



## MUNICIPALITY OF THE COUNTY OF KINGS

### Engineering Services Procurement Policy

**Creation Date:** June 18, 2013

**Approval Date:** July 16, 2013

**Revision Date:** June 7, 2016

**Policy Category:** Engineering & Public Works

**Next Review Date:** May 2015

**Replaces:** Policy EPW-04-004 - Procurement for Engineering Services

#### 1. Objective:

To provide guidelines for pre-qualifying engineering firms to provide engineering services in support of the Municipality's ongoing operational and capital improvement programs for the duration of the pre-qualification period.

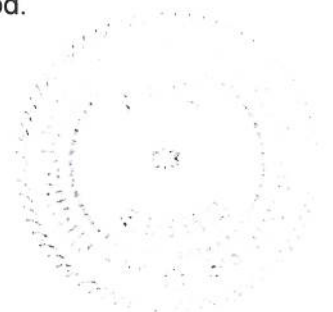
#### 2. Applicability:

This policy applies only to the process of pre-qualifying Consultants to provide engineering services to the Municipality. Subject to Subsection 6.7 herein, only the Pre-Qualified Consultants and Special Service Vendors will be asked to submit proposals for specific Municipal projects.

#### 3. Definitions:

- 3.1 "Consultant" means an engineering firm that holds either a Certificate of Compliance or Certificate of Sole Practitioner Firm from Engineers Nova Scotia.
- 3.2 "EPW" means the Engineering and Public Works, Land and Parks Services section of the Municipality of the County of Kings.
- 3.3 "General Terms and Conditions" means the general terms and conditions attached as a schedule to the pre-qualification request for proposals as a condition to the bid as amended by the Chief Administrative Officer from time to time.
- 3.4 "Local Consultant" means a Consultant who meets the definition of a "Local Vendor" as defined in *Policy FIN-05-006 Procurement*, Municipality of the County of Kings.
- 3.5 "Pre-Qualified Consultant" means a Consultant pre-qualified in accordance with this Policy to provide all of the engineering services requested in the pre-qualification request for proposals during the pre-qualification period.

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- 3.6 “Review Panel” means the committee in charge of evaluating submissions from prospective Consultants for the pre-qualification process.
- 3.7 “Special Service Vendor” means a Consultant pre-qualified to provide only certain engineering services requested in the pre-qualification request for proposals during the pre-qualification period.

**4. Responsibilities:**

- 4.1 **Council** (or its designated committee) will:
  - a. Ensure that the Municipality of the County of Kings has in place an Engineering Services Procurement Policy.
  - b. Approve, by motion, the list of Pre-Qualified Consultants and Special Service Vendors to provide engineering services as outlined in this Policy.
  - c. Approve, by motion, to either replace a Pre-Qualified Consultant or Special Service Vendor removed from the list of Pre-Qualified Consultants and Special Service Vendors or leave vacant until the next pre-qualification period.
- 4.2 The **Chief Administrative Officer** will:
  - a. Participate as a member of the Review Panel or appoint a designate.
  - b. Approve the third party members of the Review Panel.
  - c. Approve the removal of a Pre-Qualified Consultant or Special Service Vendor and report to Council within thirty (30) days of the removal and provide Council recommendations on how to address the vacancy.
- 4.3 The **Manager of EPW** will:
  - a. Administer and implement the Engineering Services Procurement Policy of the Municipality.
  - b. Recommend to the CAO a list of third party members of the Review Panel.
  - c. Ensure that EPW staff is advised of the Engineering Services Procurement Policy and other applicable policies noted in Section 5 of this Policy.
  - d. Act as the Chair of the Review Panel.
  - e. Recommend to the CAO the removal of a Pre-Qualified Consultant or Special Service Vendor.

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- f. Submit the Review Panel’s recommended list of Pre-Qualified Consultants and Special Service Vendors to provide engineering services to the CAO and Council for approval.

**5. Related Legislation and Policy**

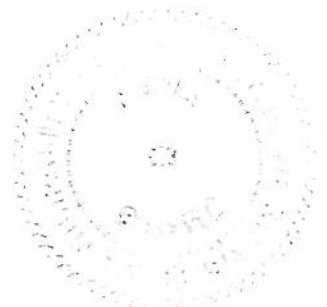
*Public Procurement Act 2011, Province of Nova Scotia*

*Policy FIN-05-006 Procurement, Municipality of the County of Kings*

**6. General Provisions**

- 6.1 Consultants will be pre-qualified based on the scope of services described in a Request for Proposals (RFP) for a period of up to four (4) years (the “pre-qualification period”).
- 6.2 Up to two Consultants selected from all submissions received and not pre-qualified may be selected as Special Service Vendors. Except as noted in Subsection 6.7, Special Service Vendor(s) shall only provide one of the following services during the pre-qualification period:
  - a. A Local Consultant to provide engineering support valued at \$5,000 or less; or
  - b. A Consultant that possesses expertise in a specific field that is necessary to advance the Municipality’s asset management plans and which, in the opinion of the Municipal Engineer, is better qualified to provide the expertise than one or more of the Pre-Qualified Consultants.
- 6.3 Except in situations listed in Subsection 6.7, only the Pre-Qualified Consultants and Special Service Vendors will be asked to submit proposals for Municipal projects during the pre-qualification period.
- 6.4 The scope of services to be provided during the pre-qualification period shall be determined on a “project by project” basis subject to the General Terms and Conditions.
- 6.5 The RFP to pre-qualify Consultants shall be prepared by EPW consistent with this Policy and the documents lists in Section 5.
- 6.6 The RFP to pre-qualify Consultants shall, at a minimum, contain the following information:
  - a. Description of services required
  - b. Summary of Municipal Operations
  - c. 5-year Capital Plan
  - d. List of key EPW personnel

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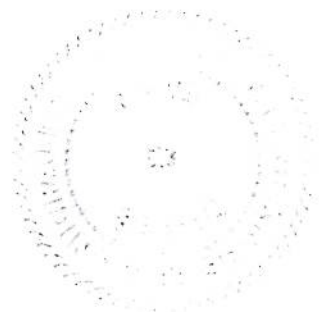
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- e. Selection Criteria
- f. Proposal Evaluation process
- g. General Terms and Conditions
- 6.7 The Municipality may procure engineering services from additional Consultants under the following circumstances:
  - a. If the project scope is outside the scope of services which the Pre-Qualified Consultants and Special Service Vendors were pre-qualified for;
  - b. If the project is being performed on behalf of a Village or another municipal unit, that Village or municipal unit may invite one Consultant of its choosing to bid on that project; or
  - c. If the Manager of EPW estimates the value of the engineering component of the project to be greater than \$50,000.
- 6.8 The Review Panel shall be comprised of the following personnel:
  - a. Manager of EPW (Committee Chair);
  - b. Manager of Finance or designate;
  - c. Supervisor of Engineering Services;
  - d. Subject matter experts and stakeholders as may be selected at the CAO's discretion; and
  - e. CAO or designate.

**7. Procedures**

- 7.1 EPW shall prepare and issue an RFP to pre-qualify Consultants.
- 7.2 All submissions received prior to the published closing date and time will be evaluated according to the procedure outlined in this section.
- 7.3 The Review Panel shall evaluate and score all proposals using the criteria set out in the Request for Proposals.
- 7.4 During the evaluation process, the Review Panel may seek clarification or verification of information provided by a Consultant in their proposal and take the information obtained into account in evaluating a Proposal. This may include contacting references and conducting interviews with the Consultant.
- 7.5 The Review Panel shall recommend up to the three highest scoring firms that achieve a minimum 70% score on their Proposal evaluation to the CAO and Council for approval.
- 7.6 The Review Panel may also recommend to the CAO and Council up to two Special Service Vendors from those Consultants not recommended for the list of

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Pre-Qualified Consultants. Special Service Vendors will only be permitted to bid on work as per Subsection 6.2.

**8. Removal of Consultants from Pre-Qualified List**

- 8.1 During the pre-qualification period, any of the Pre-Qualified Consultants or Special Service Vendors may be removed from the list of Pre-Qualified Consultants and Special Service Vendors if, in the opinion of the Municipal Engineer, the Pre-Qualified Consultant or Special Service Vendor, as the case may be:
- a. Fails to perform the services contracted for under the RFP, or a portion thereof;
  - b. Becomes insolvent;
  - c. Commits an act of bankruptcy;
  - d. Abandons a project;
  - e. Assigns a Contract to which the Municipality is a party to without the prior written consent of the Municipality;
  - f. Engages in conduct detrimental to the Municipality;
  - g. Does not respond to three or more proposal calls during any consecutive three month period during the pre-qualification period;
  - h. Fails to observe or perform any of the provisions of the General Terms and Conditions;
  - i. Has any conflict of interest which may have an adverse effect on a project and fails to disclose it in advance to the Municipality; or
  - j. Fails to cure a default of a material obligation during the pre-qualification period.

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