

## **ENGINEERING**

### **GENERAL MANAGEMENT PROCEDURE**

#### **TOPIC: CONSULTANT SELECTION**

**VERSION DATE: September 18, 2023**

#### **PURPOSE**

Consultant Selection Procedure for Selection of Engineering, Surveying, Architectural and Construction Management Consultants

#### **PROCEDURE**

- I. Prequalification Requirements
  - A. Must have a full-time office within the District boundary. The office shall have the capabilities and staff to produce an architectural, surveying, or engineering product, such as construction drawings, easement plats, surveys, reports and other related work. The office must be open and manned during normal company work hours and serve as a self-sufficient office for the company.
  - B. Must have at least one engineer/architect/surveyor registered in the State of Missouri on staff to be responsible for and seal all work.
  - C. Must be qualified and experienced in architecture, surveying, civil, or environmental engineering work. To be considered qualified, a consulting firm must provide verifiable documentation of experience in the area of expertise necessary for the size and discipline of the proposed project to be considered. This will generally consist of the design of sanitary sewers, sewage treatment facilities, pump stations, infrastructure rehabilitation, and storm drainage facilities such as sewers, culverts, channels, detention basins, overflow structures, and land or topographic surveys.
  - D. Poor past performance may result in the District rescinding or denying prequalification.
- II. Prequalification Process
  - A. Must submit Prequalification Questionnaire (see Engineering Department for Questionnaire) and Insurance Certificate, which is to be updated annually. The insurance certificate shall indicate compliance with all the District's current insurance requirements, including professional liability limits. The annual prequalification forms will be used to formulate a pre-qualified list of consultants to be used for consideration in the selection of firms to provide professional services as required.
- III. Minority and Women Utilization and Workforce Program for Engineering Professional Service Projects
  - A. The Metropolitan St. Louis Sewer District (MSD) has established MBE/WBE subconsultant participation goals on Engineering Design Professional Service contracts. Goals are applicable throughout the term of the contract and are initially calculated based on initial total proposal cost amounts and expressed as a

percentage of the total cost amounts for each MBE and/or WBE listed on MSD Form A-1 submitted during the proposal process and MSD Form A-2 submitted during the fee negotiation process. Final goal attainment is evaluated and based on the final contract amounts inclusive of amended amounts throughout the term of the contract unless MSD in its sole discretion determines otherwise.

1. Subconsultant MBE/WBE Goals for Contracts below \$500,000

MSD has established a combined MBE/WBE subconsultant participation goal of **31.00%** utilization for Design Professional Service contracts for amounts beginning at **\$50,000 up to \$500,000**. Exceptions will be noted in the contract documents, when required.

2. Subconsultant MBE and WBE Goals for Contracts at or above \$500,000

MSD has established a subconsultant participation Minority Business Enterprise (MBE) goal of **18.00%** utilization for Design Professional Service contracts in the amount of **\$500,000 or more**. Exceptions will be noted in the contract documents, when required.

MSD has established a subconsultant participation Woman Business Enterprise (WBE) goal of **13.00%** utilization for Design Professional service contracts in the amount of **\$500,000 or more**. Exceptions will be noted in the contract documents, when required.

The Metropolitan St. Louis Sewer District (MSD) has established a Prime local office (or Prime Project Team if there is no local office) Minority workforce goal of **31.00%** and Women workforce goal of **37.00%** on all Engineering Design Professional Service contracts in the amount of **\$500,000** or more.

Minority categories includes male or female African American, Asian American, Hispanic American, Pacific Islander, American Indian, or Alaskan Native employed in the consultant's local office. Women is defined as a Caucasian female employed in the consultant's local office.

Workforce Goals are for the Prime consultants after award of the contract. During the selection process, the workforce of both prime and sub- consultants can be taken into account on the multiplier sheet. If the sub-consultant's workforce is taken into account, those sub-consultants must account for at least 25% of the contract.

Complete compliance with the Minority and Woman Utilization and Workforce Program will be required, including reporting, and monitoring of subconsultant participation and minority and women workforce participation. A Minority and Women workforce report shall be submitted annually. A copy of the Utilization and Workforce Program for Engineering Professional Service, effective July 1, 2023, is attached.

#### IV. Consultant Procurement Process

- A. For projects that are less than \$500,000 in estimated fees, usually two projects will be selected for proposals from three consultants on the current pre-qualified list. Those consultants that can meet all the District's insurance requirements, including the required professional liability/errors and omissions coverages and annual aggregate requirements and who have expressed an interest in a particular set of projects will be considered for an applicable selection list;

or

For projects that equals or exceeds \$500,000 in estimated fees, the District will send out a Request for Qualifications (RFQs) and will solicit project specific qualifications from consultant teams that have interest in being considered for any/or all projects.

- B. A Short List Committee consisting of the Director of Engineering, an Assistant Director of Engineering or Operations, and the Director of Operations shall prepare a short list, with the Manager of Diversity Programs overseeing compliance with District diversity goals. For projects less than \$500,000, a short list of at least three (3) consultants shall be developed for each project or each grouping of projects from a list of pre-qualified consultants. For projects at or over \$500,000, a short list of at least three (3) consultants will be developed from the consultants that have submitted a response to a Request for Qualifications for an identified project. If a project receives qualifications from less than three qualified consultants, other consultants may be asked to submit on the project based on the consultant's general qualifications. Consideration will be given to project team and key members, personnel availability/workload, past performance/project experience, backlog of all team members, and diversity criteria (see description below). For projects at or over \$500,000 that require a Request for Qualifications, a diversity multiplier credit of up to 20% will be applied to the final score consisting of the following:
- a. Certified MBE and WBE Prime consultants - 10%;
  - b. Ability of Prime to meet half of minority and women local office workforce goals – 5%;
  - c. When Primes utilize a minimum of 25% sub-consultant participation, the local office workforce of subconsultants may be used to count towards obtaining the maximum 10% workforce multiplier that's allowed.

The total multiplier credit earned will be applied to the final score (See Attachment A – Diversity Multiplier Worksheet.)

**Diversity Criteria** - Review of RFQ proposal responses receives a “pass” or “fail” with regards to whether or not the Proposer sufficiently addressed their approach and utilization of diverse participation on the proposed contract. If the criteria sufficiently addressed criteria, the Proposer would pass and receive all available points allotted for the diversity evaluation criteria. If the Proposer fails to sufficiently address the criteria, the Proposer will not receive any points for that portion of the diversity evaluation criteria. Failure to attain points will not prevent a Proposer from moving forward in the evaluation process but could affect the outcome of the Proposer's final score and/or ranking.

- C. Request for Proposals (RFP) shall be sent to the short listed firms.
- D. Proposals not submitted on time will not be eligible for consideration.
- E. The composition of the Selection Committee shall not include any members of the Short List Committee unless it is deemed necessary by the Executive Director. The Selection Committee will consist of at least five individuals. It shall consist of two Assistant Directors of Engineering, and three Assistant Directors or management personnel from the Engineering or the Operations Department as appropriate. The Manager of Diversity Programs will oversee compliance with District diversity goals.
- F. Using a point system, all proposals shall be individually evaluated by each Committee member for each consultant's understanding of the project and technical approach, project manager and team, personnel availability, project design schedule, related project experience/past performance, and backlog for the entire team. On projects less than \$500,000, only prime backlog will be considered.

In the evaluation of proposals in response to RFP's for Design Professional Services, **MSD Form A-1** is required to be submitted. Failure to submit MSD Form A-1 will result in the Proposer being deemed "Non-Responsive." This form contains the names, proposed percentage of utilization and other pertinent information for MBE/WBE's that the proposer plans to utilize in performance of the contract to meet MBE/WBE goal requirements. Participation listed on MSD Form A-1 shall be used to conduct preliminary initial evaluation of diversity goal attainment based on the percentages submitted. Subconsultants listed on MSD Form A- 1 shall become contractually binding commitments upon acceptance of contract award.

A business that is certified as both MBE and WBE cannot count for participation in both categories, therefore the Prime must choose a subconsultant as either an MBE or WBE. If the business is submitted as both MBE and WBE and the proposer does not designate which certification status should be applied for the business, the Diversity Program shall credit participation in such a way that maximizes attainment of the participation goals without duplication.

On all proposals, a diversity multiplier credit of up to 20% will be applied to the final score consisting of the following:

- a. Certified MBE and WBE Prime consultants - 10%;
- b. Ability of Prime to meet half of minority and women local office workforce goals – 5%;
- c. When Primes utilize a minimum of 25% sub-consultant participation, the local office workforce of subconsultants may be used to count towards obtaining the maximum 10% workforce multiplier that's allowed.

The total multiplier credit earned will be applied to the final score (See Attachment A – Diversity Multiplier Worksheet.)

The selection of consultants shall be based on the highest number of first place selections by the Selection Committee. In case of a tie, the total number of points shall decide the consultant to be awarded the project. The District has the right to reject any or all proposals. The recommended lists of selected consultants shall be forwarded to the Executive Director for final approval.

- G. The District will request a fee proposal from the selected consultants. The proposals shall include a re-statement of the definition of the project scope, technical and management approaches, project manager and staffing, schedule and Diversity Program MSD Form A-2 and/or MSD Form B (Good Faith Efforts). Proposer shall demonstrate compliance with attainment of diversity program goals or good faith efforts to proceed with award of a contract. Fees shall be submitted on a lump sum or cost-plus fixed fee basis as directed by the District. Contracts shall be negotiated to ensure the best and fairest rates are obtained by the District for the services required.
- H. If a reasonable contract cannot be negotiated for a project, the District will repeat this process with the next acceptable consultant. If no contract can be negotiated, then the procurement process will be repeated with all new consultants.
- I. The Fee Proposal will become part of the approved contract for each project.
- J. The Notice to Proceed with the services shall be sent with the signed contracts only after District Board adoption and verification of proper and current insurance requirements by the Office of General Counsel. During each project's work period a suspense file of all insurance certificates and their expiration dates will be maintained so that the consultant may be notified by the District to submit new certificates in a timely manner, preventing lapse of coverages. These certificates also will be verified by the Office of General Counsel.
- K. In special cases, for unusual or unique projects, negotiations with qualified consultants, who do not have

offices in St. Louis, as defined in Paragraphs I.A. through I.D., will be undertaken only after justification by the Director of Engineering and the approval of the Executive Director.

- L. Upon project completion the District will prepare a performance evaluation on the quality of the design services completed to include the consultant's ability to meet all schedules, design the project within budget requirements, and diversity program requirements. The consultant shall be briefed, and the evaluations shall be filed for use in future selection processes.

V. Watershed Consultant Procurement Process

- A. The Watershed Consultant Procurement Process shall be used for those contracts specifically offered to address issues over a large geographical area that are grouped by watersheds and/or specific areas of expertise. This process was used to address many issues identified in the District's consent decree with the Federal Government.
- B. The District will send out Requests for Qualifications (RFQs) and will solicit pre-qualified consultants that have interest in being considered for any/or all projects.
- C. A Short List Committee consisting of the Director of Engineering, an Assistant Director of Engineering or Operations, and the Director of Operations shall prepare a short list, with the Manager of Diversity Programs overseeing compliance with District diversity goals. The short list will consist of at least three (3) consultants developed from the consultants that have submitted a response to a Request for Qualifications for an identified project. If a project receives proposals from less than three qualified consultants, other consultants may be asked to submit on the project based on the consultant's general qualifications. Consideration will be given to project team and key members, personnel availability/workload, past performance/project experience, backlog of all team members, and diversity criteria (see description below). For projects at or over \$500,000 that require a Request for Qualifications, a diversity multiplier credit of up to 20% will be applied to the final score consisting of the following:
  - a. Certified MBE and WBE Prime consultants - 10%;
  - b. Ability of Prime to meet half of minority and women local office workforce goals – 5%;
  - c. When Primes utilize a minimum of 25% sub-consultant participation, the local office workforce of subconsultants may be used to count towards obtaining the maximum 10% workforce multiplier that's allowed.

The total multiplier credit earned will be applied to the final score (See Attachment A – Diversity Multiplier Worksheet.)

**Diversity Criteria** - Review of RFQ proposal responses receives a “pass” or “fail” with regards to whether or not the Proposer sufficiently addressed their approach and utilization of diverse participation on the proposed contract. If the criteria sufficiently addressed criteria, the Proposer would pass and receive all available points allotted for the diversity evaluation criteria. If the Proposer fails to sufficiently address the criteria, the Proposer will not receive any points for that portion of the diversity evaluation criteria. Failure to attain points will not prevent a Proposer from moving forward in the evaluation process but could affect the outcome of the Proposer's final score and/or ranking.

- D. Request for Proposals (RFP) shall be sent to the short listed firms.
- E. Proposals not submitted on time will not be eligible for consideration.
- F. The composition of the Selection Committee shall not include any members of the Short List Committee unless it is deemed necessary by the Executive Director. The Selection Committee will consist of at least

five individuals. It shall consist of three Assistant Directors of Engineering or Operations, and two management personnel from the Engineering or the Operations Department as appropriate. Additional non-voting members may be added to provide technical input. The Manager of Diversity Programs will oversee compliance with District diversity goals.

- G. Using a point system, all proposals shall be individually evaluated by each Committee member for each consultant's understanding of the project and technical approach, the demonstrated skills and availability of the project team, related project experience/past performance, backlog of all team members, and the quality of the teams' oral presentation (if required).

In the evaluation of proposals in response to RFP's for Design Professional Services, **MSD Form A-1** is required to be submitted. Failure to submit MSD Form A-1 will result in the Proposer being deemed "Non-Responsive." This form contains the names, proposed percentage of utilization and other pertinent information for MBE/WBE's that the proposer plans to utilize in performance of the contract to meet MBE/WBE goal requirements. Participation listed on MSD Form A-1 shall be used to conduct preliminary initial evaluation of diversity goal attainment based on the percentages submitted. Subconsultants listed on MSD Form A- 1 shall become contractually binding commitments upon acceptance of contract award.

A business that is certified as both MBE and WBE cannot count for participation in both categories, therefore the Prime must choose a subconsultant as either an MBE or WBE. If the business is submitted as both MBE and WBE and the proposer does not designate which certification status should be applied for the business, the Diversity Program shall credit participation in such a way that maximizes attainment of the participation goals without duplication.

On all proposals, a diversity multiplier credit of up to 20% will be applied to the final score consisting of the following:

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The total multiplier credit earned will be applied to the final score (See Attachment A – Diversity Multiplier Worksheet.)

The selection of consultants shall be based on the highest number of first place selections by the Selection Committee. In case of a tie, the total number of points shall decide the consultant to be awarded the project. The District has the right to reject any or all proposals. The recommended lists of selected consultants shall be forwarded to the Executive Director for final approval.

- H. The District will request a project rate structure and an annual fee proposal from the selected consultants. The proposals shall include a re-statement of the definition of the project scope, technical and management approaches, project manager and staffing, schedule and Diversity Program MSD Form A-2 and/or MSD Form B (Good Faith Efforts). Proposer shall demonstrate compliance with attainment of diversity program goals or good faith efforts to proceed with award of a contract. Fees shall be submitted on cost-plus fixed fee basis as directed by the District. Contracts shall be negotiated to ensure the best and fairest rates are obtained by the District for the services required.
- I. If a reasonable contract cannot be negotiated, the District will repeat this process with the next acceptable consultant. If no contract can be negotiated, then the procurement process will be repeated with all new consultants.

- J. The Fee Proposal will become part of the approved contract for each project.
- K. The Notice to Proceed with the services shall be sent with the signed contracts only after District Board adoption and verification of proper and current insurance requirements by the Office of General Counsel. During each project's work period a suspense file of all insurance certificates and their expiration dates will be maintained so that the consultant may be notified by the District to submit new certificates in a timely manner, preventing lapse of coverages. These certificates also will be verified by the Office of General Counsel.
- L. In special cases, negotiations with qualified consultants, who do not have offices in St. Louis, will be undertaken only after justification by the Director of Engineering and the approval of the Executive Director.
- M. The District will prepare annual performance evaluations on the quality of the design services completed to include:
  - a. The consultant's ability to meet all schedules;
  - b. The consultant's ability to design the project within budget requirements.

Annual evaluations will also include evaluation of the Prime consultant's ability to meet diversity program requirements. The consultant shall be briefed, and the evaluations shall be filed for future use.

## **ENGINEERING**

### **GENERAL MANAGEMENT PROCEDURE**

#### **TOPIC: CONSULTANT SELECTION – SUPPLEMENTAL DOCUMENTS**

#### **THE FOLLOWING DOCUMENTS ARE PROVIDED FOR USE IN THE SELECTION PROCESS:**

- A. MSD Diversity Multiplier Calculation Sheet – Attachment A
- B. MSD Utilization and Workforce Program for Engineering Design Professional Services – dated July 1, 2023
- C. Design Professional Services MSD Form A-1
- D. Design Professional Services MSD Form A-2
- E. Good Faith Effort Report MSD Form B
- F. Subconsultant Utilization Plan MSD Form C



RATING SCALE  
RATE 0-3; 3 is the highest.  
(May use 0.5 increments)

CONSULTANT RFQ SHORTLIST RATING FORM

Date: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

| CONSULTANT |   |         |         |         |         |         |
|------------|---|---------|---------|---------|---------|---------|
| 35%        | PROJECT TEAM & KEY MEMBERS                | x .35 = | x .35 = | x .35 = | x .35 = | x .35 = |
|            |   |         |         |         |         |         |
| 15%        | PERSONNEL AVAILABILITY/ WORKLOAD          | x .15 = | x .15 = | x .15 = | x .15 = | x .15 = |
|            |   |         |         |         |         |         |
| 30%        | PAST PERFORMANCE / PROJECT EXPERIENCE     | x .30 = | x .30 = | x .30 = | x .30 = | x .30 = |
|            |   |         |         |         |         |         |
| 10%        | BACKLOG                                   | x .10 = | x .10 = | x .10 = | x .10 = | x .10 = |
|            |   |         |         |         |         |         |
| 10%        | DIVERSITY CRITERIA (3 if PASS, 0 if FAIL) | x .10 = | x .10 = | x .10 = | x .10 = | x .10 = |
|            |   |         |         |         |         |         |
| 100%       | Subtotal Points                           |         |         |         |         |         |
|            | Diversity Pass/Fail                       | Pass    | Pass    | Pass    | Pass    | Pass    |
|            | Diversity Multiplier                      |         |         |         |         |         |
|            | Total Points                              |         |         |         |         |         |
|            | Ranking                                   |         |         |         |         |         |

RATING SCALE  
RATE 0-3; 3 is the highest.  
(May use 0.5 increments)

CONSULTANT RFP RATING FORM

PROJECT NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

| CONSULTANT  |         |         |         |         |         |
|---|---------|---------|---------|---------|---------|
| 30%<br>UNDERSTANDING<br>OF THE PROJECT<br>AND TECHNICAL<br>APPROACH | x .30 = | x .30 = | x .30 = | x .30 = | x .30 = |
|   |         |         |         |         |         |
| 30%<br>PROJECT<br>MANAGER &<br>PROJECT TEAM                         | x .30 = | x .30 = | x .30 = | x .30 = | x .30 = |
|   |         |         |         |         |         |
| 5%<br>PERSONNEL<br>AVAILABILITY                                     | x .05 = | x .05 = | x .05 = | x .05 = | x .05 = |
|   |         |         |         |         |         |
| 10%<br>PROJECT DESIGN<br>SCHEDULE                                   | x .10 = | x .10 = | x .10 = | x .10 = | x .10 = |
|   |         |         |         |         |         |
| 10%<br>RELATED PROJECT<br>EXPERIENCE /<br>PAST<br>PERFORMANCE       | x .10 = | x .10 = | x .10 = | x .10 = | x .10 = |
|   |         |         |         |         |         |
| 15%<br>BACKLOG *  | x .15 = | x .15 = | x .15 = | x .15 = | x .15 = |
|   |         |         |         |         |         |
| 100% Subtotal Points  |         |         |         |         |         |
| Diversity Multiplier  |         |         |         |         |         |
| Total Points  |         |         |         |         |         |
| Ranking   |         |         |         |         |         |