ORDINANCE # 2013-04
INTRODUCED BY Alexius
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DATE AMENDED

ADOPTION

INTRODUCTION

# CITY OF COVINGTON
# ORDINANCE NUMBER 2013-04

## AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 2 ADMINISTRATION, ARTICLE VI. PROFESSIONAL SERVICE CONTRACTS

**WHEREAS,** certain amendments have been suggested to the sections of the Code addressing Professional Service Contracts; and

**WHEREAS,** the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

**WHEREAS,** the City Council has held its public hearing in accordance with law,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Covington, at its regular session convened, that Chapter 2 Administration, Article VI. Professional Service Contracts, shall be amended to read as follows:

Sec. 2-201. Scope.

This article shall apply to the procurement of all "professional services," as defined herein, in excess of $20,000.00 in annual value, unless a pool has been established through the RFQ process, by any department, board or other agency of the executive branch of city government, regardless of the funding source, including, without limitation, the operation and capital budgets and grants, unless such grants clearly specify and mandate as a condition of the grant award, the city's use of (a) a particular contractor(s) or (b) a particular contractor selection process. Specifically, this article shall apply to the following departments, boards and other agencies:

(1) Office of the mayor;
(2) Legal department;
(3) Department of administration;
(4) Police department;
(5) Fire department;
(6) Public works department;
(7) Recreation department;
(8) Non-Charter departments:
a. Downtown development;
b. Economic development;
c. Human resources;
d. Greater Covington Center;
e. Building permits;
f. Planning and zoning;
g. Code enforcement.
(9) Boards and commissions:
• Planning commission;
• Zoning commission;
• Covington Historic District Commission;
• Tree board;
• Parks commission.

(10) All other offices, departments, boards, commissions, agencies and public benefit corporations of the executive branch, whether now existing or hereinafter created.

Sec. 2-206. Requests for proposals.

(a) Requests for proposals ("RFP") shall be required for all professional services contracts in excess of $20,000.00 in annual value, unless a pool has been established through the RFQ process.

(b) The department, board or other agency shall submit a draft request for proposals ("RFP") to the chief administrative officer for fiscal review and preliminary approval. The request shall describe the need and purpose and the means proposed to satisfy it. It will explain how the needed services are professional in nature. It will project the maximum compensation permissible and report any special considerations in the request so that the chief administrative officer and/or city attorney may constitute the appropriate selection review panel.

(c) After fiscal review and preliminary approval by the chief administrative officer, the department, board or other agency shall submit the draft RFP to the legal department for review as to form and legality, including, without limitation, a determination as to whether the proposed services are "professional services," as defined in the article. In further defining this article, the city attorney is not required to obtain approval from the chief administrative officer to advertise for legal professional services.

(d) Upon written approval by the legal department of the proposed RFP, the department, board or other agency shall prepare an advertisement to request proposals from contractors for posting on the city's website and in the official journal of the city. Such posting shall continue for a period of three consecutive weeks. The chief administrative officer shall cause such advertisement to be published in one reputable trade journal for the profession from whom the city seeks proposals. The chief administrative officer may also advertise in such supplemental publications or journals at such frequencies as the chief administrative officer shall determine are necessary in the manner prescribed by the chief administrative officer.

(e) The publication procedures set forth in subsection (c) above shall constitute the minimally acceptable notification. Departments, boards and other agencies are encouraged, within fiscal constraints, to use whatever means that will reasonably ensure the widest possible dissemination of the invitation to submit proposals. Each department, board or other agency head shall have discretion to publish in supplemental publications or journals.

(f) Departments, board and other agencies shall attempt to obtain at least three proposals from qualified contractors. If fewer than three proposals are received, the department, board or agency shall notify the chief administrative officer and/or city attorney, who may require additional advertisement.

Sec. 2-215. Selection criteria.

In the performance of their duties in evaluating and ranking the proposals, the selection review panels shall consider, where applicable, the following criteria:

(1) Qualifications and experience of the firm; and
(2) Qualifications of key staff who will be assigned to work with the city; and
(3) Registered professionals who will be assigned to manage work with the city; and
(4) Qualifications and experience of sub-consultant firms; and
(5) Capability to provide staffing and support; and
(6) Knowledge of local conditions; and
(7) Participation by persons living and/or working in the Covington area at a professional level; and
~~(8) Fee schedule, including how the services will be calculated and charged to the city (percent of construction, hourly and/or other method); and~~
~~(9) Percentage to be charged by the firm for those services charged on a percentage of city project cost; and~~
~~(10) Hourly rates for all those who may work on a city project for those services that may be charged on an hourly basis; and~~
~~(11) Cost rates for all nonservice components of the job that may be charged separately from the percentage rates or hourly rates identified in subsections (9) and (10) above; and~~
~~(12)~~(8) Bonding capacity; and

~~(13)~~(9)Available limits for comprehensive general liability insurance and professional liability insurance; and
~~(14)~~(10)Specialized experience and technical competence; and
~~(15)~~(11)Performance history, including, without limitation, competency, responsiveness, cost control, work quality and the ability to meet schedules and deadlines; and
~~(16)~~(12)Maintenance of an office, residence or domicile in Covington or the maintenance of an office, residence or domicile in any of the parishes which comprise the regional planning commission (St. Bernard, Orleans, Plaquemines, Jefferson, St. Tammany, Tangipahoa and Washington Parishes).

Sec. 2-230. Request for qualifications.
A request for qualifications "RFQ" shall be utilized to solicit ~~proposals~~ qualifications from architects, engineers and landscape architects to perform routine contractual services~~ with a total annualized contract amount of $20,000.00 or less.~~ The primary purpose of a request for qualifications is to establish a "pool" of qualified architects, engineers and landscape architects capable of completing multiple projects launched by the city to meet its needs.

Sec. 2-233. RFQ process.
(a) No later than October 1 of ~~each even-numbered year,~~ every fourth (4th) year beginning in 2014, the City of Covington shall issue a RFQ for the services set forth in [section] 2-230;
(b) Responses to the RFQ shall be due to the city no later than November 1 of the same year;
(c) The selection review committee shall present its findings and recommendations to the mayor no later than December 31 of the same year.

Sec. 2-234. Term of RFQ selection review panel.
(a) The city shall make request of the community sources to nominate community members as provided in [section] 2-210 no later than August 15 of ~~each even-numbered year.~~ every fourth (4th) year beginning in 2014.
(b) Each RFQ selection review panel will serve a four-year term from October 1 through December 31~~. or each even-numbered year.~~

Sec. 2-253. Mayor's written reasons.
(a) Should the mayor select a professional services contractor in response to an RFP, other than the contractor(s) recommended by the selection review panel, the mayor shall provide written reasons for the selection. These written reasons shall be submitted to the city council and posted on the city website on the date of the execution of the contract.
(b) Should the mayor select a professional services contractor for architectural, engineering or landscape architectural services ~~in an annual contract amount of $20,000.00 or less~~ who is not in the pool created by the selection review panel in response to the city's biennial RFQ, the mayor shall provide written reasons for the selection. These written reasons shall be submitted to the city council and posted on the city website on the date of the execution of the contract.

**BE IT FURTHER ORDAINED** that all other sections of Chapter 2 Administration, Article VI. Professional Service Contracts, shall remain the same and in full force.

**BE IT FURTHER ORDAINED** that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

**WHEREUPON,** this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana.

**MOVED FOR ADOPTION** by Alexius, seconded by Coner, and this ordinance was submitted to a vote and resulted in the following:

**YEAS:** 7 **ABSENT:** 0

**NAYS:** 0 **ABSTAIN:** 0

**PASSED AND ADOPTED** this 5th day of March, 2013.

R.S. Sam O'Keefe
R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor this 7th day of March, 2013, at 9:05 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved ✓ or Vetoed ___ by the Mayor on this 7th day of March, 2013.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 7th day of March, 2013, at 10:08 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL