

- **Sec. 46-39. - Procurement of professional services.**

The city may contract for the procurement of professional services.

(1)

Definition. For the purposes of this section, “professional services” means services that are intellectual in character, including consultation, analysis, evaluation, prediction, planning, programming, or recommendation, and result in the production of a report or the completion of a task.

Such services include, but are not restricted to, services of the type required or permitted to be furnished by a professional under a license, registration or certificate issued by the State of Wisconsin to practice architecture, engineering, surveying, landscape architecture, geoscience, certified interior design, medicine and surgery, chiropractic, optometry, psychology, dentistry, dental hygiene, accountancy or law, or under a license or certificate issued by another state under similar laws.

(2)

Council approval. Except as otherwise directed by the common council, contracts for the purchase of professional services may be entered into without council resolution when all of the following conditions are met:

a.

The funds for the services are included in the approved city budget.

b.

The city has engaged in a competitive selection process for professional services (or in the case of the water and wastewater utilities, Wis. Stats. § 62.15 and ch. 200, and sections 46-36 and 46-38 of the Code of Ordinances) or the contract is exempt from such a requirement pursuant to subsection (3) of this section.

c.

The contract complies with other laws, resolutions and ordinances.

d.

The contract is for a period of one year or less, or the contract is for a period of more than one year but not more than three years, and the cost of the professional services does not average more than \$50,000.00 per year of the contract, provided that this subsection is subject to subsection (3)b. for noncompetitive contracts.

(3)

Exceptions to selection process. The city may enter into negotiated contracts for professional services without a competitive selection process for the procurement of professional services if the following are met:

a.

One or more of the following criteria are present as found by the purchasing agent or appropriate department head:

1.

Public exigency will not permit the delay incident to advertising or other competitive processes;

2.

The service required is available from only one person or firm;

3.

The services are for professional services to be provided by attorneys who charge on an hourly basis or who are approved by CVMIC or the city's liability insurance carriers. In all other matters, where the aggregate legal fees exceed \$50,000.00, the city

attorney shall notify the common council of the status and seek approval for further expenditures.

4. No acceptable bids have been received after formal advertising;
 5. Service fees are established by law or professional code;
 6. A particular consultant has provided services to the city on a similar or continuing project in the recent past, and it would be economical to the city on the basis of time and money to retain the same consultant;
 7. The contract is for \$25,000.00 or less; or
 8. Otherwise authorized by law, rule, resolution, or regulation.
- b. In the case of sole source, public exigency or previous provider exemptions, the department head or purchasing agent shall fill out the city's approved form for such and file it with the finance director and city administrator.
- If the aggregate amount of the fee for services will exceed \$25,000.00 and the contract was not subject to a competitive selection process, the contract shall meet one of the requirements of subsection (3)a. and be approved by the common council by resolution.