

HARFORD COUNTY CODE (downloaded from website May 8, 2006)

§ 41-28. Consultant and other professional services. [Amended by Bill Nos. 77-26; 77-62]

A. Generally. Procurement of consultant and other professional services, except for the employment of special legal counsel pursuant to Section 403(c) of the Charter, and physicians' services, shall be through negotiation on the basis of qualification and competence of the prospective consultant, the technical proposal as to the proposed work and the price to the county. The procurement of consultant or other professional services by the county shall be by written contract. The contract shall contain, among other things:

- (1) A complete description of the services to be performed.
- (2) The time period over which services are to be performed and completion date.
- (3) The total price to be paid for such services.
- (4) A clause permitting audits of the records of the contractor as they pertain to specific items of the contract with the county. Reimbursable expenses, if any, shall be clearly defined in the contract as to limitations and allowability thereof and shall be expressed in terms of ceilings. Per diem rates, if any, shall include "not to exceed" limits. No consultant or other professional services shall be contracted for on a time or hourly basis unless there shall be established in the contract a ceiling price for the total services to be rendered with the contractor assuming the obligation for completion of all required services at a price not to exceed the ceiling price. Further, contracts for consultants and other professional services shall contain provisions requiring approval of the Director of the department or using agency that is responsible for the administration of the contract of all proposed subcontractors, consultants or associates.

B. Qualification questionnaire. The Director of Procurement, by public advertising, will periodically, but no less than every two years, require that all firms interested in providing professional consultant services for the county submit a statement of their area of interest together with a questionnaire similar to the United States Government's Standard Form 251 and any other data pertinent to the description of capabilities of their firm. These submissions will be maintained under the supervision of the Director. All statements and other data will be updated annually. During interim periods between advertisements, the Director shall accept submissions from professionals and consultants. Pending the next public advertisement, the Director shall add the names of the new consultants and professionals to the list. Insofar as possible, the Director shall list in the advertisement the forthcoming projects and contracts. [Amended by Bill No. 93-13]

C. Negotiation procedures. As services for projects are required, the Director shall appoint a Negotiation Committee of not less than three (3) members, one (1) of whom

shall be the cognizant using agency head or his designee and two (2) others shall be at the choice of the Director.

(1) The Committee shall first prepare a report indicating the project description, scope of services being sought, funding data, estimated construction costs and, finally, a list of consultants deemed eligible. Except where prohibited by state or federal laws, rules or regulations, the list shall include a representative number of qualified firms whose principal places of business are located in the county and will include a total of at least three (3) firms. The number will depend only upon apparent qualifications and shall be listed in order of preference. The list will be the result of reviewing all applicable qualification questionnaires. The report shall state, insofar as possible, the reasons for the proposed order of preference.

(2) The report will be submitted to the Director for review and comment. If the Director disagrees with the report, he shall state his reasons for the disagreement and make recommendations to the Committee. If the Director disagrees with the report, the Committee shall consider his reasons and recommendations, confirm or modify its report and proceed with negotiations.

(3) The Committee will negotiate technical and price proposals with at least the three (3) most preferred firms of those firms listed in the final order of preference. The Committee shall compare the proposals with their final report as a basis for negotiations. The Committee shall negotiate with the selected firms without considering the order in which they were listed in the Committee's initial report to the Director.

(4) After negotiations are completed, the Committee shall forward their results to the Director for submission to the awarding authority for selection and awarding of the contract.

D. Public announcement of contract award. The selection of a consultant and award of all contracts for consulting and other professional services shall be made public by posting on a bulletin board in the County Office Building available to the public information such as:

- (1) Description or general nature of the services contracted for.
- (2) Performance period covered by the contract.
- (3) Name and address of the person to whom the contract was awarded.
- (4) Total dollar amount of the contract.