

QBS GUIDE

Qualifications-Based Selection

A Guide Including Model Local Government
Policy and Procedures for Selecting
Architects, Engineers and Land Surveyors

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A Guide Including Model Local Government Policy and Procedures for Selecting Architects, Engineers and Land Surveyors

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1.0 Introduction

When public officials undertake a construction project, whether it involves a study, new construction or rehabilitating an existing facility, the design will influence the entire course of the project, including economy, feasibility, public response, aesthetics, function, efficiency, construction costs, operating costs and maintenance costs during the life of the facility. Therefore, it is very important that public officials select the most qualified professional design firm.

Many public owners, as volunteer community leaders, do not undertake projects often enough to have experience planning for such a project, or to select a professional design firm in the most cost-effective and efficient manner. This publication will help those public owners, as well as experienced public works officials, by providing detailed information on selection, procurement laws and sample rating forms.

QBS stands for “Qualifications-Based Selection”

Qualifications-Based Selection (QBS) is a procedure that facilitates the selection of professional design firms. The selection is based on qualifications and competence in relation to the scope and needs of a particular project. QBS entails a proven step-by-step process that facilitates the owner's selection of a design professional firm on the basis of qualifications and competence in relation to the scope of the project and facilitates the development of an appropriate scope of work for a specific project. The process is straightforward and easy to implement. It is objective and fair. It can be well documented and it is open to public scrutiny.

QBS meets the public owner's primary concerns to get the best available professional design services for the taxpayers' money and to conduct a fair and equitable selection process. QBS evolved from the public owner's need to be an informed customer and to have a logical, fair and objective means of selecting professional design firms.

The term "design professional" is used in this document to represent any of the licensed design professions, or combination thereof, including architecture, engineering and land surveying.

"Owner" is used in this document to represent the public user of design professional services.

History

In October 1972, the federal government enacted Public Law 92-582, covering the selection of architects and engineers based on qualifications. The law has since been known as the Brooks Act, as it was introduced by U.S. Representative Jack Brooks of Texas. During years of use by the federal government and most state and local governments, the use of QBS has proven to be more efficient and less costly when considering total life-cycle costs than the use of a selection system using price as a criteria.

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Effective September, 1987, Illinois Public Act 85-854, (50 ILCS 510/0.01-510/7), known as the Local Government Professional Services Selection Act, mandated non-home rule units of local government to select design professional firms on the basis of demonstrated competence and professional qualifications. Effective January 1, 1992, Illinois Public Act 87-673 (30 ILCS 535/1-535/80), known as the Architectural, Engineering and Land Surveying Qualifications Based Selection Act, mandated state agencies to select design professionals on the basis of demonstrated competence and professional qualifications. The laws were derived from the American Bar Association Model Procurement Code.

Acknowledgements

The American Institute of Architects-Illinois, the Consulting Engineers Council of Illinois, the Illinois Professional Land Surveyors Association and the Illinois Society of Professional Engineers gratefully acknowledge the work of the organizations noted below.

This document was prepared with accumulated information from The American Institute of Architects; the Architects and Engineers Conference Committee of California; the Michigan Society of The American Institute of Architects; the Architectural and Engineering Societies in Wisconsin; the American Consulting Engineers Council; the Professional Engineers in Private Practice; and the National Society of Professional Engineers. The report and workbook by The American Institute of Architects, "Qualification-Based Selection: A Process for the Selection of Architects by Public Owners," and the Architects and Engineers Conference Committee of California's "QBS - A Guide for the Selection of Professional Consultant Services for Public Owners" were used as reference documents.

This document has been prepared to be commensurate with Illinois law.

2.0 Laws pertaining to QBS

2.1 Federal Brooks Act mandates QBS (Appendix 5.1)

The federal Brooks Act establishes a federal government policy to publicly announce all projects, select architects and engineers based upon competence and qualifications, and to negotiate contracts that are fair and reasonable.

- Applies to all federal agencies and to architectural and engineering services;
- By reference, the Brooks Act also may apply to recipients of federal funds pursuant to various authorization acts, such as federal highway, aviation and mass transportation funds;
- Requires agencies to seek and evaluate prequalification of firms;
- Requires agencies to discuss a project with no less than three firms and rank the firms in order of preference;
- Requires the agency to negotiate a contract with the top ranked firm;
- Failing to reach a contractual agreement, the top ranked firm must be dropped from consideration and negotiations should begin with the next ranked firm and so on until a satisfactory agreement is reached.
- Effective date of October 27, 1972.

2.2 The Architectural, Engineering and Land Surveying Qualifications Based Selection Act applies to Illinois state agencies (Appendix 5.2)

Public Act 87-673 establishes a state policy for the public announcement of all projects, selection based upon qualifications and negotiation of contracts for all architectural, engineering and land surveying services by state agencies. The Act is modeled after the American Bar Association Model Procurement Code, federal Brooks Act and Illinois Public Act 85-854, which applies Qualifications-Based Selection on local government projects.

- Requires prequalification of firms;
- Requires public notice of projects in professional service bulletins or official state newspaper;
- Requires evaluation of firms' qualifications, which may include professional personnel, record, experience, performance data, time

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requirements, location and workload;

- Requires selection committees, which may include public members;
- Prohibits cost proposals prior to ranking and selection;
- Requires ranking of three firms in order of qualifications;
- Requires negotiation of fee with top ranked firm;
- If unable to reach agreement, the top ranked firm is dropped from consideration and negotiations should begin with the next ranked firm;
- Prohibits maximum overhead rates or other payment formulas designed to restrict competition or negotiation of fees;
- Requires prime firm to negotiate subcontracts;
- Requires evaluation of firms' performance; exempts this information from the Freedom of Information Act;
- Prohibits licensed professionals from violating Act, and authorizes the Illinois Department of Professional Regulation to enforce that requirement;
- Prohibits payment of contracts found in violation and requires agencies and firms to certify compliance with Act;
- Exempts contracts of \$25,000 or less from provisions of the Act, except that it still requires negotiations;
- Incorporates provision for emergency procurement;
- Provides that nothing in this Act shall be deemed to restrict affirmative action contracting goals, nor prohibit design/build projects;
- January 1, 1992 effective date.

2.3 Applies to most Illinois local governments: The Local Government Professional Services Selection Act (Appendix 5.3)

Establishes a local government policy to select architects, engineers and land surveying services on the basis of qualifications and to negotiate contracts that are fair and reasonable.

- Applies to all units of local government except home rule units and units with more than three million inhabitants.
- Allows firms to annually submit statements of qualifications.
- Requires local governments to notify firms of projects by mail or by advertising in newspaper.
- Requires local governments to evaluate qualifications of firms and authorize interviews or public presentations.
- Requires local governments to rank a minimum of three firms in order of preference and begin negotiations with only the top ranked firm.
- Requires the local government to prepare a written scope of work for negotiations.
- If unable to reach a contractual agreement, the top ranked firm must be dropped from consideration and negotiations should begin with the next ranked firm, and so on until a satisfactory agreement is reached.
- Except for the negotiation process, the requirements of this Act do not have to be met by a local government if they have a satisfactory relationship with one or more firms, or an emergency exists and a firm must be selected in an expeditious manner, or the costs of the services are expected to be less than \$25,000.
- Effective date of September 24, 1987.

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3.0 How does Qualifications-Based Selection (QBS) work?

QBS is a fair and open procedure that facilitates the selection of a design professional firm on the basis of qualifications and competence in relation to the scope and needs of a particular project. One prominent director of public works compared selecting a design professional to hiring an employee. Both work best as two-step processes: First, the selection is made, then the financial arrangements are agreed upon. In fact, many of the steps outlined below have similarities to employee selection procedures.

QBS evolves from many variables that must be tailored to fit each specific project's requirements and should include all or some of the following steps:

1. The owner identifies the general scope of work and the projected time frame is established.
2. Public notice is given to design professional firms.
3. A Selection Committee is appointed.
4. Statements of Qualifications are requested and received from interested firms.
5. After evaluation, a shortlist of firms is established.
6. A tour of the site and interviews may be arranged for shortlisted firms.
7. Three firms are ranked in order of qualifications.
8. All firms involved receive post-selection communications.
9. Negotiations are conducted relative to actual scope, services, fee payment schedule and contract. If an agreement cannot be satisfactorily negotiated with the top-ranked firm, negotiations are terminated and the owner enters into negotiations with the second-ranked firm, and so on down the line, until agreement is reached and a firm is selected. The step-by-step procedure and its variations are detailed in the following sections.

3.1 Developing the general scope of work and time frame

To begin the selection process, the owner must briefly identify the general scope and the particular needs of the project. Just as the owner needs information about the qualifications and competence of the design professional firms, the firms need to know the project requirements and goals.

The Appendix contains a recommended format for a general scope of work, as well as the

schedule that should be included. (*See Appendix 4.4 Scope of Work.*)

Additional items may be added as appropriate to provide guidance to the competing firms and to meet the needs of the owner. All services expected to be provided by the design professional firm, including feasibility and technical studies, and design and construction phase services, should be specifically identified.

To keep the QBS process proceeding smoothly, owners should establish a time frame for completion of the selection process. Establishing the time frame prevents misunderstandings and last minute "surprises" that might delay or sidetrack the process.

The time frame for each project will differ, depending upon the nature of the project, the concerns of the owner and other factors. The suggested time frame for an average QBS process is four-to-six weeks to allow proper planning and administration between each step of the process. In some instances, a tour of existing facilities may be provided to firms before shortlisting.

A sample form is included for guidance in developing a time frame. (*See Appendix 4.1 Schedule of Activities.*)

3.2 Public notice for fair and open competition

How does the owner identify professional design firms from which to request statements of qualifications? Some of the factors that should be considered are:

- The type of firm needed, e.g., architectural, engineering, land surveying or related consultant services.
- Special competence, experience or expertise within the professional categories listed above.
- A reasonable number of firms that the owner can evaluate.
- The geographic location of firms.

Placing public notices of projects in newspapers is often used to advise design professional firms of needed service. Such announcements will reach many in the design community and usually will result in a large number of responses. If that approach is used, the advertisement should specify a person to contact to obtain a package of information regarding the project and the information to be submitted.

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Some government agencies maintain a Prequalification List of design professional firms with known expertise that have indicated an interest in the agency's projects. It is important that such statements of interest be available to all the agency's employees who may be preparing requests for qualifications, letters of interest or proposals. Also, it is appropriate to contact a number of firms to be sure they are aware of the government agency's prequalification requirements.

Directories

Most design professional organizations publish directories or make mailing lists of member firms available. The directories often can help owners identify firms with experience in specific types of projects. The American Institute of Architects-Illinois and the Consulting Engineers Council of Illinois maintain directories to help owners locate firms. Contact: AIA Illinois, 1 Old State Capitol Plaza N., Ste 300, Springfield IL 62701-1323, 217/522-2309; or CECI, 5221 S. Sixth Street Road, Suite 120, Springfield IL 62703, 217/529-7430.

3.3 Putting together a qualified selection committee

A Selection Committee may evaluate qualifications, interview candidates and rank the firms in order of qualifications. The Committee may include a representative from the department responsible for administration of the contract, as well as a representative from the department responsible for the project's functions. In addition, the Committee may include other individuals who are stakeholders in the success of the project, such as individuals who have knowledge or capabilities that are valuable in interviewing prospective design professionals.

Frequently, the owner does not have staff with expertise for the project. In such cases, it is helpful to enlist the aid of known experts from surrounding public owners, private consultants or volunteers from design professional associations to serve as members of the Selection Committee.

3.4 What to ask for: Statements of qualifications, letters of interest, or requests for technical proposals?

Statement of qualifications describes the firm

An owner may request a Statement of Qualifications from design professional firms. Many public agencies request these statements annually and keep them on file for reference when a project arises. This is usually done by public agencies that have the staff resources to develop a sophisticated prequalification process.

However, an owner also may choose to seek Statements of Qualifications for each project. In all cases, the Statements of Qualifications should be evaluated.

Letter of interest narrows the field

An owner may choose to merely request Letters of Interest from design professional firms interested in a specific project. This process is useful when an owner already has on file Statements of Qualifications from numerous design professional firms and wants to save time by only reviewing qualifications of interested design professional firms.

Request for technical proposals is much more detailed and project specific

An owner also may choose to request Technical Proposals for a specific project. Technical Proposals are detailed plans on how a design professional firm will approach a project. Such proposals are often sought on large projects where it is worth extra effort by owners and design professional firms. It is essential that all firms receive the same materials so that responses will be based on the same project specifications and constraints and, therefore, can be compared in a fair manner.

(See Appendix 4.2 Request for Letters of Qualifications: Sample Memo; 4.3 Requirements for Letters of Qualifications; and 4.4 General Scope of Work; 4.13 Memo to Shortlisted Firms When Technical Proposal is Requested; and 4.14 Technical Proposal Scoresheets.)

3.5 Evaluating and shortlisting design professionals

It is recommended that the owner establish a policy that qualifications submittals received after the deadline will not be considered.

The number of firms to be included on the shortlist, and then interviewed, may vary depending on the size and scope of the project. Generally, three to five firms are sufficient.

A sample evaluation form is provided in the appendix to assist with reviewing and shortlisting firms based on their qualifications submittals. *(See Appendix 4.5 Qualifications Evaluation.)*

A form also is included for checking references of firms in which the owner is particularly interested. References should be checked between the time qualifications submittals are received and the time the Selection Committee meets to develop a shortlist. *(See Appendix 4.6 The Reference Check.)*

Based on evaluation of qualifications submittals and reference checks, the owner can establish the shortlist of firms to be interviewed. Because all firms that submitted qualifications committed time and expense to pursue the project and may be holding staff commitments, the owner should promptly contact the firms not selected for the shortlist as well as those to be interviewed. The memo sent to firms that did not make the shortlist can express thanks and identify the firms that will be invited to interview. A sample memo is included. *(See Appendix 4.8 Memo to Firms that Submitted Statements of Qualifications Not Selected for Interview.)*

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Firms selected for interviews should immediately be sent information regarding interview requirements. The amount of time allowed for preparation before the interview should be commensurate with the complexity of the project. A sample memo to shortlisted firms is included. (*See Appendix 4.7 Memo to Shortlisted Firms to Be Interviewed/Tour of Facilities/and Criteria.*) The memo and scoring and evaluation sheets should be tailored to meet the owner's criteria, specific priorities and concerns.

3.6 Tour of the site can be beneficial

In most major or complex projects, a tour of a project site or facility can be an important part of the selection process. The tours provide interested design professional firms with the opportunity to obtain first-hand information on the proposed project and ask questions.

Tours often work best when handled one-on-one with the owner's representative meeting with the representative of one firm. A group tour with all interested firms meeting for review of the site and/or facility also can be effective. However, discussion under those conditions may be somewhat limited since firms may be concerned with divulging ideas to their competitors. Site tours should be mandatory only for unusually complex or site-specific projects or concealed sites.

The question of whether or not to offer pre-selection tours to all interested firms or only to shortlisted firms is one to be resolved by the owner, based on the project requirements. In most cases, tours should be provided for shortlisted firms only.

3.7 Interviews provide good comparison of firms' approach, management and staff

Interviews with the shortlisted firms let the owner compare the firms' different approaches to the design process, as well as their interpretations and understanding of the specific project requirements. The owner should not expect sketches, models or other design work for the project at this time. The design requirements for even simple projects can be quite complex and, at this stage, the design professional will not be sufficiently aware of the owner's needs and requirements to be able to produce a meaningful design solution.

The interviews allow for evaluation of the personal styles of each firm's management and key personnel, and their compatibility with the pre-identified criteria for the project. It is imperative that design personnel assigned to the project, as well as key representatives from the firm's subconsultants, be present at the interview. It is often beneficial for the project users to be involved in the interviews. Direct interaction between the owner/user and the design professional is important for the development of a design that truly meets the owner's needs.

Owners may elect to interview the shortlisted design professionals in the firm's office. This can provide greater insight regarding the firm's work setting as well as methods, equipment and informational resources, and key team members proposed for the project.

Interviews usually are held in closed sessions unless applicable statutes or regulations require an

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open meeting. In such cases, the firms should be notified in advance.

The following are suggested guidelines for setting up and conducting the interviews. (See Appendix 4.9 *The Interview: Questions and Score Sheets*; and 4.10 *Optional Interview Form*.)

- Interview only shortlisted firms to minimize cost and time.
- Schedule adequate time for each presentation and 15 minutes between interviews. It is important to allow ample time for the presentation and question-and-answer period, and also for the Committee to discuss the presentation privately before beginning the next interview. A minimum of 30 minutes should be allowed for the presentation.
- Schedule all interviews on the same day or on consecutive days. This permits the Committee to compare all of the interviewed firms while information is fresh in mind, and ensures consistent interview scoring.
- The evaluation criteria for the interview scoring system should be sent to all firms in advance as an attachment to the memo giving interview and tour information.
- While it is appropriate to question firms about their approach to the design of a project, owners should not ask for an actual design solution during the interview. Appropriate and responsive designs require considerably more interaction between owner and design professional than is possible during the selection phase. Preconceived design solutions brought to the table by either the design professional or owner rarely address the true needs of the owner's program. Considerable time and effort, however, may be expended trying to salvage preconceived ideas and make them fit the program. This actually impedes progress and prevents the exploration of more responsive solutions to identified design issues.
- During the selection process, public entities should not ask the firms for a fee or man-hours, but should select on qualifications only, as required by law. Compensation amounts are best resolved through detailed discussions with the firm finally selected, and only after there is a comprehensive and mutual understanding of the actual scope of services. This ensures that the firm has included in its scope of services the owner's expectations for the project as well as all detailed requirements.
- Let all firms know when the selection decision will be made and when

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they will receive communication regarding their status. It is recommended that the Committee's decision be made on the same date as the interviews, after the Committee has had ample time to evaluate all firms.

Technical proposals should only be required of shortlisted firms when the project is well defined and if the project justifies the extra expense and time to the shortlisted firms and the public entity.

The process of utilizing technical proposals will add several weeks and commensurate cost to the preparation time for shortlisted firms. The owner will need technically-experienced staff and several additional weeks to review the technical proposals. *(See Appendix 4.13 Memo to Shortlisted Firms When Technical Proposal is Requested.)*

3.8 Ranking the firms in contention for selection

An evaluation form that includes a weight and a score for each criteria/question is useful for evaluating, ranking and, finally, selecting the most qualified firm. Each firm should be evaluated separately by each interviewer during the presentation and interview. When all the interviews have been concluded, the head of the Selection Committee should compile the individual score sheets. This system provides a documented record of the selection process as support for the Committee's actions. It is recommended that committee members take the time to achieve a consensus rather than just ranking and selecting by majority vote.

A sample evaluation/ranking system is included. *(See Appendix 4.12 Group Interview Evaluation Form; 4.15 Technical Proposal Evaluation Form; and 4.16 Example — Technical Proposal Evaluation Form.)*

If technical proposals are included in the process, the results of the review should be incorporated in the evaluation process. *(See Appendix 4.14 Technical Proposal Scoresheets.)*

3.9 Post-selection communications

After interviews and/or technical proposal reviews and rankings are completed, a post-selection memo should be prepared and mailed to all firms that participated in the process. It is customary for owners to provide this information as a courtesy to the firms. A sample post-selection memo is included in the Appendix. *(See Appendix 4.17 Memo to Shortlisted Firms.)*

After a contract is awarded, a debriefing for each shortlisted firm may be provided upon request. Debriefing generally includes information on ranking and scoring of the firm's proposal, including the firm's perceived strengths and deficiencies.

3.10 Negotiating an agreement with the selected firm

As soon as possible after selection, the owner should begin negotiations with the firm deemed most qualified. Normally it is not difficult to reach an agreement on fee, since the QBS process facilitates an early understanding of the project scope and requirements. If agreement on the scope of services and compensation cannot be reached, negotiations with the first-ranked firm

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should be terminated, and the owner should open negotiations with the second-ranked firm.

The following considerations also are suggested:

- A detailed and comprehensive scope of services should be developed jointly by the owner and the top-ranked firm. This is often accomplished through one or more meetings of the design professional and the owner, after which the design professional submits a project and work plan. The work plan should list consultants and the roles and responsibilities of all members of the design team, as well as the responsibilities of the owner.
- Once there is agreement on the work plan, the design firm should submit its proposal for compensation to initiate fee negotiations.
- A written contract should be used. The parties may wish to use the owner's standard form of agreement of the government agency, or may use that of The American Institute of Architects or the Engineers' Joint Contract Documents Committee, which are widely used, time-tested and designed to coordinate the needs of the owners, contractors, design professional firms and insurers.
- The agreement between the owner and design professional firm should ensure that both parties have the same expectations and understanding of the project requirements.

When project responsibilities of both the owner and design professional firm are understood and compensation is determined, an agreement to enter into a contract has been reached. The owner, through the normal written procedure, authorizes commencement of design services and thus completes the selection process.

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4.0 Appendix: Information and example materials

The forms and materials included are designed to provide basic formats that can be adjusted to meet specific project needs.

Memos and materials to be mailed to the firms involved:

1. Request for letters of interest or qualifications and enclosures.
 - Requirements for letters of qualifications.
 - Schedule of activities for the selection time frame.
 - A preliminary scope of the work.
2. Memo to firms that submitted letter of qualifications but were not selected for an interview.
3. Memo to shortlisted firms for information on interview and site visitations, with enclosures:
 - Interview questions and score sheets for ranking firms.
 - Group interview evaluation forms.
4. Memo to shortlisted firms when technical proposal is requested, with enclosures:
 - Review questions and score sheets for ranking firms.
5. Memo to all firms that were interviewed.

Forms and information for use by the owner during the screening and interview process:

6. Alternative interview score sheet for ranking shortlisted firms.
7. Ranking form for evaluation of qualifications.
8. Form for checking the references of firms under consideration.

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4.1 Schedule of activities

The following schedule has been established by (Agency Name) for (Project Name).

DATES:

- _____ 1) Identification of needs finalized by the owner. A scope of work in general terms developed.
- _____ 2) Identification by owner of potential design professional firms to receive memo requesting Letters and Statements of Qualifications.
- _____ 3) Memo requesting Letters and Statements of Qualifications mailed to interested and invited firms.
- _____ 4) Letters and Statements of Qualifications due. (*Allow minimum of 10 working days for firms to submit materials. Note: Before the next action date, references should be reviewed.*)
- _____ 5) Develop shortlist of 3-5 firms selected for interviews. Selection should be based on qualifications, references and compatibility with project.
- _____ 6) Memo mailed to shortlisted firms advising date for interviews and pre-interview tour of site and/or facilities, along with criteria to be reviewed during the interview.
- _____ 7) Memo mailed to all firms, excluding shortlisted firms, informing them of firms to be interviewed and expressing appreciation for their interest.
- _____ 8) Tour of facilities at **(time)** and **(location)**. (*Should be scheduled at least ten days before interviews, to allow for preparation.*)
- _____ 9) Schedule interviews for shortlisted firms, at times and locations previously communicated. The best firm for the project to be selected, based on qualifications.
- _____ 10) Contract with selected firm is negotiated and implemented.
- _____ 11) Memo mailed to all firms interviewed, indicating results of interviews and expressing appreciation for their involvement.
- _____ 12) Post-selection requirements.

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4.2 Request for statement of qualifications: Sample memo

TO: (List all firms in alphabetical order)

FROM: (Agency)
(Name/Title)
(Telephone Number)

RE: Request for Statements of Qualifications

Your firm is invited to submit your Statement of Qualifications to become eligible for a possible interview for professional design* services related to design and construction requirements for the **(agency name)**. This project's **(description)** preliminary requirements are based on studies performed by the **(name of committee or group)**.

Attached to this memo are:

- 1) A list of materials and information that should be included with your Statement of Qualifications.
- 2) A general definition of the preliminary scope of the work.
- 3) A schedule of dates and requirements for the selection process.

For firms that are selected for an interview, a tour of the facility and site will be arranged. *(This sentence is optional.)* Your letter and Statement of Qualifications, with **(number)** copies, should be forwarded to the following address and should be received no later than 5 p.m. on **(day and date)** and should be addressed to:

(Name/Title)
(Address)

*(Note: May use "architectural," "engineering," or "land surveying" in place of "professional design" where appropriate.)

4.3 Requirements for statement of qualifications

(Owner) _____

(Project) _____

Your Statement of Qualifications should include the following information:

- 1) Name, address and brief history of firm.
- 2) Résumés of key personnel to be assigned to this project.
- 3) Related experience during the last five years. For example:
 - a) Projects where professional design services related to design work were performed.
 - b) Examples of other projects that are similar in scope. Include the name of the project, a contact person and dollar amount for each example.
- 4) You are invited to include a maximum of one page (*may allow more*) of additional information not included above, if you believe it may be useful and applicable to this project.

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4.4 General scope of work

(The development of a scope of work for each project should include the following information in general terms, and should be limited to one page.)

(Owner) _____

(Project Name) _____

(Project Location, Contact Person, Telephone Number) _____

Identification and involvement of groups (e.g.: boards, committees, citizens' groups, etc.):

Description of completed studies, surveys and preliminary feasibility work relevant to project and available to firms that will be shortlisted.

Requirements for further feasibility studies before development of plans or design work.

Project outline and general anticipated requirements. (Example: demolition, renovation, new construction, land use, environmental, waste management, etc.)

Anticipated time frame:

Projected start _____ Planned finish _____

Selection process/involvement of groups.

Other requirements:

Referendums, public hearings, etc.

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4.5 Qualifications evaluation

Add or delete questions as appropriate for your specific situation. It is suggested that the weights and values assigned be on the same scale as those used for interviewing shortlisted firms, which you will do later. Highest Number: most value/Rating column: 1-5 points/ Weight column: 1-10, depending on importance to the project. A form on the following page is provided for the person in charge of the Selection Committee to summarize the results of the process, to narrow the number of firms that submitted qualifications down to the number desired for a shortlist (firms to be interviewed.)

Owner _____

Contact Person _____

Project Description _____

Professional Design Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Contact _____

	Rating x Weight (1-5) (1-10)	= Total
1) Firm's history and resource capability to perform required services	x	=
2) Evaluation of assigned personnel	x	=
3) Related experience (as appropriate):		
a) Design services		
b) Demolition		
c) Construction observation		
d) Studies		
e) Other _____	x	=
4) a) Meeting schedule		
b) Meeting project budget	x	=
5) Familiarity with local area geography and facilities	x	=
6) Ability to relate to project requirements	x	=
7) Analysis of subjective statements (one page) applicable to the project as required on the RFQ	x	=
8) Reference check (evaluation transfer from reference check form)	x	=

Name of Reviewer _____

Grand Total: _____

Qualifications-Based Selection _____

4.5 Qualifications evaluation (continued)

Qualifications evaluation summary

(To be used by the Selection Committee Chairman to compile the evaluation results of all Statements of Qualifications. Note: Enter the Grand Total for each firm's qualifications [from the respective evaluation sheets for comparative purposes] to select three to five most qualified firms to be interviewed.)

FIRMS	1	2	3	4	5	6	7	8
Reviewer 1								
Reviewer 2								
Reviewer 3								
Reviewer ____								
Reviewer ____								
Grand Totals								

List the top-ranked firms as the shortlisted firms to be interviewed.

Qualifications-Based Selection

4.6 The reference check

Owner _____ Project Description _____

Professional Design Firm on which the reference check is being conducted. _____

REFERENCE INFORMATION: *(Based on references provided in firm's Statement of Qualifications or through networking with other owners who have worked with the firm.)*

Owner _____ Project Referenced _____

Address _____ Person Contacted _____

Telephone _____ Date Contacted _____

Sample Questions To Be Asked	5	4	3	2	1
	Exc.	Good	Avg.	Fair	Poor
1. What was your project?					
2. When was it completed?					
3. Did the firm above do the work?					
4. What did they do for you? Design work, construction observation, studies, other (specify.)					
5. Who was the firm's staff person assigned to work with you on this project? Were you satisfied with his/her work?					
6. Was the project started as scheduled?					
7. Was the project completed as planned?					
8. Were the budget, cost control and financial administration within the planned controls and limitations?					
9. How did the firm relate to the owner during the project?					
10. Did the firm's personnel work well with the committee/boards and staff on all of the project's specific requirements?					
11. What is your overall evaluation of the firm based on your experience?					
12. Would you re-employ this firm for a similar project and with what added credentials?					

GRAND TOTAL: _____

Multiply number of questions by five (5) for maximum score as appropriate. Add each firm's score following the reference check, and then transfer to the Qualification Evaluation form as a line item on that firm's evaluation sheet.

Qualifications-Based Selection _____

4.7 Memo to shortlisted firms to be interviewed; tour of facilities; other criteria

TO: (List professional design firms in alphabetical order)

FROM: (Owner)
(Individual, Title, and Telephone Number)
(Project)

RE: Interview Schedule and Requirements

The firms listed above have been shortlisted and will be interviewed for the design professional services related to the work necessary to implement this project. (*Specify study, design, other.*)

Attached to this memo are the following:

- 1) An Interview Score Sheet, which will be used by the **(interviewing group or individual)** during the interview session.
- 2) Evaluation form, which the person in charge will use to compile evaluation scores.
- 3) Copies of **(name of studies or reports)** compiled by **(name of group)** for your information and review.

Each firm will be allowed 45 minutes to present qualifications and to answer questions. The interviewers will schedule 15 minutes between interviews for informal discussion of information presented during the preceding interview. At the completion of the interviews, the interviewers will rank the firms interviewed in accordance with their determination of which firm is most competent and compatible to do the work. The firm deemed to be most qualified will then enter into negotiations for a contract to provide the necessary services. If contract terms cannot be reached, the firm ranked second will be invited in for contract negotiations.

Interviews will be held on **(day and date)** at **(address)**. The order and time of interviews is:

Firm A (time) Firm B (time) Firm C (time)
Firm D (time) Firm E (time)

A tour of the site and/or facility will be arranged for **(day and date)**. Please have your firm's representative make arrangements with the owner's representative for a time on this date.

Qualifications-Based Selection

4.8 Memo to firms that submitted statements of qualifications not selected for interview

TO:

FROM: **(Owner)**
(Individual, Title and Telephone Number)
(Address)

RE: Status of Selection Process

The **(name of committee)** expresses its appreciation to you and your firm for submitting your Statement of Qualifications. After careful consideration of all firms that submitted qualifications, the **(name of committee)** decided to interview the following firms:

(List firms in alphabetical order)

- 1)
- 2)
- 3)
- 4)
- 5)

Although your firm was not selected for an interview, we appreciate your interest in our project and the resources spent on the preparation of your proposal.

Qualifications-Based Selection _____

4.9 The Interview: Questions and score sheets

(Owner) _____

(Project) _____

(Firms invited to interview for the project should be prepared to address the following issues. Questions can be expanded upon as appropriate.)

CATEGORIES	RATING (1-5)	x	WEIGHT (1-10)	=	TOTAL
1) Related project experience	_____	x	_____	=	_____
2) Firm's ability and capacity to perform the work <ul style="list-style-type: none"> • Key personnel committed to this project • Office location 	_____	x	_____	=	_____
3) Grasp of the project requirements <ul style="list-style-type: none"> • Studies • Design • Knowledge of the community • Understanding of project 	_____	x	_____	=	_____
4) Method to be used to fulfill the required services	_____	x	_____	=	_____
5) Management approach for technical requirements	_____	x	_____	=	_____
6) Use of consultants that may work on the project <ul style="list-style-type: none"> • Discuss in-house resources • Outside sources 	_____	x	_____	=	_____
7) Time schedule planned for this project <ul style="list-style-type: none"> • Availability 	_____	x	_____	=	_____
GRAND TOTAL:				=	_____

Instructions for the Interviewers:

During the interview, rate each firm on a scale of 1-5, with 5 being the highest, in each of the seven categories. Enter the number under "Rating." At the completion of the interview, multiply the rating by the predetermined weight for each category, and enter the total. Add all totals to establish the grand total. The person in charge will combine all of the totals for those participating in the interview session. The preassigned weights are established with a maximum of 10 points for each category.

Interviewer: _____ Firm: _____

Qualifications-Based Selection

4.10 Optional interview form

To: (Interviewing Group)

Owner: _____

INTERVIEW SCORE SHEET

Issue	Points Awarded	Possible Points
1. Similar project experience.		
2. Discussion of the firm's capacity to perform the work and key personnel committed to the project.		
3. A discussion of the firm's understanding of the project needs.		
4. Discussion of the methods the firm proposes to use in providing the required services.		
5. Discussion of consultants that may be working with the firm on the project.		
6. Discussion of how the firm will handle the planning, design and construction phases of the project. Discuss design approach, construction cost controls and involvement in the design and implementation phases of the work, knowledge of local area.		
7. Discussion of time schedule the firm proposes to complete the necessary preliminary work, as well as a time schedule for the entire project.		
Notes:		
TOTAL		100

Interviewer: _____ Firm: _____

Qualifications-Based Selection _____

4.11 Example — The Interview: Questions and score sheets

Owner: Public Works Agency

Project: Building Rehabilitation

(Firms invited to interview for the captioned project should be prepared to address the following issues during the course of their interview. Questions can be expanded upon as appropriate.)

CATEGORIES	RATING (1-5)		WEIGHT (1-10)		TOTAL
1) Related project experience	4	x	10	=	40
2) Firm's ability and capacity to perform the work <ul style="list-style-type: none"> • Key personnel committed to this project • Local office 	4	x	10	=	40
3) Grasp of the project requirements <ul style="list-style-type: none"> • Studies • Design • Knowledge of the community • Understanding of project 	4	x	10	=	40
4) Method to be used to fulfill the required services	5	x	8	=	40
5) Management approach for technical requirements	5	x	5	=	25
6) Use of consultants that may work on the project <ul style="list-style-type: none"> • Discuss in-house resources • Outside sources 	3	x	6	=	18
7) Time schedule planned for this project <ul style="list-style-type: none"> • Availability 	5	x	3	=	15
GRAND TOTAL:				=	218

Instructions for the Interviewers:

During the interview, rate each firm on a scale of 1-5, with 5 being the highest, in each of the seven categories. Enter the number under "Rating." At the completion of the interview, multiply the rating by the predetermined weight for each category, and enter the total. Add all totals to establish the grand total. The person in charge will combine all of the totals for those participating in the interview session. The preassigned weights are established with a maximum of 10 points for each category.

Interviewer: Jane Doe Firm: ABC Architect/Engineers

Qualifications-Based Selection

4.12 Group interview evaluation form

(For use by the person in charge of the interviews, to compile all scores of professional design firms participating in the interview process.)

Note:

Enter the grand total for each firm, as recorded by each interviewer on the interview score sheet.

COMBINED GROUP TOTALS

	Firm A	Firm B	Firm C	Firm D	Firm E
Interviewer 1	_____	_____	_____	_____	_____
Interviewer 2	_____	_____	_____	_____	_____
Interviewer 3	_____	_____	_____	_____	_____
Interviewer 4	_____	_____	_____	_____	_____
Interviewer 5	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
GRAND TOTALS:	_____	_____	_____	_____	_____

Qualifications-Based Selection _____

4.13 Memo to shortlisted firms when technical proposal is requested

TO: (List design professional firms in alphabetical order)

FROM: (Owner)
(Individual, Title and Telephone Number)
(Address)

RE: Technical Proposal Request

The firms listed above have been shortlisted. Technical proposals are requested for design professional services related to the work necessary to implement this project. (*Specify study, design, other.*)

Attached are:

1. A Technical Proposal Score Sheet, which will be used by the Selection Committee.
2. Evaluation form, for use of the person in charge, to compile the evaluation scores.
3. Copies of **(names of studies and reports)** compiled by **(name of group)** for your information and review.

Technical proposals are due on **(day and date)** at **(time)**, and should be addressed to **(name)**. **(Number)** copies are to be submitted. A tour of the site and/or facility will be arranged on **(day and date)**. Please have your firm representative make arrangements with the owner's representative for a time on this date.

Qualifications-Based Selection

4.14 Technical proposal scoresheets

(Owner) _____

(Project) _____

Technical proposals should address the following issues:

CATEGORIES	(1-5)	(1-10)	RATING	WEIGHT	TOTAL
1) Related project experience			_____	x	_____ = _____
2) Firm's ability and capacity to perform the work					
• Key personnel assigned to this project					
• Responsible officer			_____	x	_____ = _____
3) Issues of special concern			_____	x	_____ = _____
4) Technical approach to projects			_____	x	_____ = _____
5) Management approach for technical requirements			_____	x	_____ = _____
6) Use of consultants that may work on the project					
• In-house resources					
• Outside sources			_____	x	_____ = _____
7) Time schedule planned for this project					
• Availability			_____	x	_____ = _____
			GRAND TOTAL:	=	_____

Instructions for the Interviewers:

Rate each firm on a scale of 1-5, with 5 being the highest, in each of the seven categories. Enter the number under "Rating." Multiply the rating by the predetermined weight for each category, and enter the total. Add all totals to establish the grand total. The person in charge will combine all of the totals for those participating in the interview session. The preassigned weights are established with a maximum of 10 points for each category.

Interviewer: _____ Firm: _____

Qualifications-Based Selection _____

4.15 Technical proposal evaluation form

(For use by the person in charge of the interviews, to compile all scores of professional design firms participating in the process.)

Note:

Enter the grand total for each firm, as recorded by each interviewer on the interview score sheet.

COMBINED GROUP TOTALS

	Firm A	Firm B	Firm C	Firm D	Firm E
Reviewer 1	_____	_____	_____	_____	_____
Reviewer 2	_____	_____	_____	_____	_____
Reviewer 3	_____	_____	_____	_____	_____
Reviewer 4	_____	_____	_____	_____	_____
Reviewer 5	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
GRAND TOTALS:	_____	_____	_____	_____	_____

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4.16 Example — Technical proposal evaluation form

(For person in charge of the selection committee to compile professional design firm scores.)

Note:

Enter the grand total for each firm, as recorded by each interviewer on the interview score sheet.

COMBINED GROUP TOTALS

	Firm A	Firm B	Firm C	Firm D	Firm E
Reviewer 1	237	314	340	_____	_____
Reviewer 2	340	275	335	_____	_____
Reviewer 3	310	290	335	_____	_____
Reviewer 4	257	330	302	_____	_____
Reviewer 5	290	300	340	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
GRAND TOTALS:	1,434	1,509	1,652	_____	_____

Qualifications-Based Selection _____

4.17 Memo to shortlisted firms

To: (List in alphabetical order all firms interviewed but not selected.)

From: (Owner)
(Individual, Title, and Telephone Number)
(Address)

Re: Status of Selection Process

(Project)

The (owner) has completed the selection process for professional services for the above named project. It has been our objective to select the most qualified firm to perform this service. The results of (interviewers') decision, ranks the firms interviewed as follows:

Firm #1 _____

Firm #2 _____

Firm #3 _____

Firm #4 _____

Firm #5 _____

We have now entered into contract discussions and negotiations with (Firm #1). The (interviewers) express their appreciation for your time, effort and interest on our behalf.

5.0 Appendix: Federal, state and local laws

The following laws are provided to you for your convenience. They are not official copies. If there are any inconsistencies between these versions and the current law, the official law, as published by the United States Government or Illinois Secretary of State, prevails.

Qualifications-Based Selection

5.1 Appendix: The Brooks Act

Federal Government Selection of Architects and Engineers

Public Law 92-582

92nd Congress, H.R. 12807

October 27, 1972

An Act

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX - SELECTION OF ARCHITECTS AND ENGINEERS "DEFINITIONS

"Sec.901. As used in this title

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term "architectural and engineering services" means -

1. professional services of an architectural or engineering nature, as defined by State law, if applicable, which are required to be performed or approved by a person licensed, registered, or certified to provide such services as described in this paragraph;
2. professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and
3. such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operation and maintenance manuals, and other related services.

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"POLICY

"Sec.902. The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUESTS FOR DATA ON ARCHITECTURAL AND ENGINEERING SERVICES

"Sec.903. In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

"NEGOTIATIONS OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

"Sec.904. (a) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

Qualifications-Based Selection _____

5.2 Appendix: The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

Illinois Compiled Statutes

Finance

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act 30 ILCS 535/

30 ILCS 535/1

Sec. 1. Short title.

This Act may be cited as the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. (Source: P.A. 87-673.)

30 ILCS 535/5

Sec. 5. State policy on procurement of architectural, engineering, and land surveying services.

It is the policy of State agencies of this State to publicly announce all requirements for architectural, engineering, and land surveying services, to procure these services on the basis of demonstrated competence and qualifications, to negotiate contracts at fair and reasonable prices, and to authorize the Department of Professional Regulation to enforce the provisions of Section 65 of this Act. (Source: P.A. 87-673.)

30 ILCS 535/10

Sec. 10. Federal requirements.

In the procurement of architectural, engineering, and land surveying services and in the awarding of contracts, a State agency may comply with federal law and regulations including, but not limited to, Public Law 92-582 (Federal Architect-Engineer Selection Law, Brooks Law, 40 U.S.C. 541) and take all necessary steps to adapt its rules, specifications, policies, and procedures accordingly to remain eligible for federal aid. (Source: P.A. 87-673.)

30 ILCS 535/15

Sec. 15. Definitions.

As used in this Act:

"Architectural services" means any professional service as defined in Section 5 of the Illinois Architecture Practice Act of 1989.

"Engineering services" means any professional service as defined in Section 4 of the Professional Engineering Practice Act of 1989 or Section 5 of the Structural Engineering Licensing Act of 1989.

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"Firm" means any individual, sole proprietorship, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, or land surveying and provide those services.

"Land surveying services" means any professional service as defined in Section 5 of the Illinois Professional Land Surveyor Act of 1989.

"Project" means any capital improvement project or any design, study, plan, survey, or new or existing program activity of a State agency, including development of new or existing programs that require architectural, engineering, or land surveying services.

"State agency" means any department, commission, council, board, bureau, committee, institution, agency, university, government corporation, authority, or other establishment or official of this State. (Source: P.A. 87-673.)

30 ILCS 535/20

Sec. 20. Prequalification.

A State agency shall establish procedures to prequalify firms seeking to provide architectural, engineering, and land surveying services or may use prequalification lists from other State agencies to meet the requirements of this Section. (Source: P.A. 87-673.)

30 ILCS 535/25

Sec. 25. Public notice.

Whenever a project requiring architectural, engineering, or land surveying services is proposed for a State agency, the State agency shall provide no less than a 14 day advance notice published in a professional services bulletin or advertised within the official State newspaper setting forth the projects and services to be procured. The professional services bulletin shall be mailed to each firm that has requested the information or is prequalified under Section 20. The professional services bulletin shall include a description of each project and shall state the time and place for interested firms to submit a letter of interest and, if required by the public notice, a statement of qualifications. (Source: P.A. 87-673.)

30 ILCS 535/30

Sec. 30. Evaluation procedure.

A State agency shall evaluate the firms submitting letters of interest and other prequalified firms, taking into account qualifications; and the State agency may consider, but shall not be limited to considering, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the firm and any other qualifications based factors as the State agency may determine in writing are applicable. The State agency may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services. A State agency shall establish a committee to select firms to provide

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architectural, engineering, and land surveying services. A selection committee may include at least one public member nominated by a statewide association of the profession affected. The public member may not be employed or associated with any firm holding a contract with the State agency nor may the public members' firm be considered for a contract with that State agency while serving as a public member of the committee. In no case shall a State agency, prior to selecting a firm for negotiation under Section 40, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation. (Source: P.A. 87-673.)

30 ILCS 535/35

Sec. 35. Selection procedure.

On the basis of evaluations, discussions, and any presentations, the State agency shall select no less than 3 firms it determines to be qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The State agency shall then contact the firm ranked most preferred to negotiate a contract at a fair and reasonable compensation. If fewer than 3 firms submit letters of interest and the State agency determines that one or both of those firms are so qualified, the State agency may proceed to negotiate a contract under Section 40. The decision of the State agency shall be final and binding. (Source: P.A. 87-673.)

30 ILCS 535/40

Sec. 40. Contract negotiation.

- (a) The State agency shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation that the State agency determines in writing to be fair and reasonable. In making this decision, the State agency shall take into account the estimated value, scope, complexity, and professional nature of the services to be rendered. In no case may a State agency establish a maximum overhead rate or other payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees.
- (b) If the State agency is unable to negotiate a satisfactory contract with the firm that is most preferred, negotiations with that firm shall be terminated. The State agency shall then begin negotiations with the firm that is next preferred. If the State agency is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The State agency shall then begin negotiations with the firm that is next preferred.
- (c) If the State agency is unable to negotiate a satisfactory contract with any of the selected firms, the State agency shall re-evaluate the architectural, engineering, or land surveying services requested, including the estimated value, scope, complexity, and fee requirements. The State agency shall then compile a second list of not less than 3 qualified firm and proceed in accordance with the provisions of this Act.
- (d) A firm negotiating a contract with a State agency shall negotiate subcontracts for architectural, engineering, and land surveying services at compensation that the firm determines in writing to be fair and reasonable based upon a written description of the scope of the proposed services. (Source: P.A. 87-673.)

30 ILCS 535/45

Sec. 45. Small contracts.

The provisions of Sections 25, 30, and 35 do not apply to architectural, engineering, and land surveying contracts of less than \$25,000. (Source: P.A. 87-673.)

30 ILCS 535/50

Sec. 50. Emergency services.

Sections 25, 30, and 35 do not apply in the procurement of architectural, engineering, and land surveying services by State agencies (i) when an agency determines in writing that it is in the best interest of the State to proceed with the immediate selection of a firm or (ii) in emergencies when immediate services are necessary to protect the public health and safety, including, but not limited to, earthquake, tornado, storm, or natural or man-made disaster. (Source: P.A. 87-673.)

30 ILCS 535/55

Sec. 55. Firm performance evaluation.

Each State agency shall evaluate the performance of each firm upon completion of a contract. That evaluation shall be made available to the firm who may submit a written response, with the evaluation and response retained solely by the agency. The evaluation and response shall not be made available to any other person or firm and is exempt from disclosure under the Freedom of Information Act. (Source: P.A. 87-673.)

30 ILCS 535/60

Sec. 60. Certificate of compliance.

Each contract for architectural, engineering, and land surveying services by a State agency shall contain a certificate signed by a representative of the State agency and the firm that the provisions of this Act were complied with. (Source: P.A. 87-673.)

30 ILCS 535/65

Sec. 65. Scope.

No person, corporation, or partnership licensed or registered under the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Structural Engineering Licensing Act of 1989, or the Illinois Professional Land Surveyor Act of 1989 shall engage in any act or conduct, or be a party to any contract, or agreement, in violation of the provisions of this Act. (Source: P.A. 87-673.)

30 ILCS 535/70

Sec. 70. Enforcement.

Any contract or agreement made in violation of this Act after the effective date of this Act, except a supplement or extension of an existing contract, is void and unenforceable, and the Comptroller and Treasurer of the State of Illinois shall not process any payment claims or checks for any contract or agreement made in violation of this Act. (Source: P.A. 87-673.)

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30 ILCS 535/75

Sec. 75. Design/build project – Contracting

Nothing in this Act shall be deemed to prohibit a State agency from contracting for a design/build project. (Source: P.A. 87-673.)

30 ILCS 535/80

Sec. 80. Affirmative action.

Nothing in this Act shall be deemed to prohibit or restrict agencies from establishing or maintaining affirmative action contracting goals for minorities or women, or small business set aside programs, now or hereafter established by law, rules and regulations, or executive order. (Source: P.A. 87-673.)

5.3 Appendix: The Local Government Professional Services Selection Act

Illinois Compiled Statutes

Local Government Professional Services Selection Act

50 ILCS 510

Sec. 0.01. Short title.

This Act may be cited as the Local Government Professional Services Selection Act. (Source: P.A. 86-1324.)

50 ILCS 510/1

Sec. 1. Policy.

It shall be the policy of the political subdivisions of the State of Illinois to negotiate and enter into contracts for architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable compensation. (Source: P.A. 85-854.)

50 ILCS 510/2

Sec. 2. Federal Requirements.

In the procurement of architectural, engineering and land surveying services and in the awarding of contracts, a political subdivision of the State of Illinois may comply with federal law and regulations and take all necessary steps to adapt its rules, specifications, policies and procedures accordingly to remain eligible for federal aid. (Source: P.A. 85-854)

50 ILCS 510/3

Sec. 3. Definitions.

As used in this Act unless the context specifically requires otherwise:

"Firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of architecture, engineering or land surveying and provide architectural, engineering or land surveying services.

"Architectural services" means any professional service as defined in Section 5 of the Illinois Architecture Practice Act of 1989.

"Engineering services" means any professional service as defined in Section 4 of the Professional Engineering Practice Act of 1989 or Section 5 of the Structural Engineering Licensing Act of 1989.

"Land surveying services" means any professional service as defined in Section 5 of the Illinois Professional Land Surveyor Act of 1989.

"Political subdivision" means any school district and any unit of local government of fewer than 3,000,000 inhabitants, except home rule units.

"Project" means any capital improvement project or any study, plan, survey or new or existing program activity of a political subdivision, including development of new or existing programs which require architectural, engineering or land surveying services.

(Source: P.A. 86-711; 86-987; 86-1028; 86-1475.)

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50 ILCS 510/4

Sec. 4. Public notice.

Present provisions of law notwithstanding, in the procurement of architectural, engineering or land surveying services, each political subdivision which utilizes architectural, engineering or land surveying services shall permit firms engaged in the lawful practice of their professions to annually file a statement of qualifications and performance data with the political subdivision. Whenever a project requiring architectural, engineering or land surveying services is proposed for a political subdivision, the political subdivision shall, unless it has a satisfactory relationship for services with one or more firms:

- (1) Mail a notice requesting a statement of interest in the specific project to all firms who have a current statement of qualifications and performance data on file with the political subdivision; or
- (2) Place an advertisement in a secular English language daily newspaper of general circulation throughout such political subdivision, requesting a statement of interest in the specific project and further requesting statements of qualifications and performance data from those firms which do not have such a statement on file with the political subdivision. Such advertisement shall state the day, hour and place the statement of interest and the statements of qualifications and performance data shall be due.

(Source: P.A. 85-854)

50 ILCS 510/5

Sec. 5. Selection Procedure.

A political subdivision shall, unless it has a satisfactory relationship for services with one or more firms, evaluate the firms submitting letters of interest, taking into account qualifications, ability of professional personnel, past record and experience, performance data on file, willingness to meet time and budget requirements, location, workload of the firm and such other factors as the political subdivision may determine in writing are applicable. The political subdivision may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services. (Source: P.A. 85-854.)

50 ILCS 510/6

Sec. 6. Selection procedure.

On the basis of evaluations, discussions and presentations, the political subdivision shall, unless it has a satisfactory relationship for services with one or more firms, select no less than 3 firms which it determines to be the most qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The political subdivision shall then contact the firm ranked most preferred and attempt to negotiate a contract at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. If fewer than 3 firms submit letters of interest and the political subdivision determines that one or both of those firms are so qualified, the political subdivision may proceed to negotiate a contract pursuant to this Section and Section 7. (Source: P.A. 85-854.)

50 ILCS 510/7

Sec. 7. Contract negotiation.

- (1) The political subdivision shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation that the political subdivision determines in writing to be fair and reasonable. In making this decision the political subdivision shall take into account the estimated value, scope, complexity and professional nature of the services to be rendered.
- (2) If the political subdivision is unable to negotiate a satisfactory contract with the firm which is most preferred, negotiations with that firm shall be terminated. The political subdivision shall then begin negotiations with the firm which is next preferred. If the political subdivision is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The political subdivision shall then begin negotiations with the firm which is next preferred.
- (3) If the political subdivision is unable to negotiate a satisfactory contract with any of the selected firms, the political subdivision shall re-evaluate the architectural, engineering or land surveying services requested, including the estimated value, scope, complexity and fee requirements. The political subdivision shall then compile a second list of not less than three qualified firms and proceed in accordance with the provisions of this Act.

(Source: P.A. 85-854.)

50 ILCS 510/8

Sec. 8. Waiver of competition.

A political subdivision may waive the requirements of Sections 4, 5, and 6 if it determines, by resolution, that an emergency situation exists and a firm must be selected in an expeditious manner, or the cost of architectural, engineering, and land surveying services for the project is expected to be less than \$25,000. (Source: P.A. 87-1034.)

Qualifications-Based Selection _____

6.0 Model Local Government Policy and Procedures for Selecting Architects, Engineers and Land Surveyors

Introduction

The ((1) Authority, City, County, Commission, District, Town or Village) _____ of _____ has had and will continue to have the need for architectural, engineering, and land surveying services, generally referred to as design professional services. To assure the selection occurs in an effective, impartial, legal, and timely manner, the following procedures will be used.

Applicability

The design professional selection policy and procedures manual shall apply to all architectural, engineering and land surveying contracts requiring ((2) Board, Commission, Council) _____ approval. If for any reason the guidelines in this manual cannot be followed, the ((3) Chairman, Executive, Mayor, Manager or President) _____ or a designee shall prepare a document for the (2) _____ outlining the need for the exception.

Assessment of Need

The project manager shall submit a brief description of the design professional need or draft Request for Proposal (RFP), a general scope of services and budget estimate to the (3) _____ for consideration. Design professional services are generally used to obtain the following:

- expertise of a specialized nature which is not available within the department or from another department;
- outside expertise to provide a new or broader perspective on a specific project;
- the skill of experts whose professional knowledge can contribute to important projects;
- performance of one-time projects of limited duration that do not warrant additional permanent staff.

Design professional services should not be used to:

- make policy or managerial decisions that are the direct responsibility of department management;

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- circumvent personnel ceilings, pay limitations or competitive employment procedures, supervise permanent employees;
- perform routine, long-term tasks that are normally the responsibility of permanent employees.

Statement of Qualifications

The (1) _____ of _____ shall accept Statements of Qualifications from interested design professional firms annually. Interested firms will be asked to respond using provided documentation noting their firm's areas of expertise. Firms may be requested to update their Statement of Qualifications. New or revised Statements of Qualifications shall be permitted throughout the year. The objective in using this procedure is to give interested firms an opportunity to respond to design professional needs, while keeping the number of detailed proposals manageable. The Statement of Qualifications Checklist will be used to categorize each firm's area of expertise.

Defining the Project and Developing a Scope of Services

A selection committee made up of the (3) _____ or a designee, the Principal Architect or Engineer and project manager shall be created to perform various tasks in the selection process. The (3) _____ may also invite other individuals with specific expertise to sit on the selection committee when appropriate, including Public Members.

A comprehensive evaluation of the problem or need that resulted in the project is essential to the selection process. The solution, approach, and eventually the design for the project will evolve out of the expertise offered by the firm responding to the Request for Proposals.

A specific scope of services will develop out of contract negotiations with the firm ranked most qualified for the project. In order to assure the respondents address the project properly and effectively, it is important to clearly articulate all known parameters of the project.

A written scope of service can be one or more pages, depending on the project size, to clearly define the scope of the service desired. This information should involve the following processes:

- Describe in general terms the need, purpose and objective of the project.
- Identify the various project components.
- Set the desired timetable for the effort.
- Identify expected problems.

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- Determine the approximate project cost range or budget, if applicable.
- Identify information, data or services that will be provided by the (1) _____ of _____, if any.

Requests for Proposals

When a need for design professional services has been determined, and a scope of services has been prepared, the selection committee will review the Statement of Qualifications Database.

The Statement of Qualifications Checklist Database will indicate firms that have expressed an interest in providing consulting services in the area of expressed need. All firms in the Database whose area of professional services match those sought after by the (1) _____ of _____ will be mailed a Request for Proposal, or an advertisement placed in general circulation daily newspaper.

All firms designated to receive a Request for Proposal shall be sent the scope of services and given a minimum of ten days from the date of the request to submit a proposal, unless the project is of an emergency nature. Questions or comments received during the specified response period that require an RFP modification will be sent to all firms on the project mailing list.

RFP Evaluation and Consultant Selection

Typical criteria for both evaluating and ranking firms may include the following:

- The education, experience and expertise of the firm's principals and employees who will be assigned key project responsibilities, with particular attention to their qualifications, competence and past performance.
- The firm's general experience and history of performance on projects similar to the one under consideration with references. Recommendations and opinions of each firm's previous clients as to the ability to meet deadlines and remain within project budget. Prior clients may also be able to advise as to each firm's sense of responsibility; attitudes of key personnel; concern for economy, efficiency and environment; and quality of service.
- Availability of equipment and facilities to do the needed work expeditiously. If necessary, perform an on-site examination to observe each firm's facilities and the sites of current and/or completed projects, including computer capability, reproduction and communication equipment, laboratory and testing equipment, or other specialized equipment applicable to the project under consideration.

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- The firm's approach to plan development, organization and management of a project, including communication procedures, approach to problem solving, data gathering methods, evaluation techniques, quality assurance/quality control, and similar factors.
- Present workload with attention to current and future commitments of available personnel, particularly those key persons expected to be assigned to the project.
- Financial stability, with particular attention to avoiding a situation in which the firm is solely dependent upon income from the project at hand for its existence.
- Proximity of the design professional firm to the proposed project site and/or the (1) _____ of _____ office.
- Awards received by the firm and technical papers authored by employees.
- Special considerations for some projects might include staff conversant in foreign languages and qualified minority representation.
- Interviews and public presentations may be required and should be conducted for large and/or complicated projects.

The selection committee shall arrive at a consensus of which criteria should be evaluated and a per criteria weighting value. The weight given each evaluation criterion in the ranking process may vary from project to project. For example, criterion "X" may be more heavily weighted than criterion "Y" if the bulk of the project tasks involve computer analysis and design. However, the reverse may be true for a project with an extensive construction oversight provision.

In all projects, pursuant to Qualifications Based Selection, cost information shall not be used as selection criteria, nor shall it have weight for ranking purposes. Using the agreed criteria, the project manager shall establish a minimum of three shortlisted firms. Individual firm scoring shall be withheld until the selection committee rankings are completed. The selection committee shall rank the firms in order of preference, to establish a 1-2-3 ranking. A summary of the selection shall be prepared noting the criteria, weightings, and ranking of the top three firms.

Negotiating an Agreement with the Selected Firm

The (3) _____ or a designee will meet with the number one ranked firm to clarify the scope of the project in more detail. At this time, it is appropriate to ask for a fee schedule and project cost estimate.

Scope of Project: An important objective of the negotiation process is to reach a complete and mutual understanding of the scope of professional services to be provided and the degree of

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performance desired. The general scope of professional services developed during the selection process may be too broad to serve as the contract scope of service. The negotiation process offers the opportunity for refinement, amendment and complete definition of the services to be rendered, as well as the areas of responsibility and liability for those services. Mutual understanding on these points, at the negotiation stage, can minimize the possibility of misunderstanding as the project progresses.

Special elements of the project to be established during negotiation include:

1. Project schedule
2. Project approach
3. Staff requirement & timing
4. Level of effort
5. Avenues of research
6. Areas of responsibility/liability
7. Detailed definition of "deliverable"
8. All identifiable project costs and contract "not to exceed" amount
9. Add alternates - scope and cost estimates

Negotiate Agreement Terms: Contracts between the (1) _____ of _____ and design professional firms must be set forth in fully executed agreements. All subcontractors or subconsultants shall be approved by the (1) _____ of _____ prior to execution of the final contract. If the (1) _____ of _____ is able to reach an agreement with the firm and if the fee is within range of the budget, the (1) _____ of _____ will proceed to finalize an agreement. If problems arise with the scope of the project or the fee, further discussion and clarification may be required.

If the (1) _____ of _____ cannot agree on the scope and fee, the (1) _____ of _____ will drop negotiations with the top ranked firm and continue the process with the second ranked firm. This process will continue until a mutual accord has been reached. Generally, this accord is reached with the first or second firm.

Bypassing the Design Professional Selection Process

Previous Working Relationships

State law does allow local governments that have a satisfactory working relationship with a qualified design professional services firm to negotiate directly with that firm for further services. The (3) _____ may choose to bypass the selection process and enter directly into a contract with a firm with which the (1) _____ of _____ has previously worked.

Qualifications-Based Selection

Sole Source Consultant Selection

Occasionally, it may be desirable or necessary to directly select a specific consultant for a given project. State law allows sole source selection for small contracts (\$25,000 fee or less), and for emergencies.

Negotiations shall proceed pursuant to “Negotiating with the Selected Firm” and upon successful completion a contract will be forwarded for execution.

Summary

Ranking and negotiations involve a considerable amount of subjective judgment. Since design professional projects can involve a large expenditure of public funds, accountability for decisions and value judgments is most important. To ensure adequate accountability:

- Involve more than one knowledgeable person in the evaluation process.
- Be consistent in reviewing each applicant.
- Keep accurate and complete records of all correspondence, memos, evaluations and decisions.

Again, the primary purpose of undertaking this process for selection is to locate the most qualified firm to do the work and negotiate a fair and reasonable agreement. Law prohibits the selection of design professionals by the competitive price bidding process. It is important to note that the most qualified firm is not necessarily the largest firm. A selection is made based upon experience and expertise in projects of the same type. Conceivably, a small firm could be more qualified than a larger firm, depending on the project size, specialties, and time schedule.

When submitting the consultant contract to the (2) _____ for approval, the cover memo/staff recommendation should include the rationale for the consultant selection decision.

Qualifications-Based Selection

<u>(1) Form of Government</u>	<u>(2) Governing Authority</u>	<u>(3) Chief Officer</u>
City	Council	Mayor
Town	Trustees/Council	President/Mayor
Village	Trustees/Council	President
County	Board	Chairman/County Executive
Public Building Commission	Commission	Chairman
School District	School Board	President
Park District	Board	President
Sanitary District	Board of Trustees	President
Civic Centers	Board	Chairman
Airport Authority	Board of Commissioners	Chairman
Development Authority	Authority Members/Board	Chairman
Drainage District	Board of Commissioners	Chairman
Fire Protection District	Board of Trustees	Chairman
Forest Preservation District	Board of Commissioners	President
Health Boards	Board of Health	Health Officer/Administrator
Mosquito Abatement District	Board of Trustees	President
Museum Districts	Board of Commissioners	President
Planning Commissions	Commission	President
Port Districts	Board	President
Railroad Authority	Board of Commissioners	Chairman
Conservancy Districts	Board of Trustees	President
Solid Waste Districts	Board of Trustees	President
Street Light Districts	Board of Trustees	President
Transit Authority	Board	Chairman
Water Districts	Board of Trustees	Chairman
Cemetery Districts	Board of Trustees	President