

APPROVED BY THE BOARD OF COUNTY

COMMISSIONERS AT THEIR MEETING

APR 13 1993

RA/CP

RESOLUTION NO. 93-M-20

A RESOLUTION PERTAINING TO PROCUREMENT IN ORANGE COUNTY, FLORIDA; REPEALING AND DELETING ORANGE COUNTY ADMINISTRATIVE REGULATION 9.01.08, ENTITLED "PROCEDURES FOR SELECTION OF ARCHITECTS AND ENGINEERS" AND REPLACING SAME WITH ORANGE COUNTY ADMINISTRATIVE REGULATION 9.01.08, ENTITLED "PROCEDURES FOR RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS OF CANDIDATES FOR 'COMPETITIVE PROPOSAL' AWARDS", HEREIN ENACTED, AND FURTHER, CLARIFYING THE APPLICATION OF ORANGE COUNTY ADMINISTRATIVE REGULATION 9.01.10 ENTITLED "HANDLING OF CONTINUING (LONG TERM) CONTRACTS FOR ENGINEERING, ARCHITECTURAL, SURVEYING AND/OR LANDSCAPE ARCHITECTURAL SERVICES."

WHEREAS, the Board of County Commissioners desires to modify the procedures utilized to determine those proposers presented to the Board for consideration as recipients of procurement awards made under the "competitive proposals" provisions of the Orange County Procurement Code, Chapter 17, Article III, Orange County Code, as well as procurements made under the Consultants' Competitive Negotiations Act (Section 287.055 of Florida Statutes), and

WHEREAS, the Board of County Commissioners desires to implement policies and procedures under which various "Procurement Committees," to be composed of a Board member County staff, and occasional outside experts, present evaluations and recommendations of proposals to the Board, and

WHEREAS, the Board further desires that such procurement committees shall have the responsibility of presenting to the full Board of County Commissioners a "short list" of the four best qualified proposers for any procurement award, such list to be ranked in some circumstances and unranked in others, and

WHEREAS, the Board of County Commissioners shall make an award to that proposer listed on the aforementioned "short list" which the Board finds in its judgment to be the most qualified so long as said proposer commits to fulfill the proposed procurement on terms and conditions satisfactory to the said Board,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

SECTION 1. Administrative Regulation 9.01.08, entitled "Procedures for Selection of Architects and Engineers", as approved by the Board of County Commissioners effective August 4, 1992, is hereby repealed and deleted from the Orange County Administrative Regulations, save and except as set forth in Paragraph Three of this Resolution.

SECTION 2. Administrative Regulation 9.01.08, entitled "Procedures for Recommendation to the Board of County Commissioners of Candidates for 'Competitive Proposal' Awards", as set forth in Exhibit "A" hereto, is hereby approved, enacted and inserted into the Orange County Administrative Regulations.

SECTION 3. The policies and procedures contained in Administrative Regulation 9.01.08, entitled "Procedures for recommendation to the Board of County Commissioners of Candidates for 'Competitive Proposal' Awards", shall become effective immediately save and except that any contracts for services for which the deadline for submission of proposals has occurred prior to the date hereof shall be awarded in accordance with the aforementioned former Administrative Regulation 9.01.08, entitled "Procedures for Selection of Architects and Engineers" or such other process or procedure as may be applicable.

SECTION 4. Administrative Regulation 9.01.10, entitled "Handling of Continuing (Long Term) Contracts for

Engineering, Architectural, Surveying and/or Landscape Architectural Services", as approved by the Board of County Commissioners effective November 3, 1992, shall remain in full force and effect save and except that the term "PSRC" as it appears therein shall be understood to mean and refer to the pertinent Procurement Committee as that term is defined in newly adopted Administrative Regulation 9.01.08, entitled "Procedures for Recommendation to the Board of County Commissioners of Candidates for 'Competitive Proposal' Awards." For such purposes, the County Administrator is authorized to conform Regulation 9.01.08 accordingly.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

ORANGE COUNTY, FLORIDA

BY: Bill Donegan  
For the County Chairman

DATE: APR 15 1993

ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

BY: Martha O. Haynie  
Deputy Clerk

PROCEDURES FOR RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS FOR "COMPETITIVE PROPOSAL" AWARDS

I. POLICY:

Orange County's commitment to full and open competitive procurement requires that the Board of County Commissioners approve the award of procurements in accordance with the Orange County Procurement Ordinance, Chapter 17, Article III, Orange County Code. Such awards are made under the "competitive proposal" process when the competitive sealed bidding process can not be conveniently used.

Also, Orange County's selection process for professional architectural, engineering, landscape architectural and land surveying services must be in accordance with Section 287.055, Florida Statutes, The Consultants' Competitive Negotiations Act.

II. PROCEDURES:

The purpose of these procedures is to establish a fair, equitable and impartial process by which the Board of County Commissioners makes awards in "competitive proposal" procurements for services of all types and when the Board otherwise selects architects, engineers, landscape architects and surveyors in accordance with the requirements of Section 287.055, Florida Statutes.

The Chief of Purchasing and Contracts and the staff of the Purchasing and Contracts Department retain overall control of the administration of the "Competitive Proposal" process, including scheduling, record keeping, distribution of proposals, and other materials and preparation of all documents and recommendations required by the Board of County Commissioners, County Chairman and County Administrator.

The following delineates specific responsibilities of appropriate parties during this process. These procedures also incorporate the methodology whereby the Board of County Commissioners makes awards in "competitive proposal" procurements.

1. Purchasing and Contracts Department

- A. Obtains budget amount from the Initiating Department allocated for the project.
- B. Confirms selection criteria with Initiating Department.
- C. In accordance with the County Procurement Ordinance, advertises (if required) and issues Request for Proposal (RFP, including identification of evaluation criteria and weights).
- D. Provides the Procurement Committee members with a list of projects for which RFPs have been issued.
- E. Reviews received proposals in order to determine "prima facie" responsiveness.
- F. Distributes proposals to members of the Procurement Committee and also distributes a list of non-responsive proposals, if any, including thereon the reasons for such determination.

2. M/WBE Department

Reviews and evaluates proposals according to M/WBE criteria and forwards recommendations to the Procurement Committee members.

3. Initiating Department

- A. May request that the Procurement Committee consider additional criteria or changing of criteria weights prior to RFP issuance in accordance with item 1B above. Criteria and weights may be revised by majority vote of the Procurement Committee prior to RFP issuance only.
- B. May establish a short-list team of three (3) or more persons with the department.

- C. Each member of the short-list team may independently evaluate and score each proposal. Such evaluation shall be based on criteria (attached Exhibit 1\*) as defined in Exhibit 2\*.
- D. Total scores and present a recommendation of the Initiating Department to the Procurement Committee.

\* Exhibits can be obtained from the Purchasing and Contracts Department.

#### 4. Procurement Committee

##### A. General.

Various "Procurement Committees" shall be formed from time to time for the purpose of providing technical expertise, information and evaluations to the Board regarding proposals.

Initially, standing Procurement Committees shall be formed for in the following categories of competitive proposals:

- Information and Telecommunications
- Administrative Services and Facilities
- Architects, Engineers, Landscape Architects, Surveyors, Construction Management and Planning Services
- Legal, Financial and Human Resource Services
- "Countywide Projects" (i.e., projects involving the Board and one or more other elected County or State officials)

From time to time, other ad hoc procurement committees shall be formed to evaluate competitive proposals in categories not listed above, as necessary or desirable. All procurement committees, whether standing or ad hoc, shall be formed and shall operate substantially in compliance with this administrative regulation.

##### B. Procurement Committee Composition

The Procurement Committee shall be comprised of the following voting and non-voting members:

Board Delegate. One member of the Board of County Commissioners (including the County Chairman) shall be the monthly delegate to the Procurement Committee. The Board members shall serve as delegates in numerical order of District, the Commissioner for District One first sitting for the month of May 1993 (as well as for the remainder of April, 1993), the Commissioner for District 2 in June, et cetera, with the Chairman sitting for the month of November, 1993, and such order continually repeating itself thereafter.

The Board member shall sit on the Procurement Committee for one full calendar month. If a Board delegate cannot attend any one or more meetings of the Procurement Committee during his or her assigned month, the Board member assigned to serve as delegate in the next month shall serve as substitute delegate for the affected meeting or meetings.

User-Division or User-Agency Delegate. The director of the division or agency of county or state government which will be the primary user or consumer of the procured service shall serve, or appoint a member of the using division or agency to serve on the Procurement Committee.

County Administration-Delegate. The County Administrator shall serve or appoint a representative to serve on the Procurement Committee.

Rotating Delegate. The County Administrator shall designate a person to serve on the Procurement Committee who shall have special expertise germane to the procurement, or shall represent a second user division or agency (if more than one division or county agency is expected to make extensive use of the procured services), or shall otherwise be a person that provides useful assistance to the particular procurement.

MBE/WBE Delegate. The County Administrator shall designate a person to serve on the Procurement Committee who shall represent the County's MBE/WBE program.

Selection Team Chairperson. The Procurement Committee shall be chaired by the Chief of Purchasing and Contracts, who shall be a non-voting member. The Chairperson shall assume those duties and responsibilities conducive to adherence to proper procedures and fair and consistent evaluation of all proposers and shall be in charge of all administrative processes and procedures concerning the Procurement Committee and its deliberations.

C. Procurement Committee Procedures

1. Procurement Committee members shall individually review and score all submittals by proposers, and such individual scorings shall be done on ranking sheets provided for in the County's administrative regulations or otherwise provided by the Chief of Purchasing and Contracts. Also, scorings shall be based on the criteria provided in the RFP or in administrative regulation.
2. The Chairman of the Procurement Committee shall insure that minutes of Procurement Committee meetings are maintained.
3. An announcement of each meeting of the Procurement Committee shall be posted at the Purchasing and Contracts Department at least one (1) working day prior to the meeting.
4. The Procurement Committee may require oral presentations for any proposal. Presentations may be required from any or all proposers on any project, and the proposer's project manager who is named as the "day to day project manager" may be required to be present at such oral presentations.
5. After any oral presentations are held, the top four proposers shall be selected in accordance with the final selection criteria.
  - a. Should any member of the Committee be unable to view the presentations of



all proposers who make presentations, his/her evaluation(s) shall not be considered.

b. There shall be discussion of the merits of each proposal and any presentation thereon.

c. The four best qualified proposers shall then be selected by the Procurement Committee. For contracts where the aggregate fees to be paid by the County for services rendered is expected to equal or exceed \$50,000, the four selected proposers shall be listed in alphabetical order, without ranking. For all other contracts that may come before the Board for approval, the four best proposers shall be listed in order of ranking assigned by the Procurement Committee.

6. A majority of the members of the Procurement Committee shall constitute a quorum.

7. Selection and, if applicable, ranking shall be by consensus if possible. If the Chairman deems consensus impossible, he may so declare, and selection and ranking then shall take place by majority vote.

5. Chief of Purchasing and Contracts

Posts the recommended short-list and handles formal protests in accordance with Section 17-313 of the Orange County Code.

Submits the alphabetized or ranked list, as appropriate, of the top four proposers to Agenda Development for submission to the Board of County Commissioners. Also, the Chief of Purchasing and Contracts shall submit a report summarizing the findings of the Procurement Committee.

6. Board of County Commissioners

Votes and selects proposer (and two ranked alternates) favored for award. The Board will confirm this award after report to the Board by the

Procurement Committee of successful negotiations as to terms and conditions of award contract.

7. User Division or Agency.

A. Enters into award contract negotiations with initial awardee candidate chosen by the Board. Such negotiations shall be conducted by the user agency or division with assistance, as necessary or desirable, from the County Administrator, the County Attorney, the Purchasing Department, and other County departments.

B. Submits recommended award contract to Procurement Committee.

8. Procurement Committee

Reviews recommended contract and approves same for recommendation to Board or re-negotiates contract, if necessary.

9. Chief of Purchasing and Contracts

A. Prepares recommended contracts for submission to the Board of County Commissioners.

III. APPLICATION OF "COMPETITIVE PROPOSAL" RFP ISSUANCE AND SELECTION PROCEDURES.

The foregoing procedures and the general considerations of application as set forth below will serve:

- to provide better communications and prevent misunderstanding between prospective proposers and County staff;
- to provide the Purchasing Department as a centralized control point through which proposers may obtain information; and
- to provide the Purchasing Department as a focal point through which proposers may submit proposal recommendations.

APPLICATIONS:

All discussions between staff and consultants regarding projects for which a Request for Proposals has been issued, but selection not yet made, must

first be routed through Purchasing and Contracts Department. This includes the time frame from advertisement until contract execution (except for negotiations).

A statement must be included in each Request for Proposals (RFP) advising prospective proposers to contact the Purchasing and Contracts Department should they have any questions or concerns related to the proposal. Should technical concerns/questions arise outside the expertise of the Purchasing and Contracts Department, the Initiating Department will be contacted by Purchasing staff to obtain the answer(s). Purchasing staff will request the Initiating Department to respond or relay the answer(s) to the inquiring consultant and Purchasing Staff then shall issue an addendum to all prospective proposers when the answer involves an issue of importance to prospective proposers. RFP's will require technical questions to be submitted in writing.

The decisions of the Procurement Committee are not final and must be ratified by the Board of County Commissioners. Therefore discussions between County staff and consultants regarding projects for which they have proposed, after Procurement Committee meetings and prior to Board approval, must be routed through the Purchasing and Contracts Department.

Any proposer who initiates any discussions with staff in any manner other than as described above is subject, at the sole discretion of the Board, to disqualification from the particular procurement.

Except for negotiation sessions with the Board-approved indicated awardee, departments should continue referring proposers to the Purchasing and Contracts Department until after Board approval of the final contract.

All RFP's must state that Orange County is bound by statements made or information given during the procurement consideration and award process ONLY when such statements or information are written and executed under authority of the Chief of Purchasing and Contracts or his designee.

Notice is hereby given that these policies and procedures exist solely for the convenience and

administrative efficiency of Orange County. No proposer or other third party gains any rights by virtue of these policies and procedures or the application thereof, nor shall any proposer or third party have any standing to sue or cause of action arising herefrom.

IV. REEVALUATION:

The Board intends that this administrative regulation shall be evaluated and modified or revised as necessary or desirable no later than December 31, 1993.