

## **Regulation 4.08.080 -- Authority to Contract for Professional Services**

### **R4.08.080.01 Selection of Architects and Engineers**

#### **A. MASTER LISTS**

Pursuant to Section 2.08.040 of the Code of Laws of the Metropolitan Government, the Purchasing Agent shall maintain or delegate the maintenance of a Master List of Architects and a Master List of Engineers, approved by the Metropolitan Council.

Firms which request to be included on the Master List of Engineers or the Master List of Architects must complete an Architectural and Engineering Consultant Profile Form which shall include at a minimum information as to:

- a) numbers and location of employees;
- b) categories of work experience;
- c) professional liability insurance coverage;
- d) date firm was established; and
- e) evidence of state licensing.

The Purchasing Agent shall review the forms submitted for completeness and compile proposed additions to the Master List of Architects and the Master List of Engineers.

The proposed additions to the Master List of Architects and Master List of Engineers shall be presented to the Metropolitan Council for its approval by resolution. The master lists shall be made publicly accessible.

It shall be the obligation of firms on the master lists to keep the information submitted current by notifying the Procurement Division of significant changes in the status of any item by reporting it on an updated Architectural and Engineering Consultant Profile Form. Significant Changes to a firm's information that is not reported within six months of such changes may result in the submission of a resolution to the Metropolitan Council to remove the subject firm from the master list.

Firms may be added to the master lists periodically by following the procedures outlined in Section A above.

#### **B. SELECTION PROCESS**

An important goal of the selection process shall be the equitable distribution of consulting work among qualified firms.

For projects requiring architectural or engineering services, a department/agency shall submit a request to the Purchasing Agent. The request shall contain a description of the project, the professional services needed, the project's scope, its proposed location, expertise required, time frame and similar requirements. Similar projects for one or more departments may be grouped when feasible.

The Procurement Division will issue a Request for Qualifications to registered firms, which requests the submission of qualifications including the following information as appropriate:

- 1) A description of the project
- 2) Any special expertise or unusual services required
- 3) Any special qualifications the firm might have for this particular project

- 4) A request for specific qualifications
- 5) A request for relevant experience with references
- 6) A request for specific project staffing schedule
- 7) A request for resume of key assigned people
- 8) A request for staffing schedules of existing projects
- 9) A request for a list of affiliations, e.g., firms with whom the primary professional may associate, including small and disadvantaged business
- 10) A request for other relevant data
- 11) Special selection criteria, e.g., Equal Business Opportunity Program requirements, etc.
- 12) A request for financial information
- 13) A request for a list of current litigation in which the firm is a defendant
- 14) A request for a list of past licensing violations of employees within the past five years.
- 15) Whether the firm has recently had an opportunity to perform work for Metro either as a prime contractor or a sub-contractor and, if so, description of the work performed

The Requests for Qualifications shall further include evaluation criteria that seek to obtain additional information including but not limited to:

- 1) The firm's ability to complete the project within the time frame prescribed;
- 2) The availability of sufficient qualified personnel to complete the project;
- 3) The firm's present financial condition;
- 6) Team and personnel qualifications;
- 7) Experience as a team;
- 8) Team and project management;
- 9) Ability to perform within the time constraints specified;
- 10) Firm's awareness of design opportunities and constraints;
- 11) Understanding project requirements;
- 12) Experience on similar projects;
- 13) Experience with similar agencies, including Metro;
- 14) Performance evaluations from Metro and other past clients;
- 15) Unique and relevant experience; and
- 16) Number of projects performed for Metro within the last three years.

A Capital Improvements Architectural/Engineering Review Board (hereinafter "Evaluation Committee") will be established for that specific project solicitation. The Composition of the Evaluation Committee will be approved in advance by the Purchasing Agent and may include:

- 1) Purchasing Agent or designee;

- 2) Representative(s) of proponent department/agency;
- 3) Representative(s) of other departments/agencies;
- 4) Private citizens with expertise important to the selection as determined by the Purchasing Agent; and
- 5) State or federal government personnel.

Based upon evaluation of the submitted responses to the Requests for Qualifications, the Evaluation Committee will recommend the most qualified firm to perform the required work to the Purchasing Agent. The Purchasing Agent shall negotiate a contract with the selected firm for the services at compensation that is determined by the Evaluation Committee to be fair and reasonable to the Metropolitan Government. In making this determination, the Evaluation Committee shall take into account the estimated value, the scope, the complexity and the professional nature of the services to be rendered.

The final recommendation of the Evaluation Committee and negotiated contract shall be presented to the Mayor for review. The Mayor may then execute and enter into a contract for the requested professional services contract.

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### **R4.08.080.01 Selection of Architects and Engineers**

#### A. MASTER LISTS

Pursuant to Section 2.08.040 of the Code of Laws of ~~the~~ Metropolitan Government, the ~~Director of Finance~~ Purchasing Agent shall maintain or delegate the maintenance of a Master List of Architects and a Master List of Engineers, approved by the Metropolitan Council.

##### i) Establishment of New Master Lists

~~Because the existing master list of architects and engineers contains the names of firms no longer in business or operating under new names, new master lists will be established. Architectural and engineering firms on the master list as of the date of adoption of this regulation will be notified that new master lists are being established. Firms which request to be included on the Master List of Engineers or the Master List of Architects must complete an~~ form ~~(Architectural and Engineering Consultant Profile Form—PF-101)~~  which shall include at a minimum information as to:

- a) numbers and location of employees;
- b) categories of work experience;
- c) professional liability insurance coverage;
- d) date firm was established; and
- e) evidence of state licensing.

The ~~Director of Finance and the~~ Purchasing Agent shall review the forms submitted for completeness and compile ~~a~~ proposed additions to the Master List of Architects and ~~a proposed the~~ Master List of Engineers.

The proposed additions to the Master List of Architects and Master List of Engineers shall be presented to the Metropolitan Council for its approval by resolution.

~~The master lists in effect on the date of this regulation will remain in force until the new lists are adopted by the Metropolitan Council.~~

##### ii) Maintenance of Master Lists

The ~~Director of Finance shall see to it that the~~ master lists ~~are~~ shall be made ~~entered in a centralized file that shall be~~ publicly accessible ~~to all departments and agencies of Metropolitan Government.~~

It shall be the obligation of firms on the master lists to keep the information submitted current by notifying the ~~Director of Finance~~ Procurement Division of significant changes in the status of any item by reporting it on an updated Architectural and Engineering Consultant Profile Form ~~Form PF-101~~. ~~Should the Director of Finance learn of significant changes that have not been reported Significant Changes to a firm's information that is not reported within six months of such changes may result in the submission of a resolution to within a reasonable period of time, he/she may submit to the Metropolitan Council a resolution to remove the subject firm from the master list upon notice of that action being given to the firm.~~

Firms may be added to the master lists periodically by following the procedures outlined in Section A (a) above.

### iii) Reporting Requirements of Departments and Agencies

~~Upon the award of a contract to a firm on one of the master lists, the department or agency concerned with the work shall report the type of work and fee amount to the Director of Finance for entry into the database.~~

~~At the conclusion of the design phase of the project, the department or agency shall submit an evaluation form (Performance Evaluation PF-102) to the Director of Finance for entry into the database. The Performance Evaluation (PF-102) shall be completed by the project manager and approved by the director of the department or agency and shall document the level of performance for each phase of the design process.~~

~~A similar evaluation shall be submitted at the conclusion of project construction. Evaluations shall be a part of the database accessible to all departments and agencies.~~

## B. SELECTION PROCESS

An important goal of the selection process shall be the equitable distribution of consulting work among qualified firms. ~~A Capital Improvements Architectural/Engineering Review Board (Review Board) shall recommend to the Mayor firms to be selected for department or agency projects.~~

~~The Purchasing Agent shall recommend to the Finance Director the appointment of a Capital Improvements Architectural/Engineering Review Board (Review Board).~~

For projects requiring architectural or engineering services, a department/agency shall submit a request to the Purchasing Agent. The request shall contain a description of the project, the professional services needed, the project's scope, its proposed location, ~~the estimated fees for the project~~, expertise required, time frame and similar requirements. Similar projects for one or more departments may be grouped when feasible.

~~Composition of the Review Board may include:~~

- ~~1) Mayor or his designee~~
- ~~2) Director of Finance~~
- ~~3) Purchasing Agent, who shall serve as Chair~~
- ~~4) Representative(s) of proponent department/agency~~
- ~~5) Representative(s) of other departments/agencies~~
- ~~6) Member(s) of Metropolitan Council~~
- ~~7) Private citizens~~

8) ~~State or federal government personnel~~

~~The Review Board shall examine the entire A&E Master List database for firms qualified to perform the requested work. The Procurement Division purchasing Agent will issue a Request for Proposals/Qualifications send to all such registered firms, which requests the submission of proposals/qualifications including the following information as appropriate:~~

~~1) A description of the project~~

~~1) The schedule for selection and for the project services~~

2) Any special expertise or unusual services required

3) Any special qualifications the firm might have for this particular project

4) A request for specific qualifications

~~6) A request for relevant experience with references~~

~~5)~~

~~6) A request for specific project ~~manning-staffing~~ schedule~~

~~6)~~

~~7) A request for resume of key assigned people~~

~~7)~~

~~8) A request for staffing schedules of existing projects~~

~~8)~~

~~9) A request for a list of affiliations, e.g., firms with whom the primary professional may associate, including small and disadvantaged business~~

~~9)~~

~~10) A request for other relevant data~~

~~10)~~

~~11) Special selection criteria, e.g., ~~geographical location, small or minority business preference~~ Equal Business Opportunity Program requirements, etc.~~

~~11)~~

~~12) A request for financial information~~

~~12)~~

~~13) A request for a list of current litigation in which the firm is a defendant~~

~~13)~~

~~14) A request for a list of past licensing violations of employees within the past five years.~~

~~14)~~

15) Whether the firm has recently had an

opportunity to perform work for Metro either as a prime contractor or a sub-contractor and, if so, ~~the fees earned as a prime contractor~~description of the work performed

~~16) The quality of past work for Metro as reflected in the evaluation history of the firm~~

The Requests for ProposalsQualifications shall further include evaluation criteria that seek The Review Board shall obtain written proposals, conduct in-person or telephone interviews with the qualified firms selected from the Master List database in order to obtain additional information including but not limited to:

- 1) The firm's ability to complete the project within the time frame prescribed;
- 2) The firm's availability of sufficient qualified personnel to complete the project;
- 3) The firm's present financial condition;
- ~~4) The firm's interest in performing the project~~
- 6) Team and personnel qualifications;
- 7) Experience as a team;
- 8) Team and project management;
- 9) Ability to perform within the time constraints specified;

- 10) Firm's awareness of design opportunities and constraints;
- 11) Understanding project requirements;
- 12) Experience on similar projects;
- 13) Experience with similar agencies, including Metro;
- 14) Performance evaluations from Metro and other past clients;
- 15) Unique and relevant experience; and

~~16) Degree to which work will be performed locally~~

~~17)16) \_\_\_\_\_~~ Number of projects performed for ~~and fees earned from~~ Metro within the last three years.

An Capital Improvements Architectural/Engineering Review Board (hereinafter –“Evaluation Committee”) will be established for that specific project solicitation. The Composition of the Evaluation Committee will be approved in advance by the Purchasing Agent and may include:

- 1) Purchasing Agent or designee;
- 2) Representative(s) of proponent department/agency;
- 3) Representative(s) of other departments/agencies;
- 4) Private citizens with ~~a particular interest and~~ expertise important to the selection as determined by the Purchasing Agent; and
- 5) State or federal government personnel.

~~The Review Board will evaluate the respondents, using a rated evaluation process and then contact past clients for detailed references.~~

Based upon evaluation of the accumulated information submitted responses to the Requests for Qualifications, proposals, the ~~Review Board~~Evaluation Committee will recommend the most qualified firm to perform the required work to the Purchasing Agent. The Purchasing Agent shall negotiate a contract with the selected firm for the services at compensation that is determined by ~~the Director of Finance~~the Evaluation Committee to be fair and reasonable to the Metropolitan Government. In making this determination, the ~~Director of Finance~~Evaluation Committee shall take into account the estimated value, the scope, the complexity and the professional nature of the services to be rendered.

The final recommendation of the ~~Review Board~~Evaluation Committee and negotiated contract shall be presented to the Mayor for review. The Mayor may then execute and enter into a contract for the requested professional services contract.

## **ARCHITECTURAL & ENGINEERING CONSULTANT PROFILE FORM**

### **R4.08.080.01.2 Selection of Professional Services Other than Architects and Engineers**

~~The Purchasing Agent shall have the authority to award contracts for professional services other than architectural and engineering services at his discretion. When developing contracts for such services, the Purchasing Agent shall seek to obtain maximum, practical competition. Requesting departments and offices shall be responsible for initiating requests for professional service contracts and shall provide the Purchasing Agent with written, proposed scopes of work. Contracts for professional services in connection with bond issues shall be acquired by the Director of Finance.~~

