

Chapter 6 – PLANNING PHASE

Procedure 6.3 –CONSULTANT SELECTION PROCESS

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PURPOSE

This section establishes the difference between Project Specific contracts and Pre-Qualified On-Call contracts in selecting consultants for professional or specialized services for a capital improvement, when it is appropriate to use each contract type, and describes the guidelines and procedures to perform each selection process.

In most instances, a consulting contract will be procured and negotiated to provide a specific set of services on a specific, pre-identified project. This form of contract, known as Project Specific, is used with the traditional way that services are procured and the contracts are structured accordingly.

However, another way of procuring services and structuring contracts is known as the Pre-Qualified On-Call contracting method. In this situation, multiple firms are chosen as being pre-qualified to do a certain type of work and "stand-by" contracts are put in place with each of them. When a Pre-Qualified contract is executed, one or more of the pre-qualified firms are issued a "Work Order" for a specific project.

RESPONSIBILITIES

Project Manager (PM): The PM is responsible for hiring the best-qualified consultant to perform the work. The PM is also responsible for preparing the Request For Proposal (RFP)/Request For Qualifications (RFQ) and performing the procurement process.

Division Manager: The Division Manager will consider the PM's recommendation and secure the Deputy Director's approval.

Deputy Director: The Deputy Director reviews, approves or disapproved the selection.

City Engineer: The City Engineer has the overall management responsibility ensuring that DCSD follows guidelines and adheres to City requirements.

City Administrator's Office – Department of Contracting & Purchasing (DC&P): DC&P is responsible for assuring the process of hiring consultants meets City regulations and for managing the contracting process from issuance of RFP/RFQ to the completion of the professional services agreement.

PROCEDURE

6.3.1 Preparation prior to issue RFP/RFQ:

1) Prior to issuing any RFP, ensure project funding is authorized and established in City's project accounting system (Oracle). In most of the cases when consultants are used, funding for the contract has already been approved through Council action. The procedures below list the key steps in the chronological order in which RFP/RFQ procedures occur.. The first section includes a detailed description of the process for a Project Specific contract. The second section identifies the differences in the process when using Pre-Qualified On-Call contracts.

2) Ensure Project Agreement has been executed. The Project Agreement is a written document established between project stakeholders after the project has been approved and funding has been appropriated. Description and process for the Project Agreement is discussed under Chapter Five (5) of this manual. The Project Agreement contains key elements of project scope, budget, and schedule.

6.3.2 Contract Procurement Process

6.3.2.1 Request for Qualifications (RFQ) or Request for Proposals (RFP):

The first action should be obtaining a sample RFQ or RFP from the Project Delivery shared drive. The sample RFP/RFQ provides an example of the typical RFP/RFQ elements required to issue a request. Next, depending on the nature of the project and the work to be completed, the PM must prepare the RFP or RFQ. The RFP or RFQ ultimately leads to the identification of the firm best qualified to do the work. However, the Requests vary in what is required from the Consultants and when it is required during the procurement process. The following table shows the key elements of each type of requests and explains how and why they differ.



FEATURE	Request for QUALIFICATIONS	Request for PROPOSALS
Intent of the Document	Finds <i>the most qualified Firm</i> to do the type of work. Tells the Firm to make the case for why they are best qualified, based on their experience and the Firm's capabilities.	Find the Firm with <i>the best specific proposal</i> for doing the work. Tell the Firm to (1) make the case for why they are best qualified, based on their experience and the Firm's capabilities, and (2) make a specific proposal for what they will do, what the project will be, what their delivery schedule will be, and what the cost of their contract will be.
Project Detail	Only a general description of the project or requested services is needed.	Provide as much detail as possible.
Scope of Services	RFQ should contain broad statements sufficient for Firms to identify potential sub-consultants.	(1) More specifics are needed so that the Firm can make a detailed proposal on how to do the work and propose specific sub-consultants. (2) May state that Firms are to propose that they will perform <i>all</i> services so that their full service capabilities may be determined, in case they are needed.
Selection Process	Be precise in describing the selection process.	Same
Pre-Submittal Meeting	Describe date, time and place and whether or not it is required that Firms attend.	Same



Submittal Requirements	<ul style="list-style-type: none"> (1) List capabilities of Firm and related experience; (2) supply references; (3) identify Firm's Project Manager; (4) identify <i>potential</i> sub-consultants; (5) list hourly billing rates for key personnel and activities; and (6) limit length of submittal to fewer pages than in an RFP. 	<ul style="list-style-type: none"> (1) List capabilities of the Firm and related experience; (2) supply references; (3) identify the Firm's Project Manager; (4) identify sub-consultants who would be a part of the team to deliver the specific proposal; (5) specifically describe the plan and method of doing the project; (7) include project schedule; (8) include cost of performing the work including breakdown of sub-consultants; and (9) limit length of submittal, but it should be longer than RFQ.
City Mandatory Compliance and Certification Requirements	Include them as attachments to the RFQ. Require the Firms to submit them at time of submittal of RFQ	Same
Time to Respond	Firms need <i>less</i> time to prepare than for RFP	Firms need <i>more</i> time to prepare than RFQ
Contract Negotiation	Because no specific proposal for the work is included in the submittal, detailed scope and cost must be generated and finalized during negotiations on Project Specific contracts (and at the time of Task Order issuance on Pre-Qualified contracts)	The Firm's specific proposal should serve <i>only as the beginning point</i> for the negotiations. All items (i.e., scope of services, schedule, project details, Project Team members, cost, etc.) are subject to change if the City so desires.

When the PM has finished drafting the RFP/RFQ, it must be reviewed and approved by the Division Manager. The PM then submits a formal Work Order Request to Contract Administration Division of DC&P. Contract Administration will schedule a formal planning meeting with the

PM and other stakeholders to review the request. At the planning meeting, Contract Administration will develop an agreed schedule based on Standard Consultant Hiring Timeline. The timeline will address the legal advertising date, pre-submittal meeting date, submittal due date, evaluation/selection completion date, and estimated Council approval date. Contract Administration will review the RFP/RFQ and provide information regarding compliance programs and required schedule forms for the RFP/RFQ. Once revisions as needed are completed between the PM and Contract Administration, Contract Administration will proceed with the RFP/RFQ process as follows.

6.3.2.2 Distribution of RFP/RFQ:

Contract Administration is responsible for advertising the RFP/RFQ opportunity through legal ads published in the San Francisco Chronicle, Oakland Tribune, Daily Pacific Builders and notices to City's registered interest list of consultants. Contract Administration also posts Professional Services contract opportunities on City's website (*list web link here, currently under PWA*). PM should provide additional places of publication or notices to Contract Administration in order to increase outreach of the opportunity (such as local AIA Chapter, ACSE, ASLA, and other professional organizations for the related fields).

6.3.2.3 Pre-Submittal Conference:

The RFP/RFQ will include information on the pre-submittal conference. Contract Administration will coordinate and schedule the pre-submittal conference. The pre-submittal conference is held jointly by Contract Administration, the PM, and the Department of Compliance and Employment Services (DCES). The purpose of the pre-submittal conference is to present City's compliance program requirements, answer questions which the Consultants may have about the scope of the project or the requirements contained in the RFP/RFQ. Answers that can be given at that time may be given. It is not required that answers are given at the pre-submittal conference, as the answer may require some discussion among staff. If the answers aren't given at the meeting or there is additional information provided at the pre-submittal conference, an Addendum to the RFP/RFQ is made available to all firms by notification to the interest list who has requested the RFP/RFQ package and posted online. Given the long list of requirements that are placed on Consultants for compliance with various City policies and procedures, DCES will focus much of the pre-submittal conference on these "administrative" requirements. The timing of when the information must be submitted should also be clearly discussed. It is extremely important that the pre-submittal conference provide sufficient opportunity for the firms to

understand the submittal requirements so that they are not deemed as "non-responsive" for failure to submit some required information. Normally, DCES will provide contact numbers in the pre-submittal conference if there are additional questions. Also, a City contact person is provided for each of the City Policies and Procedures, which have submittal requirements, in the RFP/RFQ. Along with the PM, DCES must be present to discuss the details of the LBE/SLBE requirements described in the RFP/RFQ, as well as Ordinances for Equal Benefits, Living Wage, Domestic Partners Ordinance, etc. Attendees should sign in and a copy of the attendees list from the pre-submittal conference is made available as an Addendum to the RFP/RFQ.

6.3.2.4 Evaluation of Proposals or Submittals:

During the proposal period, the PM, with the Program Manager's approval, should form a Selection Panel. The panel should generally be composed of the following:

1. Project Manager
2. Client Department representative
3. Peer technical advisor
4. Other department representative(s) who has a stake at the end product of the project, i.e. Facilities Maintenance, Parks Maintenance.

If the project will be overseen by an Oversight Committee or other outside collaborative partner, a representative from the committee/partner is invited on the panel. Once the selection panel has been convened, it should be made clear to all participants in the selection process that the basis of selection is **quality** as defined in the RFP/RFQ and is **NOT price**. **Under the laws of California, it is illegal to procure professional services on the basis of a method that constitutes a bid.**

Following receipt of the Consultants' proposals or submittals, the selection panel of City staff members should evaluate the documents and take whatever action is described in the RFP/RFQ. The evaluation process most typically involves choosing a "short list" of firms to interview. The short-listing process should be documented by utilizing the ratings criteria contained in the RFP/RFQ. The PM should provide blank scoring sheets, per the Evaluation Criteria form (on shared drive) to each panelist. The scoring sheets should be filled out and then retained by the PM as the record of the process. Part of the process, either at the short-listing stage or at the subsequent time of interviews, is the checking of references in the City's Contractor Evaluation Program (CEP) database maintained by DC&P. Following the evaluation, the selected firms should be notified, both in writing and by phone or fax that they have been short-listed. They

should be informed of the time, place, length and format of the interviews and told of any specific things that they should be prepared to discuss beyond what is required in the RFP/RFQ. At the same time that the successful firms are notified of the interviews, the unsuccessful firms should also be informed in writing.

Prior to holding the interviews, the selection panel should meet to discuss how they will conduct the interviews and how they will vote on who the best firm is. In general, the evaluation is conducted using Total Ranking Points where each panelist score the firms using the points based evaluation criteria, thereby placing them in rank order, i.e., 1st, 2nd, 3rd, etc. Then, add up these placement scores among all the graders and the Firm with the lowest placement score is selected.

6.3.2.5 Small/Local Business Enterprise Requirements(S/LBE):

Each potential respondent to the RFP/RFQ must demonstrate they will meet City's LBE/SLBE requirements. Interested firms must submit Schedule "E" as indicated in the RFP/RFQ.

6.3.2.6 Notifying the Firms and the Panel Results:

Upon selection of the top firm and its compliance with all City contracting requirements, the PM and the Division Manager should review the selection process with the Deputy City Director and City Engineer. Upon receiving the City Engineer's approval, the winning firm should be notified of its selection by phone and by letter (City Engineer's signature). A notification letter to the unsuccessful firms should also be drafted for the City Engineer's approval and signature.

6.2.2.7 Negotiating the Professional Services Contract: Refer to Chapter 6.4 for negotiation procedures.

6.3.3 Pre-Qualified On-Call (PQ OC) Contract Procurement Process

How is the Procurement Process Different than for Project-Specific Contracts?

The procurement process for PQ OC Consultants is largely the same as for Project-Specific Consultants. However, there are some differences. For example, RFQs are always used, rather than RFPs. This is because RFPs are only appropriate when the City is requesting a proposal for a specific project. By its very nature, the PQ OC list development is designed to place the most *qualified* firms on a "stand-by" list for selected projects to be identified and assigned at a future date.



Even though there is not a specific project in mind, there is a developed scope of work that is included in the RFQ for a PQ OC Consultant List. The PM is to follow the same determination procedures as detailed in Procedure 6.2 when drafting an RFQ for a PQ OC Consultant List.

Another difference with PQ OC Consultant procurements is that multiple firms are being hired. Therefore, at some time during the procurement process, a decision must be made as to how many firms to recommend for being placed under contract. In the RFQ, a range of potential firms to be selected for the PQ OC Consultant list is mentioned. The specific number of firms to be included on the PQ OC list is best done at the time of the final rankings of the firms because the scoring often indicates obvious "break points" in the relative rankings of the firms. Selecting how many firms to place on the PQ OC Consultant list has to do with the purpose of the list. If it is a generic back-up support style list designed for general "overflow" or short notice work, it would be acceptable to place a number of firms on the list even though no work might ever go to the list. This fact must be made very clear to the firms in the RFQ and again throughout the process in order that the potential Consultants' expectations are not raised too high. If the list is for a specific program, such as a Bond Program, then it is probably best to have a smaller number of firms listed than there are projects, so it is certain that that all firms will get at least one project.

Regarding the LBE/SLBE requirements, the RFQ may require submittal of information at the time of negotiation of a task order. This should be worked out with DCES and clearly spelled out in the RFQ and its attachments regarding compliance. If there are any changes or addition of subconsultants, DCES should be consulted to confirm if any changes affect LBE/SLBE requirements.

REFERENCES

City of Oakland Municipal & Planning Code Chapter 2.04

City of Oakland Administrative Instruction 150, dated August 1, 2000.

State of California Public Contract Code

ATTACHMENTS