

**TALBOT COUNTY
PUBLIC SCHOOLS
EASTON, MD 21601**

POLICY CODE

6.1

ADOPTED: 11/09/94

REVISED: 05/21/08

REVIEWED: 07/21/10

ARCHITECT SELECTION

I. PURPOSE

- A. To establish Talbot County Public Schools (TCPS) guidelines for the selection of Architect & Engineering (A&E) firm(s) for significant construction and/or renovation projects in which fees are expected to exceed \$25,000 or the State's legal requirement for bidding, whichever is higher.
- B. Public notice of proposed projects requiring significant A&E services will be made by publishing a notice of the intention to acquire design services for any proposed construction project with design fees higher than the then current bidding limits defined by Maryland State regulation.
- C. TCPS will use a Request for Proposals (RFP) process to obtain A&E services. (Refer to Bidding Policy and Procedure, Policy Codes 4.6 and 4.6 –AR).
- D. The Talbot County Board of Education reserves the right to extend existing A&E contracts or negotiate new A&E contracts directly with previously Board approved A&E firms when, in its judgment, Talbot County Public Schools' students, staff and Talbot County citizens will be better served thereby.

II. PRE-QUALIFICATION

- A. A&E firms must submit proof that they are duly licensed in the State of Maryland in order to respond to any RFP or enter into a contract with TCPS.

III. APPLICATION

- A. A&E's may apply to be considered for selection to provide architectural and/or engineering services by responding to an advertised project they have an interest in. They shall include a brief summary of the A&E's special competence or qualifications for the specific project in question. A&E's must include copies of U.S. Government Standard Form 254 and 255, for each project.

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- B. A&E firms shall detail special qualifications including:
1. Make-up of complete team which they propose to use for the project; i.e., Architect, Mechanical, Electrical, Structural, Site, Civil, Audio-visual, Estimating, etc.
 2. Capacity of firm to accomplish proposed work in required time.
 3. Cost history for previous Public School construction projects, including A&E fees as a percentage of the total project cost.
 4. Change order history of prior school projects within the last five (5) years. Projects with change orders in excess of 3.0 percent of the construction bid shall be explained in detail.
 5. History of projects completed within beyond the approved schedules within the last five (5) years. The reasons for projects completed beyond the approved schedules shall be explained in detail.
 6. A&E's must confirm their interest in any project, to the Board of Education, not later than the deadline indicated in the published notice.

IV. QUALIFICATIONS

- A. An evaluation of applications of all interested A/E's shall be made based upon the following suggested, non-exclusive, parameters. (Note: additional parameters may be developed and implemented as deemed appropriate by TCPS):
1. General competence (including technical consultants).
 2. Past performance (when applicable) on previous work in terms of ability to adhere to budget and schedule limitations.
 3. Past performance on previous work in terms of work quality. (errors, omissions, overruns, etc.)
 4. Geographic location.
 5. Proven ability to effectively represent the interests of the Board (owner) as its strong advocate in all dealings with engineers, consultants, contractors, vendors and other third parties.
 6. Past performance in coordinating and working with the participatory planning process, involving state and local representatives.
 7. Size of firm compatibility with size of proposed project.
 8. Number and value of recent county projects assigned to firm.
 9. Current total workload of firm and capacity of firm to accomplish proposed work in required time.
 10. Special familiarity with project or project site.
 11. Special qualifications, experience, design approach, etc. Originality and design quality.
 12. Special considerations in direct response to the Board's Educational Specification for the project.

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- B. From the available and interested A&E firms applying that are in compliance with requirements of the RFP, a list of qualified A&E firms will be selected or the Board may determine that it is in its best interests to enter into direct negotiation(s) with a previously approved A&E firm, as described in Section I.D.
- C. From the above list of qualified A&E's, not more than three (3) A&E firms will be selected by a Superintendent's Advisory Panel. The Panel shall consist of no more than five (5) persons but will include the Superintendent (or designee), a member of the Board, the Assistant Superintendent for Support Services and a school administrator.
- D. From the list developed in IV.C, the A&E firm deemed most competent following the review and selection process described in the RFP shall be recommended to the Board of Education for approval contingent upon the negotiation of an acceptable contract.
- E. Once approved by the Board, the selected A&E firm shall be advised and asked to submit a proposed contract in order to initiate the negotiation process.

V. NEGOTIATION

- A. Negotiations will be conducted by the appropriate Superintendent's designee(s) with the firm designated by the Board of Education to arrive at the best available contract terms.
- B. The firm selected for negotiation shall, in addition to its proposed contract, prepare and submit a complete project design proposal detailing the scope of work, design and construction schedules, phasing, etc. The firm shall also include any and all special and unique breakdown of proposed fees and/or reimbursable expenses for all A&E services as described by the RFP. The final contract shall be on a form prescribed by TCPS and reviewed and approved by the Board's attorney.
- C. Type of fees shall be limited to the following:
 - 1. Lump sum.
 - 2. Approved fixed fee plus costs not to exceed limit for total (where cost is identified as actual salary paid to employees for work performed on project).
 - 3. A percentage of the final A&E firm's final construction cost estimate developed as part of the final and approved bid documents.

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- D. In preparing proposals, the A&E firm shall carefully review and be guided by the requirements of the standard A&E Agreement and Interagency Committee for Public School Construction (IAC/PSCP) Forms, as revised.
- E. All negotiations with the A&E firm shall be fully documented and a final recommendation submitted to the Board of Education
- F. If negotiations with the initial A&E firm are not successful, the Board will be so advised, and an alternative A&E firm will be recommended.

VI. FINAL SELECTION

- A. The Board of Education shall thus receive, review, approve or reject the recommended A&E contract and negotiated fee.
- B. The State may require the IAC/PSCP to review and approve the proposal and terms of agreement prior to a contract award.
- C. In the event the Board of Education or IAC/PSCP rejects the A&E contract, the selection shall be returned for further action as shall be directed by the Board.

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