

RESOLUTION

RESOLUTION ADOPTING STANDARDS AND PRESCRIBING PROCEDURES FOR THE SELECTION OF AND NEGOTIATIONS OF CONTRACTS WITH ARCHITECTS AND ENGINEERS FOR PUBLIC IMPROVEMENTS (AS APPROVED IN 1974 AND AMENDED IN 1978, 1980 AND 1986).

WHEREAS, the ultimate values of Architect and Engineer services are derived from the professional judgment, skill and technical abilities of consultants, therefore; it is deemed necessary, advisable and in the best interest of the City of Oklahoma City and the public generally, to establish open selection procedures for obtaining qualified, experienced and competent consultants in a manner that will merit public confidence; and

WHEREAS, it is the intent of this Resolution that any project for which the estimated cost of construction exceeds \$1.5 million, the Consultants selected for detailed consideration shall be interviewed by the Consultant Evaluation Committee; and

WHEREAS, on all projects, regardless of estimated cost of construction, interviews will be conducted whenever the City Manager deems such interviews appropriate; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oklahoma City for the purposes of this resolution:

- (1) “A&E Notice” is defined to be an invitation requesting formal Letters of Interest for architectural and/or engineering services for any Public Improvement.
- (2) “Architect” is defined to be any individual, firm, corporation, association, partnership, co-partnership or any other organization possessing the required qualifications to provide architectural services for any Public Improvement, herein after referred to as “Consultant” as defined below.
- (3) “City” is defined to be the City of Oklahoma City and all Departments and Trusts to which the City is a beneficiary.
- (4) “Consultant” is defined to be any individual, firm, corporation, association, partnership, co-partnership or any other organization possessing the required qualifications to provide architectural and/or engineering services for any Public Improvement project.
- (5) “Evaluation Committee” is defined to be a committee composed of a minimum of three members, including, a representative of the City Manager’s Office, or designee, Department representative, or designee, and the Director, or designee, who shall act as Chairperson. In the case of special projects having unique engineering or architectural considerations and is deemed desirable by the City Manager to have citizen involvement, two citizens may be appointed by the City Manager to become members of the Consultant Evaluation Committee in addition to those hereinabove named, for the special project only.

- (6) “Contract Administrator” is defined to be the Contract Administrator of the Public Works Department for the City of Oklahoma City.
- (7) “Director” is defined to be the Director of the Public Works Department for the City of Oklahoma City, or designee.
- (8) “Department” is defined to be any Agency, Trust or Department of the City of Oklahoma City responsible for a Public Improvement.
- (9) “Electronic Bidding System” is defined to be the electronic bidding application used by the City to advertise and receive all bids, proposals, communications, and responses to solicitations.
- (10) “Engineer” is defined to be any individual, firm, corporation, association, partnership, co-partnership or any other organization possessing the required qualifications to provide engineering services for any Public Improvement, herein after referred to as “Consultant” as defined above.
- (11) “Letter of Interest” hereinafter referred to as “LOI” is defined to be any proposal submitted by an Architect or Engineer, and shall consist of:
 - Transmittal Letter
 - Table of Contents
 - Executive Summary
 - Project Approach
 - Anticipated Schedule
 - Experience of assigned Project Team with same or similar expertise
 - Appendices (misc., exhibits, illustrations, etc.)
- (12) “LOI Packet” is defined to be a packet comprised of a Projects’ A&E Notice, tabulation, ranking criteria sheet, all Letters of Interest submitted and any other pertinent information related to the Project.
- (13) “Oklahoma CAM-CAP Standard Form 254” is defined to be a Consultant Registration Questionnaire which is required for a Consultant to be considered for a project.
- (14) “Oklahoma City Metro” is defined to be any city or town with an adjacent border to Oklahoma City.
- (15) “Public Improvement” is defined to be any improvement or structure which is constructed, altered, repaired or maintained under contract with the City of Oklahoma City, and any consultant study prepared for the City by an Architect or Engineer.

BE IT FURTHER RESOLVED that the following procedures be utilized in the selection of Consultants for all Public Improvements:

1. ADMINISTRATIVE PROVISIONS

Nothing in this act shall affect the validity of any contracts in existence at the effective date hereof.

- A. The requirements of this Resolution may be waived by the Director for contracts lower than the threshold amount stated in the Oklahoma City Municipal Code, and do not exceed an estimated construction cost of \$1,500,000. Such Public Improvements may also be provided under an informal contract approved by the Director in accordance with the City's Charter and Ordinance requirements.
- B. It is hereby recognized that it may be in the City's best interest to group several small Projects together into a single contract.
- C. If any section, subsection, paragraph, phrase, clause or work of this Resolution is held to be invalid, the remainder of the Resolution shall not be affected.
- D. Any resolutions, or parts thereof, in conflict with the provisions of this Resolution, are hereby repealed, except when waived by Resolution.
- E. If less than three (3) qualified, eligible Consultants have submitted LOI's for a Public Improvement project, the Director may include enough eligible, qualified Consultants to provide three (3) Consultants for detailed consideration. The selection process may also continue without inviting additional eligible Consultants, at the discretion of the Director.

2. CONSULTANT INFORMATION FILES

A comprehensive file for each Consultant shall be maintained, including a completed Oklahoma CAM-CAP Standard Form 254, with supplemental information as required by the Director, and past contracts with the City.

3. DEPARTMENT RESPONSIBILITY

It is recognized that the Department is the user/client and therefore shall have certain primary functions such as defining the scope of a Project, determining the various project components, phases and timetables, and then preparing detailed project descriptions to guide prospective Consultants. The scope of a Consultant's services for a Project shall include all Public Improvements related to the Project which can reasonably be bid in one construction contract or which can be designed by one Consultant with less technical effort than would be required if the scope was divided between more than one Consultant.

4. A&E NOTICE FOR CONSULTANTS

The City shall publish the A&E Notice at least one time in a daily newspaper of general circulation published in Oklahoma City and in the Electronic Bidding System, and shall contain the following information:

- A. Description and scope of the Project or Projects
- B. Estimated construction cost and time schedule for Project
- C. Funds available, as applicable for Federal or State participation, etc.
- D. Last date for submitting LOI's to Director, which shall be no less than fourteen calendar days after the advertisement is issued, and
- E. Other pertinent data.

5. **CONSULTANT RESPONSE**

Consultants desiring consideration must meet the requirements of this Resolution and submit a LOI and current Oklahoma CAM-CAP Standard Form 254 in the Electronic Bidding System, by the deadline specified in the A&E Notice.

Consultants who submit incomplete LOI's will not be considered or evaluated. Consultants who have submitted Letters of Interest but who are ineligible shall be notified by the Director and will not be considered or evaluated.

6. **DIRECTOR TABULATION**

After expiration of the period for submittal of a LOI, the Director shall tabulate the names of the Consultants submitting Letters of Interest and review the Letters of Interest that meet the criteria specified in Section 7 below.

7. **EVALUATION**

Upon receipt of all qualified Consultants, a Consultant Evaluation Committee shall be formed. The Director shall prepare and provide a LOI Packet to each member of the Consultant Evaluation Committee to independently score all qualified Consultants. The Consultants with the highest ordinal scores will be selected for interviews.

The Consultant Evaluation Committee shall select no less than three (3) Consultants for more detailed consideration. In the event selections for more than one contract are being considered at the same time, the number of Consultants selected for more detailed consideration should be at least twice the number of contracts contemplated. All Consultants who responded to the A&E Notice shall be notified of their selection or non-selection for detailed consideration. If required, Consultants selected for detailed consideration shall provide additional information, in writing, as the Director may prescribe.

8. **RANKING CRITERIA FOR LETTERS OF INTEREST**

The ranking form, Exhibit A, will be completed by each Consultant Evaluation Committee member that reviews the LOI packets for overall responsiveness and completeness, with respect to the components outlined in the A&E Notice using the criteria specified in the Exhibit.

9. **CONSULTANT INTERVIEWS AND SELECTIONS**

All Consultants selected for interviews shall be given detailed consideration by the Consultant Evaluation Committee with particular attention being given to the considerations contained in the Consultant Interview Evaluation Form, see "Exhibit B".

Consultants shall receive electronic notification of whether interviews will be conducted, and time and place of said interview. Once commenced, they shall run continuously until all Consultants have been interviewed.

In order to ensure an objective evaluation, interview presentations are ranked with numerical values, which when all Evaluation Forms are scored and totaled, will provide a ranking of the Consultants interviewed, listing the first, second and third choice for negotiation. Where interviews are not conducted, then the files maintained by the Director, along with the LOI, shall be evaluated by the Contract Administrator and Director for purposes of ranking the Consultants.

10. **CONTRACT NEGOTIATION**

Upon selection of Consultant(s), the Director shall negotiate the contract scope with the selected Consultant(s). If the Director and the first choice Consultant cannot reach agreement, their negotiations should be terminated by obtaining the Consultant's best and final offer in writing. It is the intent of the City not to enter into contracts which obligate the City to award additional or incremental design elements of the Project to the Consultant under contract, except when determined to be in the best interest of the City.

11. **CONTRACT SIGNATURE REQUIREMENTS**

Corporate entities are required to comply with State law regarding authorized signatures.

1. Contracts submitted by a Corporation: Contract Documents must have the original ink signature of the President or Vice President of the corporation. That signature must be witnessed by the Corporate Secretary or Assistant Corporate Secretary, and the firm's corporate seal, if any, must be affixed in accordance with 18 O.S. (2011) § 1016. Should the corporation not have a seal or should the seal not be available, then the person signing must demonstrate authority to bind the corporation, as set forth in paragraph 11.B.(6) below. The name and title of each person who signed the Contract or bond must be typed or legibly printed on the line below the signature line.
2. Contracts submitted by a Sole Proprietorship or Individual: Contract Documents must have the original ink signature of the owner or individual, respectively, on the signature line, or comply with Part II.B.(6). The name and title of each person who signed the Contract or bond must be typed or legibly printed on the line below the signature line.
3. Contracts submitted by a Partnership: Contract Documents must have the original ink signature of a General Partner on the signature line or comply with Part II.B.(6). The name and title of each person who signed the Contract or bond must be typed or legibly printed on the line below the signature line.
4. Contracts submitted by a Joint Venture: If two or more parties submit a joint Bid, the Contract Documents must be signed in ink by the appropriate representatives of each/all parties. Any of the parties which are corporations must have the appropriate signature(s) and attestation(s) as provided above or comply with Part II.B.(6). The Contract Documents should be altered, but only to add the signature lines (name of Contractor, signature line, name and title line, and attestation line) to meet this requirement. The name and title of each person who signed the Contract or bond must be typed or legibly printed on the line below the signature line.
5. Contracts Submitted by a Limited Liability Company: Contract Documents must have the original ink signature of the Manager or an authorized agent having authority to sign contracts and bonds and to bind the limited liability company. Attached to the Contract Documents, signed by the authorized agent, must be a properly executed copy of the articles of organization; the operating agreement; and any bylaws, resolution or other document of the authorizing entity, specifically providing the authorized agent with the

authority to execute the Contract Documents on behalf of and binding the authorizing entity. All documents designating and authorizing the agent to bind the limited liability company must be notarized by a Notary Public who will complete the required information and may affix his/her seal or stamp. The name and title of each person who signed the Contract Documents must be typed or legibly printed on the line below the signature line. Additional pages may be added, but each signature must be properly notarized.

6. Signature Requirements for Bidder's Authorized Agent: Some businesses may delegate the authority to sign the Contract Documents to an authorized agent. In such cases, all Contract Documents requiring signature must have the original ink signature of the "authorized" agent. Attached to the Contract Documents, signed by the authorized agent, must be a properly executed power of attorney or other document of the authorizing entity, specifically providing the "authorized" agent with the authority to execute the Contract Documents on behalf of and binding the authorizing entity. Each signature on the authorizing documents must be notarized by a Notary Public who will complete the required information and may affix his/her seal or stamp. The name and title of each person who signed the Contract, bond, or any authorizing document must be typed or printed on the line below the signature line. Additional pages may be added, but all signatures must be properly notarized. If attachments to the Bid Documents are required by this section, attachments may be uploaded through the Electronic Bidding Process.

12. **COUNCIL APPROVAL**

The negotiated contract shall be submitted to City Council/Trust for approval of the award, except informal contracts as stated in Paragraph (1.A.).

13. **PROHIBITION AGAINST COLLUSION**

Each contract entered into by the City for professional services shall contain a prohibition against contingent fees. The contract language shall state: The Architect or Engineer (as applicable) warrants that the Architect or Engineer has not employed or retained any company or person, other than a bona fide employee working solely for the Architect or Engineer, to solicit or secure this contract, and that the Architect or Engineer has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the Architect or Engineer, any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of the contract.

14. **NON-DISCRIMINATION CERTIFICATE**

The Consultant shall not discriminate against any employee or applicant for employment because of age, race, creed, color, sex, national origin, ancestry or disability as defined by the Americans with Disabilities Act of 1990, Section 3(2).

The Consultant shall take affirmative action to ensure that employees or applicants for employment are treated without regard to their age, race, creed, color, national origin, sex, ancestry or disability as defined by the Americans with Disabilities Act of 1990, Section 3 (2). Such actions shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, layoff, termination or cancellation, rates of pay or other forms of compensation and selection for training, including apprenticeship.

In the event of the Consultant's noncompliance with this non-discrimination clause, the City may declare the Consultant ineligible to submit LOI's until compliance, and/or satisfactory proof of intent to comply shall be made by the Consultant.

15. **COMPLAINTS**

Consultants may file a written complaint concerning the terms, conditions, or standards imposed by this Resolution to the City Manager's Office, 200 N. Walker, 3rd Floor, Oklahoma City, OK 73102.

ADOPTED by the Council and signed by the Mayor of The City of Oklahoma City this 29TH day of AUGUST, 2023.

Amy K. Simpson
City Clerk



THE CITY OF OKLAHOMA CITY

David Holt
Mayor

REVIEWED for form and legality.
Craig B Keith
Assistant Municipal Counselor

EXHIBIT "A"
Ranking Criteria for Letters of Interest

Project Number, Description and Location

Estimated Construction Cost \$0,000,000

Legend:

30 = Excellent

20= Satisfactory

10= Weak

25= Very Good

15=Acceptable

5= Poor

Consultant	Project Specific Approach	Proposed Project Team	Local Office	Relevant Experience and Past Performance	Totals	Notes
	30-25-20-15	30-25-20-15	20-15-10-5	20-15-10-5		
Firm 1					0	
Firm 2					0	
Firm 3					0	
Firm 4					0	
Firm 5					0	
Firm 6					0	
Firm 7					0	
Firm 8					0	
Firm 9					0	
Firm 10					0	

Ranking Criteria

Project Specific Approach:

- The Consultant has clearly defined the Project.
- The Consultant has provided a comprehensive approach to the Project.
- The Consultant has provided 4 or more examples of same or similar Projects.
- The Consultant has past experience with the Department which requested the solicitation.

Proposed Project Team:

- Key project team members are located in an Oklahoma City office.
- Key project team members have worked together on previous projects.
- The Consultant's assigned team are skilled and experienced in all disciplines necessary for the Project.
- Diversity of Project Team.

Local Office:

- The Consultant has an office located within the city limits of Oklahoma City.
- The Consultant has an office located within the Oklahoma City Metro.
- The Consultant has an office located in Oklahoma.
- The Consultant does not have an office located in Oklahoma.

Relevant Experience and Past Performance:

- Key project team members have experience with like-minded projects.
- The Consultant provided 4 or more examples of same or similar Projects within the last 5 years.
- The Consultant has past experience with the Department which requested the solicitation.
- The Consultant has completed prior projects with The City.
- The Consultant has demonstrated adaptability to changes in scope of work on completed projects.
- The Consultant has demonstrated timely performance on completed projects.

EXHIBIT B
CONSULTANT INTERVIEW EVALUATION FORM

Concept of Project

Determine the consultant's concept of the proposed assignment. Evaluate the Consultants familiarity with the proposed project, how it relates to the overall City Program, what the Consultant is expected to do, the role of others, and how the Consultant might approach the solutions to the problems involved.

- Excellent X 25
- Good X 20
- Average X 15
- Poor X 0

Staff Availability and Current Workload

Determine the capacity of the consultant to accomplish the work in the requested time. Evaluate the Consultant's current workload with the City and the extent of the project scope. Would the project compete with the current workload? When can the Consultant begin on the project?

- Excellent X 25
- Good X 20
- Average X 15
- Poor X 0

Qualifications of Personnel to be Assigned

Determine the consultant's qualifications and/or specialized experience related to the project scope. Evaluate such qualifications, particularly in relationship to the firm's current personnel and the personnel to be assigned to the proposed work.

- Excellent X 20
- Good X 15
- Average X 10
- Poor X 0

Past Performance

Evaluate the past performance of the consultant in relation to the proposed work. If a Performance Evaluation Report is available, this should be considered. Reports on similar work performed for other communities, if available, should be considered. In the absence of any reports on past performance, the rating of "Good" should be assigned.

- Excellent X 15
- Good X 10
- Average X 5
- Poor X 0

Division of Work

Determine the percentage of work that will be completed locally.

- 100% X 15
- 75% X 10
- 50% X 5
- 25% X 0

TOTAL SCORE

SCORE
