



Legislation Text

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MOTION TO APPROVE THE FINDINGS AND RECOMMENDATION OF THE EVALUATION COMMITTEE AND TO AWARD RFQ # PSEN-22-01 "CCNA CONTINUING SERVICES FOR TRANSPORTATION AND GENERAL CIVIL ENGINEERING PROJECTS" TO CPH, INC. AND TO DIRECT THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR SERVICES.

**PROCUREMENT PROCESS TAKEN:**

- ***Chapter 35 of the City's Code of Ordinance is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."***

- ***Section 35.15 defines a Request for Qualifications as "A written solicitation for competitive sealed offers with the title, date and hour of the public opening designated. A request for qualifications shall include, but is not limited to, general information, functional or general specifications, statement of work, instructions for offer and evaluation criteria. All requests for qualifications shall state the relative importance of the evaluation criteria. The city may engage in competitive negotiations with responsible offerors determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of and conformance to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of offers, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offer."***

- ***Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."***

- ***Section 35.18(A) states, "A purchase of or contracts for commodities or services that is estimated by the Chief Procurement Officer to cost more than \$25,000 shall be based on sealed competitive solicitations as determined by the Chief Procurement Officer, except as specifically provided herein."***

- ***Section 35.19 of the City's Code of Ordinances is titled "SEALED COMPETITIVE BIDDING PROCEDURE."***

- ***Section 35.19(A) states, "All sealed competitive solicitations as defined in §35.18 shall be presented to the City Commission for their consideration prior to advertisement."***

- ***Florida Statute (F.S.) 287.055 is known as the "Consultant's Competitive Negotiation Act" (CCNA).***

- ***F.S. Section 287.055(2)(a) defines Professional services as "those services within the scope***

*of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.”*

*- F.S. Section 287.055(2)(f) states “Project” means that fixed capital outlay study or planning activity described in the public notice of the state or a state agency under paragraph (3)(a). A project may include:*

*1. A grouping of minor construction, rehabilitation, or renovation activities.*

*2. A grouping of substantially similar construction, rehabilitation, or renovation activities.*

*- F.S. Section 287.055(3)(a)(1) states “Each agency 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 s.287.017 for CATEGORY FIVE (\$325,000) or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s.287.017 for CATEGORY TWO (\$35,000), except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.”*

*- F.S. Section 287.055(2)(g) states “A “continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction costs of each individual project under the contract does not exceed \$2 million, 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 agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.”*

*- Section 35.21 of the City's Code of Ordinances is titled "AWARD OF CONTRACT."*

*- Section 35.21(A) of the City's Code of Ordinances is titled "City Commission Approval."*

*- Section 35.21(A)(1) states, “An initial purchase of, or contract for, commodities or services, in excess of \$25,000, shall require the approval of the City Commission, regardless of whether the competitive bidding or competitive proposal procedures were followed.”*

#### **SUMMARY EXPLANATION AND BACKGROUND:**

1. On March 16, 2022, the City Commission authorized the advertisement of RFQ # PSEN-22-01 “CCNA Continuing Services for Transportation and General Civil Engineering Projects”, which was advertised on March 16, 2022.

2. The purpose of this solicitation was to seek qualifications from qualified firms for professional

engineering and related services for transportation and general civil engineering projects in accordance with the Consultant's Competitive Negotiation Act (C.C.N.A. - Florida Statute 287.055).

3. On April 12, 2022, the City opened eight (8) proposals from the following vendors (listed in alphabetical order):

**Vendor Name**

Carnahan, Proctor and Cross

CPH, Inc.

Craven, Thompson & Associates, Inc.

EXP U.S. Services Inc.

Kimley-Horn and Associates, Inc.

M&J Engineering, P.C.

Marlin Engineering, Inc.

R.J. Behar & Company, Inc.

4. At the time the proposals were tabulated, the Procurement Department deemed the submittal by EXP U.S. Services Inc. to be non-responsive because they failed to submit the following required sections prior to the bid closing:

- Experience and Capabilities
- References Form
- Firm's Understanding and Approach to the Work
- Willingness to meet Time and Budget
- Recent, Current, and Projected Workloads of the Firm
- Contact Information Form
- Proposer's Background Information

5. On May 18, 2022, the City convened an evaluation committee that was tasked with selecting, in order of preferences, no less than three (3) firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the evaluation committee evaluated the qualifications of the proposers based on the weighted criteria listed below:

- Adequacy of Personnel / Ability of Professional Personnel (25 points)
- Past Record / Past Performance (25 points)
- Capabilities (25 points)
- Experience (of the firm or individual) (25 points)

6. At the May 18, 2022 meeting, the evaluation committee approved a motion to deem all seven responsive vendors qualified, and shortlist them all to the second meeting.

7. On May 23, 2022, the City re-convened the evaluation committee, and had presentations followed by a question & answer period with each of the short-listed firms regarding their: (1) Qualifications, (2) Approach to the project; and (3) Ability to furnish the required services.

8. The evaluation committee scored and ranked the vendors based on the weighted criteria provided for in the solicitation documents and listed below:

- Adequacy of Personnel / Ability of Professional Personnel (25 points)
- Past Record / Past Performance (25 points)
- Firm's Understanding and Approach to the Work (35 points)
- Willingness to Meet Time and Budget Requirements (5 points)
- Recent, Current, and Projected Workloads of the Firms (5 points)
- Location (2.5 points)
- Whether a Firm is a Certified Minority Business Enterprise (as defined by the Florida Small and Minority Business Assistance Act) / or a Veteran Owned Small Business Preference\* (2.5 points)

9. At the May 23, 2022 meeting, the evaluation committee ranked the vendors as shown below:

<b>Rank</b>	<b>Vendor</b>
1.	CPH, Inc.
2.	Carnahan, Proctor & Cross, Inc.
3.	Marlin Engineering, Inc.
4.	Kimley-Horn and Associates, Inc.
5.	Craven, Thompson & Associates, Inc.
6.	R.J. Behar & Company, Inc.
7.	M&J Engineering P.C.

10. Based on the scoring results, the evaluation committee approved a motion to recommend the City Commission to award RFQ # PSEN-22-01 "CCNA Continuing Services for Transportation and General Civil Engineering Projects", to the first ranked vendor, CPH, Inc., and to direct the City Manager to negotiate a contract for services. If negotiations fail, negotiations would move on to the next highest ranked firm until an agreement can be made.

11. An agenda item will be brought back to present to the Commission the negotiated contract executed by the vendor.

12. CPH, Inc. has also completed the Equal Benefits Certification Form and has stated that the "Contractor currently complies with the requirements of this section."

13. Request City Commission to approve the findings and recommendation of the evaluation committee and to award RFQ # PSEN-22-01 "CCNA Continuing Services for Transportation and General Civil Engineering Projects", to CPH, Inc., and to direct the City Manager to negotiate a contract for services.

#### **FINANCIAL IMPACT DETAIL:**

**a) Initial Cost: None at this time.** A negotiated contract will be brought back to the Commission, and executed by the vendor.

**b) Amount budgeted for this item in Account No:** The City anticipates utilizing federal funds for this project, as applicable, potentially including American Rescue Plan Act (ARPA) or the

Infrastructure Investment and Jobs Act (IIJA), thus this project will follow Federal Procurement guidelines. After the qualifications are received and evaluated, and an agreement has been negotiated, the City will determine the appropriate funding sources and budget for applicable projects.

- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.

**FEASIBILITY REVIEW:**

*A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.*

- a) **Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service?** Not Applicable.
- b) **If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service?** Not Applicable.