

Procurement of Professional Services



Types of Services

□ Professional Services:

- Architects, Engineers
- Surveyors
- Geotechnical engineers



□ Nonprofessional Services:

- Cost Consultants
- Testing services
- Project administrators
- Inspectors/clerk of the works
- Value Engineering Services



General Policy on Procuring Professional Services

- **Virginia Public Procurement Act, §2.2-4300 to 2.2-4377**
- **State policy is to contract with a single firm:**
 - Firm may have full “in-house” capability, or
 - Firm may subcontract for other disciplines
- **Person having overall responsibility:**
 - Must be a licensed Architect or Professional Engineer
 - Shall be registered/licensed by the Virginia Department of Professional and Occupational Regulation (DPOR)

General Procedures for Procuring Professional Services Selection

- **Category A, Emergency Selection Procedures**
 - for bona fide emergencies
- **Category B, Small Purchase Procurement**
 - for services with total fee < \$50,000
- **Category C, Standard Professional Procedures**
 - for services with total fee > \$50,000
 - may be used for smaller fee contracts
- **Term Contracts**
 - for multiple small projects
 - one year period

Required Advertisements for Professional Services (§ 2.2-4301)

- Agency Procurement Office Notice Bulletin Board



- Legal Notice, Statewide Newspaper



- Electronically via eVA



Project Scope of Work

□ **Identify:**

- Services required
- Criteria/limitations/parameters
- Describe the product(s) expected

□ **Reference applicable standards:**

- Construction & Professional Services Manual (October 15, 2013)
- Applicable VUSBC edition, now 2009 Edition
- Applicable accessibility standards, now 2010 ADA Standards for Accessible Design, published September 15, 2010
- NCAA, JCAHO, & others

Requests for Proposal (RFP)

- **Identify:**
 - General nature of the project
 - Architectural and engineering services sought
 - Factors which will be used for evaluation
 - Unique capabilities/qualifications demanded
 - Method for negotiation of fees
 - SWaM criteria consistent with the Agency SWaM plan
- **RFP will NOT ask proposers to furnish cost or manhour estimates with their “qualification” proposals**

Small Businesses and Businesses Owned By Women and Minorities (SWaM)

- **Proposals with Fee > \$100,000:**
 - RFP response should describe past efforts to utilize services from these types of firms
 - Failure to do so will be non-responsive
 - See formats on Forms Center
- **Contracts with Fee > \$100,000**
 - Periodic involvement reports are required
 - Final actual involvement report is required
- **Executive Order # 33 (2006)**
 - Agencies should refer to this Order for policy directives on SWaM participation

Architectural & Engineering Fee Basics

- Compensation / fee should be fair & reasonable for the services provided
- Fee should be comparable to that you would pay other equally qualified A/E's
- A/E's Fee Proposal should show the basis for arriving at the proposed fee (e.g. rates, effort / time required)
- % of estimated cost must be a FIXED \$

A/E Fee Proposal Premise or Basis

- A/E expected to be experienced in similar work & know the systems and features required for this type project
- A/E expected to know applicable codes and standards & apply them to the design
- A/E presented itself as fully qualified so we don't pay extra to 'educate' the A/E
- A/E Provides all the services required by and conforming to the CPSM

A/E Fee Proposal Standards & Guides

- Use the Standard personnel technical classifications in CPSM Section 3.2.2.2
- Average hourly rates proposed for each classification should be comparable to other qualified A/E's in the same technical classification
- Average hourly rates include all markups (avg W-2 rate + Direct + General Overhead + Profit)

A/E Fee Proposal Standards & Guides (cont'd)

- **“A/E” includes all building disciplines, both in-house & consultants:**
 - Architectural
 - Civil
 - Structural
 - Mechanical
 - Plumbing
 - Fire Safety
 - Electrical

- Special consultants are those other than the building disciplines listed above. Owner must approve use of consultants if proposed as an additional cost/service.

A/E Basic Services

- “Basic Services” are usually separated into sequential phases for progress identification and payment:
 - Project Initiation & Schematic Phase
 - Preliminary Design Phase
 - Working Drawing Phase
 - Bidding Phase
 - Construction Phase
- As defined in the Terms and Conditions of the A/E Contract (CO-3a, Section 42)

A/E Additional Services

- Must be listed, justified and must be a reasonable cost
- If included in the A/E's contract they shall be set out separately with fees negotiated and included in the total fixed fee
- Can include:
 - Substantial changes after approval of Preliminaries
 - Applications and supporting documents for money
 - A/E directed to provide data normally the Agency's responsibility
 - Agency-requested changes to drawings and specifications

A/E Additional Services (cont'd)

- ❑ Failure of the Contractor to perform
- ❑ Extra work is required by act of God
- ❑ When the Substantial Completion date is delayed more than 30 days
- ❑ Preparation of an Environmental Impact Study or Report
- ❑ A/E participation in a VE Study
- ❑ Interior Design services involving selection of furnishings, furniture

A/E Extra Services



- Services requested in writing after negotiation of the Contract shall constitute Extra Services
- Shall be negotiated and authorized by Change Order to the A/E Contract using CO-11 a/e (DGS-30-100)

A/E Fee Proposal Standards & Guides (cont'd)

- Reimbursable expenses are reimbursed at actual cost and are subject to audit
- Interior design -layouts finishes, color selection & coordination- which are part of the building are basic A/E services



Key A/E Professional Service Elements



- Stay within the project scope, budget, and design time
- Comply with VUSBC, ADA, and CPSM
- Provide complete documents (SC / PD / WD)
- Perform timely and effective Shop Drawing review
- Perform timely and effective Construction Inspections

Key Agency Project Management Elements

- Establish a reasonable and attainable Schedule
- Limit changes after Preliminary approval
- Review A/E submittal for Scope, Budget, and Completeness
- Coordinate Other State Agency reviews and VE Study
- Submit timely and complete CO Forms (CO-2, 5, 6, 8, 17, and 13)
- Perform effective Construction Inspection
- Delay occupancy until Substantial Completion

Miscellaneous

- Copies of the standard forms (CO-3, 3.1, 3.1A, and CO-3.2) are available on the DGS “Forms Center”.
- The Terms and Conditions of the AE Contract (CO-3a) shall be made a part of all contracts for professional services.
- Neither the Forms nor the Terms and Conditions may be modified without the approval of Agency’s legal council and the Director of DEB.
- BCOM is available to provide assistance to agencies during the A/E procurement process