

Meeting Date
July 12, 2016



AGENDA	
Section	CONSENT
Item No.	<i>II.C.2</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	REVISION OF POLICY BCC-26, ACQUISITION OF CONSULTANT PROFESSIONAL SERVICES
DEPT/OFFICE:	CENTRAL SERVICES DEPARTMENT, PURCHASING SERVICES

Requested Action:

It is requested the Board approve revisions to Board Policy BCC-26, Acquisition of Consultant Professional Services.

Summary Explanation & Background:

Staff has reviewed the Board's policy that establishes procedures for the selection and acquisition of Professional consultant services. These professional services are defined by F.S. 287.055, Florida Statutes, commonly referred to as the "Consultants' Competitive Negotiation Act", and are those services within the scope of practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping. The Florida Statute defines the acquisition and selection process for those consultant services and is applicable to local governments and municipalities as well as state agencies. Staff has reviewed the current policy and recommends the following changes be incorporated into the policy:

- Section II, Definitions – Added definition for "Board"; revised definitions of Negotiating Committee and Designee.
- Section III D1, Directives – Revised appointment of selection committee shall be by Board or County Manager.
- Section III D2, Directives – Revised Notification of Needs for Services to reference electronic posting in accordance with F.S. 287.042. Removed the duplicate language currently outlined in Administrative Order-50.
- Section III G, Directives – Included reference to federal/state grant guidelines and provisions shall apply to the acquisition if applicable.
- Section III H, Directives- Added Assistant County Manager threshold authority up to \$50,000.

A redline copy of the document is attached indicating changes to the approval and review dates in addition to the signature ready document.

Fiscal Impact FY 15/16: There is no fiscal impact to this action.
 Contact: Leslie Rothering, Purchasing Services; leslie.rothering@brevardfl.org; ext. 5-6038

Clerk to the Board Instructions:

Exhibits Attached: Revised BCC-26; Redline BCC-26

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager, Frank Abbate			Department Director / Extension <i>Terese Camarata</i> Terese Camarata, Central Services Director, Ext. 52543			
Stockton Whitten	Assistant County Manager, Venetta Valdengo						



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July 13, 2016

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item II.C.2., Approval for Revision of Policy BCC-26, Acquisition of Consultant Professional Services

The Board of County Commissioners, in regular session on July 12, 2016, approved the Revision of Policy BCC-26, Acquisition of Consultant Professional Services. Enclosed is the original Policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Central Services Director



POLICY

TITLE: Acquisition of Consultant Professional Services

NUMBER: BCC-26
CANCELS: December 13, 2011
APPROVED: July 12, 2016
ORIGINATOR: Purchasing Services
REVIEW: July 12, 2019

I. OBJECTIVE

To prescribe policy for the selection process and acquisition of consultant professional services as defined by § 287.055, Florida Statutes.

II. REFERENCES AND DEFINITIONS

- A. §287.055, Florida Statutes - "Consultants' Competitive Negotiation Act".
- B. §287.017, Florida Statutes - Purchasing Categories, Threshold Amounts.
- C. Board – Brevard County Board of County Commissioners
- D. Design-Build Firm - A firm who holds a current certificate of registration under Chapter 489 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or holds a current certificate of registration under Chapter 481 to practice architect or landscape architecture; or a firm who holds a current certificate as a registered engineer under Chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
- E. Design Criteria Package - Concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to an agency's request for proposal, or to permit an agency to enter into a negotiated design build contract.
- F. Professional Services - Those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping as defined by the laws of the State, or those services performed by an architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his/her professional employment or practice.
- G. Agency - The state or state agency, municipality, or political subdivision, a school district or a school board. The term "agency" does not extend to a nongovernmental developer that contributes public facilities to a political subdivision under §380.06 or §§163.3220-163.3243 of Florida Statutes.

- H. Firm - Any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or surveying and mapping in the state.
- I. Selection Committee - A committee appointed by the Board to evaluate and rate firms desiring to perform professional services for the County. The committee may be comprised of a County Commissioner in whose district the project is located or designee, County Manager or designee, the Department Director or designee, and staff employees having knowledge and interest in the project.
- J. Negotiating Committee - A committee appointed by the Board to negotiate a contract for professional services.. The committee shall be comprised of the County Manager or designee, Department Director or designee, and staff members of County government having knowledge and interest in the project requiring professional services. The County Attorney (or his designee) may be directed to assist the negotiating committee, but shall not be a member of the negotiating committee.
- K. Designee – When used in this Policy, any title such as Board of County Commissioners, County Manager, or Department Director is presumed to include that person’s official designee as if the Policy read “Board of County Commissioners or designee.”
- L. §286.011, Florida Statutes - Florida Government in the Sunshine Law requiring meetings be open to the public.
- M. Compensation - The amount paid by the Board for professional services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation can be calculated.
- N. Continuing Contract - A contract for professional services entered into in accordance with all the procedures of Reference A., between an agency and a firm, whereby the firm provides professional services to the County for projects in which the estimated construction costs do not exceed \$2,000,000 per project or for study activity when the fee for such professional services does not exceed \$200,000 per, study, or for work of a specified nature as outlined in the contract required by the agency with the contract being for a fixed term or with no time limitation except that the contract shall provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.
- O. Negotiate (or any form of the word) – To conduct legitimate, arm’s length discussions and conferences to reach an agreement on a term or price. The term does not include presentation of flat-fee schedules with no alternatives or discussion.
- P. Project – A study or planning activity described in the public notice under Section III.B. A project may include:
 - 1. A grouping of minor construction, rehabilitation, or renovation activities.
 - 2. A grouping of substantially similar construction, rehabilitation, or renovation projects.
- M. Q, Brevard County Board of County Commissioners Procurement Policy BCC-25 – Specifies directives for procurement activities.

III. DIRECTIVES

A. PROJECT REQUIREMENTS DETERMINATION

Details of recommended projects shall be submitted to the Board for consideration. If approved, the Board minutes shall reflect approval of the project, method of financing, and appointment of a selection committee.

B. PUBLIC ADVERTISEMENT OF NEED FOR SERVICES AND EXCEPTIONS

All Board approved requirements for professional services shall be publicly advertised as outlined in Procurement Policy BCC-25. The advertisement shall be published once in a newspaper of general paid circulation, which is published at least five (5) days a week in the County. The advertisement shall appear at least fourteen (14) days prior to the last day set for the day of required submittal. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

1. Allowable exceptions to public advertisement include:
 - a. Projects involving a Board certified public emergency.
 - b. There shall be no public advertisement requirement or utilization of the selection process for projects in which the agency is able to reuse existing plans from a prior project. However, public advertisement for any plans which are intended to be reused at some future time shall contain a statement which provides that the plans are subject to reuse.
2. With regard to paragraph 1 above, a competitive environment shall be utilized when feasible and practical.
3. A good faith estimate shall be provided in determining whether the proposed activity meets the threshold amounts referred to in this paragraph.

C. NON-COMPETITIVE SELECTION

In cases of planning/study activities estimated to cost is Category Two as defined in §287.017 F.S., or less, the Department Director shall submit the recommendation to the County Manager or his designee to approve the recommendation for non-competitive selection or to appoint a selection committee for further evaluation of qualified firms. However, if, in using another procurement process, the majority of the compensation proposed by firms is in excess of the appropriate threshold amount, all proposals shall be rejected and the procurement reinitiated under Section III.E. A competitive environment shall be utilized when feasible and practical.

D. COMPETITIVE SELECTION

1. Appointment and Quorum Requirements of Selection Committee

The Board or County Manager will appoint a selection committee to review and evaluate the statement of qualifications and performance data.. A County Commissioner may serve on the selection committee. A majority of the appointed selection committee shall constitute a quorum for all selection transactions.

2. Notification of Need for Services

- a. The Architect/Engineer Evaluation Criteria and scoring sheet attached or a similar scoring sheet shall be the sole means of "short listing" firms who have

submitted qualification packages and shall be provided to each interested party prior to their submittal. The selection committee shall review the submittals of the prospective consultants to determine which prospective consultants meet the necessary specific qualifications. Standard Form 330 (combines SF 254 and SF 255) attached may be utilized, or a format outlined in notice, for submittal of qualifications by prospective consultants.

- b. For publicly announced requirements, Purchasing Services, upon notification from the responsible Department/Office Director, shall publish a notice in a newspaper of general circulation in Brevard County and shall indicate how interested consultants may apply for consideration. Trade journals or trade magazines may also be utilized for public advertisement for consultant services. Electronic posting of competitive opportunities shall be posted on the Brevard County Purchasing Website and the County's electronic Internet posting site at www.DemandStar.com/supplier.

Florida Statutes requires reasonable notice of public meetings, such as selection/negotiating sessions with consultants. The notice will include the committee name and purpose, location of meeting, date and time of meeting and required statements outlined under Sections 4 of Administrative Order AO-50, Notification and Site Selection of Public Meetings/Hearings for Compliance with the Americans with Disabilities Act (ADA) and the Florida Accessibility Code (FAC). A copy of the notice of public meeting shall be posted at the Purchasing Services Bulletin Board and County/Purchasing Website and in accordance with Administrative Order AO-50, Notification and Site Selection of Public Meetings/Hearings for Compliance with the Americans with Disabilities Act (ADA) and the Florida Accessibility Code (FAC).

The Chairman of the selection/negotiations committee will ensure a record of the meeting is maintained, either through a written or recorded method.

3. Certification of Consultants

- a. Any firm or individual desiring to provide professional services to the County must first be certified by the County as qualified pursuant to law and the regulations of the County. The County shall make a finding that the firm or individual with whom it contracts is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual. The selection committee shall review statements of qualification and performance data submitted in response to the public announcement and shall select, in order of preference, no fewer than three (3) firms deemed to be the most highly qualified, if at least three (3) firms respond to the announcement. Consultant certification criteria shall include but may not be limited to ability of professional personnel; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads; and volume of work previously awarded, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. Attachment 1 shall be utilized for evaluation and

scoring to short list prospective firms for public presentations. The higher the score the more qualified the firm.

- b. The selection committee may observe public presentations and conduct discussions with the firms pertaining to the firms' qualifications, approach to the project, and ability to furnish the required service. Each selection committee member shall rate each firm/individual observed through personal presentations by assigning the top firm number 1, the second ranked firm number 2, etc. If interviews are not conducted, the ratings applied during the "short-list" phase will determine the rank order of firms for negotiation.
- c. The committee shall maintain this summary listing of the rank order of the firms being evaluated, present their recommendations of the three most qualified firms to the Board if at least three (3) firms respond to the announcement, and request appointment of a negotiating committee to negotiate a contract. Should the County be unable to negotiate a satisfactory contract with the firm considered to be most qualified at a price the County determines to be fair, competitive, and reasonable, negotiations with that firm shall be formally terminated. The County shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the County shall terminate negotiations. The County shall then undertake negotiations with the third most qualified firm.

E. CONTRACT NEGOTIATION

1. The negotiating committee shall be appointed by the Board. The committee shall be comprised of the County Manager or his designee, Department Directors or designees, and staff members of County government having knowledge and interest in the project requiring professional services. A majority of the negotiating committee shall constitute a quorum for contract negotiations. The negotiating committee shall negotiate a contract with the most qualified firm for professional services at compensation, which is determined to be fair and reasonable. The County Attorney (or his designee) shall be assigned to assist the committee in its negotiations, but shall not be a member of the negotiating committee.
2. For all lump-sum or cost-plus fixed fee contracts exceeding Category 4 as defined in §287.017 F.S., the firm awarded the contract must execute a truth-in-negotiation certificate stating that the wage rates and other factual unit costs are accurate, complete, and current, at the time of contracting. Any contract requiring this certificate shall contain a provision that the original contract price and any additions shall be adjusted to exclude any significant sums by which the agency determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustment shall be made within one (1) year following the end of the contract.
3. Each contract shall contain a prohibition against contingent fees as follows: "The architect (or registered land surveyor or professional engineer, as applicable) warrant that he has not employed or retained any company or person, other than a bona fide employee working solely for the architect (or registered land surveyor, or professional engineer as applicable) to solicit or secure this agreement and that he has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the architect (or registered land surveyor or professional engineer, as applicable) any fee, commission, percentage, gift or other

consideration contingent upon or resulting from the award or making of this agreement.

F. REJECTION OF ALL PROPOSALS

The Board shall reserve the right to reject all proposals and re-issue the notice of need for professional services.

G. PRECEDENCE OF FLORIDA STATUTES AND FEDERAL/STATE GRANT GUIDELINES

In the case of any contradictions, irregularities or ambiguities between the procedures established in this policy and §287.055, Florida Statutes, also known as the Consultants' Competitive Negotiation Act, requirements directed in §287.055, F.S., applicable federal laws, as well as grant guidelines and provisions, or any other applicable Statute shall apply.

H. CONTRACT ADMINISTRATION

1. When a contract has complied with the acquisition process set forth in this policy and has been approved and executed by the Board, the Board delegates authority to the County Manager, or designee, to execute individual amendments, addenda, or task order increases when under \$100,000 and greater than or equal to \$50,000; Assistant County Manager when under \$50,000 and greater than or equal to \$25,000; and Department Director when under \$25,000, when each is within the budgeted amount for the project.
2. Amendments, addenda or task order increase amounts are to be considered individually and not cumulatively for the purpose of determining approval authority.
3. Splitting of amendments, addenda or task order increases to circumvent established approval authority thresholds is prohibited.
4. In the case of continuing consultant contracts, all amendments, addenda, and task order increases shall comply with the limitations for continuing consultant contracts as set forth herein and in §287.055, Florida Statutes.

IV. RESERVATION OF AUTHORITY

The Board reserves the right to amend or modify this policy at anytime.

Attest:


SCOTT ELLIS, CLERK

Board of County Commissioners
Brevard County, Florida


Jim Barfield, Chairman

(Approved by the Board of County
Commissioners on July 12, 2016.)

PROJECT NAME
ARCHITECTURAL/ENGINEERING DESIGN SERVICES
BREVARD COUNTY, FLORIDA

SELECTION COMMITTEE SHORTLIST WORKSHEET

FIRM NAME: _____ **DATE:** _____
COMMITTEE MEMBER: _____

A. INTRODUCTION/COVER LETTER (Y/N)

Respondents should provide no more than a two (2) page letter of introduction. The letter should highlight or summarize whatever information a respondent deems appropriate as a cover letter, but at the least, this section should include the name, address, telephone number and FAX number of one person to whom all correspondence should be directed.

Notes/Comments:

B. BUSINESS ORGANIZATION (Y/N)

Describe the business organization, who will serve as major participants and their respective roles, and the following information as to business operations:

1. **Organization:** State the full name, address and telephone number of the proposing firm/organization(s). Include Federal I.D. number and Corporate Charter Number.
 - a. Indicate whether those in the proposing group will operate as a sole proprietorship, individual, partnership or corporation, and the state of its incorporation or license to operate.
 - b. As applicable, provide the name of the branch office or other subordinate element that will perform or assist in performing the services described herein.
2. **Major Participants:** Recognizing the scope of this project, interested parties may select to use joint venture partners or sub-consultants. Provide the following in list form on a summary page (specific information about each should be provided in an Appendix, if desired).
 - a. A list of major participants and complete addresses, and their relationship to the respondent, whether as a joint venture, partner, subsidiary, or sub-consultant.
 - b. Should any of the above participants include a Minority Business Enterprise (MBE), this should be noted along with the entity under which they are designated or certified as an MBE, along with the entity that has so certified the respondent as an MBE.
 - c. Specific role in the project of all participants noted above.
 - d. Estimated percentages of participation of all participants noted above.

Notes/Comments:

3. **Experience/References (35 Pts):** Respondents must provide a list of work on projects relating to consulting. The information will be presented in summary form and then can be followed as appropriate by a narrative.
 - a. List the five projects for which your firm has provided/is providing consulting services. In determining which projects are most related, consider: related size and complexity; how many of the consultants which are part of your proposed team worked on the listed project; and, how recently the project was completed. List the projects in priority order, with the most related project listed first.
 - b. For each of the listed projects, provide the following information: size, construction cost (original construction cost and final construction cost), current phase of development, estimated (or past) completion date, type of delivery method (lump sum, design/build, construction management at risk, etc.), scope of services, name of design team members within your firm and titles, name of Consultants Owner's contact person and telephone number, and the name and telephone number of the general contractor.

Notes/Comments:

4. Respondent's Personnel (15 pts)
- a. List total number of your firm's key personnel by skill group (ie: construction administrators, mechanical, electrical, civil, structural, etc).
 - b. Name all key personnel which will be part of the consulting team for this program and provide their cities of residence. Describe in detail each member's experiences with consulting services including evaluations, peer review of designs by others, construction monitoring, core sampling, fastener pullout resistance testing and other related services as may be required by Brevard County.
 - c. For each project listed in response to Number 3, list the members of the proposed team who worked on the project and describe their roles.
 - d. If the team as a whole provided design services for any of the projects listed in response to Number 3, so indicate.

Notes/Comments:

5. Respondent's Consultants (Y/N)
Name any consultants which are included as part of the proposed team and the name and title of each individual and their specific responsibility.

Notes/Comments:

6. Construction Cost Control (12 pts)
For any three (3) of the projects listed in response to Number 3, describe cost control methods for the construction phase. How did you develop cost estimates and how often were they updated? Provide examples of how these techniques were used and what degree of accuracy was achieved. Include examples of successful value engineering to maintain project budgets without sacrificing quality. Include a sample of a cost estimate. (Note: follow instructions for work product samples included in this section of the Request for Proposal when submitting this example).

Notes/Comments:

7. Scheduling (9 pts)
For any three (3) of the projects listed in response to Number 3, describe the way in which your firm developed and maintained design and construction project schedules. How did you develop schedules and how often were they updated? Provide examples of how these techniques were used. Include specific examples of scheduling challenges, and how your firm helped solve them. Submit an example of a project schedule. (Note: follow instructions for work product samples included in this section of the Request for Proposal when submitting this example).

Notes/Comments:

8. Information Management (8 pts)
For any three (3) of the projects listed in response to Number 3, describe the types of records, field records, logs, meeting minutes, monthly reports, monitoring systems and information management systems which your firm used in the management of those projects. Provide examples of each report used. (Note: follow instructions for work product samples included in this section of the Request for Proposal when submitting these examples).

Notes/Comments:

9. Conflict Resolution (4 pts)
For any three (3) of the projects listed in response to Number 3, describe conflicts or potential conflicts with the Owner, general contractor or trade contractors, and describe the methods used to prevent and/or resolve those conflicts.

Notes/Comments:

10. Quality Control (4 pts)
For any three (3) of the projects listed in response to Number 3, describe the way your firm maintained quality control during the programming, schematic design, design development, construction and warranty phases. Provide specific examples of how these techniques were used.

Notes/Comments:

11. Joint Venture (Y/N)
Is the applicant a joint venture? If so, describe the division of responsibilities between the participating firms, the offices (location) that will be the primary participants, and the percent interest of each firm. Also, duplicate the signature block and have a principal or officer sign on behalf of each party to the joint venture. Attach a copy of your joint venture agreement to each copy of the proposal. (The joint venture agreement should be numbered).

Notes/Comments:

12. Design Cost Controls (13 pts)
For three (3) of the projects listed in response to Number 3, describe how your firm controls internal costs during the design and construction administration phases.

Notes/Comments:

13. Confirmation and Acceptance (Y/N)
By submission of a response to this Request for Proposal the respondent makes the following acknowledgements/certifications. Include a signed and notarized statement indicating confirmation and acceptance.
- a. Your firm/organization/joint venture consents that proposals will not be accepted from any company, firm, person, or party, parent or subsidiary, against which the County has an outstanding claim, or a financial dispute relating to prior contract performance with the County. If at any point of the evaluation the County discovers such a dispute, the Proposal will be rejected.
 - b. Through a statement of disclosure, your firm/organization/joint venture will provide sufficient detail of any relationship, especially financial, between members of your firm and any County employees or their family members. This will allow the County to evaluate possible conflicts of interest. The County will determine whether the extent of any conflict of interest will disqualify the respondent.
 - c. Your firm/organization/joint venture consents that its proposal will remain valid for a period of not less than sixty (60) days from the due date of proposals.
 - d. Regarding information furnished by the applicant herewith, and as may be provided subsequently (including information presented at interview, if a finalist):
 - 1. All information of a factual nature is certified to be true and accurate.
 - 2. All statements of intent or proposed future action (including the assignment of personnel and the provision of services) are commitments that will be honored by the respondent if awarded the contract.
 - e. The respondent has not been convicted of a public entity crime within the past 36 months, as set forth in Section 287.133, Florida Statutes.
 - f. If any information provided by the applicant is found to be, in the sole discretion of the Selection Committee or Board of County Commissioners, substantially unreliable, the applicant's proposal may be rejected.
 - g. The Selection Committee may reject all applicants and may stop the selection process at any time and for any reason.
 - h. The selection of finalists for interview will be made on the basis of information provided herein. The interviewed firms will be ranked based on their total scores earned as a result of their responses to the interview questions and the results of the reference checks.
 - i. It is understood that this proposal must be received at Brevard County (Department/Division), 2725 Judge Fran Jamieson Way, Viera, Florida 32940 no later than _____ on _____.

Notes/Comments:

POINT MATRIX

ARCHITECTURAL/ENGINEERING DESIGN SERVICES BREVARD COUNTY, FLORIDA

SECTION	MAXIMUM POINTS	ACTUAL POINTS
1. Introduction/Cover Letter	Y/N	
2. Business Organization	Y/N	
3. Experience/References	35 points	
4. Respondent's Personnel	15 points	
5. Respondent's Consultants	Y/N	
6. Construction Cost Control	12 points	
7. Scheduling	9 points	
8. Information Management	8 points	
9. Conflict Resolution	4 points	
10. Quality Control	4 points	
11. Joint Venture	Y/N	
12. Design Cost Controls	13 points	
13. Confirmation of Acceptance	Y/N	
TOTAL	Possible 100 Points	

ARCHITECT-ENGINEER QUALIFICATIONSOMB No.: 9000-0004
Expires:

Public reporting burden for this collection of information is estimated to average a total of 29 hours per response (25 hours for Part I and 4 hours for Part 2), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVP), Acquisition Policy Division, GSA, Washington, DC 20405.

PURPOSE

Federal agencies use this form to obtain information from architect-engineer (A-E) firms about their professional qualifications. Federal agencies select firms for A-E contracts on the basis of professional qualifications as required by the Brooks A-E Act (40 U.S.C. 541-544) and Part 36 of the Federal Acquisition Regulation (FAR).

The Brooks A-E Act requires the public announcement of requirements for A-E services (with some exceptions provided by other statutes), and the selection and interviews with at least three of the most highly qualified firms based on demonstrated competence and professional qualifications according to specific criteria published in the announcement. The Act then requires the negotiation of a contract with the most highly qualified firm at a fair and reasonable price.

The information used to evaluate firms is from this form and other sources; it includes performance evaluations, any additional data requested by the agency, and interviews with the most highly qualified firms and their references.

GENERAL INSTRUCTIONS

Part I presents the qualifications for a specific contract.

Part II presents the general qualifications of a firm or a specific branch office of a firm. Part II has two uses:

1. An A-E firm may submit Part II to the appropriate central, regional or local office of each Federal agency to be kept on file. A public announcement is not required for certain contracts, and agencies may use Part II as a basis for selecting at least three of the most highly qualified firms for discussions prior to requesting submission of Part I. Firms are encouraged to update Part II on file with agency offices, as appropriate, according to FAR Part 36. If a firm has branch offices, submit a separate Part II for each branch office seeking work.

2. Prepare a separate Part II for each firm that will be part of the team proposed for a specific contract and submitted with Part I. If a firm has branch offices, submit a separate Part II for each branch office that is part of the team.

INDIVIDUAL AGENCY INSTRUCTIONS

Individual agencies may supplement these instructions. For example, they may limit the number of projects or number of

pages submitted in Part I in response to a public announcement for a particular project. Carefully comply with any agency instructions when preparing and submitting this form. Be as concise as possible and provide only the information requested by the agency.

DEFINITIONS

Architect-Engineer Services: Defined in FAR 2.101.

Branch Office: A geographically distinct place of business or subsidiary office of a firm that is part of the proposed team.

Discipline: Primary technical capabilities of key personnel, as evidenced by academic degree, professional registration, certification, and/or extensive experience.

Firm: Defined in FAR 36.102.

Key Personnel: Individuals who will have major contract responsibilities and/or provide unusual or unique expertise.

SPECIFIC INSTRUCTIONS**Part I - Contract-Specific Qualifications:**

1. and 2. Page Number and Total Pages. Number each page of Part I sequentially, including any additional sheets, and indicate the total number of pages on each page.

Section A. Contract Information.

3. and 4. Title and Location. Enter the title and location of the contract for which this form is being submitted, exactly as shown in the public announcement or agency request.

5. Public Notice Date. Enter the posted date of the agency's notice on FedBizOpps, other form of public announcement or agency request for this contract.

6. Solicitation or Project Number. Enter the agency's solicitation number and/or project number, if applicable, exactly as shown in the public announcement or agency request for this contract.

Section B. Architect-Engineer Point of Contact

7-11. Name, Title, Telephone Number, Fax (Facsimile) Number and E-mail (Electronic Mail) Address. Provide information for a representative of the prime contractor or joint venture that the agency can contact for additional information.

DRAFT

Section C. Proposed Team

12-14. **Firm Name, Address, and Role in This Contract.** Indicate the contractual relationship (prime contractor, joint venture partner or subcontractor) and provide the name, full mailing address, and role of each firm that will be involved in performance of this contract. If a firm has branch offices, indicate each individual branch office that will be part of the team. The named subcontractors and outside associates or consultants must be used, and any change must be approved by the contracting officer. (See FAR Part 52 Clause "Subcontractors and Outside Associates and Consultants (Architect-Engineer Services)".) Attach an additional sheet in the same format as Section C if needed.

Section D. Organizational Chart of Firms and Key Personnel

On a separate sheet, inserted after Section C, present an organizational flowchart showing each firm (and each branch office, if appropriate) listed in Section C, and the names and roles of all key personnel listed in Section E.

Section E. Resumes of Key Personnel Proposed for This Contract

Complete this section for each key person who will participate in this contract. Group by firm, with personnel of the prime contractor or joint venture partner firms first. The following blocks must be completed for each resume:

15. **Name.** Self-explanatory.
16. **Role in This Contract.** Self-explanatory.
17. **Years Experience.** Total years of relevant experience (block 17a), and years of relevant experience with this firm, but not necessarily the same branch office (block 17b).
18. and 19. **Firm Name and Firm Location.** Name, city and state of the firm where the person currently works, which must correspond with one of the firms (or branch office of a firm, if appropriate) listed in Section C.
20. **Education.** Provide information on the highest relevant academic degree(s) received. Indicate the area(s) of emphasis for each degree under Specialization (block 20d). If the person has more than two relevant degrees, show in Other Professional Qualifications (block 22).
21. **Current Professional Registration.** Provide information on current relevant professional registration(s) in a State or possession of the United States, Puerto Rico, or the District of Columbia according to FAR Part 36. If the person has more than two relevant professional registrations, show in Other Professional Qualifications (block 22).

22. **Other Professional Qualifications.** Provide information on any other professional qualifications relating to this contract, such as education, professional registration, publications, organizational memberships, certifications, training, awards, security clearance, and foreign language capabilities.

23. **Relevant Projects.** Provide information on up to five projects in which the person had a significant role that demonstrates the person's capability relevant to her/his proposed role in this contract. These projects do not necessarily have to be any of the projects presented in Section F for the project team if the person was not involved in any of those projects or the person worked on other projects that were more relevant than the team projects in Section F. If any of the professional services or construction projects are not complete, leave Year Completed (block (3)) blank and indicate the status in Description (block (4)). Only attach photographs if requested by the agency.

Section F. Example Projects Which Best Illustrate Proposed Team's Qualifications for This Contract

Select projects where multiple team members worked together, if possible, that demonstrate the team's capability to perform work similar to that required for this contract. Complete one Section F for each project. Present ten projects, unless otherwise specified by the agency. Complete the following blocks for each project:

24. **Title.** Title of project or contract.
25. **Location.** Self-explanatory.
26. **Project Owner.** Project owner or user, such as a government agency or installation, an institution, a corporation or private individual.
27. **Project Owner's Point of Contact.** Provide information about a person associated with the project owner or the organization which contracted for the professional services, who is very familiar with the project and the firm's (or firms') performance.
28. **Brief Description of Project and Relevance to This Contract.** Indicate scope, size, cost, principal elements and special features of the project. Discuss the relevance of the example project to this contract. Only attach photographs if requested by the agency.
29. and 30. **Professional Services and Construction.** Enter the year completed and cost of the professional services (such as planning, engineering study, design, or surveying), and/or the year completed and cost of construction, if applicable. If any of the professional services or the construction projects are not complete, leave Year Completed (block 29a or 30a) blank and indicate the status in Brief Description (block 28).

31. Firms from Section C Involved with This Project. Indicate which firms (or branch offices, if appropriate) on the project team were involved in the example project, and their roles. List in the same order as in Section C.

32. Awards. Describe any awards the project received from governmental agencies or industry or professional organizations. Only attach the awards if requested by the agency.

33. Additional Project Information. Enter specific data requested by the agency for each example project. See the Commerce Business Daily or other types of announcements.

Section G. Key Personnel Participation in Example Projects

This matrix is intended to graphically depict which key personnel identified in Section E worked on the example projects listed in Section F. Complete the following blocks (see example below).

34. and 35. Names of Key Personnel and Role in This Contract. List the names of the key personnel and their proposed roles in this contract in the same order as they appear in Section E.

36. Example Projects Listed in Section F. In the column under each project key number (see block 37) and for each key person, insert a "1" if the person was involved in any

role with the project or a "2" if the person performed in the same or similar role as proposed for this contract. Attach an additional Section G sheet if needed.

37. Example Projects Key. List the titles of the example projects in the same order as they appear in Section F.

Section H. Additional Information

38. Use this section to provide information specifically requested by the agency or to address selection criteria which are not covered by the information provided in Sections A-G. Typical information which may be required in this section includes: computer-aided design capabilities, metric design experience, quality management procedures, special contract capabilities, specialized equipment, security clearances, capacity to perform this contract in the required time period, knowledge of the project locality and local regulations, and contract awards by Federal agencies.

Section I. Authorized Representative

39. and 40. Signature of Authorized Representative and Date. An authorized representative of a joint venture or the prime contractor must sign and date the completed form. Signing attests that the information provided is current and factual, and that all firms on the proposed team agree to work on the project. Joint ventures selected for negotiations must make available a statement of participation by a principal of each member of the joint venture.

SAMPLE ENTRIES FOR SECTION G (MATRIX)

34. NAMES OF KEY PERSONNEL (From Section E, Block 15)	35. ROLE IN THIS CONTRACT (From Section E, Block 16)	36. EXAMPLE PROJECTS LISTED IN SECTION F (Fill in "Example Projects Key" section below first, before completing table. Place "1" under project key number for project participation in any role; Place "2" under project key number for participation in same or similar role.)									
		1	2	3	4	5	6	7	8	9	10
Jane A. Smith	Chief Architect	1		2							
Joseph B. Williams	Chief Mech. Engineer	2	2	2	2						
Tara C. Donovan	Chief Elec. Engineer	2	1		2						
Evan D. Summer	CADD Technician	1	1	2	1						

37. EXAMPLE PROJECTS KEY

NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)	NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)
1	Federal Courthouse, Denver, CO	3	XYZ Corporation Headquarters, Boston, MA
2	Justin J. Wilson Federal Building, Baton Rouge, LA	4	Founder's Museum, Newport RI

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41. and 42. Name and Title of Authorized Representative. Provide this information for the authorized representative who signed the form.

Part II - General Qualifications

See the "General Instructions" on page 1 for firms with branch offices. If a firm has branch offices, prepare Part II for the specific branch office seeking work.

1. Solicitation Number. If Part II is submitted for a specific contract, insert the agency's solicitation number and/or project number, if applicable, exactly as shown in the public announcement or agency request.

2a-2f. Firm (or Branch Office) Name and Address. Self-explanatory.

3. Year Established. Enter the year the firm (or branch office, if appropriate) was established under the current name.

4. DUNS Number. Insert the Data Universal Numbering System number issued by Dun and Bradstreet Information Services. See FAR Part 4. No DUNS number is required if the firm has not been issued one.

5. Ownership.

a. Type. Enter the type of ownership or legal structure of the firm (sole proprietor, partnership, corporation, joint venture, etc.).

b. Small Business Status. Refer to the North American Industry Classification System (NAICS) code in the public announcement, and indicate if the firm is a small business according to the current size standard for that NAICS code (for example, Engineering Services (part of NAICS 541330), Architectural Services (NAICS 541310), Surveying and Mapping Services (NAICS 541370)). The small business categories and the description of the NAICS codes appear in FAR Part 19. Contact the requesting agency for any questions.

6a-6d. Point of Contact. Provide this information for a representative of the firm that the agency can contact for additional information. The representative must be empowered to speak on contractual and policy matters.

7. Name of Firm. Enter the name of the firm if Part II is prepared for a branch office.

8a-8c. Former Firm Names. Indicate any other previous names for the firm (or branch office) during the last six years.

Insert the year that this corporate name change was effective and the associated DUNS Number. This information is used to review past performance on Federal contracts.

9. Employees by Discipline. If Part II is prepared for a firm (including all branch offices), enter the number of employees by discipline in Col. c(1). If Part II is prepared for a branch office, enter the number of employees by discipline in Col. c(2) and for the firm in Col. c(1). Use the relevant disciplines and associated function codes shown at the end of these instructions, and list in the same numerical order. After the listed disciplines, write in any additional disciplines and leave the function code blank. Each person can be counted only once according to his/her primary function.

10. Profile of Firm's Experience and Annual Average Revenue for Last 5 Years. Complete this block for the firm or branch office for which this Part II is prepared. Enter the experience categories which most accurately reflect the firm's technical capabilities and project experience. Use the relevant experience categories and associated profile codes shown at the end of these instructions, and list in the same numerical order. After the listed experience categories, write in any additional relevant project experiences and leave the profile code blank. For each type of experience, enter the appropriate revenue index number to reflect the professional services revenues received annually (averaged over the last 5 years) by the firm for performing that type of work. A particular project may be identified with one experience category or it may be broken into components, as best reflects the capabilities and types of work performed by the firm. However, do not double count the revenues received on a particular project.

11. Annual Average Professional Services Revenues of Firm for Last 3 Years. Complete this block for the firm or branch office for which this Part II is prepared. Enter the appropriate revenue index numbers to reflect the professional services revenues received annually (averaged over the last 3 years) by the firm or branch office. Indicate Federal work (performed directly for the Federal Government, either as the prime contractor or subcontractor), non-Federal work (all other domestic and foreign work, including Federally-assisted projects), and the total. If the firm has been in existence for less than 3 years, see FAR Subpart 19.1 "Annual Receipts".

12. Authorized Representative. An authorized representative of the firm or branch office must sign and date the completed form. Signing attests that the information provided is current and factual. Provide the name and title of the authorized representative who signed the form.

List of Disciplines (Function Codes)

Code	Description
01	Administrative
02	Architects
03	Biologists
04	CADD Technicians
05	Cartographers
06	Chemists
07	Construction Inspectors
08	Construction Managers
09	Draftspersons
10	Ecologists
11	Economists
	Engineers:
12	Acoustical
13	Aeronautical
14	Chemical
15	Civil
16	Communications
17	Corrosion
18	Cost (Estimators)
19	Electrical/Electronic
20	Environmental
21	Fire Protection
22	Forensic
23	Foundation/Geotechnical
24	Industrial
25	Information Systems
26	Materials
27	Mechanical
28	Mining
29	Safety/Occupational Health
30	Soils
31	Specifications
32	Structural
33	Transportation
34	Value
35	Environmental Scientists
36	Geodetic Surveyors
37	Geologists
38	Geospacial Information Systems
39	Technicians/Analysts
40	Health Facility Planners
41	Hydrologists
42	Industrial Hygienists
43	Interior Designers
44	Landscape Architects
45	Oceanographers
46	Planners: Urban/Regional
47	Project Managers
48	Risk Assessors
49	Schedulers
50	Security Specialists
51	Topographic Surveyors
52	Toxicologists

List of Experience Categories (Profile Codes)

Code	Description	Code	Description
A01	Acoustics, Noise Abatement	E06	Energy Conservation; New Energy Sources
A02	Aerial Photogrammetry	E07	Engineering Economics
A03	Agricultural Development; Grain Storage; Farm Mechanization	E08	Environmental Impact Studies, Assessments or Statements
A04	Air Pollution Control	E09	Environmental Remediation
A05	Airports; Nav aids; Airport Lighting; Aircraft Fueling; Paving	E10	Environmental Testing and Analysis
A06	Airports; Terminals and Hangars; Freight Handling	F01	Fallout Shelters; Blast-Resistant Design
A07	Arctic Facilities	F02	Field Houses; Gyms; Stadiums
A08	Animal Facilities	F03	Fire Protection
A09	Asbestos Abatement	F04	Fisheries; Fish ladders
A10	Auditoriums & Theaters	F05	Forensic Engineering
A11	Automation; Controls; Instrumentation	F06	Forestry & Forest products
B01	Barracks; Dormitories	G01	Galleries
B02	Bridges	G02	Garages; Vehicle Maintenance Facilities; Parking Decks
C01	Cemeteries (<i>Planning & Relocation</i>)	G03	Gas Systems (Propane; Natural, Etc.)
C02	Chemical Processing & Storage	G04	Geographic Information System Development/Analysis
C03	Child Care/Development Facilities	G05	Graphic Design
C04	Churches; Chapels	H01	Harbors; Jetties; Piers, Ship Terminal Facilities
C05	Coastal Engineering	H02	Hazardous Materials Handling and Storage
C06	Codes; Standards; Ordinances	H03	Hazardous, Toxic, Radioactive Waste Remediation
C07	Cold Storage; Refrigeration and Fast Freeze	H04	Heating; Ventilating; Air Conditioning
C08	Commercial Building (<i>low rise</i>); Shopping Centers	H05	Health Systems Planning
C09	Community Facilities	H06	Highrise; Air-Rights-Type Buildings
C10	Communications Systems; TV; Microwave	H07	Highways; Streets; Parking Lots
C11	Computer Facilities; Computer Service	H08	Historical Preservation
C12	Conservation and Resource Management	H09	Hospital & Medical Facilities
C13	Construction Management	H10	Hotels; Motels
C14	Construction Surveying	H11	Housing (<i>Residential, Multi-Family; Apartments; Condominiums</i>)
C15	Corrosion Control; Cathodic Protection; Electrolysis	H12	Hydraulics & Pneumatics
C16	Cost Engineering and Analysis; Parametric Costing; Forecasting; Risk Analysis; Life Cycle Costing	H13	Hydrographic Surveying
C17	Cryogenic Facilities	I01	Industrial Buildings; Manufacturing Plants
D01	Dams (<i>Concrete; Arch</i>)	I02	Industrial Processes; Quality Control
D02	Dams (<i>Earth; Rock</i>); Dikes; Levees	I03	Industrial Waste Treatment
D03	Desalinization (<i>Process & Facilities</i>)	I04	Interior Design; Space Planning
D04	Design-Build	I05	Irrigation; Drainage
D05	Dining Halls; Clubs; Restaurants	J01	Judicial and Courtroom Facilities
D06	Dredging Studies and Design	L01	Laboratories
E01	Ecological & Archeological Investigations	L02	Land Boundary Surveying
E02	Educational Facilities; Classrooms	L03	Landscape Architecture
E03	Electrical Studies and Design	L04	Libraries
E04	Electronics		
E05	Elevators; Escalators; People-Movers		

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STANDARD FORM 330 () PAGE 6

List of Experience Categories (Profile Codes)

Code	Description	Code	Description
L05	Lighting (Interior; Display; Theater, Etc.)	R06	Rehabilitation (Buildings; Structures; Facilities)
L06	Lighting (Exteriors; Streets; Memorials; Athletic Fields, Etc.)	R07	Research Facilities
M01	Materials Handling Systems; Conveyors; Sorters	R08	Resources Recovery;
M02	Metallurgy	R09	Recycling Risk Analysis
M03	Microclimatology; Tropical Engineering	R10	Rivers; Canals; Waterways; Flood Control
M04	Military Design Standards	R11	Roofing
M05	Mining & Mineralogy	S01	Safety Engineering; Accident Studies; OSHA Studies
M06	Missile Facilities (Silos; Fuels; Transport)	S02	Security Systems; Intruder & Smoke Detection
M07	Modular Systems Design; Pre-Fabricated Structures or Components	S03	Seismic Designs & Studies
M08	Museums	S04	Sewage Collection, Treatment and Disposal
N01	Naval Architecture; Off-Shore Platforms	S05	Soils & Geologic Studies; Foundations
N02	Nuclear Facilities; Nuclear Shielding	S06	Solar Energy Systems
O01	Office Buildings; Industrial Parks	S07	Solid Wastes; Incineration; Landfill
O02	Oceanographic Engineering	S08	Special Environments; Clean Rooms, Etc.
O03	Ordnance; Munitions; Special Weapons	S09	Structural Design; Special Structures
P01	Petroleum Exploration; Refining	S10	Surveying; Platting; Mapping; Flood Plain Studies
P02	Petroleum and Fuel (Storage and Distribution)	S11	Sustainable Design
P03	Pipelines (Cross-Country - Liquid & Gas)	S12	Swimming Pools
P04	Planning (Community, Regional, Areawide and State)	S13	Storm Water Handling & Facilities
P05	Planning (Site, Installation, and Project)	T01	Telephone Systems (<i>Rural; Mobile; Intercom, Etc.</i>)
P06	Plumbing & Piping Design	T02	Testing & Inspection Services
P07	Prisons & Correctional Facilities	T03	Traffic & Transportation Engineering
P08	Product, Machine Equipment Design	T04	Topographic Mapping
P09	Pneumatic Structures, Air-Support Buildings	T05	Towers (<i>Self-Supporting & Guyed Systems</i>)
P10	Postal Facilities	T06	Tunnels & Subways
P11	Power Generation, Transmission, Distribution	U01	Unexploded Ordnance Remediation
P12	Public Safety Facilities	U02	Urban Renewals; Community Development
R01	Radar; Sonar; Radio & Radar Telescopes	U03	Utilities
R02	Radio Frequency Systems & Shieldings	V01	Value Analysis; Life-Cycle Costing
R03	Railroad; Rapid Transit	W01	Warehouses & Depots
R04	Recreation Facilities (Parks, Marinas, Etc.)	W02	Water Resources; Hydrology; Ground Water
R05	Refrigeration Plants/Systems	W03	Water Supply; Treatment and Distribution
		W04	Wind Tunnels; Research/Testing Facilities Design
		Z01	Zoning; Land Use Studies

ARCHITECT - ENGINEER QUALIFICATIONS	1. PAGE NUMBER	2. TOTAL PAGES
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PART I - CONTRACT-SPECIFIC QUALIFICATIONS

A. CONTRACT INFORMATION

3. TITLE	4. LOCATION <i>(City and State)</i>
6. PUBLIC NOTICE DATE	6. SOLICITATION OR PROJECT NUMBER

B. ARCHITECT-ENGINEER POINT OF CONTACT

7. NAME	8. TITLE
9. TELEPHONE NUMBER	10. FAX NUMBER
11. E-MAIL ADDRESS	

C. PROPOSED TEAM

(Complete this section for the prime contractor and all other firms proposed for this contract. If a firm has branch offices, complete this section for the particular branch office(s) proposed for the contract.)

	"X" ONE				12. FIRM NAME	13. ADDRESS	14. ROLE IN THIS CONTRACT
	PRIME	J-V	PARTNER	SUBCONTRACTOR			
a.							
b.							
c.							
d.							
e.							
f.							
g.							
h.							
i.							

D. ORGANIZATIONAL CHART OF FIRMS AND KEY PERSONNEL

(Attached)

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT <i>(Complete one Section E for each key person.)</i>			PAGE NUMBER	TOTAL PAGES	
15. NAME	16. ROLE IN THIS CONTRACT		17. YEARS EXPERIENCE		
			a. TOTAL	b. WITH THIS FIRM	
18. FIRM NAME		19. FIRM LOCATION <i>(City and State)</i>			
20. EDUCATION					
a. DEGREE	b. DISCIPLINE	c. YEAR	d. SPECIALIZATION		
21. CURRENT PROFESSIONAL REGISTRATION			22. OTHER PROFESSIONAL QUALIFICATIONS <i>(Publications, Organizations, Training, Awards, etc.)</i>		
a. STATE	b. YEAR FIRST REGISTERED	c. DISCIPLINE			
23. RELEVANT PROJECTS					
a.	(1) TITLE	(2) LOCATION <i>(City and State)</i>	(3) YEAR COMPLETED		
			PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>	
(4) DESCRIPTION <i>(Brief scope, size, cost, etc.)</i>			(5) SPECIFIC ROLE		
<input type="checkbox"/> Check if photos attached					
b.	(1) TITLE	(2) LOCATION <i>(City and State)</i>	(3) YEAR COMPLETED		
			PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>	
(4) DESCRIPTION <i>(Brief scope, size, cost, etc.)</i>			(5) SPECIFIC ROLE		
<input type="checkbox"/> Check if photos attached					
c.	(1) TITLE	(2) LOCATION <i>(City and State)</i>	(3) YEAR COMPLETED		
			PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>	
(4) DESCRIPTION <i>(Brief scope, size, cost, etc.)</i>			(5) SPECIFIC ROLE		
<input type="checkbox"/> Check if photos attached					
d.	(1) TITLE	(2) LOCATION <i>(City and State)</i>	(3) YEAR COMPLETED		
			PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>	
(4) DESCRIPTION <i>(Brief scope, size, cost, etc.)</i>			(5) SPECIFIC ROLE		
<input type="checkbox"/> Check if photos attached					
e.	(1) TITLE	(2) LOCATION <i>(City and State)</i>	(3) YEAR COMPLETED		
			PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>	
(4) DESCRIPTION <i>(Brief scope, size, cost, etc.)</i>			(5) SPECIFIC ROLE		
<input type="checkbox"/> Check if photos attached					

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F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		PAGE NUMBER	TOTAL PAGES
24. TITLE			
25. LOCATION <i>(City and State)</i>		26. PROJECT OWNER	
27. PROJECT OWNER'S POINT OF CONTACT			
a. NAME	b. TELEPHONE	d. E-MAIL ADDRESS	
	c. FAX NUMBER		
28. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT			

CHECK IF PHOTOGRAPH(S) OF PROJECT ATTACHED *(If applicable)*

29. PROFESSIONAL SERVICES		30. CONSTRUCTION <i>(If applicable)</i>	
a. YEAR COMPLETED	b. FEE	a. YEAR COMPLETED	b. COST

31. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
a.		
b.		
c.		
d.		
e.		
f.		
g.		
h.		
i.		

32. AWARDS <i>(If applicable)</i>	33. ADDITIONAL PROJECT INFORMATION
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H. ADDITIONAL INFORMATION	PAGE NUMBER	TOTAL PAGES
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38. PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY THE AGENCY. ATTACH ADDITIONAL SHEETS AS REQUIRED.

I. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

39. SIGNATURE	40. DATE
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41. NAME (Print or type)	42. TITLE (Print or type)
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POLICY

TITLE: Acquisition of Consultant Professional Services

NUMBER: BCC-26

CANCELS: ~~February 23, 2010~~
~~December 13, 2011~~

APPROVED: ~~December 13, 2011~~ July 12, 2016

ORIGINATOR: Purchasing Services

REVIEW: ~~December 13, 2014~~ July 12, 2019

I. OBJECTIVE

To prescribe policy for the selection process and acquisition of consultant professional services as defined by § 287.055, Florida Statutes.

II. REFERENCES AND DEFINITIONS

- A. §287.055, Florida Statutes - "Consultants' Competitive Negotiation Act".
- B. §287.017, Florida Statutes - Purchasing Categories, Threshold Amounts.

C. Board – Brevard County Board of County Commissioners

- ~~CD.~~ Design-Build Firm - A firm who holds a current certificate of registration under Chapter 489 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or holds a current certificate of registration under Chapter 481 to practice architect or landscape architecture; or a firm who holds a current certificate as a registered engineer under Chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
- ~~DE.~~ Design Criteria Package - Concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to an agency's request for proposal, or to permit an agency to enter into a negotiated design build contract.
- ~~EF.~~ Professional Services - Those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping as defined by the laws of the State, or those services performed by an architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his/her professional employment or practice.
- ~~FG.~~ Agency - The state or state agency, municipality, or political subdivision, a school district or a school board. The term “agency” does not extend to a nongovernmental developer that



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C. Board – Brevard County Board of County Commissioners

- ~~CD.~~ Design-Build Firm - A firm who holds a current certificate of registration under Chapter 489 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or holds a current certificate of registration under Chapter 481 to practice architect or landscape architecture; or a firm who holds a current certificate as a registered engineer under Chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
- ~~DE.~~ Design Criteria Package - Concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to an agency's request for proposal, or to permit an agency to enter into a negotiated design build contract.
- ~~EF.~~ Professional Services - Those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping as defined by the laws of the State, or those services performed by an architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his/her professional employment or practice.
- ~~FG.~~ Agency - The state or state agency, municipality, or political subdivision, a school district or a school board. The term "agency" does not extend to a nongovernmental developer that

contributes public facilities to a political subdivision under §380.06 or §§163.3220-163.3243 of Florida Statutes.

- ~~GH.~~ Firm - Any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or surveying and mapping in the state.
- ~~HI.~~ Selection Committee - A committee appointed by the Board to evaluate and rate firms desiring to perform professional services for the County. The committee may be comprised of a County Commissioner in whose district the project is located or designee, County Manager or designee, the Department Director or designee, and staff employees having knowledge and interest in the project.
- ~~IJ.~~ Negotiating Committee - A committee appointed by the Board to negotiate a contract for professional services, ~~after the Board approves the order of preference for the purpose of negotiations of a professional service agreement.~~ The committee shall be comprised of the County Manager or designee, Department Director or designee, and staff members of County government having knowledge and interest in the project requiring professional services. The County Attorney (or his designee) may be directed to assist the negotiating committee, but shall not be a member of the negotiating committee.
- ~~JK.~~ Designee ~~— When used in this Policy, any title such as Board of County Commissioners, County Manager, or Department Director is presumed to include that person's official designee as if the Policy read "Board of County Commissioners or designee." That County staff employee appointed to act for the appointing authority in a specific scope of responsibility.~~
- ~~KL.~~ §286.011, Florida Statutes - Florida Government in the Sunshine Law requiring meetings be open to the public.
- ~~LM.~~ Compensation - The amount paid by the Board for professional services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation can be calculated.
- ~~M.~~ N. Continuing Contract - A contract for professional services entered into in accordance with all the procedures of Reference A., between an agency and a firm, whereby the firm provides professional services to the County for projects in which the estimated construction costs do not exceed \$2,000,000 per project or for study activity when the fee for such professional services does not exceed \$200,000 per, study, or for work of a specified nature as outlined in the contract required by the agency with the contract being for a fixed term or with no time limitation except that the contract shall provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.
- ~~N.~~ O. Negotiate (or any form of the word) – To conduct legitimate, ~~arms-length~~ discussions and conferences to reach an agreement on a term or price. The term does not include presentation of flat-fee schedules with no alternatives or discussion.
- ~~O.~~ P. Project – A study or planning activity described in the public notice under Section III.B. A project may include:
1. A grouping of minor construction, rehabilitation, or renovation activities.
 2. A grouping of substantially similar construction, rehabilitation, or renovation projects.

~~P.M.~~ Q. Brevard County Board of County Commissioners Procurement Policy BCC-25 – Specifies directives for procurement activities.

III. DIRECTIVES

A. PROJECT REQUIREMENTS DETERMINATION

Details of recommended projects shall be submitted to the Board for consideration. If approved, the Board minutes shall reflect approval of the project, method of financing, and appointment of a selection committee.

B. PUBLIC ADVERTISEMENT OF NEED FOR SERVICES AND EXCEPTIONS

All Board approved requirements for professional services shall be publicly advertised as outlined in Procurement Policy BCC-25. The advertisement shall be published once in a newspaper of general paid circulation, which is published at least five (5) days a week in the County. The advertisement shall appear at least fourteen (14) days prior to the last day set for the day of required submittal. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

1. Allowable exceptions to public advertisement include: ~~(R)~~

a. Projects involving a Board certified public emergency.

b. There shall be no public advertisement requirement or utilization of the selection process for projects in which the agency is able to reuse existing plans from a prior project. However, public advertisement for any plans which are intended to be reused at some future time shall contain a statement which provides that the plans are subject to reuse.

2. With regard to paragraph 1: above, a competitive environment shall be utilized when feasible and practical.

3. A good faith estimate shall be provided in determining whether the proposed activity meets the threshold amounts referred to in this paragraph.

C. NON-COMPETITIVE SELECTION

In cases of planning/study activities estimated to cost is Category Two as defined in §287.017 F.S., or less, the Department Director shall submit the recommendation to the County Manager or his designee to approve the recommendation for non-competitive selection or to appoint a selection committee for further evaluation of qualified firms. However, if, in using another procurement process, the majority of the compensation proposed by firms is in excess of the appropriate threshold amount, all proposals shall be rejected and the procurement reinitiated under Section III.~~DE~~. A competitive environment shall be utilized when feasible and practical.

~~(R)~~

D. COMPETITIVE SELECTION

1. Appointment and Quorum Requirements of Selection Committee

~~The County Manager or designee~~Board or County Manager ~~will appoint a recommend~~–will appoint a ~~a selection committee to review and evaluate the statement of qualifications and performance data. to the Board.~~selection committee to review and evaluate the statement of qualifications and performance data. A County Commissioner may

serve on the selection committee. A majority of the ~~Board~~-appointed selection committee shall constitute a quorum for all selection transactions.

2. Notification of Need for Services

- a. The Architect/Engineer Evaluation Criteria and scoring sheet attached or a similar scoring sheet shall be the sole means of "short listing" firms who have submitted qualification packages and shall be provided to each interested party prior to their submittal. The selection committee shall review the submittals of the prospective consultants to determine which prospective consultants meet the necessary specific qualifications. Standard Form 330 (combines SF 254 and SF 255) attached ~~shall may~~ be utilized, or a format outlined in notice. -for submittal of qualifications by prospective consultants.
- b. For publicly announced requirements, Purchasing Services, upon notification from the responsible Department/Office Director, shall publish a notice in a newspaper of general circulation in Brevard County and shall indicate how interested consultants may apply for consideration. Trade journals or trade magazines may also be utilized for public advertisement for consultant services. Electronic posting of competitive opportunities shall be posted on the Brevard County Purchasing Website and the County's electronic Internet posting site at www.DemandStar.com/supplier.

Florida Statutes requires reasonable notice of public meetings, such as selection/negotiating sessions with consultants. The notice will include the committee name and purpose, location of meeting, date and time of meeting and required statements outlined under Sections 4 of Administrative Order AO-50, Notification and Site Selection of Public Meetings/Hearings for Compliance with the Americans with Disabilities Act (ADA) and the Florida Accessibility Code (FAC). A copy of the notice of public meeting shall be posted at the Purchasing Services Bulletin Board and County/Purchasing Website and in accordance with Administrative Order AO-50. , Notification and Site Selection of Public Meetings/Hearings for Compliance with the Americans with Disabilities Act (ADA) and the Florida Accessibility Code (FAC). ~~the Brevard Government Center, the North Brevard Service Complex, each Courthouse, and Law Library. Additionally, a copy shall be forwarded to the newspaper if time permits.~~

~~Part of the notice of public meeting will be the caveat, "Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes the testimony and evidence upon which the appeal is to be based."~~

~~The needs of the hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance."~~

The Chairman of the selection/negotiations committee will ensure a record of the meeting is maintained, either through a written or recorded method.

3. Certification of Consultants

- a. Any firm or individual desiring to provide professional services to the County must first be certified by the County as qualified pursuant to law and the regulations of the County. The County shall make a finding that the firm or individual with whom it contracts is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual. The selection committee shall review statements of qualification and performance data submitted in response to the public announcement and shall select, in order of preference, no fewer than three (3) firms deemed to be the most highly qualified, if at least three (3) firms respond to the announcement. Consultant certification criteria shall include but may not be limited to ability of professional personnel; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads; and volume of work previously awarded, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. Attachment 1 shall be utilized for evaluation and scoring to short list prospective firms for public presentations. The higher the score the more qualified the firm.
- b. The selection committee may observe public presentations and conduct discussions with the firms pertaining to the firms' qualifications, approach to the project, and ability to furnish the required service. Each selection committee member shall rate each firm/individual observed through personal presentations by assigning the top firm number 1, the second ranked firm number 2, etc. If interviews are not conducted, the ratings applied during the "short-list" phase will determine the rank order of firms for negotiation.
- c. The committee shall maintain this summary listing of the rank order of the firms being evaluated, present their recommendations of the three most qualified firms to the Board; if at least three (3) firms respond to the announcement, and request ~~the Board to appointment of~~ a negotiating committee to negotiate a contract. Should the County be unable to negotiate a satisfactory contract with the firm considered to be most qualified at a price the County determines to be fair, competitive, and reasonable, negotiations with that firm shall be formally terminated. The County shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the County shall terminate negotiations. The County shall then undertake negotiations with the third most qualified firm.

E. CONTRACT NEGOTIATION

1. The negotiating committee shall be appointed by the Board. The committee shall be comprised of the County Manager or his designee, Department Directors or designees, and staff members of County government having knowledge and interest in the project requiring professional services. A majority of the negotiating committee shall constitute a quorum for contract negotiations. ~~Upon board direction, T~~ the negotiating committee shall negotiate a contract with the most qualified firm for professional services at compensation, which is determined to be fair and reasonable. The County Attorney (or his designee) shall be assigned to assist the committee in its negotiations, but shall not be a member of the negotiating committee.

2. For all lump-sum or cost-plus fixed fee contracts exceeding Category 4 as defined in §287.017 F.S., the firm awarded the contract must execute a truth-in-negotiation certificate stating that the wage rates and other factual unit costs are accurate, complete, and current, at the time of contracting. Any contract requiring this certificate shall contain a provision that the original contract price and any additions shall be adjusted to exclude any significant sums by which the agency determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustment shall be made within one (1) year following the end of the contract.
3. Each contract shall contain a prohibition against contingent fees as follows: "The architect (or registered land surveyor or professional engineer, as applicable) warrant that he has not employed or retained any company or person, other than a bona fide employee working solely for the architect (or registered land surveyor, or professional engineer as applicable) to solicit or secure this agreement and that he has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the architect (or registered land surveyor or professional engineer, as applicable) any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of this agreement.

F. REJECTION OF ALL PROPOSALS

The Board shall reserve the right to reject all proposals and re-issue the notice of need for professional services.

G. PRECEDENCE OF FLORIDA STATUTES AND FEDERAL/STATE GRANT GUIDELINES

In the case of any contradictions, irregularities or ambiguities between the procedures established in this policy and §287.055, Florida Statutes, also known as the Consultants' Competitive Negotiation Act, requirements directed in §287.055, F.S., applicable federal laws, as well as grant guidelines and provisions, or any other applicable Statute shall apply.

H. CONTRACT ADMINISTRATION

1. When a contract has complied with the acquisition process set forth in this policy and has been approved and executed by the Board, the Board delegates authority to the County Manager, or designee, to execute individual amendments, addenda, or task order increases when under \$100,000 and greater than or equal to \$5025,000; Assistant County Manager when under \$50,000 and greater than or equal to \$25,000; and Department Director when under \$25,000, when each is within the budgeted amount for the project.
2. Amendments, addenda or task order increase amounts are to be considered individually and not cumulatively for the purpose of determining approval authority.
3. Splitting of amendments, addenda or task order increases to circumvent established approval authority thresholds is prohibited.
4. In the case of continuing consultant contracts, all amendments, addenda, and task order increases shall comply with the limitations for continuing consultant contracts as set forth herein and in §287.055, Florida Statutes.

IV. RESERVATION OF AUTHORITY

The Board reserves the right to amend or modify this policy at anytime.

Board of County Commissioners
Brevard County, Florida

~~Chuck Nelson~~Jim Barfield, Chairman

(Approved by the Board of County
Commissioners on ~~December 13, 2014~~July 12, 2016.)