

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE ADDING TITLE 20 TO THE MADERA COUNTY CODE,
REGARDING CONTRACTING AND BIDDING PROCEDURES, AND
PARTICULARLY CONTRACTS WITH PRIVATE ARCHITECTS,
ENGINEERING, LAND SURVEYING, AND CONSTRUCTION
MANAGEMENT FIRMS

The Board of Supervisors of the County of Madera, State of California, hereby ordains as follows:

SECTION 1

Title 20 is added to the Madera County Code, to read in its entirety as follows:

TITLE 20
CONTRACTING AND BIDDING PROCEDURES

Chapters:

20.01 CONTRACTS WITH PRIVATE ARCHITECTS, ENGINEERING, LAND SURVEYING, AND CONSTRUCTION MANAGEMENT FIRMS

20.02 (Reserved)

Chapter 20.01

CONTRACTS WITH PRIVATE ARCHITECTS, ENGINEERING, LAND SURVEYING, AND CONSTRUCTION MANAGEMENT FIRMS

Sections:

20.01.010 Purpose.

20.01.020 Definitions.

20.01.030 Procedures implementing selection of consultants.

20.01.010 Purpose.

- A. Section 4526 of the California Government Code provides that the selection of private firms providing professional architectural, engineering, environmental, land surveying, or constructing project management services shall be on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. Section 4526 further provides that in order to implement this method of selection, local agencies contracting for such services may adopt by ordinance procedures that assure the engagement of such services on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the local agency. Such procedures shall assure

maximum participation of small business firms, and specifically prohibit practices which might result in specified unlawful activities.

- B. It is the purpose of this chapter to adopt procedures which implement the selection method of Government Code Section 4526, and for the selection of consultants previously established by policy of the Board of Supervisors.
- C. The Board of Supervisors finds that the procedures herein implement the method for selection of professional services identified in Government Code Section 4526, and that such procedures assure the engagement of such services on the basis of demonstrated competence and qualification necessary for the satisfactory performance of the type of services to be performed, and at a fair and reasonable price to the County of Madera.

20.01.020 Definitions. The following definitions shall govern the construction of this chapter:

- A. "Board" means the Board of Supervisors of the County of Madera.
- B. "Consultant" means an architect, professional engineer, environmental firm, land surveying firm, or construction project management firm, as used in Government Code Section 4525.
- C. "County" means the County of Madera or its authorized representative.
- D. "Department" means the County department that intends to hire a consultant.

The department may be, but is not limited to, the Resource Management Agency or its constituent departments.

20.01.030 Procedures implementing selection of consultants.

- A. The procedures herein implement the selection of consultants on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required, by assuring engagement of services on the basis of demonstrated competence and professional qualification for the type of services to be performed and at a fair and reasonable price to the county. The general framework for each such procedure is:
 - 1. The Director of the Resource Management Agency shall encourage consultants to submit annually a statement of qualifications and performance data.
 - 2. Projects requiring the services of a consultant shall be announced by the department head, with the assistance of the Director of the Resource Management Agency as needed, through publications of professional societies.

3. For each proposed project, the department head shall evaluate current statements of qualifications and performance data on file with the Resource Management Agency, together with those that may be submitted by other consultants regarding the proposed project, and shall conduct discussions with no less than two (2) consultants (if available) regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and shall select therefrom, in order of preference, based upon criteria established by the department, at least two consultants (if available) deemed to be the most highly qualified to provide the services required. Should fewer than two consultants be available, the department may select the available consultant for presentation to the Board.
 4. Upon selection of the list of consultants, the department head, at the direction of the Board, shall negotiate a contract with the best qualified consultant at compensation which the department head determines is fair and reasonable to the County. Should the department head be unable to negotiate a satisfactory contract with the consultant considered to be the most qualified at a price the department head determines to be fair and reasonable to the County, negotiations with that consultant shall be formally terminated, and the department head shall then undertake negotiations with the second-most qualified consultant, and so on until an agreement is reached and is signed by the Board and the consultant.
- B. County employees shall not engage in practices which might result in unlawful activity including, but not limited to, rebates, kickbacks or unlawful consideration. In addition, County employees shall not participate in the selection process when those employees have a relationship with a person or business entity seeking a contract under this chapter which would subject those employees to the prohibitions of Sections 1090 and 87100 of the Government Code.
- C. Any consultant proposing to provide construction management services shall provide evidence that it and its personnel carrying out onsite responsibilities have expertise and experience in construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

SECTION 2

This ordinance shall take effect thirty (30) days after its enactment.

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The foregoing Ordinance was adopted this _____ day of _____,
2007, by the following vote:

Supervisor Bigelow voted: _____

Supervisor Moss voted: _____

Supervisor Dominici voted: _____

Supervisor Rodriguez voted: _____

Supervisor Wheeler voted: _____

Chairperson, Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By _____