



Professional Services Procurement

March 26, 2024

City Council Scheduled Presentation



- Federal statute
- State statute
- Local agencies
- City professional services
- City process
- Decision matrix
- Implementation
- Consequences/risk
- Examples
- References

- Enacted October 1972
- Known as the Brooks Act
- **Protection of public health and safety**
- Mandates the Qualification-Based Selection (QBS) process for professional services
- Extends to Charter Cities and local agencies that wish to receive federal funding
- Defines professional services selection as:
 - “ ... contracts for architectural and engineering services *on the basis of demonstrated competence, qualification, and experience* for the type of professional services required.”

- Enacted January 1990 and known as the “Mini” Brooks Act
- Essentially adopts the federal law for QBS and expands on services
- Extends to Charter Cities and local agencies
- Government Code Section 4526 reads:
 - “Notwithstanding any other provision of law, selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms *shall be on the basis of demonstrated competence* and on the professional qualifications necessary for the satisfactory performance of the services required.”

- Local agencies shall follow the QBS method
- Local agencies **may** adopt ordinances and procedures to ensure the QBS process is followed
 - Draft manual in development for the City
- Includes Charter Cities
- Price cannot be a component of the ranking process
- Negotiate with highest ranked consultant/firm to achieve:
“... compensation at which the agency head determines is fair and reasonable to the agency.”

- Folsom Municipal Code defines professional services as:
“Work performed by specially trained and experienced persons, firms or corporations rendering professional services and advice such as accounting, financial, legal, medical, engineering, architectural, environmental, economic, real estate, insurance, lobbying, public relations, code publication or similar services.”
- City professional services procurement methods:
 - Qualifications based selection (QBS)
 - Pre-qualified list selection
 - Non QBS and Non pre-qualified list selection

City Process



Professional Service

Procurement Method

Architectural, landscape architecture, engineering, environmental, land surveying, or construction project management

Qualification – Based Selection (QBS)

Accounting, financial, legal, medical, engineering, architectural, landscape architecture, environmental, land surveying, construction project management, economic, real estate, insurance, lobbying, public relations, code publication or similar services

Pre-Qualified List

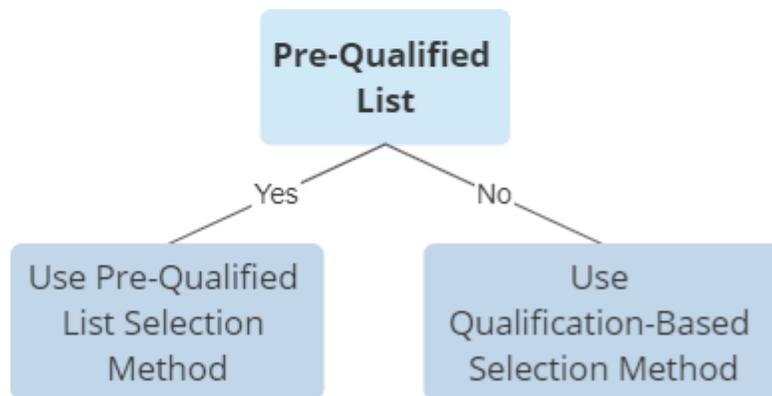
Accounting, financial, legal, medical, economic, real estate, insurance, lobbying, public relations, code publication, master plans, staffing plans, graphic design, preservation services, or similar services

Non-QBS and Non Pre-Qualified List (Request for Proposals)

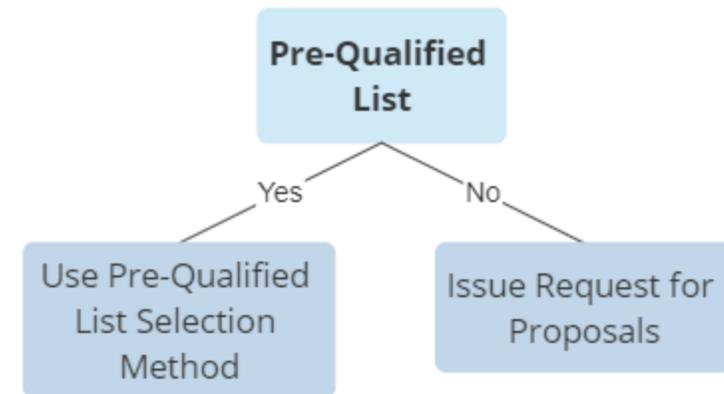
Decision Matrix

PROFESSIONAL SERVICE NEEDED

- Architectural
- Landscape Architect
- Engineering
- Environmental
- Land Surveying
- Project Construction Management



If the Professional Service¹ needed is not on the list, the following should be used



1. Based on the FMC definition

Pre-Qualified List

- Existing pre-qualified list
 - Previously issued Request for Qualifications (RFQ)
 - Issued notice in accordance with FMC 2.36
 - Included RFQ on website and online bid procurement service
 - Staff may directly reach out to vendors
- Request at least three (3) scope and fee proposals from list
- Cost/price is 25 points out of 100
- Scope and fee evaluated by at least three (3) City staff
- Highest point value is determined to provide “best value”
 - Includes experience, qualifications, project understanding, project team and cost/price

Qualification Based Selection (QBS)



- Issued a Request for Proposals (RFP) for:
 - Architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services
- Issued notice in accordance with FMC 2.36
- Included RFP on website and online bid procurement service
- Staff may directly reach out to vendors
- Proposal costs must be submitted under a separate, sealed envelope – cannot be opened until after ranking is complete
- Proposals evaluated by at least three (3) City staff
- Interviews if needed
- Negotiate final scope and fee
- Move to next consultant if needed or re-issue

Non QBS and Non Pre-Qualified List



- Issue a Request for Proposals (RFP) for:
 - Accounting, financial, legal, medical, economic, real estate, insurance, lobbying, public relations, code publication, master plans, staffing plans, graphic design, preservation services, or similar services
- Issued notice in accordance with FMC 2.36
- Included RFP on website and online bid procurement service
- Staff may directly reach out to vendors
- Cost/price is 25 points out of 100 (separate sealed envelope)
- Proposals evaluated by at least three (3) City staff
- Interviews if needed
- Highest point value is determined to provide “best value”

Consequences/Risk

- Not in alignment with state or federal law
- Loss of state or federal funding
- Ineligible for state or federal funding
- Bid protests
- Potential for increased project costs
- Potential for additional life-cycle costs
- Protection of public health and safety could be compromised

Examples

Service Type	Procurement Method
Round about design and feasibility	QBS
Water Vision Planning Study	RFP (non-QBS)
Pump Station Design	QBS or Pre-Qualified List
Bridge Design	QBS or Pre-Qualified List
Water Modeling	RFP (non-QBS)
General Plan EIR	QBS or Pre-Qualified List
Staffing Plans	RFP (non-QBS)
Engineering Plan Check	QBS or Pre-Qualified List
Rate Study	RFP (non-QBS)

References Used

- Public Law 92-582 (Brooks Act)
- California Government Code Sections (Mini Brooks Act):
 - 4525
 - 4526
 - 4527
 - 4528
- California Legislative Counsel
- Folsom Municipal Code Section 2.36
- City of Elk Grove, City of Sacramento, City of Roseville, City of Citrus Heights, City of Lincoln, and City of Rocklin