



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: July 7, 2020

Agenda Item 16.5

Approvals:
City Manager 49
Dept. Head 013
Attorney _____
Finance _____

Department: Public Works
Prepared By: Tom Bonigut, Public Works Director/City Engineer

Subject: **ADOPT NEW CITY POLICY No. 201-2-8 FOR SELECTION OF GENERAL SERVICES CONTRACTORS.**

Fiscal Impact: None with this action.

Summary: This report recommends City Council approval of a new policy to provide a procedure and criteria for selection of general services contractors.

Discussion: The City has an existing Policy No. 201-2-3 (Attachment 1) which provides a procedure and criteria for selection of professional services contractors, such as engineering or architecture, for projects and activities that are more technical in nature and involve a high degree of professional judgment. This policy requires a formal Request for Proposals (RFP) process for projects with a cost greater than \$25,000, and includes evaluation criteria to provide for a qualifications-based selection process consistent with state requirements. However, this policy does not address and is not applicable to selection of other service contractors (e.g. janitorial, security, and landscape/tree maintenance) which typically do not require a high degree of professional judgment or professional certification.

The City Attorney's office and staff developed a proposed policy (Attachment 2) to provide a procedure and criteria for selection of general services contractors which are not covered under existing City Policy No. 201-2-3. The new policy is similar in format and approach to the existing policy, including the requirements to submit proposals and a formal RFP process for projects over \$25,000. Evaluation and selection criteria are also included, although some differ from the existing policy to be more appropriate to general services instead of professional services contracts. Adoption of the new proposed policy will provide a procedure for staff to follow when selecting contractors, or recommending Council approval of contractors, that do not fall within the professional services categories defined in the existing City policy.

Recommended

Action: STAFF RECOMMENDS THAT the City Council approve and adopt City Policy No. 201-2-8 titled "Selection of General Services Consultants and Contractors."


Attachments: 1. City Policy No. 201-2-3
2. Proposed City Policy No. 201-2-8.

Notification: None.

s:\cd\engineering\secure\admin\2020\7-7-20\7-7-20-13r.docx



POLICY AND PROCEDURE

Subject: Selection of Professional Services Contractors	Index: Financial Services Number: 201-2-3
Effective Date: December 1, 2005	Prepared By: Finance and Administrative Services
Supersedes: 11/1/04	Approved By: 

1.0 PURPOSE:

Professional Services policies and procedures are established to provide a common understanding of the methods for selection of professional contractors for the design, review, advisory, field engineering, environmental, personnel and related services in connection with public improvement projects, development processing and governmental operations of the City; and to ensure that the City will obtain the most qualified and competent professional contractor at a reasonable cost consistent with quality facilities and/or services.

2.0 ORGANIZATIONS AFFECTED:

All departments and divisions.

3.0 REFERENCES:

San Clemente Municipal Code, Title 3 Revenue & Finance, Chapter 3.40 Purchasing.
Public Contract Code Sections 22034 and 22037

4.0 POLICY:

4.1 Selection of Professional Services Contractor – Professional contractors must be individually selected for a specific project with due regard for the experience of the contractor, special knowledge of the subject matter, ability to perform the services in the time allowed, record of success on similar work, and ability to participate in discussions and presentations related to the project.

4.2 Approval and Award of Contract – Approval and award of professional services contracts will be:

Department Director	Under \$10,000
City Manager	\$10,000.01 - \$25,000
City Council	\$25,000.01 and above

5.0 DEFINITIONS:

- 5.1 **Professional Services Contractor** – The following fields are designated professional services:
Engineering – Civil, mechanical, electrical, structural, traffic, etc.
Architecture
Landscape Architecture
Community Planning and Zoning
Financial and Economic Feasibility
Human Resources

6.0 PROCEDURE:

- 6.1 **List of Qualified Contractors** – The Department Directors are authorized to maintain a file of names and brochures of the various technical consultants who have expressed a general interest in doing work for the City of San Clemente, and to use such file for the purpose of soliciting proposals from these contractors. The Department Director has the discretion to select and limit the number of firms who shall be maintained in the file and who shall receive RFP's from the City.
- 6.2 **Selection Process for Projects Less than \$25,000** – Staff will solicit proposals from qualified firms, but need not interview more than two contractors.
- 6.3 **Selection Process for Projects Over \$25,000** – Requests for Proposals will be sent to at least five contractors. Staff will interview at least three contractors.
- 6.4 **Criteria for Selection** – The following factors shall be considered and evaluated in selecting a professional services contractor for a particular study or project:
- 6.4.1 Educational background.
 - 6.4.2 Previous experience.
 - 6.4.3 Demonstrated record of success on work previously performed for the City or similar work performed for others.
 - 6.4.4 Project lead.
 - 6.4.5 Staff to perform work within the specified time.
 - 6.4.6 Methodology proposed to accomplish the work.
 - 6.4.7 Ability to make effective public presentations of the report and/or design required.
 - 6.4.8 Ability to work effectively with City staff, other public agencies and related parties as directed during the course of the design, study or other services.
 - 6.4.9 Pertinent new ideas which may be presented during the course of the selection process.
 - 6.4.10 Adequate knowledge of local conditions.
 - 6.4.11 Availability, experience and knowledge of any subcontractors hired to complete the job or study.

- 6.4.12 Additional work performed by the contractor which may have a direct and substantial physical relationship or conflict to the proposed project.
- 6.4.13 Retention of original contractor on projects modified due to the original contractor's detailed knowledge of the work or on the grounds of cost.
- 6.4.14 Previous history of completing projects within budget and design estimates.
- 6.4.15 Ability to furnish adequate and effective construction supervision.
- 6.4.16 Consideration for contractors currently working with a major developer in the City for work within or adjacent to the major development project.

6.5 **Interview Process for Construction Projects** – The interview and selection process shall be conducted by the Department Director and/or the City Engineer or designees. Directors of other departments which may be involved in the proposed construction will have the option to participate in the interview process.

6.6 **Interview Process for All Other Projects** – The interview and selection process shall be conducted by the Department Director or designee responsible for the project. If the contract exceeds \$25,000, the interview and selection process shall be conducted by at least two individuals.

6.7 **Contractor Fees** – After a contractor is selected, but before a recommendation is made, the fee for the professional services shall be negotiated. If a mutually satisfactory fee cannot be agreed upon, negotiations shall be terminated and another contractor shall be selected.

6.8 **Contract** – The award of a contract shall be made only when sufficient funds have been appropriated in the departmental and/or project account. Exceptions are granted for those professional services which relate to the processing of development plans that will be paid for by the developer.

6.9 **Supplemental or Contingency Award of Contracts** – The City Manager has the authority to approve annual supplemental amounts less than \$25,000. If the annual supplemental amounts are greater than \$25,000, City Council must approve the supplemental amounts. The agenda report must contain verbiage explaining what types of duties or situations might require supplemental funding and separate action must be taken on the contract award and the supplemental award.

7.0 **EXEMPTIONS:**

7.1 **City Council Authority** – The City Council has the authority to determine that the selection of a professional services contractor for a project or series of projects need not follow the procedure established in this policy. In its sole discretion, the City Council may authorize the City Manager or a department director to select a proposed consultant when the Council is satisfied that such direct selection is in the public interest. Direct selection is in the public interest in situations which include:

- 7.1.1 The project is of a critical nature and, due to time constraints, compliance with the policy requirements would jeopardize timely completion
- 7.1.2 The proposed professional services provider has unique familiarity with the project, subject area, or possesses other attributes that make the professional services provider uniquely qualified to provide the services
- 7.1.3 The costs involved in complying with the policy greatly exceed the potential savings the policy might create.



POLICY AND PROCEDURE

Subject:	Selection of General Services Consultants and Contractors	Index:	Financial Services
		Number:	201-2-8
Effective Date:		Prepared By:	
Supersedes:	N/A	Approved By:	

1.0 PURPOSE:

The purpose of this policy is to provide a common understanding of the methods for selection of general services consultants or contractors, and to ensure that the City will obtain the most qualified and competent general services consultant or contractor at a reasonable cost consistent with quality facilities and/or services.

2.0 ORGANIZATION AFFECTED:

All City Departments.

3.0 REFERENCES:

San Clemente Municipal Code, Title 3 Revenue & Finance, Chapter 3.40 Purchasing.

4.0 POLICY:

4.1 **Selection of General Services Consultants and Contractor.** General services consultants and contractors must be individually selected for a specific project with due regard for the experience of the consultant or contractor, special knowledge of the subject matter, ability to perform the services in the time allowed, and record of success performing similar services.

4.2 **Approval and Award of Contract.** Approval and award of general services contracts will be:

- a. Department Director: Under \$10,000
- b. City Manager: Over \$10,000 to \$25,000
- c. City Council: Over \$25,000

5.0 PROCEDURE:

5.1 **List of Qualified Consultants or Contractors.** The Department Directors are authorized to maintain a file of names and brochures of the various general services consultants and contractors who have expressed

a general interest in doing work for the City of San Clemente, and to use such file for the purpose of soliciting proposals from these consultants and contractors. The Department Director has the discretion to select and limit the number of firms who shall be maintained in the file and who shall receive Requests for Proposals from the City.

- 5.2 **Selection Process for Projects \$5,000 or Less.** Staff will solicit proposals from qualified firms and negotiate a contract. The solicitation and proposals may be verbal or written.
- 5.3 **Selection Process for Projects in Excess of \$5,000 and less than or equal to \$25,000.** Staff will solicit proposals from at least three qualified firms. The solicitation and proposals may be verbal or written.
- 5.4 **Selection Process for Projects in Excess of \$25,000.** Requests for Proposals will be published in a City newspaper of general circulation. The Request for Proposals and proposals must be written. Contract award, if made, shall be made to the consultant or contractor who serves the City's best interests taking into account the evaluation criteria set forth in the Request for Proposals.
- 5.5 **Criteria for Selection.** If applicable, the following factors may be considered and evaluated in selecting a consultant or contractor to perform general services:
 - 5.5.1 Educational background.
 - 5.5.2 Previous experience.
 - 5.5.3 Demonstrated record of success on work previously performed for the City or similar work performed for others.
 - 5.5.4 Project lead.
 - 5.5.5 Staff to perform work within the specified time.
 - 5.5.6 Methodology proposed to accomplish the work.
 - 5.5.7 Ability to work effectively with City staff, other public agencies and related parties as directed during the course of the services.
 - 5.5.8 Pertinent new ideas which may be presented during the course of the selection process.
 - 5.5.9 Adequate knowledge of local conditions.
 - 5.5.10 Availability, experience and knowledge of any subcontractors hired to complete the services.
 - 5.5.11 Additional work performed by the contractor which may have a direct and substantial physical relationship or conflict to the proposed services.
 - 5.5.12 Previous history of completing services within budget.
 - 5.5.13 Cost

- 5.6 **Interview Process.** The interview, if any, and selection process shall be conducted by the Department Director or designee responsible for the project or services. If the contract exceeds \$25,000, the interview, if any, and selection process shall be conducted by at least two individuals.
- 5.7 **Consultant or Contractor Fees.** After a consultant or contractor is selected through the Request for Proposals process, but before a recommendation is made, the fee for the services may be negotiated in the City's sole discretion. If a mutually satisfactory fee cannot be agreed upon, negotiations shall be terminated and negotiations with the next highest ranked consultant or contractor shall be conducted until a consultant or contractor is selected or the City chooses to reject all proposals.
- 5.8 **Contract.** The award of a contract shall be made only when sufficient funds have been appropriated in the departmental and/or project account.
- 5.9 **Supplemental or Contingency Award of Contracts.** The City Manager has the authority to approve annual supplemental amounts up to \$25,000. If the annual supplemental amounts are greater than \$25,000, City Council must approve the supplemental amounts. The agenda report must contain verbiage explaining what types of duties or situations might require supplemental funding and separate action must be taken on the contract award and the supplemental award.
- 5.10 **Maintenance Services Agreement.** The template Maintenance Services Agreement is contained within the City's word processing system and shall be used to draft all City contracts which pertain to Maintenance Services.
- 5.11 **Federal Funding.** When agreements are being funded, in whole or in part, with proceeds that are derived from federal funding, certain federally required contractual provisions are required to be included in the agreements. City staff should consult with legal counsel to ensure that the necessary provisions are included in any agreements that are federally funded.

6.0 EXEMPTIONS:

The City Council has the authority to determine that the selection of a general services consultant or contractor need not follow the procedure established in this policy. In its sole discretion, the City Council may authorize the City Manager or a department director to select a proposed consultant or contractor when the Council is satisfied that such direct selection is in the public interest. Direct selection is in the public interest in situations which include but are not limited to:

- a. The services are of a critical nature and, due to time constraints, compliance with the policy requirements would jeopardize timely completion.
- b. The proposed general services provider has unique familiarity with the project, subject area, or possesses other attributes that make the general services provider uniquely qualified to provide the services.

- c. The costs involved in complying with the policy greatly exceed the potential savings the policy might create.
- d. Subject to applicable laws and funding restrictions, any other reason the City Council deems is in the City's best interests.

7.0 DEFINITIONS:

7.1 **General Services Contractor/Consultant.** A general services contractor or consultant generally consists of a contractor or consultant performing a service which typically does not require a high degree of professional certification or specialized expertise. General services can include, but are not limited to, the following fields:

- a. Maintenance Services, as defined in Section 7.2 below.
- b. Security Services.
- c. Janitorial Services.
- d. Fleet Maintenance.
- e. Uniform Laundry Services.

7.2 **Maintenance Services.** Maintenance Services can include, but are not limited to, the following:

- a. Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
- b. Minor repainting.
- c. Resurfacing of streets and highways at less than one inch.
- d. Landscape maintenance, including mowing, watering, tree and other plant trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

