

CCNA-Consultants' Competitive Negotiation Act FPPO April 5-8,2009

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1

Overview

- Why CCNA
- Which Agencies
- What Professional Service
- Continuing Contract
- Process
- Evaluation Factors
- Negotiations

2

Why Consultant Competitive Negotiation Act?

- It's the LAW since 1973
- The Agency selects the best-qualified firm
- Team approach between Agency and Designer
- Encourages technological innovation
- The agency is not limited to the low bidder
- Safeguards abuses of the low-bid system
- Provides "least life-cycle cost" for a project

3

History

- 1972- The "Brooks" Law signed into federal law the QBS process
- 1973-became Florida Law
- 1984 Competition in Contracting Act
- 2005 Eliminated agencies to contract with a group of consultants and then bid them against one another.

4

Why select based on qualifications?

- ✓ Engineering Services are unique
- ✓ Long-term savings
- ✓ Safeguarding public interest
- ✓ Encourage Competition

Selecting the design professional with the appropriate knowledge, skill, reputation, past performance and technical competence assures a ***successful quality project***

Florida Statute 287.055

Which agencies?



- State and State Agencies
- Municipalities
- Political subdivisions-counties, towns, villages, special road and bridge districts, and all other districts
- School Districts and School Boards

Type of professional services?

- Architectural
- Professional engineering
- Landscape architectural
- Registered surveying and mapping
- Any service that the end product must be sealed by an engineer or architect

7

When is competition required for each agency?

Professional Services

Project's construction cost exceeds threshold in s.287.017 category 5

Planning or study activity

Fee exceeds threshold in s. 287.017 for category 2

Exceptions

Agency head certifies an emergency

Continuing Contracts

Contracts awarded by CCNA that name specific projects

8

Continuing Contracts

Competitive process used

✓ Professional Services

Construction costs do not exceed
\$1 million

✓ Study Activity

Fee does not exceed \$50,000

✓ Work of specified nature outlined in contract no time limitation must have termination clause

What is a project?

- Any fixed capital outlay study or planning activity
- A grouping of minor construction, rehabilitation, or renovation activities
- A grouping of substantially similar construction, rehabilitation, or renovation activities

Agency Process

- ✓ Identify scope, value and schedule
- ✓ Publicly announce & issue proposal
- ✓ Review submitted proposal to certify:
 - Professional services
 - Firms capabilities
 - Adequacy of personnel
 - Past record
 - Firm experience
 - Personnel experience
 - Firm certified as a MBE
 - Factors in agency ordinance

11

Competitive Selection

Agency:

- Evaluates
- Shall conduct discussion
- May require presentations

No fewer than 3 firms regarding

- Qualification
- Approach to project
- Ability to furnish required services

12

Short list to three firms

Agency select in order of preference by:

- ✓ Ability of professional personnel
- ✓ Firm certified MBE
- ✓ Past performance
- ✓ Willingness to meet time & budget
- ✓ Location
- ✓ Workload-past, current, projected
- ✓ Previously awarded volume of work by agency
- ✓ Goal is an equitable distribution of contracts among qualified firms

13

Negotiating a Contract

Agency initiate negotiations with #1 firm

Firm develops & submit detailed fee proposal based on scope of work

Agency determines if fee is acceptable until impasse or both are in agreement

If impasse negotiations are ended and the process begins with #2 firm

Process is repeated until agreement is reached

Any contract over category 4 requires a truth-in negotiation certificate

14

The Public

FS 287.055, Sec 3 (e)

The public must not be excluded from the proceedings under this section.

The evaluation meetings are public meetings

The presentation or discussions are public meetings.

Negotiation meetings are not public and minutes are not made public until award.

15

City of Port St. Lucie

- Determine value and scope of project
- Publicly announce and advertise RFP
- RFP includes data for evaluation meetings
- RFP includes criteria with weighted scores
- RFP includes sample contract that will be used

16

City of Port St. Lucie

Review received proposals for required bid items and minimum requirements

- Distribute only approved proposals to committee members with instructions
- Committee members turn in individual scores to OMB
- OMB creates summary sheet that scores & ranks firms

17

City of Port St. Lucie

- OMB chairs evaluation committee
Public meeting, advertised & recorded
- Dialog & discussion of summary of scores & ranks
- Committee members rank firms as group
- Top 3 firms are selected and committee determines questions that will be asked

18

City of Port St. Lucie

- Discussion is held with the 3 top firms
- Committee decides if presentations are needed or makes recommendation for award
- Council awards- approving ranking of all firms and to negotiate until agreement
- Negotiations are held with OMB as lead
- If impasse concerning fee, negotiations are ended and next firm is called to start process

19

CCNA-Design Build-No-But

Design-build contract means a single contract with a design-build firm for design and construction

Award in accordance with agency rules

Design criteria package prepared & sealed by design criteria professional employed or retained by agency

If agency elects to retain professional service then the CCNA process must be followed

The firm that prepares the design criteria package is not eligible to render services under the design build contract

20

Is it OK to?

- Request copy of billing rates in RFP
- Assign points for fee proposal
- Request engineering services hourly rate
- Request lump sum price
- Published fee schedule (not mandatory)
- Request price from the 3 top ranked firms

21

It's ok to???

- Two committee members meet to discuss firms
- All firms to attend discussion meeting
- Ask firms to wait outside until their turn during presentations
- A committee member to meet privately with a firm
- To award without discussions with 3 top firms

22



Questions?

- Thank you for your participation!!!!

23