ~~f~~Firm meeting the following minimum qualifications shall be deemed to be a qualified ~~f~~Firm ~~and meeting the qualifications of the City:~~
- a. Duly authorized to conduct business in the State of Kansas in ~~their-its~~ particular profession.
 - b. Professional registration by the State of Kansas.
 - c. At least one staff professional assigned to each project. Adequacy of personnel will be determined on a contract ~~by~~ contract basis against the City's estimate of personnel required to perform the work in the desired time frame.
- (3) ~~Resumes and Data~~—Each ~~person or f~~Firm listed on the roster shall be responsible for maintaining a current resume with the City, describing ~~his or their-its~~ qualifications and experience ~~with the City Manager's office~~. Data which should be included is as follows:
- a. Firm name, address and telephone numbers.
 - b. ~~Year established and former firm names.~~
 - e. ~~Types of services for which it is qualified.~~
 - ~~d~~c. Names of principals of the ~~f~~Firm and states in which they are registered.
 - e. ~~Names of key personnel, with experience of each and length of time in the organization.~~
 - f. ~~Number of staff available for assignment.~~
 - g. ~~Outside consultants and associates usually retained.~~
 - h. ~~List of completed projects on which the firm was principal engineer.~~
 - i. ~~Current projects underway and estimated cost of each.~~
 - j. ~~Data gathering methods (if appropriate).~~
 - k. ~~Evaluation techniques (if appropriate).~~

SECTION 3. Classes of Services

Projects will be divided into three (3) classes as follows:

Class A - Services for projects where fees will exceed \$520,000. ~~The members of the Council Committee will act as the screening and selection committee and~~The Selection Committee will participate in scheduled interviews and will recommend the ~~f~~Firm and appropriate contract to the City Council for ~~their-its~~ approval. If circumstances exist where Council members choose not to serve on the Selection Committee, a recommendation of a Staff Committee, acting as the Selection Committee, will be provided to the appropriate Council Committee for approval of the proposed selection prior to final approval by the City Council.

Class B -- Services for projects where fees will exceed \$105,000 but will not exceed \$520,000. ~~A Staff~~members of the staff ~~Committee to act as the screening and selection committee and will select and~~ recommend the ~~f~~Firm and appropriate contract to the City ~~Manager~~Council for ~~his/her~~their approval.

Class C - Services for projects where fees will not exceed \$105,000 will not be subject to the detailed procedures set out in Section 4 of this resolution. ~~but Services~~ will be contracted by the Director with the Firm considered to be the most qualified, at a price determined in writing to be fair and reasonable to the City, based on discussion regarding the proposed contract with no fewer than three ~~qualified fFirms~~ drawn from the roster of consultants.

SECTION 4. General Procedures and Responsibilities

- (1) Project Initiation - When ~~a department of the City~~ the Administering Department identifies a project exceeding \$105,000 for which ~~p~~Professional ~~S~~Services will be necessary, the department will draft a scope of services for the specific project. ~~This scope of services will be submitted to the City Manager for authorization to initiate the project.~~
- (2) ~~Initial Screening~~Expressions of Interest - The ~~a~~A~~d~~Administering d~~e~~Department will ~~contact those firms on the roster for written expression of interest in the specific project. The request should invite comment as to the special experience in the project being considered, describe previous experience with similar projects, and the availability of the firm to provide required service within any time limitations.~~
- ~~(3) Initial Screening and Requests for Proposals~~ - ~~The expressions of interest will then be presented to the appropriate screening and selection committee for initial screening determine which Firms will be invited to submit a detailed proposal.~~ - Factors to be determined in the initial screening ~~will~~may include:
 - ~~a. Types of services for which it is qualified.~~
 - ~~b. Specialized experience in the type of work required.~~
 - ~~c. Record of the fFirm in accomplishing work on other public projects in the required time.~~
 - ~~d. Quality of work previously performed by the fFirm for the City.~~
 - ~~e. List of completed projects on which the Firm was principal architect/engineer.~~
 - ~~d. Recent experience showing accuracy of cost estimates.~~
 - ~~e. Community relations including evidence of sensitivity to citizen concerns.~~
 - ~~f. Geographic location of the principal offices of the firm.~~

The ~~screening committee~~ Administrative Department will ~~identify~~designate at least three ~~fFirms~~ whothat will be requested to present detailed proposals on the project.

- (3) Detailed Proposals - A ~~formal letter~~contract form will be provided to each ~~fFirm~~ asked to provide a detailed proposal so that the ~~fFirm~~ can be fully informed of the parameters of the proposed project and general City contracting policies. ~~The letter~~contract form will be prepared by the Administering Department, ~~responsible for the project~~ with the assistance of the Legal Department.

Firms submitting detailed proposals will be asked to provide:

- a. A resume of its proposed project supervisor.
 - b. The name of the principal who would be responsible for the work.
 - c. ~~the amount of work presently under way~~Current projects underway and estimated cost of each.
 - d. The ability of the ~~f~~Firm to meet required time schedules.
 - e. A description of how the project would be conducted.
 - f. Other facts it wishes to present in favor of its ~~f~~Firm.
- (4) Interview and Selection - Upon receipt of the detailed proposals, the ~~s~~Selection ~~and screening e~~Committee or the Staff Committee, whichever applicable. will be convened to review the proposals, interview the prospective ~~f~~Firms, if desired, and make the final selection as to the ~~f~~Firm for the project.
- (5) Contract Negotiation - The selected ~~f~~Firm will then be requested to come in for a final conference with the ~~screening and selection committee~~Administrating Department to define precisely the scope of service to be provided and to submit a proposal covering the compensation requirements for the work. A fee ~~is will~~ then be negotiated for the project, which is fair and reasonable. A contract ~~is will be~~ prepared and submitted to the Legal Department for review, and then submitted to the ~~City Manager for presentation to the~~ City Council for approval.

If, after reasonable effort, a contract cannot be negotiated, the negotiations with the designated ~~f~~Firm shall be terminated and negotiations shall be started with the next ~~f~~Firm recommended.

SECTION 5. Prohibition Against Contingent Fees

- (1) Each contract entered into by the City Council for Professional Services shall contain a prohibition against contingent fees as follows:

“The architect, engineer or land surveyor (as applicable) warrants that ~~she/s~~he has not employed or retained any company or person, other than a bona fide employee working solely for the architect, engineer or land surveyor to solicit ~~for secure~~ this contract, and that he/she has not paid or agreed to pay any person, company or person, corporation, individual or firm other than a bona fide employee ~~working solely for the architect, engineer or land surveyor~~, any fees, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this agreementcontract.”

- (2) For the breach or violation of the foregoing provision, the City Council shall have the right to terminate the agreementcontract without liability and, at its discretion to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

SECTION 6. The City Council in its sole and absolute discretion, may waive any and all
aforementioned procedural requirements.

SECTION 7. Resolution No. ~~1530~~2615 is hereby rescinded.

ADOPTED by the Governing Body of Overland Park, Kansas, this ____ day of _____,
2006.

Carl Gerlach, Mayor

ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

Jane Neff-Brain
Senior Assistant City Attorney