

PORT OF OLYMPIA ADMINISTRATION MANUAL		Page:	1 of 5
Section:	CONTRACTS AND PURCHASING	Revision Date:	07/29/08
Subject:	CONSULTANT SERVICES AGREEMENTS	Item No.:	

PURPOSE: To provide guidance to Port staff and the consulting community regarding the Port's use and selection of Consultants, and the execution of Professional Services Agreements (PSA).

SCOPE: This procedure applies to the selection and engagement of all professional services including architectural or engineering (A&E) services.

DEFINITIONS:

A. Architectural/Engineering (A/E) Services are professional services associated with licensed architects or engineers, including surveyors, interior designers and landscape architects, as defined by R.C.W. 18.08 and 18.43. For A/E services price is not a criteria in the initial selection of the most qualified consultant.

B. Consultants are individuals or firms who perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the agency except as to the result of the work. Consultants are independent contractors who do not have the authority to decide or control the Port's affairs and may not supervise or manage Port employees.

C. Professional Services means using professional expertise to render an opinion or recommendation, create a product or intellectual property, or render a service according to the Consultant's methods and without being subject to the control of the Port except as to the result of the work.

D. Personal Services means using professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement which may not reasonably be required in connection with a public works project. Personal Service does not include purchased services, or professional services produced using the competitive selection requirements. An example of a personal service would be a consultant hired to augment staff for a specified period of time for a specific project or task.

E. Purchased Services means services provided by a vendor to accomplish routine, continuing and necessary functions. This would include, but not be limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance, data entry, computer time-sharing, contract programming, and analysis.

F. Sole Source means that the Consultant's expertise is so unique that the Consultant is the only practicable source to provide the service required, based either on the uniqueness of the services or sole availability at the location required, or warranty or defect correction service obligations of the consultant.

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POLICIES:

- A. A competitive selection process is the preferred method of Consultant selection when time permits and the value of the procurement justifies the solicitation expense. A competitive selection process consists of an annual or project-specific solicitation where the qualifications of at least two Consultants are evaluated based upon published criteria.
- B. **ALL Consultant Service** contracts shall be entered into pursuant to competitive solicitation, except for:
- (1) Emergency contracts;
 - (2) Sole source contracts;
 - (3) Contract amendments;
 - (4) Contracts between a consultant and the port of less than Twenty Five thousand dollars (\$25,000). (Directors may determine if contracts under \$25,000 should follow the competitive selection process)
 - (5) Other specific contracts exempted from the competitive solicitation process by the Commission when it has been determined that a competitive solicitation process is not appropriate or cost-effective.
- C. **Emergency consultant contracts** shall be filed with the Commission and made available for public inspection within seven (7) working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the Commission when the contract is filed.
- D. **Sole Source A/E contracts**, including amendments, totaling less than \$25,000, shall be authorized by the Executive Director, provided documented justification is presented in accordance with RCW 39.30.020. For sole source contracts of twenty five thousand dollars (\$25,000) or more, Commission authorization is required, and documented justification shall include evidence that the Port attempted to identify potential consultants.
- E. **Professional Services contracts**, including amendments, totaling less than \$25,000, shall be authorized by the Executive Director.
- F. **Personal Services contracts**, including amendments, totaling less than \$10,000, shall be authorized by the Executive Director.
- G. **Consultant Contract Amendments:** if there is a substantial change in the scope of work specified in the contract or substantial additions to the scope specified in the solicitation document, Executive Director must determine as to whether the change warrants the work to be awarded as a new contract.

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- H. When a competitive selection process is utilized, directors may authorize professional services for up to the limits set forth in the Executive Delegation Matrix, for the consulting disciplines within their management authority.
- I. The Executive Director's authorization is required when a Consultant is selected without a competitive selection process.
- J. All agreements for professional services shall be in the Port's standard written form addressing scope of services, cost, and term. Revisions to the Port's standard terms and conditions require the concurrence of the Executive Director.

RESPONSIBILITIES FOR ARCHITECTURAL/ENGINEERING (A/E) SERVICES:

- A. The Director of Engineering will annually publish in a legal newspaper of general circulation in Thurston County an announcement of the Port's A/E services requirements and invite firms to submit statements of qualifications using the SF 330. Statements of qualifications may be submitted at any time during the year. Statements of qualifications will be retained for three years after the firm's last submittal.
- B. The Engineering Department may also invite the submittal of qualifications for a specific project.
- C. All A/E services will be entered into pursuant to a competitive selection process in accordance with RCW 39.80.040 and 39.80.050, except for:
 - (1) Emergency contracts;
 - (2) Sole source contracts;
 - (3) Other specific contracts exempted from the competitive solicitation process by the Commission when it has been determined that a competitive solicitation process is not appropriate or cost-effective.
- D. When A/E services are required, and the competitive selection process is used, the Engineering Department will evaluate the qualifications submitted from **at least** two firms, select the most qualified firm, and negotiate a price for services which the Engineering Department determines to be fair and reasonable. If the Engineering Department is unable to negotiate a price with the most qualified firm, negotiations shall be terminated and the Engineering Department will initiate negotiations with the second most qualified firm, and continue this process until an agreement is reached or the process terminated.

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RESPONSIBILITIES FOR PROFESSIONAL AND PERSONAL SERVICES OTHER THAN ARCHITECTURAL/ENGINEERING (A/E) SERVICES:

- A. The managing department will annually publish in a legal newspaper of general circulation in Thurston County an announcement of the professional services anticipated to be required by the Port and invite firms to submit statements of qualifications. Departments should annually forecast their requirements for professional services and determine whether to invite statements of qualifications for the particular service as part of the Port's annual announcement.

- B. The managing departments will maintain a database of Consultants who have submitted statements of qualifications. Statements of qualifications may be submitted at any time during the year. The submitted statements of qualifications will be maintained by the departments for the consulting disciplines within the department's management authority. Statements of qualifications will be retained for three years after the firm's last submittal.

- C. The department initiating the request for professional services has the primary responsibility for managing the Consultant contract, including:
 - 1. Developing the scope of services;
 - 2. Identifying the project manager;
 - 3. Establishing the Consultant selection criteria, including establishing the weight to be given to price relative to other criteria; and
 - 4. Identifying the funding source.

- D. When professional services are required, the department may request proposals from at least two firms on file with the department, or the department may separately solicit proposals from at least two firms. The request for proposals (RFP) shall include, at a minimum, the scope of services, selection criteria, and the Port's standard terms and conditions. Proposals shall be evaluated by the project manager and at least one other person. The Engineering Department will assist with the development of the RFP and the selection process.

- E. The Department will maintain written documentation of the Consultants evaluated and the basis for selection. The Department will prepare an authorization for professional services identifying scope, fee, term, and basis for Consultant selection. Upon approval by an authorized individual, the authorization for professional services shall be forwarded to the Engineering Department for preparation of the contract documents.

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DOCUMENT PREPARATION AND EXECUTION:

A. Engineering Department is responsible for the preparation of contract documents, obtaining required signatures on the contract, and approval of proposed changes to the Port's standard terms and conditions.

CONTRACT AMENDMENTS:

Professional Services Agreements may be amended for up to the amount delegated by Port Resolution No. 2008-17 provided:

- A. That the revised scope is generally related to the initial project scope; and
- B. That different assignments of a similar nature to the same Consultant for a single project do not exceed authorized limits.

EXEMPTIONS:

This policy does not apply to Intergovernmental or expert witness Agreements

CONSULTANT SOLE SOURCE GUIDANCE SUMMARY:

All Sole Source Consultant Agreements exceeding \$25,000, including Amendments, require a competitive selection process and Commission approval.

Documentation Requirements:

Requesting department must provide documented evidence that the staff attempted to identify potential consultants.

Documentation to include services solicitation materials, copies of Consultant's SF330 forms, and selection criteria matrix.

Sole source contracts shall be filed and made available for public inspection prior to the proposed starting date of the contract. (Must be filed with the Commission for Agreements greater than \$25,000).

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CONSULTANT COMPETITIVE SELECTION GUIDANCE SUMMARY

Routine consulting services of short duration (< 6 months)	All of the Port's annual consulting requirements for a specific discipline	Major project of more than six month's duration or requiring subconsultants
Select two or more consultants from file	Select two or more consultants from file or issue a specific solicitation to at least two consultants	Publish a specific invitation to submit qualifications
Obtain summary written proposals from selected consultants (Qualifications for A/E services)	Obtain qualifications and summary written proposals from selected consultants (Qualifications for A/E services)	Qualifications evaluated and finalists selected by panel of Port staff
Proposals and qualifications evaluated by project manager and one other person	Proposals and qualifications evaluated by panel of Port staff	Obtain written proposals (qualifications for A/E services) from selected finalists
Interviews not required	Interview one or more consultants	Interview selected finalists

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Executive Delegated Authority Matrix

	Director	Executive Director	Commission
Professional, Purchased Services		< = \$25K	> \$25K
Personal Services		< = \$10K	> \$10K
Architect/Engineering Technical Services:			
Sole Source Selection		< = \$25K	> \$25K
Competitive Selection		< = \$50K	> \$50K

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