

ORDINANCE NO. 15013

FILE OF CITY COUNCIL

BILL NO. 47 - 2012

August 1, 2012

AN ORDINANCE

Amends Article 130.16, Financial Procedures; Contracts, Subsection F, entitled "Policy and Procedures for Engineering Consultants for State and Federally Funded Projects" of the City's Administrative Code to adopt the consultant selection process defined by PennDOT regulation for state and federally funded projects to ensure compliance with funding agencies' requirements. The adoption of the consultant selection process is necessary to receive state and federal funding reimbursement for professional services fees incurred by the selected consultants.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 130.16 Subsection F, entitled "Policy and Procedures for Engineering Consultants for State and Federally Funded Projects" under Financial Procedures; Contract in the City's Administrative Code be amended as follows:

**TITLE SEVEN
ADMINISTRATIVE OFFICES AND DEPARTMENTS**

**ARTICLE 130
FINANCIAL PROCEDURES**

130.16 CONTRACTS

F. Policy and Procedures for Engineering By Consultants For State and Federally Funded Projects

The following procedures shall be used for the orderly determination of the need to use consulting engineering firms, the qualifications and selection of firms, and general administration and monitoring of engineering agreements.

Upon being notified of the need to initiate engineering services on a project, the City Engineer shall analyze the City of Allentown forces to determine if the services of a consulting firm are necessary. The analysis regarding the need to engage consultants will be documented in the project file.

A detailed scope of work describing the project, its location, and services required, will be prepared. An engineering cost estimate will be prepared to compare with the consultant's proposal. A Disadvantaged Business Enterprise (DBE) Goal Request will be submitted to PennDOT's Consultant Agreement Section. The request for letters of interest from consulting firms interested in performing the

required engineering services will be advertised in ~~any of~~ the following: Newspaper advertisements, internet and trade publications, and shall be posted on the City Website. The request for letters of interest must appear in at least two newspapers, of wide local circulation, for one advertisement cycle as required by municipal codes, other statutes or home rule charters. The City of Allentown will submit their advertisements for approval and publishing in Engineering and Construction Management System (ECMS) to either:

Paper copy

Electronically

Department of Transportation or ECMS Local Advertisements@pa.gov
Bureau of Project Delivery
Highway Delivery Division
Contract Management Section
400 North Street, 7th Floor
Harrisburg, PA 17120

The City shall make every effort to use available resources to secure the most cost effective responsible bid and this shall include but not be limited by the internet, buying groups, co-ops, consortiums, e-commerce, and reverse auctions.

The advertisement will include the following information:

- a) Location and brief description of the required engineering services.
- b) Indication of the method of procurement as competitive negotiations;
- c) A statement that the City of Allentown encourages responses from small firms, minority firms, and firms who have not previously performed work for the City.
- d) The Disadvantaged Business Enterprise Goal, if any, or nondiscrimination provisions to encourage the prime to notify DBE subconsultants of contracting opportunities associated with the agreement and solicit their participation, if DBE Goals are not required for the agreement.
- e) A statement that indicates whether the modified or standard selection method will be used.
- f) A list, in order of importance, of the selection criteria against which the letters of interest will be reviewed.
- g) A request for special requirements U.S. General Services Administration (GSA) Form 330.
- h) Contact information for project discussions.
- i) Cut-off time for response to the advertisement (minimum of two weeks).
- j) ~~Special requirements Forms 254 and 255.~~

Three consultants will be selected from those consultants who submit letters of interest. A qualification ~~committee selected by the Public Works Director~~ selection committee, consisting of a minimum of three people:

- | | |
|---|--|
| a. <u>Director of Public Works or designee,</u> | c. <u>Assistant City Engineer or designee,</u> |
| b. <u>Utility Engineer or designee,</u> | d. <u>Construction Manager or designee</u> |

shall review the qualifications of consultants who submit letters of interest as well as their responsiveness to the requirements of the advertisement. Documentation of consultants considered and the committee's recommendation shall be maintained in the project file. The committee shall document the reasons for their recommendations.

For selecting a consultant to perform bridge inspection, construction inspection agreements, or non-complex or selected moderately complex projects as defined in DM1, or for selecting a consultant as a

Municipal Engineer a modified process may be used, and a ranking will be determined based on a review of the statements of interest.

For all other Agreements the normal selection method will be used. The Director of Public Works The City engineer shall review the recommendations of the qualification committee and select three firms to be recommended to the Pennsylvania Department of Transportation (herein after called the Department) as the consultants to prepare a proposal. Upon receipt of the approval of the consultants from the Department, a technical proposal shall be requested from the consultants.

The request for technical proposals shall include a brief written scope of work. The consultants will be invited to a scope of work meeting at which time the project will be explained in detail. Representatives from the Department will be invited to the meeting. The consultants will be advised of the applicable Federal regulations, review procedures, contract format, and administration. A copy of ~~Division 1~~ of the Department's Publication 442 will be supplied that the specifications will be made a part of the contract. The City of Allentown's limitations of profit, wages, etc. will be explained. The consultants will be given a name and phone number to contact in case they would have any questions during the preparation of their proposal.

Upon receipt of the technical proposals from the consultants, the qualification committee shall review the technical proposals and make a recommendation for the ranking of the shortlisted consultants for the purpose of negotiating an engineering agreement. The committee shall document the reasons for their recommendation.

~~The City engineer shall review the recommendation of the qualification committee and rank, in order of preference, the firms. The ranking will be recommended to the Department for approval. Documentation supporting the ranking of the consultants shall be forwarded to the Department when requesting approval of the consultant's ranking. The Department shall approve and/or comment on the municipality's recommended ranking.~~

The City of Allentown shall conduct discussions with the firms to consider anticipated concepts and compare alternative methods for furnishing services.

For both modified and standard methods of selection, the Director of Public Works shall review the recommendation of the qualification committee and in order of preference, rank the firms. The ranking will be recommended to the Department for approval. Documentation supporting the ranking of the consultants shall be forwarded to the Department when requesting approval of the consultant's ranking. The Department shall approve and/or comment on the municipalities recommended ranking.

The municipality City of Allentown will request a price proposal from the approved first ranked firm and submit the appropriate number of copies to the Department.

The Department will conduct the pre-award evaluation and schedule and hold negotiations, if necessary.

The agreement will be prepared by the Department and circulated for signatures.

It is understood that the consultant cannot begin work until the Federal authorization has been obtained, and both the engineering Agreement and the Reimbursement Agreement have fully executed, and notification of this fact has been received by the City of Allentown.

The City Council designates the Public Works Director City Engineer to perform liaison activities between the City of Allentown, the Department, and the consultant.

The City of Allentown will enter into a reimbursement agreement with the department setting forth the methods for reimbursing the federal funds to the City of Allentown. The reimbursement agreement will be prepared by the Department.

During the life of the engineering agreement, monthly (or at other appropriate times) meetings will be held with the consultant and the designated liaison person. The Department will be invited to attend these meetings. Documentation of these meetings will be included in the project file.

Partial payment invoices for work performed will be processed as provided by ~~Division 1, Form~~ Publication 442. After review of the invoices by the Public Works Director, or his designee, it will be paid. The invoice will in turn be forwarded to the Department with recommendation for reimbursement of the Federal and/or State share.

Prior to termination of services and payment of the final invoice, a joint review will be made by the Department and the City of Allentown to insure the propriety of claims and that all terms and conditions of the contract have been satisfied. Documentation of these findings will be submitted to the Department with the final invoice.

The City of Allentown's designated liaison person will complete copies of the Form D-429, "Past Performance Report for Consultant Engineers", ~~and Form D-388, "Confidential Design Evaluation Report", and submit them to the Department.~~ see Appendix 7G or Form D-429 CI, "Past Performance Report for consultant Engineers Construction Inspection", see Appendix 7H.

It is understood and made part of these procedures that the employees of the City of Allentown will neither solicit nor accept gratuities, favors, or anything of monetary value from consultants or contractors or potential consultants or contractors. Violators of said standards will be subject to dismissal from their employment with the City of Allentown by order of the City Council.

SECTION THREE: That this Ordinance takes effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

	Yea	Nay
Joe Davis	X	
Jeanette Eichenwald	X	
Cynthia Y. Mota	X	
Ray O'Connell, VP	X	
Mike Schlossberg	X	
Peter G. Schweyer	X	
Julio A. Guridy, Pres.	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on August 15, 2012 and signed by the Mayor on August 21, 2012.

Michael P. Hark

CITY CLERK

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Department of Public Works, Engineering Bureau

- **Summary and Facts of the Bill**

This Bill will establish the process of consultant selection as required by PennDOT to receive state and federal funds for consultant professional services. Currently, these procedures must be adopted in order to receive state and federal funding for the Union Street Bridge Construction, Construction Management and Inspection professional services.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The Bill will provide a procedure for consultant selection to meet minimum requirements by PennDOT to receive state and federal funding for professional services. The adoption of these procedures will benefit the City by being able to receive state and federal funding in lieu of using solely City funds to pay for consultant fees associated with bridge design, construction management and inspection services.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

There is no cost related to adopting this bill. However, there will be a negative impact on City budgets for receiving funding for professional services related to bridge infrastructure projects if it is not adopted.

The benefit is the reduction of future professional services' fees that the City would have to incur. The continuation of the current program of being able to receive these professional services funds to effect repairs and or replacements to the City's bridges is a significant benefit for the City.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

Professional services funds for the Union Street Bridge project are to be reimbursed 80 percent from the federal government and 15 percent from state government,

- **Priority status/Deadlines, if any**

It is anticipated that the Union Street Bridge replacement project will be bid this summer. The current PennDOT consultant selection process bill must be adopted before we can advertise to receive qualifications and cost proposals from interested consulting firms to perform construction management and inspection services for the Union Street Bridge project.

- **Why should Council unanimously support this bill?**

City Council should support this Bill because it allows the City to receive state and federal funding for professional services contracts related to bridge infrastructure replacement.