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DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF THE COMMISSIONER
25 Capitol Street – Room 120
Concord, New Hampshire 03301

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SUBJECT: SELECTION OF ENGINEERS, ARCHITECTS and SURVEYORS

PURPOSE:

To state the responsibilities, conditions and process for selecting Engineering, Architects and Surveyor services.

AUTHORITY:

NH RSA 21 – I: 22: “An Act relative to selecting Engineers, Architects and Surveyors by State agencies”, effective date June 30, 1992.

NH RSA Chapter 2I-I: 75, Major Capital Projects and 21-I: 78, compliance with Contracts.

MEMBERS OF THE SELECTION COMMITTEE:

At a minimum the Selection Committee shall consist of the following members: Administrative Services, Bureau of Public Works Design and Construction (BPW) Bureau Administrator; two Project Managers from BPW; and one representative of the Using Agency requesting the project.

BPW reserves the right to modify the make up of the committee as required depending on the project scope or funding sources.

CONSULTANT NOTIFICATION PROCESS:

Administrative Services, Bureau of Public Works Design and Construction will prepare a list of projects or state wide professional services on which selection of Engineering, Architectural and Surveying professional services are anticipated. This list of projects or state wide professional services and the selection procedure will be posted on the BPW web site. Information regarding this opportunity and the web site shall be advertised in at least one newspaper of general publication for a minimum of two consecutive days. BPW will issue a Request for Proposals (RFP) or when a specific scope of work has not been defined, a Request for Qualifications (RFQ) regarding each project that requires Engineering, Architectural and Surveying services. Architects, Engineers and Surveyors licensed in the State of New Hampshire will be notified by mail (either hard copy via UPS or electronic via e-mail) for each biennium of the Capital Budget and other times as required regarding the Request for Proposals or Request for Qualifications and the procedure to be selected for BPW project or statewide consultant services.

CONSULTANT SELECTION PROCESS:

The Selection Committee will then establish a short list of not less than three of the best-qualified firms in order of preference from the list of interested firms responding to the Request for Interest or Request for Qualifications based on their qualifications submitted. The selected firms will be notified that they have been short-listed by BPW. BPW shall then request that the three short listed firms meet for an interview and/or provide a Request for Proposal (technical RFP only) to the Selection Committee.

At a Selection Committee meeting, Committee members will discuss their review of the Technical Proposals and/or interviews. After hearing all discussions relative to the Technical Proposals and/or interviews, the Selection Committee will evaluate and rate the three short-listed firms in the order of preference. The evaluation criteria shall include at a minimum the following: comprehension of the assignment; clarity of the proposal; capacity to perform in a timely manner; quality and experience of project manager/team; and overall suitability for the assignment. Any additional criteria that may be utilized to evaluate and select the most qualified firm shall be shared with all prospective firms during the solicitation process. Any portion of the selection criteria may be changed to meet Using Agency or funding source requirements. The overall order of rating will be determined by a written vote of the Selection Committee.

Upon receipt and rating of the technical proposals or interviews, the short-listed firms will be notified of the results and the successful firm will be asked to finalize a scope of work for the project and submit a fee proposal for negotiations. Once agreement on the scope and fee have been met, the Bureau Administrator will prepare a memo recommending the Committee's selection, signed by the Selection Committee, for presentation to the Division Director of Plant and Property and approval of the Commissioner.

If the BPW is not able to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price determined to be fair and reasonable to the state, negotiations with that firm shall be formally terminated and BPW shall undertake negotiations with the second most qualified firm. If BPW is unable to negotiate satisfactory contracts with the three selected firms, BPW shall select additional firms in order of competence and qualifications and negotiate with them in accordance with RSA 21-I: 22 until an agreement is reached.

Final contract approval is by Governor and Council action, followed by a Notice to Proceed from BPW. After the Governor and Council approval of the contract with the selected firm, the technical proposals of the short-listed firms will be available for review.

ACCELERATED CONSULTANT SELECTION PROCESS:

Under special or emergency circumstances, the Bureau Administrator, may accelerate the selection process. Utilizing information from responses received from the initial Request for Proposals or Request for Qualifications described above, previous interest in similar projects, work history with similar projects and current knowledge of work experience, if available the Selection Committee shall create a short list of three firms that are most qualified to perform the specific engineering, architectural and surveying services. BPW shall then request that the three short listed firms meet for an interview and/or provide a Request for Proposal (technical RFP only) to the Selection Committee.

At a Selection Committee meeting, Committee members will discuss their review of the Technical Proposals or interviews. After hearing all discussion relative to the Technical Proposals or interviews, the Selection Committee will evaluate and rate the three short-listed firms in the order of preference. The evaluation criteria shall include at a minimum the following: comprehension of the assignment; clarity of the proposal; capacity to perform in a timely manner; quality and experience of project manager/team; and overall suitability for the assignment. Any additional criteria that may be utilized to evaluate and select the most qualified firm shall be shared with all prospective firms during the solicitation process. Any portion of the selection criteria may be modified to meet Using Agency or funding source requirements. The overall order of rating will be determined by a written vote of the Selection Committee.

Upon receipt and rating of the technical proposals and/or interviews, the short-listed firms will be notified of the results and the successful firm will be asked to finalize a scope of work for the project and submit a fee proposal for negotiations. BPW shall then negotiate with the highest qualified firm for consultant services at compensation that BPW determines to be fair and reasonable to the State. Once agreement on the scope and fee have been met, the Bureau Administrator will prepare a memo recommending the Committee's selection, signed by the Selection Committee, for presentation to the Division Director of Plant and Property and approval of the Commissioner.

Final contract approval is by Governor and Council action, followed by a Notice to Proceed from BPW. After the Governor and Council approval of the contract with the selected firm, the technical proposals of the short-listed firms will be available for review.

REVIEW FEE PROPOSAL, NEGOTIATE, ACCEPT/REJECT FEE:

The Selection Committee will negotiate all parts of the total fee with the Consultant. The Committee may, by vote, accept the fee submitted by the Consultant. The Committee shall exercise good judgment in accepting the fee. The Committee may reject the initial fee outright as being too far out-of-line to commence negotiations. In this case, the Committee will state their reasoning and judgment in making this decision and advise the Consultant accordingly, directing them to resubmit their Fee Proposal. If agreement on a fee cannot be reached, the negotiation/award process will be terminated. The Committee will notify the Consultant that the negotiations are being terminated and will initiate the negotiation process with the next Consultant on the list from the rating process. If agreement on a fee is reached, the Bureau Administrator will notify the Consultant in writing that the negotiated fee has been approved.

EXECUTION OF AGREEMENT:

The Bureau of Public Works Design and Construction will forward three (3) copies of the Agreement to the Consultant firm for their execution and inclusion of the required supplementary documents. Upon receiving this package from the Consultant, BPW will complete the execution of the documents through the Department of Administrative Services to obtain all requisite reviews and approvals prior to inclusion on a meeting agenda of the Governor and Council.

AUTHORIZATION TO PROCEED/OTHER ACTION:

Upon receiving proper approval, the BPW Bureau Administrator shall notify the Consultant in writing that the work is authorized to proceed. Should BPW receive notice of tabling or disapproval by the Governor and Council, BPW shall take appropriate action under the direction of the Bureau Administrator.

The Department of Administrative Services will not reimburse the Consultant for any expenses incurred prior to the proper approval of the Agreement and the subsequent issuance of the Notice to Proceed.