

**Amendment to Polk County Purchasing Procedures Manual**

**WHEREAS**, Polk County Ordinance No. 06-24, as amended, provides in Section 3.C. that the County Manager shall prepare and promulgate procedures for purchasing, procurement and the sale and conveyance of real or personal property as necessary for the implementation of said ordinance; and

**WHEREAS**, in accordance with the above-referenced authority, the County Manager approved and adopted a revised Purchasing Procedures Manual on August 6, 2010 (the "Manual"), which serves as the basis for purchasing procedures for the County; and

**WHEREAS**, Section 3.C. of Ordinance No. 06-24, as amended, further provides that the County Manager may authorize changes to the Manual upon recommendation by the Procurement Director; and

**WHEREAS**, the Procurement Director has recommended, and the County Manager has approved, revisions to the Manual which would amend the procedures for contracting for professional services covered by the Consultants' Competitive Negotiation Act (CCNA) as set forth in Section 287.055, Florida Statutes, to be consistent with said Act.

**NOW, THEREFORE**, the Manual is hereby amended as follows:

**Section 1:** The section of the Manual entitled Procedures for Contracting for Professional Services Covered by Consultants' Competitive Negotiation Act (CCNA) is hereby amended and restated in its entirety as set forth on the attached Exhibit "A", incorporated herein by this reference.

**Section 2:** The Purchasing Procedures Manual, as amended by this Amendment, remains in full force and effect.

Authorized by:

  
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Jim Freeman,  
County Manager

Date: 6/9/14



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Fran McAskill,  
Budget and Procurement Director

Date: 6/9/14

EXHIBIT "A"

**PROCEDURES FOR CONTRACTING FOR  
PROFESSIONAL SERVICES COVERED  
BY CONSULTANTS' COMPETITIVE  
NEGOTIATION ACT (CCNA)**

**1. PURPOSE AND DEFINITIONS**

The procedures set forth in this Section establish the process by which the County will procure the professional services of any architect, professional engineer, landscape architect, or registered surveyor and mapper in accordance with the provisions of Section 287.055, Florida Statutes, known as the "Consultants' Competitive Negotiation Act" (the "Act"). The County shall adhere to all applicable terms, conditions and requirements of the Act.

All terms used herein which are defined within the Act shall have the meanings ascribed therein, unless otherwise defined in this Manual.

**2. PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES**

a. PUBLIC ANNOUNCEMENT

The Procurement Director, or designee, shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project, the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO, except in cases of valid public emergencies certified by the County Manager or designee. The public notice will include a general description of the project and will indicate how interested consultants may apply for consideration.

b. QUALIFICATION PROCEDURES

Any firm or individual desiring to provide professional services to the County must first be certified by the County as qualified pursuant to law and the regulations of the County. The County must find that the firm or individual to be employed is fully qualified to render the required service. Among the factors to

be considered in making this finding are the capabilities, adequacy of personnel, past performance record and experience of the firm or individual.

### 3. COMPETITIVE SELECTION

#### a. PROFESSIONAL SERVICES SELECTION COMMITTEE

##### i. COMMITTEE APPOINTMENT AND COMPOSITION

The County shall appoint a Professional Services Selection Committee (the "Committee") that will be responsible for evaluating proposals received pursuant to a Request for Proposals ("RFP"). The Committee members shall be comprised as follows:

1. The User Division Director(s) will identify a minimum of three members to serve on the Committee who are sufficiently qualified to evaluate the technical qualifications of the proposals.
2. An Equal Opportunity representative may be assigned by the Equal Opportunity Office.
3. A member of the Board of County Commissioners appointed by the Chairman is optional.

The County Manager or designee may alter the makeup of the Committee as described above.

The Procurement Director or designee shall oversee the Committee and shall assume those duties and responsibilities conducive to adherence to proper procedures and fair and consistent evaluation of all proposers; and shall be in charge of all administrative processes and procedures concerning the Committee and its deliberations.

##### ii. COMMITTEE MEETINGS AND MINUTES

1. Meetings of the Committee shall be duly noticed and advertised. Minutes shall be kept of all such meetings.

##### iii. CONTACT WITH CONSULTANTS DURING REVIEW PROCESS

Members of the Committee are prohibited from discussing a submittal on any project with any of the Selection Committee members or any other individuals either employed by the County or employed outside of the county until such time as a final selection has been made and the Board has entered into a contract with the firm. Questions received regarding a

proposal during the review period shall be referred to the Procurement Division.

***Additionally, Proposers and any prospective Proposers shall not contact, communicate with or discuss any matter relating in any way to any RFP with any member of the Polk County Board of County Commissioners or any employee of Polk County other than the County Procurement Director or the individual designated above. This prohibition begins with the issuance of the Request for Proposal and ends upon completion of the protest period. Any such communication initiated by a Proposer or prospective Proposer shall be grounds for disqualifying the offender from consideration for a contract to be awarded pursuant to the applicable RFP and for contracts or work orders to be awarded pursuant to RFPs or any other forms of solicitation that the County may issue in the future.***

b. SELECTION PROCESS AND EVALUATION CRITERIA

The County shall use a competitive selection process, based upon certain elevation levels which will be set forth and fully described in the RFP, to evaluate and rank proposals. The RFP will include, and the Committee shall adhere to, the evaluation requirements and criteria as provided in the Act. Specific values for each evaluation criteria to be considered will be assigned in the RFP. The Committee shall select in order of preference no fewer than three firms (if available) deemed to be the most highly qualified to perform the required services, and recommend the Board authorize the commencement of contract negotiations, as further described in subsection 4 below.

4. **COMPETITIVE NEGOTIATION**

a. COMPENSATION

When a firm is selected as a result of an RFP issued in accordance with the Act, and the Board has authorized the negotiation of a contract, then the Procurement Director, or designee, shall establish and chair a negotiation committee to negotiate the terms of compensation, consistent with the Act requirements. For single project contracts, such terms shall include the fee schedule, proposal for scope of work, and compensation, and the compensation may be stated as a “lump sum” or a “not to exceed” amount. For continuing contracts, the parties will negotiate the fee schedule which will subsequently be used by the firm (also referred to hereinafter as the “Consultant”) to establish either “not to exceed” or “lump sum” proposals for the User Division requesting the Consultant’s services under any CSA or CPO, as those terms are respectively defined below.

b. AGREEMENT

The Procurement Division shall prepare the single project contract, or the continuing contract(s), as applicable, for the appropriate signatures and, in conjunction with the User Division, prepare an agenda item for contract execution by the Chairman of the Board of County Commissioners. Once the Chairman has executed any single project contract, the User Division will create a requisition for the total amount of such contract or for the amount planned to be expended in the current fiscal year.

## 5. CONTINUING CONTRACTS

### a. AUTHORITY

The Act specifically states that it does not prohibit the County from entering into a continuing contract with a firm. The Act defines a “continuing contract” as a contract for professional services entered into in accordance with all the procedures of the Act between the County and a firm whereby the firm provides professional services to the County for projects in which construction costs do not exceed \$2,000,000; study activity when the fee for such professional service does not exceed \$200,000; or for work of a specified nature as outlined in the contract required by the County, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Following the full execution of a continuing contract (also referred to hereinafter as a “Master Consultant Agreement”), the User Division may obtain services thereunder by receiving approval for either a Consultant Services Authorization (“CSA”) or a Consultant Services Purchase Order (“CPO”), as further specified below. The appropriate CSA and CPO forms are available on the County’s website.

### b. CONSULTANT SERVICES AUTHORIZATION (CSA)

- i. A CSA shall only be used for projects in which the estimated construction cost of each individual project under the Master Consulting Agreement does not exceed \$2,000,000; for study activity if the fee for professional services for each individual study under the contract does not exceed \$200,000; or for work of a specified nature as outlined in the contract required by the County, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.
- ii. The User Division shall be responsible for reviewing the Master Consultant Agreement, the proposed scope of services, and the thresholds set forth above to determine eligibility for a CSA. The guidelines for processing a CSA for approval are stated in “Selection Procedures for Consultants with Continuing Contracts” set forth in Section 6 below.

- iii. If a CSA is approved by the Procurement Director and the County Attorney's Office and the Consultant's fees are \$100,000.00 or greater, the CSA shall be sent to the County Manager's Office for a determination of whether the design should be done under an existing Master Consulting Agreement or if an RFP should be issued to select a consultant. If proposed fees are less than \$100,000.00, and the CSA has the above approvals, then the CSA will be returned to the User Division for submission through the normal agenda process.

c. CONSULTANT SERVICES PURCHASE ORDER (CPO)

The User Division may utilize a CPO, rather than a CSA, if the following criteria are met:

- i. the proposed scope of services is approved by the Procurement Director;
- ii. the Consultant's fees are under \$50,000; and
- iii. the construction, if any, is under \$250,000

A CPO does not require Board approval. A CPO should only be used when the scope is singular in nature. If services are to be performed in multiple phases of a project, and the cost of the services over all such phases can, at the onset, be reasonably expected to exceed \$50,000, OR in the event the cost unexpectedly exceeds \$50,000 once the project has begun, a CSA must be prepared and approved in accordance with the terms set forth herein.

**6. CONSULTANT SERVICES EVALUATION CRITERIA AND SELECTION PROCESS FOR CCNA CONTINUING CONTRACTS**

1. To select a Consultant that has an existing Master Consultant Agreement with the County, the User Division Director shall first verify that the proposed project is consistent with the scope of services in the Request For Proposal (the "RFP") from which the Consultants were selected. If the answer is affirmative, said Director shall proceed with the evaluation process set forth in Steps i-iv below. If the answer is negative, the Procurement Director should be contacted for further assistance.
  - i. Review the current list of Master Consultant Agreements that exist for the service that is needed, and determine whether or not any of the Consultants have the expertise, experience, and personnel required for the proposed project. Elevate those Consultants that meet or exceed these criteria to the next step.
  - ii. Review the Consultants selected from Step i to determine whether past project performance has been satisfactory or not. Elevate those firms with a minimum of overall satisfactory past performance to the next step.

- iii. Review the total amount of money the County has contracted with each of the Consultants selected from Step ii during the last 24-month period. (A report of these contracts can be obtained from the Procurement Division.) Select the Consultant(s) with the lowest dollar volume during such period, with the object of effecting an equitable distribution of work among the Consultants, provided such distribution does not violate the principle of selection of the most highly qualified Consultant for the particular project and proposed scope of work. Consideration of other qualifying factors for the specific scope of work should be as follows in Step iv.
- iv. Review the Consultant(s) selected from Step iii to determine whether they meet or exceed the needs of the proposed scope of work. Examples of possible considerations include: the professional engineer that will be assigned to the project; the location of such person and other key personnel that will work on the project; for projects with multiple phases, whether a particular consultant has performed previous phases or significant portions of the project which would result in a significant benefit to the County. Special needs of the proposed scope of work should be addressed during this review. Consideration may be given to sub-consultants.

If upon completion of Step iv another selection is required, return to Step i and repeat the process until a Consultant is selected that meets the requirements stated herein and the needs of the project. If one Consultant is desired over others from those remaining after completion of Step iv, the User Division should be in a position to represent and support the fee proposal as being fair and reasonable for the services to be provided. Such representations and support should come from a staff member who has the experience and/or expertise to analyze the Consultants' proposals. This requirement is intended to ensure that the County is receiving a fair proposal for the scope of services requested.

Documentation of the justification to elevate the selected Consultant and eliminate the non-selected Consultants from consideration during Steps i-iv described above should be sent to the Procurement Director along with the Consultant Services Authorization form that is being submitted for approval. When a Consultant has been eliminated from consideration under this process based on a deficiency (*e.g.*, a prior unsatisfactory performance evaluation resulting in a Consultant's failure to be elevated past Step ii), documentation of the deficiency must be submitted. Similarly, if one Consultant is elevated over another based upon a higher past performance evaluation score, copies of the evaluations considered should be submitted to the Procurement Director for review. These evaluations will be attached to each Consultant's record in the Procurement Division. This documentation will provide a central area of records to provide evidence that the County is in compliance with its purchasing procedures.

The procedures set forth above are not intended to supersede or negate qualifications required for the scope of services requested.

