



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 7, 2015

Title: Modification of Board of Supervisors Policy D29.1, Contracting for Architectural and Engineering Related Professional Services and Alternative Project Delivery Methods Under A.R.S. Title 34

Introduction/Background:

Board of Supervisors Policy D29.1 provides an approval process for obtaining Board of Supervisors award and negotiating a fee agreement with an Architectural / Engineering professional services firm subsequent to the completion of a Solicitation for Qualifications (SFQ). An evaluation panel reviews respondent's proposals and accordingly ranks them. The selected firm(s) are presented to the Board of Supervisors with a recommendation for award which includes authorization to commence negotiations of a fee agreement with the highest ranked firm up to a 'not to exceed' amount.

Discussion:

It is believed that firms may benefit from knowing the Board approved 'not to exceed' amount and use that information in their negotiation strategy. The 'not to exceed' amount provides a ceiling that firms may knowingly negotiate towards. If staff is authorized to commence negotiations with the highest ranked firm as determined by the evaluation team, without first obtaining Board approval and without identifying a 'not to exceed' amount, there will not be any undue influence in the fee negotiation. Upon completion of negotiations and final contract amount, the contract will be presented to the Board for approval.

Conclusion:

Modifying Board Policy D29.1.A.IV.I to authorize the commencement of negotiations with the highest ranked firm as determined by the evaluation panel without first obtaining Board of Supervisors approval and without identifying a 'not to exceed' amount will enhance the County's negotiating strategy, improve the timeliness of completed contracts and may reduce the costs for Architect and Engineering services.

Recommendation:

Recommend approval of the modifications of Board of Supervisors Policy D29.1 as detailed in the attached legislative style and clean copy versions of subject policy.

Fiscal Impact:

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Procurement

Telephone: 724-8161

Department Director Signature/Date:

L. H. 2/1/15 6/3/15

Deputy County Administrator Signature/Date:

Jon Burke 6-5-15

County Administrator Signature/Date:

C. D. Melby 6/5/15

Procure Dept 06/05/15 PM 02:47



**PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY**

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Purpose

This policy defines Pima County's process for the selection and contracting of architectural and engineering related professional services and alternative project delivery methods for all departments. Nothing in this policy shall prevent the County from complying with the terms and conditions of any grant, gift, bequest or intergovernmental agreement.

Policy

This Policy defines the qualifications-based evaluation process to be used in the acquisition of architectural and engineering services.

This Policy sets forth the process for the creation and use of Qualified Consultants Lists for professional service categories. Consultants on these lists may receive contracts for professional services not to exceed \$250,000 per project. Qualified consultants may be on more than one Qualified Consultants List and may enter into more than one contract with the County.

This Policy provides separate processes for acquiring professional services exceeding \$250,000 per project and for categories of work not included in the Qualified Consultants Lists.

This Policy provides a performance evaluation process which is intended to provide an incentive for Consultants to enhance the quality, timeliness, responsiveness, and cost effectiveness of consulting services provided to the County. The performance evaluation completed by the individual departments shall be used countywide in the performance evaluation process.

This Policy provides procedures to be used in procuring Alternative Project Delivery Method construction services under Chapter 6 of A.R.S. Title 34.

This Policy implements Ordinance Number 2012-10 which establishes a preference for small, local architectural and engineering firms in the award of County architectural and engineering contracts.

Definitions

Administering Department – The department requesting professional or APDM services as defined by this policy and responsible for the day to day administration of the contract.

Alternative Project Delivery Methods (APDM) – For the purpose of this Policy, the term "alternative Project delivery methods" includes design-build, construction manager at risk, and job order contracting as defined in A.R.S. Title 34.

A.R.S. – the Arizona Revised Statutes

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Board – the Pima County Board of Supervisors

Local Office – For purposes of this Policy, "local office" means a permanent office located within Pima County for at least two years that employs at least one professional that is a current Arizona Registrant in the discipline proposed and capable of performing the required professional services.

Professional Services – For purposes of this Policy, professional services are consulting services falling within the scope of architectural and/or engineering disciplines covered by "Standard Form 330" (GSA SF 330, available from the United States General Services Administration Forms Library at www.gsa.gov/forms), Exhibit 1, technical registrants as defined in A.R.S. Title 32 and the Rules of the Board of Technical Registration, and additional categories defined by the Procurement Director.

General Provisions

- Emergency acquisition of professional services shall be made in accordance with Procurement Code Section 11.12.060 AND A.R.S. § 34-606.
- Amendments and contracts shall be processed in accordance with the Board Policy D29.4.
- Protests shall be handled in accordance with Pima County Procurement Code, 11.20.010.
- The solicitation and award of multiple contracts under a single solicitation issued pursuant to this policy shall comply with the requirements of A.R.S. § 34-102.
- In certain unique circumstances, projects may require the selection of a consultant in a manner outside the provisions of this policy. With the written approval of the Procurement Director, selection of such consultants shall be in accordance with State Law.

Section A: Qualifications-Based Selection Procedure

I. General

All solicitations and procurements of Architectural and Engineering Services and Alternative Project Delivery Method contracts shall comply with the requirements of A.R.S. Title 34.

II. Advertisement

The Procurement Department shall place a Request for Qualifications advertisement in the official legal newspaper of Pima County briefly describing the project or projects and specifying the closing date for receipt of the required Statement of Qualifications (SOQ) and may also use the Internet to notice and distribute documents intended to initiate the procurement process for services. Federally-funded solicitations shall also be advertised in the Daily Star in accordance with the Publication Requirements Procurement Procedure.

III. The Solicitation

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- A. The Request for Qualifications (RFQ) shall include a request for a Statement of Qualifications (SOQ) consisting of:
 1. Standard Form 330, Architect-Engineer Qualifications (See Exhibit 1), or
 2. A qualifications statement based on a questionnaire specifically developed by the requesting department(s), or
 3. Narratives responsive to evaluation criteria or questions stated in the RFQ, or
 4. Any combination of the above.
- B. The RFQ must include a description of the project and scope of work, instructions on how to respond, and clearly identify any necessary certifications or other documents that must accompany the response. Administrative requirements, such as the number of copies, page limits and related items must be specified.
- C. The RFQ must state a definite location, date and time for submission of SOQ's after which submissions shall not be accepted. Inadvertently accepted late submissions shall be returned unopened, unless it is necessary to open the submission to identify the respondent.
- D. The RFQ shall clearly identify the evaluation criteria and their relative weight. Subcriteria ~~will~~WITH relative weights may be used to further clarify main criteria. Subcriteria stated without relative weights are presumed to be equal in value and must be applied in that manner.

IV. Selection Procedure

- A. Selection shall be based on an evaluation of the SOQ using the evaluation criteria published in the solicitation and may include interviews. The selection process for professional services, other than architectural services, not exceeding \$500,000, or for professional architect services not exceeding \$250,000, may include the evaluation of interviews with the competing consultants if the solicitation provided for interviews. Interviews are required for projects over \$500,000, and for architect services in excess of \$250,000, but may be waived with the approval of the Procurement Director. The evaluation criteria and relative weights shall be stated in the solicitation.
- B.
 1. A competent evaluation committee shall be established in accordance with this Policy and the "Evaluation Committee Selection and Administration" procurement procedure. For contracts expected to exceed \$2,000,000 in value, the evaluation committee shall, if practicable, have seven members comprised of four members nominated by the department director, two members from other departments or jurisdictions, and one member from a qualified professional services firm. For APDM, the private sector representative on the panel must be a senior management official from a licensed contractor.
 2. For the Qualified Consultants List, the evaluation committee shall have at least three members (not including the Chair), including, if practicable, at least one member from a qualified professional services firm not participating in the procurement. Additional representatives from

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qualified professional services firms may be added to panels or substituted for department or other public members, subject to the limitation that an evaluation panel for APDM may not exceed seven members unless in compliance with A.R.S. § 34-603(C)(3).

3. All panel members must possess the technical qualifications, experience and competence necessary for the evaluation, such determination to be at the sole discretion of the Procurement Director. Direct supervisor-employee relationships between or among evaluation committee members are not allowable unless approved in writing by the Procurement Director. All panel members must execute a no-conflict and confidentiality statement before serving on a panel.
 4. Appointees from outside Pima County shall not receive compensation for performing this service; however, the administering department may elect to reimburse outside appointees for travel and lodging expenses incurred in connection with service on the consultant selection panel. The Procurement Director will appoint the consultant selection evaluation panel members and a Procurement Department Contract Officer shall serve as the non-scoring chair of the panel. No individual employed by any of the competitors within the twelve months preceding the beginning of the selection process may participate as an evaluator for Pima County.
- C. Evaluation criteria points shall include SBE points as set forth in Pima County Code Chapter 20.04.030 and 20.20.010 and Small Local Business preference points as set forth in Pima County Code Chapter 11.12.030.D, for A&E procurements. Notice of the preference(s) must be included prominently in the solicitation.

Neither SBE nor Small Local Business preference points may be applied in a Federally-funded competitive solicitation for a contract that exceeds or will exceed the Federal simplified acquisition threshold (SAT) defined in subpart 2.1 of the Federal Acquisition Regulation, 48 C.F.R. § 2.101. With the approval of the granting agency, SBE and Small Local Business preference points may be applied in a Federally-funded competitive qualifications-based procurement for a contract that will not exceed the SAT.

- D. RFQ responses must be assessed for compliance with the administrative requirements of the solicitation (format, page count and limitations, signature, etc.) before being transmitted to the selection panel for evaluation. Responses that do not conform to the administrative requirements shall be rejected and not evaluated.
- E. Evaluation panel members shall independently score the Statements of Qualifications using only the criteria stated in the solicitation. The scores shall be in whole numbers and must be accompanied by explanatory comments supporting the score. The evaluation panel members shall provide their scores and comments to the panel Chair who shall collate the scores. If no interviews are held, the rank order of the respondents will be determined by the average of their evaluation scores on the written submission, with the firm having the highest average score (including applicable SBE and Small Local Business preference points) being the highest ranked. To avoid the loss of information in the case of close scores, averages will be computed to two decimal places.
- F. If interviews are to be held, the Procurement Director shall extend the invitation for interviews to respondents in accordance with A.R.S. 34-603(C)(2)(c)(i). Firms to be interviewed must be

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provided with specific questions, issues or topics to address in the interview and advised of the specific criteria applicable to the interviews in the invitation, unless the criteria are stated in the solicitation. The number of firms specified in the solicitation receiving the highest scores on the evaluation of the Statements of Qualifications shall be invited to participate. Interviews shall be scored based only on the applicable criteria. Scores shall be in whole numbers and must be accompanied by explanatory comments supporting the score. The interview score and written score shall be equally weighted in determining final rank order, with the respondent with the highest average score (including applicable SBE and Small Local Business preference points) being the highest ranked. To avoid the loss of information in the case of close scores, averages will be computed to two decimal places.

G. If the difference between the highest score and the second highest score is less than one percent (1%) of the total available points, the evaluation shall be presented to the Procurement Director for approval and/or direction.

~~H.~~ H. If the scores for two or more consultants are tied and one consultant maintains a local office, the consultant maintaining the local office shall be ranked higher. If both firms maintain local offices and one of the firms is a local Tucson firm not affiliated with a national firm, then the latter shall be higher ranked. If both firms maintain local offices and are not affiliated with a national firm, then the firm awarded the lesser value of work from the County in the immediately preceding twelve months shall be ranked highest.

~~I.~~ I.

~~I.~~ The Procurement Director shall provide a recommendation to the Board for award of the contract(s) based on the ranking by the evaluation panel. Upon award, the selected firm or firms shall be contacted by the Procurement Department and contract negotiations shall commence. If an agreement cannot be reached, the Procurement Department shall terminate negotiations with that firm and proceed to negotiate with the next ranked firm until the final list is exhausted. SOLICITATIONS MAY NOT STATE A COST ESTIMATE OR RANGE FOR THE SERVICES. AFTER THE EVALUATION TEAM SELECTS THE FINAL LIST, NEGOTIATIONS MAY BE INITIATED WITH THE HIGHEST-RANKED FIRM, SUBJECT TO THE PROCUREMENT DIRECTOR'S PRIOR APPROVAL OF THE SELECTION OF THE FINAL LIST IF REQUIRED UNDER "G" ABOVE. IF AN AGREEMENT CANNOT BE REACHED WITH THE HIGHEST-RANKED FIRM, THE PROCUREMENT DEPARTMENT SHALL TERMINATE NEGOTIATIONS WITH THAT FIRM AND PROCEED TO NEGOTIATE WITH THE NEXT RANKED FIRM UNTIL THE FINAL LIST IS EXHAUSTED. IF AN AGREEMENT IS REACHED, THE COMPLETED CONTRACT SHALL BE PRESENTED TO THE BOARD OF SUPERVISORS FOR AWARD. ONCE NEGOTIATIONS ARE TERMINATED WITH ANY FIRM, THAT FIRM MAY NO LONGER BE CONSIDERED, NOR MAY NEGOTIATIONS BE REOPENED WITH THAT FIRM.

J. In accordance with A.R.S. §§ 34-603(H), 604(H) only the names of the firms on the final list may be disclosed until award of the contract. The disclosure of procurement information after award shall be in accordance with the applicable cited section. Additional disclosure may be provided in support of the protest process.

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- K. The County may cancel a Request for Qualifications or a Request for Proposals or reject in whole or in part any or all proposals as specified in the solicitation if it is in the best interests of the County. The County shall make the reasons for cancellation or rejection part of the procurement file.

Section B: Contracts with Consultants on Qualified Consultant Lists for Professional Services Not Exceeding \$250,000 Per Project

I. Creation of Qualified Consultants List(s)

- A. The County desires to introduce competition into the direct selection of consultants under A.R.S. § 34-103 for small projects to ensure that only qualified consultants are retained for County projects. Therefore, the Procurement Director may establish, using the following procedures, lists by discipline of the most qualified consultants from among respondents to openly competitive qualifications-based solicitations in accordance with Section A that shall be known as "Qualified Consultants Lists."
- B. Using the list of work categories in Standard Form 330 (Exhibit 1), technical registrants as defined in A.R.S. Title 32 and the Rules of the Board of Technical Registration, or other categories approved by the Procurement Director, each administering department shall identify the categories of work for which professional services will be retained, estimate the annual dollar amount for each work category identified and submit the information to the Procurement Department.
- C. On such schedule as the Procurement Director determines appropriate, the Procurement Department shall place an advertisement in the official legal newspaper of Pima County requesting SOQs from consultants in one or more disciplines. Notice of the RFQ shall also be made available to interested consultants and all certified SBE firms qualified to perform the types of work listed in the advertisement by posting on the County website. Unless earlier disestablished, an individual Qualified Consultants List will expire five (5) years from the date of its most recent competition for a replacement list.
- D. The RFQ shall state the number (or maximum number) of firms that the County intends to place on the qualified list for each category covered by the RFQ.
- E. QCL lists shall be reviewed at least annually to ascertain the extent of use. Lists that are not used or rarely used may be disestablished upon written determination by the Procurement Director that they are no longer needed. For years in which there is sufficient growth in anticipated workload to support a reasonable expectation that additional firms might be assigned work, or in which one or more firms have been eliminated from a specific list for any reason, the Procurement Director may provide a competitive opportunity for additional firms to be added to the list. Individual Qualified Consultants Lists need not be refreshed in this manner for any year in which little or no additional work is expected.

II. Competitive Selection Process and Assignment of Consultants to Qualified Consultants Lists

- A. There shall be a Qualified Consultants List for each category of work or discipline for which professional services will be retained in sufficient amount to offset participation in the competitive procurement. A solicitation will be issued for each category of work and an evaluation panel will be

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convened to evaluate the responses submitted for each category of work.

- B. The evaluation panel shall be established in accordance with this Policy and the "Evaluation Committee Selection and Administration" procurement procedure. Each administering department director or designee shall appoint at least one qualified senior staff member to the evaluation panel. The Procurement Department Commodity/Contracts Officer (CCO) shall serve as the non-scoring chair of the panel. No member of the evaluation panel may have a pecuniary interest in the outcome of the consultant selection process, or be an employee or agent in any capacity to any consultant whose qualifications will be evaluated by the panel.
1. Statements of Qualifications submitted in response to the RFQ will be evaluated in accordance with the provisions of Section A: Qualifications-Based Selection Procedure above. Firms shall be placed on the qualified list in rank order, up to the number specified in the RFQ.
 2. Evaluation criteria points shall include SBE points as set forth in Pima County Code Chapters 20.04.030 and 20.20.010 and Small Local Business preference points as provided in Chapter 11.12.030 (D).
 3. The Commodities/Contracts Officer shall submit the evaluation results and copies of the recommended Qualified Consultants List to the Procurement Director who shall review the list and confirm that each consultant meets the County's requirements. Once approved by the Procurement Director, the Qualified Consultants Lists are available to be used by the administering departments in the consultant selection process.
- C. The information considered and documents generated by the evaluation panel are confidential during the evaluation period. After the Qualified Consultants List has been approved by the Procurement Director, all information considered and documents generated during the evaluation process will be maintained by the Procurement Department as public records.
- D. The Procurement Department shall send the list of Qualified Consultants to each consultant that submitted a qualifications statement and each administering department. Consultants that submitted qualifications statements may file a protest regarding any aspect of this consultant selection process within five business days after the consultant knew or should have known of the establishment of the Qualified Consultants List.
- E. To simplify the contracting process, the Procurement Department may, whenever appropriate, establish an agreement on terms and conditions that incorporates the terms under which services may be ordered, the terms and conditions applicable to such services, and the Consultant's agreed rates. An Administering Department may establish a contract for services by issuing a Delivery Order that incorporates the previously agreed terms and conditions, plus scope and fee for the specific services to be rendered.
- F. The County cannot guarantee that consultants on the Qualified Consultants Lists will be assigned projects. The County reserves the right to use any approved consultant selection process for any project.

The County may set a maximum fee schedule for professional services.

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III. Selection of Consultants for QCL Projects Not to Exceed \$250,000.

- A. As the need arises, the administering department shall prepare a draft scope of work and an estimated budget for the contract. The Administering Department shall set forth the reasons in writing for selection of the particular consultant. Those reasons may include, but not necessarily be limited to, the highest qualified firm for the category or categories of work required, satisfactory performance on similar projects, special skills or experience, or SBE participation. The QCL may be used for federally-funded projects up to the Federal simplified acquisition threshold defined in subpart 2.1 of the Federal Acquisition Regulation, 48 C.F.R. § 2.101, with the approval of the granting agency. For Federally-funded projects, the highest-ranked firm will be selected unless the granting agency approves otherwise.
- B. The selected consultant will be given an opportunity to review the scope of work and prepare a fee estimate. The administering department's project manager and the consultant will negotiate a final scope of work and fee. Fees shall be consistent as possible across the consultants on the Qualified Consultants List. If the selected consultant is not available to perform the work within the County's cost and time requirements, the Administering Department may terminate negotiations with another consultant on the Qualified Consultants List. The Administering Department may not return to or reopen negotiations with a firm after it has terminated negotiations with that firm.
- C. After agreement on the scope of work and fee, the Administering Department shall establish a contract for the work by issuing a Delivery Order under the applicable Master Agreement. The Scope of Work, Fee Agreement, and written explanation for selection of the consultant shall be attached to the Delivery Order.
- D. No consultant shall be awarded more than \$500,000 per twelve month period per Qualified Consultant List.
- E. No individual contract may exceed \$250,000. Projects may not be split to avoid the \$250,000 limit on individual QCL contracts.
- F. Final approval of the contract shall be in the Procurement Department.

IV. Contract Term and Value

Each QCL contract shall be awarded for a term not to exceed one year. The Procurement Director may extend the contract for up to two additional one-year periods to complete the project, but the total contract shall not exceed \$250,000.

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Section C: Direct Selection for Professional Services

I. Use of Direct Selection Authority Under A.R.S. § 34-103

In certain instances, projects may require a consulting specialty that a consultant on a Qualified Consultants List cannot reasonably provide, there may be exigent circumstances, or there may be a consultant available that is possessed of such particular expertise or experience necessary for a particular project that their direct selection would be in the public interest. In this situation, the administering department may request the Procurement Director's approval to direct select the recommended consultant. The request shall set forth the basis for the recommendation. The selection shall be in accordance with State Law.

II. Limitations on Use of Authority

This authority may only be used for projects that do not exceed the dollar limits for the direct selection of Architects and Engineers in A.R.S. § 34-103.

Section D: Selection of Procurement Method

- A. The Qualified Consultants List shall be the preferred method for the procurement of consulting services for all projects up to \$250,000.
- B. The Qualifications-Based Selection Process in Section A is the preferred method for the procurement of consulting services for all projects in excess of \$250,000.
- C. Subject to the dollar limitations in A.R.S. § 34-103, Direct Selection may be used in lieu of either A or B above where its use will benefit the County.

Section E: Performance Evaluation

I. Non-Design Consulting Contracts

During the initial phases of a capital or other type of project, Consultants may be retained to perform any number of tasks, such as cultural or geotechnical analyses or biological or environmental assessments, that are important to the initiation of a project. Upon completion of any of these non-design consulting tasks that exceed \$50,000 the department's project manager shall evaluate the consultant's performance by completing a Department of Defense Form 2631 (DD Form 2631, Exhibit 2) available on the Procurement intranet site. The project manager shall send the completed evaluation form to the Procurement Department Design and Construction Division within 10 business days of the completion of the design or consulting task. The Procurement Department shall send a copy of the form to the consultant who will have ten (10) business days from date of receipt to provide any comments, rebuttals or additional information. If the Consultant does not provide comments within the prescribed time period, the evaluation shall be considered final.

The final evaluation form and the Consultant's response shall be maintained in the Procurement Department to document the consultant's performance on Pima County projects. This information will be applied in accordance with this policy.

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II. Design Consultants

- A. Upon completion of a design exceeding \$100,000 associated with a capital project, the department's project manager shall evaluate the consultant's performance by completing a DD2631 and following the process for Non-Design Consulting Tasks.
- B. During construction and other post-design activities, the Department's PM will track the impact the design has on the work and conduct a final evaluation at the end of construction that takes into account the impact on construction of design errors or omissions, owner requested changes, and changed conditions, including consideration of disruption or delays in construction, the number of change orders and additional costs attributable to each, and the consultant's response to design errors and omissions. The Project Manager shall complete a DD Form 2631 in conjunction with project closeout and send a copy to the Design and Construction Division.

III. Using Consultant Evaluations

Completed consultant evaluations will provide an additional source of past performance information in qualifications-based selections and may also be considered as one factor in the selection of Consultants from the Qualified Consultants List. All other factors being equal, the Consultant with the better performance history will be higher-ranked. So as not to penalize Consultants that have no prior experience with Pima County in qualifications-based selections, performance evaluations will be given no greater weight than past performance information from other sources, such as references.

Section F: Alternative Project Delivery Methods (APDM) for Construction Contracts – Contracts for Design Build and Construction Manager at Risk Projects and Job Order Contracting

I. Purpose

This Policy adds Pima County-specific requirements to the provisions in A.R.S., Title 34, for APDM procurement and contracts.

II. SBE

- A. APDM Contracts are subject to the requirements of Title 20 of the Pima County Code, Small Business Enterprise Code. The Procurement Director shall establish an appropriate goal and procedure for each APDM Contract, unless precluded by Federal participation.
- B. It shall be a requirement in each solicitation for an APDM contract for which a subcontractor selection plan is required under A.R.S. § 34-603 that the subcontractor selection plan address how the respondent will meet any applicable SBE goal.

III. Applicable Procedure

A. Initiating APDM Procurements

1. Departments desiring to establish an APDM Contract shall submit a requisition to the Procurement Department requesting the establishment of an APDM contract. The request shall

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be accompanied by the proposed scope of work and must identify the applicable center and fund numbers. The request must identify and explain the basis for the selection of the project delivery method or demonstrate that the delivery method was approved through an Exit Gate proceeding. For Job-Order-Contracts, the request may also propose a maximum amount for individual Job Orders for approval by the Procurement Director.

2. Any department requesting the establishment of an APDM contract for construction services, the procurement of which may obligate the County to pay a stipend, fee, or any other form of compensation for proposal preparation or design to any unsuccessful competitor, must notify the Board of Supervisors by memorandum of such request at least 30 days prior to the first date of publication of the solicitation.

B. Procurement Procedures

The Procurement Department shall follow the procedures and adhere to the requirements of A.R.S. Title 34 in all respects in the procurement of APDM contracts. Nothing in this Policy shall be deemed to authorize deviation from the requirements of A.R.S. Title 34.

C. Evaluations

1. The Procurement Director and the administering department shall agree upon a weighting of the scores to be assigned to each evaluation criterion. The evaluation criteria and relative weights shall be stated in the solicitation. The evaluation shall be conducted under the procedures in Section A: Qualifications-Based Selection Procedure of this Policy.
2. The number and qualifications of the members of the evaluation committee shall be in accordance with the requirements of A.R.S. Title 34, the "Evaluation Committee Selection and Administration" procurement procedure and this Policy. The administering department shall nominate qualified members to the Evaluation Committee who are subject to approval and appointment by the Procurement Director. An employee of the Procurement Department shall serve as the non-scoring chair of the evaluation committee.
3. For each solicitation for which a subcontractor selection plan is required under A.R.S. §§ 34-603 or 604, the subcontractor selection plan shall be evaluated separately by the Contracts Officer, a representative from the SBE Program, and the Department Program/Project Manager. The score from the subcontractor selection plan evaluation shall be added to the technical evaluation score from the evaluation of proposals to arrive at the total evaluation score.

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D. Recommendation for Award

The Procurement Department shall compile and verify the results of the evaluation. Based on the results of the evaluation, the Procurement Director shall prepare the recommendation for award of the contract(s) for APDM construction services.

E. Contracts for APDM Construction Services

To the extent practicable, contracts for APDM construction services shall be based on approved County standard construction contracts. Contracts for APDM construction services shall comply in all respects with the requirements of A.R.S. Title 34.

F. Performance Tracking

The department shall evaluate the APDM contractor's performance by completing a Performance Evaluation (Construction) form after completion (or termination) of each APDM project. Upon completion, the form shall be sent to the Procurement Department and attached to the procurement record. The Procurement Department will provide the form through its website.

IV. Job Order Contracts

A. Job Order Contract Type

Job Order Contracts will normally be multiple-award with provision for the Job Order Contractors to compete for job orders that exceed the threshold established in the contract. Other structures, such as single-award or single-award with price book are available with the approval of the Procurement Director.

B. Responsibility

The Director of the department administering a Job Order Contract is responsible for ensuring that the Job Order Contract is properly administered and not misused. For example:

- Job orders may not exceed the limit for individual job orders in the contract.
- Jobs may not be split or divided between two (or more) job orders to stay under the job order limit.
- Job orders may not be used to purchase or otherwise acquire equipment or materials of any nature that are not to be used in a construction project performed under the same job order.

Departments desiring to use any Job Order Contract administered by another department must make arrangements for doing so through the Director of the administering department.

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C. Bonding

All job orders must be 100% covered by performance and payment bonds issued in the form prescribed in A.R.S. Title 34. The department Director is responsible for ensuring that each job order has adequate bonding coverage before work ensues under the job order. If a JOC Contractor bonds on a job order by job order basis, bonds will be scanned and attached to the Delivery Order for the job order to which they pertain. Hardcopy bonds shall be retained in the administering department's job order file.

D. Issuing Job Orders

A.R.S. Title 34 requires agreement on price before any work begins. A final negotiated Delivery Order authorizing the scope and the not to exceed job order cost must be issued from the County enterprise business system before any work takes place under the job order.

E. Job Order Contents

The objective of the job order documents is to provide the contractual basis for the work and payment and ensure transparency, accountability and an auditable transaction. Specifications, bonds, schedules, and other documents or information describing the work and the obligations of the parties shall be scanned and linked to the Delivery Order in the procurement file so that the documents will provide a complete description of the job order. If the documents are too voluminous for scanning and electronic storage, the physical file must be identified in the record. In the case of a job order awarded under a multiple-award job order contract, the documents should contain evidence of the competition conducted to award the job order. Administering Departments are responsible for maintaining job order documents.

F. Application of Job Order Limits

The amount that can be awarded in a single job order is limited to either one-million dollars or a lesser amount stated in the job order contract. These limits are strictly enforced. The PM must assess the risk of changes in a job and limit any associated job order to an amount that will provide reasonable room for changes. Jobs shall not be split to avoid the dollar limitation on job orders or to bring a job within the job order limits to avoid the requirement for competition outside the Job Order Contract.

G. Projects Identified in Advance

Where projects are known sufficiently in advance of the required completion date to allow for use of the design-bid-build method of project delivery, departments must consider use of that method. Departments shall periodically bid potential job order projects to provide a basis for comparison with job order contractor pricing and performance. The department must have a basis for comparison to establish the reasonableness of the JOC's pricing before recommending contract renewal.

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H. JOC Performance Tracking

Unless otherwise approved by the Procurement Director, the department shall evaluate the job order contractor's performance by completing a Department of Defense Form 2626 (DD Form 2626, Exhibit 3) after completion (or termination) of each job order of \$100,000 or more. Upon completion, the form shall be sent to the Procurement Department and attached to the job order record. The Procurement Department will provide the form through its website. The Contractor's performance and pricing shall be a consideration in determining whether to renew the JOC.

I. Renewals

Requests to renew JOC contracts must be supported by assurances that the job order contractor has performed satisfactorily and that the job order contractor's work is reasonably priced. The Procurement Department may request and review the supporting evidence underlying the assurances.

J. Review

Departmental use of JOCs is subject to review by the Procurement Department. Departments shall cooperate fully with all such reviews. The Procurement Director, with the approval of the County Administrator, may withdraw, modify or curtail the authority of any department or any staff member of any department that has been determined on the basis of such review to have misapplied, abused or misused a JOC.

Implementation

This Policy shall apply to all solicitations for architectural and engineering related professional services and alternative project delivery method contracts advertised after the revision date below.

The performance evaluation requirements of this Policy are effective on the revision date for all existing and future contracts for A&E or APDM.

Effective Date: Adopted March 18, 2003
Revised Date: November 19, 2013

EXHIBIT 1

STANDARD FORM 330 INSTRUCTIONS AND FORM HERE (14 PAGES)

EXHIBIT 2

DD FORM 2631 (2 PAGES)

EXHIBIT 3

DD FORM 2626 (2 PAGES)