

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4645

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. BILLIOT

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 1 DAY OF SEPTEMBER, 2011

\*\*\*PLEASE SEE ATTACHED FOR COMPLETE DOCUMENT\*\*\*

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, SECTION 2-050.01, SELECTION OF PERSONS FOR PROFESSIONAL SERVICES, TO PROVIDE WITH RESPECT TO PREFERENCE FOR IN-PARISH PROVIDERS OF PROFESSIONAL SERVICES.

WHEREAS,

THE PARISH OF ST. TAMMANY HEREBY ORDAINS:

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6 DAY OF OCTOBER, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

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THERESA L. FORD, COUNCIL CLERK

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KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: AUGUST 25, 2011

Published Adoption: \_\_\_\_\_, 2011

Delivered to Parish President: \_\_\_\_\_, 2011 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2011 at \_\_\_\_\_

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4645 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR: MR. BILLIOT PREPARED BY: COUNCIL ATTORNEY

INTRODUCED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

ON THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2011

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, SECTION 2-050.01 SELECTION OF PERSONS FOR PROFESSIONAL SERVICES, TO PROVIDE WITH RESPECT TO PREFERENCE FOR IN-PARISH PROVIDERS OF PROFESSIONAL SERVICES.

WHEREAS, pursuant to R.S. 39:1595.1, the state of Louisiana mandates “In the awarding of contracts by any public entity, except contracts for the construction, maintenance, or repair of highways and streets, and contracts financed in whole or in part by contributions or loans from any agency of the United States government, where both in-state and out-of-state vendors are bidding, *in-state vendors shall be given a preference* in the same manner that any of the out-of-state vendors would be given on a comparative bid in their own state; and

WHEREAS, pursuant to R.S. 39:1595.5, the state of Louisiana mandates that “When purchasing items at retail, every procurement officer under the provisions of this Chapter or other person acting as purchasing agent shall purchase items from a retail dealer located in the state of Louisiana which items are equal in quality to items purchased from a retail dealer located outside the state, provided the cost of items purchased from a retail dealer located in this state does not exceed by more than ten percent the cost of items purchased from a retail dealer located outside the state”; and

WHEREAS, the state of Louisiana provides a five (5) percent preference to the in-state service providers in R.S.39:1595.3, and certain political subdivisions in Louisiana currently provide for a preference to professional service providers domiciled within the boundaries of those political subdivision; and

WHEREAS, it is in the best interest of the public health, safety and welfare to endeavor to create jobs and to generate revenue for Parish Government without increasing taxes on the residents, citizens and businesses in St. Tammany Parish; and

WHEREAS, in awarding professional service contracts, the proposed ordinance provides that, subject to the criteria and regulations herein, the Parish Council may give preference to the lowest responsible quote of professional service providers domiciled in St. Tammany Parish over providers domiciled outside of the parish provided the services are of equal quality and do not exceed by more than ten (10) percent the lowest responsible quote received. In order to qualify for this preference, the persons or firms must have at least one principal who is domiciled in St. Tammany Parish and a principal office located in St. Tammany Parish where the work will be performed or from which the work will be administered; and

WHEREAS, providing a preference to the persons or firms that have at least one principal who is domiciled in St. Tammany Parish and a principal office located in St. Tammany Parish where the work will be performed, or from which the work will be administered, should serve to protect existing jobs, create new jobs, generate revenue for private business and for St. Tammany Parish Government as a result thereof.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened, that Section 2-050.01 and 2-050.02 of the St. Tammany Parish Code of Ordinances is hereby repealed in their entirety and new Section 2-050.01 and 2-050.02 is enacted as set forth below, to-wit:

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## **SEC. 2-050.01 Selection Of Persons For Professional Services**

### **A. Definitions as used in this Section:**

*Architecture, engineering or surveying project* means a project for which the primary contract for professional services is for architectural, engineering or surveying services.

*Council Evaluation Committee* means the committee which is designated in this Ordinance as the committee which evaluates Statements of Qualifications of persons or firms and the proposals submitted to provide professional services for each project for which proposals must be evaluated by committee under this Ordinance.

*Data processing project* means a project for which the primary contract for professional services is for the analysis of computer hardware or software needs, the creation or selection of computer hardware or software or for the training of personnel in computer applications.

*Insurance project* means a project for which the primary contract for professional services is for obtaining or provision of insurance coverage, the evaluation of insurance coverage or the evaluation of insurance needs or requirements.

*Person or firm* means an individual, firm, partnership, association, corporation, or other legal entity, including their subsidiaries, and shall include the officers, directors and shareholders or any person owning and/or having a controlling interest therein. For the purposes of this division, "person" shall also include subcontractors, successors and assigns.

*Person or firm submitting* means any person or firm interested in being considered for selection to perform professional services for the parish in connection with a particular project and who submits a questionnaire and other information as requested in the advertisement for said project.

*Professional services* means work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but not be limited to accountants, architects, claims adjusters, doctors, dentists, engineers, landscape architects, land surveyors, and veterinarians. The provisions of this ordinance shall not include the professional services of an attorney. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The work "professional" implies professed attainments in special knowledge as distinguished from mere skill. Professional services shall include consulting services rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, or improvements in programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning, data processing, and advertising contracts.

*Project* means the particular objective or area of concern for which statements of qualifications are being sought.

*Questionnaire* means the form adopted by the most recent applicable council resolution which requires information about the person or firm interested in being selected to perform professional services for a particular project and information identifying the project itself. The questionnaire shall be considered to be a statement of interest of the person or firm submitting said document in performing the professional services required by the project, and shall also include a statement of the qualifications of the person or firm submitting to perform said professional services.

*Routine professional services* means those tasks the administration estimates to have fees of twenty thousand dollars (\$20,000.00) or less per project and, therefore, do not require Council approval.

*Subcontractor* means one who takes a portion of a contract from a professional service provider, and includes but is not limited to any individual, firm, partnership, association, labor union, political

committee, corporation, or other legal entity, including their subsidiaries; excluding any full-time employees of the professional service provider.

**B. Advertisement for and receipt of Statements of Qualifications.**

(1) Each June, the Purchasing Department will advertise for submittals of Statements of Qualifications from persons or firms interested in providing professional services for the parish.

(2) Upon receipt, the Purchasing Department will separate the providers into specific categories, prepare the "Professional Service List" and shall make the list available to all departments and the council clerk for distribution to the Council Evaluation Committee.

(3) The parish council shall, by resolution, approve the list submitted by the Council Evaluation Committee of all persons or firms demonstrating adequate qualifications in each field of professional services.

(4) Supplemental list: Six (6) months after the annual advertisement noted in this section, the Purchasing Department shall forward submittals of statements of qualifications from additional persons or firms interested in providing professional services for the parish who are not on the previously approved annual list established by the procedures outlined in this section, and (2), the Council Evaluation Committee shall evaluate each person or firm and supply a supplemental list to the parish council of all additional persons and firms demonstrating adequate qualifications in each field of professional services.

**C. Advertisement for and receipt of submittals for projects.**

(1) *Administrative Approval:* Any contract for professional services which would result in a fee in excess of twenty thousand dollars (\$20,000.00) shall require the approval of the Parish Council in accordance with the procedures set forth herein below. Any contract involving a fee of twenty thousand dollars (\$20,000) or less shall be handled administratively under the following procedures:

(a) The Director of the awarding department shall identify the project and verify that same is an approved expense under the current year Operating and Capital Budgets (if applicable).

(b) The Director of the awarding department shall select three (3) vendors from the Professional List, based upon the qualifications needed for the specific project, who in his/her opinion would be best suited to perform the tasks required.

(c) The Director of the awarding department, through the Purchasing Department, shall issue a Request for Proposals to each of the three (3) vendors for the specific project.

(d) Upon receipt and review of the RFP's, the Director shall present his/her recommendation for the award of the Professional Service Contract to the CAO.

(e) The CAO shall provide the Council Administrator with a copy of the recommendation upon which the Council Administrator shall notify the appropriate Council Member(s) and advise the CAO of any issues of concern.

(f) The CAO will then issue a contract.

2. *Council Approval:* For all professional service contracts in excess of twenty thousand dollars (\$20,000.00), the following procedures shall apply:

(a) The Parish Council shall by resolution authorize the Purchasing Department to advertise for submittals of Statements of Qualifications from persons or firms interested in providing professional services to the parish for each project for which professional services are desired or required. The resolution shall set forth the content of the advertisement and shall be prepared by the department directly involved with the project.

The resolution shall also identify (1) the account(s) by name and numerical description to which work under the contract shall be charged; (2) the budget(s), balance(s) and amount(s) of unencumbered funds in the account(s), if such amounts are established.

(b) The advertisement for architectural, engineering and surveying projects, financial projects, insurance projects, and data processing projects shall include as a minimum the scope of work to be performed, the relative importance of the evaluation criteria, an estimate of the total cost of the project and the cost of the requested professional services needed for the project, the date and time by which a response is to be received, and the location and mailing address of the parish clerk to mail or deliver the responses.

(c) For all other professional service projects, the advertisement shall include as a minimum the scope of work to be performed, the minimum qualifications necessary to be selected to perform the work and any other criteria for selection deemed to be relevant or desirable by the council, the date and time by which a response is to be received, and the location and mailing address of the parish clerk to mail or deliver the responses.

(d) Notwithstanding the provisions of this division, all selection of architects and engineers for community development projects shall be in accordance with the most recent guidelines provided by the area office of the U.S. Department of Housing and Urban Development in those areas in which the federal guidelines conflict with the provisions of this division. In addition, all qualifications of contractors, businesses and vendors for work associated with the housing rehabilitation program as administered by the department of community development programs shall be in accordance with the provisions of Chapter 2, Article VII, Division 3.2 of this Code and with applicable federal guidelines.

(e) The Purchasing Department shall receive the submittals required under this section and forward copies of each submittal to the council administrator, and to each member of the Council Evaluation Committee for each project. The director of the Finance Department shall also receive a list of all persons or firms submitting for each project. No submittals required under this section shall be accepted after the deadline. The parish clerk shall also retain copies of all submittals in the parish records.

(f) The Purchasing Department shall also forward copies of the affidavits required under this section submitted for each project to each member of the council and shall retain a copy of same in the parish records.

#### **D. Required submittals.**

(1) *Questionnaire*: In order to be considered for selection to perform professional services for the parish or for any of its departments or districts, the person or firm submitting must submit:

(a) A copy of the questionnaire most recently approved by the council, completely filled out, including professional license and occupational license information, if applicable;

(b) Any other information required by the advertisement for the project and any additional information related to the technical abilities of the person or firm submitting, if specifically requested by the parish prior to the deadline for submittals; and

(c) All information as required by (1) and (2) above relative to all subcontractors who would assist in providing professional services for the project.

(b) In addition, the person or firm submitting must submit prior to contract ratification:

(2) *An affidavit attesting:*

(a) That the affiant has not and will not employ any person either directly or indirectly to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose service in connection with the project or in securing the public contract are in the regular course of their duties for the affiant; and

(b) That no part of the contract price was paid or will be paid to any person for soliciting the contract other than the payment of normal compensation to persons regularly employed by the affiant whose services with the project are in the regular course of their duties for the affiant; and

(c) The person or firm submitting must identify all subcontractors, excluding full time employees of firm, who would assist in providing professional services for the project, in the professional services questionnaire. Each subcontractor shall submit all documents and information required by this section. Substitutions or subsequent addition of subcontractors to the project must be ratified by council resolution. The person or firm shall provide to the council detailed justification of the need for such additional subcontractor. With each invoice submitted, the person or firm holding said professional services agreement shall acknowledge that no subcontractors have been added to work on the project without prior council approval by resolution. Failure to comply with this section shall result in penalties as set forth in section 2-935.1

(3) *Additional Information:* The Council Evaluation Committee or the council may request additional information from any person or firm submitting.

(4) *Current questionnaire and affidavit required for certain contract extensions and selections.* No extension of any existing contract for professional services, or exercise of any contract option clause requiring council approval shall be considered unless the person or firm under contract first re-submits the documents and information required under paragraph D(1) and (2) above, or if deemed necessary the documents and information required under paragraph D(3).

(5) *Penalty for false information on required submittals.* The council, by resolution, shall terminate a professional services agreement in the event false or misleading information is given to the parish in the required professional services questionnaire; in the affidavit identifying all subcontractors and persons, excluding full time employees of the firm, who would assist in providing professional services for the project; in the acknowledgment submitted with each invoice that no subcontractors or persons, excluding full time employees of the firm, have been added without prior council approval by resolution; or in any other document or information required by this division. Any and all parties found to be in violation of any of the provisions of this division, including, but not limited to, the person or firm under contract with the parish to provide professional services and any and all subcontractors improperly added to such a contract, shall be disqualified from contracting with the parish to provide professional services for one (1) year after final action is taken on the violation.

#### **E. Consultant selection procedures.**

(1) The Council Evaluation Committee shall confer and evaluate all submittals for all architectural, engineering, surveying projects, financial projects, insurance projects and all data processing projects. The Council Evaluation Committee shall consist of five Council Members appointed by the Council Chairman. Meetings of the committee shall be attended by the Director of Finance or his/her representative, a member of the department requesting the project (i.e., Engineering, Department of Public Works, Facilities Management, etc.), a member of the legal, department and any other parish employee deemed necessary by the Committee or the Parish President to provide advice and counsel on submittals. The Committee shall use the criteria and guidelines set forth in below paragraph F and G of Sec. 2-050.01 in its evaluations. For each individual job or project, the committee shall determine those requirements to be met which, in the opinion of the committee, are necessary to demonstrate that the person or firm possesses the experience, competence and expertise necessary to accomplish the work in a timely and professional manner based on the evaluation criteria and guidelines. For each individual job or project, the committee shall then submit to the council at least forty-eight (48) hours prior to the time that the person(s) or firms submitting proposals reviewed by the committee are considered for selection by the council a list containing the top three (3) persons or firms, and a listing of all other persons or firms without further classification, which, in the opinion of the committee, have demonstrated adequate experience, competence and expertise with regard to the professional services for each project. Each list submitted by the committee shall identify all sub-consultants proposed for use by each person or firm.

(2) The St. Tammany Parish Council, after consideration of the consent portion of the council's agenda,

shall by resolution consider the selection of persons or firms to perform professional services for each project.

(3) The council shall confer and evaluate the persons or firms submitting for each project in accordance with the provisions of this Section based on the criteria and guidelines set forth in subparagraph F and G herein below, and shall select the person(s) or firm(s) best qualified to perform professional services for the project from the list of persons or firms submitted to the council by the evaluation committee for the project.

(4) Notwithstanding any other provisions to the contrary, the council may cancel or defer any project or the selection of persons or firms to perform professional services for any project.

**F. Criteria for selection.**

The following criteria shall be considered in the selection of persons or firms to perform professional services for the parish by the council and the evaluation committee unless altered, amended or added to by the council for specific projects or selections:

(1) Preference: In awarding professional service contracts, the Parish Council may give preference to the lowest responsible quote of professional service providers domiciled in St. Tammany Parish over providers domiciled outside of the parish provided the services are of equal quality and do not exceed by more than ten (10) percent the lowest responsible quote received. In order to qualify for this preference, the persons or firms must have: (a) at least one principal who is domiciled in St. Tammany Parish, and (b) a principal office located in St. Tammany Parish where the work will be performed or from which the work will be administered.

(a) The preference authorized by the above provision, however, shall not be given if it is not in the best interest of the parish, the additional cost is unreasonable, the preference would be in violation of any applicable law or is contrary to other factors deemed relevant by the parish.

(2) The persons or firms under consideration shall have at least one (1) principal who has at least five (5) years experience in the field or fields of expertise required for the project;

(3) Persons or firms under consideration for architectural or engineering design work shall have at least one (1) principal who is a registered architect or a professional engineer who shall be registered as such in Louisiana with a minimum of five (5) years experience in the discipline involved;

(4) Persons or firms under consideration for land surveying shall have at least one (1) principal who is a registered land surveyor in Louisiana.

(5) Prior to the execution of any contract for professional services, the legal department shall review all submittals from the person or firm selected by the council to determine if said person or firm has a current occupational license and, if not, whether said person or firm is required by law to obtain an occupational license. No contract shall be executed with any person or firm who does not have a current occupational license and is required by law to obtain same.

**G. Guidelines for selection.**

The following guidelines, unless altered, amended or added to by the council for specific projects or selections, shall be used by the council and the evaluation committee in evaluating persons or firms to provide professional services to the parish, in addition to the criteria set forth in paragraph F herein above.

(1) Professional training and experience both generally and in relation to the type and magnitude of work required for the particular project;

(2) Capacity for timely completion of the work, taking into consideration the person's or firm's current and projected workload and professional and support manpower;



- (3) Past and current accomplishments, for which references from clients or former clients and information gathered by inspection of current or recent projects may be considered;
- (4) The nature, quantity and value of parish work previously performed and presently being performed by the person and/or firm submitting;
- (5) Past performance by the person or firm on public contracts, including any problems with time delays, cost overruns, and/or design inadequacies in prior projects for which said person or firm was held to be at fault, as evidenced by documentation provided by the administration;
- (6) An analysis of any work by the person or firm submitting which resulted in litigation between the public entity and the person or firm performing professional services, including but not limited to ongoing litigation with a public entity or involvement in litigation with a public entity in which the public entity prevailed;
- (7) Location of the principal office where work will be performed, with preference being given to persons or firms with offices located in St. Tammany Parish;
- (8) The size of the firm based on the number of personnel, as related to the project requirements and/or scope; and
- (9) Percentage of St. Tammany Parish residents who will work on the project.

#### **H. Appeals.**

Any appeal of decisions by the evaluation committee or by the council shall be brought before the 22<sup>nd</sup> Judicial District Court for the Parish of St. Tammany.

#### **SEC. 2-050.02 Professional Services Contract negotiation and ratification.**

- A. The administration shall negotiate a contract with the person(s) or firm(s) selected by the council to provide professional services for the project under consideration.
- B. Should the administration be unable to reach agreement with the person(s) or firm(s) selected by the council within sixty (60) days from the selection, the administration shall report to the council the reasons for the inability to reach agreement before the end of the sixty-day period and within each thirty-day period subsequent to the initial negotiating period for as long as the inability to reach agreement continues. Should the administration be unable to reach agreement with the person or firm selected by the selection committee, the administration shall request from the council authority to proceed to negotiate with an alternate person or firm from the list submitted to the council by the evaluation committee for the project. The council may at any time after the initial period, authorize the administration to negotiate with an alternate person or firm from the list submitted to the council by the evaluation committee for the project, may authorize the parish clerk to readvertise for persons or firms wishing to provide professional services for the project or may cancel the selection of such persons or firms for the project. In any event, if a contract is not negotiated and ratified within one (1) year from the date of the resolution making the selection, the selection shall become null and void.
- C. All contracts for professional services must be submitted to the council in complete form, including all terms and conditions, and with an affidavit identifying all subcontractors, excluding full time employees of firm, who would assist in providing professional services for the project, for ratification by council resolution prior to execution of the contract. No resolution ratifying a contract for professional services shall be placed on a council agenda for consideration at any council meeting unless at least one (1) member of the council gives prior approval for such placement. No work by the person or firm selected shall be authorized and no payment shall be made to the person or firm selected until the contract with said person or firm to provide professional services is executed. With each invoice submitted, the person or firm holding said professional services agreement shall acknowledge that no subcontractors have been added to work on the project without prior council approval by resolution.

D. If the amount of compensation in the contract for professional services as negotiated by the administration is greater than the amount estimated for professional services for the project, then the evaluation committee shall consider the reasons for the increase and report its findings and recommendations to the council prior to the council's ratification of the contract.

E. Any amendment to a contract for professional services for St. Tammany Parish or any of its departments, agencies or special districts proposed by the administration shall include a statement from the administration to the council of the history of the contract to be amended, including the date, term, project number, amount of compensation and scope of work of the original contract and of any previous amendments to the contract, identifying the resolution(s) which authorized the original contract and the previous amendments; and a total amount to date of all sums authorized or expended for work under the contract, identifying the work for which said sums were authorized or expended.

**F. Maximum amounts for service contracts.**

(1). All parish contracts for services, including annual contracts and contracts for professional services, shall include a fixed maximum amount of compensation for the services to be rendered. The fixed amount of compensation stated in the contract shall not be exceeded by a factor of more than ten (10) percent without an amendment to the contract authorized by resolution of the council.

(2). Both the preamble to the resolution ratifying or approving any service contract and that portion of the resolution following the enacting clause shall contain all the information required by Paragraph A herein above.

**G. Requirements for standard engineering agreements.**

(1) St. Tammany Parish utilizes the statewide "DOTD Average Salary Rate" document to regulate maximum direct and payable hourly wage rates, overhead rates (average and field), and multiplier, for use in paying for professional services. The criteria for the establishment of maximum payable hourly rates is based on the firm's actual rates for salary and overhead, subject to a ceiling/cap equal to the rates shown on the Statewide "DOTD Average Salary Rate" document (average rate plus one (1) standard deviation) multiplied by a factor not-to-exceed 1.15 to include profit.

(2) The "DOTD Average Salary Rate" document is to be used for establishing maximum direct and payable hourly rates, maximum overhead rate and multiplier, for each new contract using the then current official publication by DOTD.

(3) If a personnel classification is required for a parish project, but is not included in the Statewide "DOTD Average Salary Rate" document, the parish administration shall establish a new personnel classification and an appropriate, noninflated, maximum direct and payable hourly rate, which is consistent with personnel categories of similar expertise found within the Statewide "DOTD Average Salary Rate" document.

(4) The engineer shall be reimbursed for costs incurred by sub-consultants at the rate of 1.10 times the actual invoices of sub-consultants up to a total amount of two hundred thousand dollars (\$200,000.00). Thereafter, the rate shall be reduced to 1.05, and

(5) That once contract fees are negotiated using Statewide "DOTD Average Salary Rates" in effect at the time of negotiation, those fees will be unaffected by subsequent versions of the Statewide "DOTD Average Salary Rate" document. The rates in effect for this contract are shown in Attachment "A" to this contract.

(6) The most current version of the Statewide "DOTD Average Salary Rate" document in effect after the effective date of this resolution shall apply to hourly rate services included in contracts and amendments negotiated after the effective date of this section.

(7) Engineering fees for design services contracts, including lump sum amounts and not-to-exceed amounts

connected with hourly rate services, in contracts, and amendments thereto, existing at the time the provisions of this article become effective, shall remain unchanged.

(8) The criteria for the establishment of maximum direct and payable hourly and overhead rates for firms incorporated out-of-state shall be the same as those for firms incorporated in-state.

(9) On all contracts for which the council has selected two (2) or more consultants to share the work, the council shall specify the prime, or lead, consultant, and this consultant shall perform a larger percentage of the basic design services than any of the subconsultants, but in no case shall the prime, or lead consultant perform less than forty (40) percent of the basic design services.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed, including paragraph B of Section 2-007.00 Contracts for Professional Services.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_, SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6 DAY OF OCTOBER, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO. 11-\_\_\_\_\_.

\_\_\_\_\_  
MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: AUGUST 25, 2011

Published Adoption: \_\_\_\_\_, 2011

Delivered to Parish President: \_\_\_\_\_, 2011 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2011 at \_\_\_\_\_

Code sections proposed to be repealed by Ord. Cal. No. 4645:

~~SEC. 2-050.01 Selection Of Persons For Professional Services~~

~~A) Each person who is to be retained or employed to perform professional services for St. Tammany Parish or any of its departments, districts, boards or commissions shall be selected by the St. Tammany Parish Police Jury from the list of those persons submitting statements of qualification and/or proposals:~~

~~B) Any person submitting a statement of qualification and/or proposal shall submit to the St. Tammany Parish Police Jury data concerning his experience, previous projects undertaken, present projects now being performed by him, scope and amount of work on hand, the names of key personnel who will be assigned to the project, and any other information that may be appropriate in selecting the person for the particular project under consideration. The Police Jury by resolution, may develop standard questionnaire forms to be used for submitting such data and may from time to time amend such form(s) by resolution to require additional information. The St. Tammany Parish Police Jury shall not consider any person who does not submit a completed questionnaire form(s):~~

~~C) Any person submitting a statement of qualification and/or proposal shall also execute and submit an affidavit attesting:~~

~~1) That affiant has not and will not employ any person, corporation, firm, association, or other organization, either directly or indirectly, to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose services in connection with the project or in securing the public contract are in the regular course of their duties for affiant;~~

~~2) That no part of the contract price was paid or will be paid to any person, corporation, firm, association, or other organization for soliciting the contract, other than the payment of their normal compensation to persons regularly employed by the affiant whose services with the project are in the regular course of their duties for affiant; and~~

~~3) That the affiant shall state any and all campaign contributions he has made to elected officials of the St. Tammany Parish Police Jury during the current term, and that he has not made any contributions to or in support of elected officials of the St. Tammany Parish Police Jury through or in the name of another person either directly or indirectly.~~

~~D) The St. Tammany Parish Police Jury shall not consider any person who does not have the appropriate professional license and/or occupational license as required by law; nor shall the St. Tammany Parish Police Jury consider any person who does not submit the questionnaire and affidavit required by this Section or who submits an incomplete questionnaire or affidavit. Any false or misleading information on any questionnaire or affidavit shall be a basis for voiding the contract and prohibiting the affiant from being considered on any future project for a period of 24 months.~~

~~E) The following guides, among other factors that the St. Tammany Police Jury deems appropriate, shall be used by the Police Jury in selecting persons for professional services:~~

~~1) Professional training and experience, both generally and in relation to the type and magnitude of work required for the particular project;~~

~~2) Capacity for timely completion of the work, taking into consideration the person's current and projected workload and professional and support manpower;~~

~~3) Past and current professional accomplishments, for which opinions of clients or former clients and information gathered by inspection of current or recent projects may be considered;~~

~~4) The nature, quantity and value of Parish work previously performed and presently being performed by the person, it being generally desirable to allocate such work among persons who are desirous and qualified to perform such work;~~

~~5) Past performance by the person on public contracts, including any problems with time delays, cost overruns, and design inadequacies for which said person was held to be at fault, involved in prior projects as evidenced by documentation provided by the Administration; and~~

~~6) An analysis of whether problems as indicated in paragraph (5) herein resulted in litigation between the public entity and the person performing professional services, particularly if he is currently involved in unsettled litigation with a public entity or has been involved in litigation with a public entity where the public entity prevailed.~~

~~F) The St. Tammany Parish Police Jury may, for each individual job or project, establish those qualifications and guidelines which it deems necessary to select the person to be retained or employed for such job or project.~~

~~G) As used in this Section (definitions):~~

~~1) "Campaign Contribution" is a gift, conveyance, payment, deposit of money, and/or anything of economic value (including, but not limited to, tickets for fund raiser events) which was, is and shall be paid, loaned, granted, given, donated, transferred, and/or is the forgiveness of a loan or a debt by any person for the purpose of supporting, opposing, or otherwise influencing, directly or indirectly, the nomination or election of an individual elected to or seeking nomination to public office, whether or not such is made before or after the election.~~

~~2) "Candidate" is a candidate for public office as described in Title 18 (Election Code) of the Louisiana Revised Statutes of 1950 as amended.~~

~~3) "Elected Official" shall mean all members of the St. Tammany Parish Police Jury.~~

~~4) "Individual" is a human being of the male or female gender.~~

~~5) "Person" is an individual, partnership, association, labor union, political committee, corporation, or other legal entity, including their subsidiaries and shall include the officers, directors and shareholders or any person owning and/or having a controlling interest therein. For the purpose of this Section, "person" shall also include subcontractors, successors and assigns.~~

~~H) If the person seeking to be retained or employed to perform professional services for the Parish is owed money by an elected official of the St. Tammany Parish Police Jury, he shall disclose said debts in the questionnaire and affidavit provided for in Section B and Section C herein.~~

~~(Ord. No. 90-1257, adopted 04/19/90)~~

## SEC. 2-050.02 Extension Of Contracts

The provisions of Sec. 2-050.01(c) shall also be applicable to any person seeking Police Jury approval for the extension of an existing professional services contract, or otherwise seeking the exercise of any option clause which requires Police Jury approval. (Ord. No. 90-1257, adopted 04/19/90)