



Albuquerque Bernalillo County
Water Utility Authority

CAPITAL IMPLEMENTATION PROGRAM

AMENDMENT NO. 1

TO

**RULES AND REGULATIONS GOVERNING
THE SELECTION OF FIRMS OR PERSONS
TO PROVIDE
ARCHITECTURAL, ENGINEERING,
LANDSCAPE ARCHITECTURAL,
AND OTHER PROFESSIONAL
SERVICES**

Part III of the Rules and Regulations Governing the Selection of Firms or Persons to Provide Architectural, Engineering, Landscape Architectural, and Other Professional Services (the "SAC Regulations"), Section E Conducting the Meeting is amended as follows:

- A. Add a new paragraph numbered 6 to read as follows:
 - 6. Subtract the second rank total from the first rank total. If this difference is 5% or less of the maximum obtainable score (15 points for a five member committee), then point deductions, as specified above, will be used to adjust the final scores prior to announcing the final rankings of respondents.
- B. Renumber succeeding paragraphs accordingly.

This Amendment is effective this 7th day of November, 2008.



Mark S. Sanchez, Executive Director



Albuquerque Bernalillo County
Water Utility Authority

CAPITAL IMPLEMENTATION PROGRAM

AMENDMENT NO. 2

TO

RULES AND REGULATIONS GOVERNING
THE SELECTION OF FIRMS OR PERSONS

TO PROVIDE

ARCHITECTURAL, ENGINEERING,

LANDSCAPE ARCHITECTURAL,

AND OTHER PROFESSIONAL

SERVICES

Part III of the Rules and Regulations Governing the Selection of Firms or Persons to Provide Architectural, Engineering, Landscape Architectural, and Other Professional Services (the "SAC Regulations"), Section C.6. Receiving the Proposals is amended as follows:

6. As a political subdivision of the State of New Mexico, the Water Authority is subject to the New Mexico Inspection of Public Records Act (Sections 14-2-1 et seq., NMSA 1978). Therefore, the file relating to the Notice of Request for Proposals, including the proposals submitted by respondents, shall be open to public inspection after the recommendation of award of a contract has been signed by the Executive Director, or his designee. A respondent may designate trade secrets or other proprietary data to be confidential by separating that material from the respondent's main proposal, placing it in a sealed envelope and marking it as "Confidential". The Water Authority will endeavor to restrict distribution of material designated as "Confidential" to only those individuals involved in the review and analysis of the proposals. However, if the Water Authority receives a request for records inspection which encompasses the "Confidential" material, under the Inspection of Public Records Act the material may be disclosed. The Water Authority assumes no responsibility to maintain the confidentiality of any materials submitted in response to the Notice of Request for Proposals.

This Amendment is effective this 17th day of December, 2010.



Mark S. Sanchez, Executive Director



Albuquerque Bernalillo County
Water Utility Authority

CAPITAL IMPLEMENTATION PROGRAM

RULES AND REGULATIONS GOVERNING
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**RULES AND REGULATIONS GOVERNING
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I. GENERAL

These rules and regulations are adopted pursuant to the Selection Advisory Committee Ordinance, being Ordinance WUA O-07-3, as amended by WUA O-07-11, which is compiled as Sections 6-1-1 - *et seq.* of the Ordinances of the Albuquerque Bernalillo County Water Utility Authority, and together with the Selection Advisory Committee Ordinance govern:

- A. The procedures to be followed in the selection of firms or persons to provide professional landscape architectural or surveying services which will cost less than ten thousand dollars (\$10,000) and architectural, engineering, construction management, and other professional services which will cost less than fifty thousand dollars (\$50,000).
- B. The procedures to be followed by the Selection Advisory Committee in the selection of firms or persons to provide professional landscape architectural or surveying services which will cost ten thousand dollars (\$10,000) or more and architectural, engineering, construction management, and other professional services which will cost fifty thousand dollars (\$50,000) or more.
- C. The procedures to be followed by the Ad Hoc Board method of selection provided for in Section 6-1-4 of the Selection Advisory Committee Ordinance.

The Selection Advisory Committee is hereinafter referred to as the "Committee" and the Selection Advisory Committee Administrator is hereinafter referred to as the "Administrator" or the "Chairperson," since the Selection Advisory Committee Ordinance designates the Administrator as the Selection Advisory Committee Chairperson.

Exceptions to and deviations from these procedures may be authorized only by the Executive Director or his designee in writing. Each request for an exception to or a deviation from these procedures shall be submitted to the Executive Director or his designee in writing and shall include the recommendations of the Project Manager and the General Manager.

The Administrator shall be designated by the Executive Director. In addition to administering all functions required for the execution of the Selection Advisory Committee process, as described in the Selection Advisory Committee Ordinance and these Rules and Regulations, the Administrator shall review all proposals received for a project and may discuss the contents of the proposals with other Selection Advisory Committee members both prior to and during committee meetings. The Chairperson may ask respondents questions during interviews. However, the Chairperson shall not prepare an evaluation for the proposals, shall not initiate or second motions at committee meetings, and shall not vote on motions made and seconded at these meetings. The Administrator shall also assume responsibility for the disposition of issues related to irregularities or discrepancies in proposal content, proposal acceptance requirements, procedure and scoring/auditing calculations.

In the event that these Rules and Regulations are in conflict with any provision of the Selection Advisory Committee Ordinance, the Selection Advisory Committee Ordinance shall prevail.

II. PROCEDURES FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL AND SURVEYING SERVICES COSTING LESS THAN \$10,000 OR ARCHITECTURAL, ENGINEERING, CONSTRUCTION MANAGEMENT AND OTHER PROFESSIONAL SERVICES COSTING LESS THAN \$50,000.

- A. When professional landscape architectural or survey services will cost less than \$10,000, or when architectural, engineering, construction management and other professional services will cost less than \$50,000, the General Manager shall notify the Administrator, in writing, of his need for such services and provide a description of the services to be provided. This request shall be signed by the General Manager or his designee. The Administrator or the General Manager shall propose the names of firms or persons to contact as candidates to perform the services. The Administrator shall also consult a listing of firms or persons who have been awarded a project without going through the Selection Advisory Committee during the one year period prior to the date when the Administrator was notified, in writing, by the General Manager. Any firm or person appearing on the listing will not be contacted unless it can be justified that the nature of the services are such that other firms or persons do not possess the expertise needed. If three eligible firms cannot be identified, the Administrator shall take the action described in Paragraph B.
- B. After coordination with the General Manager, the Administrator shall contact the three firms or persons in writing, give the project description to them and request that they submit a brief proposal, not to exceed five written pages, within ten (10) working days. If less than three firms or persons are contacted, the Administrator shall document the reasons in a memorandum to the file for the project and send a copy to the Contract Manager and the General Manager.
- C. Upon receipt of the proposals, the Administrator shall meet with the General Manager or his designee. The General Manager or his designee, after reviewing the proposals, shall decide which firm or person is to be selected for the services. The General Manager or his designee shall also identify the first alternate and second alternate.
- D. The Administrator shall notify, in writing, the Contract Manager and the General Manager of the selected firm or person and the alternates in order that service agreement negotiations can commence. Final approval for such agreements shall be made as determined by the Executive Director or his designee.
- E. Should the General Manager desire to utilize the procedures set forth in Section III of the Rules and Regulations, nothing herein will preclude the use of those procedures.
- F. The total amount paid to the consultant under this procedure for all services including basic services and additional services, expenses, reimbursables, and supplementals for landscape architectural or surveying services shall be less than \$10,000, including gross receipts taxes, and for architectural, engineering, construction management and other professional services shall be less than \$50,000 including gross receipts taxes. The splitting of services to be performed into increments of less than \$10,000 for landscape architectural or surveying services, or of less than \$50,000 for architectural, engineering, construction management or other professional services, including gross receipts taxes, in order to avoid the Selection Advisory Committee procedures specified in Section III of these Rules and Regulations, is expressly prohibited.

III. SELECTION ADVISORY COMMITTEE PROCEDURES FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL AND SURVEYING SERVICES COSTING \$10,000 OR MORE AND ARCHITECTURAL, ENGINEERING, CONSTRUCTION MANAGEMENT AND OTHER PROFESSIONAL SERVICES COSTING \$50,000 OR MORE.

A. PREPARING THE NOTICE OF REQUEST FOR PROPOSALS

1. The General Manager notifies the Administrator, in writing, of the need to obtain professional services. This request shall be signed by the General Manager. The Project Manager shall furnish the Administrator with a description of the project, the services needed and a project budget. The Administrator shall review the project description so that the services desired by the Project Manager are included in the Notice of Request for Proposals. All project descriptions shall contain the names and telephone numbers of the Project Manager.
2. The Administrator shall follow the general Notice of Request for Proposals format shown as **Attachment #1**. This format may be augmented to provide for the advertisement of more than one project. However, there will be no restrictions limiting the award of projects advertised under the same Legal Notice to different vendors. For special projects, the Administrator, with the concurrence of the General Manager may waive the 15 page limitation. Elimination or modification of the 15 page limitation must be announced in the Notice of Request for Proposals. The Administrator and the General Manager shall determine the points to be assigned to each of the evaluation criteria categories shown on the form. A range of 5 to 35 points shall be assigned to each category. Category point assignments in excess of 35 points shall not be permitted.
3. Proposals submitted in response to a legal notice advertisement that has not been pre-approved by the Administrator, shall not be accepted and shall not be scheduled for evaluation by the Selection Advisory Committee. The Administrator prepares and then approves the Notice of Request for Proposals by signing it. The General Manager shall furnish the Finance Division Manager with a purchase order requisition for advertising the Notice of Request for Proposals. The Legal Notice shall be advertised in an Albuquerque newspaper of general circulation at least twice, not less than one (1) week apart, with a due date of proposals not less than one week after the second publication. Publication of the request for proposals shall be made in the Wednesday editions of the Albuquerque Journal.

B. CONDUCTING A PRE-SUBMITTAL MEETING

1. The Project Manager may desire to have a pre-submittal meeting for consultants desiring to respond to the Notice of Request for Proposals in order to provide additional information on the project. Under normal circumstances, the pre-submittal meeting shall be held on the day following the second publication of the Notice of Request for Proposals. The Administrator, in conjunction with the Project Manager, shall be responsible for determining the time and place of the meeting. If the pre-submittal meeting has been designated as a mandatory meeting in the Notice of Request for Proposals, an attendance sheet will be provided by the Administrator for consultants to sign. For mandatory pre-submittal meetings, once the Administrator has adjourned the meeting, additional names shall not be accepted or placed on the attendance sheet. Proposals from consultants whose names were not accepted by the Administrator and placed on the attendance sheet will not be accepted for evaluation. If the meeting is designated as mandatory, the Notice of Request for Proposals will state that proposals will not be accepted from consultants who do not attend the meeting.

2. The Project Manager may prepare an information packet for distribution at the pre-submittal meeting which may contain the following:
 - a. A detailed description of the project including location map, if applicable.
 - b. Any particular areas of the project that the consultants should address in their proposals.
 - c. Any time or funding restraints placed on the project.
 - d. Any other relevant information.
3. The Project Manager will brief the consultants on the information contained in the information packet and conduct a question and answer period at the conclusion of the briefing. Answers to questions requiring additional research by the Project Manager before an answer can be given will be furnished, in writing, to all consultants attending the pre-submittal meeting. However, should a consultant fail to receive such information, this shall not warrant a change in procedure or constitute grounds for special consideration.

C. RECEIVING THE PROPOSALS

1. All proposals must be received at the Authority administrative office prior to the date and time specified in the Notice of Request for Proposals. All proposals received by the Authority shall be date and time stamped. Any proposal received after the specified date and time will not be considered by the Selection Advisory Committee. Proposals must be bound. Unbound proposals will not be considered by the Selection Advisory Committee.
2. All proposals shall be checked for inclusion of the Agreement, Campaign Contribution Disclosure form, and Insurance Certification. At least one of the proposal copies submitted must contain a notarized original of all required certifications. Remaining proposals may contain copies of the notarized original certifications. Those proposals not meeting this requirement shall be considered non-responsive and will not be evaluated by the Selection Advisory Committee.
3. Proposals that exceed the page limitation stated in the Notice of Request for Proposals or that do not contain the Campaign Contribution Disclosure form shall be considered non-responsive and will not be evaluated by the Selection Advisory Committee.
4. The Administrator shall determine the committee meeting place, date and time. Any Authority employee selected for the Committee must be considered to be "qualified" by nature of professional registration or by having involvement with the project in question. The Committee meeting shall not be held less than two weeks after the receipt of the proposals. The Administrator shall provide committee members with instructions on their duties to ensure that meetings are conducted uniformly. All members of the Committee shall be notified in writing by the Administrator of the date, time and place of the meeting. An information packet for each project shall be prepared and delivered to each of the Committee members and should contain the following:
 - a. The Notice of Request for Proposals.
 - b. List of respondents.
 - c. Guidance on evaluation of proposals.
 - d. Copy of the Selection Advisory Committee Evaluation Procedures.

- e. The evaluation form (scoring sheet) to be used for the project with assigned category values.
 - f. Copies of proposals submitted for the project.
5. All consultants submitting proposals to the Authority shall be notified in writing as to the date, time and location of the Committee meeting to evaluate proposals. The Administrator shall also notify, in writing, those respondents failing to meet the Requirements for Acceptance of Proposals set forth below citing the reasons why the proposal has been rejected. Committee meetings to evaluate the proposals shall be open to the public. However, public comments shall not be allowed. Attempts on the part of respondents to lobby Committee members is considered to be unprofessional and unacceptable conduct. Such conduct may be cause for the Committee to reject the respondent's proposal.

Requirements for Acceptance of Proposals:

- a. The respondent must provide the published, requested number of bound copies of their proposal. Un-bound proposals will be rejected and will not be evaluated by the Selection Advisory Committee.
- b. At least one copy of the respondent's proposal must contain an original of the required "Agreement and Insurance Certification" form containing an original notary seal, and the "Campaign Contributions Disclosure" form. The remaining copies of the respondent's proposal may contain copies of the original forms. The original language of these forms must not be modified with exceptions or qualifications of any kind, or the respondent's proposal may be subject to rejection by the Administrator.
- c. The maximum number of proposal pages permitted is 15 single-sided 8-1/2" by 11" pages, unless otherwise stated in the Legal Notice for Request for Proposals. If double-sided page printing is used, each side shall be numbered and counted as two separate pages. Any 17" by 11" pages shall be numbered and counted as two pages. Drawings on 24" by 36" sheets shall be numbered and counted as four pages.

If supplied, the following pages will be excluded from being counted as part of the advertised maximum page limitation:

- Front and back cover and binding pages.
 - The Letter of Introduction.
 - The Title Page.
 - The Table of Contents.
 - Dividers between proposal information categories.
 - The Agreement and Insurance Certification form and other certifications.
 - The Campaign Contributions Disclosure form.
- d. If any significant text detailing any aspect of the current project, prior consultant projects or the consulting firm is found on any page not normally counted as part of the maximum page limitation, that page may be considered to be part of the respondent's proposal and may be counted as part of the maximum page limitation, as determined by the Administrator.

6. A responding firm and/or person who believes that its response (or portions thereof) constitutes "trade secrets" within the meaning of Section 30-16-24 NMSA (1978) should clearly designate their response as such by printing the words "TRADE SECRET" on the top portion of the front cover of their response. The responding firm and/or person may restrict distribution of the responses to only those individuals involved in the review and analysis of the responses. The Authority will attempt to restrict distribution of a designated response as directed by the submitting party. In any event, the Authority shall not be liable for disclosure of "trade secret" information

Furthermore, all proposals submitted to the Authority become the property of the Authority. However, one or more copies of proposals submitted to the Authority may be returned to respondents, at the discretion of the Administrator, within one month following the meeting date of the Selection Advisory Committee for the related project.

D. REVIEWING THE PROPOSALS

1. The Executive Director, in accordance with the requirements of the Selection Advisory Committee Ordinance, shall appoint a Committee member from outside the Authority from a listing of professionally qualified candidates representative of public utility and/or public works service agencies. The General Manager shall designate the Authority employees who will serve as Committee members in addition to the Project Manager.
2. Proposals will be evaluated by each voting member of the Committee based on the points assigned to the following evaluation criteria categories as published in the Notice of Request for Proposals:
 - a. General Information
 - 1) Provide name, address, and telephone number of respondent and, if a firm, when firm was established.
 - 2) Provide number of employees, technical discipline, registration and registration number.
 - 3) Indicate where the services are to be performed.
 - b. Project Team Members
 - 1) Provide an organization plan for management of the project.
 - 2) Identify all consultants to be used on the project.
 - 3) Provide qualifications of project team members shown in organization plan, including registration and membership in professional organizations.
 - 4) Provide any unique knowledge of key team members relevant to the project.
 - c. Respondent Experience
 - 1) Describe previous projects of a similar nature, including client contact (with phone numbers), year services provided, construction cost, if applicable, and narrative description of how they relate to this project.
 - 2) Provide examples of the respondent's project manager's experience with the Authority within the past five (5) years that serve to demonstrate the project manager's knowledge of Authority procedures.

d. Technical Approach

- 1) Describe respondent's understanding of the project scope.
- 2) Describe how respondent plans to perform the services required by the project scope.
- 3) Describe specialized problem solving required in any phase of the project.

e. Cost Control

- 1) Describe cost control and cost estimating techniques to be used for this project.
- 2) Provide comparisons of bid award amount to final cost estimate for projects designed by the respondent during the past two years. The consultant may provide justification for any discrepancies that may exist with this information.

f. Quality and Content of Proposal

- 1) Committee member's rating of overall quality of submittal.

Each of the above evaluation criteria categories shall be assigned a value between 5 and 35 points, such that the total value of all of the categories shall be 100 points. Each voting Committee member shall determine a score for each of the criteria categories and enter that number on the evaluation form. The scores shall not be more than the maximum points assigned to each category. Each voting Committee member shall use whole numbers in arriving at the points assigned to a firm for each evaluation criteria category. For example, use 10 or 11; Do not use 10.5 or 10.75 or 10-1/2 or 10-3/4. Each voting Committee member shall then compute a total score for each response by summing the scores for each category.

3. The Committee Evaluation Form, shown as **Attachment #2**, will be used by each voting Committee member in making their evaluation. Each voting Committee member will bring their completed evaluation form to the Committee meeting.

E. CONDUCTING THE COMMITTEE MEETING

A minimum of four Committee members are required to be present at a Committee or Interview meeting in order to conduct the meeting. If one member remains absent ten minutes after the scheduled start of the meeting, the Administrator shall proceed with the meeting. If two or more members remain absent ten minutes after the scheduled start of the meeting, the Administrator shall cancel and reschedule the Committee or Interview meeting at a later date not more than two weeks past the originally scheduled meeting date for the project, if possible. Should unforeseeable disruptions or disagreements occur during a Committee or Interview meeting thereby inhibiting its continuation or the professional conduct of the meeting, the Administrator shall dismiss the Committee members and reconvene the meeting in "Executive Session" at a later date or time to complete its deliberations. For the purposes of this document, "Executive Session" is defined as a continuation of a previous meeting. Executive Sessions shall be closed to the public. Other than this, a Committee or Interview meeting can only be postponed, reconvened, or rescheduled by motion and majority vote by voting Committee members. However, any motion to postpone, reconvene or reschedule must be made prior to the adjournment of the current meeting by the Administrator. Once a meeting for a project has been adjourned by the Administrator no motion to reopen or reconvene will be made or entertained.

Prior to the Committee meeting, the Chairman shall have obtained point deductions for each respondent based on the total dollar amount of fees for basic services, supplemental agreements and additional services that the respondent has executed with the Authority during the prior twelve (12) months. This shall also include any agreement executed from the beginning of the month through the date of receipt of proposals. For example, for proposals received on July 16, 2006, totals for agreements executed during the period of July 1, 2005 through July 16, 2006, would be used to determine point deductions. Deduction points shall be computed by deducting one point for every \$50,000 of fees as illustrated below.

$$\frac{\text{Total Dollars of All Compensation*}}{\$50,000} = \text{Total Number of Deduction Points}$$

*All compensation refers to authorizations for basic services in the original agreement and any supplements or additional services exclusive of tax for all design service contracts. If a firm or person has executed agreements with the Authority during the year prior to receipt of a proposal from that firm or person that are both single agreements and joint agreements with another firm or person, the joint agreements will not be used in calculating point deductions unless the firm's or person's share of the fee in the joint agreement is 50% or greater.

If a firm merges with another firm during the prior year, then the respondent's point deductions shall be the combination of the two or more firms that have merged.

At the Committee meeting, the Chairperson shall:

1. Ask the Project Manager if there is any additional information that should be considered by the Committee.
2. Ask each member of the Committee to comment on their evaluation of each respondent's proposal.
3. Ask the Committee as a whole to further discuss the proposals and apply any changes they desire to their scores to arrive at their final scores before reporting them. Once scores have been reported to the Chairperson, they cannot be altered.
4. Ask each member of the Committee to report their scores for each proposal.
5. Eliminate the high and low score reported for each proposal, total the remaining scores, and determine an initial ranking of the proposals based on the highest remaining aggregate score, second highest remaining aggregate score and third highest remaining aggregate score.
6. In the event ties result after eliminating the highest and lowest score reported for each respondent, the following procedure shall be used to break all ties:
 - a) The respondent having the *highest score dropped* as a result of dropping the highest and lowest scores, shall be awarded an additional point to break the tie.
 - b) In the event the high score dropped for both respondents tied is identical, then one point shall be awarded to the respondent having the *higher lowest score dropped* in order to break the tie.
 - c) In the highly unlikely event that the low score dropped for both respondents tied is also identical, the Administrator shall collect the score-sheets and review all scores to determine

which respondent obtained the *highest score in the category bearing the highest point value*. That respondent shall then be awarded an additional point to break the tie. If two or more categories contain the same highest point value, the scores achieved for those categories shall be averaged to determine which consultant receives the additional tie-breaker point.

7. The Committee's number one, number two and number three recommendation for selection shall be determined based on the highest *Total Final Scores* resulting from the provisions of paragraphs III-E-4 and III-E-5 above, providing that the Committee does not vote to conduct interviews.
8. The Chairperson shall then ask for a motion from the Committee to conduct interviews. If a motion to conduct interviews is raised by a Committee member, that Committee member may specify at least two, but not more than five, respondents having the highest *Total Final Scores*, as determined in paragraphs III-E-4 and III-E-5. Interviews shall then only be conducted if the motion is seconded and then passed by majority vote by voting Committee members. These respondents shall constitute the interview "short list."
9. After the Selection Advisory Committee Meeting has been adjourned, the Chairperson shall prepare a composite score-sheet for the project. If a discrepancy is found between the sum of the scores entered for each score-sheet category and the total score reported during the Selection Advisory Committee meeting, the Administrator shall contact the Committee member whose score-sheet is in question and allow modification to category scores for clarification. However, the Administrator shall insure that the total score reported by the Committee member at the Committee meeting is not altered as a result of corrections made to category scores.

F. INTERVIEWING RESPONDENTS ON THE SHORT LIST

1. The Administrator shall notify each respondent on the short list in writing that the Committee has selected them to be interviewed and inform them of the place, date and time the Committee will conduct the interviews, as well as the duration of the interview and the amount of time allocated for the respondent's presentation and for questions from the Committee. A respondent may decline to be interviewed, in which case the Committee will interview only the respondents agreeing to be interviewed.
2. Each respondent will be required to make a presentation that will address items related to the project. Each presentation will be followed by questions from the Committee. The items will normally require the respondent to expand on some aspect of the project such as the technical approach, elaborating on the respondent's understanding of the scope of the project, design problems that must be dealt with, and other items that will allow the Committee to determine the best qualified respondent. The items will be formulated by the Project Manager in conjunction with the Chairperson and the other committee members. One item will always be "overall presentation and response to questions from committee members." Points will be assigned to these items so that the total equals 100. The items will become the evaluation criteria for each interview. Each respondent on the short list will be informed of the presentation items and the point value assigned to each item prior to the interview. These items shall be stated as criteria on each committee member's interview evaluation form.
3. Interviews shall be closed to the public. At the conclusion of all interviews the Chairperson shall:

- a. Ask each member of the Committee to comment on their evaluation of each respondent interviewed.
- b. Have committee members write down their scores on the score-sheets provided.
- c. Collect and verify all committee member score-sheets.
- d. Eliminate the highest and lowest score for each respondent interviewed and total the remaining scores. Add these scores to the verified *Total Final Scores* for each respondent from the proposal evaluations to determine the final ranking of the respondents. The highest scoring three (3) respondents, in rank order, shall then become the Committee's recommendation to the Executive Director.

G. COMMITTEE'S RECOMMENDATION

The Administrator shall prepare a Staff Report to the Authority's Board of Directors stating the Committee's recommendations to the Executive Director of the highest three (3) ranked respondents as determined by the procedures set forth in sections E and F above. If the Committee determines that there are less than three respondents qualified to provide the services, only those respondents deemed qualified shall be recommended to the Executive Director. The Committee composite score-sheet shall be attached to the Staff Report for the Executive Director together with an "Analysis Sheet" and the minutes of all the Committee's meetings.

H. EXECUTIVE DIRECTOR'S RECOMMENDATION

1. The Administrator and the Project Manager shall be prepared to answer any questions the Executive Director may have.
2. The Executive Director shall review the Staff Report and submit the Committee's recommended list of qualified respondents to the Authority's Board of Directors and indicate the order in which they are recommended. If the order in which the respondents are recommended is different from the Committee's order, the Executive Director shall explain the difference.

I. BOARD OF DIRECTORS APPROVAL

1. The Administrator and the Project Manager shall attend the Authority's Board of Directors meeting when the Board of Directors acts on the Executive Director's recommendation and shall be prepared to answer any questions from the Board members.
2. After Board of Directors approval, the Administrator shall notify, by letter, the consultants approved by the Board of Directors of their ranking. The number one ranked consultant shall be provided instructions on procedures to follow to effect a services agreement with the Authority. A copy of this letter shall be sent to the Chair of the Board of Directors. The Administrator shall be the point of contact for questions from all respondents concerning the Committee actions regarding the selection.
3. Should the Authority be unable to negotiate a satisfactory services agreement with the number one ranked consultant within sixty (60) calendar days after notification of the Board of Directors approval of their selection, based upon unreasonable delay or unreasonable cost, negotiations with that consultant shall be formally terminated by the Executive Director or his designee. The Authority shall then undertake to negotiate a services agreement with the second

ranked consultant. Should the Authority be unable to negotiate a satisfactory services agreement with the number two ranked consultant within sixty (60) calendar days after their notification, based upon unreasonable delay or unreasonable cost, negotiations shall be formally terminated. The Authority shall then undertake to negotiate a services agreement with the third ranked consultant. If those negotiations prove unsuccessful within sixty (60) calendar days after their notification, and are formally terminated, and there is still a need for the services, a new Notice of Request for Proposal shall be prepared and the entire selection process, as delineated in the Selection Advisory Committee Ordinance and these Rules and Regulations, shall be repeated.

4. When the Executive Director or his designee determines that the Authority is unable to negotiate a satisfactory services agreement with a consultant within the sixty (60) days stipulated above, the Administrator shall prepare a Staff Report to the Board of Directors stating the reasons for terminating negotiations.

IV. SELECTION OF A POOL OF QUALIFIED CONSULTANTS FOR SMALLER PROJECTS

The General Manager may request the use of the Selection Advisory Committee process for the selection of a pool of qualified consultants to provide services for smaller projects in various professional disciplines, e.g. surveying, geotechnical, miscellaneous small diameter water and sewer line work, miscellaneous building facility structural, electrical, mechanical and HVAC work, and other categories of work as appropriate.

- A. The procedures for selecting a pool of qualified consultants shall be the same as defined by Section III of these Rules and Regulations except that the highest scoring five (5) consultants, as evaluated by the Selection Advisory Committee, shall be recommended for selection to the Executive Director, who will forward such recommendation to the Authority Board of Directors for approval.
- B. The General Manager and/or his designated Project Manager shall assign work to the selected and qualified consultants within each category of work based upon the particular qualifications of the respective firms for the work needed by the Authority, and based upon the amount of work currently under contract by the respective firms within that category.
- C. Each consultant selected under this provision shall enter into a contract with the Authority for work to be performed within their qualified discipline at a cumulative level of compensation not exceeding two hundred thousand dollars (\$200,000), exclusive of New Mexico Gross Receipts Tax, and not exceeding a period of two years.
- D. The General Manager and/or his designated Project Manager shall provide the consultant a description of the desired services and schedule for each specific project assignment. The consultant shall submit a detailed proposal for the scope and cost of services delineating the man-hours required by the consultant or its sub-consultants. The consultant shall receive a written work authorization from the Authority before proceeding with the specific project work.
- E. The General Manager shall maintain an on-going pool of qualified consultants, selected under this provision, in order to provide the Authority with such consultant services within the various work disciplines and categories on an as-needed basis.

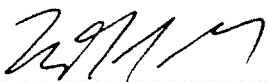
V. EMERGENCY SELECTION

If the General Manager determines that there are urgent and compelling reasons for the Executive Director to exercise authority to approve the emergency selection of firms or persons to provide professional services, as provided for in Section 6-1-8 of the Selection Advisory Committee Ordinance, the following procedure shall be followed:

- A. The General Manager notifies the Administrator, in writing, of the required services and the urgent and compelling reason for emergency selection.
- B. The Administrator convenes a meeting between the General Manager and two professionally registered Authority staff members. If architectural services are required, a Registered Architect (R.A.) employed by a public utility or a public works service agency shall attend the meeting, or if engineering or surveying services are required, registered Professional Engineers (P.E.) employed by the Authority shall attend, or if landscape architectural services are required, a Registered Landscape Architect (R.L.A.) employed by a public utility or a public works service agency shall attend.
- C. The General Manager and the registered Authority staff members shall recommend a firm or person and two alternates to provide the services.
- D. The Administrator shall notify the recommended firm or person of the Authority's desire to engage them on an emergency basis and determine if the firm or person can accept the emergency selection. If the firm or person cannot accept, the Administrator shall notify the first alternate. Should that also prove unsuccessful, the second alternate shall be notified. Paragraph C and D shall be repeated, if required, to obtain a recommended firm or person for emergency selection.
- E. The Administrator, in conjunction with the General Manger, shall prepare a memorandum to the Executive Director describing the urgent and compelling reasons for requesting the Executive Director's approval of emergency selection of the firm or person recommended by the General Manager and the registered Authority staff members. The Administrator shall prepare a Staff Report from the Executive Director to the Board of Directors notifying the Board of Directors of the emergency selection.
- F. Upon approval by the Executive Director of the emergency selection, the Executive Director shall transmit the Staff Report to the Board of Directors.
- G. Should the Authority be unable to conclude a satisfactory services agreement with the selected firm or person within sixty (60) calendar days after their notification, Section III (I) (4) shall be followed before the above Paragraphs B through F are repeated.

VI. EFFECTIVE DATE AND FILING

These Rules and Regulations are adopted and shall become effective this 15th day of April, 2008 and supersede all such previous Rules and Regulations.



Mark S. Sanchez, Executive Director

ATTACHMENT #1

NOTICE OF REQUEST FOR PROPOSAL



**ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY
NOTICE OF REQUEST FOR PROPOSALS FROM
[List Type] ENGINEERING CONSULTANTS FOR**



**LIST OFFICIAL NAME OF THE PROJECT HERE
PROJECT NO. XXXX**

PROPOSALS DUE: [Enter a Date Due]

Proposals from professional engineering firms or persons to provide professional services for the above project will be received until **3:00 p.m.** on the date shown above, at the Water Utility Authority (WUA) Selection Advisory Committee Office, Albuquerque Bernalillo County Water Utility Authority, One Civic Plaza, 5th Floor, Room 5027, Albuquerque/Bernalillo County Government Center, Albuquerque, NM 87102. No proposals will be accepted after the time specified.

Request for proposal packets may be picked up at the WUA Selection Advisory Committee Office.

Project Description:

[For example] Design and possible construction phase services for a variety of small or specialty projects when directed by the Water Utility Department during a 36 month time period. The types of projects are water and sanitary sewer lines, water system facilities and wastewater system facilities. Possible additional services of Geotechnical investigations, electrical and mechanical studies and drainage reports may be required. The Water Utility Department will issue a work authorization for each project, which typically, will require fast response design to meet urgent and possibly emergency situations.

NO Pre-submittal meeting will be held for this project.

Estimated Fee: **\$200,000.00**
 WUA Project Manager: **William Balch – 768-2729**
 WUA Division: **Water Reclamation**

Proposal Format:

Respondents shall provide six (6) copies of their proposal. Interviews may be held from a "short list" of respondents determined by the Selection Advisory Committee. Short listed respondents will be required to make a presentation to the Selection Advisory Committee addressing project related items selected by the Committee. If interviews are not held, the proposal will be the basis for recommending firms or persons to the Executive Director to provide professional services for the project. The format for the proposal plus the point value of each category that will be evaluated by the Selection Advisory Committee shall be as follows:

	Points
I. General Information	5
II. Project Team Members	30
III. Respondent Experience	30
IV. Technical Approach	15
V. Cost Control	10
VI. Quality and Content of Proposal	10
(Reserved for Committee Use Only)	

A copy of the Rules & Regulations and information concerning what is required in each category may be obtained from the WUA Selection Advisory Committee Office.

Proposals shall be bound and limited to a maximum of fifteen (15) pages (single sided) excluding the introductory letter, any applicable agreement and insurance certificates, the title page, the table of contents, dividers between categories, and the front and back cover/binder pages. All other 8 ½" x 11" pages shall be

numbered. Any 17" x 11" pages shall be numbered as two pages. Drawings on 24" x 36" sheets shall be numbered as four pages. The proposal should be as clear and concise as possible and still provide the WUA Selection Advisory Committee with information addressing the requirements in each of the first five categories stipulated above (respondents do not respond to Category VI). Proposals longer than the specified page limitation will be rejected and will not be evaluated.

If any significant text detailing any aspect of the current project, prior consultant projects or the consulting firm is found on any page not normally counted as part of the maximum page limitation, that page may be considered to be part of the respondent's proposal and may be counted as part of the maximum page limitation, as determined by the WUA SAC Administrator.

Selection of qualified professional firms and/or persons will be pursuant to the provisions of Section 6 of the Ordinances of the Albuquerque Bernalillo County Water Utility Authority. The Selection Advisory Committee meeting to determine recommended selections will be held at least two weeks after receipt of the proposals. For exact time and place call the WUA Selection Advisory Committee Office at 768-2500 after **[proposal due date]**.

Anyone submitting a proposal in response to this notice must agree to enter into the Standard Agreement that applies to the project and to meet the insurance requirements described in that Agreement. All proposals submitted shall contain a fully completed and executed "Agreement and Insurance Certification" form. At least one copy of the respondent's proposal must contain the required Agreement and Insurance Certification form containing an original notary seal. Proposals not containing this form shall be non-responsive and shall not be considered for evaluation. A copy of the Standard Agreement that shall be used for the project and the "Agreement and Insurance Certification" form may be obtained from the WUA Selection Advisory Committee Office at the address given above.

For those projects which are federally funded, the selected firm and/or persons will be required to comply with the applicable federal requirements including those relating to Equal Opportunity in Employment.

Basic Services compensation for those firms and persons who are selected to provide services for the listed project will be negotiated in accordance with Section 6-2-3 of the Ordinances of the Albuquerque Bernalillo County Water Utility Authority, entitled "Compensation for Basic Services of Consulting Engineers, Architects and Landscape Architects."

Responses received pursuant to this advertisement may constitute public records of the Albuquerque Bernalillo County Water Utility Authority subject to disclosure to any interested party under the Inspection of Public Records Act (Section 14-2-1 through 14-2-3 N.M.S.A. (1978)). A responding firm and/or person submitting a response believed to contain "trade secrets" within the meaning of Section 30-16-24 N.M.S.A. (1978) should clearly designate the response as such by printing the words "TRADE SECRET" on the top portion of the front cover of their response. The responding firm and/or person may restrict distribution of their response to only those individuals involved in review and analysis of responses. The Albuquerque Bernalillo County Water Utility Authority will attempt to restrict distribution of a designated response as directed by the submitting party.

Signed: _____
Mark S. Sanchez, Executive Director
Albuquerque Bernalillo County Water Utility Authority

To be published in the Albuquerque Journal on **[date]**, and **[date]**.

ATTACHMENT #2

COMMITTEE EVALUATION FORM

WATER UTILITY AUTHORITY SELECTION ADVISORY COMMITTEE EVALUATION FORM

COMMITTEE MEMBER:

PAGE OF

PROJECT: XXXX, NAME OF CIP PROJECT

DATE:

Evaluation Criteria	Max Points	Firm Name	Firm Name	Firm Name	Firm Name	Firm Name
I. General Information 1. Provide name, address and telephone number of respondent and, if a consultant firm, when the firm was established. 2. Provide the number of employees, technical discipline, registration and registration number. 3. Indicate where the services are to be performed.	5					
II. Project Team Members 1. Provide an organization plan for management of the project. 2. Identify all consultants to be used on the project. 3. Provide qualifications of project team members shown in organization plan, including registration and membership in professional organizations. 4. Provide any unique knowledge of key team members relevant to the project.	20					
III. Respondent Experience 1. Describe previous projects of a similar nature, including client contact (with phone numbers), year services provided, construction cost (if applicable), and a narrative description of how they relate to this project. 2. Provide examples of the Project Manager's experience within the past five (5) years that serves to demonstrate the Project Manager's knowledge of Authority procedures.	25					
IV. Technical Approach 1. Describe respondent's understanding of the project scope. 2. Describe how respondent plans to perform the services required by the project scope. 3. Describe specialized problem solving required in any phase of the project.	25					
V. Cost Control 1. Describe cost control and cost estimating techniques to be used for this project. 2. Provide comparisons of bid award amount to final cost estimate for projects designed by the respondent during the past two (2) years. The consultant may provide justification for any discrepancies that may exist with this information.	20					
VI. Quality and Content of Proposal 1. Evaluator's rating of overall quality of proposal.	5					
TOTAL POINTS	100					

