

SECTION 6: PROFESSIONAL SERVICES CONTRACTS

## Competitive Negotiations Process

6.0 Competitive Negotiations Policy

The Board of County Commissioners of Lee County declares it to be in the best interest of the public health, safety and welfare to seek highly qualified, capable and competent individuals and firms to provide professional services to the County. Because of the specialized nature of professional services and because differentials in consultant compensation are only a minor consideration compared to the quality of the professional's work, professional services are exempted from the County's competitive price bidding policy. This procedure is consistent with the provisions of Florida Statutes Chapter 255 and 287, as amended and as applicable.

The Board of County Commissioners encourages an overall 10% goal for Disadvantaged Business Enterprise (DBE) participation in County services.

The Board of County Commissioners adopted Lee County Ordinance No. 92-22 whereby the County will not select, engage or use on a County project the same professional services firm for both project feasibility planning or study analysis and for project design and/or construction-related services. The provisions of this ordinance may be waived and set aside by the Board of County Commissioners for an identified project on a finding of due cause and upon a favorable vote for waiver by four (4) members of the Board of County Commissioners.

The procedures set forth herein are intended to apply to and be used for the acquisition of professional services. These services include but not limited to construction manager at risk, design/build, architecture, professional engineering, landscape architecture and registered land surveying, as referenced in Chapter 255 and 287, Florida Statutes as amended.

The procedures set forth herein shall also serve as a guide, which shall be used as appropriate for the procurement of other professional services over expenditure authorization of \$100,000.00.

In addition to the evaluation criteria contained in Florida Statute Section 287.055(4)(b), location consideration will be given to a firm or combination of firms primarily engaged in offering the required Architectural, Landscape Architectural, Engineering or Registered Land Surveying and Mapping Services which have offices located within the predetermined radius from 1500 Monroe Street, Fort Myer, Florida 33901 as stated in the solicitation. To be eligible for the consideration, the submission must document existing office capability and availability of:

1. Location – means the vendor has (i) a valid Local Business Tax Receipt, issued within the County at least one year prior to a proposal submission, to do business within the County that authorizes the business to sell goods or services or to engage in construction, and (ii) a physical non-residential business address located within the County from which the vendor is operating or performing its business, and at which it maintains a minimum of five (5) full-time employees who receive from the local business a regular paycheck from which deductions are made for employment related payroll taxes, including but not necessarily limited to social security and Medicare.
2. Registered architectural, landscape architectural, engineering or registered land surveying and mapping professionals with the design experience pertinent to the type of project.
3. Drawing production/drafting capability.

4. For maximum credit for location consideration the submission must include capability to perform related functions through either in-house or sub-contractors\* (must meet location requirements above) agreements such as:
  - A. Registered Surveying
  - B. Environmental Assessment and Permit

\* Sub-contractors will not apply with continuing service contracts because projects are unknown at the time of evaluation.

Location points could be considered as a ranking factor if the work is determined in the County's best interest to be completed by a firm with a predetermined radius of the Public Works building as stated in the solicitation.

Location points may not apply to purchases or contracts which are funded, in whole or in part, by a governmental entity and/or grant that the laws, regulations, or policies governing such funding prohibit application of the preference.

## 6.1 Applications

The procedures outlined in this Section apply to contracts for professional services as referenced in 6.2 and 6.3 below, except in cases of valid public emergencies so certified by the Board of County Commissioners.

## 6.2 Definitions - For purposes of this Section:

- 6.2.1 "Professional Services" means professional services including but not limited to construction manager at risk, design/build, architecture, engineering, landscape architecture or registered surveying and mapping as referenced in Chapters 255 and 287, Florida Statutes, as amended when such services relate to construction projects exceeding \$325,000.00 in estimated construction cost.
- 6.2.2 "Professional Services for Planning or Study related to Projects" means professional services within the scope of practice of architecture, engineering, landscape architecture and registered surveying and mapping as referenced in Chapter 287, Florida Statutes, as amended but limited to planning or study activities at a consultant cost exceeding \$35,000.00.
- 6.2.3 "Professional Legal Services" means professional services rendered by an attorney, serving in the capacity of legal counsel or legal advisor, including but not limited to paralegals (such as court reporters and appraisal services utilized for litigation purposes).
- 6.2.4 "Other Professional Services" means services of a professional or technical nature (other than legal or construction-related services as defined above) required to accomplish program or policy objectives of county government. This shall include but not be limited to, appraisal services required for purposes other than litigation.

## 6.3 Professional Services Authorization

### 6.3.1 Professional Services for Construction Projects

- 1) For professional services for construction projects which have been approved by the Board of

County Commissioners, and for which detailed scopes have been developed, the director of the project sponsoring department (or designee) is authorized to initiate the procurement process without further approval.

- 2) For professional services for construction projects which have not been approved by the Board of County Commissioners, such as M.S.B.U./M.S.T.U projects or minor projects not included in the approved Capital Improvement Program, or for which detailed scopes of service have not been prepared, the written authorization of the County Manager (or designee) is required to initiate the procurement process.

#### 6.3.2 Professional Legal Services

The County Attorney will review all requests for professional legal services to determine whether such services will be provided by members of the County Attorney's staff or by outside firms providing professional legal services. The County Attorney may authorize and establish such procedures as he or she determines are necessary and/or appropriate for the procurement of outside professional legal services.

- 1) Retention of expert witnesses shall be exempt from any formal competitive process.

#### 6.3.3 Other Professional Services

For professional services over expenditure authorization of \$100,000.00 other than (a) professional services for construction projects, or (b) professional legal services, the County Manager, by and through Procurement Management, may authorize and establish appropriate procedures for the procurement of such professional services subject to Board approval of each such professional services agreement.

### 6.4 Initiating The Procurement of Professional Services

6.4.1 To initiate the procurement of professional services for Board approved construction projects, the director of the project sponsoring department (or designee) shall complete and submit to Procurement Management a "Request to Initiate the Competitive Negotiations Process for the Procurement of Professional Services," (Standard Form CMO:037). The request form shall be accompanied by (1) major/minor scope of professional services and a project description.

- 1) Procurement Management will prepare the necessary front-end documents to solicit the Letters of Interest.

6.4.2 For construction projects, which have not been specifically approved by the Board of County Commissioners, the approval shall be obtained from the County Manager (or designee) (Standard Form No. CMO:040). Upon approval by the County Manager (or designee), Form No. CMO:037, "Request to Initiate the Competitive Negotiations Process for the Procurement of Professional Services", shall be forwarded to Procurement Management, accompanied by (1) major/minor scope of professional services and a project description.

- 1) Procurement Management will prepare the necessary front-end documents to solicit the Letters of Interest.

- 6.4.3 To initiate procurement for professional legal services, the director of the project sponsoring department (or designee) will prepare a request describing the services required and submit it to the County Attorney. If the County Attorney determines that outside professional legal services are required, he or she will establish procedures for their procurement and advise the project sponsoring department accordingly.
- 6.4.4 To initiate the procurement of "other professional services," the director of the project sponsoring department (or designee) shall submit a request to Procurement Management for selection of an appropriate process. Procurement Management shall determine and approve the process to be used and advise the director to proceed accordingly. Where statutory requirements apply (e.g. auditing), the process must be observed.

## 6.5 Competitive Negotiations Committee

### 6.5.1 Committee Responsibility and Function

The Competitive Negotiations Committee shall be responsible for evaluating the qualifications and capabilities of consultants who have submitted Letters of Interest in response to the County's announcement soliciting such Letters. Evaluation may include such activity as is deemed appropriate by the Committee to verify the qualifications and capabilities of the consultants and their ability to furnish the required services.

The Competitive Negotiations Committee shall establish by consensus a minimum of three firms it deems to be most fully qualified and capable to perform the required services.

If the Competitive Negotiations Committee determines from its evaluations that there are less than three fully qualified firms submitting Letters of Interest, it shall provide the Board of County Commissioners with such recommendation(s) as it deems appropriate under the circumstances.

### 6.5.2 Committee Membership

The membership of the Competitive Negotiations Committee shall consist of the following:

There shall be five (5) voting members on the Committee as follows:

- 1) At the discretion of the Procurement Director the number of voting members may be changed, if the complexity and uniqueness of the project justifies such action.
- 2) No more than three (3) members of the project sponsoring department unless approved by the Procurement Director.
- 3) Two (2) members from other departments outside the reporting authority of the Assistant County Manager of the sponsoring department unless approved by the Procurement Director.
- 4) The Committee may include the County Attorney or his or her designated Assistant County Attorney (as an "invited" participant), as a non-voting member, as legal counsel to the Committee.
- 5) The Director of the Department of Facilities Construction and Management (or

designee), will also serve as a voting member of the Committee when the project under consideration involves buildings or facilities for which this department has a responsibility for development, planning, design, construction, maintenance or operation.

- 6) Other persons, as may be designated and authorized in writing by the Procurement Director, may participate on the Committee but as non-voting members only.
- 7) Others, at the pleasure of the Chair, may be invited to participate in the Committee discussions as an advisor to County staff.
- 8) Professional advisors (e.g. financial professional) may be appointed by the Procurement Director and/or Chair to participate in the Committee discussions as an advisor to County Staff.
- 9) No outside industry representatives shall be allowed to sit on the Committee as a voting member but may serve as a non-voting, unless approved by the Board.

## 6.6 Solicitation and Evaluation of Letters of Interest

The public shall not be excluded from the proceedings under this Section.

### 6.6.1 Public Announcement and Solicitation of Qualifications from Interested Firms

- 1) The County, through Procurement Management, shall publicly announce when professional services are required pursuant to this policy.

The public announcement shall

- (a) be published once in a newspaper of general circulation throughout Lee County, and posted on the Procurement Managements website; and other areas deemed appropriate by the Procurement Director.
- (b) State the deadline date and time for submitting Letters of Interest and qualifications information.

Firms will be given not less than two weeks from the date the public announcement is published to submit their 10-page Letters of Interest and qualifications information including forms in number count.

The Letter of Interest page requirement may be expanded if requested by the Project Sponsoring Department and/or Procurement Management.

### 6.6.2 Evaluation and Selection Process

- 1) All Letters of Interest are to be submitted to Procurement Management. On the date and at the time announced as the deadline for submittal of Letters of Interest for each project, Procurement Management shall open and make a certified record of the Letters of Interest received prior to the announced submittal deadline. Letters of Interest received after the announced deadline shall be considered ineligible for consideration and shall be returned to the submitter.

- 2) Procurement shall distribute to each of the members of the Competitive Negotiations Committee a copy of each of the Letters of Interest and qualifications information which were received prior to the announced submittal deadline.
  - 3) Procurement Management shall coordinate the scheduling, announcement and arrangements for all meetings of the Competitive Negotiations Committee.
  - 4) The Competitive Negotiations Committee may request oral, written or visual presentations from, conduct interviews with, or conduct visits to the office, facilities or projects of the firms it selects from among those submitting Letters of Interest.
- 5) The Lee County Board of Commissioners reserves the right to make award(s) by individual item, group of items or services, all or none, or a combination thereof. The COUNTY reserves the right to reject any and all proposals or to waive any minor irregularity or technicality in the proposals received. Award will be made to the most **responsible** and **responsive** proposer within the evaluation criteria chosen for basis of award.
- a. If multiple evaluations are completed the following process will be followed:
    1. The first evaluation will be ranked based on the scores from the selection criteria point values. Points are totaled and proposers ranked according to each evaluation committee members total points.
    2. **Ranking Method.** The Lee County Board of County Commissioners uses the Dense Ranking ("1223" ranking). In dense ranking, items that compare equal receive the same ranking number, and the next item(s) receive the immediately following ranking number. Equivalently, each item's ranking number is 1 plus the number of items ranked above it that are distinct with respect to the ranking order. This ranking method is used for each individual committee members scores. Thus if A ranks ahead of B and C (which compare equal) which are both ranked ahead of D, then A gets ranking number 1 ("first"), B gets ranking number 2 ("joint second"), C also gets ranking number 2 ("joint second") and D gets ranking number 3 ("third").
    3. Subsequent evaluations will be accomplished by the evaluation committee simply ranking the proposers. Point values will not be totaled. Proposals will be ranked in sequential order with one (1) being the highest ranking.
    4. The COUNTY reserves the right to award to one or multiple proposers at the discretion of the requesting authority and approval of the Procurement Director.
    5. In respect to the proposals, the COUNTY shall make such recommendations to the County Commission, if applicable, as

they shall deem proper, at the earliest practicable meeting of the County Commission. The County Commission shall elect to reject all proposals, accept the proposal of the most **responsible** and **responsive** proposer, or re advertise the project for new proposals. In the event the most **responsible** and **responsive** proposal for a project exceeds the available funds, the COUNTY, may negotiate an adjustment of the proposal price with the most **responsible** and **responsive** proposer, in order to bring the total cost of the project within the amount of available funds.

b. Exception Scoring RFP/CN Proposal

1. If only one proposal is received the Competitive Negotiations Committee may choose to accept the proposal without scoring using the following procedures.

2. Evaluation Meeting 1 (Shortlist Meeting) the Committee will decide whether to interview the single proposer or reissue the solicitation.

3. Evaluation Meeting 2 (Interview Meeting) the Committee will interview the single proposer and approve or disapprove with a documented yes/no supermajority vote.

- 6) Immediately following the Competitive Negotiations Committee meeting, the project manager of the Project Sponsoring Department shall forward the Consultant Evaluation Ranking form to Procurement Management to be submitted to the Board for approval.
- a) Procurement Management shall prepare brief minutes of the Competitive Negotiations Committee meetings for placement in the project file.
  - b) Procurement Management shall notify "informally" all consultants who submitted a Letter of Interest of the Committee's order of preference, "pending Board approval".
  - c) Procurement Management shall report the Competitive Negotiations Committee recommendations and order of preference through the department in the "Blue Sheet" to the Board of County Commissioners for approval.

## 6.7 Competitive Negotiations

### 6.7.1 Action by the Board of County Commissioners on the recommendation(s) of the Competitive Negotiations Committee.

The Board of County Commissioners, after consideration of the recommendation(s) and order of preference reported by the Competitive Negotiations Committee, will take such action as they deem appropriate to approve, in order of preference, the firms that they deem most fully and highly qualified and capable to perform the required services.

Subsequent to the approval of the ranking of firms by the Board of County Commissioners,

Procurement Management shall notify all short listed firms of the ranking established by the Board of County Commissioners action.

#### 6.7.2 Negotiations Process

The negotiations process for the development, approval and award of a Professional Services/Service Provider Agreement will be administered by the director of the project sponsoring department (or designee) and Procurement Management as follows:

- (1) The director of the project sponsoring department (or designee), on the basis of (a) a detailed Scope of Professional Services, (b) project guidelines and criteria, and (c) time and schedule of performance developed by the director of the project sponsoring department (or designee), and based on the provisions set forth in the County's Standard Form of Agreement shall negotiate a contract with the number one ranked firm at compensation which the director of the project sponsoring department (or designee) determines is fair, competitive, reasonable and adequate. The director of the project sponsoring department (or designee) has the final acceptance responsibility in the price negotiations process.
- (2) Should the director of the project sponsoring department (or designee) be unable to negotiate a satisfactory contract with the firm considered to be the top ranked firm, the director (or designee) will notify Procurement Management of the desire to terminate negotiations with that firm, and negotiations shall be formally terminated by the Procurement Management office. To expedite the contract development and award process, the decision to terminate negotiations does not require the approval of the Board of County Commissioners or the County Manager (or designee). The Procurement Management Office shall notify the number one ranked firm, in writing (with a copy to the Project Sponsoring Department), that negotiations are terminated and thereafter the director of the project sponsoring department (or designee) shall proceed to negotiate a contract (as set forth above) with the number two ranked firm.
- (3) Failing accord with the second ranked firm, the director of the project sponsoring department (or designee) will notify Procurement Management of the desire to terminate negotiations with that firm and negotiations shall be formally terminated by the Procurement Management office as set forth above. The director of the project sponsoring department (or designee) shall then undertake negotiations with the third ranked firm. If negotiations with the number three ranked firm are not successful, Procurement Management shall formally terminate negotiations as set forth above.
- (4) Thereafter, the Competitive Negotiations Committee may review the list of firms that submitted Letters of Interest to determine if any of the remaining firms are fully qualified and capable of performing the required services and then provide the Board of County Commissioners with its recommendation(s) concerning an additional list of firms in order of preference for approval. The Board of County Commissioners may authorize negotiations with additional firms listed or may authorize the public announcement and solicitation of Letters of Interest for the selection process to begin again.
- (5) When efforts are successful, the director of the project sponsoring department (or designee) or Procurement will be responsible for the compilation of the Agreement



document with the assistance of the County Attorney (or designee), for ensuring the document is complete, clear, accurate and correct.

## 6.8 Professional Service Agreement Award

The award of a contract for Professional Services requires approval from the Board of County Commissioners over \$100,000.00.

This may be accomplished in two ways:

- a) After the contract has been executed by the consultant, Procurement Management shall transmit two complete sets of the contract executed by the consultant, along with the insurance, to the Chair of the Board of County Commissioners, without such contracts being submitted to the Board for review and approval when all of the following conditions have been met:
  - 1) The selection and ranking of consultants has previously been approved by the Board of County Commissioners or the Competitive Negotiations Consultant selection process has been waived by the Board; and
  - 2) The amount of compensation to be paid to the consultant as established in the contract is not more than the estimated compensation amount that was included in the Board's previous action approving the selection and ranking of consultants; and
  - 3) The contract has been developed using Lee County's Board approved Standard Form of Agreement; and
  - 4) The Agreement has been executed by the consultant; and
  - 5) As evidenced on a Contract Review Checklist, Standard Form CMO:042, submitted to the Board Chair with the execution sets of the Agreement, the contract has been reviewed and favorably endorsed by the director of the project sponsoring department (or designee), Risk Management, Procurement Management , and the County Attorney's staff.

After execution by the Board Chair the Agreements will be forwarded to the Clerk of Courts for dating and recording and distribution of an executed set of the Agreement to Procurement Management for transmittal to the consultant with a copy to the project sponsoring department.

- b) For contracts not meeting the criteria in Section 6.8(a) above, Procurement Management will be responsible for preparing and submitting the required written request (i.e., "Blue Sheet") to have the contract placed on the Board of County Commissioners agenda for approval. The "Blue Sheet" shall be accompanied by at least two complete Agreements executed by the consultant.
  - 1) c) Continuing contracts (i.e., annual type master agreements such as contracts for Materials Testing, Surveying, Civil, Utility, etc.) that are negotiated on hourly rates and/or per item costs, where no definite total amount can be negotiated, may be routed without Board approval as long as the Board has approved the Consultant selection and the Blue Sheet has specified the authorization to negotiate the hourly rates.-In accordance with

§287.055 (2)(g) F.S., a department/division **will not** utilize a continuing contract if (1) the construction cost exceeds \$2,000,000.00 and/or (2) study activity exceeds \$200,000.00.

A separate solicitation under the Competitive Negotiation process is required for projects that exceed these levels.

d) Agreement Execution, Recording and Distribution

After approval by the Board of County Commissioners, the Agreement document will be processed by the Department of Procurement Management for (1) approval as to form by the County Attorney; (2) execution by the Chair of the Board of County Commissioners; (3) dating and recording by the Clerk of Courts; and (4) distribution of any remaining executed set(s) of the Agreement to Procurement Management for transmittal to the consultant and a copy to the Project Sponsoring Department.

e) Notice to Proceed

After the contract has been executed by Chair of the Board and recorded by the Clerk of Courts, the director of the Procurement Management department (or designee) shall prepare and send the consultant an official written Notice to Proceed letter. A copy of the Notice to Proceed shall be forwarded to Procurement.

f) Abandonment of a Project

After going through the Competitive Negotiations process, the Board decides not to proceed with the project and later decides to move forward with the same project, the Board may award to the same consultant without initiating another Competitive Negotiations process. The project sponsoring department can request the Board approve the award so long as the scope of the project is unchanged, the proposed fee/costs from the consultant remains relatively the same (i.e., a reasonable allowance for inflation, etc.), and the proposed award occurs within a reasonable time from the first Board action. Each project should be decided on a case-by-case basis.

- 1) Any documentation to be completed (i.e., Blue Sheet, Professional Service Agreement, etc) shall be processed by Procurement Management.

## 6.9 Change Order/Supplemental Task Authorization Process for All Professional Services Agreements (PSA)/Service Provider Agreements (SPA)

After an Agreement has been approved and the written Notice to Proceed issued to the Consultant, if the director of the project sponsoring department (or designee) finds it necessary to have change(s) made in the Professional Services as required, set forth and agreed to by both parties, then such change(s) shall be approved and authorized using the appropriate procedure and form.

- 6.9.1 **PURPOSE** - A Change Order (CO) is used as a means for the County and the Consultant to agree in writing setting forth and authorizing changes to the agreed upon Scope of Professional Services and Tasks, Compensation and Method of Payment, Time and Schedule of Performance, or Project Guidelines and Criteria. **A Change Order is used for a project specific solicitation, not for Continuing Contracts.**

**PURPOSE** - A Supplemental Task Authorization (STA) is used as a means for the County and the Consultant to agree in writing setting forth and authorizing a limited number of Professional Services, tasks, or work. Such Supplemental Task Authorizations must be consistent with and have previously been included within the scope of services in the

initial Professional Services Agreement or Service Provider Agreement for which authorization has not been previously given or budgeted. **A Supplemental Task Authorization is only to be used under a Continuing Contract.**

6.9.2 APPROVAL AND AUTHORIZATION - Change Order or Supplemental Task Authorization approval, execution and authorization levels and amount limitation have been established as follows to expedite the Change Order or Supplemental Task Authorization approval and authorization process.

It will be the responsibility of the project sponsoring department or consultant to prepare all Change Orders or Supplemental Task Authorizations. Prior to obtaining the consultant's electronic approval, the project sponsoring department will send the Change Orders or Supplemental Task Authorizations to Procurement Management for review and processing.

- (a) The director of the project sponsoring department (or designee) is authorized to approve and execute individual Change Order(s) or Supplemental Task Authorization(s) that are under the \$50,000.00 expenditure authorization.
- (b) The County Manager (or designee) is authorized to approve, and execute individual Change Order(s) or Supplemental Task Authorization(s) that are under the \$100,000.00 expenditure authorization.
- (c) Change Orders or Supplemental Task Authorizations to be paid to the Consultant that exceed the County Manager \$100,000.00 expenditure authorization must be submitted to and approved by the Board of County Commissioners.
- (d) All Change Orders and Supplemental Task Authorizations authorized must use Lee County Standard Form CMO:023.
- (e) In instances of a decrease change order, no matter what the decrease amount is, no cost, or only a change in the time for execution or completion of the contract work, the director of the project sponsoring department (or designee) is authorized to approve, execute and authorize individual change orders.
  - 1) It is not necessary to process a Change Order for a decrease in the contract amount or contract time. This will be at the discretion of the Project Sponsoring Department.
- (f) If the amount of a Change Order or Supplemental Task Authorization will make the total contract amount exceed the next level for which a contract has been previously approved, the appropriate authorizing signature must be obtained. (Example: If a Department Director has approved a contract for \$45,000.00 and a CO or STA is processed for \$6,000.00, the CO/STA must be approved by the County Manager because the new contract amount exceeds the Department Director level of \$50,000.00).

When a contract is awarded for a total amount under Board level, any CO/STA processed which makes the total dollar amount of the contract exceed the County Manager level of \$100,000.00, that CO/STA will require Board approval. Once Board approval is obtained, any future Change Order(s) or Supplemental Task Authorization(s) processed under County Manager's level will not require Board approval.

- (g) If an amendment (i.e., changing, deleting from or adding to) is necessary to the "Boiler

Plate" articles of the Lee County's Standard Form of Professional Service Agreement or Service Provider it shall be done by an "Exhibit" to the agreement itself by Procurement Management.

- 1) Any and all changes must be submitted to Procurement Management for approval and preparation prior to any final authorizations.
- (h) The Consultant shall not be authorized to proceed with the change(s) set forth in a Change Order or Supplemental Task Authorization until the Consultant has received an executed set of the change document and a written Notice to Proceed is issued by the director of the project sponsoring department (or designee).
- (i) The total amount of Change Orders or Supplemental Task Authorizations approved and authorized by the director of the project sponsoring department, the County Manager or the Board of County Commissioners shall not exceed the amount of funds budgeted, allocated or available for the requested Professional Service without Board approval.

### 6.9.3 SUBMITTALS OF CHANGE ORDERS/SUPPLEMENTAL TASK AUTHORIZATIONS

- (a) Procurement Management is responsible for forwarding a copy of Change Orders or Supplemental Task Authorizations approved, executed and authorized by the director of the project sponsoring department or by the County Manager to the Finance Department and the project sponsoring department.
- (b) For Change Orders or Supplemental Task Authorizations requiring Board approval (over the County Manager's \$100,000.00 expenditure authorization), the "Blue Sheet" submitting the Change Order or Supplemental Task Authorization to the Board shall be prepared by Procurement Management and shall be based on and shall include the Change Order or Supplemental Task Authorization form executed by the Consultant.
- (c) Upon receipt of notification that the Board has approved the Change Order or Supplemental Task Authorization and subsequent to execution, Procurement Management shall provide the Consultant with an executed set of the Change Order or Supplemental Task Authorization.
  - 1) The project sponsoring department may issue the written Notice to Proceed.

### 6.10 Consultant Agreement Payment Authorization

Payments for all Professional Service Agreements and Service Provider Agreements shall be initiated by the project sponsoring department on the County's standard form titled "Professional Service Agreement/ Service Provider Agreement Invoice Statement, Form No. CMO:024.

The project sponsoring department shall be responsible for preparing requests for payment throughout the duration of the agreement.

A copy of all final payments shall be forwarded to Procurement Management.

6.11 Consultant Performance Evaluations of a Professional Service Agreement or Service Provider Agreement

For Professional Service Agreements or Service Provider Agreements the project sponsoring department shall be responsible for the monitoring of all services during the duration of the contract. **Should the Project Sponsoring Department experience problems with the Consultant, the Project Sponsoring Department is required to complete and place on file with Procurement Management a Consultant Performance Evaluation Form.** The Consultant Performance Evaluation shall be completed on Form No. CMO:041.

# Forms

LEE COUNTY PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT  
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

- Change Order  
 Supplemental Task Authorization

NO.: \_\_\_\_\_

(A Change Order or Supplemental Task Authorization Requires Approval by the Department Director for Expenditures Under \$50,000 or Approval by the County Manager for Expenditures Between \$50,000.01 and \$100,000 or Approval by the Board of County Commissioners for Expenditures over \$100,000)

PRIMARY CONTACT: \_\_\_\_\_

CONTRACT NAME: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

CONSULTANT: \_\_\_\_\_ PROJECT NO.: \_\_\_\_\_

SOLICIT NO.: \_\_\_\_\_ CONTRACT NO.: \_\_\_\_\_ ACCOUNT NO. \_\_\_\_\_

LEE COUNTY PM: \_\_\_\_\_ DATE OF REQUEST: \_\_\_\_\_

FISCAL STAFF: \_\_\_\_\_

---

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant/Provider is authorized to and shall proceed with the following:

EXHIBIT "CO/STA-A" SCOPE OF PROFESSIONAL SERVICE: DATED: \_\_\_\_\_

EXHIBIT "CO/STA-B" COMPENSATION & METHOD OF PAYMENT: DATED: \_\_\_\_\_

EXHIBIT "CO/STA-C" TIME AND SCHEDULE OF PERFORMANCE: DATED: \_\_\_\_\_

EXHIBIT "CO/STA-D" CONSULTANT'S/PROVIDERS ASSOCIATED  
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: \_\_\_\_\_

EXHIBIT "CO/STA-E" PROJECT GUIDELINES AND CRITERIA DATED: \_\_\_\_\_

---

It is understood and agreed that the acceptance of this modification by the CONSULTANT/PROVIDER constitutes an accord and satisfaction.

\_\_\_\_\_  
Name of Contractor (Print Name)

\_\_\_\_\_  
Date Accepted

\_\_\_\_\_  
Contact Email Address

\_\_\_\_\_  
Contact Phone Number

LEE COUNTY  
 PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT  
 INVOICE STATEMENT

CN No.: \_\_\_\_\_ Contract No.: \_\_\_\_\_ Date: \_\_\_\_\_  
 Project No.: \_\_\_\_\_  
 Payment No.: \_\_\_\_\_ ( W.I.P.P.  Final) for Period \_\_\_\_\_ to \_\_\_\_\_  
 Project Name: \_\_\_\_\_

Attachments  Yes  No  
 PAYEE: Consultants Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City & State \_\_\_\_\_ ZIP CODE \_\_\_\_\_

**INSTRUCTIONS**

Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of these instructions.

Deliver Warrant: Special Instructions - If Other than Mail

\_\_\_\_\_  
 \_\_\_\_\_

**CONTRACTUAL FINANCIAL DATA**

ORIGINAL PSA/SPA Amount		\$
<b>PLUS:</b> Change Order # _____ dated _____	\$	
Change Order # _____ dated _____	\$	
Change Order # _____ dated _____	\$	
S.T.A. # _____ dated _____	\$	
S.T.A. # _____ dated _____	\$	
S.T.A. # _____ dated _____	\$	

Total Change Orders/S.T.A. ADDING to cost of Agreement . . . . . \$

<b>LESS:</b> Change Order # _____ dated _____	\$	
Change Order # _____ dated _____	\$	
Change Order # _____ dated _____	\$	
S.T.A.# _____ dated _____	\$	
S.T.A. # _____ dated _____	\$	
S.T.A. # _____ dated _____	\$	

Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement. . . . . \$

Total Amount of Current PSA/SPA. . . . . \$

Total Amount Completed to Date. . . . . \$

Less Amounts Previously Invoiced . . . . . \$

Amount of this Invoice. . . . . \$

Total Amount Paid to DBE's from above . . . . . \$

Name of DBE(s): \_\_\_\_\_

Signed Project Manager: \_\_\_\_\_ Date: \_\_\_\_\_

Approved Dept/Div Director: \_\_\_\_\_ Date: \_\_\_\_\_

Approved Fiscal Person: \_\_\_\_\_ Date: \_\_\_\_\_



# Interoffice Memo

**Date:**

**To:** Robert Franceschini, Procurement Management

**From:**

**RE:** Request to Initiate Competitive Negotiations Process for the Procurement of Professional Services

**ENCLOSURE (1):** "Proposed Scope of Services (to include major and minor work, project description and other), dated

---

It is requested that Procurement Management prepare the front-end document, advertise, and schedule the Competitive Negotiations Process for the Project known as:

1. This Project  has  has not been approved by the Board of County Commissioners:

Capital Improvement Project #

Or

This project was approved by the County Manager's Office

2. Professional Liability Insurance: (if required)

The County's Risk Management office has been contacted and after reviewing the features of this project has established the required minimum amount of Professional Liability Insurance coverage to be \$ .

3. Professional Services Agreement to be used:

Standard form primarily used for Professional Services; total cost of which is over \$25,000, relating to Construction Projects.

Standard "short" form primarily used for Professional Services: total cost of which is under \$25,000, relating to Construction Projects.

Service Provider form primarily used for services, which do not relate to Construction Projects.

4. Professional Services to be used for establishing the procurement schedule is to be:

Complex  Standard  Fast-Track  Emergency

Comment [pk1]: What is the difference between crisis and emergency?

5. The consultant selection process shall be administered as a Telephone Interview process (i.e. qualifications reviewed by conducting interviews by phone), or as a Two-Step process (i.e. qualifications reviewed followed by conducting written supplemental information or interviews/ presentations (or both) with selected consultants):

Telephone Interviews  Two-Step Selection Process

6. Selection criteria to be used:

7. Supplemental documents, referenced as attached:

Yes  No

Specify attachments: \_\_\_\_\_

8. Recommended deadline **dates** for completion:

Design:

Construction:

Services:

9. Estimated cost of design services:

Estimated cost of construction (if applicable):

10. A list of publications, in addition to the Fort Myers News-Press, in which the legal advertisement is to be published:

Name:

Telephone No.:

Name:

Telephone No.:

NOTE: The project sponsoring department will be responsible for costs of advertisements published if more than placement in the Fort Myers News-Press is desired.

11. County employee designated to serve as the Project Manager:

Name:

Title:

Telephone No.

List of voting and non-voting members of the County Competitive Negotiations Committee for this project:

Name (Chair of the Committee):

Mailing Address:

Telephone No.:

Name:

Mailing Address:

Telephone No.:

Name:

Mailing Address:

Telephone No.:

Name:

Mailing Address:

Telephone No.:

12. Account number where funds are available for this project:

**REQUEST TO INITIATE COMPETITIVE NEGOTIATIONS PROCESS**  
**FOR THE PROCUREMENT OF PROFESSIONAL SERVICES**

TO: \_\_\_\_\_  
County Manager

FROM: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Name/Signature  
  
\_\_\_\_\_  
Title

It is requested that the Competitive Negotiations Process be approved for the project described hereinafter:

1. Project is to be known by the following brief title:  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

and is generally described as consisting of the following features (i.e., what is to be designed, built, etc.):

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

2. A brief statement of justification explaining why the requested professional services are needed:  
  
\_\_\_\_\_  
  
\_\_\_\_\_

---

---

---

---

---

---

---

---

3. A brief statement describing the Scope of Services of all the professional services which may be provided and performed under the resultant Professional Services Agreement:

---

---

---

---

---

---

---

---

4. This Project \_\_\_\_ has \_\_\_\_ has not been approved by the Board of County Commissioners:

Capital Improvement Program Project # \_\_\_\_\_

5. The estimated basic construction cost of the project (if applicable) on which the requested professional services will be used, and the account number and amount of funds available in such account to cover cost of construction is:

Estimated Basic Construction Cost: \$ \_\_\_\_\_  
Account Number: \_\_\_\_\_  
Funds Available: \$ \_\_\_\_\_

6. The estimated cost of the professional services required and the account number and amount of funds available in such account to cover the cost of the required professional services is:

Estimated Basic Construction Cost: \$ \_\_\_\_\_  
Account Number: \_\_\_\_\_  
Funds Available: \$ \_\_\_\_\_

-----

ENDORSEMENT BY THE COUNTY ADMINISTRATOR

\_\_\_ The above request is approved and may be forwarded to Procurement Management, for advertisement of the Competitive Negotiations Process.

\_\_\_ The above request is returned to the requestor, not approved for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
County Manager

Date: \_\_\_\_\_

CMO: 040

## **CONSULTANT PERFORMANCE EVALUATION RATING FACTORS**

A. **CRITERIA** Did the consultant understand the County's goals, objectives and criteria; was such information presented by County correctly interpreted or clarification requested? Did the consultant's design respond to the needs of the project and County's criteria?

B. **SERVICES** Was the project approach appropriate, scope of services complete, and developed fully enough to meet the needs of this project? Was each task executed in a manner sufficient to accomplish its specific objectives? Were additional services unnecessary?

C. **TEAM COMPOSITION** Regardless of the number of sub-consultants, were project team members available and responsive when needed? Was the team complete and involved when needed to address all necessary project needs? Was it convenient to assemble the team members to discuss project issues?

D. **TEAM MANAGEMENT** Regardless of the number of sub-consultants, was the project team organized for response? Did the prime consultant or project manager function in lead role to assure performance of the team? Did team management procedures assure cost and quality control? Were the most appropriate team members or corporate offices used?

E. **PROJECT MANAGER** Was the project manager knowledgeable about the project type? Did the project manager actively lead and anticipate project needs rather than react?

F. **SCHEDULE** Was the original project schedule realistic but challenging with correct permitting, review, bidding, construction, etc. times included? Was the project completed on schedule (in so far as the consultant could control or anticipate)?

G. **PERMITTING** Did the consultant anticipate the permits needed for the project? Were permit requirements designed during project development? Were permit applications properly and completely prepared?

H. **COMMUNICATION** Was a contract cooperatively and fairly negotiated? Was the County informed of progress, issues, and status of project elements? Did consultant respond to County requests? Did the consultant maintain communication and a working relationship with sub-consultants, public (when necessary), agencies, and contractor? Did the consultant positively represent the County?

I. **ADMINISTRATION** Was invoicing clear, accurate and complete? Were appropriate project records, meeting minutes, etc. maintained?

J. **ACHIEVEMENT** Overall, did the project achieve its intended result? Did the performance of services result in a project of quality and satisfaction to the client and user? Were the plans complete and sufficient for bidding and construction without addenda and change orders? Did the design result in an estimate and construction cost within budget?

## CONSULTANT PERFORMANCE EVALUATION RATING SCALE

- 0 - Completely Insufficient - uncorrected or uncorrectable problems
- 1 -
- 2 - Poor - Problems and errors resulting in excessive effort, delay or actual damages to County or others; some effort made to remedy problems with active participation by County
- 3 -
- 4 - Below Expectations - Minor but consistent problems usually corrected after identification
- 5 -
- 6 - Acceptable - May encounter rare problems which are quickly remedied
- 7 -
- 8 - Above Expectations - Consistently problem free, complete, and of high quality
- 9 -
- 10 - Outstanding - Excellent performance with service often above that specifically defined



**CONSULTANT PERFORMANCE EVALUATION  
PROJECT DATA**

Consultant Name: \_\_\_\_\_

Project Management Office Address: \_\_\_\_\_

Project Manager: \_\_\_\_\_ Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_ Number: \_\_\_\_\_

County Proj. Mgr: \_\_\_\_\_ Contract No.: \_\_\_\_\_

Beginning Date: \_\_\_\_\_ Ending Date: \_\_\_\_\_

Sub-Consultants Used: \_\_\_\_\_

Raw Factor Score                      Weighting                      Adjusted Factor Score

A.	_____	X	1.5	=
B.	_____	X	1.5	=
C.	_____	X	0.5	=
D.	_____	X	1.0	=
E.	_____	X	0.5	=
F.	_____	X	1.0	=
G.	_____	X	1.0	=
H.	_____	X	1.0	=
I.	_____	X	0.5	=
J.	_____	X	1.5	=

TOTAL SCORE (Out of 100 Points)

PROJECT MANAGER COMMENTS:

Would you rehire consultant for this type of project?

County Project Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

CONSULTANT COMMENTS:

Consultant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Dept/Div. Director Signature

CMO:041  
00/00/00  
c: Contracts Management

**CONTRACT REVIEW CHECKLIST**

**CONTRACT TYPE:** SERVICE PROVIDER/PROFESSIONAL SERVICES  
**AGREEMENT**

**SUBJECT:** Project known as: \_\_\_\_\_  
between Lee County and \_\_\_\_\_

**Reference:** Department Director approval:  
County Administrator approval:

Reference: Board action approving contract/agreement  
\_\_\_\_\_, 2014 Agenda Item No. \_\_\_\_\_.

---

---

The subject contract is forwarded herewith for review and/or endorsements:

(1) By the Director of \_\_\_\_\_  
Project Sponsoring Department  
 Recommending execution  
 Not recommending execution for the following  
reason(s)  
Date received \_\_\_\_\_ Date returned/forwarded \_\_\_\_\_  
Signed \_\_\_\_\_

(2) By Procurement Management  
 Recommending execution  
 Not recommending execution for the following  
reason(s)  
Date received \_\_\_\_\_ Date returned/forwarded \_\_\_\_\_  
Signed \_\_\_\_\_

(3) By the Risk Management  
 Recommending execution  
 Not recommending execution for the following  
reason(s)  
Date received \_\_\_\_\_ Date returned/forwarded \_\_\_\_\_  
Signed \_\_\_\_\_

(4) By the County Attorney  
 Recommending execution  
 Not recommending execution for the following  
reason(s)  
Date received \_\_\_\_\_ Date returned/forwarded \_\_\_\_\_  
Signed \_\_\_\_\_

(5) **DEPARTMENT DIRECTOR, COUNTY MANAGER, BOARD** \_\_\_\_\_  
(6) Clerks Office, Minutes Department \_\_\_\_\_  
(7) **PROCUREMENT MGMT.** \_\_\_\_\_