

CHAPTER 3.03

PROFESSIONAL SERVICES

(2047-5/76, 2464-12/80, 2590-1/83, 2945-7/88, 3097-4/91, 3375-11/97, 3511-10/01, 3604-06/03, 3734-05/06, 3853-2/10,
3878-5/10)

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3.03.020 Definitions.

- (a) "Consultant" means any provider of services under this Chapter as an individual, partnership, corporation or otherwise. (2047-5/76, 2590-1/83)
- (b) "Director" means the Department Head or his/her designee as approved by City Council resolution, vested with the authority to administer the provisions of this Chapter with respect to contracting for services. (2047-5/76, 2590-1/83, 3511-10/01, 3604-6/03)
- (c) "Professional Services" means those services, which involve the exercise of professional discretion and independent judgment based on an advanced or specialized knowledge, expertise or training gained by formal studies or experience or services which are not readily or efficiently procured by competitive bidding pursuant to Huntington Beach Municipal Code Section 3.02. Such services shall include but not be limited to those services provided by appraisers, architects, attorneys, engineers, instructors, insurance advisors, physicians and other specialized consultants. (2047-5/76, 2590-1/83, 3375-11/97, 3511-10/01)

3.03.040 Selection guidelines. In all cases, the final selection of a consultant shall include consideration of the following factors:

- (a) Actual capability to complete the project in conformance with the specifications, conditions and other requirements of the City of Huntington Beach;
- (b) Demonstrated ability to prepare professional, accurate and timely-finished products irrespective of unusual or difficult circumstances.
- (c) A reasonable contract price in relation to the size, quality and time restraints of the proposed project with due consideration of competitive proposals. (2047-5/76)
- (d) Consultant status will be verified through State and Federal registries to identify debarment, suspension, ineligibility or voluntary exclusion actions. (3878-5/10)

3.03.060 Procedure. The procedure for the contracting of services is as follows:

- (a) The Director of the department primarily responsible for the particular project shall prepare a written statement defining the necessity and scope of the project, and submit it to the Director of Finance. Upon approval by the City Administrator and the Director of Finance, the Director shall prepare a written statement of the specifications, conditions and other requirements for the requested services and provide a copy to consultants who may wish to perform the service. (3734-05/06, 3853-2/10)
- (b) Except as identified in Section 3.03.080, the Director, or his/her designee, shall request written proposals from not less than three (3) available qualified consultants. He shall thereafter conduct discussions with them regarding the project if such discussions are indicated by the complexity of the project, and based upon the selection guidelines established in section 3.03.040 and the criteria established by him/her, select the consultant from the responsible proposals submitted to him, deemed to be the most highly qualified to provide the services required. (3734-05/06, 3853-2/10)
- (c) If the procurement has been budgeted, contractual agreement shall be negotiated with the consultant subject to final approval as to form by the City Attorney, and as to content by the City Administrator. (3375-11/97, 3511-10/01)
- (d) If the procurement has not been budgeted, then the Director shall prepare a request for appropriation for the City Administrator to submit to the City Council in the usual prescribed manner.
- (e) The City Attorney shall counsel and advise City officials in the implementation of this Chapter. (2047-5/76, 2590-1/83)

3.03.080 Exempt and emergency procedures. The need for certain budgeted and emergency and exempted procurements are recognized.

- (a) An emergency shall be deemed to exist if:
 1. There is a great public calamity; (3511-10/01)
 2. There is immediate need to prepare for national or local defense; (3511-10/01)
 3. There is a breakdown in machinery or an essential service which requires the immediate attention of a professional in order to protect the public health, safety or welfare; (3511-10/01)
 4. An essential, departmental operation affecting the public health, safety or welfare would be greatly hampered if the prescribed procedure would cause an undue delay in the procurement of the needed services. (2047-5/76, 3511-10/01)

In the case of an emergency which requires the immediate retention of a professional consultant, the City Administrator may authorize the Department Director to secure by the open-market procedure, at the lowest obtainable price consistent with professional standards, any professional service regardless of the amount of the expenditure. (3511-10/01)

- (b) **Other interagency Agreements.** Procurements utilizing contractual agreements maintained by other public agencies for the provision of professional services to such agencies are exempt from the requirements of this Chapter except that the provisions of Section 3.03.060(c) shall apply in every case and so long as such other agency complied with its own professional services contract requirements as approved by the Department Director. (3375-11/97, 3511-10/01)

- (c) All contracts for performance of professional services for the City which exceed \$30,000 shall be awarded in accordance with the procedures of this code. All contracts for professional services which do not exceed \$30,000, with prior approval of the Director of Finance or his/her designee, may be let without competitive bidding or negotiation. (3734-05/06, 3853-2/10)

3.03.100 Authorization by Department Directors. The Director of any department for which such services are required may contract directly for any professional services when procurement of such services has been budgeted and there are sufficient unencumbered appropriated funds available, or wherein the cost of which will be fully paid or reimbursed to the City. The annual budget for the fiscal year in which the agreement is entered into shall provide a general description of the work to be performed. (2047-5/76, 2945-7/88, 3375-11/97, 3511-10/01)

The complete original of the executed agreement and the names of the consultants who submitted proposals shall be forwarded to the City Clerk. A complete copy of all approved insurance certificates and subsequent renewals shall be filed with the Risk Manager. (3511-10/01)

3.03.120 Existing agreements. The terms and conditions of any existing professional services agreement may be modified so as to increase or decrease the term, compensation, scope of work or otherwise, by mutual agreement of the City and the consultant selected. However, at no time shall an agreement be amended to extend an agreement beyond three years from receipt of the original request for proposals without compliance with the bid procedure established by Huntington Beach Municipal Code Section 3.03.060. (2390-9/79, 3511-10/01)