

RESOLUTION NO. 09-03-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE
SETTING A POLICY ON THE SELECTION OF CONSULTANTS FOR ARCHITECT AND
ENGINEERING SERVICES**

WHEREAS, the City Council of the City of Ferndale desires to have in place a policy governing the selection of certain professional services; and

WHEREAS, the City has developed written guidelines for the selection and use of architectural and engineering professional consultants for the City of Ferndale; and

WHEREAS, this policy shall apply when professional architectural, engineering, and landscape architect services are required by the City; and

WHEREAS, City staff may use the Small Works Roster and Vendor List roster when applicable.

NOW, THEREFORE the City Council of the City of Ferndale Resolves as follows:

Section 1. That the following policy regarding the selection of architect and engineering services is hereby adopted:

**POLICY
SELECTING CONSULTANTS FOR ARCHITECT AND ENGINEERING SERVICES**

Purpose

To provide written guidelines for the selection and use of architectural and engineering professional consultants for the City of Ferndale.

Scope

This policy shall apply when professional architectural, engineering, and landscape architect services are required by the City. City Departments may use the Small Works Roster and Vendor List roster if applicable.

Definitions

- **Architects and Engineers**—are those professions defined as such by State Statute including:
- Civil Engineers
- Traffic Engineers
- Geotechnical Engineers
- Mechanical Engineers
- Electrical Engineers
- Structural Engineers
- Utility Engineers
- Architects
- Landscape Architects
- Land Surveyors

RFQ: Request for Qualification – a published request seeking A & E consultants to submit a listing of their qualifications.

SOQ: Statement of Qualifications – replies from A & E consultants in response to RFQs.

On-Call Contract: The “umbrella” agreement between the City and the selected consultants governing the non-project specific issues between the City and the Contractor, e.g. insurance, indemnification, dispute resolution, etc.

Emergency: An unforeseen circumstance beyond the City’s control that either presents a real and immediate threat to the proper performance of essential City functions or will likely result in loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

Policy/Conditions

1. The City of Ferndale Requires Open and Competitive Selection

The City of Ferndale allows contracts for Architectural and Engineering Services only after an open and competitive selection process. However, Departments may use the On-Call rosters if applicable, from the Small Works Roster and Vendor List.

2. The City of Ferndale Establishes Minimum Qualifications

To qualify for consideration the consultant must be

- Properly licensed,
- Insured, and
- Must possess a City of Ferndale Business Registration.

3. The City of Ferndale Defines Conditions for Open and Competitive Selection Process

The City may issue a Request for Proposals to A & E consultants based on the following dollar limits for estimated cost of services:

A. Less than \$10,000: None required. The City of Ferndale encourages the use of the On-Call Roster.

B. If \$10,000 to \$50,000, Department

- Obtains Statement of Qualifications from three firms,
- Reviews and selects in accordance with this policy and RCW 39.80, or
- Uses the on-call roster.

C. If over \$50,000, the Department must use a Request for Qualifications Process.

4. RFQ process

Public Works (or delegate) prepares the advertisement for Statement of Qualifications process as follows:

- Prepares and publishes the RFQ for a minimum of fourteen days.
- Administers the RFQ process.

- Forwards responses to Public Works Committee for review.
- Ensures that RCW Chapter 39.80 are followed in selection process.

5. **Departments Select Most-Qualified Consultants**

Based upon selection criteria established for the particular A & E service needed, City Departments select the most-qualified consultants.

The City of Ferndale requires a selection committee of no less than three members. The City of Ferndale encourages Departments to include one member from outside the affected department.

Typical selection criteria may include (by way of illustration and not limitation) the following: (Cost shall not be included)

- The consultant's experience, character and reputation (including individuals and support staff involved in the proposed project).
- Organizational abilities, project management techniques to be used, innovativeness, creativity, and the capacity of the supporting functions.
- Technical knowledge and qualifications with respect to the specific services required on the proposed project.
- The number and size of other projects currently being performed by the consultant.
- Ability of the consultant to begin/complete the work on time and its ability to provide a timely response (including in-person response time).
- Experience and familiarity with Ferndale.
- References.

The City of Ferndale requires written documentation of the selection criteria and process, which is retained by the selecting department.

6. **The City of Ferndale Requires Contract Before Work Begins**

Before the City of Ferndale authorizes a consultant to begin work, the City of Ferndale requires both a properly executed contract or task order as applicable, and a Purchase Order.

7. **The City of Ferndale Requires a Complete Task Order**

The Task order must include:

- Description of the work to be performed,
- Schedule for completion of work,
- Cost of Service, and
- Method of Payment.

8. **Departments Oversee Contract/Task Order Completion and Administration**

Departments:

- Negotiate with consultant for Contract/Task Order at a price the department determines to be fair and reasonable.
- If the department and the selected A & E consultant cannot successfully negotiate a Contract/Task order, the department will select the next most-qualified consultant.

- Complete Contract/Task Order for Services and route for appropriate signature.
- Manage project.
- Ensure project completion.
- Approve invoice for payment.

9. **The City of Ferndale Allows Exception to this Policy in Emergencies**

If an Emergency requires the immediate execution of the required work, the department may immediately negotiate a Contract/Task Order for consultants without using the selection criteria in Section 5. The circumstance(s) justifying the emergency shall be documented in writing and approved by the appropriate Department Head.

NOW HEREBY RESOLVED AND APPROVED by the Ferndale City Council this 20th day of January, 2009.

Gary S. Jensen, Mayor

ATTEST:

Linda Knutson, City Clerk