

COMPETITIVE SELECTION PROCESS FOR PROFESSIONAL SERVICES CONTRACTS

Rule 45. Pursuant to Section 6-308 (5) (c) of the City Charter, contracts for professional services to be administered by the Council shall include but not be limited to the following professions:

- Accountants
- Appraisers
- Architects
- Auditors
- Attorneys
- Economists
- Management Consultants
- Public Relations/Media Consultants
- Real Estate Consultants
- Telecommunications Consultants
- Utilities Regulatory Consultants

The following process shall be followed for retention of consultants with expertise in a field as required by the Council for all contracts at or above the threshold amount established by Section 2-7 of the City Code:

1. Upon determination by a majority vote of the entire membership of the City Council that the services of a professional are needed, a Request for Qualifications (RFQ) or Request for Proposals (RFP), as appropriate based on the scope of work to be performed, shall be issued. The Request shall include the deadline for submission of responses. The RFQ or RFP shall additionally require that the person or entity responding to the RFP or RFQ (the respondent) provide the following information:

- A sworn affidavit listing all persons with an ownership interest in the

respondent. An “ownership interest” shall not be deemed to include ownership of stock in a publicly traded corporation or ownership of an interest in a mutual fund or trust that holds an interest in a publicly traded corporation. This affidavit is a public record.

- A sworn affidavit stating that no other person holds an ownership interest in the respondent via a counter letter.
- A list of all persons, natural or artificial, who are retained by the respondent at the time of the application and who are expected to perform work as sub-contractors in connection with the respondent’s work for the City Council. The Council may require information on employees or sub-contractors of or ownership interests in the sub-contractor. This list is a public record.
- A sworn affidavit stating that the affiant is in compliance with Section 2-8(c) of the City Code and that no principal, member and/or officer of the contracting entity has within the preceding five (5) years been convicted of or plead guilty to, a felony under state or federal statutes for embezzlement, theft of public fund, bribery, and/or falsification or destruction of public records. This affidavit shall not be required for contracts or cooperative endeavor agreements between the city and the state(s), the city and the federal government, parishes/counties of the state(s), municipalities, and/or the various agencies/political subdivisions of the above. (M-11-160, Adopted, As Amended 5/19/11)
- A comprehensive narrative detailing the respondent’s plan to comply with the provisions of Section 70-432.1 of the Code of the City of New Orleans pertaining to local and disadvantaged business enterprises (DBE) goals for the City of New Orleans. (M-11-160, Adopted, As Amended 5/19/11)

The RFQ or RFP shall additionally advise the respondent that the contract with the City Council shall contain a provision that in regard to any sub-contractor proposed to be retained by the respondent to perform work on the contract with the City Council, the respondent must provide notice to the appropriate Council Committee within thirty (30) days of retaining said sub-contractor. The Council may require information on ownership interests in the sub-contractor.

2. The **Request for Qualifications or Request for Proposals** shall be

published at least three times in a 10 day period in the Official Journal by the **Clerk of Council**. The publication may be in brief, if the Request is lengthy, and may be supplemented by letters of inquiry and/or placement of the request in appropriate additional publications.

3. Interested professionals who respond by the deadline date shall be evaluated by the **Selection Review Committee**. If more than five (5) responses are received, the Selection Review Committee shall review all responses but is authorized to eliminate from consideration, if it deems doing so appropriate, all but the five (5) most qualified and responsive respondents.

4. The committee shall establish appropriate evaluation criteria, which may include but not be limited to the following:
 - (a) training and experience with type of task required;
 - (b) appropriateness of plan submitted;
 - (c) capability of contractor to provide staffing and support;
 - (d) knowledge of local conditions;
 - (e) ability to provide the work in the time period required, as evidenced by past performance and current workload;
 - (f) involvement of members of disadvantaged groups at the professional level;
 - (g) participation by persons living and/or working in New Orleans at a professional level;
 - (h) the need for continuity of services and/or specialized and institutional experience and knowledge.
 - (i) For RFP's, cost of services to be provided. (M-07-277, Adopted, As Amended, 7/26/07); (M-07-413, Adopted, 10/4/07)

5. **The Selection Review Committee** shall forward to the Council Committee under whose jurisdiction the subject matter of the contract falls, if any, a list of up to five top respondents, with an analysis of each respondent's compliance with each criterion. If there is no such Council Committee, the list shall be forwarded to the entire Council.

6. **The Council Committee**, or the Council, if there is no specific committee, may choose one of these respondents and negotiate a proposed contract, including a scope of work to be performed. If a proposed contract cannot

be negotiated with the firm/individual initially chosen, one of the other firms/individuals submitted by the Selection Review Committee may be chosen; and a proposed contract negotiated.

7. **The Council Committee** may recommend to the City Council its choice of the firm/individual. The Council, by a majority vote of its entire membership and by motion, may accept or reject the Council Committee's recommendation and choose one of the other firms/individuals submitted by the Selection Review Committee to the Council Committee. If the Council does not choose one of the firms/individuals submitted by the Selection Committee, the selection process shall begin again. In the absence of a Council Committee, this same process shall be followed by the City Council. (M-96-106; Adopted 4/3/96)

8. The **Selection Review Committee** shall consist of the **Council Chief of Staff, the Council Research Officer and either the Council Fiscal Officer or the Director of Council Utilities**, depending on the type of professional service to be performed. The Council, responsible committee, or Chief of Staff may invite additional knowledgeable persons to participate as member(s) of the Selection Review Committee when particular expertise would be helpful in the evaluation process. The Selection Review Committee shall conduct its meetings in accordance with the Louisiana Public Meetings Law, R.S. 42:4.1, *et seq.* (M-07-413, Adopted, 10/4/07); (M-08-380, Adopted, 2/5/09)

9. **Exceptions** from this Competitive Selection process shall be made for:
- (a) Professional services contracts for an individual Councilmember's Office.
 - (b) Annual Audit, for which requests for qualifications shall be sent to "Big Four" accounting firms with local offices. (M-07-413, Adopted, 10/4/07)
 - (c) Emergency situations in which a majority of the entire membership of the Council by motions determines that there is an immediate need for a specific contract and that there is not sufficient time to go through the Competitive Selection Process. Emergency situations may include, but are not limited to, legal actions to which action or response is needed or required in 30 days or less or emergency situations as defined in LA. R.S. 38:2211 A (6). (M-96-105)
In those emergency instances, where there are available at least 10 working days but not the 30-35 days required for an RFQ/RFP process, an informal process consisting of solicitation of firms/individuals and a shortened review process shall be followed.
 - (d) Any contracts in existence prior to January 1, 1996 for:
 - Renewal or extension of the contract, when continuity of service is essential;
 - Amendments to such contracts that may expand but do not materially alter the scope of services and for which specialized and institutional experience and knowledge are required. (M-07-413, Adopted, 10/4/07)

The Council, by majority vote of its entire membership, shall determine which contracts are eligible for **exemption** under this sub-paragraph. (Substitute M-96-29, Adopted, As Amended 2/15/96); (M-07-413, Adopted, 10/4/07)

- (e) The Council may by motion authorize the amendment of a contract that was under the monetary threshold for use of the competitive selection process to increase the maximum compensation or modify the scope of services if justified by a need to ensure continuity of services for the performance of work related to the original scope of services if the proposed amendment satisfies one or more of the following criteria: (M-07-413, Adopted, 10/4/07)

- 1) the increase in scope of work adds a task which can best and most efficiently be performed in a timely and effective manner by a contractor having knowledge and experience gained during performance of the scope of the existing contract;
- 2) the increase in scope of work adds a task which is essential to completion of the original scope of work but could not reasonably have been anticipated when the original scope was developed;
- 3) the increase in compensation is needed because the time required to complete the original scope of work exceeded the original estimate, which was reasonable based upon the information available to the Council and its consultant at the time the compensation was agreed upon.
- 4) the Council may authorize no more than three such amendments to any individual contract. (M-04-236, As Amended, As Corrected, 5/20/04)

ASSIGNMENT OF WORK TO CERTAIN SPECIAL COUNSEL

Rule 45.1.

1. This rule applies only to work assigned to special counsel to the Council retained pursuant to Council Motion M-07-586.
2. Work of special counsel shall be assigned in accordance with the procedure detailed herein below in connection with legal and policy matters pertinent to the Council's independent role as a separate branch of government, when it is determined a) that there are conflicts or potential conflicts between the executive branch and the City Council and/or b) the Council's best interest will be served through the Council's receipt of advice and guidance of special counsel. The assignments to special counsel shall not be in conflict with any powers or functions that are provided exclusively to the City Attorney or the Law Department under the City Charter.
3. At the direction and under the supervision of the Council's Chief of Staff (COS), the contractor will provide services to the Council as a whole and its Committees. Services of special counsel shall be provided pursuant to the following process: a) by Council motion; or b) upon the request of one or more Councilmembers with the approval of the Council President, or if the Council President makes the request, with the approval of the Council Vice President, subject, however, to disapproval by a majority of all members of the Council at its next regular or special meeting.

4. A Councilmember requesting services from special counsel shall submit a form prepared by the COS to the COS indicating the nature of the services and the estimated cost. The COS shall immediately transmit the form to all Councilmembers. (M-08-258, Adopted 6/19/08)