

MEMORANDUM

To: Mayfield Village Council
From: Mayfield Village Law Department
CC: Diane Wolgamuth
Date: March 10, 2020
Re: Increased Threshold for Application of Qualifications Based Selection Policy for Professional Services

In 1996 Mayfield Village adopted a policy and procedure for qualifications based selection for professional services (the “Policy”) as required by Ohio Law. The Policy allows the Village, through the Mayor, to create a list of prequalified professional architects, engineers and surveyors that would provide professional services design and construction services. Enclosed with this Memorandum is a letter dated May 17, 1996 from then Law Director Joe Diemert outlining the Policy prior to its adoption by Council.

Resolution 96-14, which adopted the Policy, provides that the Policy does not apply to any project with an estimated professional design fee of less than \$25,000 or any project determined by Council to be an emergency. Ohio Law sets the threshold for projects that are required to follow a policy for qualifications based selection for professional services at \$50,000. In order to bring the Policy in line with Ohio Law and to be consistent with the revisions to M.V.C.O. 123.02 currently being considered by Council, we recommend that the Village also amend this Professional Services Selection Policy to increase the threshold to \$50,000.

Enclosed with this Memorandum is a Resolution that keeps the Policy in place but raises the threshold for its applicability to \$50,000.

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May 17, 1996

The Honorable Bruce Rinker
Mayor of the Village of Mayfield
Members of Council
Village of Mayfield
6621 Wilson Mills Road
Mayfield Village, Ohio 44143

RE: Qualification Based Selection Process for
Professional Services

Dear Mayor and Council:

As you know, the Ohio Revised Code was recently amended to expand qualification based selection procedures for professional services to municipalities. The amendment also mandates that municipalities draft a policy placing this selection process into effect. The policy I have drafted is enclosed for your review and approval.

The policy allows the Village, through the Mayor, to create a list of prequalified professional architects, engineers and surveyors that would provide professional design or construction management services for future projects. Once qualified, the professional firms may remain on the list as long as they update their qualification statements on an annual basis. New design firms may be added to the list from time to time at the discretion of the Mayor.

When a project necessitating professional design services comes about, notice of that fact is given to either the professional firms who have already been deemed to be pre-qualified by the Village or a new advertisement may be forwarded inviting all other professional firms to supply qualification statements. A committee selected and chaired by the Mayor is then formed to review the qualification statements and rank the design firms using set criteria and taking into consideration the nature and scope of the project. If more than one design firm is deemed to be most qualified, those firms will be asked to submit an estimate of their lump sum fee, and thereafter, the firm submitting the lowest fee may be deemed to be the most qualified.

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Negotiations then commence with the most qualified firm in order to obtain a contract. If those negotiations are unsuccessful, negotiations continue with the second most qualified firm, and so on, until an agreeable contract is reached. The contract is then submitted to Council for final approval.

The Village is exempt from following the policy when the professional fee for the project is less than \$25,000, or when Village Council determines that an emergency exists necessitating immediate action.

Additionally, I have enclosed an ordinance that places this policy into effect. As usual, I stand ready to assist you during the implementation of the policy.

Very truly yours,


Joseph W. Diemert, Jr.
Director of Law

JWD:TMH:nmp

Enclosures

cc: Steve Hovancsek

RESOLUTION 2020-18
INTRODUCED BY: Mayor Bodnar

**A RESOLUTION AMENDING THE POLICY AND PROCEDURE FOR
QUALIFICATIONS BASED SELECTION FOR PROFESSIONAL SERVICES**

WHEREAS, the Ohio Revised Code requires municipalities to adopt and follow a policy for the selection of professional architects, engineers and surveyors in order to provide professional design or construction management services; and

WHEREAS, Mayfield Village adopted its Procedure for Qualifications Based Selection for Professional Services with Resolution 96-14; and

WHEREAS, Resolution 96-14 provided that the policy did not apply to any project with an estimated design fee of under \$25,000.00; and

WHEREAS, this Council wishes to increase the threshold amount for the application of the Procedure for Qualifications Based Selection for Professional Services to \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mayfield, County of Cuyahoga and State of Ohio:

SECTION 1. That the current policy for the selection of professional architects, engineers and surveyors in order to provide professional design or construction management services to the Village of Mayfield, as set forth in Exhibit "A", is hereby still in effect and remains unchanged.

SECTION 2. This policy does not apply to any project with an estimated professional design fee of less than \$50,000 or any project determined by Council to be an emergency requiring immediate action including, but no limited to, any projects requiring multiple contracts as a part of a program requiring a large number of professional design firms of the same type.

SECTION 3. Pursuant to Revised Code §721.15, the Clerk of Council is authorized and directed to publish notice of this Resolution in a newspaper of general circulation in the Village of Mayfield.

SECTION 4. This Council further authorizes and directs the Clerk to publish a notice of this Resolution on the Village's website during the year 2020.

SECTION 5. The Council finds and determines that all formal actions of the Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took

place in meetings open to the public in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. This Resolution shall take effect after adoption and at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2020

Second Reading: _____, 2020

Third Reading: _____, 2020

PASSED: _____, 2020

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

MAYFIELD VILLAGE POLICE AND PROCEDURE
FOR PROCUREMENT OF PROFESSIONAL DESIGN SERVICES

A. PREQUALIFICATION PROCEDURE:

Mayfield Village, Ohio, through its Mayor, will request qualification statements from any interested professional architects, engineers, and surveyors to provide professional design or construction management services. The request will be published in newspapers of general circulation as chosen by the Mayor and requests will be sent directly to firms who are known to have a direct interest in providing such services.

"Qualifications" means all of the following:

1. Competence of the professional designer or firm to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services;
2. Ability of the firm in terms of its work load and the availability of qualified personnel, equipment, and facilities to perform the required professional design services competently and expeditiously;
3. Past performance of the firm as reflected by the evaluations of the previous clients with respect to such factors as control of costs, quality of work and meeting of deadlines;
4. Past performance and current performance on previous Mayfield Village contracts; and
5. Any other similar factors deemed relevant by Mayfield Village.

The qualification statements submitted by the professionals should contain information based upon the format set forth in Appendix A "Qualifications-Based Selection Statement Criteria", which is attached. Any statement that does not include all of the requested information will be deemed to be a firm unqualified. Mayfield Village may also ask any professional to supplement its statement if deemed necessary.

Qualification statements will be accepted at any time from any firm, as other firms become aware of this policy.

Professional design firms deemed prequalified by Mayfield Village must submit a update of the statement annually in order to remain qualified.

B. PRE-DESIGN PHASE AND ANNOUNCEMENT:

Mayfield Village, through its Mayor, will conduct a pre-design phase for all contracts available for professional design services for specific projects in order to determine the project scope of services and requirements, the project schedule, the conceptual schematic design, the project budget, and, if appropriate, soil boring and testing, and other analysis. The Village Engineer and any other designee of the Mayor may be involved in the predesign phase.

Upon completion of the predesign phase, the project shall be announced as follows:

1. The announcement of the project requirements and scope of services shall be made in a uniform and consistent manner in advance of the time that the proposals are received.
2. The announcement shall include a description of the project, statement of the specific professional design service required, and a description of the qualifications required for the project and generally follow the format set forth on "Public Announcement" which is attached as Appendix B.
3. The announcement shall indicate how qualified professional design firms may submit a proposal or statement of qualifications in order to be considered for a contract to design the project.
4. The announcement shall be sent to either of the following:
 - a. Each professional design firm that has a current statement of qualifications on file and is qualified to perform the required, professional design services;
 - b. Architect, landscape architect, engineer, and surveyor trade associations, the news media and any publications or other public media that the Mayor of Mayfield Village considers appropriate.

C. SELECTION PROCESS:

For every professional design services contract, the statements of qualifications for professional design firms shall be reviewed and evaluated upon submission.

A committee convened and chaired by the Mayor shall review and evaluate the statement of qualifications using a pre-established project criteria, and, generally, following the evaluation form which is attached as Appendix C.

The committee shall issue a list of no fewer than three (3) firms rated qualified to perform the required services for the specific project. If fewer than three qualified firms are available, those firms shall be selected.

Upon selection, the Mayor shall send a request for letters of interest to the firms that have been selected. Any interested firm shall supply all of the requested information concerning the project by the date specified in the announcement or written request.

A scope clarification meeting may be conducted with the firm's selected who have declared an interest in the project. The discussions shall be designed to further explore the scope and nature of the services required, the various technical approaches the firms may take toward the project, unique project requirements, the project schedule, the conceptual schematic design, and the project budget. Depending upon the unique nature of the project, the meeting may include a physical site visit. Any questions must be resolved at this meeting and shared with all participants, precluding any further contact with the committee.

The firm selected may be asked to supplement their statement of qualification with a technical proposal in accordance with the final scope of services and project requirements as may have been clarified at the scope clarification meeting. Each professional design firm requested to submit a technical proposal shall be informed of the date, time and location for such submittals.

The committee shall evaluate, select and rank all of the firms which were selected and who expressed interest in the project. The ranking shall set forth in order the firms most qualified to provide the required professional design services based upon their qualifications, technical proposals, if any, and the specific project.

If one firm is determined to be most qualified, the firm shall be asked to submit a lump sum fee proposal. If more than one firm is determined to be equally most qualified, then each firm shall be

asked to submit a lump sum fee proposal. The firms may submit a revised technical proposal. The firm submitting the lowest fee proposal shall be determined to be the most qualified.

The Mayor, and/or individuals designated by him shall negotiate a contract with the firm ranked most qualified to perform the required services at a compensation determined to be fair and reasonable to Mayfield Village. The contract negotiations shall be directed toward:

1. Insuring that the professional design firm and Mayfield Village have a mutual understanding of the essential requirements involved in providing the required services, including meeting established total project budget;
2. Determining that the firm will make available the necessary personnel, equipment and facilities to perform the services within the required time;
3. Agreeing upon compensation which is fair and reasonable, taking into account the estimated value, scope, complexity and nature of the services.

Upon the failure to negotiate a contract agreeable to Mayfield Village with the most qualified firm, negotiations shall commence with the second ranked firm, and so on until an agreeable contract has been reached.

The final contract with the professional design firm is conditioned upon approval being granted by Village Council.

APPENDIX A

QUALIFICATIONS-BASED SELECTION STATEMENT CRITERIA

1 – Provide a brief history for the firm. Please include information pertaining major areas of expertise for the company.

2 – Provide resumes for Key Personnel for the firm.

3 – List clients and representative projects worked on in the last five (5) years. Please provide a brief description and relative size of each project.

4 – Provide a copy of a current ODOT technical prequalification letter. If your firm is not prequalified, it should be indicated in the statement.

5 – Provide information related to the insurance carried by firm.

6 – Provide information related to the computer hardware and software utilized by your firm. Please indicate size and numbers of workstations.

7 – Provide any further information which may be helpful for the Geauga County Engineer's Office to determine the qualifications of your firm.

Appendix B

(Sample Announcement of Contract for Professional Design Services)

PUBLIC ANNOUNCEMENT

The *(name of Public Authority)* intends to contract for *(engineering) (architectural) (surveying)* services in connection with the *(title or brief description of project)*. *(Engineering) (Architectural) (Surveying)* firms interested in being considered for a contract to provide the required services should reply with a statement of qualifications no later than *(time)* on *(date)*. Statements received after this deadline will not be considered.

Statements of qualifications should include information regarding the firm's history; education and experience of owners and key technical personnel; the technical expertise of the firm's current staff; the firm's experience in designing similar projects; availability of staff; the firm's equipment and facilities; references; and any previous work performed for *(name of Public Authority)*.

Statements of qualifications should be transmitted to: *(Name, title, and address of representative of Public Authority)*

As required by Ohio Revised Code §159.65-71, responding firms will be evaluated and ranked in order of their qualifications. Following this evaluation, the *(name of Public Authority)* will enter into contract negotiations with the most highly qualified firm.

The preliminary project description is as follows:

Name of Project _____

Location _____

Description (e.g., building design, environmental impact statement, etc.) _____

Total Project Budget (including studies, design, construction, etc.) _____

Source of Funding (e.g. bond issue, OPWC grant, etc.) _____

Project Schedule

Anticipated dates for design startup/completion _____ / _____

Anticipated dates for construction startup/completion _____ / _____

Special Requirements or Restrictions _____

Appendix c

(Sample Evaluation Form for Statements of Qualifications)

Name of Project _____

Name of Design Firm _____

Name of Evaluator _____

Criteria	Rating*	Weight**	Score
1. Firm & Individual Qualifications			
• Firm's number of years in business	x	(0-5)	=
• Firm's background & experience on similar projects	x	(0-5)	=
• Experience of firm's current personnel on similar projects	x	(0-5)	=
2. Proximity to Project Site	x	(0-5)	=
3. Capacity to Perform Work			
• Availability to meet schedule	x	(0-5)	=
• Firm's equipment & facilities	x	(0-5)	=
4. References			
• Quality of design	x	(0-5)	=
• Technical innovation	x	(0-5)	=
• Meeting schedules & deadlines	x	(0-5)	=
• Controlling costs/meeting budgets	x	(0-5)	=
• Communication/cooperation	x	(0-5)	=
5. Past Performance for this Public Authority	x	(0-5)	=
Total Score =			

*1 = Poor, 2 = Fair, 3 = Good, 4 = Excellent, 5 = Superior

** These weighting factors should be adjusted for each project, according to the needs and priorities of the public authority.