



Text File

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Committee: Committee on Finance and Law

Status: Passed Finally

Ordinance amending and supplementing the Pittsburgh Code at Title One: Administrative, Article VII: Procedures, Chapter 161: Contracts by amending section 161.02A, "Award of Professional Services Agreements", amending section 161.03, "Advertising Contracts Exceeding \$30,000.00 or Less", amending section 161.06, "Bid Filing and Opening", and amending section 161.11, "Filing".

Whereas, the City has recently opted to retain administration of City contracts rather than have the County administer them; and

Whereas, in order to implement this change, certain changes to the City's existing contracting practices are required; and

Section 1

Section 161.02A of City Code is hereby amended as follows:

§ 161.02A - AWARD OF PROFESSIONAL SERVICES AGREEMENTS.

(a) *Definitions.* The following definitions are applicable to this Section 161.02A:

- (1) *Competitive process.* Method of competitively selecting contractors/consultants based on qualifications and negotiations rather than a sole competitive price bid.
- (2) *Contract modification.* Any written alteration in the scope of work, compensation, period of performance, or any other provision of any professional services contract that is agreed to by both parties in a written contract amendment.
- (3) *Emergency professional services contract.* A professional services contract required where there exists unforeseen circumstances beyond the City's control that either: (a) present a real and identifiable threat to the proper performance of essential functions or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
- (4) *Professional services contract.* A contract involving services of members of the medical or legal profession, registered architects, appraisers, auditors, engineers, certified public accountants or other personal services, including provision of such services by non-profit entities, that involve quality as the paramount concern and require a recognized professional and special expertise. For purposes of this Section, this term shall also encompass "personal service contracts."
- (5) *Request for proposals (RFP).* An announcement by the City of a willingness to consider proposals for the performance of a specified project or program. The RFP should contain all relevant criteria the City will consider when evaluating proposals for award.

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(6) *Request for qualifications (RFQ)*. An announcement by the City seeking qualifications of potential contractors to perform a particular scope of work/ service for the City.

(7) *Sole source professional services contract*. A contract involving unique professional services that are documented to be available from one (1) source only.

(b) *Competitive process required*. No professional services contracts will be awarded by the City of Pittsburgh without undertaking a RFQ, RFP or other applicable competitive process as set forth herein unless falling within an exemption category set forth in subsection (c) herein. The Director of **the Office of Management and Budget** shall issue regulations regarding, inter alia, the applicability of this Section to contract modifications and amendments as well as to the use of pre-qualified contractors.

(c) *Exemptions*. The following professional services contracts are exempt from the requirement of a competitive process for selection contingent upon obtaining a written waiver issued by the City Solicitor that this exemption provision duly applies based on inclusion in one or more of the following categories:

(1) Emergency professional service contracts as defined herein.

(2) Sole source professional service contracts as defined herein.

(3) Contracts requiring compliance with terms and conditions of a court order, government grant or governmental order.

(4) Contracts for expert witnesses or consultants associated with anticipated or pending litigation.

(5) Intergovernmental agreements.

(d) *Applicable competitive selection process*. The competitive process required for the applicable professional services contract shall be based on the proposed budget and/or "not to exceed" total amount of the contract compensation for the entire anticipated contract term:

(1) Where the estimated compensation amount of the professional services contract is less than thirty thousand dollars (\$30,000.00), the applicable department will solicit proposals from at least three (3) qualified providers and/or issue a public advertisement on the internet ~~and in at least one (1) newspaper of general circulation~~ **via the City's Procurement website**.

(2) Where the estimated compensation amount of the professional service contract is thirty thousand dollars (\$30,000.00) or more, a formal RFP or RFQ must be issued. Public advertisement of RFP/RFQ is required on the internet ~~and in at least one (1) newspaper of general circulation or relevant trade magazine~~ **via the City's Procurement website**.

Section 161.03 of City Code is hereby amended as follows:

§ 161.03 - ADVERTISING CONTRACTS EXCEEDING \$30,000.00.

Contracts which are subject to competitive bidding and which involve an amount in excess of thirty thousand dollars (\$30,000.00) shall be awarded only after proposals therefor have been invited by advertisement **on the City's Procurement website**.

Section 161.06 of City Code is hereby amended as follows:

§ 161.06 - BID FILING AND OPENING.

All bids shall be filed in a secure, sealed **electronic** format with the ~~City Controller~~ **Office of Management and Budget** and opened publicly by the **Director of the Office of Management and Budget or designee, and witnessed by the City Controller** or his or her designee unless otherwise provided in the contract authorization ordinance or resolution, at the time and place designated in the notice to bidders. Bids shall be

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announced to the persons present.

Section 161.02A of City Code is hereby amended as follows:

§ 161.11 - FILING.

Copies of all City contracts shall be filed with the City Controller, **the Office of Management and Budget**, the Mayor or his/her designee, and/or the City Solicitor.