

BILL NO. 1140ORDINANCE NO. 1214

SAME BEING AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING FOR THE SELECTION OF A PROFESSIONAL CONSULTING SERVICE IN CONFORMANCE WITH ACT 322 OF 1982. BE IT ORDAINED AS FOLLOWS:

SECTION ONE: Definitions

The term "professional services" shall mean services within the scope of practice of architecture, engineering, or land surveying, as defined by the laws of the State of Missouri, or those performed by any architect, professional engineer, or registered land surveyor in connection with his professional employment for practice.

The term "firm" shall mean any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice architecture, engineering, or land surveying in the State of Missouri.

The term "city engineer" shall mean a firm designated by the City Council of the City of Neosho, Missouri to act as city engineer under contract with said City of Neosho subject to other provisions of this policy.

SECTION TWO: Roster of Consultants

The City will maintain a roster, classified by category of professional service, of qualified firms interested in performing professional services for the City. Names of firms may be placed on the roster upon their request of the City Council; or when recommended by the City staff.

Each firm meeting the minimum qualifications shall be deemed to be a qualified firm meeting the qualifications of the City.

- a. Duly authorized to conduct business in the State of Missouri.
- b. Professional registration by the State of Missouri.
- c. At least one full-time staff professional assigned to each project. Adequacy of personnel will be determined on a contract by contract basis against the City's estimate of manpower required to perform the work in the desired time frame.

SECTION THREE: Resumes and Data

Each person or firm listed on the roster shall be responsible for maintaining a current resume describing their qualifications and experience with the City office.

Data which shall be included is as follows:

- a. Firm name, address, telephone numbers.
- b. Year established and former firm names.
- c. Types of services for which it is qualified.
- d. Names of principals of the firm and states in which they are registered.
- e. Names of full-time key personnel, with experience of each and length of time in the organization.
- f. Number of full-time staff available for assignment.
- g. Outside consultants and associates, usually retained.
- h. List of completed projects on which the firm was principal engineer.
- i. Current projects under way and estimated cost of each.

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j. Data gathering methods (if appropriate).

k. Evaluation techniques (if appropriate).

SECTION FOUR: Designation of City Engineer

The City of Neosho may, at its sole discretion, appoint a firm to act in the capacity of "city engineer." The "city engineer" shall be appointed on the basis of the following:

- a. Qualifications and experience in the type of engineering projects commonly encountered by city departments.
- b. The number and type of staff which would be available to the City of Neosho upon request for engineering services.
- c. Past performance on City projects.
- d. The firm's geographic location in relation to the City of Neosho.

The City Council may appoint the "city engineer" to serve the City under an annual contract. The contract with the "city engineer" shall specifically delineate the scope of services to be performed and a schedule of hourly charges for performing professional services. The scope of services may be extended or expanded to suit the needs of the City of Neosho. The "city engineer" shall agree to provide error/ommission and liability insurance coverage, naming the City as co-insured. The limits on said coverage shall not be less than \$1,000,000.

SECTION FIVE: Continuing Services

The City of Neosho may, at its sole discretion, extend, renew or employ a firm who has previously been retained and has a satisfactory performance record to continue providing professional services for related areas of a specific project.

Such a professional contract may be offered in the following cases:

- a. To insure continuity by retaining the same professional firm in all phases of an ongoing phased or segmented project.
- b. To insure compatibility of extensions or additions to existing structures or facilities by retaining the original design professional.
- c. To implement proposals or elements presented by preliminary studies performed by design professionals.
- d. To provide continuity of services which will enhance a project and which will be in the best interest of the City of Neosho.

SECTION SIX: Classes of Service

Projects will be divided into two (2) classes as follows:

Class A - Services for projects where the estimated professional services cost is less than \$5,000. At the discretion of the City manager, all projects with an estimated professional services fee of under \$5,000 may be performed by the "city engineer."

Class B - Services for projects where estimated professional services cost exceed \$5,000. The City Council will act as a screening and selection committee to appoint a firm and develop an appropriate contract for the City for said services. The firm selected may or may not be the "city engineer" but shall be determined on the basis

of the provisions set forth in this policy for the hiring of a firm.

SECTION SEVEN: General Procedures and Responsibilities

Project Initiation - When an official of the City identifies a project for which professional services will be necessary, when said project has an estimated professional services cost of less than \$5,000, the City Manager may authorize the work to be performed by the City engineer.

When an official of the city identifies a project for which professional services cost in excess of \$5,000, the City Manager will draft a scope of service for the specific project. This scope of services will then be submitted to the City Council to act as a screening and selection committee for the retention of professional services.

When in the judgment of the City Council to re-employ a firm to complete or provide on-going services for a phased or segmented project, such a contract may be negotiated with the firm presently under contract.

Expressions of Interest - Should none of the above apply, the City of Neosho may contact those firms on the roster for a written expression of interest in a specific project. Requests should invite comment as to the special experience in the project being considered, describe previous experience with similar projects, and the availability of the firm to provide required services within any time limitation.

Initial Screening and Requests for Proposals - Expressions of interest will then be presented to the City Council for initial screening. Factors to be determined in the initial screening are to include:

- a. Specialized experience in the type of work required.
- b. Record of the firm in accomplishing work on similar projects satisfactorily and within the required time frame.
- c. Quality of work previously performed by the firm for the City.
- d. Recent experience showing accuracy of cost estimates.
- e. Community relations including evidence of sensitivity to citizen concerns.
- f. Geographic location of the principal offices of the firm.

The City Council may designate up to three firms who will then be requested to present detailed proposals on the project.

Detailed Proposals - Firms submitting detailed proposals will be asked to provide a resume of its proposed project supervisor; the name of the principal who will be responsible for the work; the amount of work presently underway; the ability of the firm to meet required time schedules; and a description of how the project would be conducted as well as other facts they wish to present in favor of their firm.

A contract form will be provided by each firm to provide a detailed proposal so that the City and the firm can be fully informed of the parameters of the proposed subject and general City contracting policies. A contract form will be prepared by the firm and reviewed by the City Manager and the City Attorney.

Interview and Selection - Upon receipt of the detailed proposals, the City Council will interview the prospective firms, and make the final selection as to the firm for the project.

Contract Negotiations - The selected firm will then be requested to come in for a final conference with the City Council to define precisely the scope of service to be provided and to submit a proposal covering the compensation requirements for the work. A fee is then negotiated for the project, which is fair and reasonable.

A contract is prepared and submitted to the City Attorney for review, and then submitted to the City Manager for presentation to the City Council for approval.

If, after reasonable effort a contract cannot be negotiated, the negotiations with the designated firm shall be terminated, and negotiations shall be started with the next firm recommended.

SECTION EIGHT: Prohibition Against Contingent Fees

Each contract entered into by the City of Neosho for professional services shall contain a prohibition against contingent fees as follows:

"The architect, engineer or land surveyor (as applicable) warrants that he is not employed or retained any company or person other than a bonafied employee working solely for the architect, engineer, or land surveyor, to solicit or secure a person, company, corporation, individual or firm other than a bonafied employee working solely for the architect, engineer, or land surveyor, any fees, commission, percentage, gift or any other consideration contingent upon our resolving from the award of making this agreement."

For the breach or violation of the foregoing provision the City of Neosho shall have the right to terminate the agreement without liability and, at its discretion to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

SECTION NINE: The City of Neosho in its whole and absolute discretion may waive any and all aforementioned procedural requirements.

SECTION TEN: All other Ordinances and parts in conflict herewith are hereby repealed.

SECTION ELEVEN: This Ordinance shall be in full force and effect 15 days after final passage and approval.

Mr. Charles E. Bell
Mayor

Wanda Campbell
City Clerk

APPROVED after final passage this 17th day of April, 1984.

Mr. Charles E. Bell
Mayor

Attest:

Wanda Campbell
City Clerk