Purchasing Policy - Professional Services

Section 1. Types of Services.

It shall be the policy of the St. Charles City-County Library District (the “Library”), when entering into contracts for professional services, to use the firm or individual best qualified and capable of performing the desired work for a fair and reasonable fee. Professional services include, but are not limited to, architectural, engineering, land surveying, construction management, legal, audit, insurance brokerage and employee benefits consulting. Services shall be provided by the firm or individual that demonstrates competence, is most qualified, and has fair and reasonable fees.

This policy pertains only to the procurement of professional services. All other procurement is subject to the provisions set forth in Policy g050 Purchasing Policy.

Section 2. Authority.

Except as otherwise required by Missouri law, the Board of Trustees (the “Board”) of the Library delegates to the Director, or Director’s designee, the authority to contract for, without specific Board action, professional services of less than $20,000 in value, so long as said services are covered by a category in the budget for the current fiscal year as approved by the Board.

Section 3. Selection Procedure (for Each Contract Award).

A request for qualifications ("RFQ") or request for proposals ("RFP") will be made available to firms who can provide the needed expertise. The Selection Procedures set forth in this Section shall apply to any professional services estimated to be $20,000 or more and to any services which are specifically required by applicable law to be competitively procured. The purchase of any professional services estimated to be less than $20,000 that are not required by applicable law to be competitively procured will be selected in accordance with Section 5 of this Policy.

A. Architectural, Engineering, Land Surveying Services. In accordance with Sections 8.285-8.291, RSMo., all purchasing of architectural, engineering and land surveying services shall be advertised, bid and selected as set forth below.

1. Whenever a project requiring architectural, engineering, or land surveying services is proposed, the Library shall actively solicit firms engaged in the lawful practices of these professions asking them to submit a statement of qualifications and performance data relative to the proposed project. The Library shall prepare a written description of the
scope of the proposed professional services to be included in the RFQ with the Evaluation Factors, as defined in Section 4 of this Policy.

2. Qualifications and performance data submitted in response to the RFQ will be reviewed by a Selection Committee on behalf of the Library composed of representatives of the Library named by the Director.

3. After appropriate interviews, the Selection Committee will rank at least three qualified firms based on the Evaluation Factors.

4. Once the Selection Committee has identified the most qualified firm capable of performing the desired services for the project, the Selection Committee will request in writing that the identified firm provide a Fee Proposal to commence negotiations. The identified firm shall submit such Fee Proposal in a self-addressed stamped envelope.

5. If the Selection Committee is able to negotiate a satisfactory contract with the highest-ranked firm selected, then a contract will be awarded. Contracts costing $20,000 or more shall be referred to the Board for approval, and contracts costing less than $20,000 shall be referred to the Library Director for approval.

6. If the Selection Committee is unable to negotiate a satisfactory contract with the highest-ranked firm selected, the negotiations with that firm will be terminated. The Selection Committee shall then proceed to negotiate with the second highest-ranked firm. If negotiations with the second highest-ranked firm are unsuccessful, the negotiations with such firm will be terminated and the Selection Committee will then proceed to negotiate with the third highest-ranked firm.

7. If the Selection Committee is unable to negotiate a contract with any of the selected firms, the Selection Committee shall reevaluate the necessary architectural, engineering, or land surveying services, including the scope and reasonable fee requirements, and again compile a list of qualified firms and proceed with negotiations in accordance with this Section 3(A).

B. Construction Management Services. When, in the discretion of the Library, it is determined that a public works project should be performed with a negotiated contract for “construction management services,” as defined under Missouri law, the Library shall advertise and solicit proposals from qualified construction managers in accordance with Sections 8.675-8.687, RSMo., as set forth below. The number of responses the Library will receive for consideration shall not be restricted or curtailed, but shall be open to all construction managers complying with the terms of the RFP.

1. The Library shall prepare a written description of the scope of the proposed professional services to be included in the RFP along with the following evaluation criteria:
   a. Fees for overhead and profit;
   b. Reimbursable costs for reimbursable items;
   c. Qualifications;
d. Demonstration of ability to perform projects comparable in design, scope and complexity;

e. Demonstration of good faith efforts to achieve compliance with federal, state, and local affirmative action requirements;

f. References from owners for whom construction management services have been performed;

g. Financial strength;

h. Qualifications of personnel who will manage the project; and

i. Demonstration of successful management systems which have been employed for the purposes of estimating, scheduling, and controlling cost.

2. Advertising

a. If the total cost of the project is expected to be $500,000 or less, the solicitation need not be advertised.

b. If the total cost for the project is expected to exceed $500,000, the solicitation shall be advertised for a period of 10 days in 1 newspaper of general circulation in St. Charles County.

c. If the total cost for the project is expected to exceed $1,500,000, the solicitation shall be advertised for 10 days in 2 daily newspapers in Missouri which have not less than 50,000 in daily circulation in addition to the advertisement in St. Charles County.

3. Responses to the RFP will be reviewed by a Selection Committee on behalf of the Library composed of representatives of the Library named by the Director. The Selection Committee will make a recommendation to the Director who will make a recommendation to the Board.

4. If the Board selects a construction manager on the basis of the evaluation criteria set forth in paragraph 1, then contractual negotiations may be conducted with that construction manager and a contract may be executed between the Library and that construction manager.

5. If the Board cannot reach an agreement upon the terms of a construction management services contract through negotiations with the selected construction manager, the negotiations with that firm will be terminated. The Board shall then proceed to select a second construction manager and conduct negotiations with that firm. If negotiations with the second construction manager are unsuccessful, the negotiations with such construction manager will be terminated and the Board will then proceed to select a third construction manager and negotiate with that firm.

6. If the Board is unable to negotiate a contract for the type of services required with any of the construction managers selected for a project at a price determined by the Board to be fair and reasonable, the Board shall reevaluate the necessary construction management services, including the scope and reasonable fee
requirements, and again advertise and solicit proposals from construction managers complying with the terms of a revised RFP in accordance with this Policy.

7. However, the Board shall not award a contract for construction management services on a negotiated basis to any construction manager if such construction manager or a firm that controls, is controlled by, or shares common ownership or control with the construction manager:
   a. Guarantees, warrants, or otherwise assumes financial responsibility for the work of others on the project;
   b. Provides the Library with a guaranteed maximum price for the work of others on the project; or
   c. Furnishes or guarantees a performance or payment bond for other contractors on the project.

8. If paragraphs 7(a)-(c) apply, the contract for construction management services must be let by competitive bidding, as in the case for contracts for construction work, in accordance with Policy g050, Purchasing Policy – Other than Professional Services.

C. Design-Build Services. Notwithstanding any provisions of this Policy to the contrary, for any project involving the construction or improvement of buildings or public facilities, or other public works projects which the Library is authorized to undertake, the Library may utilize the “design-build” method and project design criteria set forth in Section 67.5060, RSMo. The Library shall advertise and solicit proposals from design-builders as set forth below.

1. In accordance with Subsection 4 of Section 67.5060, RSMo., the Library shall disclose, at a regular meeting of the Board, its intention to utilize the design-build method and its project design criteria at least one week prior to publishing the RFP.

2. The RFP must minimally include the information about the project and the process that is required by Subsection 5 of Section 67.5060, RSMo., and the Library will publish notice of the RFP once a week for two consecutive weeks in a newspaper of general circulation published in St. Charles County, or by a virtual notice procedure that complies with Subsection 4 of Section 67.5060., RSMo.

3. The Library will solicit proposals in a three stage process. Phase I shall be the solicitation of the design build team. Phase II shall be the solicitation of a technical proposal, including conceptual design for the project. Phase III shall be the proposal of the construction cost. Unless otherwise specified in the RFP, proposals for Phases I, II, and III of a design-build project shall be evaluated by a Selection Committee on behalf of the Library composed of representatives of the Library named by the Director. The Selection Committee will assign points to each proposal in accordance with Section 67.5060, RSMo., and as set out in the instructions of the RFP.
4. The Board will award the contract to the responsive design-builder with the highest number of points. All design-builders who participate in Phase II and Phase III will receive a reasonable stipend as detailed in the RFP. Upon payment of the stipend to any unsuccessful design-builder, the Library will acquire a nonexclusive right to use the design submitted. Design-builders who decide to retain all rights in the design forfeit the stipend.

5. If the Board determines that it is not in the best interest of the Library to proceed with the project with the design-builder with the highest number of points, the Library will reject all proposals. If this occurs, all qualified and responsible design-builders with lower point totals will receive a stipend, and the design-builder with the highest number of points will receive an amount equal to two times the stipend. The Library may solicit new proposals using different design criteria, budget constraints or qualifications.

6. In the event that Section 67.5060, RSMo., is repealed or expires, the Library may establish administrative procedures to continue to utilize the design-build method and project design criteria for the construction or improvement of buildings or public facilities, or other public works projects.

D. All Other Professional Services. The Library shall prepare a written description of the scope of the proposed professional services to be included in the RFQ or RFP, as determined by the Director, along with Evaluation Factors. Staff will review and rank the responses received in accordance with the Evaluation Factors set forth in Section 4 of this Policy. Selection will be made based on written responses and, if requested, subsequent interviews to determine the best qualified firm capable of performing the desired work for a fair and reasonable fee. A contract will be negotiated.

Section 4. Evaluation.

Except as otherwise set forth herein, in evaluating the qualifications of each firm seeking to perform professional services, the Library shall use the following criteria (the “Evaluation Factors”):

a. The specialized experience and technical competence of the firm with respect to the type of services required;

b. The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations required;

c. The past experience and record of performance of the firm with respect to factors such as control of costs, quality of work, and ability to meet schedules, with references for comparable work;

d. The firm’s proximity to and familiarity with the area in which the project is located; and

e. For services other than architectural, engineering, and land surveying, a fair and reasonable fee for the type of work needed.
Section 5. Purchases Less than $20,000.

Unless otherwise required by law, purchases of professional services with an estimate of probable cost of less than $20,000 may be accomplished through the use of informal procurement methods, as follows: (1) for those services estimated to cost less than $500, the Library may make the purchase on the open market without soliciting competitive quotes; or (2) for those services estimated to cost between $500 and $19,999, the Library must solicit competitive quotes from an adequate number of qualified sources or proceed with a sole source procurement, as determined by the Director to be in the best interests of the Library. An “adequate number of qualified sources” is generally accepted to mean at least three qualified sources. The requirement for securing multiple quotations may be waived when it is determined by the Director or Director’s designee that: (a) the dollar amount of the project is so low as to limit interest in the competitive process by multiple vendors; (b) staff time to secure quotations is not cost effective; and (c) knowledge or experience enable staff to reasonably judge the probable outcome of the competitive pricing process.

Section 6. Contract.

Contracts costing $20,000 or more shall be referred to the Board for approval, and contracts costing less than $20,000 shall be referred to the Director for approval. Upon the requisite approval, a contract will be executed with the professional services firm. If the service is for a particular project and not for a specified length of time, then the contract will be written to provide professional services for that project only.

Furthermore, unless otherwise required by applicable Missouri law, the provisions set forth in Policy g050 - Purchasing Policy, on Change Orders and Exceptions, will also apply to the procurement of professional services as set forth in this Policy.

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