

DEPARTMENT OF THE PRESIDENT
BOARD OF PUBLIC SERVICE
POLICIES AND PROCEDURES FOR PROCUREMENT OF
PROFESSIONAL SERVICE AGREEMENTS
(Revised January 2005)

Marjorie L. Melton, P.E.
President
Board of Public Service

1. INTRODUCTION

The Department of the President, Board of Public Service (BPS), is responsible for providing quality, responsive, and cost-effective design and construction support to the City of St. Louis. The majority of planning, engineering, design, surveying and mapping services are procured through Professional Service Agreements. Other professional services that logically or justifiably require performance by registered architects or engineers are likewise procured by Professional Service Agreements. These services include studies, investigations, tests, evaluations, program management, construction management, project management, conceptual design, plans and specifications, value engineering, drawing reviews, development of operating and maintenance manuals, and other related services.

2. PURPOSE

This document outlines **policies and procedures for the procurement** of those professional services outlined above, pursuant to City Ordinance #64103 (**Enclosure 1**).

3. BPS ORGANIZATION

BPS is a highly centralized organization and is located in Room 301 City Hall, 1200 Market Street, St. Louis, Missouri 63103. BPS is responsible for the public announcement of requirements for A-E services, the selection of firms, the negotiation and administration of contracts, and quality assurance of work performed by consultants.

4. QUALITY-BASED SELECTION

Congress, in 1972, enacted the "Brooks Architect/Engineer Act". This law requires Federal agencies to award A/E contracts to firms based on their "demonstrated competence and qualification" subject to negotiation of a fee "fair and reasonable to the government" rather than awarding such contracts to the lowest bidder. In 1983, a similar law was enacted by the Missouri Legislature (RS170 1984 Section 8.25 through 8.29). A-E services within the City of St. Louis are procured in compliance with the Brooks A-E Act. In addition, procurement procedures for City funded projects require compliance with **Mayor's Executive Order 28** as amended, to assure improved opportunities for minorities and women in the design and construction industries.

5. MBE/WBE OR DBE PARTICIPATION

Under the Mayor's Executive Order 28 as amended, the City of St. Louis has established the goals of at least 25% minority-owned business enterprise (MBE) participation and at least 5% women-owned business enterprise (WBE) participation of the original agreement amount in contracts where City funds are expended. These goals remain in effect throughout the life of the agreement. When an agreement is executed with M/WBE participation less than the minimum goal, the consultant shall continue good faith efforts throughout the life of the agreement to increase the MBE/WBE participation to meet the minimum goals. Firms that historically fail to meet MBE/WBE goals may be penalized in the selection scoring process described below. Consultants who are unable to meet the M/WBE goals shall request a waiver of the goals. This request for waiver should be addressed to the President of the Board of Public Service with a copy to the DBE Program Office explaining all factors affecting this Request for Waiver.

For projects financed with a grant provided by the FAA, the consultant shall comply with the Disadvantage Business Enterprise (DBE) subpart of the Federal Regulation 49 CFR Parts 23/ 26; "Participation by Disadvantaged Business Enterprises in DOT Programs" dated February 2, 1999 instead of the City's "**consent degree**" Mayor's Executive Order 28, as amended. Other federal grants or funding sources may require DBE participation rather than M/WBE. The M/W/DBE Directory website is www.mwdbe.org

Whenever additional agreement addenda, extra work, or change orders are made that individually, or in the aggregate, increase the total dollar value of the individual agreement, the consultant shall make every effort to appropriately levitate the level of MBE/WBE or DBE participation as established in the original agreement.

Appendix A contains details on MBE/WBE or DBE Participation and Utilization.

6. A-E LIABILITY

The City requires that the selected firm maintain professional liability insurance. The selected firm will be responsible to the City to correct all errors, omissions, and/or deficiencies in its designs or other services, or will be responsible to pay for corrective actions.

7. STANDARD FORM 330/AFFIRMATIVE ACTION PLAN

Standard Form 330 (SF330, **Enclosure 2**) is used by A-E firms to submit their professional qualifications and provides basic information about their capabilities and experience. A-E firms are encouraged to submit a current SF330-PART II-GENERAL QUALIFICATIONS to the Department of the President, Board of Public Service. Multi-office firms should submit a separate SF330 for each branch office and for the total firm, if desired. The SF330 may be requested from and filed with the following:

Department of the President, Board of Public Service
ATTN: Contract Administrator
Room 301, City Hall
1200 Market Street
St. Louis, MO 63103
(314) 622-3535

The President may post in newspapers, the *City Journal*, or other publications from time to time a “Notice to Design Firms” indicating that such a file is maintained and inviting interested firms to submit qualifications and information (**Enclosure 3**). Forms submitted must be in black and white. Automated software may be used to prepare SF330’s provided the general order and format of the information are maintained. Firms must submit the SF330 form only.

AFFIRMATION ACTION PLAN

As part of each consultant’s submittal of Professional Qualifications, they should include a copy of their company’s current Affirmative Action Plan or a letter signed by a senior company official that the Affirmative Action Plan is on file.

8. DESIGNATION OF SELECTION COMMITTEE MEMBERS

The evaluation process is conducted by formally constituted pre-selection and selection committees at the President’s Office. Selection committee members are highly qualified, professional City employees having experience in architecture, engineering, construction, and the specific type of work being contracted. City Ordinance #64103 states that “*every Professional Service Agreement for public works improvements shall be approved and recommended by a committee consisting of (1) the President of the Board of Public Service or the President’s designee; (2) one other member of the President’s staff selected by the President; (3) the head of the department under whose jurisdiction lies the proposed project, or his designee; (4) one member of that department’s staff selected by that department head; and (5)*

one person selected by the President of the Board of Public Service from a list of current employees of the City of St. Louis, who are qualified in the profession for which the contract is sought. Each member of the Committee shall be a voting member.”

9. REQUEST FOR A-E SERVICES

The City department or agency requesting work to be performed shall send a letter to the President of the Board of Public Service with a copy to the DBE Program office requesting a selection committee be established to select an A-E consultant to perform the work. The scope of the work must be included with the request. The President will assist in the development of the scope of work, if requested. The request will be granted if the President determines the scope is well defined, and the City does not have sufficient resources to perform services requested.

10. ANNOUNCING REQUEST FOR QUALIFICATIONS FOR A-E SERVICES

Request for Qualifications (RFQ) will include Purpose, Scope of Services, Submittal Procedure/Due Date, Qualification Evaluation Criteria, M/W/DBE Goal, Selection Process, and Point of Contact Information. (Sample Request for Qualifications presented as **Enclosure 4**.)

The RFQ for A-E services will generally be publicly announced for City projects. The Board of Public Service will use the *City Journal*, newspaper ads, and its website to announce upcoming projects.

Requests for Qualifications packages may be downloaded from the BPS website www.stlbps.org under Contracts & Bids, Professional Services; picked the RFQ up at Board of Public Service, 1200 Market Street, Room 301 City Hall, St. Louis, MO 63103; or you may call BPS at 314-589-6214 to obtain a faxed copy.

11. SELECTION PROCESS

In accordance with the BPS Policies and Procedures for Procurement of Professional Services, consultants will be selected in one of the following four (4) approaches discussed below. Selection of consultants for A-E services will be based on qualifications, comparable recent

experience, capacity to perform the work in the allotted time, ability to complete projects on time and within budget, and familiarity with and proximity to the project.

A notice of the time and place of the selection committee meetings shall be posted in the BPS office in accordance with the State “Sunshine Law”. Minutes of all selection committee meetings shall be taken and filed in the contract administrator’s office.

A. Tier I Selection

The President will have the selection committee review SOQ’s submitted. For projects with engineering fees of less than \$500,000.00, selection will be based on the Statement of Qualification (SOQ) submittal. The SOQ’s will be sent to the selection committee members for review. After review of the documents, the President will convene the selection committee to discuss the SOQ’s. The selection committee will then score the SOQ’s. (Tier I Evaluation Criteria presented as **Enclosure 5A**.)

After total point score from each committee member is calculated (from Tier I Evaluation Criteria), each firm will be given a ranking (i.e., 1,2,3,4, etc.) based on overall evaluation score. All committee member rankings will be calculated, and the firm with the lowest ranking score will be the firm selected to enter into contract negotiations with the City. A letter will be sent to all firms who submitted a SOQ informing them of the outcome. The BPS website will be updated to indicate the name of the selected firm.

B. Tier II Selection

For projects with estimated design fees of more than \$500,000.00, the selection committee will meet to evaluate the SOQ’s submitted (Evaluation Criteria for Tier II Short List is presented as **Enclosure 5B**). After total point score from each committee member is calculated, each firm will be given a ranking (i.e., 1,2,3,4, etc.) based on overall evaluation score. All committee member rankings will be calculated, and the three firms with the lowest ranking score will be invited to make a presentation of their qualifications to provide the services requested. Evaluation Criteria to Select Consultant

(presented as **Enclosure 5C**) will be utilized during presentations. Once evaluations are completed and scored, each of the three firms will be given a ranking (1, 2, 3), and the lowest-ranking firm will be selected to enter into contract negotiations with the City. A letter will be sent to all firms who made presentations regarding the outcome. The BPS website will be updated to reflect the name of the selected firm.

C. SF 330 Selection:

In the event that time is critical for the City to enter into a contract for design services, the President may direct the selection committee to short list qualified firms from the SF 330s on file with the Department of the President, Board of Public Service. The selection committee will review the list of qualified firms for a specific, applicable profile code, and invite an appropriate number of firms to submit Statement of Qualifications for evaluation and selection under the Tier I Selection Process.

Regardless of the selection process utilized, it is strongly recommended that any engineering/architectural firm wishing to provide professional services to the City of St. Louis submit a current SF330 – PART II – GENERAL to the Department of the President, Board of Public Service. Having the SF330 on file allows the selection committee access to current information regarding A/E firms.

D. Sole Source:

Selection committee determines that continuity of service, or prior knowledge or experience would make other considerations unfeasible/uneconomical, or that an emergency exists that would make other processes unfeasible.

E. Prohibition of Firms' Contact With Selection Committee Members

As soon as a consulting firm submits their SOQ for a specific project, personnel of the firms shall not make direct or indirect contact, be it oral or written, with the selection committee or any committee member(s) except that which may be required by the conduct of City business unrelated to the selection process. Any contact outside of the conduct of ongoing City business may render the process invalid and/or cause that firm to

be disqualified if in the opinion of the chairperson of the committee, the contact was intended to influence the outcome of the selection process.

F. Notification Of Successful And Unsuccessful Firms

A letter shall be sent from the President's Office advising those firms who submitted SOQ's or made presentations of the results of the selection process. The letter to the successful firm will name an individual who will be their contact to develop the Professional Service Agreement and work out, among other items, the detailed scope of work, fees and payments, and length of the contract. The BPS website will be updated to indicate the firm selected for this project.

Firm(s) may request a debriefing in writing to the President within 10 days after receipt of selection notification. Debriefings will not be made during the short listing process.

The debriefing may be conducted by telephone or in person. Specific qualifications of other firms will not be discussed. Generally, the debriefing will be by the committee chairperson. A record of the de-briefing shall be kept on file in the President's Office.

12. PRESENTATIONS

Presentations will be scheduled at a time and place established by the President. A letter will be sent to each firm short-listed (**Enclosure 6**).

Considerable discussion and thought will take place within the selection committee prior to final scoring/voting. Therefore, it is imperative that the presentations be tailored specifically to the evaluation criteria to facilitate objective evaluations and scoring of each firm's qualifications and capacity to perform the work. The selection committee recognizes the difficulty in presenting the capabilities of a professional organization within the restricted time established for presentations. Nevertheless, firms are encouraged to be straightforward, concise, confident, and professional. The selection committee, when interviewing the firms, will evaluate the firms in accordance with the criteria presented in Enclosure 5C.

The selection committee may eliminate any of the items, except items relating to M/W/DBE participation, that they deem not applicable, or may add appropriate items for a specific project. The Presentation Evaluation Score Sheet will be used for making a final selection. Any material left behind for the selection committee's use shall be limited to 10 pages (8 1/2" x 11") only with a minimum font size of 10. Attachments to the document will not be accepted. Once evaluations of the presentations are complete, the highest-ranking firm will be notified by letter and directed to whom they should contact regarding contract negotiations.

Following each interview the Selection Committee Chairman will solicit feedback from each committee member as indicated on **Enclosure 7**.

13. MBE/WBE OR DBE CONSIDERATION IN SELECTION PROCESS

Special focus and attention will be given to identifying and evaluating MBE/WBE or DBE firms to perform as prime consultants. The selection committee will pay special attention to majority firms who have demonstrated the ability to attract MBE/WBE or DBE firms as team members to satisfy the established goals. Note also that MBE/WBE or DBE firms must be certified by the City (St. Louis Airport Authority DBE Office). DBE consultants and subconsultants must be certified as eligible in accordance with 49 CFR, Part 26. M/WBE firms must be certified at the time the SOQ is submitted, but a DBE firm need only be certified at the time of contract award. The City will insist that the team structure (Prime/Sub, or Joint Venture) presented during the presentation will be the team committed to the project throughout the duration, and the proposed participation levels for MBE/WBE or DBE firms are maintained.

14. DISCLOSURE STATEMENT

Before final scoring or voting, each member of the selection committee shall submit to the selection committee chairperson, a statement of personal or private interest in accordance with Ordinance #64103. If any member feels for any reason his further participation may cause the selection process to be questioned, they shall recuse themselves. If the chairperson recuses himself, the committee shall elect a new chairperson. The disclosure statement is presented as **Enclosure 8**.

15. CONTRACT NEGOTIATIONS

The individual named by President of the Board of Public Service shall be the negotiator for the City and will keep minutes of all negotiation sessions. These minutes shall be maintained in the Professional Service Agreement file. The Record of Negotiation (RON) shall include all cost analyses including project complexity issues, overhead factors, construction costs, attainable profit, etc. One or more negotiation conferences are usually held to discuss and refine requirements. The firm then prepares and submits a price proposal as instructed. The firm will also be provided a copy of the BPS Performance Evaluation form (Enclosure 9) and an explanation of its use. If BPS cannot arrive at a cost effective and competitive contract with the selected firm, negotiations shall be formally terminated, and negotiations begun with the next highest-ranking firm. This process should continue through the third highest-ranking firm. If an agreement is not reached following negotiations with the third highest-ranking firm, the President shall advertise for services, and the process shall begin again.

16. CONTRACT TYPES

Two contract types are principally used in BPS for A-E services: *Cost Plus-Fixed Fee* and *Indefinite Delivery* (ID). Cost plus contracts are used for most Statement of Work (SOW) projects when the SOW can be reasonably defined.

Indefinite Delivery contracts are typically used when procurement of the A-E services by separate contracts would be uneconomical or untimely. Work is accomplished by individually negotiated task orders. ID contracts usually include option years with the same monetary limit. The ID contract consists of negotiated rates for all anticipated labor disciplines, overhead, tests, supplies, travel, and in some cases, profit. These contract rates are then used in pricing individual task orders. Monthly progress payments are also made based upon completed work for each order. A specified minimum dollar value is guaranteed for an ID contract.

17. CONTRACT AWARD

A formal contract will be drawn and executed according to applicable law. Responsibility for execution of the contract will remain with the Department of the President, Board of Public Service. When the terms of the contract are determined, the selection committee will meet, or a summary of the contract will be sent to each member. The selection committee will then concur

with the contract terms and fees, and the concurrence will be kept on file. The selection committee is to assure the fee is competitive and cost effective.

The Professional Service Agreement file will also contain minutes of selection committee meetings, the ballots, Disclosure Statements, and sign-in sheets of those individuals from firms making presentations.

Each project will be governed by a written contract, which is fully executed. The contract should contain as a minimum:

- Scope and nature of services
- Designation of the responsibilities of both parties
- Mandated standard clauses
- Schedule for completion of the project
- Type, content, and frequency of reports to be submitted
- Information to be supplied by the City
- Procedures for resolving disputes
- Auxiliary services
- Extra services
- Drawings and documents (size, type, and number)
- Fees and payments
- Cancellation
- Abandonment and suspension
- Decisions under agreement
- Insurance
- Minimum wage law
- City's right to conduct contract audits and to request detailed data from consultants
- Equal Opportunity Clause/Affirmative Action Program
- MBE/WBE OR DBE Participation/Utilization Plan
- Federal clauses for projects financed with a grant provided by the FAA.
- Charter requirements

Before a contract is submitted to the Comptroller, the individual, partnership, or corporation awarded the contract shall receive clearance from the Collector of Revenue and License Collector, as required. Such clearance shall be forwarded to the Comptroller with the contract. The Assessor will also be provided the name and address of those with whom the City has entered a contract.

18. PERFORMANCE EVALUATIONS

Past performance is a very critical consideration in the selection of firms for A-E contracts. For all Professional Service Agreements, a performance evaluation will be prepared after the completion of the Architecture or Engineering Services. In cases of lengthy contracts or multiple phased contracts, interim ratings by the Board of Public Service may be issued. An evaluation is also prepared after the completion of construction projects, when applicable. For an *Indefinite Delivery* contract, an interim, cumulative evaluation will be prepared at the end of each year of the contract covering all work completed at that time. A final contract evaluation will be prepared after all task orders have been completed. The performance evaluations will be given to the Selection Committee members for their use during the evaluation process. The evaluation form will be used to conduct the performance evaluation. Selected firms will receive a blank copy of the evaluation form upon completion of the contract negotiations.

The President of the Board of Public Service may, from time to time, revise these Policies and Procedures. Public Notice of such revisions shall be posted on the Board of Public Service website @www.stlbps.org.

ENCLOSURE 1
ORDINANCE #64103

St. Louis City Ordinance 64103

St. Louis City Ordinances have been converted to electronic format by the staff of the St. Louis Public Library. There may be maps or illustrations (graphics) that are not available in this format. This electronic version has been done for the interest and convenience of the user. These are unofficial versions and should be used as unofficial copies.

Official printed copies of St. Louis City Ordinances may be obtained from the Register's Office at the St. Louis City Hall.

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 104

INTRODUCED BY ALDERMAN [FRANCIS SLAY](#) , [FRED WESSELS](#) , [JAMES SHREWSBURY](#)

An ordinance authorizing the President of the Board of Public Service to enter into professional service agreements (“PSA's”) through the Board of Public Service and other city departments; establishing selection committees; requiring selection committee members to complete Financial Disclosure and Conflict of Interest Statements; and authorizing the President of the Board of Public Service to adopt rules and regulations for the selection process.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The President of the Board of Public Service is authorized to entered into contracts for professional services (PSA’s) related to public works improvement.

SECTION TWO. Every Professional Service Agreement for public works improvements shall be approved and recommended by a committee consisting of (1) the President of the Board of Public Service or the President’s designee; (2) one other member of the President's staff selected by the President; (3) the head of the department under whose jurisdiction lies the proposed project, or his or her designee; (4) one member of that department's staff, selected by that department head; and (5) one person selected by the President of the Board of Public Service from a list of current employees of the City of St. Louis who are qualified in the profession for which the contract is sought. Each member of the Committee shall be a voting member.

SECTION THREE. Before voting as a member of the committee each member shall submit to the President of the Board of Public Service a statement of personal or private interest which shall disclose any ownership by the individual or the individual’s spouse, children, children’s spouse, parents, siblings, or siblings’ spouse whether singularly or collectively, directly or indirectly of any business entity under consideration by the committee; or the

receipt of a salary, gratuity, or other compensation or remuneration during the three years prior to the date of the committee selection meeting by the individual or the individual's spouse, children, children's spouse, parents, siblings or siblings' spouse whether singularly or collectively, directly or indirectly from any business entity under consideration by the committee. All disclosure statements shall be made a part of the record of the committee's selection process which shall be maintained by the department seeking the contract.

SECTION FOUR. The President of the Board of Public Service shall provide to the office of the Collector of Revenue, the office of the License Collector, the Assessor and the office of the Comptroller the name and address of every individual, partnership or corporation awarded a contract under the provisions of this ordinance.

SECTION FIVE. The Board of Public Service is authorized to adopt rules and regulations consistent with this ordinance to provide for the selection process of professional service providers.

SECTION SIX. Any contract for professional services entered into in violation of this ordinance shall be null and void.

ENCLOSURE 2

FORM 330
ARCHITECT-ENGINEER QUALIFICATIONS

ENCLOSURE 3

NOTICE TO DESIGN FIRMS

NOTICE TO DESIGN FIRMS

The City of St. Louis notifies all design firms interested in doing business with the City that it selects consultants on a qualification based process. Generally, the City advertises Request for Qualifications for specific jobs, but may consider firms from those who have submitted their SF330-PART II-GENERAL QUALIFICATIONS. Firms are encouraged to submit this information to the Board of Public Service.

To obtain SF330 form, contact _____ at _____. Information and completed forms should be mailed to her at Room 305 City Hall, 1200 Market Street, St. Louis, MO 63103.

Minority, women, and disadvantaged-owned firms are encouraged to participate in this process. The City is an equal opportunity employer.

Information on projects may be found on our website www.stlbps.org.

Marjorie L. Melton, P.E.
President
Board of Public Service

ENCLOSURE 4

**SAMPLE ADVERTISEMENT FOR
REQUEST FOR QUALIFICATIONS (RFQ)
AND
SAMPLE RFQ**

REQUEST FOR QUALIFICATIONS

CITY OF ST. LOUIS BOARD OF PUBLIC SERVICE

The City of St. Louis invites interested firms to submit Statement of Qualifications (SOQ) to provide _____ **SERVICES**.

The City of St. Louis has established M/WBE participation goals of 25% and 5% for this project.

The RFQ package may be obtained from BPS website www.stlbps.org under Contracts & Bids, Professional Services; by picking RFQ up at Board of Public Service, 1200 Market Street, Room 301 City Hall, St. Louis, MO 63103; or by calling _____ at _____ during the hours of 8am-5pm commencing _____.

Statements of Qualifications will be received no later than **5:00 p.m.**, _____, at BPS at the same address as listed above.

The Board of Public Service reserves the right to accept or reject any or all responses, or to cancel this request in part or in its entirety.

**CITY OF ST. LOUIS
BOARD OF PUBLIC SERVICE**

REQUEST FOR QUALIFICATIONS

Project name

PURPOSE:

The City of St. Louis intends to select a consultant for _____

The Board of Public Service will not consider multiple SOQ submittals by same team composition performing reverse roles; i.e., ABC Team with A as prime and B and C as sub-consultants; B as prime with A and C as sub-consultants; or C as prime with A and B as sub-consultants.

Note: The City does not permit exclusivity agreements with subconsultants.

SCOPE OF SERVICES:

The services to be provided by the consultant under this contract will consist of:

SUBMITTAL OF STATEMENT OF QUALIFICATIONS:

Interested firms shall **submit six (6) copies** of the Statement of Qualifications for the type of work outlined above. SOQ shall be **limited to five single-sided 8-1/2" x 11" pages with a minimum font size of 10 (this does not include copies of the requested professional registrations and M/WBE Utilization form)**. No elaborate special presentation brochures, color pictures, etc. are expected.

The qualifications and envelope shall identify the submittal is for:

STATEMENT OF QUALIFICATIONS

Project Name

Statement of Qualifications will be received no later than **5:00 p.m.**

_____ at the Department of the President, Board of Public Service,
Attention: _____, 1200 Market Street, Room 301 City Hall, St.
Louis, MO 63103. Responses received after this time will not be accepted.

The Board of Public Service reserves the right to accept or reject any or all responses, or to cancel this request in part or in its entirety.

QUALIFICATION EVALUATION CRITERIA:

Statement of Qualifications shall include contact person name, firm name, address, and phone number.

Consultant shall identify Team Composition and their responsibility on the project.

NOTE: Team composition shall remain the same unless change is submitted and approved by the President, Board of Public Service.

The Selection Committee will evaluate each Statement of Qualifications using the following criteria. Submittal shall be in the same sequential format as follows:

Appropriate Evaluation Criteria will be inserted (Tier I or Tier II Selection Process)

MINORITY/WOMEN OWNED BUSINESS ENTERPRISE (M/WBE) PARTICIPATION:

The City of St. Louis is fully committed to involving M/WBE firms in meaningful roles on all consultant contracts. To that end, the City, acting through its DBE Program Office at the Airport, has established a goal of 25% MBE and 5% WBE participation for this consultant contract. The goal is a per cent of the original contract amount for the utilization of firms owned and controlled by minorities and women.

A copy of the City Directory of Certified M/WBEs is available on the internet at www.mwdbe.org or by contacting the Airport DBE Office at 314-551-5000.

CONSULTANT SELECTION PROCESS:

In accordance with the Revised Policies and Procedures for Procurement of Professional Service Agreements (dated June 2003) Tier I Selection, the Selection Committee will meet to evaluate the Statement of Qualifications received and the highest-ranking firm will be selected to provide the requested services. Services will begin immediately after a Professional Service Agreement can be executed with the selected firm/team.

POINT OF CONTACT:

For technical questions, contact _____.

For procedural questions, contact _____.

CITY OF ST. LOUIS
MINORITY/WOMEN BUSINESS ENTERPRISE (M/WBE) UTILIZATION PLAN

CONTRACTING AGENCY:

Project Goal:

PROJECT NAME:

NAME OF PRIME CONSULTANT:

The prime consultant shall utilize and require all subconsultants to utilize the maximum number of certified minority/women business enterprises possible and will purchase materials and supplies from minority/women business enterprises to the maximum extent feasible, and to this end, the prime consultant will inform each subconsultant of this requirement, The prime consultant shall utilize the services and/or supplies to be provided by the following certified minority/women business enterprises in the execution of this contract.

FIRM NAME ADDRESS PHONE NUMBER CONTACT PERSON	CERTIFYING AGENCY CERTIFICATION DATE CATEGORY CERTIFICATION NO.	WORK TO BE PERFORMED	M/WBE PERCENT

 PRIME CONSULTANT AUTHORIZED SIGNATURE

 DATE

ENCLOSURE 5

EVALUATION CRITERIA FORMS:

A: TIER I - STATEMENT OF QUALIFICATION (SOQ)

Fee under \$500,000

Or

SF 330 SELECTION

B: TIER II – SOQ TO SHORT LIST

Fee over \$500,000

C: TIER II - PRESENTATIONS

5A

**EVALUATION CRITERIA (TIER I SELECTION)
SELECT CONSULTANT FROM SOQ (under \$500,000 – no presentations)**

PROJECT:
FIRM:
VOTER:

	<u>ITEM</u>	<u>SCORE</u>
1.	Experience, qualifications, and technical competence of the consultant relative to comparable projects within the last 5 years for which your company was the designer of record; especially, (to be added specific to scope) projects. Consultant to include start and completion dates and references w/names & phone numbers.	(0-15 pts) _____
2.	Experience, qualifications, and technical competence of Project Manager relative to projects described in Item 1. List firm if not firm submitting this proposal.	(0-15 pts) _____
3.	Experience, qualifications, and technical competence of subconsultants relative to comparable projects within the last 5 years. Include % of project completed by subconsultant.	(0-15 pts) _____
4.	Experience of team working together on prior projects. Included in Item 1. Provide dates, references with names & phone numbers.	(0-10 pts) _____
5.	Provide copy of current professional registration certificate from State of Missouri for consultant and each subconsultant, plus copy of current Professional registration for each professional-of-record assigned to project.	(0-10 pts) _____
6.	Capability and capacity of the Consultant/Subconsultants to perform the work within time limitations. Indicate proposed use and availability of all proposed on your team’s organizational chart.	(0-10 pts) _____
7.	Past record of Consultants/Subconsultant’s performance with regard to quality of work, budget control, and ability to meet schedules on projects included in Items 1 and 4. Indicate contract completion dates and dates plans were accepted by the owner. Past record of client satisfaction.	(0-10 pts) _____
8.	Approach to project and any unusual issues/problems anticipated.	(0-10 pts) _____
9.	Understanding of special requirements, codes, and regulations pertinent to the project.	(0-10 pts) _____
10.	Consultant’s plan for M/WBE participation (25% & 5%) (Complete attached M/WBE Utilization Plan Form including what function(s) the DBE firm will be responsible, and submit with Statement of Qualifications.)	(0-10 pts) _____
11.	Indicate past record of meeting M/W/DBE goals for projects included in Item 1.	(0-10 pts) _____
	TOTAL SCORE	(max. 125 points) _____

5B

EVALUATION CRITERIA (TIER II SELECTION)
TO SHORT LIST FROM STATEMENT OF QUALIFICATIONS
(over \$500,000 – presentations required)

PROJECT:

FIRM:

VOTER:

	<u>ITEM</u>	<u>SCORE</u>
1.	Experience, qualifications, and technical competence of the consultant relative to comparable projects within the last 5 years for which your company was the designer of record; especially, (to be added specific to scope) projects. Consultant to include start and completion dates and references w/names & phone numbers.	(0-15 pts)_____
2.	Experience, qualifications, and technical competence of Project Manager relative to projects described in Item 1. List firm if not firm submitting this proposal.	(0-15 pts)_____
3.	Experience, qualifications, and technical competence of subconsultants relative to comparable projects within the last 5 years. Include % of project completed by subconsultant.	(0-15 pts)_____
4.	Experience of team working together on prior projects. If not included in Item 1, provide project names, dates of completion, and references with names & phone numbers.	(0-10 pts)_____
5.	Provide copy of current professional registration certificate from State of Missouri for consultant and each subconsultant firm, plus copy of current professional registration for each professional-of-record assigned to the project.	(0-10 pts) _____
6.	Capability and capacity of the Consultant/Subconsultants to perform the work within time limitations. Indicate proposed use and availability of all proposed on your team's organizational chart.	(0-10 pts)_____
7.	Past record of Consultants/Subconsultant's performance with regard to quality of work, budget control, and ability to meet schedules on projects included in Items 1 and 4. Indicate contract completion dates and dates plans were accepted by the owner. Past record of client satisfaction.	(0-10 pts)_____
8.	Consultant's plans for M/WBE participation (25% & 5%) including what function(s) the M/WBE firm will be responsible.	(0-10 pts)_____
9.	Indicate past record of meeting M/W/DBE goals for projects included in Item 1	(0-10 pts)_____
	TOTAL SCORE	(max. 105 points) _____

EVALUATION CRITERIA (TIER II SELECTION)
PRESENTATIONS
SELECT CONSULTANT (fee over \$500,000 – presentations)

PROJECT:
FIRM:
VOTER:

<u>ITEM</u>	<u>SCORE</u>
1. Qualifications, technical competence, and experience of the consultant relative to this project. (0-15 points)	_____
2. Qualifications, technical competence, and experience of Project Manager relative to this project. (0-15 points)	_____
3. Qualifications, technical competence, and experience of subconsultants relative to this project. (0-15 points)	_____
4. Capability and capacity of the consultant/subconsultants to perform this work within time limitation. Indicate level of participation and availability of all proposed on your team’s organizational chart. (0-10 points)	_____
5. Approach to this project and any unusual issues/problems anticipated. (0-10 points)	_____
6. Understanding of special requirements, codes, and regulations pertinent to this project. (0-10 points)	_____
7. Consultant’s understanding and approach to assuring adequate communication with the owner and providing needed coordination with owner including availability and accessibility to the owner. (0-10 points)	_____
8. Consultant’s plans for M/WBE participation (25% & 5%) including what function(s) the DBE firm will be responsible. (0-10 points)	_____
9. Proximity to and familiarity with the area in which the project is located. (0-5 points)	_____
10. Other items that arise as the result of the interview. (0-10 points)	_____
 TOTAL SCORE	 (max. 110 points) _____

ENCLOSURE 6

PRESENTATION INVITATION LETTER

PRESENTATION INVITATION LETTER

SAMPLE LETTER

DATE

CERTIFIED MAIL

«Name»
«Company»
«Address»
«City»

Dear «Dear»:

You are one of the three firms that the Consultant Selection Committee has chosen to interview for the _____.

The following firms have been shortlisted:

The Consultant Selection Committee consists of:

Your presentation and interview has been scheduled for «Time» on _____ in the President's Conference Room located in Room 305 City Hall, 1200 Market Street, St. Louis, Missouri 63103. We are allowing 35 minutes for your presentation and an additional 15 minutes for questions and answers. Please stay within the time allotted for the presentation portion. **Please confirm in writing to _____, Contract Supervisor, Board of Public Service, Room 301 City Hall, 1200 Market Street, St. Louis, MO 63103, (fax number 314-622-4028), of your intent to appear at the time, place, and date indicated.**

The scope of work was provided to you earlier.

It is imperative that the project team that was outlined in your Statement of Qualifications be the same team making the presentation to the selection committee.

In evaluating the qualifications of each firm, we will assess the following factors:

- Qualifications, technical competence, and experience of the **consultant** relative to this project.
- Qualifications, technical competence, and experience of **Project Manager** relative to this project.
- Qualifications, technical competence, and experience of **subconsultants** relative to this project.

- Capability and capacity of the consultant/subconsultants to perform this work within time limitation. Indicate level of participation and availability of all proposed on your team's organizational chart.
- Approach to this project and any unusual issues/problems anticipated.
- Understanding of special requirements, codes, and regulations pertinent to this project.
- Consultant's understanding and approach to assuring adequate communication with the owner and providing needed coordination with owner including availability and accessibility to the owner.
- Consultant's plans for M/WBE participation (25% & 5%)
- Proximity to and familiarity with the area in which the project is located.
- Other items that arise as the result of the interview.

The M/WBE Utilization Plan Form is enclosed. This form shall be completed and returned to Bette Behan by _____. You may fax this completed form to her at 314-622-4028.

We recognize the difficulty in presenting the capabilities of a professional organization within the restricted time that has been established. Considerable discussion and thought take place prior to final scoring, and it is imperative that your presentation be straightforward, concise, confident, and professional.

Any material developed for the selection committee's use should be limited to 10 pages (8 1/2" x 11") only. Additional information will not be considered.

Please note the City does not permit exclusivity agreements with sub-consultants for the presentation.

Any attempts on behalf of your firm to influence the outcome of the selection process could result in your firm being disqualified.

Also, please submit a copy of your firm's Affirmative Action Program if we don't already have your most recent issue on file.

If you have any technical questions, please contact _____ at _____; if there are procedural questions, call _____ at _____.

Very truly yours,

Marjorie L. Melton, P.E.
 President
 Board of Public Service

cc:

ENCLOSURE 7

**SELECTION COMMITTEE CHAIRMAN FEEDBACK
ON PRESENTATIONS**

DATE: _____

NAME OF CONSULTANT _____

PROJECT TITLE _____

SELECTION COMMITTEE CHAIRMAN

I. Overall Presentation

II. Project Manager

III. Positive Comments

IV. Negative Comments

V. Overall Comments

ENCLOSURE 8
DISCLOSURE STATEMENT

DISCLOSURE STATEMENT

PROJECT

In conjunction with my service as a member of the selection committee regarding the above-referenced Project, I hereby certify as follows:

1. I am familiar with Federal, State and Local regulations and prohibitions pertaining to conflicts of interest, potential conflicts on interest, and/or the appearance(s) of conflicts or potential conflicts on interest including, but not limited to, Articles VII, Section 6 of the Missouri Constitution, Chapter 105 of the Missouri Revised Statutes, Article VIII, Section 8 of the City of St. Louis Charter, the Code of Conduct for the Competitive Service of the City of St. Louis, the City of St. Louis Canon of Ethics, the Official Oath of the City of St. Louis, and all Executive Orders of the City of St. Louis pertaining to said matters and in particular, Ordinances 64102 or 64103 and the Rules and Procedures adapted for these Ordinances.
2. I hereby attest that to the best of my knowledge, information and belief, I am in compliance with, and not in violation of, any of the aforementioned regulations and prohibitions.
3. I hereby attest that neither I, not any relative as described in said Ordinance(s), are currently employed, or have been employed or under contract within the last three (3) years, or have any interest, material or otherwise, with or in any on the firms being considered for the Project referenced above.
4. I hereby attest that no funds have been paid or loaned, or will be paid or loaned to me or those relatives listed below, by any party benefiting from the award of a contract for this Project.
5. List any companies associated with this contract in which you, your spouse, children, children's spouse, parents, siblings or siblings spouse have any personal or private interest, receive a salary, gratuity or other remuneration during a three (3) year period prior to this selection:

<u>COMPANY</u>	<u>RELATIONSHIP</u>	<u>SALARY COMPENSATION AMOUNT</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature

Date

ENCLOSURE 9
PERFORMANCE EVALUATION FORMS

PERFORMANCE EVALUATION ARCHITECT – ENGINEER			A-E CONTRACTOR I.D. NO		
			1. A-E CONTRACT NUMBER		
			2. CONSTRUCTION CONTRACT #		
IMPORTANT: Be sure to complete Performance action on reverse. If additional space is necessary for any item, use Remarks section on reverse.					
3. TYPE OF EVALUATION				4. PROJECT NUMBER	5. DELIVERY OF NUMBERS
3a. PHASE OF COMPLETION ____ Interim ____ % ____ Final	3b. COMPLETION (check one) ____ Design ____ Engineering Services ____ Construction	3c. CHECK IF APPLICABLE ____ Termination Explain in REMARKS			
6. NAME AND ADDRESS OF A-E CONTRACTOR			7a. PROJECT TITLE AND LOCATION		
			7b. DESCRIPTION OF PROJECT IF NOT EXPLAINED BY TITLE		
8. NAME, ADDRESS AND PHONE NUMBER OF OFFICE RESPONSIBLE FOR:					
8a. SELECTION OF CONTRACTOR			8b. NEGOTIATION AWARD OF A-E CONTRACT		
8c. ADMINISTRATION OF CONTRACT			8d. ADMINISTRATION OF CONSTRUCTION CONTRACT		
9. A-E CONTRACT DATA					
9a. TYPE OF WORK PERFORMED BY A-E (DESIGN, STUDY, ETC)			9b. TYPE OF A-E CONTRACT ____ Firm Fixed Price ____ Indefinite Delivery / Indefinite Quantity ____ Cost Reimbursement ____ Other (Specify)		
9c. PROJECT COMPLEXITY ____ Difficult ____ Routine	9d. PROFESSIONAL SERVICE CONTRACT				
	INITIAL FEE	A-E CONTRACT MODIFICATION		TOTAL A-E FEE	
	\$	NO.	AMOUNT	\$	\$
9e. A-E CONTRACT ORDER AWARD DATE		9f. NEGOTIATED A-E CONTRACT COMPLETION DATE		9g. ACTUAL A-E CONTRACT COMPLETION DATE	
9h. DELIVERY ORDER AWARD DATE		9f.1 COMPLETION DATE	9f.2 # OF DAYS	9g.1 COMPLETION DATE	9g.2 # OF DAYS
10. CONSTRUCTION CONTRACT DATA					
a. CONSTRUCTION COSTS	a (1) AUTHORIZED CONSTRUCTION COSTS	a (2) A-E ESTIMATE FOR ITEMS AWARD		a (3) AWARD AMOUNT	
		NUMBER		TOTAL COST	
b. DATA AT TIME OF CONSTRUCTION COMPLETION (Completion date _____)					
c. CONSTRUCTION MODIFICATIONS				\$	
d. CONSTRUCTION MODIFICATIONS ARISING FROM DESIGN DEFICIENCIES				\$	
11. A-E LIABILITY ____ NONE ____ UNDETERMINED ____ PENDING \$ _____ ____ SETTLEMENT \$ _____					
12. OVERALL RATING ____ EXCELLENT ____ ABOVE AVERAGE ____ BELOW AVERAGE ____ POOR			13. RECOMMENDED FOR FUTURE CONTRACTS? ____ YES ____ CONDITIONALLY ____ NO (Explain in REMARKS on reverse)		
14a. NAME, TITLE AND OFFICE OF RATING OFFICIAL PHONE NUMBER:			15a. NAME, TITLE AND OFFICE OF REVIEWING OFFICIAL (A-E Contractor) PHONE NUMBER:		

14b. SIGNATURE	14c. DATE	15b. SIGNATURE	15c. DATE
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16. QUALITY OF A-E SERVICES BY DISCIPLINE

(Completion mandatory for both DESIGN and CONSTRUCTION phases and Engineering Services Evaluations)

16a. DISCIPLINES	DESIGN SERVICES			CONSTRUCTION			16b. DISCIPLINE, NAME AND ADDRESS OF KEY CONSULTANTS (If Applicable)
	5	4	3	2	1	0	
ARCHITECTURAL							
STRUCTURAL							
CIVIL							
MECHANICAL							
ELECTRICAL							
FIRE PROTECTION							
SURVEY AND MAPPING							
COST ESTIMATING							
VALUE ENGINEERING							
ENVIRONMENTAL ENGINEERING							
GEOTECHNICAL ENGINEERING							
HYDROLOGY							
CHEMICAL ENGINEERING							
GEOLOGY							

17. DESIGN PHASE OR ENGINEERING SERVICES:

(Quality of A-E Services Evaluation)

ATTRIBUTES	N/A	3	2	1
THOROUGHNESS OF SITE INVESTIGATION				
QUALITY CONTROL PROCEDURES AND EXECUTION				
PLANS/SPECS ACCURATE AND COORDINATED				
PLANS CLEAR AND DETAILED SUFFICIENTLY				
MANAGEMENT AND ADHERENCE TO SCHEDULES				
MEETING COST LIMITATIONS				
SUITABILITY OF DESIGN OR STUDY RESULTS				
SOLUTION ENVIRONMENTALLY SUITABLE				
COOPERATIVENESS AND RESPONSIVENESS				
QUALITY OF BRIEFING AND PRESENTATIONS				

18. HOW MANY 100% FINAL RESUBMITTALS WERE REQUIRED BECAUSE OF POOR A-E PERFORMANCE?

19. CONSTRUCTION PHASE:

(Quality of A-E Services Evaluation)

ATTRIBUTES	N/A	3	2	1
PLANS CLEAR AND DETAILED SUFFICIENTLY				
DRAWINGS REFLECT TRUE CONDITIONS				
PLANS/SPEC ACCURATE AND COORDINATED				
DESIGN CONSTRUCTIBILITY				
COOPERATIVENESS AND RESPONSIVENESS				
TIMELINES S AND QUALITY OF PROCESSING SUBMITTALS				
PRODUCT AND EQUIPMENT SELECTIONS READILY AVAILABLE				
TIMELINESS OF ANSWERS TO DESIGN QUESTIONS				
FIELD CONSULTATION AND INVESTIGATIONS				
QUALITY OF CONSTRUCTION SUPPORT SERVICES				

20. REMARKS (Attach additional sheets) or Documentation if necessary

APPENDIX A
MBE/WBE OR DBE PARTICIPATION

MBE/WBE OR DBE PARTICIPATION

1. **Policy.** Under the Mayor's Executive Order #28 as amended, it is the policy of the City of St. Louis that the effects of identified discrimination against minority business enterprises and women business enterprises within its jurisdiction shall be eradicated as part of the overall City business and economic development strategy. The method that the City shall employ to implement that policy is the establishment of a goal of at least 25% minority business enterprise participation and 5% women business enterprise participation, as defined in the Mayor's Executive Order #28 as amended, in contracts and purchases wherein city funds are expended. Consequently, the requirements of the Mayor's Executive Order #28 and the directives developed by the City of St. Louis to ensure compliance with the Mayor's Executive Order #28 apply to Agreements issued by the City of St. Louis.

2. **MBE/WBE Obligation.** The Consultant agrees to take all reasonable steps necessary to ensure that Minority and Women Business enterprises (MBE/WBE), as defined in the Mayor's Executive Order #28, have a maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with city funds provided under this Agreement. The Consultant shall not discriminate on the basis of race, religion, color, national origin, or sex in the award and performance of contracts financed in whole or in part by the City of St. Louis. The Consultant shall utilize the services of banks in the community, which are owned and controlled by minorities and women when feasible and beneficial.

3. **Failure to Comply with MBE/WBE Requirements.** The Consultant is hereby advised that failure to carry out the requirements as set forth above may constitute a breach of contract and may result in rejection of the proposal, termination of the contract; a deduction from the contract fund due or may become due to the consultant; or other such remedy as the City of St. Louis deems appropriate.

4. **Eligibility of MBE/WBE's.** A current directory containing the names of firms that have been certified as eligible to participate as MBE/WBE's on City contracts can be obtained from the St. Louis Airport Authority DBE Office. Firms certified subsequent to the printing of this

directory may be utilized on the project only if their certification is active at the time of the proposal submittal. Consultants should contact the DBE Program Office, (314)551-5000 to verify the current status of a firm's certification. The M/W/DBE Directory is accessible on the internet at www.mwdbe.org.

5. Counting MBE/WBE Utilization. MBE/WBE utilization will be counted on the following basis:

- a) The total value of sub-consulting arrangements for services awarded to the MBE/WBE provided the MBE/WBE performs a commercially useful function.
- b) That portion of the dollar value of a joint venture equal to the percentage of ownership and control of the MBE/WBE partner in the joint venture may be counted.
- c) Participation of MBE and WBE firms located outside the St. Louis Metropolitan Statistical Area (SMSA) shall not count towards the goals established by the Mayor's Executive Order #28.

6. Contract Documentation. The Consultant will submit the MBE/WBE Utilization Plan as part of and in the same format as the proposed agreement. The information will include, but not be limited to, a definitive statement of the services to be provided by the MBE/WBE sub-Consultants, products and schedules, MBE/WBE outreach goals and estimated man-months, labor budget and expense costs.

7. Agreement Compliance.

- a) If the Agreement is approved on less than 25% MBE/WBE utilization, such approval will not relieve the Consultant of the responsibility to continue good faith efforts to maximize participation of MBE/WBE's throughout the term of the Agreement. The Consultant shall submit a request to sublet prior to any subcontracting of additional work items. The Consultant will be required to document good faith efforts to utilize MBE/WBE Consultants prior to entering into an agreement with a non-MBE/WBE.

- b) When the Agreement is approved on MBE/WBE utilization is excess of the goal, the Consultant will be required to achieve the percentage stated in the MBE/WBE utilization plan included in the Agreement regardless of the stated 25% and 5% minimum overall goal in the Agreement.
- c) The Consultant shall enter into subcontracts or written agreements with the MBE/WBE identified in the Agreement Utilization Plan for the kind and amount of services specified. The Consultant shall submit copies of subcontracts or agreements with the MBE/WBE to SLAA DBE office upon request. The Consultant shall submit a Certification of Agreed MBE/WBE Utilization for each MBE/WBE sub-consultant identified in the Agreement with the City prior to the start of work.
- d) The Consultant shall keep each MBE/WBE sub-consultant informed of the project progress schedule and allow each MBE/WBE adequate time to schedule work and otherwise prepare for subcontract work.
- e) At any point during the project when it appears that the scheduled amount of MBE/WBE utilization may not be achieved, the Consultant shall provide evidence demonstrating how the goal will be met.
- f) If the Consultant fails to achieve the scheduled MBE/WBE utilization, the Consultant shall demonstrate to the City's satisfaction that said failure was due to reasons such as elimination of items contracted to the MBE/WBE and that good faith efforts were made to obtain the scheduled Agreement utilization.

8. Substitution of MBE/WBE Consultants After Award.

- a) The Consultant shall conform to the agreed upon amounts of MBE/WBE utilization.
- b) Services designated as being performed by MBE/WBE sub-consultants in the Agreement shall be performed by the designated MBE/WBE or a City approved substitute. Approval must be in writing.

- c) A MBE/WBE may not assign portions of its service agreement without the written approval of the City.

9. Good Faith Efforts. If any agreement is submitted without the minimum goal utilization levels of MBE/WBE sub-consultants, the Consultant shall document and submit justification as to why the agreed level of utilization will not be met and demonstrate the good faith efforts taken to attain it, including but not limited to the following:

Efforts made to select portions of the work proposed to be performed by MBE/WBE's in order to increase the likelihood of achieving the stated goal, including where appropriate, but not limited to, breaking down projects into economically feasible units to facilitate MBE/WBE participation. Selections of portions of work are required to at least equal the goal for MBE/WBE utilization specified in the Agreement.

The demonstration of good faith efforts by the Consultant must in the end prove the Consultant has actively and aggressively sought to utilize MBE/WBE's.

The information provided will be evaluated to determine if the Consultant has been responsible. All the information provided must be accurate and complete in every detail. The Consultant's attainment of the MBE/WBE goals or demonstrations of good faith effort will determine the award of the agreement. Documentation of initial good faith efforts is to be submitted with the Agreement.

10. Record Keeping Requirements. The Consultant shall keep such records as are necessary for the City to determine compliance with the MBE/WBE contract obligations. These records shall include the names of sub-consultants, including MBE/WBE's, copies of sub-consulting agreements; the type of work being performed; documentation such as canceled checks and paid invoices verifying payment for work, services and procurement and documentation of correspondence, verbal contracts, telephone calls and other efforts to obtain services of MBE/WBE's. When requested, the Consultant shall submit all subcontracts and

other financial transactions executed with the MBE/WBE in such form, manner and content as prescribed by the City. The City reserves the rights to audit, investigate, monitor and/or review actions, statements and documents submitted by any contractor, subcontractor or MBE/WBE.

11. Reporting Requirements. The Consultant shall submit monthly reports on MBE/WBE involvement. At the conclusion of each billing period, the Consultant shall submit the Consultant Monthly DBE Utilization Report to the City to verify actual payments to the MBE/WBE for the previous month's reporting period. These reports are required regardless of whether or not MBE/WBE activity has occurred in the monthly reporting period.

Upon completion of all MBE/WBE participation and prior to final payment, the Consultant shall submit the MBE/WBE Utilization Final Report to the City detailing all MBE/WBE subcontract payments and a completed Certification of Actual MBE/WBE Utilization for each MBE/WBE sub-consultant utilized. When the actual amount paid to an MBE/WBE is less than the award amount, a complete explanation of the differences is required. If the agreement is not met, documentation supporting good faith efforts shall be submitted. Failure to submit the required reports will result in the withholding of partial payments to the Consultant until the reports are submitted. All payments due sub-consultants which affect Agreement goal attainment, including retainage, shall be paid by the Consultant before the City releases the contract/retainage bond. The City reserves the right to conduct an audit of MBE/WBE participation prior to processing the final estimate and at any time during the work.