

**RESOLUTION NO. 071023-4**

**WHEREAS**, in relation to the Gettysburg Gateway Connectivity Project, and on behalf of Main Street Gettysburg, Inc., the Borough of Gettysburg (hereinafter referred to as the “Borough”) has applied for grant funding under the Federal Lands Access Program (hereinafter referred to as the “FLAP grant”) and serves as the project sponsor; and

**WHEREAS**, in order to facilitate the FLAP grant for the Gettysburg Gateway Connectivity Project, the Borough is required to adopt the Pennsylvania Department of Transportation Policy and Procedure for Consultant Selection (Appendix 7A, Publication 93) in connection with determining the need to use consulting firms for engineering services, the qualification and selection of consulting firms for engineering services, and the general administration and monitoring of consultant agreements for engineering services.

**WHEREFORE, BE IT RESOLVED**, that the Borough of Gettysburg, Adams County, Pennsylvania, is hereby authorized, as the project sponsor, to adopt the Policy and Procedure for Consultant Selection attached hereto and incorporated herein by reference; and

**WHEREFORE, BE IT FURTHER RESOLVED**, that the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, hereby adopts and accepts the attached Policy and Procedure for Consultant Selection containing policies and procedures for engineering services performed by consulting firms, and will adhere to the rules and regulations of the Pennsylvania Department of Transportation.

**THIS RESOLUTION DULY ADOPTED** according to law on this 10<sup>th</sup> day of July, 2023 at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

**BOROUGH OF GETTYSBURG**

By:

  
Wesley K. Heyser, President

Attest:

  
Sara L. Stull, Secretary

## POLICY AND PROCEDURE FOR CONSULTANT SELECTION

The following procedures have been adopted by the Borough of Gettysburg as authorized by action of the Borough Council on July 10, 2023. 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 Borough does not have in-house engineering services shall analyze the Gettysburg 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 Borough of Gettysburg encourages responses from small firms, minority firms, and firms who have not previously performed work for the Borough of Gettysburg.
- 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) Outside of ECMS, include contact information for project discussions and a description of the method of discussion. For ECMS, a statement must be included in the advertisement stating that all questions and answers are required to go through ECMS's "Questions and Responses" forum. If oral presentations are required, it must be stated in the advertisement.
- 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.

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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. Charles Gable, Manager or designee,  
Selection Committee title
- b. Sara Stull, Assistant Manager or designee,  
Selection Committee title

- c. Chad Clabaugh, Engineer 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 should be used. The Charles Gable, Manager 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 Borough of Gettysburg 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 Borough Managers 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.

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.

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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 Borough of Gettysburg Municipality.

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

The Borough of Gettysburg Municipality will enter into a reimbursement agreement with the Department setting forth the methods for reimbursing the federal funds to the Borough of Gettysburg 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 Borough Manager 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 Borough of Gettysburg 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.

Borough of Gettysburg's The 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. For projects that were entered in ECMS, the evaluations can be completed in ECMS.

It is understood and made part of these procedures that the employees of the Borough of Gettysburg 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 Borough of Gettysburg Municipality, by order of the Borough Manager Mayor, Council, Board of Supervisors, etc.)

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

NOW, THEREFORE BE IT FURTHER RESOLVED that the Borough Council Mayor, Supervisors, Etc. this 10th day of July, 2023, on behalf of the Borough of Gettysburg Municipality hereby accept the aforesaid policies and procedures.

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

ATTEST:	<u>Borough of Gettysburg</u> Municipality
BY <u>Sara L. Stull</u> Secretary	BY <u>Wesley K. Heyser</u> Borough Council President
Title	Title