

SELECTION OF ENGINEERS AND ARCHITECTS PURSUANT TO THE CONSULTANTS COMPETITIVE NEGOTIATION ACT

The School Board shall publicly announce, in a uniform and consistent manner, each occasion when professional services are required to be purchased in compliance with CCNA statutory threshold requirement or for a planning or study activity when the fee for professional service exceeds \$25,000, except in case of valid public emergencies so certified by the School Board of Broward County. Public notice shall include a general description of the project and shall indicate how interested consultants can apply for consideration.

The definition of “Professional Services” shall be as specified by current Florida Statutes.

Rules

Administrative procedures for selecting professional services in compliance with Consultants Competitive Negotiation Act are as follows:

1. The public announcement that the School Board is in need of the “professional services” mentioned above shall be issued on each occasion when such services are required. The announcement shall be published in appropriate general circulation as defined in the Facilities procedures as developed by the Superintendent.
  - a. The project description shall include but not be limited to:
    1. Location
    2. Scope
    3. Budget
    4. Schedule
    5. Special Requirements
2. Request for Qualification (RFQ), as determined by the Superintendent, shall be provided to interested firms responding to the initial advertisement (see Section 1 above). Federal Form 254 must be completed by all interested firms.
3. The Superintendent shall create a Consultants Review Committee (CRC) (“committee”) which will act as the Board’s designee in the selection of architects, engineers, other design professionals, and those offering related professional services.
  - a. The CRC shall have the following voting members appointed in the following manner:
    1. One School Board member selected by the Board, or that member’s designee from the School Board. When projects are being awarded that pertain to a specific district, the School Board Member whose district that project encompasses will attend. As an alternate, one of the at-large members will attend.
    2. Each School Board member shall appoint one non School Board employee member from within their district to the CRC who shall serve at the pleasure of the appointing member. Appointees of single member district School Board Members must reside within that School Board Member’s district during their tenure on the CRC..
    3. Seven members appointed by the Superintendent as follows: District Level - Deputy Superintendent, Facilities and Construction Management, or designee; Director of Compliance; Senior Project Manager; A Staff Certified Public Accountant as determined by the Superintendent; Director, Design & Support, Contract Compliance Officer (WMBE). School Level – Project Manager.
    4. The Broward County District Advisory Committee (DAC) shall appoint one non School Board employee member of the CRC who shall serve at the pleasure of the DAC.
    5. The Broward County Council of PTAs (BCPTA) shall appoint one non School Board employee member of the CRC who shall serve at the pleasure of BCPTA.
    6. Non-Voting member “Manager, Facility Audits” and Principal or designee from the affected school.

4. Members of the committee will serve for the following terms of appointment:
  - a. The Superintendent's designees shall be permanent committee members.
  - b. The assigned Project Manager, , and Principal or designee, of the affected facility shall be members of the committee only for the selection of design professionals for projects at their respective facilities.
  - c. Committee members shall be appointed for one (1) year and may be appointed for additional terms .
  - d. The following rules shall apply to appointments to the committee:
    1. Appointments will be made at the School Board's organizational meeting on the third Tuesday after the first Monday in November of each year.
    2. If an appointee resigns during his/her term of office, whoever made the original appointment is authorized to select a replacement to complete the original appointee's term of office.
    3. The committee will elect the chairperson, who may serve in this capacity for no more than two one-year terms: The chairperson may not be an employee of the Broward County school system. The election will be held at the meeting which takes place directly after the School Board appointments have been made in November.
    4. The architects, engineers, and other design professionals, who serve as members of the committee, may not work for the school system during their committee service.
    5. Members who resign from the committee shall not have any direct or indirect financial involvement in any School Board project approved prior to the date of their resignation from this committee.
    6. Registered or non-registered lobbying of CRC members and School Board Members with respect to a pending project/award is prohibited during the time period between the date the RFQ is advertised through the date the contract is awarded by The School Board of Broward County, Florida, and any contact other than that initiated by a School Board Member (written, telephone, email, etc.) relating to a pending project/award, between CRC members and representatives of applicants, and/or, School Board Members and representatives of applicants outside of scheduled meetings with respect to matters of the CRC, and, The School Board of Broward County, Florida, is grounds for disqualification.
    7. Any member of the CRC who either directly or indirectly is receiving or expects to receive remuneration from any firm coming before the CRC shall announce and recuse him/herself in that situation.
    8. Lobbyists shall not serve as a member of the CRC. The definition of a lobbyist is "For purposes of this policy, a lobbyist is defined as a person who for immediate or subsequent compensation, (e.g., monetary profit/personal gain) represents a public or private group, association, organization or business interest and engages in efforts to influence."
  - e. Any voting member during the period of the appointment who has three (3) unexcused absences as determined by the committee chairperson shall be removed from the committee. The individual/group that originally recommended the affected member shall recommend a replacement to the Superintendent.
  - f. A quorum for conducting business shall be no less than nine (9) voting members, of which no more than three (3) can be staff.
5. The criteria shall be determined by the type of project and be made public at the time of the public announcement. The criteria shall be provided to all applicants with the RFQ discussed in Paragraph 2. Applicants shall then be screened by the committee by open discussion using the following criteria for purposes of determining which applicants shall be interviewed: (In the case of special type projects, additional criteria may be introduced by the committee. This criteria will be included as part of RFQ as discussed in Paragraph 2.).
  - a. Past performance.
  - b. Ability of professional personnel.
  - c. Demonstrated ability to meet time and budget requirements.
  - d. Location – Defined as the Tri-County area, however, all things being equal, preference shall be given to the applicants located within Broward County.
  - e. Similar experience.
  - f. Volume of work previously awarded to each firm by the Board (An equitable distribution of contracts among qualified firms is the object of the Board, provided such distribution does not violate the principle of selection of the most highly-qualified firms.)
  - g. Current capability - Current and projected workloads of the firm in conjunction with the number of registered architects (This criterion will be more heavily weighted on projects with an estimated construction cost in excess of five (\$5,000,000) million dollars.)
  - h. Prior architectural experience of professional personnel with designing educational facilities and knowledge of Florida State Board of Education Regulations.
  - i. Quality of Design previously exhibited.

- j. Whether a firm has certified minority/women business participation.
  - k. CPTED-Whether an architectural firm is certified in "Crime Prevention Through Environmental Design". This does not apply to engineering firms.
6. The committee will review responses to the RFQ as follows:
    - a. Facilities and Construction Management Division staff will conduct a review of the applicants' qualifications to determine whether the applicant meets the requirements of the Florida Statutes, State Requirements for Educational Facilities regulations, and any other code applicable at the time of response. Unqualified applications will be recommended to the committee for rejection.
    - b. The committee will shortlist the remaining applicants. Those receiving an average score of seventy-five percent (75%) or above will be invited for an interview.
    - c. After the interview the committee will short-list firms scoring seventy-five percent (75%) and above and rank those firms from highest to lowest score, and if necessary, include additional firms to the short list until sufficient project consultants are available for assignment to all of the District's projects included in the RFQ.
    - d. The committee will evaluate each project in the RFQ and rank them highest to lowest based upon cost, complexity, type, schedule and other appropriate criteria. The applicants will be listed on the CRC Slate of A/E Project Consultants matrix ranked highest to lowest score.
    - e. The committee will review and discuss each project assignment and may revise the CRC Slate of A/E Project Consultants on a per project basis. Criteria for evaluation of the project assignments will include the criteria included in this policy.
    - f. The committee will, by a majority vote, approve the CRC Slate of A/E Project Consultants on a per project basis. In the event that fewer than three (3) submittals are received those finalists as determined by the CRC may be considered for selection.
  7. The Deputy Superintendent shall notify the School Board Members and Superintendent of the final CRC Slate of A/E Project Consultants as approved by the committee.
  8. The Deputy Superintendent's authorized designee will negotiate a contract with the firm identified on the final CRC Slate of A/E Project Consultants as approved by the committee on a per project basis. The compensation shall be determined based upon a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. If a successful contract cannot be negotiated with the firm identified on the final CRC Slate of A/E Project Consultants as approved by the committee on a per project basis, the provisions specified in F.S. 287.055(5)(b) and (c) shall apply.
  9. The Superintendent shall submit the contract to Management/Facility Audits and Risk Management for review. The contract shall then be submitted by the Superintendent to the School Board for approval, along with a written statement that the recommended applicant is qualified pursuant to law and regulations of the School Board.
  10. The committee's meetings and selections shall be documented as follows:
    - a. The choices for each committee member shall be recorded in writing and signed by said member. The secretary of the committee shall announce the results of the vote. The written vote forms shall be retained as a public document by the Superintendent or his/her designee.
    - b. All of the committee meetings shall be recorded on audio tape. In addition, a written summary of the meeting shall be prepared and distributed to the School Board, Superintendent and all committee members.

AUTHORITY: F.S.230.22(1)(2);F.S.287.055(3)(d)

Rules Adopted: 1/21/82

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