

SELECTION OF ARCHITECTS AND ENGINEERS FOR CITY PROJECTS

Facilities Construction
Purchasing
Engineering
Parks and Recreation

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Report to City Council

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SELECTION OF ARCHITECTS AND ENGINEERS FOR CITY PROJECTS

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QUALIFICATIONS BASED SELECTION HISTORY



In 1972, Congress adopted the **Brooks Act** (Public Law 92-582), requiring the use of Qualifications Based Selection (QBS) for the procurement of architectural and engineering services. The use of QBS ensures that federal agencies — and the taxpayer — receive highly technical architectural and engineering services from the most experienced and most qualified firms at a fair and reasonable cost.



Professional Services Procurement Act (Texas Government Code – Chapter 2254); When governmental entities such as cities, counties, school districts, and state agencies in Texas want to hire the professional services of an Architect, Engineer, or Land Surveyor, they must follow the procedures set out in the Texas Government Code (TGC) Chapter 2254, also known as the Professional Services Procurement Act (PSPA)



PROFESSIONAL SERVICES PROCUREMENT ACT

SECTION 2254.002 DEFINITIONS

“Professional Services” means services:
Within the scope of practice, as defined by state law, of:

- Accounting
- Architecture
- Landscape Architecture
- Land Surveying
- Medicine
- Optometry
- Professional Engineering
- Real Estate Appraising
- Professional Nursing



PROFESSIONAL SERVICES PROCUREMENT ACT

SECTION 2254.004 CONTRACT FOR PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, OR SURVEYOR.

- A. In procuring architectural, engineering, or land surveying services, a governmental entity :
 - 1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
 - 2) then attempt to negotiate with that provider a contract at a fair and reasonable price.
- B. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the entity shall:
 - 1) formally end negotiations with that provider;
 - 2) select the next most highly qualified provider; and
 - 3) attempt to negotiate with that provider a contract at a fair and reasonable price.
- C. The entity shall continue the process described in Subsection B to select and negotiate with providers until a contract is entered into.



CITY OF MCKINNEY (COM) PROFESSIONAL SERVICES PROCUREMENT

COM PURCHASING POLICY AND PROCEDURES MANUAL

ADOPTED SEPTEMBER 20, 2016

CRITICAL COMPONENTS OF COM CHAPTER 19 – PROCUREMENT OF PROFESSIONAL SERVICES

- Background and Statutory Authority
- Request for Qualifications / Proposals (RFQ / RFP)
- Informal Procedures
- Formal Procedures
- Notice
- Amendment of RFQ
- Pre-Proposal Conference
- Receipt of Responses
- Opening of Responses
- Confidentiality Statement
- Recommendation for Award
- Written Contract
- Vendor Pools



CITY OF MCKINNEY (COM) PROFESSIONAL SERVICES PROCUREMENT

COM PURCHASING POLICY AND PROCEDURES MANUAL

Per the COM manual there are two methods, Informal and Formal, for procuring professional services. To achieve enhanced transparency for high-profile projects and regardless of anticipated A/E costs the Formal procedure is typically used.

- Informal Procedures – Unless specifically exempted by the City Manager, all professional services anticipated to cost less than \$50,000 should be procured using the informal RFQ/RFP process with the use of a departmental recommendation memo including the suggested professional and rationale for determining qualifications based selection.
- Formal Procedures – Unless specifically exempted by the City Manager, all professional services anticipated to cost more than \$50,000 should be procured using the formal RFQ or RFP process following procedures outlined by Texas Government Code Chapter 2254.



CITY OF MCKINNEY (COM) PROFESSIONAL SERVICES PROCUREMENT COM PURCHASING POLICY AND PROCEDURES MANUAL

Vendor Pools of consultants are selected based upon the formal RFQ process and are utilized in an effort to streamline professional services selection in a highly competitive market for specific types of routine projects.

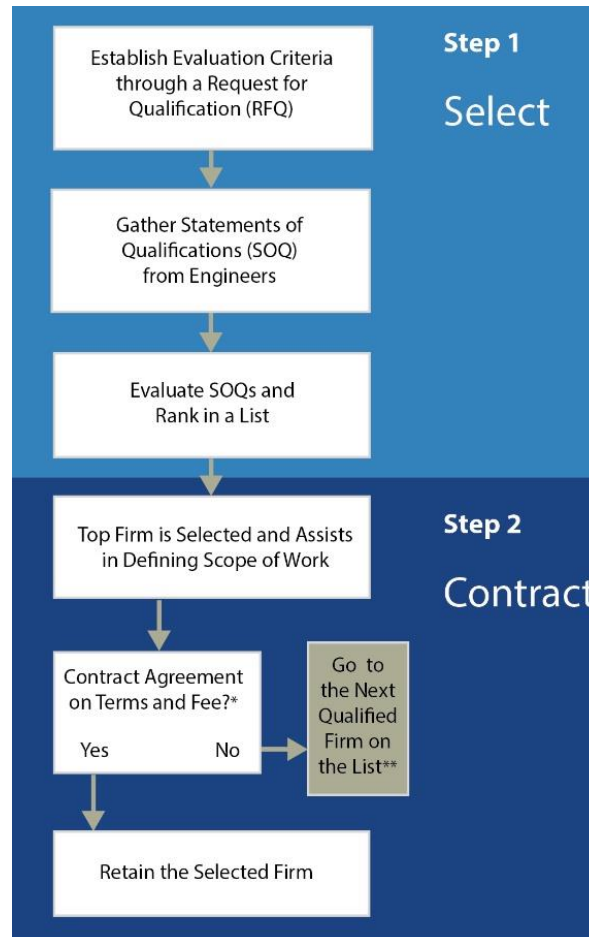
Vendor Pools currently include:

- For various construction type projects:
 - Land Surveying
 - Geotechnical and Construction Materials Testing
 - Program / Project Management
- For specific Engineering Construction type projects:
 - Roadway Engineering
 - Traffic Engineering
 - Utilities Engineering
 - Drainage Engineering
- For Parks Construction type projects:
 - Landscape Architecture
- For Facilities Construction type projects:
 - Architectural / Engineering



QUALIFICATIONS BASED SELECTION PROCESS

- Both Federal and Texas law mandate the method of selecting engineers and architects through a process known as qualifications-based selection, or QBS.
- QBS is a two-step competitive contracting process based on the evaluation of design firms' capabilities, experience and technical skills in relation to the needs of a particular project.



*At no time should the fee proposal of one firm be compared to the fee of another. Agreement on fee should be based on the merits and information of one firm at a time.

**Negotiation with only one company or firm at a time may take place to be in compliance with TAC 2254.004 (b).

PROCESS AND PROCEDURES REQUESTS FOR QUALIFICATIONS

- Requests for Qualifications (RFQ's) are developed utilizing the requirements of both Texas statutes as well as City of McKinney Policies and Procedures.
- RFQ's consist of multiple sections including overall project descriptions, qualifications being sought along with the outline of the selection process with scoring and evaluation criteria.
- The evaluation team for reviews of the Statements of Qualifications (SOQ's) submitted by the various architectural and engineering teams are comprised of multiple members from multiple departments and work independently during the evaluation process.



PROCESS AND PROCEDURES REQUESTS FOR QUALIFICATIONS

Example of qualifications being sought from an A/E RFQ:

A. Qualifications Being Sought:

- 1) Demonstrated capability, as a company, to perform the Architectural / Engineering services based upon successfully completed similar projects without legal or technical problems
- 2) Capability to provide the resources, including financial, equipment and staffing, necessary to meet project requirements
- 3) Past performance on similar projects with this or other local municipality on construction of publicly funded projects
- 4) Qualifications and experience of the team members proposed for the project for Respondent as evidenced by the resumes of the proposed personnel. Only those personnel who will be directly involved in this project shall be submitted with their role clearly indicated.
- 5) Quality of references from past clients of Respondent regarding their performance on design of fire stations of similar scope, size and quality



PROCESS AND PROCEDURES REQUESTS FOR QUALIFICATIONS

Example of scoring and evaluation criteria from an A/E RFQ:

Scoring (100 point scale):

- 50 points Firm and Individual Qualifications
 - Firm's number of years in business, size and staffing
 - Firm's experience on fire station projects of similar scope, size and quality
 - Experience of proposed personnel on similar projects and as a project team
 - Experience of proposed sub-consultants
- 20 points Capacity to Perform Work
 - Workload and availability to meet schedule
 - Project management plan
 - Project organization chart and proposed specialty sub-consultants
 - Knowledge of McKinney codes and ordinances
- 20 points References
 - Quality of previous design and project documentation
 - Meeting schedules and meeting budgets
 - Timeliness and quality of responses during construction administration
 - Communications and cooperation
- 10 points Proposed Design Schedule



PROCESS AND PROCEDURES EVALUATIONS

The evaluation and selection process typically occurs in two phases:

- Phase 1 – Each evaluation team member will review and score all the submittals received independently based upon the published criteria of demonstrated competence, qualifications and responsiveness. Top ranked firms may or may not be interviewed.
- Phase 2 – The evaluation team's individual scores will be combined by the Purchasing Department to provide the aggregated ranking of the respondents. The top ranked firm from this averaged scoring then enters into scope of services and fee negotiations.



PROCESS AND PROCEDURES

SCOPE OF WORK AND FEE NEGOTIATIONS

After the evaluation team has selected the top ranked A/E, the contract scope of works and fee negotiations begin with that firm with the request for a proposal for A/E services.

Basic Architectural and Engineering Services for a facilities construction project include the disciplines of:

- Architecture
- Structural Engineering
- Mechanical, Electrical and Plumbing Engineering

For the design of a total project, Additional Services with other disciplines are also required and typically include:

- Civil Engineering
- Landscape Architecture
- Interiors Architecture
- Telecommunications Engineering
- Security and Access Control Services
- Audiovisual Services
- Commissioning Services
- Post Construction Services



PROCESS AND PROCEDURES

SCOPE OF WORK AND FEE NEGOTIATIONS

- The top ranked firm produces a scope of work and fee proposal for the project and negotiations begin.
- The A/E fee depends entirely upon the defined and desired scope of work.
- Fees for Facility projects are not accepted on a percentage of proposed construction costs; they are negotiated upon a particular scope of work for a specific project.
- A ratio of the overall proposed fee for basic A/E disciplines may be calculated and used only as a comparison to industry norms for various project types.
- Facility project A/E fees are typically divided into the basic architectural project phases shown below with standard percentages for a complete project scope of work:
 - Schematic Design (15%)
 - Design Development (20%)
 - Construction Documents (40%)
 - Construction Bidding Services (5%)
 - Construction Administration (20%)



PROCESS AND PROCEDURES RECOMMENDATION TO CITY COUNCIL

- Negotiations generally require multiple iterations to achieve a final project scope of work and an appropriate fee schedule from the most highly qualified Architectural and Engineering team.
- Recommendations to City Council for an A/E contract award occur only after successful negotiations come to a close with a fair and reasonable fee that has been agreed upon by both parties for the pertinent scope of project services.



WHY QBS BENEFITS THE CITY OF MCKINNEY

- Architectural and Engineering Services are unique
- Competitive bidding can only work when detailed specifications or a detailed scope of services are known
- QBS encourages technical excellence and innovation
- Quality design is the biggest factor in long term cost
- Quality design affects construction costs
- The essence of the design process is a collaboration between designer and owner
- No two design solutions are the same
- QBS is cost effective
- QBS encourages competition
- QBS safeguards public health, safety and welfare

Over the life of a building, design and construction costs account for less than two percent of total costs. Yet these services play a major role in determining the project's life cycle costs, as well as the quality of the completed project.

LIFE CYCLE BUILDING COSTS

