

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

102



FROM: Department of Facilities Management

SUBMITTAL DATE:
November 17, 2004

SUBJECT: Revision of Board Policy H-7, Selection of Architectural, Engineering and Real Estate Related Services

RECOMMENDED MOTION: That the Board:

1. Approve the attached proposed revised Board Policy H-7, Selection of Architectural, Engineering and Real Estate Related Services.
2. Direct all County departments, agencies, special districts and authorities to comply with the revised Board Policy H-7.

BACKGROUND: Board Policy H-7 was last updated in 1989. There have been additions in the California Contract Code, which requires modifications and amendments to conform to the code. Further the code delineates authority and responsibility for selecting architectural, engineering and appraisal services.

Continued on Page 2

FORM APPROVED COUNTY COUNSEL

NOV 23 2004

BY *Michael J. Sylvester*

Michael J. Sylvester

MICHAEL J. SYLVESTER, Director
Department of Facilities Management

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:		For Fiscal Year:

SOURCE OF FUNDS:	<input type="checkbox"/>
	Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature *Deely A. Deaux*

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: M.O. 3.6, 8/27/02

District: All

Agenda Number:

3.11

Board of Supervisors

Form 11: Revision of Board Policy H-7, Selection of Architectural, Engineering and Real Estate Related Services

June 23, 2004

Page 2

BACKGROUND (continued)

The California Government Code 4526 requires agencies to adopt regulations specifying the procedures to be used when an agency engages the professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms. The procedures must assure that the firms are selected on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agency.

The recommended revised Board Policy H-7 incorporates the Grand Jury's recommendations and has the following new language added:

- References licensed and/or certified professional services. The previous version didn't reference licenses or certifications.
- States a selection committee will review each firm's comparative qualifications and rank the firms based on their response to the Request for Qualifications (RFQs), in accordance with California Government Code 4526.
- States projects will be reviewed by the County's CIP Team, and references the new Board Policy B-22, Capital Improvement Program.
- States the selection procedures will apply to all County departments with capital construction responsibility. These departments are the Department of Facilities Management, Regional Parks and Open Space District, Economic Development Agency, Flood Control, TLMA, Housing Authority, Redevelopment Agency, and Waste Management.
- Refers to a broader range of Real Estate related services, the previous version referred only to Real Estate Appraiser Services.
- Real Estate related services section has new language added that allows authorized departments to select and establish a list of service providers to facilitate the procurement of real estate related services based on criteria set forth within the revised Board Policy H-7.

County of Riverside, California
Board of Supervisors Policy

Subject:	<u>Policy Number</u>	<u>Page</u>
<u>Selection of Architectural, Engineering and Real Estate Related Services</u>	H-7	1 of 7

POLICY:

This policy provides specific guidance in selecting contracted Professional Facilities Services within cost and time constraints, to foster innovations in construction, provide economic opportunity for Riverside County firms, solicit expertise outside the County where it is advantageous to the County's interest, and award public contracts at fair and reasonable prices. The County shall strive for optimal results in capital outlay projects through careful selection of appropriately licensed and/or certified Professional Facilities Services. This policy is an exception to Board Policy A-18. With respect to policy H-7, Professional Facilities Services, as herein described, shall include contracted support services in: Architecture, Landscape Architecture, Structural and Civil Engineering, Geotechnical Analysis, Handicapped Accessibility Design, Energy Conservation, Construction Project Management and/or Engineering, Environmental Assessment Services, Regulatory Compliance Services and those Real Estate consulting services related to the development, purchase, sale or leasing of real property. H-7 does not cover direct performance of construction or repair activities.

It is the intent of this policy to implement and/or be consistent with the provisions of Board Policy B-11 "Award of Public Works Contracts Pertaining to County Facilities", Board Policy B-22 "Capital Improvement Program" and California Government Code Section 4526. California Government Code Section 4526 requires that Professional Facilities Services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the County, and prohibits practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit government agency employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section which would subject those employees to the prohibition of California Government Code Section 87100.

The Director of Facilities Management is an officer of the County reporting to the County Executive Officer. This position serves as the designated building official for County owned facilities and has the responsibility to support and assist other County Departments, Agencies and Districts by administering the selection of professional facilities services on behalf of County departments. Other Departments, Agencies and Districts, herein called "Authorized Entities", and with the exclusion of office construction or expansion, may procure professional facilities services pursuant to this policy as it relates to their specialized County mission. In addition to Facilities Management, the Authorized Entities are: Regional Park and Open-Space District, Economic Development Agency (EDA), Flood Control, Transportation and Land Management Agency (TLMA), Housing Authority, Redevelopment Agency, and Waste Management. These entities may also contract with Facilities Management for these services.

County of Riverside, California
Board of Supervisors Policy

Subject:	<u>Policy Number</u>	<u>Page</u>
<u>Selection of Architectural, Engineering and Real Estate Related Services</u>	H-7	2 of 7

- I. Pre-Approvals. Before negotiations can be initiated for professional services for proposed new buildings and major renovations, the scope and magnitude of cost for the project must be reviewed and approved by the County's Capital Improvement Program (CIP) Team, and an "In-Principle Approval" of the project obtained from the Board of Supervisors (Reference: Board Policy B-22, Capital Improvement Program). In addition, an "In-Principle Approval" from the Board is required as well for real estate leases which exceed the authority of the Director of Facilities Management prior to beginning the search and negotiation process.

- II. The following Professional Facilities Services selection procedures shall apply to all County Departments, Agencies and Special Districts created by the County. For environmental assessment services tied to the California Environmental Quality Act (CEQA) or similar County regulations, the County Planning Department shall maintain a list of qualified consultants, and be notified of environmental assessments prepared by other Departments, Agencies and Districts within the County.
 - A. Architectural, Engineering, Geotechnical Services, Construction Project Management, Real Estate, Environmental Assessment and Regulatory Compliance Services – professional services fees over \$100,000.
 1. Public notice of the Request for Qualification/Proposal (RFQ/RFP) will be given for each new project. Such notice will include publication in a newspaper of general circulation within the County and may also be posted on the County Web Site. Direct requests to known professional service providers may also be made.
 2. For each new project the Authorized Entity Director or designee shall appoint a Selection Committee consisting of at least three County employees knowledgeable in the field of work solicited by the Request for Qualifications/Proposals (RFQ/RFP) to review the written information submitted in response to the RFQ/RFP. Following review of written submission, the Selection Committee may also conduct interviews of qualified firms being considered for specific projects if determined appropriate.
 3. The Selection Committee will review each firm's comparative qualifications and rank the firms based on their written response to the RFQ, in accordance with California Government Code 4526 using a two step process. The Committee will combine the rankings from written RFP/Q proposal with the rankings from oral interview with the selection committee to develop the final ranking. A minimum of three firms should be chosen for interviews. The Selection Committee will recommend selection of the most qualified firm based upon professional

County of Riverside, California
Board of Supervisors Policy

Subject:	<u>Policy Number</u>	<u>Page</u>
<u>Selection of Architectural, Engineering and Real Estate Related Services</u>	H-7	3 of 7

experience, qualifications in the work to be performed, including relative comparable experience, past experience in the County, demonstrated professional excellence, availability, capability and involvement of key personnel, excellence in cost control and scheduling, relative location of firm to project site, volume of recent and current work for the County, ability to perform the work within the established timeframe and any other criteria appropriate to specific project conditions.

4. When the Selection Committee recommendation is approved by the Authorized Entity Director, or designee, one of the following methods shall be used to make a final selection:

Alternative 1). The highest ranked firm will be invited to negotiate fees for the Scope of Services. If such negotiations are not successful, the Authorized Entity Director may negotiate with the next most highly ranked firm or may reopen the RFP/RFQ process. The fees for such services will be negotiated in accordance with procedures set forth by the American Society of Civil Engineers (ASCE) or in the American Institute of Architects (AIA) Manual on Practice where such processes are appropriate. All negotiations shall be in conformance to the Government Code.

Alternative 2). If the top three (3) firms are equally qualified, the Entity may request bid proposals from all three of those firms and base selection on the most competitive bid.

- B. Architectural, Engineering, Geotechnical, Construction Project Management, Environmental Assessment and Regulatory Compliance Services – fees under \$100,000 in any calendar year.

For Professional Facilities Services under \$100,000, a group of pre-qualified firms may be established by authorized Entities. Public notice for selection of this group will be given. Such notice will include publication in a newspaper of general circulation within the County and may also be posted on the County Web Site. Direct requests to known professional service providers may also be made. The pre-qualified group shall have a valid term of up to three years. The selection procedure will reoccur at least every three years to allow all interested firms to participate. Additional firms may be added to the pre-qualified list as needed using the same processes as used initially. The three-year period allows Authorized Departments to have a reliable core of firms ready to provide Professional Facilities Services without the use of project specific RFP/RFQ's. Fees will be negotiated with a single firm selected from the Pre-qualified list of venders for the project services required. Performance of the firms on

County of Riverside, California
Board of Supervisors Policy

Subject:	<u>Policy Number</u>	<u>Page</u>
<u>Selection of Architectural, Engineering and Real Estate Related Services</u>	H-7	4 of 7

the qualified list shall be reviewed at the end of each project, but at least annually to determine whether the firm shall remain on the list. Authorized Department Directors may remove pre-qualified firms at their sole discretion based on performance or changed business conditions. The qualifications of the pre-qualified group will be based on the following election process:

1. Each Authorized Department's Director or designee shall appoint a selection Committee consisting of at least three County employees knowledgeable in the field of work solicited by the RFQ/RFP for the information submitted in response to the Request for Qualifications (RFQ). The Committee will conduct interviews of qualified firms for consideration.
2. The Committee will review each firm's comparative qualifications and determine if they meet minimum standards based on their response to the RFQ, in accordance with California Government Code 4526. A minimum of three firms should be chosen for interviews. The Committee will combine the rankings from the written proposal with the rankings from the oral interviews to develop the list. The committee will rank the firms based upon professional experience, qualifications in the work to be performed, including relative project experience, demonstrated design excellence, capability and involvement of key personnel, excellence in cost control and scheduling, relative location of firm to project site, volume of recent and current work for the County, ability to perform the work within the established timeframe and any other criteria appropriate to the general type of projects that will be considered over the length of the service. At a minimum the top three ranked firms will be selected as the approved qualified group. All selected firms shall be provided with written notice of their selection.
3. Following the above selection procedures, Authorized Entities must collectively or independently seek Board of Supervisor approval for their selected pool of firms. Fees for specific tasks may then be negotiated with any of the firms on the qualified list as projects become available. Fees for individual projects must be less than \$100,000 with a cap of \$100,000 during any fiscal year. Firms will be retained on an as needed basis for the negotiated services including, but not limited to, agreement on the scope of work, terms, conditions, and fees.
4. For environmental assessment services, excluding hazardous materials assessments routinely performed as part of real estate acquisition or disposal (Phase I, Phase II), the County Planning Department shall maintain a pre-qualified list of consultants and shall be notified of environmental assessments and/or environmental impact reports prepared by other County Departments, Agencies and Districts.

County of Riverside, California
Board of Supervisors Policy

Subject:	<u>Policy Number</u>	<u>Page</u>
<u>Selection of Architectural, Engineering and Real Estate Related Services</u>	H-7	5 of 7

5. Each authorized Entity Director will have the authority to sign contracts for amounts up to \$2,500, except where additional authority level was delegated by separate Board action, subject to approval as to form by County Counsel. Signed contracts shall then be submitted to the respective purchasing agent/fiscal staff to process a Purchase Order. The Purchase Request should specifically indicate that the selection and negotiation procedures of this Board Policy have been followed.
- C. Real Estate Related Services – Real Estate Consulting Services include by illustration: appraisal work, condemnation actions, space planning, land surveys, hazardous materials studies and remediation and record reviews, relocation assistance, real estate legal services, title reviews, title insurance, escrow services, project management and market and feasibility studies. Proposals shall be obtained from qualified providers for the work to be performed based on professional experience and qualifications for the nature of the work and ability to perform. Fees will be established through negotiations for each prospective project. If requested by an Authorized Entity, the Department of Facilities Management will make the selection and negotiate the terms of the Services Contract for the Department, subject to each Entity’s approval. To facilitate the procurement of real estate related services, the Authorized Entities will proceed as follows:
1. Quotations will be obtained from qualified service providers listing their professional experience, qualifications, and ability to perform.
 2. The authorized Entities will select and establish a list of service providers based on criteria set forth above. Entities shall be allowed to contract with these service providers under said contract with negotiated fees for an amount not to exceed \$100,000 per project, during any fiscal year. The authorized Entities shall review the qualifications of the selected service providers once a year and make changes as necessary.
 3. Should an authorized Entity exceed the \$100,000 limit for a project during the contractual period, or should the above list created by the authorized Entity not provide the expertise needed for the project, the selection procedures and negotiations listed above in II.C. will be adhered to, and the authorized Entity shall then proceed with the following procedures:
 - a. For provider services contracts over the amount of \$100,000, authorized Entities will submit a provider services contract, approved as to form by County Counsel, with Form 11 to the Board for approval.

County of Riverside, California
Board of Supervisors Policy

Subject:	<u>Policy Number</u>	<u>Page</u>
<u>Selection of Architectural, Engineering and Real Estate Related Services</u>	H-7	6 of 7

- b. For provider services contracts between \$25,000 and \$100,000, the authorized Entity Director will submit a purchase request with the consultant's signed contract, approved as to form by County Counsel, to the Purchasing Department for approval and processing. The purchase request should specifically indicate that the selection and negotiation procedures of this Board Policy have been followed.
 - c. For provider services contracts from \$2,500 to \$25,000, the authorized Entity Director will submit a purchase request with the consultant's signed contract, approved as to form by County Counsel, and will submit to the respective purchasing agent/fiscal staff to process a Purchase Order through the Purchasing Department. The Purchase Request should specifically indicate that the selection and negotiation procedures of this Board Policy have been followed.
 - d. Each authorized Entity Director will have the authority to sign contracts for amounts up to \$2,500, except where additional authority level was delegated by separate Board action, subject to approval as to form by County Counsel. Signed contracts shall then be submitted to the respective purchasing agent/fiscal staff to process a Purchase Order. The Purchase Request should specifically indicate that the selection and negotiation procedures of this Board Policy have been followed.
- III. Documentation – Documentation related to the selection process, fee negotiations and management of the consultant contract will be maintained by the initiating department for five years after completion of the performance period. Documentation should be sufficient to provide clear indication of why a firm was selected and on what basis the fee was established.
- A. Following consultant selection and fee negotiations as prescribed above, the department will proceed as follows:
 1. Submit a Form 11 with contract, approved as to form by County Counsel, to the Board of Supervisors or the appropriate Agency Board for approval.
 2. For Professional Facilities Services Agreements (PSAs)/Contracts of \$100,000 or less, the authorized Entity Director may choose to direct the award through the County Purchasing Department in lieu of Board approval. If that option is chosen, a Purchase Request with contract, approved as to form by County

County of Riverside, California
Board of Supervisors Policy

Subject:	<u>Policy Number</u>	<u>Page</u>
<u>Selection of Architectural, Engineering and Real Estate Related Services</u>	H-7	7 of 7

Counsel, will be submitted to the Purchasing Department. The Purchasing Request should specifically indicate that the selection and negotiation procedures of this Board Policy have been followed.

3. For Item II.B. above, the authorized Entity Director shall submit individual Form 11s to the Board of Supervisors for approval of each qualified group of professional service providers.
- IV. This policy will not apply to contracts covered under other County, State or Federal policies, regulations, or Board Orders.

Reference:

Minute Order 6.7 dated 3-21-1978
Minute Order 6.5 dated 11-3-1981
Minute Order 3.20 dated 7-11-1989
Minute Order ___ dated _____