



Sewerage and Water Board of New Orleans
625 St. Joseph Street
Cedric S. Grant, Executive Director

Policy Memorandum No: 95

Revised October 15, 2014

**PROFESSIONAL SERVICES
PROCUREMENT POLICY**

TO: All Sewerage and Water Board Employees

I. INTRODUCTION

Professional Services must be competitively selected in accordance with this Policy. The qualifying factors for Professional Service contracts are as follows:

- Contracts for a personal service of a professional character, i.e., attorney, doctor, engineer, etc.
- Requirements of a technical skill or experience of a high degree in a recognized discipline.
- Service which requires advanced study or training in a specialized field.

Professional Service contracts under the sum of \$15,000 may be issued at the discretion of the department head. Professional Service contracts in excess of \$15,000 shall be entered into using the following selection procedures.

Professional Service contracts will be entered into when a need has been determined based on the lack of specific knowledge or available staff time to complete work or on the determination to transfer the risk of the work to another employer. Every reasonable effort will be made to use S&WB personnel. These contracts must be routed to Civil Service for final approval. Professional Service contracts will not be entered into if there are insufficient funds available, as determined by the Executive Director, General Superintendent or Deputy Director, to cover the cost of the contract.

While the goal of disadvantaged business participation in these contracts is 35%, it is recognized that not all contracts lend themselves to this level. Therefore, all professional service contracts whose value exceeds \$15,000 must be submitted to the Staff Contract Review committee for determination of the recommended percentage of disadvantaged business enterprise participation.

Unless contracted using emergency procedures, all Professional Service contracts above \$15,000 must receive Board approval; selection of the firm and authority to negotiate and enter into a contract must be given by the Board in a Board resolution.

The following identifies the personnel/departments involved in the contracting process and their responsibilities:

A. PURCHASING DEPARTMENT: The solicitation process for all professional and service contracts will be maintained in this department. Historical files on these contracts will be maintained here. The contract files will contain all original documents assembled by the Contract Administrator during the solicitation and selection process, as well as those original documents produced by the Purchasing Department. The Purchasing Department may also periodically survey potential contractors who did not submit proposals or qualifications. Information received in these surveys, when performed, will be used to identify any problems indicated which these contractors feel limit their interest in participation.

B. CONTRACT ADMINISTRATOR: This person is recommended by the department head requesting the contract and is approved by the Executive Director, Deputy Director, General Superintendent, or Deputy General Superintendent. The appointed Contract Administrator should obtain the necessary training in development of requests for qualifications and requests for proposals as well as the evaluation of proposals.

The Contract Administrator directs the preparation of RFQ's and RFP's; checks references supplied by proposal respondents; and is responsible for assembling the procurement documents including all ranking data, reference checks, and interview notes assembled during the selection process. All original documents must be turned over to the Purchasing Department by the Contract Administrator; the Contract Administrator may retain copies of all original documents in departmental files.

C. PROPOSAL SELECTION COMMITTEE: The purpose of the Proposal Selection Committee is to conduct an independent and objective evaluation of proposals. This committee-evaluates and ranks the responses to the RFQ's and RFP's and prepares a ranking of the respondents. The committee is composed of the following five employees: 1) General Superintendent or designee; 2) Deputy Director or designee; 3) Department Head requesting the service or designee; 4) Employee who will manage and monitor the contract and 5) An expert (employee or non-employee) in the field as determined by the Executive Director. For complex procurements, the Selection Committee may retain firms with specialized expertise to advise or assist in analyzing the RFQ/RFP responses. Should the Selection Committee engage a non-employee individual or firm to advise or assist in the analysis of the RFQ/RFP, that individual or firm will be required to submit a letter

affirming that no conflict of interest exists and full compliance with the disclosure requirements.

All meetings of the Selection Committee shall be open to the public and in compliance with Louisiana Open Meetings law.

D. PROFESSIONAL RFQ/RFP CONSULTANT: This contractor may be hired upon Board approval to prepare, or help prepare Requests for Qualifications and Proposals where additional expertise beyond that available from S&WB personnel is necessary to prepare these requests.

E. S&WB COMMITTEE: Approves or disapproves the selection made by the Selection Committee and presents its recommendation to the Board of Directors.

F. BOARD OF DIRECTORS: Approves or disapproves the recommendation of the Committee and authorizes contract negotiations and preparations by Board resolution.

G. LEGAL DEPARTMENT: Personnel in the Legal Department, along with the Contract Administrator and appropriate staff, prepare the contract with the selected firm.

H. ROUTING DEPARTMENTS: Following a timeline set by the Contract Administrator, personnel in the departments listed below review the contract to ascertain that it complies with all policies, regulations, and requirements under their jurisdiction:

ORIGINATING DEPARTMENT
ECONOMICALLY DISADVANTAGED BUSINESS PROGRAM
INTERNAL AUDIT
RISK MANAGEMENT
LEGAL DEPARTMENT
GENERAL SUPERINTENDENT OR DEPUTY DIRECTOR
EXECUTIVE DIRECTOR
CIVIL SERVICE

Approval of the contract is indicated by the department's signature on the contract approval sheet; recommended changes are submitted to the Contract Administrator by memorandum.

I. CIVIL SERVICE: Civil Service reviews and approves all Professional and Personal Services contracts in accordance with Rule III, Section 6.2 of the Rules of the Civil Service Commission, City of New Orleans.

J. S&WB PRESIDENT/S&WB PRESIDENT PRO-TEMPORE OR AS OTHERWISE AUTHORIZED BY THE BOARD: Signs the contract.

II. REQUEST FOR QUALIFICATIONS/REQUEST FOR PROPOSALS SELECTION PROCEDURES

When the need for a professional contract has been determined, the Contract Administrator will begin the preparation of either (1) Request for Qualifications or (2) Request for Proposals. These documents will be prepared either by (a) an in-house committee composed exclusively of S&WB personnel, (b) a consultant firm hired specifically for their expertise and technical knowledge of the project, or (c) a committee composed of in-house and consultant personnel. Requests for Qualifications and/or Requests for Proposals will be advertised in the Official Journal of the City of New Orleans and other appropriate publications, as well as, electronic media.

Request for Qualifications and Request for Proposals must include, but are not limited to the following:

1. Purpose, Background, and Scope of Project
2. Description of Work to be Performed and Objectives to be met
3. Deadline for Proposals
4. Identity of the Contact Persons
5. Timetable for Selection
6. Qualification of Personnel
7. Sewerage and Water Board Policies and Procedures
8. Economically Disadvantaged Business Participation Requirement
9. Criteria for Evaluation and the Relative Weight Attached to Each

Weightings for each criterion will be established in the Request for Proposals and Request for Qualifications. Except as determined by the Executive Director upon recommendation of staff, the following criterion are standard and should be included in every Request for Proposals and Request for Qualifications:

1. Specialized Experience and Technical Competence
2. Performance History, including cost control, work quality and ability to Meet schedules and deadlines
3. Location of firm in Orleans Parish
4. Company size and Capability of Completing the Work in a timely fashion
5. Economically Disadvantaged Business Participation Requirement

Other weighting criterion which may be included in the Request for Proposals and Request for Qualifications may include but are not limited to:

1. Fees and Costs for Proposed Service
2. Anticipated schedule and Provisions for Ensuring Adherence to Project Schedule

Once Requests for Proposals have been issued, a pre-proposal conference may be held for all parties interested in submitting proposals. Potential proposers will receive copies of all questions posed at the conference along with their answers. Any questions not raised at the pre-proposal conference from prospective proposers must be submitted to the Purchasing Department and answered by the Purchasing Department in writing. All documentation from the pre-proposal conference, along with additional questions posed to the committee will be preserved in the contract folders; originals will be sent to the Purchasing Department.

If only one response from the Request for Proposals is received, evidence must be presented to the Board that the service provider possesses proprietary processes or that good faith effort was demonstrated to obtain proposals from other firms. The Purchasing Manager must document to the Board that public advertisement, including notice to potential or interested consultants, was made and providing further documentation that additional solicitation is expected to be fruitless. The Board may give its approval not to continue advertising for proposals based on the evidence.

If a second attempt to secure additional responses to the RFP's is unsuccessful, the Purchasing Manager may convey information to the Board regarding the single responsive party.

Once Requests for Qualifications/Proposals have been issued, the Selection Committee members and Board members may not discuss the solicitation with prospective proposers except at Selection Committee meetings or Board meetings, respectively. If the Selection Committee members or Board members are contacted, they should refer the proposer to the appropriate staff member of the Purchasing Department.

Responses to the Request for Proposals will be evaluated by the Selection Committee. Ranking criteria and its weighting will be established in the Request for Proposal. The responsive parties will be ranked using the above described suggested criteria.

Fees and costs shall not be requested of any respondents on RFQ/RFP issued for the selection of providers of design services (La. R.S. 38:2318.1).

Responsive parties may be invited for oral interviews before the Selection Committee. All committee notes ranking the companies' RFQ's, RFP's, and oral presentations will be filed by the Purchasing Manager in the project's file. The recommended proposal will be presented to the appropriate Board Committee with a request to enter into a contract with that respondent. The Committee will then approve or disapprove of the Selection Committee's recommendation and present its recommendation to the full Board for its approval.

The Board of Directors shall either approve the contract with the selected respondent or terminate the procurement process for these services. Upon

receiving Board approval, staff may conclude any remaining contract negotiations with the selected respondent.

The Executive Director or General Superintendent may authorize emergency procurements which deviate from the procedures detailed herein when there exists a threat to public health, welfare, or safety under emergency conditions, provided that any emergency procurement must be made with as much competition as is practicable under the circumstances and in compliance with applicable law. A written determination of the basis for the circumstances and for selection of the particular contractor must be included in the contract file.

The Executive Director or General Superintendent, with the written concurrence of the Special Counsel, may make additional written exceptions to the procedures promulgated herein as required to meet emergency situations or as otherwise may be in the Board's best interests. The Executive Director or the General Superintendent must provide written notice to the Board Members within seven (7) days of granting the exception, explaining why the exception was granted.

The Purchasing Manager may authorize solicitation, without the need for formal advertising, the names of at least three firms from a list of pre-qualified firms who have been vetted through a selection process, kept and maintained by the City of New Orleans, its Departments, Boards and Commissions, Unattached Boards and Commissions, or other related entities, and present the same to a Proposal Selection Committee for evaluation and recommendation.

III. CONTRACT MONITORING AND REPORTING

The Contract Administrator shall file a written standardized evaluation report upon the completion of a contract and file same with Purchasing Department Manager.

IV. DISCLOSURE REQUIREMENTS

Each RFQ/RFP shall require the submission by each respondent of a cover letter that includes the following:

- Identify any possible relationships that might impair their ability to perform if awarded the contract, including any familial or business relationships that the firm, the proposed subconsultants, and their principals have with members of the Sewerage and Water Board of New Orleans or any of its employees.
- Respondents are directed to review the Louisiana Code of Ethics (Louisiana Revised Statutes Title 42:1101-1125) as a non-exclusive reference for information regarding ethics and conflicts of interest.
- Affirmation that there is not a conflict of interest
- Respondents shall also be required to identify all proposed subcontracts to be utilized in connection with the project. The successful respondent shall notify the Board of any change in



subcontractors and obtain prior approval of the use of any new subcontractors before they can begin work on the project.

Each member of the Proposal Selection Committee shall submit a signed statement prior to review of the proposals that include the following:

I hereby certify that I have no personal interest, economic or otherwise, in the proposed contract with the Sewerage and Water Board of New Orleans for which I am evaluating bids on the Request for Qualifications and/or Request for Proposals as a member of the Review Panel and/or Selection Committee. Further, I certify that I have no relationship with any of the proposers or bidders, be it economic or otherwise that would affect my ability to be fair and impartial in the review/selection process.

V. PENALTIES FOR NON-COMPLIANCE

Contractors' failure to comply with the Rules and Regulations of the Sewerage and Water Board of New Orleans, laws of the State of Louisiana or City of New Orleans, including, but not limited to, disclosure requirements, financial reporting, EDB Participation requirements, may result in monetary damages or termination of the contract.

Legal Approval		Date: 10/26/14
Executive Director Approval		Date: 10/20/14

Revision No.	Issue Date	Reason for Revision
	10/15/14	Revision

POLICY UPDATE: Sewerage and Water Board of New Orleans reserves the right to review and update its policies and procedures, as deemed necessary, at any time.

SEWERAGE AND WATER BOARD OF NEW ORLEANS
POLICY CERTIFICATION

Pursuant to City Of New Orleans Executive Order MJL 10-05, on competitive selection procedure for procurement and award of professional service contracts, the following is hereby certified.

- (1) Sewerage and Water Board of New Orleans Policy Memorandum No. 95, Professional Services Procurement Policy, (Revised October 15, 2014) provides procedures that are consistent with the purposes and intent of the City Charter.
- (2) The Sewerage and Water Board of New Orleans may use the procedures outlined in this Professional Services Procurement Policy as an alternative competitive procedure, and Executive Order MJL 10-05 shall not apply to the Board.

The above is hereby certified by the City Attorney, in her capacity as a representative of the Mayor of the City of New Orleans.

Date: _____
Sharonda Williams, City Attorney
Representing the Mayor of the City of New Orleans