

# CITY OF BETHLEHEM

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## DEPARTMENT OF PUBLIC WORKS INTEROFFICE MEMORANDUM

**TO:** Louise Kelchner, City Clerk  
**FROM:** Michael Alkhal, P.E., Director of Public Works/City Engineer  
**RE:** Resolution for Policy and Procedure for Consultant Selection for PennDOT – Lynn Avenue Bridge Replacement  
**DATE:** September 25, 2015

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Attached is a draft resolution to authorize the execution of the Policy and Procedure for Consultant Selection for projects administered by The Pennsylvania Department of Transportation (Penn DOT) and funded with State/Federal funds.

The City is currently working with our consultant, Remington, Vernick and Beach, and Penn DOT to finalize the bid package for the construction of the replacement the Lynn Avenue Bridge. As part of this effort, the City needs to solicit consulting services for construction inspection. The project is 95% Federally and State funded and hence require following Penn DOT's procedures for design, bidding, and award.

Please place this item on City Council's agenda for their consideration and passage at your earliest convenience.

If you have any questions, please call.

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MA/AR/mob  
Attachments

cc: Mayor Donchez  
Law Bureau  
A. Rohrbach  
File/xc

By:   
Title: Public Works Director/City Engineer

**RESOLUTION NO.**

BE IT RESOLVED, that the City of Bethlehem of Lehigh and Northampton Counties hereby authorizes the Mayor and Director of Public Works/City Engineer to execute the Pennsylvania Department of Transportation's (Penn DOT's) Policy and Procedure for Consultant Selection.

BE IT FURTHER RESOLVED, that the Applicant does hereby designate the Mayor and the Director of Public Works/City Engineer as the officials to execute all documents and agreements between the City of Bethlehem and the PA Department of Transportation.

The City Clerk of the City of Bethlehem, Lehigh and Northampton Counties, PA, hereby certifies that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of City Council at a regular meeting held October 6<sup>th</sup>, 2015 and said Resolution has been recorded in the Minutes of the City of Bethlehem and remains in effect as of this date.

Sponsored by: /s/ \_\_\_\_\_

/s/ \_\_\_\_\_

ADOPTED BY COUNCIL THIS 6<sup>th</sup> day of October, 2015.

/s/ J. William Reynolds  
President of Council

ATTEST:

/s/ Louise M. Kelchner  
City Clerk



## POLICY AND PROCEDURE FOR CONSULTANT SELECTION

The following procedures have been adopted by the City of Bethlehem as authorized by action of the City Council on 10/06/2015. These procedures shall be used for the orderly determination of the need to use consulting engineering firms, qualification and selection of firms, and general administration and monitoring of the engineering agreements.

Upon being notified of the need to initiate engineering services on a project, the Director of Public Works/City Engineer shall analyze the City of Bethlehem forces to determine if the services of a consulting firm are necessary. The analysis regarding the need to engage consultants will be documented in the project file. (If the Municipality has no capability to provide in-house engineering services, this paragraph should be revised or deleted accordingly).

A detailed scope of work, describing the project, its location, and services required, will be prepared (if the Municipality, Township, etc., has the capability to prepare an engineering cost estimate, one should be prepared to compare with the consultant's proposal).

An advertisement including the DBE Goal Request will be submitted in ECMS to PennDOT's Contract Management Section. Advertising the request for statements of interest from consulting firms interested in performing the required engineering services is governed by municipal Home Rule Charters, codes or statutes. The advertisement may need to appear in at least one newspaper of general circulation.

The advertisement will include the following information:

- a) Location and brief description of the required engineering services.
- b) Indication of the method of procurement as competitive negotiations;
- c) A statement that the City of Bethlehem encourages responses from small firms, minority firms, and firms who have not previously performed work for the City of Bethlehem.
- d) The Disadvantaged Business Enterprise Goal, if any. Or nondiscrimination provisions to encourage the prime to notify DBE subconsultants of contracting opportunities associated with the agreement and solicit their participation, if DBE Goals are not required for the agreement.
- e) A statement that indicates whether the modified or normal selection method will be used.
- f) A list, in order of importance, of the selection criteria against which the statements of interest will be reviewed.
- g) A requirement that responding consultants must be registered business partners in ECMS with their qualification packages submitted prior to the submission of the SOI.
- h) Contact information for project discussions.
- i) Cut-off time for response to the advertisement (minimum of two weeks).

Note: For a Municipal Engineer advertisement, the Municipality has the option of submitting their advertisements for approval electronically in ECMS or by email, for newspaper advertising, as required by their Home Rules Charters, and for publishing paper advertisements in ECMS to ECMS\_Local\_Advertisements@pa.gov.



# POLICY AND PROCEDURE FOR CONSULTANT SELECTION

Three consultants will be selected from those consultants who submit statements of interest. A qualification selection committee, consisting of a minimum of three people:

- a. Director of Public Works/City Engineer or designee,  
Selection Committee title
- b. Engineering Bureau Chief or designee,  
Selection Committee title
- c. Project Engineer/Project Manager or designee,  
Selection Committee title
- d. \_\_\_\_\_ or designee  
Selection Committee title

shall review the qualifications of consultants who submit statements of interest as well as their responsiveness to the requirements of the advertisement. Documentation of consultants considered and the committee's recommendation shall be maintained in the project file. The committee shall document the reasons for their recommendation.

For selecting a consultant to perform bridge inspection, construction inspection agreements, or noncomplex or selected moderately complex projects as defined in DM1, or for selecting a consultant as a Municipal Engineer a modified process may be used, and a ranking will be determined based on a review of the statements of interest.

For all other Agreements the normal selection method will be used. The Director of Public Works/City Engineer Mayor, Director of Public Works, Council, etc. shall review the recommendations of the qualification committee and select three firms to be recommended to the Pennsylvania Department of Transportation (hereinafter called the Department) as the consultants to prepare a proposal. Upon receipt of the approval of the consultants from the Department, a technical proposal shall be requested from the consultants.

The request for technical proposals shall include a brief written scope of work. The consultants will be invited to a scope of work meeting at which time the project will be explained in detail. Representatives from the Department will be invited to the meeting. The consultants will be advised of the applicable Federal regulations, review procedures, contract format, and administration. A copy of the Department's Publication 442 will be supplied to the consultants with the understanding that the specifications will be made a part of the contract. The City of Bethlehem Municipality limitations of profit, wages, etc., will be explained. The consultants will be given a name and phone number to contact in case they would have any questions during the preparation of their proposal.

Upon receipt of the technical proposals from the consultants, the qualification committee shall review the technical proposals and make a recommendation for the ranking of the shortlisted consultants for the purpose of negotiating an engineering agreement. The committee shall document the reasons for their recommendation.

The Municipality shall conduct discussions with the firms to consider anticipated concepts and compare alternative methods for furnishing services.

For both modified and normal methods of selection, the Mayor Mayor, Council, Board of Supervisors, etc. shall review the recommendation of the qualification committee and rank, in order of preference, the firms. The ranking will be recommended to the Department for approval. Documentation supporting the ranking of the consultants shall be forwarded to the Department when requesting approval of the consultant's ranking. The Department shall approve and/or comment on the municipalities recommended ranking.



# POLICY AND PROCEDURE FOR CONSULTANT SELECTION

The municipality will request a price proposal from the approved first ranked firm and submit the appropriate number of copies to the Department.

The Department will conduct the pre-award evaluation and schedule and hold negotiations, if necessary.

The agreement will be prepared by the Department and circulated for signatures.

It is understood that the consultant cannot begin work until the Federal authorization has been obtained, and both the engineering Agreement and the Reimbursement Agreement have been fully executed, and notification of this fact has been received by the City of Bethlehem Municipality .

The Mayor Mayor, Council, Board of Supervisors, etc. will designate a person to perform liaison activities between the City of Bethlehem Municipality , the Department, and the consultant.

The City of Bethlehem Municipality will enter into a reimbursement agreement with the Department setting forth the methods for reimbursing the federal funds to the City of Bethlehem Municipality . The reimbursement agreement will be prepared by the Department.

During the life of the engineering agreement, monthly (or at other appropriate times) meetings will be held with the consultant and the designated liaison person. The Department will be invited to attend these meetings. Documentation of these meetings will be included in the project file.

Partial payment invoices for work performed will be processed as provided by Publication 442. After review of the invoices by the Project Engineer responsible individual of the Municipality , it will be paid. The invoice will in turn be forwarded to the Department with recommendation for reimbursement of the Federal and/or State share.

Prior to termination of services and payment of the final invoice, a joint review will be made by the Department and the City of Bethlehem Municipality to insure the propriety of claims and that all terms and conditions of the contract have been satisfied. Documentation of these findings will be submitted to the Department with the final invoice.

The City of Bethlehem Municipality's designated liaison person will complete copies of the Form D-429, "Past Performance Report for Consultant Engineers", see Appendix 7F or Form D-429 CI, "Past Performance Report for Consultant Engineers Construction Inspection", see Appendix 7G.

It is understood and made part of these procedures that the employees of the City of Bethlehem Municipality will neither solicit nor accept gratuities, favors, or anything of monetary value from consultants or contractors or potential consultants or contractors. Violators of said standards will be subject to dismissal from their employment with the City of Bethlehem Municipality , by order of the Mayor Mayor, Council, Board of Supervisors, etc.) .

Now, Therefore Be It Resolved that the Mayor Mayor, Supervisors, Etc. of the City of Bethlehem Municipality have adopted these policies and procedures for engineering by consultants and will adhere to the rules and regulations of the Department.



# POLICY AND PROCEDURE FOR CONSULTANT SELECTION

NOW, THEREFORE BE IT FURTHER RESOLVED that the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, on behalf of the City of Bethlehem hereby accept the aforesaid policies and procedures.

Mayor, Supervisors, Etc.

Municipality

UPON MOTION DULY MADE and seconded, the above resolution as adopted the day and year set forth above.

ATTEST:

City of Bethlehem  
Municipality

BY \_\_\_\_\_

BY \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Title

Title