

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
**SELECTION OF ARCHITECTURAL, ENGINEERING
AND REAL ESTATE RELATED SERVICES**

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Policy:

This policy provides specific guidance in selecting contracted Professional Facilities Services within cost and time constraints, to foster innovations in construction, provide economic opportunity for Riverside County firms, solicit expertise outside the County where it is advantageous to the County's interest, and award public contracts at fair and reasonable prices. The County shall strive for optimal results in capital outlay projects through careful selection of appropriately licensed and/or certified Professional Facilities Services. This policy is an exception to Board Policy A-18. With respect to policy H-7, Professional Facilities Services, as herein described, shall include contracted support services in: Architecture, Landscape Architecture, Structural and Civil Engineering, Geotechnical Analysis, Water Quality Management, Handicapped Accessibility Design, Energy Conservation, Construction Project Management and/or Engineering, Environmental Assessment Services, Regulatory Compliance Services and those Real Estate consulting services related to the construction, demolition, expansion, improvement, and/or master planning of a county facility; or the purchase, sale or leasing of real property that will be used, occupied or owned by a county entity. H-7 does not cover direct performance of construction or repair activities.

It is the intent of this policy to implement and/or be consistent with the provisions of Board Policy A-69 "Best Practices in Contract Management", Board Policy B-11 "Award of Public Works Contracts Pertaining to County Facilities", Board Policy B-22 "Capital Improvement Program" and California Government Code Sections 25502.5(a) and 4525-4529.5 (Mini-Brooks Act). California Government Code Section 4525-4529.5 requires that Professional Facilities Services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the County, and prohibits practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit government agency employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section which would subject those employees to the prohibition of California Government Code Section 87100.

Department, agencies and districts, herein called "Authorized Entities", represented by an Agency Director, Department Head, Elected Official or General Manager, refer to those departments, agencies, and districts who may procure professional facilities services for the construction of public works projects as it relates to their specialized County mission, with the exclusion of real property acquisition. The Authorized Entities are: Regional Park and Open-Space District, Facilities Management (FM), Flood Control and Water Conservation District, Transportation and Land Management Agency (TLMA), Housing Authority, Sheriff's Department (RSD), and the Waste Management Department. These entities may also contract with Facilities Management for these services.

Professional services contracts for architectural, engineering, landscape design, geotechnical services, water quality management, construction project management, labor

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compliance, real estate, materials testing and inspection, environmental assessment, master planning, or other regulatory compliance services are not stand-alone capital projects. The costs for such services as well as the cost of the associated public works construction shall be combined and submitted together to determine the project value.

The following Professional Facilities Services selection procedures shall apply to all County departments, agencies and special districts created by the County. For environmental assessment services tied to the California Environmental Quality Act (CEQA) or similar County regulations, the County Planning Department shall maintain a list of qualified consultants, and be notified of environmental assessments prepared by other departments, agencies and districts within the County.

I. Architectural, Engineering, Landscape Design, Geotechnical Services, Water Quality Management, Construction Project Management, Labor Compliance, Real Estate, Materials Testing and Inspection, Environmental Assessment or **Other Specialty Professional Services** – combined costs of professional services and associated capital improvement costs over \$100,000.

A. Pre-Approvals. For any new construction, expansion, improvement, and/or master planning of a county facility; or the purchase, sale or leasing of real property that will be used, occupied, or owned by a county entity that exceeds \$100,000 , the scope and funding plan for the project must be reviewed and approved by the County’s Capital Improvement Program (CIP) Team, prior to or concurrent with “In-Principle Approval” of the project obtained from the Board of Supervisors in compliance with Board Policy B-22, Capital Improvement Program.

B. Professional services may be procured through two options:

1. Professional services may be selected from a list of pre-qualified firms **pursuant to this policy** when the specialty or expertise is needed to meet the project’s requirements and shall comply with the limits and contracting authority set forth in California Government Code 25502.5 and shall not exceed the estimated project budget authorized by the Board of Supervisors.

2. Public notice of a **project-specific** Request for Qualification/Proposal (RFQ/RFP) may be given to procure professional services that exceed the limitations and contracting authority of California Government Code 25502.5. Such notice will include publication in a newspaper of general circulation within the County and may also be posted on the County web site. Direct requests to known professional service providers may also be made.

a. The Authorized Entity or designee shall appoint a Selection Committee consisting of at least three County employees knowledgeable in the field of work solicited by the Request for Qualifications/Proposals (RFQ/RFP) to review

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the written information submitted in response to the RFQ/RFP. Following review of written submission, the Selection Committee may also conduct interviews of qualified firms being considered for specific projects if determined appropriate.

b. The Selection Committee will review each firm's comparative qualifications and rank the firms based on their written response to the RFQ/RFP, in accordance with California Government Code 4525-4529.5. The Committee will combine the rankings from written RFQ/RFP proposal with the rankings from oral interview with the selection committee to develop the final ranking. A minimum of three firms should be chosen for interviews.

c. The Selection Committee will recommend selection of the most qualified firm based upon professional experience, qualifications in the work to be performed, including relative comparable experience, past experience in the County, demonstrated professional excellence, availability, capability and involvement of key personnel, excellence in cost control and scheduling, relative location of firm to project site, volume of recent and current work for the County, ability to perform the work within the established timeframe and any other criteria appropriate to specific project conditions.

d. When the Selection Committee recommendation is approved by the Authorized Entity, one of the following methods shall be used to make a final selection:

The highest ranked firm will be invited to negotiate fees for the Scope of Services. If such negotiations are not successful, the Authorized Entity may negotiate with the next most highly ranked firm or may reopen the RFP/RFQ process. If the top three (3) firms are equally qualified, the Authorized Entity may request bid proposals from all three of those firms and base selection on the most competitive bid.

II. Architectural, Engineering, Landscape Design, Geotechnical, Water Quality Management, Construction Project Management, Real Estate, Environmental Assessment or Other Specialty Professional Services – combined costs of professional facilities services and associated capital improvements under \$100,000 in any calendar year.

A. For combined costs of professional facilities services and associated capital improvements under \$100,000, a group of pre-qualified firms may be established by authorized Entities. Public notice for selection of this group will be given. Such notice will include publication in a newspaper of general circulation within the County and may also be posted on the County web site. The pre-qualified group shall have a valid term of up to three years. The selection procedure will reoccur at least every three years to allow all

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interested firms to participate. Additional firms may be added to the pre-qualified list as needed using the same processes as used initially. The three-year period allows authorized departments to have a reliable core of firms ready to provide Professional Facilities Services without the use of project specific RFP/RFQ's. Fees will be negotiated with a single firm selected from the Pre-qualified list of vendors for the project services required. Performance of the firms on the qualified list shall be reviewed at the end of each project, but at least annually to determine whether the firm shall remain on the list. Authorized Entity may remove pre-qualified firms at their sole discretion based on performance or changed business conditions. The qualifications of the pre-qualified group will be based on the following election process:

1. Each Authorized Entity or designee shall appoint a Selection Committee consisting of at least three County employees knowledgeable in the field of work solicited by the RFQ/RFP for the information submitted in response to the Request for Qualifications (RFQ/RFP). The Committee may conduct interviews of qualified firms for consideration if deemed appropriate.
2. The Committee will review each firm's comparative qualifications and determine if they meet minimum standards based on their response to the RFQ/RFP, in accordance with California Government Code 4525-4529.5. A minimum of three firms should be chosen for interviews. The Committee will combine the rankings from the written proposal with the rankings from the oral interviews to develop the list. The committee will rank the firms based upon professional experience, qualifications in the work to be performed, including relative project experience, demonstrated design excellence, capability and involvement of key personnel, excellence in cost control and scheduling, relative location of firm to project site, volume of recent and current work for the County, ability to perform the work within the

established timeframe and any other criteria appropriate to the general type of projects that will be considered over the length of the service. At a minimum the top three ranked firms will be selected as the approved qualified group. All selected firms shall be provided with written notice of their selection.

3. Following the above selection procedures, Authorized Entities must collectively or independently seek Board of Supervisor approval for their selected pool of firms. Fees for specific tasks may then be negotiated on a rotating basis with the firms on the qualified list as projects become available. Combined costs for professional facilities services contracts and associated capital improvements for individual projects must be less than \$100,000 with a cap of \$100,000 during any fiscal year. Firms will be retained on a rotating basis for the negotiated services including, but not limited to, agreement on the scope of work, terms, conditions, and fees.

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4. For environmental assessment services, excluding hazardous materials assessments routinely performed as part of real estate acquisition or disposal (Phase I, Phase II), the County Planning Department shall maintain a pre-qualified list of consultants and shall be notified of environmental assessments and/or environmental impact reports prepared by other County departments, agencies and districts.
 5. Each Authorized Entity will have the authority to sign contracts for amounts up to \$2,500 under this policy, except where additional authority level was delegated by separate Board action, subject to approval as to form by County Counsel. Signed contracts shall then be submitted to the respective purchasing agent/fiscal staff to process a Purchase Order. The Purchase Request should specifically indicate that the selection and negotiation procedures of this Board Policy have been followed. Awards for other than low bid over \$2,500, must have Board approval.
 6. Firms on the pre-qualified list of firms shall be rotated on a regular basis.
- B. Real Estate Related Services – Real Estate Consulting Services include by illustration: appraisal work, condemnation actions, space planning, land surveys, hazardous materials studies and remediation and record reviews, relocation assistance, real estate legal services, title reviews, title insurance, escrow services, project management and market and feasibility studies. Proposals shall be obtained from qualified providers for the work to be performed based on professional experience and qualifications for the nature of the work and ability to perform. Fees will be established through negotiations for each prospective project. If requested by an Authorized Entity, the Facilities Management Department will make the selection and negotiate the terms of the Services Contract for the department, subject to each Authorized Entity's approval. To facilitate the procurement of real estate related services, the Authorized Entities will proceed as follows:
1. Quotations will be obtained from qualified service providers listing their professional experience, qualifications, and ability to perform.
 2. The Authorized Entities will select and establish a list of service providers based on criteria set forth above. Authorized Entities shall be allowed to contract with these service providers under said contract with negotiated fees for an amount not to exceed \$100,000 per project, during any fiscal year. The Authorized Entities shall review the qualifications of the selected service providers once a year and make changes as necessary.
- C. Should the combined costs of professional facilities services and associated capital improvement exceed \$100,000 limit for a project after the professional

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facilities services contract is awarded, or should the above list created by the Authorized Entity not provide the expertise needed for the project, the selection procedures shall then proceed with the following procedures:

The revised scope and funding plan for the project must be reviewed and approved by the Capital Improvement Program Team prior to additional professional services contract award. In addition, concurrence from the department requesting the project must be obtained.

- D. Where additional general fund support, herein called “new net county cost” is identified as the proposed source of funds for any portion of the professional services contracts and/or associated capital improvement, the selection procedures in this policy apply.

III. Contract Award of Professional Services Agreements – Architectural, Engineering, Landscape Design, Geotechnical, Water Quality Management, Construction Project Management, Real Estate, Environmental Assessment or Other Specialty Professional Services.

- A. Each Authorized Entity will have the authority to sign contracts for amounts up to \$2,500, except where additional authority level was delegated by separate Board action, subject to approval as to form by County Counsel. Signed contracts shall then be submitted to the respective purchasing agent/fiscal staff to process a Purchase Order. The Purchase Request should specifically indicate that the selection and negotiation procedures of this Board Policy have been followed.

1. Where the combined costs for professional services contracts and associated improvements less than \$100,000 do not require specific Board action, the Authorized Entity may choose to direct the award through the County Purchasing Department in lieu of Board approval. If that option is chosen, a Purchase Request with contract, approved as to form by County Counsel, will be submitted to the Purchasing Department. The Purchasing Request should specifically indicate that the selection and negotiation procedures of this Board Policy have been followed.
2. Where additional general fund support, herein called “new net county cost”, is identified as the proposed source of funds for any portion of the professional services contracts and/or associated capital improvement project, the selection procedures and negotiations listed in this policy shall apply prior to award of contract.

IV. Documentation and Maintenance of Professional Services Contracts – Documentation related to the selection process, fee negotiations and management of the consultant contract will be maintained by the initiating department for five

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years after completion of the performance period. Documentation should be sufficient to provide clear indication of why a firm was selected and on what basis the fee was established.

Reference:

Minute Order 6.7 of 03/21/78
Minute Order 6.5 of 11/03/81
Minute Order 3.20 of 07/11/89
Minute Order 3.11 of 11/30/04
Minute Order 3.4 of 12/18/07
Minute Order 3-5 of 07/02/13
Minute Order 3-9 of 12/08/15
Minute Order 3.4 of 03/10/20