



## Legislation Text

File #: 22-0420, Version: 1

MOTION TO APPROVE THE NEGOTIATED AGREEMENT WITH CPH, LLC PURSUANT TO THE AWARD OF RFQ # PSEN-22-01 "CCNA CONTINUING SERVICES FOR TRANSPORTATION AND GENERAL CIVIL ENGINEERING PROJECTS" IN ACCORDANCE WITH FLORIDA STATUTE 287.055, CONSULTANTS COMPETITIVE NEGOTIATIONS ACT (CCNA), FOR FIVE YEAR PERIOD IN AN AMOUNT NOT TO EXCEED \$3,500,000.

### PROCUREMENT PROCESS TAKEN:

**- Chapter 35 of the City's Code of Ordinances 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."**

**- 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 June 1, 2022, the City Commission approved the findings and recommendations of the evaluation committee to award RFQ # PSEN-22-01 "CCNA Continuing Services for Transportation and General Civil Engineering Projects" to CPH, LLC and directed the City Manager to negotiate a contract for services.
4. The City staff was able to negotiate a contract with rates which staff determines are fair, competitive, and reasonable.
5. The Agreement shall take effect as of the date of execution and the term of this Agreement shall be for a period of five years. The term of this Agreement may be extended upon mutual written agreement of the parties for two additional two year renewal terms.
6. Request City Commission to approve the negotiated agreement with CPH, LLC pursuant to the award of RFQ # PSEN-22-01 "CCNA Continuing Services for Transportation and General Civil Engineering Projects" in accordance with the Florida Statute 287.055, Consultants Competitive Negotiations Act (CCNA), for a five year period in an amount not to exceed \$3,500,000.

#### FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** \$3,500,000.
- b) **Amount budgeted for this item in Account No:** When specific projects are identified, the appropriate budgets and accounts will be utilized, including ARPA funds, IIJA funds, etc.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Estimated Annual Compensation:

	Current FY	Year 2	Year 3	Year 4	Year 5
Revenues	\$0	\$0	\$0	\$0	\$0
Expenditures	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000
Net Cost	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000

- e) **Detail of additional staff requirements:** Not Applicable.

Reviewed by Commission Auditor

#### 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. This five year continuing contract for Engineering Services includes various specialties within the engineering field including:

Civil, Structural, Mechanical, Electrical, Traffic, Inspection and surveying.

The City does not have the project stream needed to hire full time professionals to staff all of these positions.

**b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service?** Not Applicable.