

**PROFESSIONAL  
SERVICES  
PROCUREMENT POLICY**

**COASTAL WATER AUTHORITY**

**APRIL 12, 2023**



## **PROFESSIONAL SERVICES PROCUREMENT POLICY**

### **I. PURPOSE**

The purpose of this Policy is to establish the process by which the Coastal Water Authority (“CWA”) will evaluate and select firms to provide professional services in accordance with the Professional Services Procurement Act (the “Act”), Texas Government Code Chapter 2254, as amended.

### **II. SCOPE**

CWA will prepare and publish requests for qualifications (“RFQs”) that describe the scope of services and the process to submit letters of interest and qualification statements. The selection process will involve an initial review and recommendation by an Evaluation Committee, negotiation of a contract, including pricing, and a two-step approval by the CWA Board of Directors (the “Board”), who will first consider approval of a selected firm and then at a subsequent meeting will consider approval of a negotiated scope and fee.

### **III. EVALUATION COMMITTEE MEMBERSHIP**

- A. The Evaluation Committee Chair will be the Executive Director except for procurements relating to finance or accounting services, in which case the Chief Financial Officer shall serve as Chair. In addition to the Chair, the Evaluation Committee may be comprised of CWA’s Chief Engineer, Major Projects Manager, Contracts Administrator and such other CWA employees as the Chair may determine from time to time. For proposals that include review of fiscal capacity, revenue considerations and/or accounting or financial services, the Chief Financial Officer also will be included on the Evaluation Committee. The Evaluation Committee will determine technical competency and ranking.

### **IV. CONFIDENTIALITY**

- A. The deliberations of the Evaluation Committee are confidential. Evaluation Committee members should not discuss or otherwise reveal any of their findings to anyone other than their fellow committee members or to the Board.
- B. Evaluation Committee members must immediately report any outside contacts regarding the evaluation proceedings to the Executive Director.
- C. Following issuance of the RFQ, all communications with any potential proposers should be handled by the Executive Director (or the Chief Financial Officer for accounting and financial services). Any questions from potential proposers about the RFQ must be in writing to the Executive Director or Chief Financial Officer. Responses to questions will be made available to all known proposers. However, CWA is not obligated to provide responses.

## **V. EVALUATION CRITERIA**

- A. The Evaluation Committee will develop a set of evaluation criteria with relative weighting factors appropriate for the particular solicitation that is communicated via the RFQ for the procurement and is intended to identify fully qualified firms based on qualifications statements. Typical evaluation criteria include the following:
1. Qualifications necessary for all segments of project requirements and the ability to satisfactorily perform all required services;
  2. Specialized experience as a firm and technical competence of proposed key members in the type of work required;
  3. Capacity to accomplish the work in the required time from resources within the individual firm or through a subcontract relationship (including an assessment of current and previous workloads);
  4. Potential conflicts with current CWA work by either the firm or its subcontractors and subconsultants on a case by case basis;
  5. Good faith efforts to achieve CWA's Minority, Women and Small Business Enterprise subcontracting goals, which are the same as those for the City of Houston for similar contracts, by utilizing firms certified by the City of Houston's Office of Business Opportunity as a Minority Business Enterprise, a Disadvantaged Business Enterprise or a Women Business Enterprise;
  6. Past experience and satisfactory performance on contracts with CWA and/or other public agencies, approval authorities, and private industry in terms of cost control, quality of work, and compliance with performance schedules;
  7. Knowledge of local conditions in the locality of the project as evidenced by local presence;
  8. Level of effort, fiscal capacity and revenue considerations; and
  9. Acceptability under other appropriate project-specific evaluation criteria.
- B. This general list of evaluation criteria may be modified, as appropriate, to reflect the requirements of the specific professional service being procured.<sup>1</sup>

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<sup>1</sup> If the procurement is for a contingent fee contract for legal services, the Executive Director will consult with CWA's general counsel to ensure that the procurement complies with the provisions of Section 2254.1032 of the Act.

- C. A pre-submittal briefing with potential proposers may be conducted to review the evaluation criteria and to clarify submittal requirements, if requested by the Evaluation Committee Chair.

## **VI. EVALUATION OF SUBMITTALS**

### **A. Evaluation Procedures.**

1. After the deadline for submission required by the RFQ, the Evaluation Committee Chair will provide copies of all letters of interest and qualification statements in response to the RFQ to the Evaluation Committee for its review. The Evaluation Committee's review will be limited to those firms that have submitted letters of interest and qualifications statements in response to the RFQ. Without approval from the Board, the Evaluation Committee will exclude from evaluation any firm of which a director or a director's spouse is an employee or owner; and
2. Prior to beginning the evaluations, the Evaluation Committee Chair will call a meeting of the Evaluation Committee and brief them on the evaluation criteria, the scoring parameters, and distribute blank score sheets. At this meeting, any member of the Evaluation Committee may present any information or superior personal knowledge they may have about any of the submissions.

### **B. Scoring Procedures.**

1. Scores will normally be based on a 100-point system;
2. Each voting member of the Evaluation Committee will evaluate the firms, individually, in accordance with the established evaluation criteria published in the solicitation and score the firms in accordance with the scoring parameters. The evaluators shall also provide any narrative comments they feel are pertinent to support their evaluations and, ultimately, submit their evaluation results to the Evaluation Committee Chair. Written scoring for each evaluator will be retained by the Evaluation Committee Chair;
3. The Evaluation Committee Chair will compile the scores and comments from the Evaluation Committee, perform a preliminary analysis of the scoring, and recommend those firms to be included on the short list. Once the Evaluation Committee Chair has completed the analysis, the Evaluation Committee Chair will call a meeting of the Evaluation Committee to discuss the results. During the meeting, any obvious scoring anomalies will be discussed in an attempt to resolve any disparities; and
4. Before the meeting adjourns, the Evaluation Committee Chair and the Evaluation Committee will finalize the compilation of the scoring.

C. Recommendation.

1. The Evaluation Committee will then discuss the final results of the scoring and decide whether to recommend a firm selection or establish a short list of qualified firms to be invited for oral interviews.
2. If the Evaluation Committee feels that conducting oral presentations would be of no benefit in determining the final ranking, that recommendation will be made to the Professional Engineering Services Review Committee (PESRC) (or Finance and Audit Committee (FAC), as may be appropriate). If the PESRC (or FAC) decides that interviews will not be required, the Evaluation Committee will recommend a firm to the PESRC (or FAC) for approval to bring forward for Board consideration.
3. If oral interviews are conducted, the CWA interview team will consist of both the PERSC (or FAC) members and the evaluation committee members. The Evaluation Committee Chair will schedule the oral interview at a time convenient for the CWA Interview Team. The oral interview will be scored by the CWA Interview Team and will be used as the basis for its recommendation to the Board for approval of a firm.

**VII. NEGOTIATION AND AWARD**

- A. As a general rule, contract awards will be presented to the Board as two separate actions. The Board will first consider approval of a selected firm and then at a subsequent meeting will review and consider approval of a negotiated scope and fee.
- B. The Executive Director (or the Chief Financial Officer when accounting or other financial services are being procured) will negotiate a contract with the most qualified offeror for the required services at compensation determined in writing to be fair and reasonable. The results of the negotiations will be presented to the PESRC (or FAC) who will ultimately make a recommendation for approval to the Board.

Contract negotiations will be directed towards:

- Making certain that the offeror has a clear understanding of the scope of the work, specifically the essential requirements involved in providing the required services;
- Determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time;
- Agreeing upon compensation which is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity, and nature of such services;

- If compensation, contract requirements, and contract documents can be agreed upon with the most qualified offeror, the contract shall be recommended to the Board for approval;
- If compensation, contract requirements, or contract documents cannot be agreed upon with the most qualified offeror, a written record stating the reasons therefor shall be placed in the file and the Executive Director will advise such offeror of the termination of negotiations, which shall be confirmed by written notice prior to commencement of negotiations with the next most qualified offeror;
- Upon failure to negotiate a contract with the most qualified offeror, the Executive Director may enter into negotiations with the next most qualified offeror. If compensation, contract requirements, and contract documents can be agreed upon, then contract award will be recommended to that offeror. If negotiations again fail, negotiations shall be terminated as provided above;
- If this effort proves unsuccessful, proposals may be re-solicited.

#### **VIII. DOCUMENTATION**

- A. A documentation package consisting of the procurement process, final scores and final rankings will be prepared by the Executive Director for the Board's review upon request.
- B. All back-up documentation necessary to substantiate the evaluation and recommendation will be retained as a part of the official files.

#### **IX. DEBRIEFING OF UNSUCCESSFUL OFFERORS**

Any debriefings for requirements will be conducted by the Executive Director and selected Evaluation Committee members. The Evaluation Committee's comments (and/or the Interview Team's comments) will be the basis for the debriefing discussion. Individual scores of proposing firms will not be disclosed during debriefings.