



**FEE #: 2009 – 06491**

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REQ BY: YUMA CO BD OF SUPERVISOR  
REC BY: Margie Gamache

Please return original document  
to the **Board of Supervisors Office,**  
**ATTENTION:** Christy Isbell, 373-1107

*(Name & phone number)*

## **TYPE OF DOCUMENT:**

### **RESOLUTION NO. 09-12**

A Resolution of the Yuma County Board of Supervisors  
adopting the revised Yuma County  
Procurement of Professional Services Policy

## **DOCUMENT APPROVAL:**

Approved by Yuma County Board of Supervisors:  
February 18, 2009, Item No. C3.



**YUMA COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 09-12**

A Resolution of the Yuma County Board of Supervisors  
adopting the revised Yuma County  
Procurement of Professional Services Policy

History: Adopted 01-03-2000  
Revised: 02-18-09, #C3.

**WHEREAS:** The current Procurement of Professional Services Policy contradicts existing County actual practice, and;

**WHEREAS:** The existing Procurement of Professional Services Policy is out of compliance with State of Arizona requirements, and;

**WHEREAS:** There are new policies and procedures in completing Procurement of Professional Services needed, and;

**WHEREAS:** This policy supersedes any and all other Procurement of Professional Services Policy previously adopted.

The Yuma County Procurement of Professional Services Policy is adopted to read as follows:

**PROCUREMENT OF PROFESSIONAL SERVICES**

Adopted by Board of Supervisors on January 3, 2000  
**Revised: February 18<sup>th</sup>, 2009**

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**PROCUREMENT OF PROFESSIONAL SERVICES**

**I. STATEMENT OF PURPOSE**

The purpose of this policy is to provide equitable procedures for the procurement of the most qualified professional or firm to provide professional services required by the Board of Supervisors, County officers, or by County departments pursuant to ARS §11-254.01 (D).

This policy does not apply to permanent employees hired through the Yuma County Personnel System, and is meant to apply only where the need arises for professional services which are not capable of provision by County personnel under the circumstances for which the services are sought.

The Board of Supervisors intends this policy to be flexible enough to allow for the many types of professional services needed within county government and to be flexible enough to allow for the timely procurement of professional services where time is of the essence in their procurement, yet providing adequate guidelines for appropriate control and accountability.

“This policy is guided by ARS 41-2578 to ensure compliance with Arizona Revised Statutes. As such the threshold dollar amounts and procurement process identified in this policy shall, by default, be modified to remain consistent with the threshold dollar amounts and procurement process authorized by statute.”

Where specific guidelines are set forth by Federal mandates or Arizona Revised Statutes (ARS) that are in conflict with this policy, they will take precedence over the procurement procedures set forth herein.

**II. PROFESSIONAL SERVICES**

Professional services usually involve skills that are predominantly mental or intellectual, as opposed to physical or manual. They are typically used to instruct or advise others, and often include knowledge of an advanced type in a field gained by a prolonged course of specialized instructional study. Professional services for purposes of this policy are defined as including, but not limited to the following: LAWYERS; MANAGEMENT OF LOAN PROCEEDS; CONTRACTUAL SERVICES USED BY COUNTIES WHEN ISSUING BONDS, INCLUDING CONSULTANTS, UNDERWRITERS, AND BOND SERVICING COMPANIES; ARCHITECTS; COURT REPORTERS; PHYSICIANS AND DENTISTS; PHYSICAL THERAPISTS; MENTAL HEALTH THERAPISTS AND PSYCHIATRISTS; ENGINEERS; LAND SURVEYORS; ASSAYERS; GEOLOGISTS; LANDSCAPE

ARCHITECTS; REAL ESTATE APPRAISERS; FINANCIAL ADVISING SERVICES; AMBULANCE SERVICES; AUDITORS; AND MAPPERS.

Due to the many types of professional services needed, each County department should keep and maintain a list of qualified firms or professionals appropriate to the type of service needed within their areas.

Professional Services which may be needed for purposes unique to the specific application for which they are sought, or available only from a relatively limited set of providers, and in order to ensure the timely procurement of those professional services, qualified firms or professionals appropriate to the types of service needed may be solicited on an as-needed basis from any (1) lists, (2) recommendations or information sources, written or oral, provided by persons or public or private organizations, or from (3) brochures or other advertising media. All professional services of less than \$5,000.00 shall be procured using the regular purchasing policies procedures.

If funds to purchase professional services are being provided through a Grantor of funds, procedures and requirements for the purchase of professional services shall comply with the requirements established by Grantor of funds.

All professional service agreements shall include the minimum insurance requirements specified in the Yuma County Contract Control Policy.

III. PROCEDURE

A. Engagement of Providers of Professional Services with Estimated Fees:

- \$5,000.00 to \$49,999.99 for all except the following specified services;
- \$5,000.00 to \$249,999.99 for architect services.
- \$5,000.00 to \$499,999.99 for assayer services, construction-manager-at-risk construction services, design-build construction services, engineer services, job-order-contracting construction services, geologist services, landscape architect services and land surveying services.

1. Within budgeted appropriations:
  - a. A written scope of work shall be prepared defining tasks to be performed. The written scope of work may be (1) generalized in form, a letter of engagement or contract document requesting and authorizing performance of a service, whose method of performance is under the legal or ethical control of the provider, such as legal, medical or clergy services; or (2) detailed in form, i.e., the written scope of the work may be specific as to task to be performed, enumerating the tasks, and the desired level of performance for each task, such as architectural, engineering or surveying services. The scope of work may be amended from time to time as circumstances may require or the need arise.
  - b. A list of persons or firms who are qualified to perform the required tasks shall be prepared from solicited persons or firms or from recommendations or information sources, written or oral, provided by persons within the public or private sector or from brochures or advertising media, or from persons or firms who have responded to a solicitation made through public notice. The list need only enumerate those persons or firms which may be selected. The person or firm could be a sole source provider or vendor.
  - c. Obtain proposal or responses from the persons or firms solicited.
  - d. Review proposal or responses received and make selection using established procedures and valid selection criteria appropriate to the professional services being provided. Prior satisfactory performance of professional services on behalf of the County, County officers or County departments, by a person or firm, should not be given undue weight in the selection of the provider of professional services, but should be weighted in accordance with the level of acceptability to the soliciting office or department of the prior performance.
  - e. Develop a contract document or letter of engagement that will be reviewed and approved by the selected professional or firm. When the contract document or letter of engagement is reviewed and approved by the selected professional or firm, the document will then be reviewed as to form and legality by the County Attorney. After review and approval by the County Attorney, the Agency Head can sign the contract document or letter of engagement and follow the currently established contract processing procedure to the extent it does not conflict with this policy.

2. Non-Budgeted Services:

- a. If the professional services required are not within the budgeted appropriation, the Department Head or appropriate Procuring Office must seek approval of the professional services and budget authority prior to seeking professional services.
- b. Once approval of the professional services and budget authority has been approved by the Board of Supervisors, the procedures in Paragraph IIIA1 must be followed.

B. Engagement of Providers of Professional Services with Estimated fees:

- \$50,000.00 or more for all except the following specified services;
  - \$250,000.00 or more for architect services.
  - \$500,000.00 or more for assayer services, construction-manager-at-risk construction services, design-build construction services, engineer services, job-order-contracting construction services, geologist services, landscape architect services and land surveying services.
- 1 When professional services are required and the estimated fees equal or are in excess of the above outlined amount, consideration should be given to providing the maximum competition possible. Request for Proposals (RFP's) shall be used.
    - a. The department making the request shall prepare a RFP which includes a suggested projected work schedule or events and may include department projected cost estimates. The RFP package will contain specific instructions on the way in which professionals or firms are to respond. The RFP is then made available through public notice or advertisement to all interested parties, through the Board of Supervisor's office.

b. A selection panel of appropriate personnel will be established to evaluate responses to the RFP. The panel shall include the Department Director making the request for services or his/her designee. The panel shall review the material and select no more than six (6) qualified respondents to be interviewed for the project. During the evaluation, the panel should grade and rank the various respondents with the following criteria, but not limited to, in relationship to the scope of work advertised, and on their abilities, qualifications, staffing, familiarity with Yuma County and the staff of the Department, prior work performed for Yuma County, and an evaluation of the services previously rendered and experience necessary to perform the work.

c. Upon agreement of the panel as to its preference, the Department Director through the County Administrator, will submit a recommendation to the Board of Supervisors containing the following items:

(1) Scope

Provide a brief one paragraph statement with regard to the purpose of the project or study, and the anticipated consultant services. An estimate of the fee, as well as source of revenues for the project/study shall be included in the Scope of Work Statement.

(2) Notice

Provide a list of any notices to various persons, firms, or companies who are qualified to perform the desired professional services, including the day or days the request for professional services was advertised in a newspaper of general circulation in Yuma County. The list of firms who responded to the notice will be identified.

(3) Selection Process

Provide a description of the process used to rank those who responded to the request for professional services.

(4) Recommendation

Provide a brief statement about why the recommended firm is best qualified to perform the requested professional services, along with two alternates in a priority order.

Also, the recommendation should ask that the Board of Supervisors authorize the agency head to execute a contract with the selected firm or with the second or alternate firm in the event the selected firm will not agree to our final contract documents.

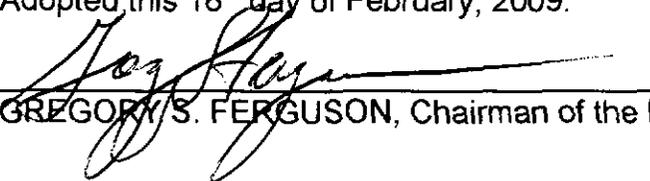
2. Contract execution process to be implemented after Board approval.
  - a. After approval by the Board of Supervisors, the professional or firm selected will be notified in writing of the Board's action.
  - b. After the contract document is agreed upon and signed by the selected firm, the established Contract Procession Procedure will be followed.
  - c. The Purchasing Agent, after receipt of approved documents, shall prepare a Notice to Proceed and forward a copy of the approved contract to the selected firm.

C. Limitations:

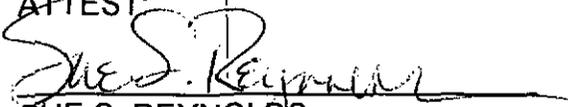
Nothing set forward in this policy shall be construed as prohibiting a county officer or county department from seeking the Board of Supervisor's aid or joining together with the Board of Supervisors in the selection of professional services and approval for payment for said services from any special fund or from the General Fund.

**NOW, THEREFORE, BE IT RESOLVED** that the Yuma County Board of Supervisors adopt Resolution No. 09-12 approving revisions to the Procurement of Professional Services Policy.

Adopted this 18<sup>th</sup> day of February, 2009.

  
GREGORY S. FERGUSON, Chairman of the Board

ATTEST:

  
SUE S. REYNOLDS,  
Clerk of the Board

APPROVED AS TO FORM:

  
JON SMITH, County Attorney

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