Policy

University Policy **FP-01.03-05/14**

Policy Title: Professional Services Selection Process

Originator: Dr. James Barnett

Responsible Office: Business, Finance, and Facilities

Reason for Policy/Purpose:

This policy provides guidelines for competitive selection of providers of professional services.

Policy Statement:

The following guidelines should be utilized for the competitive selection of providers of professional services:

A. Introduction.

Section 287.055, Florida Statutes, requires that certain professional services be obtained pursuant to a competitive selection process. These include services within the scope of the practice of architecture, professional engineering, landscape architecture, registered surveying and mapping, or services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice. Generally, such services are obtained to one or more of the following arrangements:

1. Continuing Campus Service Agreements.

Professional services may be obtained for projects or for planning or study activities under a Continuing Campus Service Agreement. A Continuing Campus Services Agreement is one for projects in which construction costs do not exceed $ 2 Million or the fee for study activity does not exceed $200,000. Continuing Campus Service Agreements need not contain a term limitation but must include a termination clause.

2. Individual Project Agreements.

Professional services may be obtained for work related to a specific project. Such agreements are limited to the duration of the project through its completion.

B. Formation of Certification and Selection Committee ("Evaluation Team").

An Evaluation Team appointed by the President or designee shall serve throughout the selection process for a Continuing Campus Service Agreement for Architect/Engineer services, or for any project exceeding an estimated construction amount of $1,000,000. In both cases, the Evaluation Team will include at least three members, two of which have demonstrable experience in the selection of professional architectural or engineering services of education in construction, engineering, architecture, or other related disciplines. Generally Evaluation Teams will include three (3) representatives from University Facilities Development and Operations (the "Department") and up to two (2) other individuals who have knowledge or capabilities that are relevant to the special needs of the project. The selection process shall be administered by the Office of Procurement and Contracts.

C. Placement of Advertisement.

Florida law requires that the University publicly announce, in a uniform and consistent manner each occasion when it desires to acquire professional services. With respect to major projects (construction projects with an estimated cost of $1,000,000 or more or planning activities with estimated fees of $100,000 or more), announcements of Continuing Campus Service Agreements, agreements for development of design criteria for design – build projects, agreements for construction management services, and agreements for design – build services will be placed in Florida Administrative Register. Additionally, advertisements may be placed in other print or electronic media as appropriate for the project scope, complexity and/or special needs and, in the case of highly specialized services, solicitations of qualified applicants may be made directly. For other projects, the University may advertise throughout the University's Office of Procurement and Contracts website or in such other manner as may be appropriate to the circumstances.

D. Required Qualification and Experience Data.

For all selections, the Evaluation Team shall determine the eligibility under Florida law of each firm to perform the services required for each project. Each firm determined to be eligible to provide the services for the project will be so certified by the Evaluation Team and shall be qualified for consideration. Generally, in addition to project – specific requirements set forth in the notice or request for proposals, each applicant will be required to submit a copy of the following:

1. Professional Qualifications Supplement (PQS);

2. Professional Registration Certificates, Standard Form 254, and Standard Form 255; and

3. Corporate Charter Registration.

E. The Department of Facilities Planning Maintenance & Construction will develop for each selection process a quantitative evaluation instrument pertinent to the appropriate scope of work and the specific project requirements (the "Evaluation Instrument"). The Evaluation Instrument shall provide

for the assessment of the experience of professional personnel; past performance; ability to meet time and budget requirements; location; and recent, current and projected workloads for the firms together with other factors deemed appropriate.

F. Review and Development of Shortlist.

The Evaluation Team shall evaluate professional qualifications statements by all eligible professional firms applying, using the Evaluation Instrument, and will develop a shortlist of no fewer than three firms for further consideration including interviews.

G. Reference Checks (if applicable).

The Evaluation Team will determine the number of references to be checked for each firm to be interviewed, and the Office of Procurement and Contracts shall conduct the reference checks. Reference checks must be documented and presented to the Screening Committee for its consideration prior to the on-campus interview.

H. Notification for Applicants.

The University, through the Office of Procurement and Contracts, will provide notice of decision of short-listed firms by electronic posting. The notice shall contain the following statement: "Failure to timely file a protest or failure to timely deliver the required bond or other security in accordance with the Board of Governors' Regulations 18.002 and 18.003 shall constitute a waiver of protest proceedings." If a Potential Protestor desires to protest a decision or intended decision of a university, the Potential Protestor must timely file a Notice of Intent to Protest, a Formal Protest, and the required Solicitation Protest Bond prescribed by Board of Governors Regulation 18.003 with the Issuing Office. The Potential Protestor must timely file a Formal Protest with the Issuing Office within ten (10) days after the date the Notice of "Intent to Protest" was filed. In addition, the Potential Protestor must timely file the required Solicitation Protest Bond with the Issuing Office within ten (10) days after the date the Notice of Intent to Protest was filed. The failure of the Potential Protestor to timely file the Formal Protest or to timely file the Solicitation Protest Bond shall constitute a waiver of the Potential Protestor's right to protest proceedings and/or the denial and dismissal of the Potential Protestor's protest.

I. Campus Presentations and Interviews.

The Evaluation Team shall conduct discussions with, and may require public presentation by, the short-listed firms regarding their qualifications, approach to the project, and ability to furnish the required services. The firms invited for campus presentation will receive the following: 1) a copy of the approved preliminary facilities program, if any; 2) a list of the final interview evaluation criteria; 3) the time, date, and location of the presentation and interview; and 4) the length of time allotted for the presentation

and interview. The notification letter will request that each firm bring a summary of its presentation to leave with the Evaluation Team members.

J. Evaluation Team Recommendations to the President.

Immediately following the interview, the Evaluation Team shall complete the Evaluation Instruments and, on the basis thereof, rank the firms in order of those most highly qualified to perform the required service, and where possible, shall recommend to the University President for approval no less than three firms in the Team's order of ranking. In the event of a tie, the vendor with the highest "Grand Total" score will determine the recommended applicant. The Evaluation Team shall not divulge its recommendation until after the University President or his/her designee has been notified

K. Maintenance of Selection Records.

The completed Evaluation Instruments, together with any notes kept by the Evaluation Team members throughout the selection process, correspondence related to the selection, and the proposals of the applicant firms will be maintained on file in the Office of Procurement and Contracts.

L. Notification of Interviewed Firms.

The Office of Procurement and Contracts will notify each interviewed firm of the University President's action. Notification shall be by electronic posting. The notice shall contain the following statement: "Failure to timely file a protest or failure to timely deliver the required bond or other security in accordance with the Board of Governors' Regulations 18.002 and 18.003 shall constitute a waiver of protest proceedings." If a Potential Protestor desires to protest a decision or intended decision of a university, the Potential Protestor must timely file a Notice of Intent to Protest, a Formal Protest and the required Solicitation Protest Bond prescribed by Board of Governors Regulation 18.003 with the Issuing Office. The Potential Protestor must timely file a Formal Protest with the Issuing Office within ten (10) days after the date the Notice of "Intent to Protest" was filed. In addition, the Potential Protestor must timely file the required Solicitation Protest Bond with the Issuing Office within ten (10) days after the date the Notice of Intent to Protest was filed. The failure of the Potential Protestor to timely file the Formal Protest or to timely file the Solicitation Protest Bond shall constitute a waiver of the Potential Protestor's right to protest proceedings and/or the denial and dismissal of the Potential Protestor's protest.

M. Negotiate Contract with Approved Firm (if applicable).

As soon as possible after selection, the President or designee will begin negotiations with the firm deemed most qualified. Negotiations will be accomplished in the manner described in Florida Board of Governors Regulation 14.007.

N. Emergencies.

In accordance with Florida Board of Governors Regulation 18.001 (6) (a), when the President or designee determines in writing that delay due to the competitive selection process poses an immediate danger to the public health or safety or welfare of the University, the University may proceed to procure professional services as needed without compliance with a competitive selection process.

O. Appeals.

Any appeals will be handled by the Office of Procurement and Contracts in accordance with the procedures described in Florida Board of Governors Regulation 18.002.

Authority and Related Documents:

Florida BOG Regulations 14.005, 14.007, 14.023, 18.001(6) (a), 18.002(3), (4), and (6), and 18.003; and Sections 287.055 and 633.218, Florida Statutes.

APPROVED By: Dr. Judith A. Bense, President **Date:** 12 May 2014

History:

Revision replaces and renumbers FDO-03.01-05/09 May 2014; amended May 2009; adopted September 2002. Clerical error corrected March 2015.