

UNIVERSITY OF NEBRASKA
CAPITAL PLANNING and DEVELOPMENT
PROFESSIONAL SERVICES SELECTION PROCEDURES
UNFP 6.3.2.1

I. Reference and Application

- A. On November 16, 1979, in accordance with the requirements of the Nebraska Consultants' Competitive Negotiation Act (*Neb. Rev. Stat. §§ 81-1701 et seq.*), the University of Nebraska Board of Regents approved a policy for the selection of architects, engineers, landscape architects and surveyors. The Board last amended the policy November 7, 2008.
- B. Application: The selection procedures apply to all Board approved projects.

II. Objectives and Limitations

The objective of these procedures is to provide guidelines necessary to comply with Board Policy (RP-6.3.2) *Qualification Based Selection of Professional Services of Architects, Engineers, Landscape Architects and Registered Land Surveyors* and ensure that the process to select a design firm is consistent, standardized, objective, and impartial in selecting the most qualified design firm for the design of University facilities.

III. Definitions

- A. Firm: Firm shall mean any person or legal entity proposing to provide professional services to the University.
- B. Professional Services: Professional Services shall mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying as defined by the laws of the State of Nebraska, or those services performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his or her professional employment practice.
- C. Project Evaluation Board (PEB): Project Evaluation Board or PEB shall mean the committee selected by the University to review and evaluate all Statements of Qualifications received in response to a project Request for Qualifications. PEB members are responsible to provide fair, unbiased evaluations and assessments of submitting firms based on the University's published evaluation criteria. (See RP 6.3.8)

IV. Procedure

- A. Stages of Professional Services Selection
 - 1. Request for Qualifications (RFQ) is prepared.

2. Notice of RFQ is published.
 3. Statements of Qualifications (SOQ) are received.
 4. A Project Evaluation Board (PEB) reviews the SOQs and prepares a “short list.”
 5. Interviews or discussions prior to a final ranking by the PEB.
 6. University negotiates a Professional Services Contract with the highest ranked firm.
- B. The University prepares the Request for Qualification using the standard RFQ format (See UNFP 6.3.2.3). The RFQ includes:
1. The number of persons or firms to be included on the short list.
 2. Evaluation criteria to be utilized by the Project Evaluation Board (PEB) and the relative weight of each evaluation criteria.
 3. Notification that all firms must be certified by submitting an annual statement of qualifications and performance data (U.S. Government Standard Form 330, Architect-Engineer Qualifications, Part II – General Qualifications or as otherwise specified by the University) to the Director or Facilities Planning and Management.
 4. Notification that past *Architect/Engineer Performance Evaluations* will be used to supplement the selection process.
 5. Draft Professional Services contract.
- C. Public Notice
1. A public notice is issued soliciting interested parties for a contract to provide professional services. The public notice identifies:
 - a. Nature or description of professional services contract work
 - b. Contract and/or project number
 - c. Due date and time for Statement of Qualifications (SOQ) submittal
 - d. Physical location for receipt of responses
 - e. Number of firms to be on the short list
 - f. University contact name, address, and phone number – an e-mail address may be provided if desired
 2. Two separate advertisements of the public notice in appropriate Nebraska newspapers are required: one each week for two consecutive weeks.

D. Evaluation Criteria

1. The Director of Facilities Planning and Management or designee, hereinafter referred to as Director, is responsible for creating the detailed evaluation criteria that shall be used in the evaluation and selection decision.
2. The selection criteria contained in RFQ Template should be used as a starting point in creating the criteria.
3. The most important criteria carry the most points relative to the point total.

E. Project Evaluation Board (PEB) (See RP 6.3.8)

1. PEB Responsibilities

- a. Evaluation based on published criteria only
- b. Avoidance of even the appearance of bias or conflict of interest
- c. Preservation of integrity of evaluation process
- d. No leading questions asked of firms during interviews
- e. No correspondence or communication with firms without providing the same information to all of the firms`
- f. No preferential treatment
- g. Same basic questions asked of all firms

2. Project Evaluation Board members should each complete the Confidentiality and Conflict of Interest Certification form (See UNFP 6.3.8.1).

F. Review Statement of Qualifications (SOQs)

1. After receipt of the SOQs, they are distributed to each Project Evaluation Board (PEB) member with a score/ranking form.
2. Published criteria from the RFQ are included so each Board member is aware of the evaluation criteria
3. PEB members independently review and evaluate each SOQ.
4. PEB members then meet to make a recommended Short List.
5. Discussion is held and significant deviations are noted and discussed by the PEB members to ensure all appropriate information is considered.
6. Final calculations are individually made and each member ranks the respondents.

G. Develop Short List

1. In order of preference, based on criteria published in the RFQ, the PEB recommends a Short List of persons or firms deemed to be the most qualified to provide the required professional services.

2. The number of persons or firms on the Short List shall be the number of persons or firms specified in the RFQ, which will typically be a minimum of three firms.
3. If a smaller number of responsive and responsible persons or firms respond to the solicitation than required for the Short List, the PEB may proceed with the selection process with the remaining persons or firms if at least two persons or firms remain. The University may also re-advertise, as the Director deems necessary or appropriate.
4. Short List selection and order of preference is determined based on demonstrated competence and qualifications.
5. The Short List is approved by the Vice-President for Business and Finance in consultation with the Vice-Chancellor of Business and Finance at the campus where the project will be constructed.

H. Conduct Interviews or Discussions with Short Listed Firms

1. Short Listed firms are invited to participate in an interview with the PEB.
2. All Short Listed firms, no matter their ranking in the original Short List, begin the interview/discussion selection process with equal status.
3. Participants from the selected Short Listed firms will be limited by the number and key positions the PEB wants involved.
4. Specific direction will be provided to the Short List firms regarding time limits and aspects of the project to be prepared to discuss.
5. No presentation and no presentation material will be allowed in this phase of the evaluation.
6. Upon completion of the interview and discussions, and based on the evaluation criteria, the PEB members will rank the firms most qualified for the proposed project. Ranking is based on a combination of both the written SOQ and the interview/discussion.

I. Contract Negotiation

1. A Contract Negotiation Committee composed of a minimum of two persons (the Director of Facilities Planning and Management or designee and one campus designated person) will attempt to negotiate a contract with the firm receiving the highest ranking for fair and reasonable compensation as determined solely by the University. In making such determination, the Contract Negotiation Committee shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For all lump-sum or cost-plus-a-fixed-fee professional service contracts, the Committee shall require the firm receiving the award to execute a certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which

such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the Committee determines the contract price had been increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within one year following the end of the contract. Any negotiated contract shall not be binding on the University until the firm to provide the professional services has been approved by the Board of Regents as hereinafter provided in Section J of these selection procedures.

2. If unable to negotiate a contract with the highest ranked firm, the Contract Negotiation Committee will forward a letter to the highest ranked firm formally terminating the negotiations and negotiations will then be undertaken with the next highest ranked firm. In the event of failure to reach an agreement with the second highest ranked firm, the Contract Negotiation Committee will again forward a letter to the firm notifying them of formal termination of negotiations. The same procedure will be followed with all the firms in the order ranked by the PEB until a successful contract at a fair and reasonable compensation is negotiated.
3. If negotiations with firms are unsuccessful; the Contract Negotiation Committee shall either select additional firms in order of their ranking and continue negotiation in accordance with paragraph I.1. above, until a contract is negotiated, or review the proposed contract under negotiation to determine the possible cause for failure to achieve a negotiated contract. If the latter is selected, the Contract Negotiation Committee may begin the selection process anew at the Request for Qualifications stage in paragraph B above.

J. Contract Award

1. Upon successful negotiation of a contract, the Director of Facilities Planning and Management will submit the recommended firm to the Board of Regents for approval. Notwithstanding any provision of these procedures to the contrary, the Board of Regents shall have the right to reject any firm presented to it for approval.
2. The University's file for the contract awarded shall contain the basis on which the contract award is made.

K. General Considerations

1. Until award and execution of a contract by the University, only the name of each firm on the Short List shall be available to the public. All other information received by the University in response to the Request for Qualification or contained in the SOQs shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing offerors during the selection process. The SOQs shall be open to public inspection after the contract is awarded and the University has executed the contract. To the extent that a firm designates and the University concurs, trade secrets and other proprietary data contained in an SOQ shall remain confidential.

2. The University may cancel a Request for Qualifications or reject in whole or in part any or all SOQs if it is in the best interest of the University. The Director shall make the reasons for cancellation or rejection part of the contract file.