

French Market Corporation

Competitive Selection Procedure for Contractual Professional Services

I. AUTHORITY.

The French Market Corporation's ("FMC") Competitive Selection Procedure for Contractual Professional Services is promulgated pursuant to the Home Rule Charter of the City of New Orleans and Executive Order LC 20-01. Specifically, LC 20-01 states, "[a]ny entity to which this Executive Order applies may promulgate procedures for a competitive selection process for professional services. Upon certification by the Mayor that such procedures are consistent with the purposes and intent of the City Charter, the entity may use those procedures and this Executive Order shall not apply to such entities. Any such alternative competitive procedure must be annually reviewed and recertified in writing by the Mayor, pursuant to an annual written request by the entity."

II. INTENT.

For the purpose of the FMC's Competitive Selection Procedure for Contractual Professional Services, the FMC shall follow the guidelines and procedures promulgated by the City of New Orleans thru its Chief Procurement Officer ("CPO") and reflected in the City's official standardized Request for Proposals ("RFP") and Request for Qualifications ("RFQ") instruments, except where specifically indicated herein.

III. CONFLICTS WITH THE CITY'S GUIDELINES AND PROCEDURES.

Where this document conflicts with the City's established guidelines and procedures for procurement and award of professional services contracts, whether the conflict is actual, implied or apparent, the regulations and processes established herein shall apply.

IV. DEFINITION.

A. Professional Services: Professional services are those that include work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but not be limited to attorneys, doctors, dentists, nurses, veterinarians, architects, engineers, land surveyors, landscape architects, accountants, actuaries, appraisers, business consultants, investment advisors, and claims adjusters. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill. Standards for recognition of status as a professional service include the following;

1. Completion of training or advance study in a specialized field;

2. Exercise of skills based on experience and competence in a recognized discipline; and
3. Adherence to technical standards and practices in a learned discipline that confers status and may espouse and endorse codes of common practice and use of recognized methods.

Evidence of professional status may include diplomas, certificates of education and training, licenses, or membership in organizations that endorse ethical standards and practices.

V. METHODS OF PROCUREMENT.

The following outlines the methods of procurement for professional services that shall apply to the FMC:

A. Small Purchases

1. Professional Services: Small purchases of professional services shall include procurements valued between \$1,000 and \$50,000 and shall be exempt from the City's process for Procurement by Competitive Proposals. The FMC Staff shall be responsible for completing the solicitation and approving Small Purchases of professional services below \$50,000 in accordance with the provisions herein.
 - a. For proposals between \$15,000 and \$50,000, the FMC shall obtain 3 quotes.
 - b. For proposal between \$1,000 and \$15,000, the FMC will use best efforts to obtain at least 3 quotes, but will accept 2 quotes.
2. Notwithstanding any exemption from the City's process for Procurement by Competitive Proposals per this policy, all professional services valued above \$15,000 shall comply with the City's DBE participation requirements.
3. FMC may only contract with a particular contractor for a total of \$50,000 per calendar year without competitive selection.

B. Procurement by Competitive Proposal

1. Professional Services valued over \$50,000 shall be procured through either an RFQ and/or an RFP. The FMC shall use the standard RFP/RFQ Template provided by the Bureau of Purchasing. The FMC shall draft an RFP or RFQ that contains a clear description of the services to be performed, the criteria for evaluation, and the scoring weight attached to each item. Upon review and receipt of the required documents, the Bureau of Purchasing shall begin the competitive proposal process described in their standardized RFP and RFQ instruments.
2. All professional services valued above \$50,000 shall comply with the City's DBE participation requirements.
3. For procurements over \$50,000, the CPO will make a determination that the services being sought constitute professional services.

VI. INITIATION OF SOLICITATION AND ADVERTISEMENT.

A. Initiation of Solicitation:

1. The FMC Staff is responsible for completing the solicitation and approving Small Purchases of professional services below \$15,000.
2. The FMC Staff shall prepare and the FMC Board of Directors shall review and approve all requests to procure professional services between \$15,000 and \$50,000.
3. The FMC Staff shall prepare and the FMC Board of Directors shall review and approve all requests to procure professional services over \$50,000 regardless of the method of procurement prior to the initiation of the procurement process.

B. Advertisement

1. Small purchases of professional services exempt from the City's process for Procurement by Competitive Proposals need not be advertised unless FMC Staff and/or the FMC Board of Directors requests such advertising.
2. In addition to the advertising provided thru the City's procurement process, the FMC shall advertise each invitation to contract on the FMC's website for a minimum of two (2) consecutive weeks.
3. The FMC may use whatever reasonable means necessary to ensure the widest possible dissemination of the invitation to submit proposals. Advertisements may also be placed in other publications for a period of not less than three (3) days for a daily publication and at least once for other publications. The advertisement schedule will allow at least ten (10) days after the final advertisement for response. Advertisements shall include the following information:
 - a. Name of FMC contact person;
 - b. Office address and telephone number where prospective contractors can request complete RFP packets; and
 - c. Date by which evaluations are expected to be completed and those who submitted proposals may request a copy of the evaluation.
4. The FMC will attempt to obtain at least three proposals from qualified contractors. If fewer than three proposals are received, the FMC Board President should require additional advertisement, unless the FMC Board President explains in a written justification why additional advertisement is not likely to produce additional submissions.

VI. SELECTION, EVALUATION, AND RECOMMENDATION.

A. Small Purchases

1. Selection Criteria:

- i. For Small Purchases of Professional Services between \$15,000 and \$50,000, The FMC staff must determine whether the cost is reasonable based on the evaluation criteria below.
 - ii. Evaluation criteria shall be included in the solicitation. The criteria shall include but not be limited to the following general criteria. These general criteria may be amended to reflect any desired qualifications, certifications, or practices that are unique to the particular professional service being solicited.
 1. Experience and reputation of the professional personnel and their capabilities to provide adequate staffing and support;
 2. The appropriateness of the proposed plan and the timeline to achieve its goals;
 3. Experience with working with public entities and a demonstrated clear understanding of the work to be performed;
 4. Demonstrated reputation for honesty, integrity and fairness in dealing with matters involving public policy and the allocation of public assets;
 5. Involvement of certified disadvantaged business enterprises (DBE), as evidenced by government issued certification thereof; and
 6. The billing rate/cost of services to be provided.
2. Evaluation and Selection: The FMC Staff shall first evaluate the proposals by taking into consideration the aforementioned criteria and shall select the proposal that is from a responsible firm whose proposal is most advantageous to the FMC and, with price and other factors considered, provides the best value to the FMC.

VII. SELECTION OF CONTRACTOR BY FMC BOARD.

At the next regularly-scheduled meeting of the FMC Board of Directors following the completion of evaluations and formulation of a recommendation for contractor selection, the Board shall consider the Selection Committee's recommendation. By a majority vote, the Board may either:

- A. Select the recommended contractor;
- B. Submit questions or requests for clarification to Selection Committee or request Selection Committee re-evaluate proposals; or
- C. Request that the process be terminated. If terminated, the FMC can either start the process again after proper advertisement or chose not to contract for the service.

VIII. CONTRACT PREPARATION.

Contracts for professional services selected pursuant to this process shall be reviewed and approved for form and content by the FMC's Legal Counsel prior to the contract's being signed by the FMC and the contractor.

IX. MONITORING AND ACCOUNTABILITY.

- A. The FMC will monitor the progress of all contract work and file written, standardized progress reports with the Procurement Office. The FMC will also file a written, standardized evaluation upon completion of the contract. Such reports, all professional service contract awards, and other relevant documents will be maintained by the CPO in a central location and cross-referenced by contractor's name, officers, and principals. This information shall be provided to all Selection Committees should a contractor, officer, or principal be involved in a future procurement.
- B. In rare circumstances when public disclosure is not advisable (e.g. litigation, development of proprietary software, or other similar circumstances), the CPO may require disclosure of information to a party in the City Law Department who can maintain confidentiality.

XIII. ANNUAL REVIEW AND RE-CERTIFICATION.

The FMC understands that the alternate competitive procedure outlined herein requires annual review and re-certification by the Mayor.

XIV. AMENDMENTS.

Amendments to the FMC's competitive selection procedure must be approved by the Mayor before becoming effective.