

ORDINANCE NO. 74-31

AN ORDINANCE ENTITLED AN ACT RELATING TO AND ESTABLISHING POLICIES AND PROCEDURES FOR CONTRACTING PROFESSIONAL SERVICES BY THE COUNTY, ITS AGENCIES AND ITS PROFESSIONAL STAFF.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, is authorized to establish policies and procedures for contracting professional services by chapter 73-19, Laws of Florida, effective July 1, 1973.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, in regular meeting duly assembled, that;

Section 1. The purpose of the policy and procedures established hereunder is to insure compliance with chapter 73-19, Laws of Florida.

Section 2. Definitions

(1) For the purpose of this act the term "professional services" shall mean those services within the scope of practice of architecture, professional engineering or registered land surveying as defined by the laws of the State of Florida or those performed by an architect, professional engineer or registered land surveyor, in connection with this professional employment or practice.

(2) The term "Board" means the Nassau County Board of County Commissioners, its agencies, or its professional staff.

(3) The term "firm" means any individual, firm partnership, corporation, association or other legal entity permitted by law to practice architecture, engineering, or land surveying in the State of Florida.

(4) The term "compensation" means the total amount paid by the Board, for professional services.

29

Section 3. Public announcement and qualification procedures.-

(1) The Board shall publicly announce in a uniform and consistent manner on each occasion when professional services are required to be purchased, except in cases of valid public emergencies so certified by the Board head. In addition, announcements shall be mailed on each occasion to each certified firm who has requested such notifications. Such announcement shall include a general description of the project and shall indicate how interested consultants can apply for consideration.

(2) The Board shall encourage firms engaged in the lawful practice of their profession, who desire to provide professional services to the Board, to submit annually a statement of qualifications and performance data.

(3) Any firm or individual desiring to provide professional services to the Board must first be certified by the Board as qualified pursuant to law and the regulations of the Board. The Board shall make a finding that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record and experience of the firm or individual.

(4) The public shall not be excluded from proceedings under this ordinance.

Section 4. Competitive selection.-

(1) The Board, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the Board, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by no less than three firms regarding their qualifications, approach to the project and ability to furnish the required service.

83

(2) The Board shall select no less than three firms in order of preference, deemed to be most highly qualified to perform the required services, after considering such factors as the ability of professional personnel, past performance, willingness to meet time and budget requirements, location, recent, current and projected work loads of the firms and the volume of work previously awarded to the firm by the Board, with the object of effecting an equitable distribution of contracts among qualified firms, providing however that such distribution does not violate the principal of selection of the most highly qualified firms.

Section 5. Competitive negotiation.

(1) The Board shall negotiate a contract with the most qualified firm for professional services at compensation which the Board determines is fair, competitive and reasonable. In making such determination the Board shall conduct a detailed analysis of the cost of the professional services required, in addition to considering their scope and complexity. For all lump-sum or cost-plus-a fixed-fee professional service contracts over \$50,000, the Board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting. Any professional service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums where the agency determines the contract price was increased due to inaccurate, incomplete or non-current wage rates and other factual unit costs. All such contract adjustments shall be made within one year following the end of the contract.

29

(2) Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the Board determines to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated.

The Board shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Board shall terminate negotiations. The Board shall then undertake negotiations with the third most qualified firm.

(3) Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

Section 6. Each contract for professional services shall contain a prohibition against contingent fees as required and defined in Laws of Florida 73-19, §6 (1) - (4).

Section 7. For professional service contracts estimated to exceed \$25,000, the Board may request the assistance of the Department of Transportation or the Department of General Services and upon reimbursement by the Board of the costs involved, the Department of Transportation or Department of General Services will assist the Board in the selection of consultants and negotiation of contracts with the consultants selected.

Section 8. Administrative provisions.-

(1) Nothing in this act shall affect the validity or effect of any contracts in existence at the effective date (July 1, 1973) of the "Consultants' Competitive Negotiation Act."

Subsections (1) and (2) of Section 4 of this ordinance shall not apply to professional services contracts of \$5,000 or less.

**THE FERNANDINA BEACH NEWS-LEADER**

90

Published Weekly

FERNANDINA BEACH, NASSAU COUNTY, FLORIDA

STATE OF FLORIDA  
COUNTY OF NASSAU:

Before the undersigned authority personally appeared

Richard Reeves

who on oath says that he is Business Manager of The Fernandina Beach News-Leader a weekly newspaper published at Fernandina Beach in Nassau County Florida; that the attached copy of advertisement, being a legal advertisement

in the matter of Ordinance No. 74-31

in the \_\_\_\_\_ Court, was published in said newspaper in the issues of April 4, 1974

Affiant further says that the said Fernandina Beach News-Leader is a newspaper published at Fernandina Beach in said Nassau County, Florida and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me

this 23rd day of April,

A. D. 19 74.

  
(SEAL) Notary Public

**NOTICE OF INTENTION TO CONSIDER ENACTMENT OF ORDINANCE**

Notice is hereby given that the Board of County Commissioners of Nassau County, Florida, at its regular meeting to be held on April 23, 1974, intends to consider for adoption the following proposed Ordinance, the same being at 2:00 o'clock p.m.

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**AN ORDINANCE ENTITLED AN ACT RELATING TO AND ESTABLISHING POLICIES AND PROCEDURES FOR CONRACTING PROFESSIONAL SERVICES BY THE COUNTY, ITS AGENCIES AND ITS PROFESSIONAL STAFF.**

**BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA**

S-A. Ray Beville

Chairman

4-4-74

11