

**6330 - ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING,
LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES, AND
CONSTRUCTION MANAGERS AT RISK**

A. Definitions

1. "Professional Services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined by the laws of the State, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his/her professional employment or practice. Professional services include construction managers at risk as authorized by F.S. 1013.45.
- ~~2. "School Board" means the School Board, and describes an agency as defined in State law.~~
- 2.3. "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or land surveying in the State.
- 3.4. "Compensation" means the total amount paid by the Board for professional services.
- ~~45.~~ "PSACPSSC" shall mean the Professional Service ~~Advisory~~Selection Committee.
- ~~5.6.~~ "Project" means that fixed capital outlay study, planning activity, or facility construction described in the public notice. The Board shall prescribe, in compliance with State law, procedures for the determination of a project under its jurisdiction. Such procedures may also include:
 - a. determination of a project which constitutes a grouping of minor construction, rehabilitation, or renovation activities.
 - b. determination of a project which constitutes a grouping of substantially similar construction, rehabilitation, or renovation activities.
- 6.7. A "Continuing Contract" is a contract for professional services entered into in accordance with all the procedures of this policy between the Board and a firm whereby the firm provides professional services to the Board for projects in which construction costs and/or fees for such professional services do not exceed the dollar values identified in F.S. 287.017 and 287.055(2)(g), or for work of a specified nature as outlined in the contract required by the Board, with not time limitation except that the contract shall provide a termination clause.

B. Professional Service ~~Advisory~~Selection Committee

The PSACPSSC shall be comprised of ~~one (1) administrator from the Facilities Department, one (1) administrator from the Finance Department, one (1) administrator from the Operations Department, one (1) member designated by the Superintendent,~~

~~one (1) Board member,~~ the Associate Superintendent for Operational Services, the Director of Facilities, Planning and Design and Construction, the Director of Maintenance, the Area Superintendent for the area in which the facility is located; and one (1) representative from the community (selected by the Facilities Department). Each member shall designate an alternate.

~~1. The Board shall annually appoint, on a rotating basis, one (1) of its members to serve on the PSAC, and shall also designate, on a rotating basis, one (1) of its members as an alternate, who shall attend PSAC meetings when and if the designated member cannot. Additionally, the Board shall annually appoint a member of the community and shall also designate an alternate, who shall attend PSAC when and if the designated community member cannot.~~

~~2. The Superintendent shall appoint one (1) administrator from the Facilities Department, one (1) administrator from the Finance Department, one (1) administrator from the Operations Department, and one (1) other designee.~~

~~1.3.~~ The Director of FacilitiesPurchasing, or his/her designee, shall chair the PSA~~SC~~ as a nonvoting member.

~~2.4.~~ A majority of the PSAC~~PSSC~~ shall constitute a quorum.

~~3.5.~~ Each member of the PSAC shall attest in writing on a form to be provided that ~~s/he has no conflict of interest pursuant to The Code of Ethics for Public Officers and Employees as codified in~~ No member of the PSSC shall have a conflict pursuant to F.S. 112.311 et seq.

C. Public Announcement and Qualification Procedures

1. The Board shall publicly announce, in a uniform and consistent manner, each occasion when professional services are required to be purchased for a project the basic construction cost of which is estimated by the Board to exceed the maximum amount established in F.S. 287.017 for CATEGORY FIVE, or for planning or study activity when the fee for professional services exceeds the maximum amount established in F.S. 287.017 for CATEGORY TWO, except in cases of valid public emergencies so certified by the Superintendent. The public notice shall include a general description of the project and shall indicate how interested consultants may apply for consideration.

2. Local contractors are encouraged to submit proposals, and contractors are encouraged to offer bidding opportunities to local subcontractors. With respect to Construction Manager at Risk (CMR) selection, additional consideration shall be given for the above during the selection procedure.

3. ~~The Board shall encourage firms engaged in the lawful practice of their professions that desire to provide professional services to the Board to submit annually statements of qualifications and performance data. Failure to submit an RFQ (Request for Qualifications) shall not preclude the Board from purchasing services from any firm engaged in the lawful practice of its profession.~~ Once a project has been publicly announced in accordance with paragraph C.1 above, no firm or individual may contact a Board member or District staff member other than the Director of Purchasing or his or her designee regarding the project. Communication with a Board member or District staff member in violation of this paragraph may result in disqualification.
4. Any firm or individual desiring to provide professional services to the Board should first be certified by the Board as qualified pursuant to law and the regulations of the Board. The Board shall make a finding that the firm or individual to be employed 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.
5. The evaluation process for professional services shall include, but not be limited to, capabilities; adequacy of personnel; past record; experience; ~~whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985;~~ location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the Board. One (1) objective shall be to effect an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms and such other factors as may be determined by the Board to be applicable to its particular requirements. ~~When securing professional services, the Board shall endeavor to meet the minority business enterprise procurement goal set forth in F.S. 287.042.~~ To effectuate these purposes the PSACPSSC and the Board shall use the then current Construction Manager at Risk format.
6. ~~The public shall not be excluded from these proceedings.~~ The PSSC meeting to review written submittals shall be open to the public.

D. Competitive Selection

1. For each proposed project, the PSASC shall evaluate current statements of qualifications and performance data on file, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by no fewer than three (3) firms, regarding their qualifications, approach to the project, and ability to furnish the required services.
2. For each proposed project ~~involving the construction of a new facility or the rebuild/reconstruction of an existing facility, the PSAC shall use the then current Construction Manager at Risk format and~~ each voting PSACPSSC member shall award points to each firm in all categories. The points for each firm in each category shall be totaled and a rank assigned. The PSACPSSC shall select (short-list) the three (3) firms most highly qualified to perform the required services.
3. ~~The Board may, in its sole discretion, invite one (1) or more of the finalists to interview with the Board prior to the final ranking by the Board. The Board will~~

~~evaluate qualifications of the three (3) finalists which evaluation shall include consideration of the written materials submitted by the applicants, performance data on file with the District, written materials submitted by other firms or individuals, and the evaluation of the PSAC. Although the Board shall consider the evaluation of the PSAC, the evaluation shall not be binding on the Board, and the Board retains the sole authority to rank the three (3) finalists, choosing a first, a second, and a third.~~

~~4. The Board, in its sole discretion, reserves the right to request additional presentations from applicants other than the three (3) finalists.~~

~~5. For each proposed project not involving the construction of a new facility or the rebuild/reconstruction of an existing facility the PSAC, if convened, shall rank the finalists. The Board, in its sole discretion, reserves the right to call up the matter for review, conduct such interviews as it deems appropriate, and to re-rank finalists for the benefit of the District.~~

~~3.6.~~ In the event of a tie for first place, ~~the last place firm shall be eliminated and the vote shall be retaken to break the tie. In the event there is a tie for second place,~~ the vote shall be retaken only with respect to the tied finalists to resolve the issue.

~~4.7.~~ The Board~~District~~ may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations.

~~5.8.~~ This subsection does not apply to a professional service contract for a project the basic construction cost of which is estimated by the Board to be not in excess of the threshold amount provided in F.S. 287.017 for Category Five or for a planning or study activity when the fee for professional services is not in excess of the threshold amount provided in F.S. 287.017 for Category Two.

~~6.9.~~ Nothing in this rule shall be construed to prohibit a continuing contract between a firm and the Board.

E. **Competitive Negotiation**

The Board's~~s, or its~~ designee, shall negotiate a contract with the most qualified firm for professional services at compensation which the Board's~~s, or its~~ designee, determines is fair, competitive, and reasonable. In making such determination, a detailed analysis of the cost of professional services shall be conducted in addition to considering the scope and complexity of the services required for the project.

1. A tentative contract shall be negotiated with the most qualified firm for professional services at compensation which the Board's designee(s) determine(s) is fair, competitive, and reasonable. In making such determination, the Board's designee(s) shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For any lump-sum or cost-plus-a-fixed-fee professional service contract that exceeds the maximum amount established by F.S. 287.017 for CATEGORY FOUR, the Board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be

adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustments shall be made within one (1) year following the end of the contract.

2. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with the firm considered to be the most qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable, negotiations with that firm shall be formally terminated. The Board's designee(s) shall then undertake negotiations with the second most qualified firm. Failing tentative accord with the second most qualified firm, the Board's designee(s) shall terminate negotiations. The Board's designee(s) shall then undertake negotiations with the third most qualified firm.
3. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with any of the selected firms, the Board's designee(s) shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with this subparagraph until a tentative agreement is reached or may readvertise (for new RFQ's).
4. When the Board's designee(s) successfully negotiates a tentative contract with a firm considered to be fully qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable, the tentative contract will be presented to the Superintendent for his/her review and recommendation to the Board. The Board shall either approve or disapprove the tentative contract. Upon Board approval, the approved contract shall be duly executed.

F. Prohibition Against Contingent Fees

Each contract entered into by the Board for professional services shall contain a prohibition against contingent fees as required by F.S. 287.055(6).

G. Reuse of Existing Plans

Notwithstanding any other provisions of this rule, there shall be no public notice requirement or utilization of the selection process as provided in this rule for projects in which the Board is able to reuse existing plans from a prior project. However, public notice 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 in accordance with the provisions of F.S. 287.055(10).

| F.S. 112.311, 287.017, 287.055, 1001.41, 1001.43, 1013.355, 1013.45, 1013.46

Approved as to form and legality


 School Board Attorney