

rep. 6-15-05

includes 2004 addition

### COMPETITIVE SELECTION PROCESS FOR PROFESSIONAL SERVICES CONTRACTS

**Rule 45.** Contracts for professional services to be administered by the Council shall include but not be limited to the following professions:

- Accountants
- Appraisers
- Architects
- Auditors
- Attorneys
- Economists
- Management Consultants
- Public Relations/Media Consultants
- Real Estate Consultants
- Telecommunications Consultants
- Utilities Regulatory Consultants

Consultants with expertise in a field as required by the Council For all contracts at or above the threshold amount established by Ordinance #17,423 M.C.S. the following process shall be followed:

1. Upon determination by a majority vote of the entire membership of the City Council that the services of a professional are needed, a **Request for Qualifications or Request for Proposals**, as appropriate based on the scope of work to be performed, shall be issued. The Request shall include the deadline for submission of responses.
2. The **Request for Qualifications or Request for Proposals** shall be published at least three times in a 10 day period in the Official Journal by the **Clerk of Council**. The publication may be in brief, if the Request is lengthy, and may be supplemented by letters of inquiry and/or placement of the request in appropriate additional publications.
3. Interested professionals who respond by the deadline date shall be evaluated by the **Selection Review Committee**. If more than five (5) responses are received, the Selection Review Committee shall review all responses but is authorized to eliminate from consideration, if it deems doing so appropriate, all but the five (5) most qualified and responsive respondents.
4. The committee shall establish appropriate evaluation criteria, which may include but not be limited to the following:

- (a) training and experience with type of task required;
  - (b) appropriateness of plan submitted;
  - (c) capability of contractor to provide staffing and support;
  - (d) knowledge of local conditions;
  - (e) ability to provide the work in the time period required, as evidenced by past performance and current workload;
  - (f) involvement of members of disadvantaged groups at the professional level;
  - (g) participation by persons living and/or working in New Orleans at a professional level;
  - (h) the need for continuity of services and/or specialized and institutional experience and knowledge.
5. **The Selection Review Committee** shall forward to the Council Committee under whose jurisdiction the subject matter of the contract falls, if any, a list of up to five top respondents, with an analysis of each respondent's compliance with each criterion. If there is no such Council Committee, the list shall be forwarded to the entire Council.
6. **The Council Committee**, or the Council, if there is no specific committee, may choose one of these respondents and negotiate a proposed contract, including a scope of work to be performed. If a proposed contract cannot be negotiated with the firm/individual initially chosen, one of the other firms/individuals submitted by the Selection Review Committee may be chosen; and a proposed contract negotiated.
7. **The Council Committee** may recommend to the City Council its choice of the firm/individual. The Council, by a majority vote of its entire membership and by motion, may accept or reject the Council Committee's recommendation and choose one of the other firms/individuals submitted by the Selection Review Committee to the Council Committee. If the Council does not choose one of the firms/individuals submitted by the Selection Committee, the selection process shall begin again. In the absence of a Council Committee, this same process shall be followed by the City Council. (M-96-100)

The Selection Review Committee shall consist of the Council Chief of Staff, the Council Research Officer and either the Council Fiscal Officer or the Director of Council Utilities, depending on the type of professional service to be performed. The Council, responsible committee, or Chief of Staff may invite additional knowledgeable persons to participate as member(s) of the Selection Review Committee when particular expertise would be helpful in the evaluation process.

Exceptions from this Competitive Selection process shall be made for:

1. Professional services contracts for an individual Councilmember's Office.
2. Annual Audit, for which requests for qualifications shall be sent to "Big Six" accounting firms with local offices.
3. Emergency situations in which a majority of the entire membership of the Council by motions determines that there is an immediate need for a specific contract and that there is not sufficient time to go through the Competitive Selection Process. Emergency situations may include, but are not limited to, legal actions to which action or response is needed or required in 30 days or less or emergency situations as defined in LA. R.S. 38:2211 A (6). (M-96-105).  
In those emergency instances, where there are available at least 10 working days but not the 30-35 days required for an RFQ/RFP process, an informal process consisting of solicitation of firms/individuals and a shortened review process shall be followed.
4. Any contracts in existence prior to January 1, 1996 for:
  - a) Renewal or extension of the contract, when continuity of service is essential;
  - b) Amendments to such contracts that may expand but do not materially alter the scope of services and for which specialized and institutional experience and knowledge are required.

The Council, by majority vote of its entire membership, shall determine which contracts are eligible for exemption under this paragraph. (Substitute Motion 96-29).

The Council may by motion authorize the amendment of a contract that was under the monetary threshold for use of the competitive selection process to increase the maximum compensation or modify the scope of services if justified by a need to ensure continuity of services for the performance of work related to the original scope of services if the proposed amendment satisfies one or more of the following criteria:

New  
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- 1) the increase in scope of work adds a task which can best and most efficiently be performed in a timely and effective manner by a contractor having knowledge and experience gained during performance of the scope of the existing contract;
- 2) the increase in scope of work adds a task which is essential to completion of the original scope of work but could not reasonably have been anticipated when the original scope was developed;
- 3) the increase in compensation is needed because the time required to complete the original scope of work exceeded the original estimate, which was reasonable based upon the information available to the Council and its consultant at the time the compensation was agreed upon.

The Council may authorize no more than three such amendments to any individual contract. (M-04-235, as amended, as corrected).