



Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: November 1, 2021

Re: Amending B129-99 (Ordinance 15992) to Revise Limits of Procurement for Architectural, Engineering, and Land Surveying Services.

## Executive Summary

An ordinance has been prepared to amend B129-99 (Ordinance 15992), to revise the limits of procurement for architectural, engineering, and land surveying services.

## Discussion

Ordinance No. 15992 established procedures and guidelines for procurement of architectural, engineering, and land surveying services. The ordinance was adopted in 1999 and it has not been amended since that date. The intent of the ordinance is to assure that the selection of architectural, engineering, and land surveying service providers is based on demonstrated abilities to perform the services. Selection of services is based on proven background, experience in the required work, reputation of the firm, availability, references, ability to complete the work, and experience of key personnel. The procedures of procurement were established for both standard professional services and for special project services.

In addition to the procedures for selections of services, the ordinance set the dollar limits for executing contracts. A summary of the established dollar limits are as follows:

- For professional service fees of less than \$20,000, the City Manager may execute contracts with prequalified firms. (Section 2(e) & (f))
- For professional services fees in excess of \$20,000, but less than \$100,000, the City Manager may execute contracts with prequalified firms with the approval by City Council. (Section 2(g))
- For special project services, where the fees are greater than \$100,000 or are funded by grants, the procurement process shall follow the formal request for proposal and the City Manager may execute contracts with a selected firm with the approval by City Council. (Section 3 (a) & (b))

Staff is proposing to amend Section 2(e), Section 2(f), Section 2(g), Section 3(a), and Section 3(b) of Ordinance No. 15992 to reflect the increase in professional services cost over the last 22 years since the establishment of the ordinance. The following revisions are proposed.

- Section 2(e): The City Manager may execute contracts with pre-qualified firms for projects having professional service fees of less than ~~\$20,000~~ \$50,000 provided that appropriated funds are available in the operating department budget. The purchasing agent may issue a purchase order with a pre-qualified firm with



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professional services fees of less than \$20,000 for a designated project which is low risk, provided the pre-qualified professional provides sufficient proof of insurance as determined by the City.

- Section 2(f): Contracts with pre-qualified firms will be limited to a maximum of ~~\$20,000~~ \$50,000 per project and an aggregate maximum of ~~\$100,000~~ \$250,000 per year. The amounts may be exceeded only by written ~~change order approved~~ approval by the City Manager, which shall be ~~and~~ reported to the City Council.
- Section 2(g): For projects having professional service fees in excess of ~~\$20,000~~ \$50,000 but less than ~~\$100,000~~ \$250,000 or for which funding has not been appropriated in the operating budget, the City Manager may negotiate directly with the pre-qualified firm but the contactor must be approved by the City Council.
- Section 3(a): Special project services are defined as services for projects where fees are expected to be greater than ~~\$100,000~~ \$250,000, projects that are unique in terms of professional requirements such as parking structures, major bridge structures or projects which are funded by grants that require a specific procurement process such as Federal Aviation Administration Airport Improvement Project or MoDOT Enhancement Projects.

In addition, in order to better align the ordinance with The Brooks Act (Public Law 92-582), also known as Qualifications Based Selection, Section 3.(b)2.h) of the ordinance is proposed to be removed. The Books Act establishes the procurement process by which architectural, engineering, and land surveying services are selected for design contracts. With the qualifications based selection process, contracts are negotiated on the basis of demonstrated competence and qualification for the type of professional services required and price quotations are not a consideration in the selection process. Section 3.(b)2. outlines the required submittals from each firm during the application process. Subsection h), which is proposed to be removed from the ordinance, required the submittal of a fee schedule and budget estimate. It stated the following:

- Section 3.(b)2.h): A description of the firm's fee schedule, method of payment, and a budget estimate or range with a not-to-exceed amount for each phase of work. (Note: does not apply to grant funded projects that do not allow requests for fees in the proposal).

The Public Works Department administers the list of pre-qualified architectural, engineering, and land surveying firms for services that fall under Section 2 of the ordinance. The Finance Department leads the procurement process for selecting firms that fall under Section 3 of the ordinance. The selection of the services through both the pre-qualified list (Section 2) and the formal request for qualifications process (Section 3) is mainly used by the Parks and Recreation Department, the Utilities Department, and the Public Works Department within the City.



## Fiscal Impact

Short-Term Impact: Not applicable.

Long-Term Impact: Not applicable.

## Strategic & Comprehensive Plan Impact

### [Strategic Plan Impacts:](#)

Primary Impact: Operational Excellence, Secondary Impact: Not Applicable, Tertiary Impact: Tertiary

### [Comprehensive Plan Impacts:](#)

Primary Impact: Infrastructure, Secondary Impact: Economic Development, Tertiary Impact: Tertiary

## Legislative History

Date	Action
05-10-1999	Ord. 15992 Establishing Procedures and Guidelines for Procurement of Architectural, Engineering and Land Surveying Services.

## Suggested Council Action

Passage of the ordinance revisions.