

SELECTING PROFESSIONAL SERVICES

7.141

When it is determined that the School Board may need to contract for the professional services of an architect, professional engineer, land surveying, landscape architects, construction management, or registered land surveyor, the procedures prescribed herein shall be followed:

- I. Definition - The term *firm* means any firm, partnership, corporation, association, individual, or other legal entity entitled to practice architecture, engineering, or land surveying in the state of Florida.
- II. Prequalification - The Superintendent shall, by letter, inform not less than five (5) firms of the type of service desired by the School Board and shall determine whether or not such firms have an interest in qualifying to render such services when needed. The Superintendent shall continue his/her efforts until at least three (3) firms have indicated an interest. There shall be a list of prequalified firms for each of the specialized areas of professional services enumerated in Florida Statutes.
 - A. Upon receipt of notice of interest, the Superintendent shall request the firm to furnish the following information:
 1. A full and complete statement of qualifications and capabilities;
 2. Number of years in business;
 3. Location of firm's office nearest the county seat;
 4. The membership of the firm's staff and the special qualifications of the person or persons who would render the type of service desired; and,
 5. The names and address of at least three (3) school boards or other agencies for whom similar services have been performed within the last five (5) years and the date and the specific service rendered in each case.
 - B. Within thirty (30) days following indication of interest, the Superintendent shall complete the file on each firm. In addition to the information filed by the agency or firm, the Superintendent shall obtain a written evaluation from at least three (3) agencies for which such service has been rendered. Any

- firm which prequalifies under this rule shall file an annual statement of qualifications and performance data and thereby keep its file current.
- C. Any firm which has furnished the information prescribed in this subsection shall be sent a copy of the legal notice when service in the firm's area of specialty is to be contracted.
- III. Public Notice and Applications - Where the board by official action determines that it will enter into a contract for such professional services, the Superintendent shall cause to be published once each week for three (3) successive weeks in the local newspaper a public notice stating the type of professional services desired, giving a general description of the project, and stating how an interested firm may apply and the deadline for applications.
- A. Each firm which prequalifies, as provided in section II. of this rule, shall be sent a copy of the public notice together with a request that an application be filed if the firm desires to be considered.
- B. Each firm which files an application and which has not prequalified shall be required to complete the information required in section II. of this rule within ten (10) days following the deadline for making applications.
- IV. Rating of Applications - Based on the data filed by each applicant firm and the follow up data obtained by the Superintendent, the School Board will determine the order in which the applicants will be arranged for negotiation purposes.
- A. To facilitate the selection process, the Superintendent shall prepare a full and complete summary report on each applicant firm.
- B. Based on data available and its best judgment, the School Board will select the three (3) firms most qualified to perform the desired professional services and will rate them as first, second, and third most qualified for negotiation purposes.
- V. Negotiations - Subsequent to the above determination, the School Board will notify the firm rated as first most qualified and establish a date for the firm to make its presentation and to enter into negotiations with the Board for the professional services.
- A. If the Board cannot obtain a fair, reasonable and competitive price for which the professional services will be rendered by such firm, negotiations shall be formally terminated by the Board. The Board will then undertake negotiations with the firm rated second most qualified. If an accord cannot

be reached with this firm, negotiations will be formally terminated, and the Board will then undertake negotiations with the firm rated third most qualified.

- B. If the Board is unable to negotiate an acceptable contract with any one (1) of the first three (3) firms, it will select from among the remaining applicants in the order of competence and qualifications and continue its negotiations, provided, that such firms are considered competent to perform the services desired.
- VI. Special Assistance - Where the professional service contract will require a fee in excess of twenty-five thousand dollars (\$25,000), the Department of Transportation or the Department of General Services will be requested to provide assistance in selecting a consultant for professional services; provided that the School Board after three (3) attempts has not obtained a reasonable, fair, and competitive price.
- VII. Contracts - Any contract entered into by the School Board for professional services, as provided herein, shall include a prohibition against contingent fees.
- VIII. Single Source Contractual Services - A contractual service that is available from a single source may be exempted from requirements for competitive solicitation provided that the District posts notice of its intent to purchase a specific service and subsequently posts notice of its intent to enter a single source contract.
- IX. Continuing Contracts for construction projects – The District may enter into continuing contracts for professional services where construction project costs do not exceed \$7.5 million. The maximum amount allowed for construction project costs shall be adjusted annually by the Department of Management Services pursuant to the statutory requirements.
- X. The Superintendent or designee may authorize outside consultants to provide professional reviews, assistance or training.
- XI. Full or part-time employees of the Board shall not contract for additional service to the Board as consultants.

STATUTORY AUTHORITY:

1001.42, F.S.

LAW(S) IMPLEMENTED:

287.055, 1001.43, 1001.51, 1011.06, F.S.

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STATE BOARD OF EDUCATION RULE(S):

6A-1.012, 6A-2.0010

HISTORY: ADOPTED: _____
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