

The **Consultant's Competitive Negotiation Act (CCNA) (F.S. 287.055)** was enacted by the Florida Legislature in 1973 and governs the processes required for procurement of professional design services for public sector projects. Public agencies are required to follow CCNA for the acquisition of professional architectural, engineering, landscape architectural and survey and mapping services. This statute applies to all public agencies seeking professional services and requires the selection to be based on a competitive selection process where the qualifications of the firm, or team, are evaluated rather than through a financially-based bid process. The CCNA process requires adherence with specific procedures during the procurement process. These procedures include:

- 1 A public announcement shall be provided when professional services are needed and these services exceed the thresholds provided in s. 287.017. The announcement shall include a general description of the project and direction as to how interested consultants may apply.
- 2 The agency shall evaluate and rate the qualifications of the firms. The agency shall select, in order of preference, no fewer than three firms deemed to be the most highly qualified to perform the required services. During the evaluation process, the agency shall consider such factors as the ability of the professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads; and volume of work previously awarded.
- 3 The agency shall negotiate a contract with the most qualified firm at a compensation level which the agency determines is fair, competitive, and reasonable.
- 4 Should the agency be unable to negotiate a satisfactory contract with the top ranked firm, negotiations must be terminated. The agency shall then undertake negotiations with the second ranked firm. Should negotiations with the second ranked firm be unsuccessful, negotiations must be terminated and subsequently begun with the third ranked firm.

The State of Florida's CCNA is similar to the Brooks Act (Public Law 92-582) which governs the processes that must be followed by the Federal Government for the procurement of design services for Federal projects. The Brooks Act requires a Quality Based Selection (QBS) process for selecting professional services consultants. The Federal regulations call for firms competing for Federal government design contracts to be selected on the basis of experience and technical expertise. Currently, forty-seven states have adopted legislation similar to the Brooks Act, requiring the procurement process for public sector contracts to be based on qualifications and experience. Some agencies in Florida, specifically FDOT, are required to follow the Brooks Act / CCNA due to Federal funding. This may also apply to other state and local agencies when project funds originate from the Federal level.

Competitive, Cost Effective Process

First and foremost, the CCNA process allows the Owner/Agency to focus on selecting the **most qualified firm available**. Multiple variables may be explored and examined during the evaluation and selection of potential firms. When professional services selections are based on costs alone, or a single variable selection process, the most qualified firm may not even be considered. The scope of work for a design project is rarely able to be defined definitively and in such a way that would allow a cost solicitation to be on equal footing. The agency does not tend to realize this until the completion of the work after analyzing the additional services.

Project Effectiveness

Research shows that projects utilizing a CCNA-type process for selecting design consultants **traditionally perform better in terms of controlling costs, schedule, and quality**. The industry average for construction costs growth is approximately 10%, whereas construction costs growth on quality based selection projects are typically around 3%. In addition, studies show CCNA projects result in **better schedule control** when compared to national averages. With CCNA selection, the agency and the design consultant work together as a team to develop the schedule and the budget operating from mutual respect and trust, major components to a successful job.

Addresses Incomplete Scope

Utilizing a CCNA procurement process allows the design professional to **assist with the evolution of design solutions** which could result in **decreased costs and/or increased client satisfaction**. This encourages **collaboration, respect and trust within the team**. Often in RFQ's, the scope has not yet been fully developed by the agency and therefore equitable comparison of one firm's price proposal would not be comparable to another. When price is considered, often times a firm will come in and propose what seems to be the lower fee but the scope has been pared back in order to secure the commission. Once the commission is secured the firm engages in scope amendments to increase the original contract in order to complete the scope of work. Most municipalities lack the procurement or professional staff needed to prepare detailed scopes as part of the bidding process for design professionals.

Rewards Innovation

Quality based procurement projects allow **greater opportunity for innovation** by emphasizing a **total evaluative approach** during the procurement process as opposed to a singular evaluative approach based on price.