

**OFFICE OF THE MAYOR  
TULSA, OKLAHOMA  
Executive Order No. 2004-02  
August 23, 2004**

**ORDER SUPPLEMENTING, INDEXING AND CONFIRMING POLICIES  
AND PROCEDURES REQUIRING COMPETITIVE SELECTION FOR  
PROFESSIONAL AND PROFESSIONAL CONSULTING SERVICES;  
AVOIDANCE OF CONFLICT OF INTEREST IN PERFORMANCE OF  
DUTIES; REQUIRING PERIODIC WRITTEN REPORTS AND  
STATEMENTS OF INDEPENDENCE FROM CONFLICT OF INTEREST  
FOR EMPLOYEES OF CITY DEPARTMENTS, TRUSTS AND  
AUTHORITIES; APPLICATION OF ORDER TO ALL CITY DEPARTMENTS,  
TRUSTS, AUTHORITIES AND EMPLOYEES**

By virtue of the power vested in me as Mayor of the City of Tulsa, it is hereby ordered:

Section 1. PURPOSE. To supplement, index and confirm the policies and procedures which City departments, trusts, authorities and employees must follow in the selection of professional and professional consulting services and avoidance of conflicts of interest.

Section 2. APPLICATION. The policies and procedures contained herein are applicable to all City departments, trusts, authorities, and employees. This includes, but is not limited to, all City employees of the Tulsa Airport Authority, the Tulsa International Airport, the Richard L. Jones, Jr., Airport and the Tulsa Airports Improvement Trust. Further, all public trusts of which the City of Tulsa is a beneficiary should, as soon as practical, formally accept these policies and procedures by appropriate action of the governing board, as an additional safeguard.

Section 3. DEFINITIONS.

- a. "Professional services" (as defined in Executive Order 90-05, attached hereto as Appendix A) shall mean services requiring any individual, firm, corporation, association, partnership, copartnership, or any other legal entity possessing the required qualifications to provide licensed architectural, landscape architectural, registered engineering and/or registered land surveying services.
- b. "Professional consulting services" (as defined in Executive Order 90-08 attached hereto as Appendix B) shall mean all services involving advice and assistance provided for a fee to any City department, trust or authority by an outside individual, firm or organization, when the advice or assistance results in a report or other deliverable service delineating the alternative courses of action and recommendations

based upon the expertise possessed by the outside individual, firm or organization. Executive Order 90-08 also sets forth services which are not included as "Professional consulting services":

- i. Federal, State or City awards to non-profit corporations for the design and or administration of approved programs;
- ii. Medical services mandated for City clientele;
- iii. Consultant services donated to the City or for which there is no cost to the City;
- iv. Legal services and services of consultants to be used as witnesses in legal proceedings;
- v. Any consultant services that can be obtained by award of a contract pursuant to competitive bids;
- vi. Architectural and engineering services including licensed architectural and landscape architectural, registered engineering, and registered land surveying services.

#### Section 4. POLICY.

- a. Competitive Process Required. It is the policy of the City of Tulsa to procure Professional and Professional Consulting Services through a fair and unbiased competitive selection process established from time to time by mayoral executive order. If federal or state requirements prescribe a selection process other than established by mayoral executive order, the federal or state laws, policies, rules, regulations or guidelines in effect at the time of the contract award shall apply. These regulations and policies would include, but not be limited to, Federal Aviation Administration ("FAA") regulations and policy regarding Airport Improvements Program ("AIP") grant funded contracts of the Tulsa Airport Authority, Tulsa International Airport, Richard L. Jones, Jr., Airport and the Tulsa Airport Improvements Trust.
- b. Intent of Competitive Selection Process. If it can be reasonably anticipated that the monetary limitations which require a competitive selection process may be exceeded during the term of a professional or professional consulting services agreement, the selection shall require a full competitive process as identified in Section 4a above and Section 5.
- c. Conflict of Interest. City employees shall:
  - i. demonstrate and be dedicated to the highest ideals of honor and integrity in all public and personal relationships to merit the

respect, trust and confidence of governing officials, the public, and other employees;

- ii. participate in the selection, engagement or oversight of professional service providers with prudence, integrity, and without favor;
- iii. refrain from engaging in any outside matters of financial or personal interest incompatible with the impartial and objective performance of their duties.

Section 5. PROCEDURES.

- a. The procedures for selection of Professional Services are set forth in Executive Order 90-05.
- b. The procedures for selection of Professional Consultant Services are set forth in Executive Order 90-08 as amended by Executive Order 90-12 (attached hereto as Appendix C).
- c. All Conflict of Interest guidelines set forth in City of Tulsa Personnel Policies and Procedures Section 419 (attached hereto as Appendix D) shall be strictly adhered to by all City of Tulsa employees in the selection of Professional and Professional Consulting Services. Further, employees of the Tulsa Airport Authority, Tulsa International Airport, the Richard L. Jones, Jr., Airport and the Tulsa Airports Improvement Trust shall comply with FAA regulations and policy prohibiting them from participating in the administration of contracts if a real or apparent conflict of interest exists. These include, but are not limited to, 49 CFR 18.36 and FAA Advisory Circular No. 150/5100-14C.
- d. City of Tulsa employees who are engaged in the procurement and administration of professional and professional consulting services contracts, or who are appointed to serve on a Selection Committee, shall provide a written statement of independence from conflict of interest in contracts in which the employees are engaged in the procurement and/or administration thereof, and, execute periodic written reports and assurances regarding any circumstance, situation or activity which could involve a conflict of interest.

Section 6. EFFECTIVE DATE. This Order shall take effect immediately.

Dated this 23<sup>rd</sup> day of August, 2004.

William D. LaFortune  
William D. LaFortune, Mayor

ATTEST:

Dana Burke  
City Clerk Deputy



Office of the Mayor  
Tulsa, Oklahoma

Executive Order No. 90-05  
May 8, 1990

ESTABLISHMENT OF AN  
ADMINISTRATIVE PROCEDURE FOR SELECTION OF ARCHITECTURAL  
AND ENGINEERING SERVICES  
FOR THE CITY OF TULSA

By virtue of the power vested in me as Mayor of the City of Tulsa, it is hereby ordered:

Section 1. PURPOSE. To establish an open and fair process for entering into contracts for registered professional architectural, landscape architectural, engineering and surveying services.

Section 2. ORGANIZATIONS AFFECTED. All City Departments, Trusts and Authorities.

Section 3. DEFINITIONS. As used in this regulation "professional services" shall mean services requiring any individual, firm, corporation, association, partnership, copartnership, or any other legal entity possessing the required qualifications to provide licensed architectural, landscape architectural, registered engineering and/or registered land surveying services.

Section 4. POLICY.

- 4.1 The City requires that the Legal Department approve, as to form, all contracts.
- 4.2 All contracts shall be approved by the Mayor.
- 4.3 Each department shall use a selection committee responsible for proposal solicitation and evaluation and recommendation of qualified professionals.

Section 5. PROCEDURES.

5.1 Selection Process

- 5.1.1 The Director of Public Works shall appoint a standing selection committee consisting of at least three but no more than five individuals from within and/or outside the department, at least three of whom shall be engineers, architects, landscape architects and/or surveyors. Appointments to the selection committee shall be filed with the City Clerk.

Appendix A

- 5.1.2 All other departments of the City shall appoint a selection committee before proposals for professional services are solicited.
- 5.1.3 A statement of need for professional services shall be prepared by the department before proposals are solicited.
- 5.1.4 A statement of the scope of the work to be performed will be prepared.
- 5.1.5 A file of qualified professional service firms/ individuals shall be maintained by each: department utilizing these types of services.
- 5.1.6 For services estimated to cost under \$50,000 the selection committee shall meet, evaluate the firms in the file and recommend a professional for the project. For specialized services it may be necessary to evaluate firms not included in the file.
- 5.1.7 For services estimated to cost more than \$50,000 the selection committee shall meet, prepare a list of firms from the file and/or other sources and solicit a written statement of interest, qualifications and/or proposals. The committee shall review submitted proposals and decide whether selection can be based upon the proposals. If necessary, a more detailed proposal may be requested or interviews conducted with the top three to five firms before a recommendation is made. For specialized services it may be necessary to solicit proposals from firms not included in the file.
- 5.1.7.1 Some projects will be developed in phases. Certain professional service firms may be qualified for several or all phases. In such cases the estimated scope and cost of all phases may determine the selection process rather than just the first phase or contract. If it is then desired to pursue subsequent phases with the same professional service firm the selection process need not be repeated.
- 5.1.8 The selection committee will negotiate the fee.
- 5.1.9 A letter of exception shall be prepared for approval by the Mayor in any instance where the procedures outlined in this document cannot be followed.

5.2 Written Contract

There will be a written contract for professional services which specifies a definite duration and a maximum compensation.

5.3 Project Monitoring and Documentation

5.3.1 Each contract shall be assigned to a particular individual for oversight and monitoring.

5.3.2 A contract file for each professional service shall be maintained by the department.

5.4 Accounting and Reporting

5.4.1 Funds for professional services shall be budgeted and encumbered for each contract.


5.4.2 Each contract shall be reviewed to assure that there is a continuing need for the service, that terms are being complied with and that the work is progressing satisfactorily.

5.4.3 A performance review will be prepared at the end of each professional service contract.

5.5 Guidelines

All departments shall utilize the guidelines which follow for implementation of this document in interpreting and carrying out the procedures outlined.

Section 6. EFFECTIVE DATE. This Order shall take effect immediately.



*Rodger A. Randle*

Rodger A. Randle  
M A Y O R

ATTEST:

*Ronald Payne*  
\_\_\_\_\_  
City Clerk

GUIDELINES FOR IMPLEMENTATION  
OF ADMINISTRATIVE PROCEDURE FOR  
ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS

Section 1. ASSESSMENT OF NEED. Departments should clearly assess and determine the need for the utilization of architectural, landscape architectural, surveying and engineering services. "Professional services" shall mean services requiring any individual, firm, corporation, association, partnership, copartnership, or any other legal entity possessing the required qualifications to provide licensed architectural, landscape architectural, registered engineering and/or registered land surveying services. Professional engineering services are generally used to obtain the following:

- expertise of a specialized nature which is not available within the department or from another department;
- outside expertise to provide a new or broader perspective on a specific project;
- the skill of experts whose established prestige can contribute to important projects;
- performance of one-time projects of limited duration that do not warrant additional permanent staff.

Professional services should not be used to:

- make policy or managerial decisions that are the direct responsibility of department management;
- circumvent personnel ceilings, pay limitations or competitive employment procedures;
- supervise permanent employees, except as necessary to complete a short-term project;
- perform routine, long-term tasks that are normally the responsibility of permanent employees.

Section 2. SELECTION PROCESS. The Director of Public Works should appoint a standing committee for the selection of professional services.

Managers of all other departments should appoint a selection committee before entering into any contract for professional services.

The selection committee should consist of at least three but no more than five individuals from within and/or outside the department, whose positions would make them familiar with the type of projects to be evaluated. At least three of the individuals shall be engineers, architects, landscape architects and/or surveyors. The department director may appoint additional temporary members to the committee if their skills or



background would contribute to the evaluation of a specific project.

The selection committee should ensure that a file of professional service firms is maintained and updated regularly. For specialized services it may be necessary to solicit firms not included in the file. The file should contain the following information on professional service firms:

- \* Name
- \* Size
- \* Specific qualifications
- \* Specialties
- \* Previous experience with the city, where applicable

Quality of service and maintenance of the public safety should be the primary considerations in the selection of professional service firms.

Some projects will be developed in phases. Certain professional service firms may be qualified for several or all phases. In such cases the estimated scope and cost of all phases may determine the selection process rather than just the first phase or contract. If it is then desired to pursue subsequent phases with the same professional service firm the selection process need not be repeated.

The following selection process should be followed for projects under \$50,000:

- The selection committee should meet to review the firms in the file.
- The firm which best meets the evaluation criteria and is perceived as most able to provide the service at a reasonable price should be selected from the list and recommended to receive the contract.
- The committee should prepare a brief summary of the committee's recommendation.
- The committee's recommendation should be submitted to the department head for approval.
- The appropriate head of the responsible organization or the designee should attempt to negotiate a fair and reasonable contract with the recommended firm.

The following selection process should be followed for projects over \$50,000:

- The selection committee should formally meet to review the firms in the file.
- A minimum of three firms from the file, which best meet the evaluation criteria and are perceived as the most able to provide the service at a reasonable price, should be selected to submit proposals.

- The committee should prepare a written request for a statement of interest, qualifications and/or proposal to include:

1. Project description
2. Proposed scope of services
3. Required completion schedule
4. Basis for the award, including evaluation criteria

- The selection committee should interview the firms submitting proposals unless the selection committee can make its selection based on the proposals submitted. If interviews are conducted they should be approximately thirty (30) to sixty (60) minutes each.

The following minimum information should be presented by each firm at the selection interview:

1. approach to the assignment and any unusual problems anticipated;
2. availability of resources and capability to meet the completion schedule;
3. name, resume and background of the managing professional and other key individuals to be associated with the assignment;
4. management capacity and procedures for management of the engagement.

- The committee should prepare a brief summary of the interviews.

- The committee should meet to evaluate the proposals following the conclusion of the last interview (if interviews are conducted). Standard evaluation criteria should be applied to all firms submitting proposals. The committee should consider the following items:

1. professional qualification, specialized experience and technical competence of the firm with respect to the type of service required;
2. capacity and capability of the firm with respect to such factors as cost control, quality of work and ability to meet schedules;
3. record of past performance with the city and other jurisdictions;
4. proximity to and familiarity with the area of service;

5. qualifications and experience of the principals of the firm, managing professional and key staff professionals selected for the project;
  6. size and experience of the professional and technical staff with respect to the magnitude of the assignment;
  7. financial standing;
  8. estimated schedule for completion of the project.
- The committee should prepare a brief summary of the committee's recommendation.
  - The committee's recommendation should be submitted to the designated official for approval.
  - The head of the organization or the designee should commence fee negotiations after the one firm considered the most qualified for the project has been approved. A reasonable and fair price should be negotiated after assurance that the selection committee and the firm are in complete agreement as to the definition and scope of the project. If the negotiator is unable to negotiate a reasonable and fair contract with the selected firm, negotiations with that firm should terminate and negotiations should begin with the next highest ranking firm. This process should continue through the third highest ranking firm or until a satisfactory contract is negotiated. If a contract is not agreed upon following negotiations with the third firm, the entire selection process should begin again. If it is the documented opinion of the selection committee, following the failure to negotiate a fair and reasonable contract with a firm that none of the remaining firms is qualified, the committee may immediately select three more firms from the file for interviews.

Section 3. WRITTEN CONTRACT. Each professional service arrangement should be governed by a written contract, fully executed and encumbered before work is initiated. The contract should contain the following:

- mandated standard clauses;
- scope and nature of services to be provided by the consultant;
- designation of the responsibilities of both parties;
- schedule for completion of major phases and overall deadline for project;
- type, content and frequency of reports to be submitted;
- method, schedule and total amount of fees and payments, including progress payments related to phases of the

project; a specific amount may be withheld until all conditions of the contract are satisfied;

- procedures for resolving disputes:
- procedures for amending or canceling the contract.

All contracts must be approved, as to form, by the Legal Department. Contracts must be approved by the Mayor. A copy of the contract should be attached to the fact sheet accompanying the request for approval. The proposal for all contracts should be accompanied by a list of firms solicited.

Section 4. PROJECT MONITORING. Each engagement should be closely monitored and supervised to ensure that the professional adheres to the conditions of the contract and that the department derives maximum benefit from the contract. Each contract should be assigned to a particular individual in the department for oversight and monitoring.

Section 5. DOCUMENTATION. Each contract should be carefully documented in a file. All proposals and documentation relating to cost, whether successful or unsuccessful, must be maintained in the City Clerk's Office for five (5) years from the date of opening or three (3) years from completion of the contract, whichever is longer. In addition, the department shall maintain a file as a part of the department's records for a minimum of five (5) years following completion. The file should contain the following information:

- definition of the assignment;
- statement of need;
- minutes of formal selection committee meetings, where applicable;
- copy of written request for statement of interest, qualifications and/or proposal, where applicable;
- minutes of interviews and statement of selection;
- department director's approval of recommended contractor;
- approved letters of exception, where applicable;
- copy of the contract;
- calendars;
- status reports, where applicable; \* daily time records, where applicable;
- related correspondence;
- vendor invoices, payrolls and other financial documentation.

- .. The official copy of these items will be kept on file in the Office of the City Clerk.

Section 6. ACCOUNTING. In order to provide for consistent and uniform accounting, funds for all contracts should be budgeted and encumbered.

Section 7. REPORTING. At the close of the fiscal year, each organization which has utilized professional services during that fiscal year should submit a written report to the Director of Finance on all contracts. The report should contain the following information: summary of the purpose for any professional services utilized, including the project name, contract number, name of the firm and the contract amount.

Each organization utilizing contractual commitments for professional services shall prepare a written performance review to be kept at the end of each contract in the assignment file. The performance review should evaluate strengths or weaknesses of the study or plan, cost and/or time variances and other pertinent factors.

Office of the Mayor  
Tulsa, Oklahoma

Executive Order No. 90-08  
May 8, 1990

ADMINISTRATIVE PROCEDURE FOR OBTAINING  
PROFESSIONAL CONSULTANT SERVICES  
FOR THE CITY OF TULSA

By virtue of the power vested in me as Mayor of the City of Tulsa, it is hereby ordered:

Section 1. PURPOSE. To establish an open and fair process for entering into contracts for professional consultant services.

Section 2. ORGANIZATIONS AFFECTED. All City Departments, Trust and Authorities.

Section 3. DEFINITIONS. "Professional consulting services" shall mean all services involving advice and assistance provided, for a fee, to any City Department, Trust or Authority by an outside individual, firm or organization, when the advice or assistance results in a report or other deliverable service delineating the alternative courses of action and recommendations based upon the expertise possessed by the outside individual, firm or organization.

3.1 "Professional consulting services" shall not mean any of the following:

- 3.1.1 Federal, State or City awards to nonprofit corporations for the design and or administration of approved programs;
- 3.1.2 Medical services mandated for City clientele;
- 3.1.3 Consultant services donated to the City or for which there is not cost to the City;
- 3.1.4 Legal services and services of consultants to be used as witnesses in legal proceedings;
- 3.1.5 Any consultant services that can be obtained by award of a contract pursuant to competitive bids;
- 3.1.6 Architectural and engineering services including, licensed architectural and landscape architectural, registered engineering, and registered land surveying services.

APPENDIX B

Section 4. POLICY.

- 4.1 The City requires that the Legal Department approve, as to form, all contracts.
- 4.2. All contracts shall be approved by the Mayor
- 4.3. Each department shall use the Selection Committee for solicitation and evaluation of proposals and for recommendation of qualified professionals.
- 4.4 The Mayor is responsible for reviewing the professional services selection process and approving the firm recommended by the Selection Committee.
- 4.5 The Mayor is responsible for approving any exceptions to this policy.

Section 5. PROCEDURES.

- 5.1.1 A Selection Committee consisting of the Purchasing Agent, the Department Head of the requesting department or their designees, and any others, from inside and outside the City deem necessary or helpful.
- 5.1.2 A statement of need for professional services shall be prepared by the department before proposals are solicited.
- 5.1.3 A statement of the scope of work to be performed will be prepared.
- 5.1.5 The requesting department shall send to each potential consultant a Request for Proposal.
- 5.1.6 The Request for Proposal should be directed to a minimum of three qualified experts.
- 5.1.7 The Selection Committee shall negotiate a fee with the Consultant chosen.
- 5.1.8 A letter of exception shall be prepared for approval by the Mayor in any instance where the procedures outlined in this document cannot be followed.

5.2 Written Contract

There will be a written contract for professional services which specifies a definite duration and a maximum compensation.

5.3 Project Monitoring and Documentation

5.3.1 Each contract shall be assigned to a particular individual for oversight and monitoring.

5.3.2 A contract file for each professional service shall be maintained by the department.

5.4 Accounting and Reporting

5.4.1 Funds for professional services shall be budgeted and encumbered for each contract.

5.4.2 Each contract shall be reviewed to assure that there is a continuing need for the service, that terms are being complied with and that the work is progressing satisfactorily.

5.4.3 A performance review will be prepared at the end of each professional service contract.

5.5 Guidelines

Section 6. EFFECTIVE DATE. This Order shall take effect immediately.

All departments shall utilize the guidelines which follow for implementation of this document.

ATTEST:

Ronald Hayes  
City Clerk

Rodger A. Randle  
Rodger A. Randle  
M A Y O R

**GUIDELINES FOR IMPLEMENTATION OF ADMINISTRATIVE REGULATION FOR PROFESSIONAL CONSULTANT SERVICES**

Assessment of Need

Departments should clearly assess and determine the need for professional consulting services. "Professional consulting services" shall mean all services involving advice and assistance provided, for a fee, to any City Department, Trust or Authority by an outside individual, firm or organization, when the advice or assistance results in a report or other deliverable service delineating the alternative courses of action and recommendations based upon the expertise possessed by the outside individual, firm, or organization. Professional consulting services are generally used to obtain the following:



- an opinion, advice or skill which is needed only temporarily and is not readily available within the department or from another department;
- use of specific professional disciplines in an advisory, planning or evaluative capacity to comply with statutory or obligatory mandates;
- outside expertise to provide a broader perspective or objective opinion on critical or sensitive issues;
- benefits of developments in industry, university or foundation research;
- opinions of experts whose established prestige can contribute to the success of important projects;
- performance of one-time tasks or activities of limited duration that do not warrant additional permanent staff;
- performance of one-time tasks or activities of limited duration that require augmentation of permanent staff in order to comply with deadlines imposed by third parties.

Professional consulting services shall not be used to:

- make policy or managerial decisions that are the direct responsibility of department management;
- circumvent personnel ceilings, pay limitations, or competitive procedures;
- supervise permanent employees, except necessary to complete a short-term project;
- perform routine, long-term tasks that are normally the responsibility of permanent employees.

Professional consulting services shall not include:

- federal, state or City awards to nonprofit corporations for the design and/or administration of approved programs;
- medical services mandated for City clientele;
- "consultant services donated to the City or for which there is no cost to the City;
- legal services and services of consultants to be used as witnesses in legal proceedings;
- consultant services that can be obtained by award of a contract pursuant to competitive bidding;

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- architectural and engineering services, including licensed architectural, landscape architectural, registered engineering and registered land surveying services.

### Selection Process

There shall be a Selection Committee composed of the Purchasing Agent, the Department Head of the requesting department, or their designees. The two designated persons may appoint additional, temporary members to the committee if their skills and background would contribute to the evaluation of a specific project.

The Purchasing Division of the Finance Department shall maintain a file of qualified consultants, who have expressed interest in contracting with the City. The Purchasing Division shall invite firms to submit a completed consulting firm questionnaire. The Purchasing Agent shall periodically update the file. The file shall contain the following information on professional consultants:

- \*name
- \*size of firm;
- \*specific qualifications;
- \*specialties;
- \*previous experience with the City.

Quality of service and maintenance of the public safety should be the primary considerations in the selection of professional consultants.

Some projects will be developed in phases. Certain consultants may be qualified for several or all phases. In such cases the estimated scope or cost of all phases may determine the selection process rather than just the right phase. If it is then desired to pursue subsequent phases with the same consultant the selection process need not be repeated.

The following selection process should be followed:

- a statement of need shall be prepared by the requesting department;
- the requesting department shall submit to each potential consultant a Request for Proposal including the following information:
  1. conditions and timetable for submission;
  2. conditions and timetable for presentation of proposal;
  3. proposal evaluation process;

4. post award review;
5. general price range or limit for services requested;
6. deadline for completed work;
7. project description;
8. project constraints;
9. specifications of the approach the consultant is expected to utilize and the extent to which the department will participate in the performance of any tasks;
10. requirement for a schedule of performance and reporting for each phase of the project and overall completion of the project;
11. requirement of estimates of the man hours to perform each task;
12. basis for award of the contract and evaluation criteria.

The Selection Committee should interview the firms submitting proposals unless the Selection Committee can make its selection based on the proposals submitted. The following minimum information should be presented by each firm at the selection interview:

1. approach to the assignment and any unusual problems anticipated;
2. availability of resources and capability to meet the completion schedule;
3. name, resume and background of the managing professional and other key individuals to be associated with the assignment;
4. management capacity and procedures for management of the engagement.

The Selection Committee should rank each proposal based on the criteria contained in the Request for Proposal and such other criteria as the committee deems necessary including:

1. professional qualifications, specialized experience and technical competence of the firm with respect to the types of service required;
2. capacity and capability of the firm with respect to such factors as cost control, quality of work and ability to meet schedules;

3. record of past performance with the City and other jurisdictions;
  4. proximity to and familiarity with the area of service;
  5. qualifications and experience of the principals of the firm, managing professional and key staff professionals selected for the project;
  6. size and experience of the professional and technical staff with respect to the magnitude of the assignment;
  7. financial standing;
  8. estimated schedule for completion of the project.
- The Selection Committee shall rank each proposal based on the criteria outlined above and in the Request for Proposal.
  - The Selection Committee shall negotiate a contract with the proponents in the order of their ranking.

#### Written Contract

Each professional service agreement should be governed by a written contract, fully executed and encumbered before work is initiated. The contract should contain the following:

- mandated standard clauses;
- scope and nature of services to be provided by the consultant;
- designation of the responsibilities of both parties;
- schedule for completion of major phases and overall deadline for project;
- type, content and frequency of reports to be submitted;
- method, schedule and total amount of fees and payments, including progress payments related to phases of the project; a specific amount may be withheld until all conditions of the contract are satisfied;
- procedures for resolving disputes;
- procedures for amending or cancelling the contract.

All contracts must be approved, as to form, by the Legal Department. Contracts must be approved by the Mayor. A copy of the contract should be attached to the fact sheet accompanying the request for approval. The proposal for all contracts should be

accompanied by a list of firms solicited.  
Projecting Monitoring

Each engagement should be closely monitored and supervised to ensure that the professional adheres to the conditions of the contract and that the department derives maximum benefit from the contract. Each contract should be assigned to a particular individual in the department for oversight and monitoring.

#### Documentation

Each contract should be carefully documented in a file. All proposals and documentation relating to cost, whether successful or unsuccessful, must be maintained in the City Clerk's Office for five (5) years from the date of operating or three (3) years from completion of the contract, whichever is longer. In addition, the department shall maintain a file as a part of the department's records for a minimum of five (5) years following completion. The file should contain the following information:

- definition of the assignment;
  - statement of need;
  - minutes of formal selection committee meetings, where applicable;
  - copy of written request for statement of interest, qualifications and/or proposal, where applicable;
  - minutes of interviews and statement of selection;
  - department director's approval of recommended contractor;
  - approved letters of exception, where applicable;
  - copy of the contract;
  - calendars;
  - status reports, where applicable;
  - daily time records, where applicable;
  - correspondence;
  - vendor invoices, payrolls and other financial documentation.
- NOTE: The official copy of these items will be kept on file in the Finance Department.

## Accounting

In order to provide for consistent and uniform accounting, funds for all contracts should be budgeted and encumbered.

## Reporting

At the close of the fiscal year, each organization which has utilized professional services during that fiscal year should submit a written report to the Finance Director on all contracts. The report should contain the following information: Summary of the purpose for any professional services utilized, including the project name, contract number, name of the firm and the contract amount.

Each organization utilizing contractual commitments for professional services shall prepare a written performance review to be kept at the end of each contract in the assignment file. The performance review should evaluate strengths or weaknesses of the study or plan, cost and/or time variances and other pertinent factors.

INTER-OFFICE CORRESPONDENCE

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From: J. M. Dowd, Director  
ICS Department  
M. P. Kier, Director  
Finance Department

*J. M. Dowd*  
*M. P. Kier*

Date: December 21, 1993

To: Mayor M. Susan Savage

Subject: Request for Exception to  
Executive Order No. 90-08  
Professional Consultant Services

We are requesting your approval of an exception to Executive Order No. 90-08, Administrative Procedure for Obtaining Professional Consultant Services for the City of Tulsa.

ICS is seeking consulting services for the development of a Disaster Recovery Plan (DRP) covering the IBM ES 9000 computer system that currently supports the Finance and Personnel Departments applications and soon will support Code Enforcement applications.

As a means of identifying a qualified consultant with expertise in the development of DRPs, ICS canvassed each member of the Information Technology Advisory Board (ITAB), whose duty it is to advise the Mayor and City Departments on all aspects of data processing and telecommunications, to seek their recommendation of DRP consultants practicing in the State of Oklahoma. There was among the ITAB a consensus that there is only one consulting organization that is known to have the expertise we request and that is Gilliam Associates of Ponca City. The Board's recommendation is based on the experience of members who have used Gilliam for the development of their organizations' DRPs, as well as Mr. Gilliam's wide reputation for his unique skill as a disaster recovery planner.

ICS has met with Mr. Gilliam and he has submitted a proposal that satisfies both our requirements and falls within an affordable price range. ICS feels confident that Mr. Gilliam can provide the services that we require within the time frame we have specified and at a \$15,000 cost that we feel is reasonable and affordable.

In light of the consistent recommendations from the ITAB, it is our judgement that we would be expending critical time were we to back up and attempt to obtain competitive proposals from others.

We request your approval that we waive the requirement that a Request for Proposal be directed to a minimum of three qualified experts. With your approval, we will then be in a position to expeditiously pursue a written contract with Gilliam Associates for the consulting services requested by the City.

JMD:lab

cc: R. G. Lemons

APPROVED BY MAYOR  
CITY OF TULSA  
12-27-93

DEC 27 1993

FILED

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CITY CLERK P.M.  
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CITY

Office of the Mayor  
Tulsa, Oklahoma

Executive Order No. 90-12  
June 5, 1990

AMENDING EXECUTIVE ORDER NO. 90-08

By virtue of the power vested in me as Mayor of the City of Tulsa, Oklahoma, it is hereby ordered:

Section 1. Executive Order No. 90-08 establishing an administrative procedure for obtaining professional consulting services is hereby amended to exclude contracts costing less than \$5,000.00.


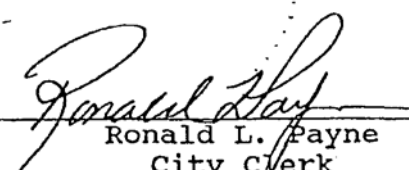
Section 2. There shall be an aggregate limit of \$10,000.00 per contractor per fiscal year after which no further awards shall be made to said contractor, regardless of the amount, except through compliance with Executive Order No. 90-08.

Section 3. EFFECTIVE DATE. This Order shall take effect immediately.

Dated this 5 day of June, 1990.



Rodger A. Randle  
M A Y O R

  
  
\_\_\_\_\_  
Ronald L. Payne  
City Clerk

APPENDIX C



## City of Tulsa Personnel Policies & Procedures

419. Conflict of Interest Effective Date: 09/03/98

Employees of the City of Tulsa are expected to maintain high standards of honesty, integrity, impartiality and conduct in the performance of their jobs to ensure the trust and confidence of citizens in their government.

- .1 A conflict of interest could arise from a situation where financial or personal interests of an employee or an employee's family could be affected by an official action or lack of action by the employee in the performance of his or her duties. Such situations could also include but not be limited to the following: a) ownership or part ownership by an employee of lands, stocks, bonds or other holdings of a spouse and/or minor child, or other relatives living in the employee's home; b) ownership or financial interest by an employee in the name of another person where the employee benefits; c) situations in which the employee has considerable affect on the outcome of an administrative, customer service, or City resource decision which involves a family member, friend or other associated individual of the employee and which may have financial or other personal gain implications involved.
- .2 Employees must refrain from any conflict of interest. The employee must avoid involvement in any circumstances in which an employee or any member of the public could define as or even reasonably construe as a conflict of interest. Any employee of the City who becomes aware of a potential conflict of interest involving another employee's activities shall make disclosure of such activities to their supervisor and/or department head as soon as reasonably possible.
- .3 Employees may be required to provide a written statement or execute periodic written reports and assurances regarding any circumstances, situation or activity, which could involve a conflict of interest.
- .4 In the event an employee has any reason to believe that he or she may be involved in a conflict of interest of any type, he or she should immediately make a written report on the matter to his or her supervisor with a copy to the department head, making a full disclosure of all pertinent circumstances. A department head shall be responsible to determine whether a potential or an actual conflict of interest exists, whether to assign responsibilities involved in the matter to a different employee, request review by the Human Resources and/or Legal Department as appropriate, etc. If the department head determines a situation involving a conflict of interest has arisen which was not disclosed by an employee in a timely manner or if improper actions have occurred, the department head shall initiate a full investigatory review of the matter and take appropriate disciplinary action as the facts may warrant.