



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2020-449, **Version:** 1

An ordinance to amend Chapter 2.08 of the Metropolitan Code of Laws to remove the master list of architects and engineers.

WHEREAS, Section 2.08.040 of the Metropolitan Code of Laws requires the Metropolitan Government to enter into professional services contracts for architectural or engineering services with only those firms that appear on the master list of architectural/engineering firms; and

WHEREAS, pursuant to Section 4.08.080, contracts for architectural and engineering services are not selected based on competitive sealed bids and are instead awarded on the basis of recognized competence and integrity. This is the same process used for selecting contracts for “legal services, medical services, accounting services, fiscal agents, financial advisors or advisory services, educations consults...and similar services by professional persons or groups of high ethical standards”; and

WHEREAS, however, the master list requirement is a unique provision which applies to only architectural and engineering firms; and

WHEREAS, such a list presents a barrier to entry for firms who do not appear on the master list; and

WHEREAS, Section 2.08.040 also allows for the mayor to execute and enter into professional services contracts with firms on the master list on a project-by-project basis and upon the recommendation of the capital improvements architecture/engineering review board; and

WHEREAS, removal of this provision would make the award of architectural and engineering services consistent with how all other competitive solicitations are awarded and put the Metropolitan Government in line with industry best practices; and

WHEREAS, for the reasons noted above, the Procurement Standards Board voted in 2019 to recommend to the Metropolitan Council that the master list of architectural/engineering firms be eliminated.

NOW, THEREFORE, BE IT ENACTED BY THE METROPOLITAN COUNCIL OF NASHVILLE & DAVIDSON COUNTY:

Section 1. That Section 2.08.040 of the Metropolitan Code of Laws is hereby deleted in its entirety.

Section 2. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

This ordinance amends Chapter 2.08 of the Metropolitan Code to eliminate the master list of architects and engineers. Section 2.08.040 of the Code requires the Metropolitan Government to enter into professional services contracts for architectural or engineering services with only those firms that appear on the master list of architectural/engineering firms. Under Section 4.08.080 of the Metro Procurement Code, contracts for architectural and engineering services are not selected based on competitive sealed bids, but rather are to be awarded on the basis of recognized competence and integrity. This is the same process used for selecting contracts for “legal services, medical services, accounting services, fiscal agents, financial advisors or advisory services, educations consults...and similar services by professional persons or groups of high ethical standards.” However, the master list requirement is a unique provision that applies to only architectural and engineering firms. Thus, the master list can be a barrier to entry for firms who do not appear on the list.

Section 2.08.040 further provides that the mayor can execute and enter into professional services contracts with firms on the master list on a project-by-project basis and upon the recommendation of the capital improvements architecture/engineering review board, which is contrary to the normal procurement process for other services. For the foregoing reasons, the Procurement Standards Board recommended in 2019 that the master list of

architectural/engineering firms be eliminated.

This ordinance deletes Section 2.08.040 in its entirety, which would eliminate the master list of architects and engineers, and would require such contracts to be procured in the same manner as all other professional services contracts.