

City of Albuquerque Selection Advisory Committee Rules and Regulations

I. GENERAL

These rules and regulations are adopted pursuant to the Selection Advisory Committee Ordinance, being Ordinance No. 48-1974, as amended, which is compiled as Section 14-7-21 et seq of the Revised Ordinances of Albuquerque, New Mexico, 1994, and together with the Selection Advisory Committee Ordinance govern:

The procedures to be followed in the selection of firms or persons to provide professional architectural, engineering, landscape architectural, and other related professional services which will cost less than twenty five thousand dollars (\$25,000).

The procedures to be followed by the Selection Advisory Committee in the selection of firms or persons to provide professional architectural, engineering, landscape architectural, and other related professional services which will cost twenty five thousand dollars (\$25,000) or more.

The Selection Advisory Committee is hereinafter referred to as the "Committee" and the Selection Advisory Committee Administrator is hereinafter referred to as the "Administrator" or the "~~Chairman~~Chairperson," since the Selection Advisory Committee Ordinance designates the Administrator as the Selection Advisory Committee ~~Chairman~~Chairperson.

Exceptions to and deviations from these procedures may be authorized only by the Mayor or his designee in writing. Each request for an exception to or a deviation from these procedures shall be submitted to the Mayor or his designee in writing and shall include the recommendations of the Director of the User Department and the Administrator.

The Capital Implementation Program (CIP) Division is designated as the agency responsible for the administration of these Rules and Regulations. The Administrator shall be an employee of the CIP Division. In addition to administering all functions required for the execution of the Selection Advisory Committee process, as described in the Selection Advisory Committee Ordinance and these Rules and Regulations, the Administrator shall review all proposals received for a project and may discuss the contents of the proposals with other Selection Advisory Committee members both prior to and during committee meetings. The ~~Chairman~~Chairperson may ask respondents questions during interviews. However, the ~~Chairman~~Chairperson shall not prepare an evaluation for the proposals, shall not initiate or second motions at committee meetings, and shall not vote on motions made and seconded at these meetings.

The Administrator shall also assume responsibility for the disposition of issues related to irregularities or discrepancies in proposal content, proposal acceptance requirements, procedure and scoring/auditing calculations.

In the event that these Rules and Regulations are in conflict with any provision of the

Selection Advisory Committee Ordinance, the Selection Advisory Committee Ordinance shall prevail.

II. PROCEDURES FOR PROFESSIONAL SERVICES COSTING LESS THAN \$25,000

A. When professional architectural, engineering, landscape architectural and other related professional services will cost less than \$25,000, User Departments shall notify the Administrator, in writing, of their need for such services and provide a description of the services to be provided. This request shall be signed by the User Department Director or designee. The Administrator shall propose the names of firms or persons to contact as candidates to perform the services. The Administrator shall also consult a listing of firms or persons who have been awarded a project without going through the Selection Advisory Committee during the one year period prior to the date when the Administrator was notified, in writing, by the User Department. Any firm or person appearing on the listing will not be contacted unless it can be justified that the nature of the services are such that other firms or persons do not possess the expertise needed. If three eligible firms cannot be identified, the Administrator shall take the action described in Paragraph B.

B. After coordination with the User Department, the Administrator shall contact the three firms or persons, describe the project to them and request that they submit a brief proposal, not to exceed five written pages, within seven (7) City working days. If less than three firms or persons are contacted, the Administrator shall document the reasons in a memorandum to the file for the project and send a copy to the Finance Office of the Public Works Department (for Public Works projects), the Director of the User Department, and the Director of the Capital Implementation Program Division.

C. Upon receipt of the proposals the Administrator shall meet with the User Department. The User Department, after reviewing the proposals, shall decide which firm or person is to be selected for the services. The User Department shall also identify the first alternate and second alternate.

D. The Administrator shall notify, in writing, either the Capital Implementation Program Division (for non Public Works Department projects) or the Finance Office of the Public Works Department (for Public Works Projects), of the selected firm or person and the alternates in order that service agreement negotiations can commence. Final approval for such agreements shall be made as determined by the Mayor or designee.

E. Should a User Department desire to utilize the procedures set forth in Section III of the rules and regulations for professional services costing \$25,000 or more, nothing herein will preclude the use of those procedures.

F. The total amount paid to the Consultant under this procedure for all services including basic services and additional services, expenses, reimbursables, and supplementals shall be less than \$25,000, excluding gross receipts taxes. The splitting of services to be

performed into increments of less than \$25,000 in order to avoid the Selection Advisory Committee procedures for professional services costing \$25,000 or more is expressly prohibited. Contracts awarded under this procedure are also included in the calculation for determining deduction points for projects in which professional services cost \$25,000 or more.

III. SELECTION ADVISORY COMMITTEE PROCEDURES FOR PROFESSIONAL SERVICES COSTING \$25,000 OR MORE

A. Preparing the Notice of Request for Proposals

The User Department notifies the Administrator, in writing, of the need to obtain professional architectural, engineering, landscape architectural, and other related professional services. This request shall be signed by the User Department Director or the Director's designee. The User Department shall furnish the Administrator with the name of the User Department's committee member, approved by the Department Director as the Director's designated staff alternate, a description of the project, the services needed and a project budget. The Administrator shall review the project description so that only those services desired by the User Department are included in the Notice of Request for Proposals. All project descriptions shall contain the names and telephone numbers of the City project manager.

The Administrator shall follow the general Notice of Request for Proposals. This format may be augmented [for design-build projects and](#) to provide for the advertisement of more than one project. However, there will be no restrictions limiting the award of projects advertised under the same Legal Notice to different vendors. For special projects [and design-build projects](#), the Administrator, ~~with the concurrence of the User Department,~~ may waive the 15-page limitation. Elimination or modification of the 15-page limitation must be announced in the Notice of Request for Proposals. [For design-build projects, the Notice of Request for Proposals shall provide that sample contract documents and additional instructions may be obtained from the Administrator.](#)

The Administrator and the User Department committee member shall determine the points to be assigned to each of the evaluation criteria categories. ~~shown on the form.~~ A range of 5 to 35 points shall be assigned to each category. Category point assignments in excess of 35 points shall not be permitted.

Engineering, architectural, ~~and~~ landscape architectural, [and design-build](#) projects shall be advertised by the Capital Implementation Program (CIP) Office. ~~Proposals submitted to CIP in response to legal notice advertisements that have not been preapproved by the Administrator, shall not be accepted by CIP and shall not be scheduled for evaluation by the Selection Advisory Committee.~~ The Administrator prepares and then approves the Notice of Request for Proposals by signing it. The User Department shall furnish CIP with a purchase order requisition for advertising the Notice of Request for Proposals. The ~~Legal~~ Notice shall be advertised [on the Selection Advisory Committee website and in an the Legal Notices section of an](#) Albuquerque newspaper of general circulation at least twice, not less than one (1) week apart, with a due date of proposals not less than one week after the second publication. ~~Publication of the request for~~

~~proposals shall be made in the Wednesday editions of the Albuquerque Journal and the Albuquerque Tribune.~~

B. Conducting a Pre-Submittal Meeting

The User Department may desire to have a pre-submittal meeting for consultants desiring to respond to the Notice of Request for Proposals in order to provide additional information on the project. Pre-submittal meetings are mandatory for design-build projects. ~~Under normal circumstances, if possible,~~ the pre-submittal meeting shall be held on the day following the second publication of the Notice of Request for Proposals. The Administrator, in conjunction with the User Department, shall be responsible for determining the time and place of the meeting. If the pre-submittal meeting has been designated as a mandatory meeting in the Notice of Request for Proposals, attendance will be documented by the Administrator. ~~an attendance sheet will be provided by the Administrator for consultants to sign.~~ For mandatory pre-submittal meetings, once the Administrator has adjourned the meeting, additional names shall not be accepted or placed on the attendance sheet. Proposals from consultants whose names were not accepted by the Administrator and placed on the attendance sheet will not be accepted for evaluation. If the meeting is designated as mandatory, the Notice of Request for Proposals will state that proposals will not be accepted from consultants who do not attend the meeting.

The User Department may prepare an information packet for distribution at the pre-submittal meeting which may contain the following:

- a. A detailed description of the project including location map, if applicable.
- b. Any particular areas of the project that the consultants should address in their proposals.
- c. Any time or funding restraints placed on the project.
- d. Any other relevant information.

The User Department will brief the consultants on the information contained in the information packet and conduct a question and answer period at the conclusion of the briefing. Answers to questions requiring additional research by the User Department before an answer can be given will be furnished, in writing, to all consultants attending the pre-submittal meeting. However, should a consultant fail to receive such information, this shall not warrant a change in procedure or constitute grounds for special consideration.

C. Receiving the Proposals.

All proposals must be received ~~by~~ at the Capital Implementation Program Office prior to the date and time specified in the Notice of Request for Proposals. All hard copy proposals received by CIP shall be date and time stamped. Electronic submissions shall be date and time stamped according to the date and time received by the email address designated in the Notice. Any proposal received after the specified date and time will not be considered by the Selection Advisory Committee. Hard copies of pProposals must be bound. Unbound hard copies of proposals will not be considered by the Selection Advisory Committee.

All proposals shall be checked for inclusion of all required forms. the Agreement and Insurance Certification. At least one of the proposal copies submitted must contain a notarized original of all required certifications. Remaining proposals may contain copies of the notarized original certifications. Those proposals not meeting this Proposals not containing all required documents requirement shall be considered nonresponsive and will not be evaluated by the Selection Advisory Committee.

Proposals that exceed the page limitation stated in the Notice of Request for Proposals shall be considered nonresponsive and will not be evaluated by the Selection Advisory Committee.

The Administrator, in accordance with the requirements of the Selection Advisory Committee Ordinance, shall determine the persons who will serve as Committee Members in addition to the User Department committee member and shall determine the committee meeting place, date and time. Any City employee selected for the Committee must be considered to be "qualified" by nature of professional registration or by having involvement with the project in question. The Committee meeting shall not be held less than two weeks after the receipt of the proposals. The Administrator shall provide committee members with instructions on their duties to ensure that meetings are conducted uniformly. All members of the Committee shall be notified in writing by the Administrator of the date, time and place of the meeting. An information packet for each project shall be prepared and delivered to each of the members and should contain the following:

- a. The Notice of Request for Proposals.
- b. List of respondents.
- c. Guidance on evaluation of proposals.
- d. Copy of the Selection Advisory Committee Evaluation Procedures.
- e. The evaluation form (scoring sheet) to be used for the project with assigned category values.
- f. Copies of proposals

All consultants submitting proposals to CIP shall be notified in writing as to the date, time and location of the Committee meeting to evaluate proposals. The Administrator shall also notify, in writing, those respondents failing to meet the Requirements for Acceptance of Proposals* citing the reasons why the proposal has been rejected. Committee meetings to evaluate the proposals shall be open to the public. However, all discussion of proposals shall be held in closed session not open to the public, and in accordance with the requirements of the state Open Meetings Act ("OMA"), Sections 10-15-1 to 10-15-4 NMSA 1978. public comments shall not be allowed. Attempts on the part of respondents to lobby Committee Members is considered to be unprofessional and unacceptable conduct. Such conduct may shall be cause for the Committee to reject the respondent's proposal.

Requirements for Acceptance of Proposals*:

- a. The respondent must provide the published, requested number of bound copies of their proposal or otherwise meet the requirements for electronic submissions. Unbound proposals Proposals not meeting these requirements will be rejected and will not be evaluated by the Selection Advisory Committee.

b. ~~At least one copy of the respondent's proposal must contain the required Agreement and Insurance Certification form containing an original notary seal. The remaining copies of the respondent's proposal may contain copies of the original form.~~ The original language of ~~these forms~~ forms provided by the Administrator must not be modified with exceptions or qualifications of any kind, or the respondent's proposal may be subject to rejection by the Administrator.

c. The maximum number of proposal pages permitted is 15 single-sided 8 1/2 x 11" pages, unless otherwise stated in the Legal Notice for Request for Proposals. If double-sided page printing is used, each side shall be numbered and counted as two separate pages. Any 17 x 11" pages shall be numbered and counted as two pages. Drawings on 24 x 36" sheets shall be numbered and counted as four pages. If supplied, the following pages will be excluded from being counted as part of the advertised maximum page limitation:

- Front and back cover and binding pages.
- The Letter of Introduction.
- The Title Page.
- The Table of Contents.
- Dividers between proposal information categories.
- ~~The Agreement and Insurance Certification form and other certifications.~~ All City forms required with submission.

d. If any significant text detailing any aspect of the current project, prior consultant ~~respondent~~ projects or the consulting firm ~~respondent~~ is found on any page not normally counted as part of the maximum page limitation, that page may be considered to be part of the respondent's proposal and may be counted as part of the maximum page limitation, as determined by the Administrator.

e. Any other requirements set forth in the Notice for Request for Proposals or contract documents or instructions provided by the Administrator.

~~* If any significant text detailing any aspect of the current project, prior consultant projects or the consulting firm is found on any page not normally counted as part of the maximum page limitation, that page may be considered to be part of the respondent's proposal and may be counted as part of the maximum page limitation, as determined by the Administrator.~~

A respondent ~~ing firm and/or person~~ who believes that its response (or portions thereof) constitutes "trade secrets" within the meaning of Section 30-16-24 N.M.S.A. (1978) should clearly designate their response as such by printing the words "TRADE SECRET" on the top portion of the front cover of their response. The ~~responding firm~~ respondent ~~and/or person~~

may restrict distribution of the responses to only those individuals involved in the review and analysis of the responses. The City of Albuquerque will attempt to restrict distribution of a designated response as directed by the submitting party. In any event, the City of Albuquerque shall not be liable for disclosure of "trade secret" information.

~~Furthermore, a~~All proposals submitted to the City become the property of the City. However, one or more copies of proposals submitted to the City may be returned to respondents, ~~at the discretion of the Administrator, within one month following the meeting date of the Selection Advisory Committee for the related project.~~following award of the project.

D. Reviewing the Proposals

Proposals will be evaluated by each voting member of the Committee based on the points assigned to the following evaluation criteria categories as published in the Notice of Request for Proposals:

a. General Information

- 1) Provide name, address, and telephone number of respondent and, if a firm, when firm was established.
- 2) Provide number of employees, technical discipline, registration and registration number.
- 3) Indicate where the services are to be performed.

b. Project Team Members

- 1) Provide an organization plan for management of the project.
- 2) Identify all consultants to be used on the project.
- 3) Provide qualifications of project team members shown in organization plan, including registration and membership in professional organizations.
- 4) Provide any unique knowledge of key team members relevant to the project.

c. Respondent Experience

- 1) Describe previous projects of a similar nature, including client contact (with phone numbers), year services provided, construction cost, if applicable, and narrative description of how they relate to this project.
- 2) Provide examples of the Project Manager's City experience within the past five (5) years that serve to demonstrate the Project Manager's knowledge of City procedures.

3) For design-build projects, describe previous design-build projects, including client contacts (with phone numbers) and construction cost.

4) Names and contact information for three references.

d. Technical Approach

- 1) Describe respondent's understanding of the project scope.
- 2) Describe how respondent plans to perform the services required by the project scope.
- 3) Describe specialized problem solving required in any phase of the project.

e. Cost Control

- 1) For design-build projects, provide cost of project
- 2) Describe cost control and cost estimating techniques to be used for this project.
- 23) For non-design-build projects, provide comparisons of bid award amount to final cost estimate for projects designed by the respondent during the past two

years. The consultant-respondent may provide justification for any discrepancies that may exist with this information.

4) For design-build projects, provide comparisons of contract award amount to final cost for projects designed and constructed during the past two years. The respondent may provide justification for any discrepancies that may exist with this information.

5) For Construction Manager at Risk Delivery Method projects, describe respondent's experience with working with the Construction Manager at Risk specifically concerning value engineering and cost control while still maintaining respondent's design integrity and intention.

f. Quality and Content of Proposal

1) Committee Members' rating of overall quality of submittal.

Each of the above evaluation criteria categories (a-f) shall be assigned a value between 5 and 35 points, such that the total value of all of the categories shall be 100 points. Each voting committee member shall determine a score for each of the criteria categories and enter that number on the evaluation form. The scores shall not be more than the maximum points assigned to each category. Each voting committee member shall use whole numbers in arriving at the points assigned to a firm for each evaluation criteria category. For example, use 10 or 11; Do not use 10.5 or 10.75 or 10 1/2 or 10 3/4. Each voting member shall then compute a total score for each response by summing the scores for each category.

The Committee Evaluation Form will be used by each voting Committee member in making their evaluation. Each voting Committee member will bring their completed evaluation form to the Committee meeting.

E. Conducting the Committee Meeting

1) A minimum of four committee members are required to be present at a Committee or Interview meeting in order to conduct the meeting. If one member remains absent ten minutes after the scheduled start of the meeting, the Administrator shall proceed with the meeting. If two or more members remain absent ten minutes after the scheduled start of the meeting, the Administrator shall cancel and reschedule the Committee or Interview meeting at a later date not more than two weeks past the originally scheduled meeting date for the project, if possible. Should unforeseeable disruptions or disagreements occur during a Committee or Interview meeting thereby inhibiting its continuation or the professional conduct of the meeting, the Administrator shall dismiss the Committee members and reconvene the meeting in "Executive Session" at a later date or time to complete its administration. ~~For the purposes of this document, "Executive Session" is defined as a continuation of a previous meeting. Executive Sessions shall be closed to the public.~~ Other than this, a Committee or Interview meeting can only be postponed, reconvened, or rescheduled by motion and majority vote by voting committee members. However, any motion to postpone, reconvene or reschedule must be made prior to the adjournment of the current meeting by the Administrator. Once a meeting for a project has been adjourned by the Administrator no motion to reopen or reconvene will be made or entertained.

2) Prior to the Committee meeting, the ~~Chairman~~Chairperson shall have obtained point deductions for each respondent based on the total dollar amount of basic services fees for the service agreements that the respondent has executed with the City during the prior twelve (12) months and including any agreement executed from the beginning of the month through the date of receipt of proposals. For example, for proposals received on July 16, ~~1996~~2020, totals for agreements executed during the period of July 1, ~~1995~~6, 2019, through July 16, ~~1996~~2020, would be used to determine point deductions. Deduction points shall be computed by deducting one point for every \$50,000 of Basic Services fees. Point deductions do not apply to design-build projects.

3) Basic Services includes all compensation stipulated in original agreements and supplements thereto, exclusive of tax for all design service contracts. It does not include compensation authorized by letter subsequent to the execution of the agreement such as additional services or adjustments in compensation due to changes in estimated construction costs. If a firm or person has executed agreements with the City during the year prior to receipt of a proposal from that firm or person that are both single agreements and joint agreements with another firm or person, the joint agreements will not be used in calculating point deductions unless the firm's or person's share of the fee in the joint agreement is 50% or greater.

4) At the Committee meeting, the ~~Chairman~~Chairperson shall open the meeting to confirm Committee receipt of the proposals and address any procedural questions. The Chairperson shall then announce that the Committee shall go into closed session for the purpose of discussing evaluating proposals pursuant to the OMA, and:

Ask the User Department committee member if there is any additional information that should be considered by the Committee.

Ask each member of the Committee to comment on their evaluation of each respondent's proposal, but to withhold giving their total scores for each proposal.

Ask the Committee as a whole to further discuss the proposals and apply any changes they desire to their scores to arrive at their final scores before reporting them. Once scores have been reported to the ~~Chairman~~Chairperson, they cannot be altered.

5) Eliminate the high and low score reported for each proposal, total the remaining scores, and determine an initial ranking of the proposals based on the highest remaining aggregate score, second highest remaining aggregate score and third highest remaining aggregate score. In the event ties result after eliminating the highest and lowest score reported for each respondent, the following procedure shall be used to break all ties:

- The respondent having the highest score dropped as a result of dropping the highest and lowest scores, shall be awarded an additional point to break the tie.
- In the event the high score dropped for both respondents tied is identical, then one point shall be awarded to the respondent having the higher lowest score dropped in order to break the tie.

- In the highly unlikely event that the low score dropped for both respondents tied is also identical, the Administrator shall collect the scoresheets and review all scores to determine which respondent obtained the highest score in the category bearing the highest point value. That respondent shall then be awarded an additional point to break the tie. If two or more categories contain the same highest point value, the scores achieved for those categories shall be averaged to determine which consultant receives the additional tie-breaker point.

6) If the point difference between the two highest ranked respondents, as determined by Paragraph III-E-4 and possibly including Paragraph III-E-5, is equal to or less than 5% of the total points obtainable (the best qualified threshold) point deductions shall then be applied by the ~~Chairman~~Chairperson to all of the respondents' scores in order to determine their final ranking. If the application of point deductions results in ties, the ~~Chairman~~Chairperson shall break the ties by assigning one point to the respondent having the highest score after the application of Paragraphs III-E-4 and III-E-5. Point deductions shall be made if the point difference between the two highest ranked respondents is equal to or less than 5% of the total points obtainable as a result of the application of Paragraphs III-E-4 and III-E-5. The Committee's number one, number two and number three recommendation for selection shall be determined based on the provisions of this paragraph, providing that the Committee does not vote to conduct interviews.

7) The ~~Chairman~~Chairperson shall then ask for a motion from the Committee to conduct interviews. If a motion to conduct interviews is raised by a Committee member, that Committee member may specify at least two, but not more than five, respondents having the highest Total Final Scores, with or without point deductions applied, as determined in Paragraph III-E-6 as part of the motion. Interviews shall then only be conducted if the motion is seconded and then passed by majority vote by voting Committee members. These respondents shall constitute the interview "short list." For design-build projects, interviews are mandatory. At least two, but no more than five respondents having the highest Total Final Scores, with or without point deductions applied, as determined in Paragraph III-E-6, shall be interviewed.

~~8) After the Selection Advisory Committee Meeting has been adjourned, T~~the ~~Chairman~~Chairperson shall prepare a composite scoresheet for the project. If a discrepancy is found between the sum of the scores entered for each scoresheet category and the total score reported, ~~during the Selection Advisory Committee meeting,~~ the Administrator shall consult with ~~contact~~ the committee member whose scoresheet is in question and allow modification to category scores for clarification. However, the Administrator shall insure that the total score reported by the committee member ~~at the Committee meeting~~ is not altered as a result of corrections made to category scores.

9) Following the discussion and ranking process, the Administrator shall exit closed session and to re-open the meeting to the public and announce the firms who have been selected for interviews. A second meeting shall be convened after the interviews to evaluate the interviews and complete the final scoring. The final scores and recommendations shall be reported in open

session. If the Committee determines not to hold interviews, the Administrator shall report the final scores and announce the respondents to be recommended to the Mayor in open session.

F. Interviewing Respondents on the Short List

The Administrator shall notify each respondent on the short list in writing that the Committee has selected them to be interviewed and inform them of the place, date and time the Committee will conduct the interviews, as well as the duration of the interview and the amount of time allocated for the respondent's presentation and for questions from the Committee. A respondent may decline to be interviewed, in which case the Committee will interview only the respondents agreeing to be interviewed.

Each respondent will be required to make a presentation that will address items related to the project. Each presentation will be followed by questions from the Committee. The items will normally require the respondent to expand on some aspect of the project such as the technical approach, elaborating on the respondent's understanding of the scope of the project, design problems that must be dealt with, and other items that will allow the Committee to determine the best qualified respondent. The items will be formulated by the User Department committee member in conjunction with the ~~Chairman~~Chairperson and the other

committee members. One item will always be "overall presentation and response to questions from committee members." Points will be assigned to these items so that the total equals 100. The items will become the evaluation criteria for each interview. Each respondent on the short list will be informed of the presentation items and the point value assigned to each item prior to the interview. These items shall be stated as criteria on each committee member's interview evaluation form.

Interviews shall be closed to the public. At the conclusion of all interviews the

~~Chairman~~Chairperson

shall:

- Ask each member of the Committee to comment on their evaluation of each respondent interviewed.
- Have committee members write down their scores on the scoresheets provided.
- Collect and verify all committee member scoresheets.
- Eliminate the highest and lowest score for each respondent interviewed and total the remaining scores. Add these scores to the verified Total Final Scores for each respondent from the proposal evaluations (adjusted by point deductions, if applicable) to determine the final ranking of the respondents. The highest three (3) respondents, in rank order shall then become the Committee's Recommendation to the Mayor.

The Administrator shall report out the highest three (3) respondents in open session.

G. Committee's Recommendation

The Administrator shall prepare an Executive Communication from the Mayor to the Council stating the Committee's recommendations to the Mayor of the highest three (3) ranked

respondents as determined by the procedures set forth in sections E and F above. The Committee composite scoresheet shall be attached to this Executive Communication for the Mayor together with an "Analysis Sheet" and the minutes of all the Committee's meetings.

H. Mayor's Recommendation

The Administrator and the User Department committee member shall be prepared to answer any questions the Mayor may have. The Mayor shall review the Executive Communication and submit it to Council for approval. If the Mayor decides to change the Committee's recommended ranking order, the Executive Communication will be revised by the Mayor to include the Mayor's reasons for making the change.

I. City Council Approval

The Administrator and the User Department committee member shall attend the Council meeting when the Council acts on the Mayor's recommendation and shall be prepared to answer any questions from the Councilors. After Council approval, the Administrator shall notify, by letter, the ~~consultants-respondents~~ approved by the Council of their ranking. The number one ranked ~~consultant-respondent~~ shall be provided instructions on procedures to follow to effect a services agreement or a design-build contract, as applicable, with the City. A copy of this letter shall be sent to the Council President. The Administrator shall be the point of contact for questions from all respondents concerning the Committee actions regarding the selection.

Should the City be unable to negotiate a satisfactory ~~services~~ agreement with the number one ranked ~~consultant-respondent~~ within sixty (60) calendar days after notification of the City Council approval of their selection, based upon unreasonable delay or unreasonable cost, negotiations with that ~~consultant-respondent~~ shall be formally terminated by the Mayor or designee. The City shall then undertake to negotiate an ~~services~~ agreement with the second ranked ~~consultant-respondent~~. Should the City be unable to negotiate a satisfactory ~~services~~ agreement with the number two ranked ~~consultant-respondent~~ within sixty (60) calendar days after their notification, based upon unreasonable delay or unreasonable cost, negotiations shall be formally terminated. The City shall then undertake to negotiate an ~~services~~ agreement with the third ranked ~~consultant-respondent~~. If those negotiations prove unsuccessful within sixty (60) calendar days after their notification, and are formally terminated, and there is still a need for the services, a new Notice of Request for Proposal shall be prepared and the entire selection process, as delineated in the Selection Advisory Committee Ordinance and these Rules and Regulations, shall be repeated.

When the Mayor or designee determines that the City is unable to negotiate a satisfactory ~~services~~ agreement with a ~~consultant-respondent~~ within the sixty (60) days stipulated above, the Administrator shall prepare an Executive Communication from the Mayor to the Council stating the reasons for terminating negotiations.

IV. EMERGENCY SELECTION

If a User Department determines that there are urgent and compelling reasons for the

Mayor to exercise authority to approve the emergency selection of firms or persons to provide professional architectural, engineering, landscape architectural and other related professional services, as provided for in Section ~~7-17-91~~14-7-2-8 of the Selection Advisory Committee Ordinance, the following procedure shall be followed:

- A. The User Department notifies the Administrator, in writing, of the required services and the urgent and compelling reason for emergency selection.
- B. The Administrator convenes a meeting between the User Department representative, ~~and~~ two professionally registered City staff members, and the CIP official, if applicable. If architectural services are required, Registered Architects (R.A.) employed by the City shall attend the meeting, or if engineering services are required, registered Professional Engineers (P.E.) employed by the City shall attend, or if landscape architectural services are required, Registered Professional Landscape Architects (P.L.A.) employed by the City shall attend. If design-build services are required, one R.A or P.L.A., as applicable, employed by the City, one P.E. employed by the City, and the CIP official shall attend the meeting.
- C. The User Department representative, ~~and~~ the registered City staff members, and the CIP official for design-build projects, shall recommend a firm or person and two alternates to provide the services.
- D. The Administrator shall notify the recommended firm or person of the City's desire to engage them on an emergency basis and determine if the firm or person can accept the emergency selection. If the firm or person cannot accept, the Administrator shall notify the first alternate. Should that also prove unsuccessful, the second alternate shall be notified. Paragraph C and D shall be repeated, if required, to obtain a recommended firm or person for emergency selection.
- E. The Administrator, in conjunction with the User Department representative, shall prepare a memorandum to the Mayor describing the urgent and compelling reasons for requesting the Mayor's approval of emergency selection of the firm or person recommended by the User Department representative, ~~and~~ the registered City staff members, and the CIP official for design-build projects. The Administrator shall prepare an Executive Communication from the Mayor to the Council notifying the Council of the emergency selection.
- F. Upon approval by the Mayor of the emergency selection, the Mayor shall transmit the Executive Communication to the Council.
- G. Should the City be unable to conclude a satisfactory ~~services~~ agreement with the selected firm or person within sixty (60) calendar days after their notification, Paragraph 14 shall be followed before the steps set forth in this paragraph IV Paragraphs B through F are shall be repeated.

V. EFFECTIVE DATE AND FILING

These rules and regulations shall become effective on July 1, 1996 and shall be filed in the office of the City Clerk.