

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Number 25.60	Issue 11	Page 1 of 9
	Effective Date November 1, 2011		

1. Purpose

1.1 This administrative regulation (A.R.) is intended to augment Council Policy 300-7 by establishing procedures for selecting and hiring licensed architectural and engineering consultants (A&E Consultants).

2. Scope

2.1 The procedures in this A.R. describe the category and procedures for selection of A&E Consultant contracts which may be awarded by Purchasing & Contracting (P&C), Public Works Contracting Group (PWCG), Assistant Chief Operating Officer, Chief Operating Officer, the Mayor or City Council.

3. Definition

3.1 Architectural and Engineering Consultants (A&E Consultants): Including but not limited to Engineering professionals engaged in the practice of civil, structural, mechanical, traffic, corrosion, electrical, geological engineering; landscape architects licensed by the State Board of Landscape Architects; and architects licensed by the State Board of Architects, land surveyors, and professional consultants in the archeological, biological, and environmental disciplines.

3.2 Consultant Rotation List: A list of A&E Consultants, established for a 2-year period. This list may, in the Initiating Department's discretion, be used for A&E Consultant contracts involving an expenditure between \$25,000 or more up to \$250,000, inclusive.

3.3 Single Requirements Project: A project valued between \$25,000 or more up to \$250,000, inclusive, that does not utilize the Consultant Rotation List due to the specialized or unique nature of the scope of work, or a project with a value over \$250,000.

3.4 Consultant Services Coordinator (CSC): City staff person who coordinates the hiring of A&E Consultants.

(Supersedes Administrative Regulation 25.60, Issue 10, effective June 1, 2004)

Authorized


CHIEF OPERATING OFFICER


CITY CLERK


PERSONNEL DIRECTOR

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 25.60	Issue 11	Page 2 of 9
SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Effective Date November 1, 2011		

- 3.5 Initiating Department (ID): The department hiring an A&E Consultant for professional services that cannot be performed by the City because of time constraints or because of the City's need for special expertise.
- 3.6 Shortlist/Selection Committee (SC): The SC is composed of ID staff, staff members from other departments or agencies, EOC representative, and community representative if applicable. Note: in the case of Enterprise fund project, a member of the Participating Agency must be included. The SC meets, composes specific selection criteria for selecting the A&E Consultant, interviews firms, ranks firms in order of preference, and selects A&E Consultants in accordance with Council Policy 300-07 and this A.R.

4. Policy

- 4.1 A&E Consultants may be used when the City requires special expertise or when time constraints render the work beyond the capability of City staff.
- 4.2 Each step in the A&E Consultant selection process shall be objective and fully documented by the ID or SC, as applicable.

5. General Responsibilities

- 5.1 ID staff:
 - 5.1.1 Reviewing this A.R. and related council policies and administrative regulations for compliance;
 - 5.1.2 Implementing the consultant selection procedure, chairing the Short List/Selection Committee (SC), processing and routing the consultant selection paperwork according to this A.R. and related council policies and administrative regulations; and,
 - 5.1.3 Providing the scope of work, timelines and deliverables, and negotiating the price for the final contract.
- 5.2 ID Deputy Director:
 - 5.2.1 Ensuring staff implement, process, and route the consultant selection according to this A.R., related council policies, and P&C/PWCG guidelines and policies;
 - 5.2.2 Reviewing negotiated consultant contracts; and,
 - 5.2.3 Approval via Purchase Requisition/Order of consultant contracts in a single amount or a cumulative amount less than \$25,000.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 25.60	Issue 11	Page 3 of 9
SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Effective Date November 1, 2011		

5.2.4 Review via 1544 of consultant contracts in a single amount or cumulative amount up to \$250,000, inclusive.

5.3 Chief Operating Officer/Assistant Chief Operating Officer:

5.3.1 Ensuring the Department Director and Project Managers comply with this A.R. and related council policies and administrative regulations; and,

5.3.2 Approval via 1544 of consultant contracts in a single amount or a cumulative amount up to \$250,000, inclusive.

6. Contracts Involving an Expenditure of Less than \$25,000

6.1 May be authorized by the ID without a competitive process.

6.2 The ID will ensure that P&C/PWCG's CSC is notified upon selection of the firm and that award procedures, as defined by P&C, are followed.

6.3 In order to achieve the SLBE/ELBE goal (established on an annual basis), an ID hiring an A&E Consultant must contact, solicit a proposal from and consider for award, a minimum of one (1) firm from the City's approved SLBE list. This requirement is waived if there are no qualified firms on the list. It shall be the Project Manager's responsibility to select a firm from the SLBE/ELBE list or to obtain a written waiver from EOCP.

7. Contracts Involving an Expenditure of \$25,000 or More Up to \$250,000, Inclusive

7.1 May be awarded by using the Consultant Rotation (CR) List procedure:

7.1.1 The ID obtains five names from the Consultant Rotation List for the discipline required.

7.1.2 The CSC emails the scope of services and a draft contract with the most current version of the EOCP Consultant Requirements to potential interviewees. The interviewees shall be required to fulfill the EOCP requirements within ten (10) calendar days from the establishment of a completed short-list.

7.1.3 The CSC shall utilize the following checklist to determine whether all the required information from the EOCP Consultant Requirements has been submitted:

1. Disclosure of Discrimination Complaints (see Exhibit D, Section II A)
2. Current Work Force Report (see Exhibit D, Section III B & Attachment AA)

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 25.60	Issue 11	Page 4 of 9
SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Effective Date November 1, 2011		

3. Subcontractor Participation List (see Exhibit D, Section IV B & Attachment BB)
 4. Subconsultant Commitment Letters (see Exhibit D, Section IV C)
 5. Outreach Efforts (see Exhibit D, Section V A1)
 6. Past Participation Levels (see Exhibit D, Section V A2)
 7. Equal Opportunity Employment Strategies (see Exhibit D, Section V A3)
 8. Community Activities (see Exhibit D, Section V A4)
- 7.1.4 Only those firms that submit all required documents within ten (10) calendar days of completion of the short-list for the project shall be forwarded to the Project Manager (PM) and EOCP Program Manager to continue the interview process.
- 7.1.5 EOCP staff shall evaluate the responses and provide the results to the PM within 10 business days.
- 7.1.6 ID establishes the SC and extends invitations to all five firms. SC interviews a minimum of three firms, selects an A&E Consultant, and submits the memo recommending the selected Consultant (see sample - Attachment A), along with the list of firms forwarded for review (see sample - Attachment B), to the ID Director.
- 7.1.7 ID confirms that the cumulative citywide amount of contract awards to the Consultant in the current fiscal year, including the current award, does not exceed \$250,000.
- 7.1.8. ID notifies the CSC of selected A&E Consultant.
- 7.2 May be awarded by using the Request for Proposal (RFP) process:
- 7.2.1 ID submits to the CSC a detailed project description, the A&E Consultant disciplines required, a proposed scope of work, and any special selection criteria.
 - 7.2.2 CSC publishes an advertisement in accordance with this A.R. and submits to the ID the proposals received in response to the advertisement after the ID submits completed confidentiality agreements.
 - 7.2.3 ID establishes the SC, which will review and evaluate proposals and select which of the respondent firms are short-listed for interviews. ID notifies both the selected and non-selected firms of the short-list selection results.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 25.60	Issue 11	Page 5 of 9
SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Effective Date November 1, 2011		

7.2.4 CSC forwards any completed performance evaluation forms on file for those firms shortlisted for interviews.

7.2.5 SC interviews short-listed A&E Consultants and ranks them. SC submits the rankings to ID Director and informs CSC of the selection rankings. SC shall document all reasons justifying the selection rankings.

7.2.6 ID notifies all A&E Consultants interviewed of the selected A&E Consultant.

7.3 May be awarded under a sole source justification in accordance with SDMC §22.3037 and Council Policy 300-07.

8. Contracts or Amendments Involving an Expenditure for More than \$250,000

8.1 City Council approval is required to award contracts or amendments for an expenditure of more than \$250,000.

8.2 Contracts falling in this category include a single contract for an expenditure exceeding \$250,000; a contract resulting in the cumulative amount of contract awards to the Consultant in the current fiscal year, including the current award, to exceed \$250,000; and amendment of a contract that either causes the total contract value to exceed \$250,000 or causes the cumulative value of contracts awarded to the Consultant for the fiscal year to exceed \$250,000.

9. Advertising

9.1 The following shall be advertised in the official City newspaper for a minimum of one day; and also may be placed in up to three minority-focused papers for a minimum of one day, a minimum of 30 days prior to the RFQ/RFP deadline.

9.1.1 The annual request for qualifications (RFQ) for A&E disciplines to establish the Consultant Rotation Lists; and

9.1.2 Any Single Requirement Project for an expenditure of \$25,000 or more up to \$250,000, inclusive, where the RFP process was used, and

9.1.3 Any specific contract for an expenditure in excess of \$250,000.

9.2 All advertising must include the following statement:

9.2.1 It is the policy of the City of San Diego to encourage equal opportunity in its

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 25.60	Issue 11	Page 6 of 9
SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Effective Date November 1, 2011		

professional services contracts. Toward this end, proposals from small businesses, disabled-owned businesses, women-owned businesses, firms owned by African Americans, Native Americans, Asian Americans, Filipinos and Latinos, and local firms are strongly encouraged. Prime Consultants are encouraged to subconsult or joint venture with these firms. The City endeavors to do business with firms sharing the City's commitment to equal opportunity and will not do business with any firm that discriminates on the basis of race, religion, color, ancestry, age, gender, sexual orientation, disability, medical condition, or place of birth.

- 9.3 The CSC shall send the RFP to the Director of Administration and EOCP Program Manager in order to facilitate the process of notifying firms on the City's approved SLBE/ELBE list of the opportunity.

10. Selection of A&E Consultants to the Consultant Rotation Lists

- 10.1 Once annually, prior to March, ID submits to the CSC a list of all CIP projects and a description of all services or A&E disciplines that may require selection of previously qualified A&E Consultants.
- 10.2 The CSC publishes an advertisement in accordance with this A.R. and receives all qualifications submitted by the A&E Consultants.
- 10.3 The CSC notifies respondent A&E Consultants of the A&E Consultants selected for inclusion on the annual Consultant Rotation Lists.

11. Procedures Prior to Awarding a Contract

- 11.1 ID obtains certificates and any endorsements thereto, reflecting the A&E Consultant's insurance coverage required by the final contract. These documents must be on file with the P&C/PWCG prior to award/Notice to Proceed (NTP). Failure to file documents acceptable to the City in a timely fashion is cause for City's awarding to another A&E Consultant.
- 11.2 ID ensures that every A&E Consultant contract is governed by a written contract, executed by P&C/PWCG, the City Attorney, and the A&E Consultant.
- 11.3 ID completes and distributes Consultant Award Tracking Form, ECP-5 (Attachment C).
- 11.4 ID obtains an appropriate funding verification (e.g., Comptroller's Certificate (CC), Comptroller's SAP approval, etc.) certifying the availability of funds for the full amount of the

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number	Issue	Page
	25.60	11	7 of 9
SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Effective Date		
	November 1, 2011		

A&E Consultant contract. A Purchase Order may be used for a contract for less than \$25,000; a Comptroller's Certificate is required for any greater expenditure.

11.5 ID submits the A&E Consultant contract, required attachments, and all other necessary documents to the appropriate approving authority.

12. Effects on Contracts

Failure of a City employee or department to comply with this A.R. shall in no way affect the validity of any A&E Consultant contract entered into between the successful A&E Consultant and the City.

13. Clarifications of Contract Amount and the Appropriate Approval Authority

13.1 One contract with one Consultant in one fiscal year for an amount less than \$25,000 requires a Purchase Order. P&C/PWCG signs agreement.

13.2 One contract with one Consultant in one fiscal year for an amount of \$25,000 or more up to \$250,000, inclusive, requires a 1544. P&C/PWCG signs agreement.

13.3 One contract with one Consultant for an amount over \$250,000 requires City Council approval via a 1472. P&C/PWCG signs the agreement.

13.4 More than one contract with one Consultant resulting in the cumulative award to the Consultant for a fiscal year totaling \$25,000 or more up to \$250,000, inclusive, requires a 1544. P&C/PWCG signs the agreement.

13.5 More than one contract with one Consultant resulting in the cumulative award to the Consultant for a fiscal year to exceed \$250,000 requires a 1472. P&C/PWCG signs the agreement.

13.6 A contract amendment that increases the total amount of the original contract to over \$250,000 requires City Council Approval via a 1472. P&C/PWCG signs the agreement.

13.7 The calculation of the cumulative contract award for a fiscal year is based on the execution date of each contract, which is the date by which the last party signed. The date of progress payments and the progress payment schedule are irrelevant.

13.8 The determination of cumulative amount of contracts awarded within one fiscal year is a

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 25.60	Issue 11	Page 8 of 9
SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Effective Date November 1, 2011		

Citywide calculation, as opposed to interdepartmental. For example, if Department A has a contract with Vendor X for \$249,000 and Department B initiates a contract with Vendor X for \$2,000, the cumulative amount exceeds \$250,000 Citywide and a 1472 is required.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number	Issue	Page
	25.60	11	9 of 9
SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS	Effective Date		
	November 1, 2011		

APPENDIX

Legal References

Council Policy 300-7 (Hiring of Consultants)
City Charter, Section 28 (Duties of the City Manager)
Civil Service Commission Rule XVII
Municipal Code, Section 22.3223 (Consultant Contracts), Section 22.3036 (Alterations in Contracts), and Section 22.3037 (City Manager's Certification of Sole Source Contract)

Subject Index

Architects and Engineers
Consultants
Contracts

Administering Department

Purchasing & Contracting Department

Forms Involved

AC-361 Auditor and Comptroller Certificate
CM-1472 Request for Council Action
CM-1472A Docket Background Material
CM-1551 Certificate of Compliance
CM-1544 Request for Mayoral Action
PA-6 Purchase Order
PA-2159 Purchase Requisition
E&D Consultant Performance Evaluation Form

Attachments

A – Sample Consultant Recommendation Memo
B – Sample Consultants from Rotation List Memo
C – Consultant Award Tracking Form
D – Approval Authority Limits Matrix

Attachment A

CITY OF SAN DIEGO M E M O R A N D U M

DATE: <<Enter Date>>
TO: <<Director>>, <<Department>>
FROM: <<TBD>>, <<Position>>, <<Division>>
SUBJECT: Consultant Recommendation - <<Project Title>>, (<<Contract Number>>)

A list of <<Consultant Rotation List Discipline>> Consultants was requested from the Consultant Services Coordinator on <<Date Request Received>>.

The City's Consultant Services Coordinator provided us with the names of five (5) firms to be interviewed. On <<Interview Date>>, five (5) firms were interviewed by <<list interview panel member's names and titles>>. The interviews were conducted in conformance with Council Policy 300-07. The recommended priority listing of the consultant nominees was unanimously agreed to as follows:

1. <<List firms from Highest Qualified to Lowest Qualified>>
- 2.
- 3.
- 4.
- 5.

It is recommended that the firm of <<enter name of recommended firm>>. be retained for the above referenced project. Their technical competence, experience, ability to perform, problem solving, and budgeting experience all ranked at the highest levels. Additionally, our background check revealed that they have indeed performed exceptionally in the capacities described above. Upon your concurrence, we will proceed with fee negotiations and agreement preparation.

Concur: _____
<<enter name>>
Deputy Director

Concur: _____
<<enter name>>
Director

cc: <<List as appropriate>>

Attachment B

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: <<Enter Date>>
TO: <<Project Manager>>, <<Division>>, <<Department>>
FROM: <<CSC>>, Consultant Services Coordinator, Purchasing & Contracting
SUBJECT: Consultants from Rotation List <<Project Title>>, (<<Contract Number>>)

Consultant Services has received your request for five (5) consultants from the City, County and Port of San Diego Consultant Rotation [<<Consultant Rotation List Discipline>>] (<<Project Size>>) List.

Estimated Fee: \$ <<Estimated Fee>>

In alphabetical order, the five (5) firms forwarded to you for interview, are:

<<Consultant Firm 1>>
<<Consultant 1 PM>>, Project Manager
<<Consultant 1 Address>>
<<City>>, <<State>> <<Zip>>
Phone: 555-555-5555
Fax: 555-555-5555
E-mail: <<Email Address>>

<<Consultant Firm 2>>
<<Consultant 2 PM>>, Project Manager
<<Consultant 2 Address>>
<<City>>, <<State>> <<Zip>>
Phone: 555-555-5555
Fax: 555-555-5555
E-mail: <<Email Address>>

<<Consultant Firm 3>>
<<Consultant 3 PM>>, Project Manager
<<Consultant 3 Address>>
<<City>>, <<State>> <<Zip>>
Phone: 555-555-5555
Fax: 555-555-5555
E-mail: <<Email Address>>

<<Consultant Firm 4>>
<<Consultant 4 PM>>, Project Manager
<<Consultant 4 Address>>
<<City>>, <<State>> <<Zip>>
Phone: 555-555-5555
Fax: 555-555-5555
E-mail: <<Email Address>>

<<Consultant Firm 5>>
<<Consultant 5 PM>>, Project Manager
<<Consultant 5 Address>>
<<City>>, <<State>> <<Zip>>
Phone: 555-555-5555
Fax: 555-555-5555
E-mail: <<Email Address>>

(continued)

Page 2

<<Project Manager>>, Project Manager

<<Insert Date>>

There are no current evaluations on file for these firms. Copies of Work Force Analysis Reports have been emailed to you for your review.

The firms have been notified and are waiting to be contacted by you for interview dates and instructions. We asked the firms to contact Consultant Services if they have not been contacted by <<four weeks from memo date>>.

If you have any questions please call me at (555) 555-5555.

Sincerely,

<<Consultant Services Coordinator>>
Consultant Services Coordinator

cc: <<List as appropriate>>

SAMPLE



THE CITY OF SAN DIEGO

CONSULTANT AWARD TRACKING FORM

Consultant Award Tracking Form: The purpose of this form is to track the cumulative amount of money awarded to both architectural and engineering (A&E) firms and non-A&E firms; and to ensure that the cumulative amount of money awarded to consultant does not exceed \$250,000 in a fiscal year including this contract. If this cumulative award limit is exceeded, inclusive of this contract award, Council approval is required.

A copy of this form must be attached to Forms PA-700, PA-2159, CM-1544, 1472, DP's and PO's for processing. In addition to this, a copy is to be sent to the Consultant Services Coordinator.

THIS SECTION TO BE COMPLETED BY CITY STAFF

Date: _____ Department Name: _____
City Project Manager: _____
Name of Firm: _____

Project Name: _____ Contract Amount: _____

Appropriate approval authority:

- Department Approval: See Section 5 of AR 25.60, and Section 5.2 of AR 25.70 for non-A&E firms
City Manager: See Section 6 of AR 25.60
City Council: See Section 7 of AR 25.60

THIS SECTION TO BE COMPLETED AND REVIEWED BY CONSULTANT (Prior to the interview process)

The City reserves the right to disqualify any Consultant from the interview process if this tracking form is not completely and accurately executed prior to the consultant's tracking award.

If it is determined subsequent to the contract award that this tracking form was not accurately executed, the underlying contract will be illegal and deemed void pursuant to Municipal Code Section 22.0226. In such an instance, the City shall not be responsible for any losses or damages which may result from the void contract and reserves the right in its sole discretion to award the contract to another Consultant.

Dollar Amount Awarded by the City of San Diego this fiscal year (July 1 through June 30)

Including this contract: _____

I hereby certify that I am an authorized representative of:

(Name of Firm)

and that I have read and understand this form this _____ day of _____, _____
(Day) (Month) (Year)

By _____
(SIGNATURE of Authorized Representative)

(PRINTED name of Authorized Representative)

A.R. 25.60 Approval Authority Limits

APPROVAL AUTHORITY FEE RANGES	INITIATING DEPARTMENT Deputy Director via 1544	INITIATING DEPARTMENT Director via 1544	MAYOR via 1544	CITY COUNCIL via 1472
<u>Less than \$25,000</u> Without competitive process/ via Purchase Requisition / Order	A (1544 unnecessary)	----	----	*
<u>\$25,000 or more, up to \$250,000</u> Use Consultant Rotation List, Request 5 firms per contract.	A (Up to \$100K)	A (Up to \$250K)	----	*
<u>More than \$250,000</u> a. This contract, b. Sum of all awards in this FY is more than \$250,000	R R	R R	R R	A A
Any contract if neither in approved CIP nor in Department Budget	R	R	R	A
Amendments to Architecture & Engineering Contracts	R** (Up to \$100K)	R** (Up to \$250K)	A** (Up to \$250K)	A [^] (more than \$250K)

Legend:

A = Approval
R = Review
* = Approval, if cumulative fees to firm in current Fiscal Year more than \$250K
> = Greater than
** = Approval Authorities are for a single amendment action where the new cumulative contractual total value does not exceed the approver's maximum authority.
[^] = Approves any single amendment action more than \$250K, or where the single amendment results in a new cumulative contract total more than \$250K.