

27—6.3(17A,161A,159,207,208) Contracts for professional services.

6.3(1) *Professional services defined.* The term “professional services” shall include planning, design, architectural, engineering, landscape architecture, land surveying, land appraising, consulting, legal and management review services.

6.3(2) *Notification of professional firms or individuals.*

a. List of professionals. The division shall keep a file of professional firms and individuals that have submitted a statement of qualifications and have indicated an interest in providing services. When the division determines professional services are needed, the division shall notify those professional firms or individuals which appear to be qualified to perform the particular services needed. The division shall periodically poll the list of firms and individuals regarding their continued interest and update the statements of qualifications as appropriate.

b. Solicitation of professionals. Firms or individuals may be invited to notify the division of their interest in and capabilities for providing needed professional services if the division determines a new type of professional services is needed. Such firms or individuals shall be informed by advertisement in at least one newspaper of statewide circulation and such other means as may be appropriate. The firms or individuals shall be requested to provide information relative to the number, qualifications, and experience of their professional and technical staff; their performance record for timeliness, quality, and project management; their geographical location; and any specialized expertise which may be appropriate.

6.3(3) *Selection of firm or individual.*

a. For any contract for professional services estimated to cost less than \$10,000, the division may select a firm or individual and negotiate a professional services contract. The bureau chief or division administrator shall prepare a memorandum for the project file stating the reasons why that particular firm or individual was selected. However, quotations may be solicited if it is in the best interest of the state.

b. For contracts estimated to exceed \$10,000, at least five firms or individuals who have submitted statements of qualifications shall be invited to submit proposals for the performance of the needed services unless fewer than that number have indicated the availability, capability or willingness to perform the desired service. The proposals submitted shall be reviewed, and members of the firms or individuals may be interviewed by a division selection committee established by the administrator. At least two-thirds of the selection committee shall be composed of individuals not responsible for the contract administration. This committee shall evaluate each proposal relative to the following criteria:

- (1) Sufficiency of professional and technical staff to meet the project schedule and work requirements.
- (2) Performance records for timeliness, quality and project management.
- (3) Geographical location.
- (4) Specialized expertise.
- (5) Proposed method of accomplishing the desired service.
- (6) Total estimated cost.

After evaluating the proposals, the committee shall submit a written recommendation to the administrator.

c. Upon the acceptance of a proposal by the administrator, the total estimated cost shall become the maximum contract cost which shall not be increased, except to the extent that a contract amendment increases the objectives and scope of services. Such increase in scope shall be limited to the type of services for which the contract was initially established.

d. When a project requiring professional services is divided into several phases, the selection of a professional firm or individual for the first project phase may be accomplished in the manner prescribed above. The contract cost for subsequent phases may be established later by negotiation.

The proposals shall also contain a schedule of hourly rates for professional services. These fee schedules and associated costs shall be submitted as directed by the division.

e. The administrator may authorize the negotiation of a contract without solicitation of quotations or advertising for proposals if the service is to be provided by another governmental entity or educational institution or nonprofit corporation, or if the service is of a specialized nature where only one firm or

individual can reasonably provide the service, or where delay for solicitation of quotations or advertisements for proposals might reasonably be expected to result in serious loss or injury to the state.