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**AMENDMENT NO. 3 TO ORDINANCE NO. 72 OF 2021**

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**ORDINANCE NO. 72 OF 2021**

**AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTER 26 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO THE ARCHITECTURAL AND ENGINEERING SELECTION PROCESS, AND OTHERWISE PROVIDING WITH RESPECT THERETO.**

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**AMENDMENT PROPOSED BY:**

The Administration

**INSTRUCTIONS:**

Delete and remove from the files the original proposed Ordinance No. 72 of 2021 and substitute the attached **Amendment No. 3 to Ordinance No. 72 of 2021.**

**EXPLANATION OF THE AMENDMENT :**

This amendment finalizes the work that was started by the subcommittee of the A&E Committee.

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**BY COUNCIL MEMBER: LEVETTE FULLER**

**WHEREAS**, the City of Shreveport's Architectural and Engineering Selection Committee has deemed it desirable and necessary to amend certain provisions of the selection process for firms seeking to provide architectural, engineering, interior design construction management, land surveying and landscape architectural services on City projects of maintenance, construction and other public works.

**BE IT ORDAINED** by the City Council of the City of Shreveport, Louisiana, in due regular and legal session convened, that Chapter 26, Article VI, Division 3 is hereby amended and re-enacted to read as follows:

**DIVISION 3. - ARCHITECTURAL AND ENGINEERING SERVICES**

**Sec. 26-241. - Purpose.**

The purposes of this division is to assure that the city selects qualified firms to provide it with architectural, engineering, interior design, construction management, land surveying and landscape architectural services in an open and competitive manner and to provide that firms whose primary business address is in the Shreveport-Bossier metropolitan area are selected to provide these services when they are properly qualified and are experienced in the type of work needed by the city.

If the project is bound by Federal or State laws, policies, or guidelines, then the Federal or State laws, policies or guidelines will supersede this division.

**Sec. 26-242. - Definitions.**

For the purposes of this division, the following words and phrases shall have the meanings set forth below unless the context clearly indicates otherwise.

*A/E selection committee* means the architectural and engineering selection committee created under the provisions of this division.

*Architect* means any person registered and licensed to practice architecture under the laws of the state of Louisiana.

*Architectural/engineering (A/E) professional service* means services of an architectural, engineering, interior design, land surveying, construction management or landscape architectural nature plus incidental services that members of these professions and their employees may logically or justifiably perform; and services that must be performed by a person or entity licensed, registered, or certified to perform those services. A/E services shall include the following specific but nonexclusive list of services:

- (a) Feasibility studies, project master plans, environmental impact studies or assessments, space studies, preparation of applications for funding, analyses of overhead, operations and maintenance expenses, the preparation of cash flow analyses, rate schedules and economic analyses and such other study and evaluation documents as may be needed for a project.
- (b) Design services to provide drawings, plans, specifications, and cost estimates for construction which may include program development, energy analysis, interior design, and landscaping.
- (c) Construction layout and staking services.
- (d) Observation and inspection of project construction.
- (e) Construction manager/advisor services, as defined herein.
- (f) Special supplementary work items such as surveys, models, displays or presentations.
- (g) Participation in structured independent review processes, including, but not limited to, cost estimating, project peer review, value engineering and constructability reviews.

*City* means the City of Shreveport, Louisiana, its departments and subdepartments and the city's agencies, boards, and commissions.

*City's agencies, boards and commissions* means agencies, boards and commissions that are controlled by or dependent on the city's executive and legislative branches, as well as the metropolitan planning commission.

*Construction manager/advisor* means a design professional who assists, beyond ordinary project inspection and observation, in the management of construction projects for the city.

*Design professional* means any architect, engineer, interior designer, land surveyor, construction manager or landscape architect, as appropriate.

*Engineer* means any person registered and licensed to practice engineering under the laws of the state of Louisiana.

*Interior designer* means any person registered as an interior designer under the laws of the state of Louisiana or any unlicensed person who provides similar services.

*Land surveyor* means any person registered and licensed to conduct land surveying under the laws of the state of Louisiana.

*Landscape architect* means any person registered and licensed to practice landscape architecture under the laws of the state of Louisiana.

*Mayor* means the duly elected mayor of the city or the mayor pro tem when vested with the powers of the office of the mayor.

*Project* means the description of work as described in the announcement published in the official journal as described in this division.

*Solicitation* means a formal request for the submission of competitive proposals.

*Submittal* means all documentation and information submitted in response to a formal solicitation request.

*User agency* means the city department, board, commission or authority or public utility undertaking a specific project.

#### **Sec. 26-243. - Architectural and engineering (A/E) selection committee**

The competitive selection process for A/E professional services shall be conducted by the following members of the A/E selection committee:

1. City Council Chair
2. City Council Vice- Chair
3. Director of Public Works, or his/her designee
4. Director of Water and Sewerage, or his/her designee

5. Disadvantaged Business Enterprise (DBE) Director, or his/her designee
6. City Engineer, or his/her designee
7. City Architect, or his/her designee
8. The Director of the department, or his/her designee, that submitted the solicitation, unless the solicitation is from either the Department of Public Works or Water and Sewerage  
when specialized expertise is desired  
by the committee, the mayor may designate one or more persons to serve as nonvoting members of the committee while it considers matters related to that specific project.
9. Four (4) citizen members appointed by the Mayor from the following groups:
  - a. One (1) citizen who is not a city employee and holds or has retired from a managerial position in the business or financial community;
  - b. One (1) citizen who is not a city employee selected from a list of candidates, not to exceed three (3), submitted by either the African American Chamber of Commerce or the Shreveport Chapter of the National Association for the Advancement of Colored People (NAACP);
  - c. One (1) citizen who is not a city employee, selected from a list of candidates, not to exceed three (3), submitted by the Shreveport Chapter of the American Institute of Architects. The citizen architect will only serve on the A/E selection committee when the submitted solicitation relates to architectural submittals; and
  - d. One (1) citizen who is not a city employee, selected from a list of candidates, not to exceed three (3), submitted by the Shreveport Chapter of the American Society of Civil Engineers or the Shreveport Chapter of the Louisiana Engineering Society. The citizen engineer will only serve on the A/E selection committee when the submitted solicitation relates to engineering submittals.
  - e. All citizen members may serve two (2) consecutive three-year terms. No citizen

appointee shall serve a third consecutive term; however, they may remain on the committee until their respective successor has been confirmed.

- f. All citizen members, including the architect and the engineer, and their respective employing firms, if appropriate, shall not be eligible to compete for city A/E contracts or be employed by or be a subcontractor to an A/E firm awarded a contract through the A/E selection process: (1) while serving on the A/E selection committee; and (2) for six months after their term of service has ended, and for any additional period of time required by applicable law, including the Louisiana Code of Governmental Ethics.
10. The purchasing agent shall serve as a nonvoting member of the A/E selection committee and shall maintain its records.
11. Six voting members of the A/E selection committee shall constitute a quorum.
12. The A/E selection committee shall select a chairperson who shall serve a one-year term or until their respective successor is elected. An election for chairperson shall be held each year.

**Sec. 26-244. - Architectural and engineering contract amount**

1. This process shall apply to all architectural/engineering (A/E) professional services contracts negotiated by any city agency, board, commission, or authority when the initial amount of the contract exceeds \$150,000.00 or when the initial amount of the contract is less than \$150,000.00 but the scope of work is likely to increase so that the final contract amount exceeds \$150,000.00.
2. All contracts for A/E professional services where the initial amount of such contract exceeds \$150,000.00 or when the initial amount of the contract is less than \$150,000.00 but the scope of work is likely to increase so that the final contract amount exceeds \$150,000.00 shall be selected on a competitive basis based on the qualifications of the firm, its employees or individual design professionals and any other relevant criteria, except that price shall not become a factor until after selection.

**Sec. 26-245. – Announcement of requests for services**

1. It shall be the policy of the city to publicly announce all requirements for the competitive

selection of A/E professional services and to negotiate contracts for those services based on demonstrated competency, qualifications, and performance on previous contracts, provided that those services are rendered at a fair and reasonable price.

2. When it is determined that the city needs to obtain A/E services, the purchasing agent shall require that the announcement for solicitation of such services be published in the official journal, transmitted via the City's electronic bid notification and procurement system, published on the official website for the City of Shreveport, transmitted to each member of the city council, and each member of the A/E committee. This announcement shall invite all interested parties to submit within a specified time, (minimum of 25 calendar days) letters of interest in being selected for this specific project, together with a Form SF 330 describing the firm or individual's experience related to the project and such other information as the announcement may specify. The notice shall contain a general description of the project and an estimated fee range for the contract, if known. These submittals shall include the relevant pages of the SF 330 form and any information which is deemed relevant by the interested party, or which has been requested in the city's official notification.

**Sec. 26-246. - Architectural and engineering committee selection process.**

1. Committee Evaluation
  - (a) The A/E selection committee shall evaluate all submittals from A/E firms to determine the firms which it considers most qualified for and suited to perform the work.
  - (b) Initial review of the submittals are appropriate for Executive Session for the following purposes:
    1. To narrow the field of potential candidates which will be considered for the award of a contract, and
    2. To evaluate and score the proposals to create a smaller number of potential candidates which meet the specified requirements.

The committee must conduct discussions involving the actual award of a contract in open session.

(c) The A/E selection committee may conduct interviews with up to three of the submitting firms if it finds that such interviews are warranted and will assist in the selection process.

1. When interviews are held, no member or representative of a submitting firm or individual for the project under consideration who is not being interviewed shall be present.

2. Scoring.

a) Scores. Scores ranging from one (1) to five (5) shall be assigned to the criterion outlined herein.

b) Weight Assignments. The department head requesting the issuance of a solicitation for services shall determine the relative weight of each criterion based on the importance of each factor in the completion of a successful project. Weights shall be assigned before the request for solicitations is advertised. Weights shall be assigned in accordance with the following scale: 1=Low Importance, 2=Medium Importance 3=High Importance. Designated weights shall be multiplied by each individual score to get the total weighted points for each item.

3. Evaluation Criteria. The following criteria shall be considered in the evaluation of each submission:

- a) Capability to perform all or most aspects of the project;
- b) Consideration of any past or pending criminal or civil litigation, past or present administrative discipline and any other actions adverse to the firm or individual within the last five (5) years;
- c) Fair share participation pursuant to Chapter 2, Article VIII of the Shreveport City Code of Ordinances;
- d) Qualifications of all professionals essential to the work to be performed;
- e) Current workload;
- f) Qualifications of Sub-Consultants;

- g) Understanding of program or project including potential challenges and the City's special concerns, if any;
- h) Past performance on City projects to include but not limited to meeting deadlines; and
  - a. If there has been no performance on past City projects, the City may solicit past performance information from all available sources including information from other government agencies and officials.
- i) Location of assigned team and staff office relative to project.
- j) Presentation
  - (1) Compare the firms' different approaches to the design process,
  - (2) Interpretations and understanding of the project requirements
  - (3) Management approach to technical requirements
  - (4) Compare styles of project managers and their approach to the project
  - (5) Ability to communicate and form successful working relationships

**Section 26-247. – Submission Evaluation Process**

1. The Purchasing Agent and/or their designee shall provide all committee members with a complete and accurate copy of the solicitation for bids and all issued amendments & addendums for the subject project. After all submissions are received and no later than five (5) days prior to the meeting of the A/E selection committee, the Purchasing Agent and/or their designee shall provide all committee members with one copy of each submission to be reviewed.
2. Committee Scoring.
  - a) A quorum of voting A/E committee members physically present at a regular meeting shall meet to discuss each submission and each member shall individually score each submission.
  - b) The evaluation process shall be led and conducted by the department head who submitted

the solicitation for the submittals or his designee.

c) Points shall be assigned to only one submission at a time before moving on to the next,

until all submissions have been evaluated.

d) During the evaluation process, the purchasing agent or his designee shall keep the only

document for recording the points assigned by the committee to each submittal.

e) Upon completion of the committee's evaluation, a final score shall be assigned to each

submittal.

f) If the committee chooses to interview candidates, the selection shall be made based on the presentation scoring

#### **Sec. 26-248. - Committee Recommendation Post Evaluation**

1. The committee may take into consideration the scoring and shall recommend up to three of the highest scoring firms to the mayor.
2. For all contracts, the mayor shall then select any one of the firms recommended to him by the A/E selection committee and direct the relevant department, agency, or commission to negotiate a contract with the selected firm for services for a fee or at rates of pay fair to both parties.
3. Once the mayor has selected an A/E firm from the list submitted by the A/E selection committee, the committee shall notify all firms which submitted letters of interest on the project of the selection which has been made.
4. Should the mayor or his designee be unable to negotiate a satisfactory contract with any one of the firms or individuals recommended by the A/E selection committee, negotiations with that firm or individual shall be terminated and the A/E firm or individual notified in writing of the reason(s) therefor. The mayor may then direct the appropriate persons to negotiate with either one of the remaining A/E firms recommended for the project by the A/E selection committee. If the

mayor is unable to reach a satisfactory agreement with any of the firms recommended by the A/E selection committee for a project, then the A/E selection committee shall be required to reopen the selection process by publishing a new announcement as required by Sec. 26-245 and submit a new list of firms to the mayor.

**Sec. 26-249. - Additional Duties of the A/E Committee**

The purchasing agent shall cause the A/E selection committee to:

1. Provide notice and an agenda of all meetings in accordance with the Open Meetings Law;
2. Provide a copy of the minutes of each meeting which shall include all recommendations of the committee in accordance with the Open Meetings Law;
3. Produce a quarterly report for the council and to deliver to the clerk of council by January 1, April 1, July 1, and October 1. The report should include the following:
  - a) Names of the A/E firms or individuals selected during the previous three months,
  - b) Dollar amount of each contract,
  - c) Any amendments to each contract,
  - d) Names of the firms submitted to the mayor and not selected for each project, and
  - e) Any other information requested by the chairman of the council or the chairman of the audit and finance committee.
  - f) This report shall also include the names of A/E firms or individuals selected during the previous three months for which the initial contract amount was less than \$150,000.00, the initial dollar amounts of each contract and subsequent amendments to it and the purpose of the work. This report shall also include the total amount of fees awarded by the city for professional services within the past four years for each firm or individual design professional providing A/E professional services.

**Sec. 26-250. – Notification**

All firms or individual design professionals with current SF 330 Forms on file will be sent a notification of public announcement for each project via the City's electronic bid notification and procurement system.

**Sec. 26-251. – Prohibited Communications Prior to Selection**

1. There shall be a prohibition on communications regarding the solicitation by all submitting firms and/or their representatives with employees of the user agency; the Mayor and/or members of his staff; members of city council and/or their staff; and members of the selection committee during the selection process (beginning at the issuance of any solicitation for services to the contract award and ending once notice is sent to the selected firm.)
2. This does not apply to oral communications at pre-submittal conferences, oral presentations before the selection committee, contract negotiations, or communications in writing at any time with any city employee or elected official regarding matters not concerning the competitive selection process.

**Sec. 26-252. – Post project evaluation**

A post project evaluation shall be conducted by the user agency following completion of any project for which an award is made by the A/E committee and upon completion shall be kept on file with the City of Shreveport Purchasing Division. Post project evaluations shall be utilized in a firm's evaluation for any future projects. Each post project evaluation criterion shall be assigned a score ranging from one (1) to (10). The following criterion shall be considered in post project evaluations:

1. Demonstration of knowledge of acceptable design criteria and procedures
2. Ability to meet contract requirements with minimum direction
3. Quality of plans
4. Completion of work within the terms of the contract
5. General spirit of cooperation
6. Change orders

**Secs. 26-253 — 26-264. - Reserved.**

**BE IT FURTHER ORDAINED** that the remainder of Chapter 26, of the City of Shreveport Code of Ordinances shall remain unchanged and in full force and effect.

**BE IT FURTHER ORDAINED** that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications; and to this end, the provisions of this ordinance are hereby declared severable.

**BE IT FURTHER ORDAINED** that all Ordinances or parts thereof in conflict herewith are hereby repealed.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective in accordance with the provisions of Shreveport City Charter Section 4.23.

**THUS DONE AND ORDAINED** by the City Council of the City of Shreveport, Louisiana.

**APPROVE AS TO LEGAL FORM:**

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City Attorney's Office