

## **Procurement of Construction: *Procurement of Design Professional Services***

### **General Policy—**

The District shall publicly announce all requirements for design professional services through a request for statement of qualifications and shall negotiate contracts for such services on the basis of demonstrated competence and qualification for the type of services required and at fair and reasonable prices. Such services shall be procured as provided in this policy except as otherwise provided in Policy CBDA regarding vendor qualification, Policy CBE regarding small purchase procurement, and Policy CBF regarding sole source and emergency procurement. This policy does not apply to the hiring of an architect or engineer as an employee of the District.

[Utah Code § 63G-6a-1502 \(2016\)](#)

### **Request for Statement of Qualifications—**

In procuring design professional services, the Board of Education or the Procurement Officer shall issue a request for statement of qualifications and encourage design professionals engaged in the lawful practice of that profession to submit a statement of qualifications.

[Utah Code § 63G-6a-1502 \(2016\)](#)

[Utah Code § 63G-6a-1503\(1\) \(2015\)](#)

The request for statement of qualifications shall state the type of procurement item to which the request relates, the scope of the work to be performed, the instructions and the deadline for responding to the request, and the criteria to be used to evaluate statements of qualifications.

[Utah Admin. Rules R33-15-301 \(July 8, 2014\)](#)

The District may establish criteria in a request for statement of qualifications by which the qualifications of a design professional, as set forth in a statement of qualifications, will be evaluated, including:

- (1) basic information about the design professional;
- (2) the design professional's work history and experience;
- (3) qualifications, licenses and certifications;
- (4) management and staff;
- (5) performance ratings earned by the design professional or references for similar work;
- (6) any quality assurance or quality control plan;
- (7) the quality of the design professional's past work product;

- (8) the time, manner of delivery, and schedule of delivery of the design professional services;
- (9) the design professional's financial solvency;
- (10) any management plan for the project, including key personnel and sub-consultants for the project; and
- (11) other project specific criteria that the District establishes.

A request for statement of qualifications may not include a request for a price or a cost component for the design professional services.

[Utah Code § 63G-6a-1502.5 \(2015\)](#)

[Utah Admin. Rules R33-15-301\(2\)\(a\)\(iv\) \(July 8, 2014\)](#)

### **Selection Committee—**

The District shall establish an evaluation committee for design professional services procurements. The evaluation committee shall consist of at least three members, at least one of which is well-qualified in the profession of architecture or engineering. The District shall ensure that committee members:

- (1) do not have any conflict of interest with any of the design professionals under consideration;
- (2) can fairly evaluate each statement of qualifications;
- (3) do not contact or communicate with any of the design professionals under consideration about the request for qualifications outside of the official evaluation process (from the issuance of the request until the selection is made), and
- (4) conduct the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

[Utah Code § 63G-6a-1503\(3\) \(2015\)](#)

[Utah Admin. Rules R33-15-201 \(July 8, 2014\)](#)

The evaluation committee shall

- (1) evaluate current statements of qualifications and performance data on file with the District, together with those that may be submitted by other design professionals in response to the announcement of a proposed contract;
- (2) consider no fewer than three design professionals; and
- (3) based upon criteria established and published by the District, select no less than three of the design professionals considered to be the most highly qualified to provide the services required.

[Utah Code § 63G-6a-1503 \(2015\)](#)

*Evaluation process*

The evaluation committee shall evaluate and score each responsive statement of qualifications that has not been eliminated from consideration using the criteria described in the request for statement of qualifications. Criteria not described in the request for statement of qualifications may not be used to evaluate a statement of qualifications.

An evaluation committee may enter into discussions or conduct interviews with, or attend presentations by, the design professionals whose statements of qualifications are under consideration.

The evaluation committee shall rank the top three highest scoring design professionals, in order of their scores, for the purpose of entering into fee negotiations as provided below.

If fewer than three responsible design professionals submit statements of qualifications that are determined to be responsive but the District determines that it is in the best interest of the District to continue the fee negotiation and the contracting process with less than three design professionals, the Procurement Officer or Board of Education or its designee shall issue a written determination explaining the basis for this determination.

The deliberations of an evaluation committee may be held in private; however, if the evaluation committee is a public body under the Utah Open and Public Meetings Act, the evaluation committee shall comply with the Act in closing a meeting for its deliberations.

[Utah Code § 63G-6a-1503.5 \(2016\)](#)

#### *Restriction regarding public entities*

If the District issues a request for statement of qualifications to procure design professional services and provides public notice of the request, a public entity inside or outside of Utah may not submit a statement of qualifications and the District may not award the contract to perform the design professional services to a public entity. This restriction does not apply to contracts for design professional services related to research activities or technology transfer.

[Utah Code § 63G-6a-1506 \(2015\)](#)

#### **Determination of Compensation—**

The Procurement Officer shall award a contract to the qualified design professional whose statement of qualifications was awarded the highest score by the evaluation committee at compensation that the Procurement Officer determines, in writing, to be fair and reasonable to the District. In making that determination, the Procurement Officer shall take into account the estimated value, scope, and professional nature of the services and the complexity of the project or services.

If the Procurement Officer is unable to agree to a satisfactory contract with the highest scoring design professional, at a price the Procurement Officer determines to be fair and reasonable to the District, the Procurement Officer shall

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formally terminate discussions with that design professional and undertake discussions with the second highest scoring, qualified design professional. If the Procurement Officer is unable to agree to a satisfactory contract with the second highest scoring design professional, at a price the Procurement Officer determines to be fair and reasonable to the District, the Procurement Officer shall formally terminate discussions with that design professional and undertake discussions with the third highest scoring, qualified design professional. If the Procurement Officer is unable to award a contract at a fair and reasonable price to any of the highest scoring design professionals, the Procurement Officer shall select additional design professionals and continue discussions in accordance with this section until an agreement is reached.

[Utah Code § 63G-6a-1505 \(2015\)](#)