

**SUMMARY NO. 2885**

**INTRODUCED BY: W. PATRICK DANFORD  
COUNCILMAN, DISTRICT VII**

**ORDINANCE NO. 90-4-12**

An ordinance of the Parish of St. Charles providing for the selection of persons for professional services, including guides for selection, requiring each applicant to submit certain data and other information to assist in the selection process, and to provide for related matters.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That each person who is to be retained or employed to perform professional services for the Parish or any of its departments or districts shall be selected by the Council from the list of those persons submitting statements of qualifications and/or proposals, pursuant to Resolution 3380.

**SECTION II.** That any person submitting a statement of qualification, proposals, and/or employed to perform professional services, shall submit to the Council data stating any and all campaign contributions he or any member of his immediate family has made to elected officials of the Parish of St. Charles during said officials' current or past terms.

**SECTION III.** That any person submitting a statement of qualification, proposal, and/or employed to perform professional services shall also execute and submit on affidavit attesting:

- A. That affiant has not and will not employ any person, corporation, firm, association, or other organization, either directly or indirectly, to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose services in connection with the project or in securing the public contract are in the regular course of their duties for affiant.
- B. That no part of the contract price was paid or will be paid to any person, corporation, firm, association, or other organization for soliciting the contract, other than the normal compensation to persons regularly employed by the affiant whose services are in the regular course of their duties for affiant.
- C. That the affiant shall state any and all campaign contributions he has made to elected officials of the Parish of St. Charles during the current or past terms, and that he has not made any contributions to or in support of elected officials of the Parish of St. Charles through or in the name of another person either directly or indirectly.
- D. The Council shall not consider any person who does not have the appropriate professional license and/or occupational license required by law; does not submit the questionnaire and affidavit required by this section or who submits an incomplete questionnaire or affidavit. Any false or misleading information on any questionnaire or affidavit shall be a basis for voiding the contract and prohibiting

the affiant from being considered on any further project for a period of twenty-four (24) months.

E. The following guides, among other factors that the Council deems appropriate, shall be used by the Council in selecting persons for professional services:

- 1) Professional training and experience, both generally and in relation to the type and magnitude of work required for the particular project;
- 2) Capacity for timely completion of the work, taking into consideration the person's current and projected workload and professional and support manpower;
- 3) Past and current professional accomplishments for which opinions of clients or former clients and information gathered by inspection of current or recent projects may be considered;
- 4) The nature, quantity and value of Parish work previously performed and presently being performed by the person, it being generally desirable to allocate such work among persons who are desirous and qualified to perform such work;
- 5) Past performance by the person on public contracts, including any problems with time delays, cost overruns, and design inadequacies for which said person was held to be at fault, involved in prior projects as evidence by documentation provided by the Administration;
- 6) An analysis of whether problems as indicated in paragraph (5) herein resulted in litigation between the public entity and the person performing professional services, particularly if he is currently involved in litigation with a public entity where the public entity prevailed.

F. The Council may, for each individual job or project, establish those qualifications and guidelines which it deems necessary to select the person to be retained or employed for such job or project, as defined in Section III, Article E, Parts 1-6, as to not be unfair or discriminatory.

G. As used in this section:

- 1) "Campaign Contribution" is a gift, conveyance, payment, deposit of money, and/or anything of economic value (including, but not limited to tickets for fundraiser events) which was, is, and shall be paid, loaned, granted, given, donated, transferred, and/or is the forgiveness of a loan or a debt by any person for the purpose of supporting, opposing, or otherwise influencing directly or indirectly, the nomination or election of an individual elected to or seeking nomination to public office, whether or not such is made before or after the election.
- 2) "Candidate" is a candidate for public office as described in Title 18 (Election Code) of the Louisiana Revised Statutes of 1950.
- 3) "Elected Official of the Parish of St. Charles" means members of the St. Charles Parish Council and the Parish President.
- 4) "Immediate Family" means the child, brothers, sisters, parents, and spouse of the person or

elected official.

- 5) "Individual" is a human being of the male or female gender.
- 6) "Person" is an individual, partnership, association, labor union, political committee, corporation, or other legal entity, including their subsidiaries, and shall include the officers, directors, and shareholders or any person owning and/or having a controlling interest therein. For the purposes of this section, "person" shall also include subcontractors, successors, and assigns.

- H. If the person seeking to be retained or employed to perform professional services for the Parish is owed money by an elected official of the Parish of St. Charles, he shall disclose said debts in the questionnaire and affidavit provided for in Section B and Section C above.

The foregoing Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: BRADLEY, TREGRE, ROBERTS, TALBOT, DUHE, DANFORD

NAYS: SIRMON, SOMME', JOHNSON

ABSENT: NONE

And the Ordinance was declared adopted this 16<sup>th</sup> day of April, 1990, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN : s/ STEVE TALBOT

SECRETARY: s/ JOAN BECNEL

DLVD/PARISH PRESIDENT: April 17, 1990

APPROVED : √ DISAPPROVED :

PARISH PRESIDENT: s/ ALBERT D. LAQUE

RETD/SECRETARY: April 18, 1990

AT: 7:45 A.M. RECD BY: s/ JB

**SUMMARY NO. 3108**

**INTRODUCED BY: W. PATRICK DANFORD  
COUNCILMAN, DISTRICT VII**

**ORDINANCE NO. 91-3-4**

An ordinance of the Parish of St. Charles amending Ordinance No. 90-4-12 adopted April 16, 1990, providing requirements for selection of persons for professional services, to include the required AFFIDAVIT forms.

**WHEREAS,** the Parish Council adopted Ordinance No. 90-4-12 on April 16, 1990, providing for the selection of persons for professional services, including guides for selection, requiring each applicant to submit certain data and other information to assist in the selection process, and to provide for related matters; and,

**WHEREAS,** many persons and firms are uncertain of the particular form to be used.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That a uniform AFFIDAVIT form shall be executed and submitted as a part of the requirements of Ordinance No. 90-4-12 and must be dated within thirty (30) days of acceptance of the contract.

**NOW, THEREFORE, BE IT ORDAINED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL,** do hereby amend Ordinance No. 90-4-12 adopted April 16, 1990, providing requirements for selection of persons for professional services, to include the required AFFIDAVIT forms, attached hereto as Exhibits A and B.

The foregoing Ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS:** BRADLEY, SIRMON, TREGRE, ROBERTS, TALBOT, SOMME', JOHNSON, DUHE, DANFORD

**NAYS:** NONE

**ABSENT:** NONE

And the Ordinance was declared adopted on this \_\_\_\_\_ 4<sup>th</sup> \_\_\_\_\_ day of \_\_\_\_\_  
March \_\_\_\_\_, 1991, to become effective five (5) days after publication in the Official Journal.

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and Parish aforesaid, personally came and appeared:

\_\_\_\_\_  
who, being by me first duly sworn, deposed and said:

THAT he is the \_\_\_\_\_  
(TITLE)

of \_\_\_\_\_  
(ENTITY, ETC.)

and that he or the members of his immediate family, any members of his partnership, association, corporation, etc., has made the following campaign contributions to the listed "elected officials" as defined in Ordinance No. 90-4-12 in the name of (list the individual, partnership, association, corporation, legal entity, subsidiaries, officers, directors, shareholders, subcontractors, successors and/or assigns)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and that:

- a. Affiant has not and will not employ any person, corporation, firm, association, or other organization, either directly or indirectly, to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose services in connection with the project or in securing the public contract are in the regular course of their duties for affiant.
  
- b. No part of the contract price was paid or will be paid to any person, corporation, firm, association, or other organization for soliciting the contract, other than the normal compensation to persons regularly employed by the affiant whose services are in the regular course of their duties for affiant.

\_\_\_\_\_  
(AFFIANT)  
PRINT NAME:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PRINT NAME:  
NOTARY PUBLIC

(This form may not be all inclusive. If it is necessary for you to provide additional information to the Parish Council in accordance with Ordinance No. 90-4-12 (as amended), you are required to attach the data to the appropriate executed AFFIDAVIT form.)

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and Parish aforesaid, personally came and appeared:

\_\_\_\_\_  
who, being by me first duly sworn, deposed and said:

THAT he is the \_\_\_\_\_,  
(TITLE)

of \_\_\_\_\_,  
(ENTITY, ETC.)

and that he has not made any campaign contributions to or in support of elected officials of the Parish of St. Charles through or in the name of another person either directly or indirectly, nor has any member of his immediate family, any member of his partnership, association, corporation or legal entity, including any subsidiaries, officers, directors, shareholders and/or any person owning or having a controlling interest therein, individually or any other manner, as well as any subcontractors, successors and assigns, made any campaign contributions to or in support of elected officials of the Parish of St. Charles through or in the name of another person either directly or indirectly, and that:

- a. Affiant has not and will not employ any person, corporation, firm, association, or other organization, either directly or indirectly, to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose services in connection with the project or in securing the public contract are in the regular course of their duties for affiant.
- b. No part of the contract price was paid or will be paid to any person, corporation, firm, association, or other organization for soliciting the contract, other than the normal compensation to persons regularly employed by the affiant whose services are in the regular course of their duties for affiant.
- c. That affiant has read St. Charles Parish Ordinance No. 90-4-12 adopted April 16, 1990, understands its contents and fully intends to comply with its provisions.

\_\_\_\_\_  
(AFFIANT)  
PRINT NAME:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
PRINT NAME:  
NOTARY PUBLIC

(This form may not be all inclusive. If it is necessary for you to provide additional information to the Parish Council in accordance with Ordinance No. 90-4-12 (as amended), you are required to attach the data to the appropriate executed AFFIDAVIT form.)