

Bill No. 13083

Ordinance No. 20-080

Sponsor: Bart Haberstroh

AN ORDINANCE AMENDING CHAPTER 145 OF THE CODE OF ORDINANCES OF THE CITY OF ST. CHARLES BY AMENDING SECTIONS 145.230 AND 145.240 PERTAINING TO PROCUREMENT OF PROFESSIONAL SERVICES.

Be It Ordained by the City Council of the City of St. Charles, Missouri, as Follows:

SECTION 1. Section 145.230 of the Code of Ordinances of the City of St. Charles, Missouri is amended to read as follows:

Section 145.230. Requests For Proposals.

Whenever any department, board or commission requires professional services to perform work on a project or series of related or similar projects and the exact type or amount of work to be performed to complete such work is not capable of ready determination, the head or director of such department, board or commission, in cooperation with the City Purchasing Division Agent, shall draft a request for proposals for the project or projects. The request for proposals shall describe the services required, shall list the types of information and data required of each offeror and shall state the relative importance of particular qualifications and other factors.

SECTION 2. Section 145.240 of the Code of Ordinances of the City of St. Charles, Missouri is amended to read as follows:

Section 145.240. Selection Process.

A. *Architectural, Engineering And Land Surveying Services.* If the services to be performed are architectural, engineering or land surveying services, then the following procedure shall be followed:

1. *Prequalification and prequalified roster.* Each firm that desires to perform services shall submit a prequalification packet to the Department of Engineering ~~Public Works~~ or Purchasing Division that identifies the disciplines for which prequalification is requested,

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demonstrates the areas of professional expertise, and includes all of the information listed in Subsection (A)(2) below. Each firm shall update its prequalification packet at least once every three (3) ~~two (2)~~ years or anytime the firm desires to update its qualifications or request consideration for prequalification in a new discipline. Firms that prequalify shall be placed on a prequalified roster.

2. Each firm shall submit the following documentation with its prequalification packet:
 - a. Proof the firm is duly authorized to conduct business in the State of Missouri in the applicable profession;
 - b. Proof that at least one member of the firm possesses professional registration issued by the State of Missouri in the applicable profession;
 - c. Proof of current business license with the City of Saint Charles;
 - ~~d.e.~~ Provide a statement of intent to assign at least one (1) staff professional to each project awarded; and
 - ~~e.d.~~ Supporting qualification information demonstrating expertise in each discipline of desired prequalification through:
 - (1) The specialized experience and technical competence of the firm and its employees with respect to various disciplines;
 - (2) Quality of work previously performed by the firm for the City;
 - (3) Record of the firm accomplishing work on other projects in the required time;

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- (4) Recent experience showing accuracy of construction project cost estimates;
- (5) The firm's approach to project management to assure on-time, on-budget, and properly scoped projects;
- (6) The firm's approach to quality assurance and quality control of projects;
- (7) Community relations approach, including evidence of sensitivity to citizen concerns; and
- (8) Headquarters and main office location of the firm.

3. Expression of Interest (EOI)

Thereafter, when a project requires architectural, engineering or land surveying services, all firms on the prequalified roster shall be contacted and requested to submit a written expression of interest (EOI) in the project. A firm submitting an EOI is subject to selection based on the firm's prequalification packet and an EOI response letter, consisting of no more than two (2) pages, to describe why the firm is interested in the project, and why the firm is qualified to complete the project.

4. Request for Qualifications Based Proposal (RFP)

~~The Purchasing Agent, department director, board or commission~~
The Department of Engineering or Purchasing Division requiring the service shall select the three (3) most qualified firms that submitted an EOI based on the firm's prequalification packet and shall issue a request for proposal (RFP) to each firm. Each firm's proposal shall include a technical project approach, community relations approach including evidence of sensitivity to citizen concerns, a work breakdown structure with estimated hours, and a firm workload report that demonstrates capability and capacity to

~~perform the requested services. If the firm has an office in the City, then provide the office address and list of all full-time employees currently staffed in the office. After receiving the proposals, the Purchasing Agent, department director, board or commission shall review and rank the proposals. If all proposals are equally ranked, then preference shall be given to the firm whose main office or headquarters are located within the municipal boundaries of the City. If a firm whose main office or headquarters are not located in the City or the St. Louis metropolitan area is ranked as the best response, then the Purchasing Agent and department director shall, in writing, state the reason for not selecting a firm whose main office or headquarters are located in the City or the St. Louis metropolitan area.~~

5. ~~Review. After the firms have been ranked, the highest ranked firm shall be notified. A report shall be submitted to the City Council at the next regular Council meeting identifying the highest ranked firm and identifying all firms that submitted a proposal.~~

5. Local Office Requirements

To qualify as a local office, the following criteria shall be met:

- a. Office shall be located within the City of Saint Charles municipal boundaries.
- b. Firm shall have a current business license from the City with the local office listed on the license.
- c. Office shall be staffed with a minimum of one (1) full-time employee during all operating business hours. The City may visit local office at any time to verify office staffing.
- d. No home offices are permitted. A home office shall be defined as a spaced designated in a person's residence.

Falsification of the number of full-time employees assigned to a local office shall be cause for disbarment of the firm.

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6. RFP Evaluation and Selection

Each firm's RFP submitted by the requested deadline will be evaluated by a review panel of at least three (3) City employees. The evaluation will be based on the criteria listed in the RFP request. The scoring of the local office category will depend on the information submitted by the shortlisted firms. If more than one (1) firm submitting an RFP has a local office, then the firm with the most employees staffed at the local office will receive the most points in the local office scoring category. After all the RFPs have been evaluated, the RFP scores are combined with the previous scores during the prequalification/EOI selection. The firm receiving the highest total score from the review panel will be the most qualified firm and selected to begin scope and fee negotiations.

7.6- *Negotiations*

- a. ~~The Purchasing Agent, department director, board or commission~~ The Department of Engineering or Purchasing Division and the highest ranked and preferred firm shall negotiate a professional services contract that includes a detailed scope of services to be provided and the compensation for those services.
- b. If, after reasonable efforts, the City determines that it is unable to negotiate a satisfactory professional services contract with the highest ranked and preferred firm, then negotiations with that firm shall be terminated. The City shall then undertake negotiations with another of the qualified firms selected. If there is a failing of accord with the second firm, then negotiations with such firm shall be

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terminated. The City shall then undertake negotiations with the third firm.

- c. If the City is unable to negotiate a contract with any of the selected firms, the City shall re-evaluate the necessary architectural, engineering or land surveying services, including the scope and reasonable fee requirements, again compile a list of qualified firms and proceed in accordance with the provisions of this Code Section.
- d. Upon completion of negotiation of the contract, it shall be submitted to the Mayor, Council, or board or commission for review and award of the contract.

B. For all other professional services, the following steps will be taken:

- 1. The Purchasing Division Agent shall solicit responses to the request for proposals in whatever manner is deemed most likely to obtain the greatest number of responses from qualified providers of the required services.
- 2. *Review—selection of offeror.* After receiving all responses to the request for proposals, the Purchasing Division Agent and the head or director of the department, board or commission requiring the service shall review each response and select the offeror best qualified to provide or perform the service required. Selection of the best qualified offeror shall be based upon the relative importance of the qualifications for the project as stated in the request for proposals.
- 3. *Negotiations with offeror, compensation and the like.* The Purchasing Division Agent or the department director, board or commission requiring the services shall engage in discussions and negotiations shall be conducted so as to determine the sufficiency of

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the offeror's qualifications and to establish an amount of compensation which is fair and reasonable. If the sufficiency of the offeror's qualifications cannot be determined or the amount of compensation cannot be agreed upon, then discussions and negotiations will be formally terminated with the selected offeror. Discussions and negotiations shall then be conducted with the other offerors in the same manner and for the same purposes as heretofore described in the order of their respective qualification rankings until an agreement is reached with the then best qualified offeror for a compensation determined to be fair and reasonable.

- C. For Architectural, Engineering and Land Surveying Services, if the cost of the services is estimated to be less than one hundred thousand dollars (\$100,000.00) then the initial selection process, review process and selection process shall not apply. For all other Professional Services that are not Architectural, Engineering or Land Surveying Services, If if the cost of the services is estimated to be less than thirty thousand dollars (\$30,000.00), then the initial selection process, review process and selection process shall not apply. The Purchasing Division Agent or the head or director of the department, board or commission requiring the service may negotiate with a qualified provider to establish an amount that is fair and reasonable.
- D. *Award Of Contract.* The final decision to award a contract for purchase of professional services shall be made by the Mayor for amounts one hundred thousand dollars (\$100,000.00) or less and by the Council for amounts greater than one hundred thousand dollars (\$100,000.00). Contracts for greater than one hundred thousand dollars (\$100,000.00) shall be listed on the consent agenda and if the contract is approved by the Council through approval of the consent agenda, then the Mayor may award the contract. If the contract is removed from the consent agenda, then it shall be approved or disapproved as directed by the City Council. The Mayor may delegate the authority to award contracts for purchase of professional services for

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amounts one hundred thousand dollars (\$100,000.00) or less. The Park Board and any other board or commission which is authorized to make purchases and contracts shall make the final decision to award its contracts over ten thousand dollars (\$10,000.00) and it may appoint someone to award contracts for amounts ten thousand dollars (\$10,000.00) or less or may retain that power for itself.

SECTION 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of St. Charles, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

June 16, 2020
Date Passed

6-18-2020
Date Approved by Mayor

Mary West
Mary West, Presiding Officer

Daniel J. Borgmeyer
Daniel J. Borgmeyer, Mayor

Approved as to Form:

Michael J. Valenti 5-26-2020
Michael J. Valenti, City Attorney Date

Attest:
[Signature]
City Clerk

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