


Florida Fish and Wildlife Conservation Commission Internal Management Policies and Procedures (IMPP)		
	TITLE Professional Services Contracts	IMPP 4.5
		EFFECTIVE DATE 04/09/2020
	APPLICABILITY All Commission Employees	RESCINDS/AMENDS N/A
REFERENCES: AUTHORITY: CHAPTER 287.055, F.S.		
IMPP OWNER: FINANCE AND BUDGET OFFICE		

POLICY

It is the policy of the Florida Fish and Wildlife Conservation Commission to comply with the Department of Management Service’s (DMS) professional services contract requirements and with 287.055 of the Florida Statutes. The following shall establish procedures for procuring services using professional services contracts or purchase orders. The following guidelines do not apply to the procurement of construction services as mention in IMPP section 4.3 but are a precursor to the development of the construction solicitation. The following procedures are used to select architects, engineers, landscape architects and registered land surveyors and mappers based on quality of service rather than price being the primary determinate. The following documents are hereby incorporated by reference: The Department of Management Services Professional Service Guide, The Department of Management Services AE12 Selection of The Design Professional Guide and The Design Professional Fee Guidelines. These documents can be found at the link below:

https://www.dms.myflorida.com/business_operations/real_estate_development_and_management/building_construction/forms_and_documents

- Contents:
- 4.5.1 Definitions
 - 4.5.2 Procurement Phases for Single Project Process
 - 4.5.3 Procurement Phases for Continuing Contracts

4.5.1 DEFINITIONS

A. Administrator (Procurement Manager): Serves as the facilitator of the presentation meetings and procurement requirements.

- B. Continuing Contract:** A contract for professional services entered into in accordance with all the procedures of the Consultants Competitive Negotiation Act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed \$2 million, for study activity if the fee for professional services for each individual study under the contract does not exceed \$200,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another. **F.S. 287.055(2)(g).**
- C. Firm:** Any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or surveying and mapping in the State of Florida.
- D. Most Qualified Firm(s):** The Firm(s) with the highest averaged score(s) from the selection committee as the result of oral presentations or discussions.
- E. Negotiate:** Negotiation or any form of that word means to conduct legitimate, arm's length discussions and conferences to reach an agreement on a term or price. For purposes of this section, the term does not include presentation of flat-fee schedules with no alternatives or discussion. **F.S. 287.055(2)(l)**
- F. Oral Presentations or Discussion:** As a part of the Request for Statement of Qualifications (RFSOQ) Process for individual project, the Shortlisted Vendors be given an opportunity to present, ask questions or be asked questions by the Selection Committee in regard to the RFSOQ. **For Continuing Contracts solicitations, a question and answer session may be conducted via telephone.**
- G. Professional Services:** Services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice. **287.055(2)(a)**
- H. Selection Committee Chairperson:** The Project/Contract Manager of the resulting Professional Services Contract or Purchase Order.
- I. RFSOQ:** Request for Statement of Qualifications in the form of the solicitation document.
- J. RFSOQ Advertisement:** Posting of the RFSOQ solicitation document with general project(s) description or project types and how an interested firm can apply to the Florida Administrative Register and the Vendor Bid System in accordance with **287.055(3)(a)1.**
- K. Scoring:** The scoring of the Replies and oral presentations for a single project solicitation or the written replies and the question and answer via telephone for Continuing Contracts, solicitation, if conducted, by the Selection Committee is based on the criteria set forth in the **RFSOQ.**
- L. Shortlist:** At least three (3) Firms for each discipline or project (Continuing Contracts) or team (single project) being considered with the highest averaged scores given by the Selection Committee as the result of submitted replies in accordance with the stated RFSOQ criteria. If a discipline has less than 3 submittals all submittals qualify for the short list.

M. Selection Committee: A selection committee will consist of three (3) FWC staff who possess the knowledge, experience and technical expertise in the projects being sought. Selections are considered public meetings if any discussions and/or decisions are made in the meeting. All such meetings must be recorded. The procurement manager serves as the facilitator of the presentation meeting.

4.5.2 PROCUREMENT PHASES FOR SINGLE PROJECT PROCESS

Phase One: Procurement Need Determination – Each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project in which the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. 287.017, F.S., for CATEGORY FIVE (\$325,000), or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. 287.017, F.S., for CATEGORY TWO (\$35,000), except in cases of valid public emergencies certified by the agency head or when the project falls under the services selected under a continuing service contract. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration. The public notice shall be in the form of a Request for Statement of Qualifications using Method of Procurement Q (Consultant’s Competitive Negotiation Act per 287.055, F.S.). The public notice shall be made using the [Vendor Bid System](#) (VBS).

Phase Two: Selection Committee – The Project/Contract Manager serves as the Chairperson and will select a minimum of 2 selection committee persons for a total of three (3) to participate in the RFSOQ process. This process includes at a minimum but not limited to: The development of the RFSOQ criteria, scoring of replies, participation in oral presentations or discussions including scoring the listed firms or teams and contract negotiation with the most qualified Firm(s).

Phase Three: Advertisement/Public Notice – After the selection committee’s development of the RFSOQ criteria, the drafting and review of the RFSOQ solicitation document by Purchasing and the Division’s attorney, the RFSOQ will be posted to the Florida Administrative Register (FAR) and the [VBS](#) for a minimum of 21 days. The advertisement will include a deadline for the submission of replies. The RFSOQ criteria to be evaluated shall use the criteria set forth in the [DMS AE12 Selection of Design Professionals Manual](#).

Phase Four: Selection Committee Evaluation of Replies – The copies of each firm’s reply will be sent to each selection committee member for scoring. The average scores of all firms or teams will be used to create a shortlist. This list will be posted to [VBS](#) for 72 hours, excluding State holidays and weekends.

Phase Five: Oral Presentation or Discussions – Through a formal letter, the Procurement Manager will schedule an equal amount of time for all shortlisted firms or teams to present and answer questions from the Commission in person or by phone. These presentations will be scored by the selection committee and the highest average scores will be used to determine at a minimum the top three most qualified firms or teams. (If at least three applied)

Phase Six: Negotiation with The Most Qualified Firms, F.S. 287.055(5)(a) - Starting in order of the Most Qualified Firm for the advertised project scope, the Commission’s Contract Manager will negotiate a contract for Professional Services at a compensation that the Contract Manager deems fair, competitive and reasonable. However, if negotiation fails with the most qualified firm the Project/Contract Manager should move in the order of ranking to the second most qualified Firm or team. If negotiation fail with the Second Most Qualified Firm, the Project/Contract Manager will then undertake negotiations with the Third Most Qualified Firm. Should the

Project/Contract Manager be unable to negotiate a satisfactory contract with any of the selected firms, FWC will select additional firms in the order of their ranking from the initial shortlist and continue negotiations until an agreement is reached. During negotiation a detailed cost analysis shall be conducted on the most qualified firm's pricing to ensure that the Commission is receiving a fair market value.

4.5.3 PROCUREMENT PHASES FOR CONTINUING CONTRACTS

Phase One: Procurement Need Determination – Each agency shall publicly announce, in a uniform and consistent manner, the selection of consultants to provide professional services to the agency for projects in which the estimated construction cost of each individual project does not exceed \$2 million, for study activity if the fee for professional services for each individual study under the contract does not exceed \$200,000.

Phase Two: Selection Committee – The Project/Contract Manager serves as the Chairperson and will select a minimum of two (2) selection committee persons for a total of three (3) to participate in the RFSOQ process. This process includes at a minimum but not limited to: The development of the RFSOQ criteria, scoring of replies, participation in oral presentations or discussions, including scoring the individual firms and contract negotiation.

Phase Three: Advertisement/Public Notice – After the selection committee's development of the RFSOQ criteria, the drafting and review of the RFSOQ solicitation document by Purchasing and the Division's attorney, the RFSOQ will be posted to the Florida Administrative Register (FAR) and the [VBS](#) for a minimum of 21 days. The advertisement will include a deadline for the submission of replies. The RFSOQ criteria to be evaluated shall use the criteria set forth in the [DMS AE12 Selection of Design Professionals Manual](#).

Phase Four: Selection Committee Evaluation of Replies – The copies of each firm's reply will be sent to each selection committee member for scoring. The average scores of all firms will be used to create a shortlist. This list will be posted to [VBS](#) for 72 hours excluding State holidays and weekends.

Phase Five: Oral Presentation or Discussions – Through a formal letter or by email, the Procurement Manager will schedule an equal amount of time for all shortlisted Firms to present and answer questions from the Commission in person or by phone. This oral question and answer process will be scored by the selection committee and the highest average scores will be used to determine the selected firms. The number of firms selected will depend on the expected need for the respective discipline to complete the work program. FWC may choose to waive the oral discussions and select based on the written submittal only.

Phase Six: Selection and Negotiation of the Most Qualified Firms to enter into contracts: F.S. 287.055(5)(a) – For the selected qualified consultants for the discipline being sought, the Commission's Project/Contract Manager may enter into a task assignment-based contract for Professional Services. However, no work is guaranteed. During negotiation a detailed cost analysis shall be conducted on the most qualified firm's pricing to ensure that the Commission is receiving a fair market value.

Phase Seven: Selection amongst the contracted firms for individual task assignments is based on the following criteria:

The Contract Manager shall document the file with a justification as to why a particular firm was chosen for a task assignment using criteria as project circumstances require. For example:

1. Disciplines – The selected firm must have been selected for the main discipline of work for the proposed project and possibly the sub disciplines if deemed necessary.
2. Experience – Does the firm have the local permitting experience for the type of work proposed?
3. Scale – Does the project scale correlate to the size of the firm (fit)?
4. Availability – Can the firm meet the required project timelines?
5. Continuity – Would there be a cost savings due to site familiarity and/or previous work on the site?
6. Past Performance History – Has the consultant been meeting deadlines and producing good work product?
7. Geographic location – Is the firm in the same geographic region as the project?

FORMS

FORM NUMBER	FORM TITLE

Approved: **Jennifer Fitzwater**
Eric Sutton, Executive Director or Designee

Date: **April 9, 2020**

History: Est.: