

Professional Services and Bidding Construction Projects

BILL NO. _____

SPONSORED BY COUNCILMAN _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF _____, MISSOURI, ESTABLISHING
POLICIES AND PROCEDURES FOR SELECTING PROFESSIONAL SERVICES AND FOR
BIDDING CONSTRUCTION PROJECTS.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF _____, MISSOURI, AS
FOLLOWS:

Section 1. Policies and procedures for selecting professional services and for bidding
construction projects are hereby established as follows:

**Policies and Procedures for Selecting Professional Service Firms including Architectural,
Engineering and Land Surveying Firms**

The following describes policies and procedures to be used by City in selecting professional
service firms. Professional service firms including, but not limited to, architectural, engineering
and land surveying firms shall be referred to as "firms."

A. CONTRACTS AND FEES

It shall be the policy of City to negotiate contracts with firms for services on the basis of
demonstrated competence and qualifications for the type of services required and at fair and
reasonable fees.

B. QUALIFICATIONS OF FIRMS

It shall be the policy of City to encourage firms engaged in the lawful practice of their professions
to annually submit statements of their qualifications and performance record. Whenever a
proposed project requires the services of a firm, the City shall evaluate current statements of
qualifications and performance records of firms on file together with those that may be submitted
by other firms regarding the proposed project. The City shall use the following criteria in
evaluating the qualifications of each firm:

1. The specialized experience and technical competence of the firm with respect to the type of
services required.
2. The capacity and capability of the firm to perform the work in question, including specialized
services, within the time limitations fixed for the completion of the project.
3. The past record of performance of the firm with respect to such factors as control costs, quality
of work, and ability to meet schedules.
4. The firm's proximity to and familiarity with the area in which the project is located.

C. CITY FILES FOR FIRMS AND PROJECTS

1. The purchasing agent shall compile and maintain a file of firms that are potential consultants
for doing projects for City.
2. The purchasing agent shall prepare every six months, a list of all the firms used in the
preceding year for review.
3. Each firm shall be evaluated within 30 days after completing a contract with the City.

4. When a project is proposed, the principal department proposing the project shall prepare a description of the project, including the Scope of Work, the identification of applicable plans, a timetable and a budget.

5. The selection committee, shall prepare a list of firms from the file for the proposed project. Selection of the firms shall be based upon preliminary review comparing the nature of the job with the experience of the firms and other significant factors.

6. The firms selected shall be sent a description of the project and a questionnaire designed to obtain more detailed information related to the firm's qualifications for the specific project. Selected firms from those responding to the questionnaire shall be interviewed by a selection committee.

D. SELECTION COMMITTEE

The selection committee shall be appointed by the City Administrator. The selection committee shall be composed of the department director and at least two additional members from other departments. This Committee shall review the information at hand and the principals of the firms. Whenever the project involves total expenditures of over \$500,000.00 or the anticipated expenditure for professional services being sought exceed \$10,000.00 all members of the Council shall be notified of the proceedings of the selection committee.

E. NEGOTIATION FOR CONTRACT

1. The selection committee shall select from the file for each project, three firms that are highly qualified to fulfill the proposed assignment in the best interest of the City. The firms shall be placed in ranked order.

2. The firm ranked first shall be asked to make a comprehensive written and oral presentation demonstrating its methods and experience related to the project, which principals shall be assigned to the project, the consultants to be used, a schedule of document preparation, estimating procedures, services to be rendered during construction, and any other information helpful in determining how well the particular firm is qualified to do the job.

3. The selection committee shall then reach a decision as to whether or not to proceed with fee negotiations with the selected firm. If the parties reach an agreement, a contract shall be prepared and the other firms shall be promptly advised.

4. If the first-ranking firm's proposal is not satisfactory, negotiations shall be initiated with the second-ranking firm. Again, if the negotiations are unsatisfactory, the selection committee shall negotiate with the third-ranking firm. If these negotiations prove unsatisfactory, the project shall be restudied and the City's expectations shall be reexamined before beginning the process again. If the process begins again, the selection committee shall compile a list of qualified firms and proceed in the same manner.

Bidding procedure for construction projects.

The following describes procedures to be followed by the City in selecting construction contractors for projects. When construction documents have been completed and approved and the approved sets have been delivered to the appropriate City official, the next step is the selection of a construction firm for the project. This contractor shall be selected as follows:

A. Competitive bids: The City shall seek competitive bids for projects by advertising and or invitations to prospective contractors that the City intends to construct said project.

B. Advertising or invitation to contractors: To inform prospective bidders that a contract is to be awarded and invite bids for the proposed project an advertisement shall be placed in a daily paper of general circulation. Items which may be included in the advertisement or invitation are:

1. A brief description of the project and its location.
2. Name and address of the owner.
3. Name and address of the person authorized to receive bids.
4. The place, date and hour of bid opening, restrictions on submission, changes and withdrawal of bids.
5. Character of bids: Phasing, unit-price, lump-sum, alternates etc.
6. Quantities involved in the project.
7. The amount of the bid surety and whether it is to be by certified check, bid bond etc. and provisions for returning surety to unsuccessful bidders.
8. Statement as to where plans and specifications may be obtained or examined and the charge or deposit required for each set and provision for recovery of charge or deposit when documents are returned.
9. Conditions of contract award and the owner's right to accept the lowest responsible bid and to reject any or all bids.
10. Name of the consultant and the authorized representative for the owner and consultant.
11. Contract surety: The amount and type of performance and payment bond.

C. Instructions to bidders: A document in which all bidders are furnished identical information on the features of the project along with instructions on the procedure to be followed in submitting bids. Items which may be included in the instructions to bidders are:

1. Bidder's experience, work record and or prequalification data.
2. Procedure for completing and submitting the bid.
3. A list of the plans and specifications and an estimate of quantities for unit-price contracts or an exact description of the scope of the project if contract is to be lump-sum.
4. An estimate of the time it will take the bidder to complete the project.
5. Responsibility for accuracy of bidding information in reference to subsoil data, test borings, errors in plans and specifications, etc.
6. Information on formalities and informalities in accepting or rejecting bids.
7. Miscellaneous instructions as needed.

D. Bid form: A document to ensure that all bids are prepared in a similar manner and to facilitate the analysis and comparison of bids and to detect informalities in the bids. It is a convenience to bidders and it encourages accuracy and fairness. Items which may be included in the bid form are:

1. An offer from the bidder to perform the work as specified for a given price.
2. An agreement to complete the project in a given number of days after the notice to proceed has been given.
3. The amount of the bid bond, certified check or other form of guarantee that is to accompany the bid.

4. An agreement by the bidder to furnish the required contract surety if the contract is awarded.
5. Provision for the bidder to acknowledge receipt of all addenda to the plans and specifications.
6. The list of subcontractors to be employed for special work.
7. The experience record, financial statement and plant equipment questionnaire, when required.
8. Statement that there is no collusion or fraud with reference to illegal relationships of bidders and representatives of the Owner or consultant, bid pooling or straw bids.
9. Statement by the bidder that the site has been examined and the plans and specifications are understood by the bidder.
10. Appropriate signatures and witnesses as required.

E. Prebid conference: Preparatory to putting the bid together, a prebid conference may be held for those bidders anticipating submitting a bid on said project. The prebid conference is to do the following:

1. Allow bidders, both contractors and subcontractors a chance to ask questions of those who prepared the plans and wrote the specifications.
2. Allow explanations and answers to questions to be given by those best qualified.
3. To allow scheduled prebid conference to be held midway between advertising for bids and the bid opening date.
4. To give additional opportunities so the site can be visited, if necessary.

F. Addenda: During the bidding period, any and all additional instructions, clarifications, interpretation or modifications shall be made by an addendum prepared by the consultant or Owner and signed by the consultant and the Owner's representative.

1. The addendum shall be delivered, either by the Owner or the consultant, as agreed upon by the two.
2. A receipt shall be received for all hand delivered addendum by the deliverer. Addendum sent by mail shall be mailed by the fastest delivery method and shall be sent by registered mail with a signed receipt requested.
3. No one is authorized to make any clarifications, interpretations, or modifications or give any instructions to the bidders during the bidding period except as described in this section on ADDENDA.

G. Receiving and opening bids: Bids may be submitted at anytime after the project has been officially advertised or invitations extended and prior to the hour designated for the opening of the bids.

1. Bids submitted may be withdrawn or changed anytime before the official opening.
2. No changes are permitted after bids have been opened.
3. Bids shall be submitted on the proposal/bid form with all accompanying papers placed in a sealed envelope addressed to the person authorized to receive same and endorsed with the bidder's name and the title of the project.

4. All bids shall be opened and read aloud publicly at the proper time so that all bidders and others interested may be present as witnesses and/or to tabulate amounts.

H. Awarding the contract: After the bids have been opened any consultant and the Owner's representative shall meet to determine if a low and responsible bid has been received. The following shall be done:

1. A study of the qualifications of the bidders shall be made to determine if there are irresponsible and undesirable bidders and to eliminate same.
2. An analysis and comparison of bids shall be made to determine the lowest responsible bidder.
3. When a low and responsible bidder has been determined, the City shall proceed to obtain a contract with the lowest responsible bidder.
4. A formal notice of award shall be issued to the bidder notifying the bidder of his/her selection. The bidder shall be told of the time and place designated to sign the contract.
5. If the lowest responsible bidder is unable to execute a contract, the City shall proceed to execute a contract with the next responsible bidder. If this bidder is unable to execute a contract, the City shall continue the process with all responsible bidders if necessary.
6. The City shall have the right to use any or all of the bid security of any or all bidders to execute a contract when the bidder is unable to execute a contract for a project bid.
7. If the City decides to accept a bid other than the apparent low bid, this reason shall be clearly stated in writing giving the specific reasons.
8. After acceptance of the bid and the contract has been signed, a formal notice to proceed shall be forwarded to the contractor authorizing the contractor to begin work.

I. WHEN LOW BID EXCEEDS FUNDS: Occasionally after opening bids, the lowest bid may exceed available funds. These are the possible alternatives when this happens:

1. The owner and any consultants shall meet with the low bidder to see if enough substitutes and changes can be realized to make constructing the project feasible and within the budget.
2. Rework the plans and specifications and reduce the scope of the project to allow bids within the budget.
3. Secure additional funds.
4. A combination of 1 and 3. Negotiate as much as possible with the low bidder and secure additional funding [when other than state funds].

5. Rejection of all bids.

J. PRECONSTRUCTION CONFERENCE: Immediately after a construction contract has been fully executed and before construction begins, the Owner, consultants and contractor shall meet to do the following:

1. Meet with subcontractors and the superintendent for the project.
2. Get acquainted and discuss the several phases of the project so that when understood by all, the job will run smoothly.
3. To establish lines of communication and lines of authority to be followed during construction.

4. To discuss items of interest and concern to all.

Section 2. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed: _____ Approved: _____

Presiding Officer _____ Mayor _____

ATTEST: APPROVED AS TO FORM:

City Clerk _____ City Attorney _____