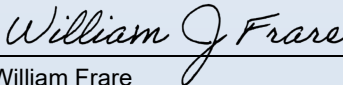


Facility Professional Services Administrative Services Policy No. 4.10

Consultant Selection Policy

Table of Contents

Applies To:	Facility Professional Services Employees
Authorizing Sources:	RCW 39.19 RCW 39.80 RCW 43.19.450
Information Contact:	Facility Professional Services
Effective Date:	August 18, 1993
Last Update:	July 1, 2023
Approved By:	 _____ William Frare Assistant Director, Facility Professional Services

PURPOSE..... 3

DEFINITIONS 3

POLICY 7

A. All changes to the selection policy or procedures must be approved by the DES FPS Assistant Director..... 7

B. All requests for A/E services shall be competitively procured based on estimated total services fee thresholds and proposer qualifications..... 7

C. Selection types are based on the total project services fees of a consultant.7

D. Expedited Selections..... 8

E. Small Project Selections 8

F. Large Project Selections 9

G. On-Call Selections 10

H. Late Statement of Qualifications 11

I.	An FPS Selection Administrator will facilitate the selection process in all procedures.....	11
J.	Selection Panels	12
K.	Consultant agreements are limited to the maximum total project fee threshold of the process by which they were selected.....	12
L.	The Project Manager is the point of contact for all selection process inquires.....	13
M.	Scoring methodologies and scoring bands	13
N.	Ties in scoring are not permitted	14
O.	Selecting the most highly qualified firm	14
P.	Fee negotiations will be fair and reasonable.....	15
Q.	Negotiations may be terminated.....	15
R.	Disclosure of Selection Documentation	15
S.	Diverse Business Participation Goals and Inclusion Plans.....	15
T.	Consultants entering into agreements are required to complete payment-reporting detail for the duration of the agreement regardless of selection type or fees.....	16
U.	Discussion between panel members is permitted	16
V.	Disqualification for non-responsiveness.....	16
	EMERGENCY PROJECTS.....	16
	ADDITIONAL RESOURCES	16
	HISTORY	17

Purpose

State statute authorizes FPS to “contract for professional services for the design of new state facilities and major repair or alterations to existing state facilities” (RCW 43.19.450). This policy enables FPS to meet the requirements of this statute. This policy does not apply to procurement of Design-Build services or General Contractor/Construction Manager services as defined in RCW 39.10.

Definitions

A/E means Architect or Engineer or related professional design and/or construction services consultant.

A/E Reference File means the central electronic database and consultant selection system that includes consultants' Architect-Engineer Qualifications (Form 330) and contact information. Washington State governmental organizations may use the file to select consultants based on qualifications for public works projects with estimated total fees less than or equal to \$500,000.

A/E Reference File Selection Documentation means notification, advertisement, individual and summary score sheets for Phase 1 and/or Phase 2 rankings.

APM means Facility Professional Services Assistant Program Manager. FPS Program Managers and APMs supervise teams of project managers. Project Managers report to a FPS Program Manager or an APM.

Budget & Cost Control means the selection criterion of the Proposer's record of designing within an Owner's assigned project scope and budget.

Client Agency means an agency or organization using FPS' services.

Consultant means architect, engineer or related professional design and/or construction services provider. This definition also applies to sub-consultants that provide services to a prime consultant.

DES means Department of Enterprise Services.

Design Excellence means memorable design solutions that exceed the Owner's vision and defined functional requirements; include state-of-the-art structures and facilities that are high performance and sustainable; and possess a holistic awareness that considers context, site and the environment.

Diverse Business means a business holding any of the following certifications:

- *Minority Business Enterprise (MBE)* certified through the Office of Minority and Women's Business Enterprises (OMWBE)
- *Women's Business Enterprise (WBE)* certified through the Office of Minority and Women's Business Enterprises (OMWBE)
- *Veteran-owned Business (DVA)* certified through the Washington State Department of Veteran's Affairs
- *Small Business (SBE)* (includes mini and micro businesses) self attested certification through the Washington Electronic Business Solution (WEBS)

Diverse Business Inclusion Plan means a Proposer's plan to solicit for and include participation of qualified Minority-Owned, Women-Owned, Veteran-owned and/or Small Business enterprises in their proposed teams.

Diverse Business Inclusion Strategies means a Proposer's strategies to increase opportunities for diverse business participation.

Evaluation Criteria means weighted evaluation categories used to determine the most qualified Proposer for a particular project or service(s).

Evaluation Criteria Weighting means the importance or priority factor applied to evaluation criteria on a predetermined point scale.

Expedited Selection is a process for selecting consultant firms when there is a justified urgency as approved by the supervision Program Manager or Assistant Program Manager and the fees are estimated to be less than or equal to \$100,000.

Finalist means a short listed Proposer that was selected to participate in Phase 2 of the selection process.

FPS means Facility Professional Services.

Geographic Proximity means the selection criterion of a defined area for a specific project, usually within a particular stated mileage radius as determined by the project manager in consultation with the Owner.

Large Project Selection is the process for selecting consultant teams when the total project services fees are greater than \$500,000.

Life Cycle Cost Analysis Experience means the selection criterion of the Proposer's experience using life cycle costs, operating costs, and energy efficiency measures in the design of building projects.

MACC means Maximum Allowable Construction Cost (excluding state sales tax).

On-Call Roster means list of consultants that have been selected to provide On-Call services.

Owner means the state agency, institution of higher education, board, or commission with funding authority.

Phase 1 means the selection process phase when the selection panel evaluates and scores Proposers' written statements of qualifications in response to the Request for Qualification or notification via the AE Reference File to determine the Finalists.

Phase 2 means the selection process phase when Finalists are evaluated and scored for final selection.

PM means FPS Project Manager, Department of Corrections (DOC) Team Project Manager, and/or Department of Social and Health Services (DSHS) Team Project Manager. Project Managers report to a FPS Program Manager or an APM.

Pre-Selection Informational Meeting means a meeting scheduled prior to the submission deadline for Phase 1 statements of qualifications and conducted by the PM with participation of

the owner's representative(s), to provide project and selection procedure information to interested parties.

Previous Performance means the selection criterion describing the Proposers demonstrated performance and client satisfaction on previous projects, preferably completed in the last five years. This criterion may apply to any relevant project experience of the Proposer, and may include response rates for adherence to project schedules, contractor Requests for Information (RFI's) and shop drawing and submittal review, design error and omission change order rates, and adherence to requirements and protocols in the administration of agreements and amendments.

Private Sector Panelist means a licensed architect or licensed professional engineer who is employed by a private sector firm with no conflict of interest with the project or Proposers.

Production Capabilities means the selection criterion of the Proposer's capacity to perform the design services for the project.

Project Approach means the selection criterion describing the Proposer's demonstrated understanding of the RFQ scope of work and design challenges, needed consultant services, and strategies for managing and delivering those services for a specific project, or on-call services for multiple projects.

Proposer means the consultant firm team, including subconsultant firms, competing for the project.

Qualifications of Key Personnel means the selection criterion describing the professional qualifications and experience of the Proposer for the specific needs of the project or requested services. This includes major or specialty sub-consultants as applicable.

Rank Order means numeric order of the score of statements of qualifications or oral interviews by the selection panel from highest score to lowest score. Proposer with the highest score are awarded a rank of one, second highest score are awarded rank of two, etc.

Relevant Experience means the evaluation criterion describing the direct experience of a Proposer with projects of similar size, complexity and type as the advertised project preferably within the last five years.

RFQ means Request for Qualifications.

SA means Selection Administrator.

Small Project Selection is the process for selecting consultants when the total project services fees are less than or equal to \$500,000.

SOQ means Statement of Qualifications.

State Facilities for the purposes of this policy, includes all state buildings, related structures, and appurtenances constructed for any elected state officials, institutions, departments, boards, commissions, colleges, community colleges, except the state universities, The Evergreen State College and regional universities.

"State facilities" do not include facilities owned by or used for operational purposes and constructed for the Departments of Transportation, Fish and Wildlife, Natural Resources, or state parks and recreation commission.

Strength ultimately represents a benefit to the Project and is expected to increase the Proposer's ability to meet or exceed the Project Goals and/or meet the definition of Design Excellence.

Sustainable Design Experience means the selection criterion describing the Proposer's design experience integrating and optimizing all major high-performance building attributes, including energy efficiency, durability, life-cycle performance, and occupant productivity.

Total Assigned Rank means the sum of the panel's individual rank order. The proposer with the highest individual score is awarded a rank of one, second highest score are awarded rank of two, etc. The sum of the panel member's rank of the most-highly qualified firm will have the lowest total rank, the second most qualified firm will have the second lowest total rank, etc.

WEBS means Washington Electronic Business Solution, a web-based vendor registration and notification system. Vendors can register to receive notifications of projects being advertised for procurement as well as obtain self-attested small business certifications.

Weakness means those qualities which detract from the Proposer's ability to meet the Project Goals or the definition of Design Excellence and may result in inefficient or ineffective performance.

Policy

A. All changes to the selection policy or procedures must be approved by the DES FPS Assistant Director

Recommended variations for projects with unique requirements are to be submitted through the FPS Program Manager to the Assistant Director for approval.

B. All requests for A/E services shall be competitively procured based on estimated total services fee thresholds and proposer qualifications.

Projects with estimated total A/E services fees greater than \$500,000, and selection to establish On-Call Rosters require public advertisement. Projects with estimated total A/E services fees less than or equal to \$500,000 may be advertised, selected from a current roster of on-call consultants, or procured through the A/E Reference File.

Proposers must submit their statement of qualifications to be considered eligible for selection on an FPS-managed project. Proposers are evaluated based on demonstrated competence and qualifications for specific services required. A Proposer's competence and qualifications shall be evaluated against the specified project selection criteria established for each project.

C. Selection types are based on the total project services fees of a consultant.

Selection types are based on the anticipated total project services fees of a consultant. ***In all cases, the corresponding selection procedure must be followed.***

- Projects with services fees less than or equal to \$100,000 and an approved justified urgency may use the **Expedited Selection**.
- Projects with services fees less than or equal to \$300,000 may use and established **On-call Roster**.
- Projects with services fees less than or equal to \$500,000 may use the **Small Project Selection**.
- Projects with services fees greater than \$500,000 must use the **Large Project Selection**.

Table 1 - Selection Matrix

Selection Method and Fee Limits	Selection Panel	A/E Reference File	Public Advertisement	Pre-selection Info Session Required	Selection Phase I	Selection Phase II
Expedited Selection (less than or equal to \$100,000)	PM (with APM approval and Client Agency concurrence)	Yes (notice <u>not</u> required)	No	No	No	In-person or phone Interview optional
Small Project Selection (less than or equal to \$500,000)	3-person panel	Yes (notice REQUIRED)	Optional (in lieu of A/E Reference File)	No	Yes	In-person or phone Interview optional

Large Project Selection (greater than \$500,000)	5-person panel	N/A	Yes	Yes	Yes	In-person or video teleconference Interview REQUIRED
State/Regional/Local On-Call Selection (less than or equal to \$300,000 per project)	3-person panel (minimum)	N/A	Yes	Yes	Yes	Interview Optional

D. Expedited Selections

The Expedited Selection process may be used to select a consultant when there is a justified urgency and fees are estimated to be less than or equal to \$100,000.

The PM, with concurrence from the Client Agency and approval of the supervising APM or Program Manager, may use the Expedited Selection process to select a consultant from the A/E Reference file.

1. The selection panel is the PM (with Client Agency concurrence and APM approval).
2. Advertisement/notification of consultants is not required prior to selection.
3. Pre-selection informational session is not required.
4. In person or phone interview is optional

E. Small Project Selections

FPS has established an A/E Reference File which serves as a database of consultants. Any consultant holding an active Washington State Business license is eligible to be included in the database.

Project Managers may use the A/E Reference File to procure A/E services for projects with fees estimated to be less than \$500,000 using the small project selection procedure. A three-person selection panel is used for the Small Project selection procedure.

The Small Project, three-person selection panel shall consist of the FPS Project Manager and two (2) other members approved by the FPS Program Manager or APM.

FPS will advertise annually requesting consultants to register, renew, validate and/or update their statements of qualifications in the A/E Reference File. Consultants who do not validate or update their statement of qualifications will be purged from the A/E Reference File.

The Small Project Selection evaluation criteria must include:

1. Qualifications of Key Personnel
2. Previous Performance
3. Relevant Experience
4. Diverse Business Inclusion Strategies (Not Scored)

Other evaluation criteria may include the following as well in addition to any project specific criteria to meet project requirements:

5. Geographic Proximity to project location
6. Project Approach
7. Budget and Cost Control
8. Capacity and Production Capabilities

F. Large Project Selections

Projects with estimated total A/E services fees greater than \$500,000 require public advertisement and a five-person selection panel.

The large project, five-person selection panel shall consist of the FPS Project Manager, one (1) additional FPS representative, one (1) private sector panelist and two other members approved by the FPS Program Manager or APM.

The RFQ for an advertised project may solicit for a general category of services, or for a specific type of A/E service required for an individual project or group of projects.

An RFQ must be approved by the supervising APM or Program Manager prior to advertisement.

The RFQ shall contain, at a minimum, the following information:

1. Scope of work
2. Project goals
3. Pre-submission informational meeting information
4. Selection criteria for both phases of the selection process
5. Summary of scoring methodology
6. Diverse Business Inclusion Plan instructions
7. Submittal requirements
8. List of additional resources and/or reference material

1. Project Goals

The PM and the owner will establish project goals to be included in the solicitation documents. The purpose of Project Goals are to identify the desired outcomes for the project. Project Goals should be aspirational, rather than reciting compliance with the agreement or codes.

2. Pre-selection informational meetings

Pre-selection informational meetings are required for all projects which are publicly advertised. Pre-selection informational meetings must be held no earlier than five (5) business days after the date of advertisement and no later than five (5) business days prior to the due date of statements of qualifications.

3. Phase 1 evaluation criteria

The Phase 1 RFQ evaluation criteria must include:

1. Qualifications of Key Personnel
2. Relevant Experience
3. Past Performance
4. Diverse Business Inclusion Strategies (Not Scored)

Additionally, for all projects with a MACC greater than \$5 million or new construction with an area of 5,000 square feet or more, Phase 1 evaluation criteria must include:

5. Life Cycle Cost Analysis Experience
6. Sustainable Design Experience.

Other Phase 1 evaluation criteria may include the following as well in addition to any project specific criteria to meet project requirements:

7. Geographic Proximity to project location
8. Project Approach
9. Budget and Cost Control
10. Capacity and Production Capabilities

4. Phase 2 evaluation criteria

The Phase 2 evaluation criteria must include the following:

1. Organization
 - a. Management Plan
 - b. Team Member Qualifications
 - c. Capacity / Production Capabilities
2. Project Management
 - a. Scope Management
 - b. Budgeting & Cost Control
 - c. Project Scheduling
3. Project Approach
 - a. Project Understanding
 - b. Project Challenges & Opportunities
4. Experience
 - a. Relevant Past Projects – Firm
 - b. Relevant Past Projects – Key Team Members

Additionally, for all projects with a MACC greater than \$5 million or new construction with an area of 5,000 square feet or more, Phase 2 evaluation criteria must include:

5. Life Cycle Cost Analysis Experience
6. Sustainable Design Experience

G. On-Call Selections

There is no minimum amount of work guaranteed under on-call agreements or as a result of inclusion on the roster. Consultants included on the roster are not subject to a limit on the number of projects or fees under the authority of an on-call services agreement, unless otherwise provided in the agreement. However, the total fees per project are limited to less than or equal to \$300,000.

Advertisement is required in the appropriate publication(s), DES website and WEBS. A pre-selection informational meeting is required.

Two Selection Phases are required for Statewide and Regional Architectural On-Call Services Roster. Phase 2 for all other specific disciplines as well for Campus/Client Agency roster selections may be waived.

1. Statewide/Regional On-Call Selections

A three-person selection panel is required with the exception of Statewide and Regional Architectural On-Call. The three-person panel shall consist of three representatives from FPS.

Statewide and Regional Architectural On-Call selection panels must consist of a minimum of five representatives of FPS.

2. Campus On-Call Selections

A three-person or five-person selection panel is required.

A three-person selection panel must consist of the FPS PM assigned to the campus, a Client Agency Representative and a third mutually agreed upon FPS PM or APM, a Client Agency Representative or private sector panelist.

A five-person selection panel must consist of the PM assigned to the campus, another FPS PM or APM, two (2) Client Agency Representatives and one (1) private sector panelist.

1. A pre-selection informational meeting is not required.
2. Selection Phase 1 is required.
3. Selection Phase 2 may be waived by the supervising APM or Program Manager.

3. Phase 1 Evaluation Criteria

The Phase 1 RFQ evaluation criteria must include:

1. Qualifications of Key Personnel
2. Relevant Experience
3. Past Performance
4. Diverse Business Inclusion Strategies (Not Scored)

Other Phase 1 evaluation criteria may include the following as well in addition to any specific criteria to meet anticipated project requirements:

5. Geographic Proximity to campus location
6. Project Approach
7. Budget and Cost Control
8. Capacity and Production Capabilities

4. Phase 2 Evaluation Criteria

If Phase 2 is used, the evaluation criteria may include the Large Project Phase 2 evaluation criteria or other optional criteria with approval from the supervising APM or Program Manager.

H. Late Statement of Qualifications

SOQs received after the advertised data and time published in the RFQ shall be deemed non-responsive and will be disqualified. It is the responsibility of the Proposer to ensure their submittal is received prior to the deadline.

I. An FPS Selection Administrator will facilitate the selection process in all procedures.

Duties of the Selection Administrator include:

- Quality oversight of the A/E consultant selection process
- Consistent preparation of advertisements for conformance with FPS guidelines
- Consistent distribution/posting of project materials in conformance with Policy No. 4.10
- Management and maintenance of A/E Reference File system
- Managing the receipt, distribution to selection panel members, and tracking of Phase 1 SOQs
- Facilitating selection panel activities
- Coordinating with Project Manager for scheduling interviews
- Organizing and consolidating records for retention in project files
- Facilitating communication with and mentoring new firms in the FPS selection process

J. Selection Panels

Alternate selection panel compositions are allowed if approved by supervising APM, Program Manager or Assistant Director.

Members of the selection panel shall comply with DES policies and procedures and shall not have conflicting interests, biases, and/or other factors that impact their ability to objectively evaluate the Proposers. If a selection panelist is determined by the FPS Program Manager as not responsible, the FPS Program Manager may remove the selection panel member and discard their scores.

Selection panelists who are not present throughout all of the Phase 2 in-person interviews shall not participate in post-interview panel deliberations for missed interviews, or in the deliberations on the final selection, and shall not score and rank the finalists.

The PM has the authority to delay the in-person interviews so a late-arriving panelist can attend or choose to proceed with the interviews without the missing panel member(s).

The substitution of an unavailable panelist is permissible. However, the Phase 2 panel must include at least two of the Phase 1 panel members for the three-person selection panel, and at least three of the Phase 1 panel members for the five-person selection panel for the selection to be considered valid.

A panelist who is unable to be present throughout all of the Phase 2 in-person interviews can observe and participate in interviews that follow a missed interview, including the Question/Answer period with the concurrence of the remaining voting panel members.

Non-voting observers are permissible by mutual agreement of the respective APM or FPS Program Manager and the owner's representative. Observers will be required to complete a non-disclosure statement and shall not participate in panel deliberations or scoring of the Finalists.

K. Consultant agreements are limited to the maximum total project fee threshold of the process by which they were selected.

A consultant agreement will not be executed for fees in excess of the maximum total threshold used to determine the selection type.

In the event of uncertain project scope, schedule or budget at the time of selection, the PM should choose the selection type which will be least likely to exceed the fee threshold for the selection.

If, during the course of project execution, fees exceed the fee threshold used to initially select the consultant, the Consultant must reduce the project scope to maintain the selection type fee threshold or the PM must obtain written exception from the APM, Program Manager and the Assistant Director.

L. The Project Manager is the point of contact for all selection process inquiries

The PM and/or SA will respond to all inquiries regarding consultant selections. Inquirer access to other selection panel members and/or client agency representatives will be at the discretion of the PM, in consultation with the selection panel and owner's representatives, as applicable.

M. Scoring methodologies and scoring bands

In evaluating each of the criteria, the Selection Panel will identify significant and minor strengths and weaknesses from the statements of qualifications. In the description below, the term "Proposer" includes both Proposers in Phase 1 as well as Finalists in Phase 2 of the procurement.

Definition of "strength" and "weaknesses"

1. The term "strength" ultimately represents a benefit to the Project and is expected to increase the Firm's ability to meet or exceed the Project Goals. A minor strength has a slight positive influence and a significant strength has a considerable positive influence on the Firm's ability to exceed the Project Goals.
 2. The term "weakness" detracts from the Firm's ability to meet the Project Goals and may result in inefficient or ineffective performance. A minor weakness has a slight negative influence and a significant weakness has a considerable negative influence on the Firm's ability to exceed the Project Goals.
- **Excellent** (81-100 percent): The Evaluative Criteria demonstrates an approach that is considered to exceed the Project Goals and the RFQ or RFP requirements and provide a consistently outstanding level of quality. For the Evaluative Criteria to be considered Excellent, it must be determined to have significant strengths and/or a number of minor strengths and few or no appreciable weaknesses. The minimum allocation of points for Excellent is 81 percent of the maximum points available for a given evaluation criterion. The greater the significance of the strengths and/or the number of strengths will result in a higher percentage, up to a maximum of 100 percent. An Evaluative Criteria that is evaluated as Excellent is considered to present virtually no risk that the Proposer would be unsuccessful in delivering the Project to the Owner's satisfaction and would most likely exceed all Project Goals and meet the definition of Design Excellence.
 - **Good** (61-80 percent): The Evaluative Criteria demonstrates an approach that is considered to meet the RFQ or RFP requirements in a beneficial way (providing advantages, benefits, or added value to the Project) and offers quality. For the Evaluative Criteria to be considered *Good*, it must be determined to have strengths and few, if any, significant weaknesses. Minor weaknesses are offset by strengths. The minimum allocation of points for *Good* is 61 percent of the maximum points available for a given evaluation criterion. The greater the significance of the strengths and/or the

number of strengths, and the fewer the minor weaknesses will result in a higher percentage, up to a maximum of 80 percent. There is little risk that the Proposer would be unsuccessful in delivering the Project to the Owner's satisfaction and would most likely meet all Project Goals and may meet the definition of Design Excellence.

- **Fair** (41-60 percent): The Evaluative Criteria demonstrates an approach that contains minor and/or significant weaknesses and limited appreciable strengths. The minimum allocation of points for *Fair* is 41 percent of the maximum points available for a given evaluation criterion. The greater the significance of the strengths and/or the number of strengths, and the fewer the minor or significant weaknesses will result in a higher percentage, up to a maximum of 60 percent. There is some risk that the Proposer would be unsuccessful in delivering the Project to the Owner's satisfaction and meeting the Project Goals or the definition of Design Excellence.
- **Deficient** (0-40 percent): The Evaluative Criteria demonstrates an approach that contains significant weaknesses and no appreciable strengths. The minimum allocation of points for *Deficient* is 0 percent. The greater the significance of the strengths and/or the number of strengths, and the fewer the minor or significant weaknesses will result in a higher percentage, up to a maximum of 40 percent of the maximum points available for a given evaluation criterion. It is expected that the Proposer would not be able to deliver the Project to the Owner's satisfaction and meet the Project Goals or the definition of Design Excellence. The Owner, at its sole discretion, may reject any Proposal deemed *Deficient* in fulfilling the requirements of the RFQ or RFP requirements.
- **Non-Responsive**: Does not meet the Minimum Qualifications required for evaluation. In addition, the Owner, at its sole discretion, may reject any Evaluative Criteria deemed non-responsive to any of the requirements of the RFQ or RFP.

N. Ties in scoring are not permitted

Ties in the individual panelist's Phase 1 scores, individual rank order, Phase 2 scores and individual Phase 2 rank orders are not permitted. Individual panelists must break any tie(s) on their individual score sheets by further evaluation of the tied firms against the Phase 1 selection criteria.

Ties in total assigned rank and final rank order of both Phase 1 and Phase 2 should be broken by further evaluation of the tied firms against the selection criteria and deliberation by the panel to reach consensus on the final ranking.

O. Selecting the most highly qualified firm

Based on the Total Assigned Rank from the panel's scores, the successful most-highly qualified firm will be selected for negotiations for DES' standard Engineering and Architectural Services Agreement.

When a one Phase selection process is used, then the firm with the lowest Total Assigned Rank from Phase 1 will be selected for negotiations.

When a two Phase selection process is used, then the firm with the lowest Total Assigned Rank from Phase 2 will be selected for negotiations. The ranks and/or scores from Phase 1 and Phase 2 will not be combined.

P. Fee negotiations will be fair and reasonable

Fair and reasonable consultant fees will be negotiated in accordance with the current edition of the Office of Financial Management *Guidelines for Determining Architect/Engineer Fees for Public Works Building Projects* as determined applicable by FPS. Any fee negotiated must reflect the project scope, complexity, and professional nature of the services required.

Q. Negotiations may be terminated

If agreement negotiations with the best ranked Finalist are unsuccessful, the PM may request approval from the supervising APM or FPS Program Manager to formally terminate negotiations. Upon written termination notice of negotiations with the best ranked Finalist, negotiations with the second highest scored Finalists can then begin.

This process may continue with successively scored Finalists until an agreement is reached or the Phase 2 Finalist list is exhausted.

R. Disclosure of Selection Documentation

All selection documentation including Statements of Qualifications are public records and are subject to disclosure per applicable Public Records Act laws. Public records requests should be made directly to DES Public Records Office. Charges may apply.

S. Diverse Business Participation Goals and Inclusion Plans

In accordance with the legislative findings and policies set forth in RCW Chapter 39.19, the State of Washington encourages participation in all of its contracts by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE), and set forth in RCW 43.60A.200 for firms certified by the Washington State Department of Veterans Affairs, and set forth in RCW 39.26.005 for firms that are Washington Small Businesses.

Diverse business participation goals will include certified Minority and Women Business Enterprises, Veteran Businesses and self-identified small business enterprises. WEBS may be used for outreach to these groups.

The Department of Enterprise Services' agency wide Diverse Business Inclusion goals have been established as:

- 10% Minority Business enterprise (MBE) (12% if DES-owned facility)
- 6% Women Owned Business Enterprise (WBE) (8% if DES-owned facility)
- 5% Washington Small Business (SBE)
- 5% Veterans Business (DVA)

Owners will be requested to provide their project goals for Diverse Business participation. If the owner's goals are lower than DES agency goals, the DES goals will be used.

No minimum level of diverse business participation will be required as a condition for receiving an award, and proposals will not be rejected or considered non-responsive on that basis, unless a zero percent goal is submitted. Zero percent is not a goal.

T. Consultants entering into agreements are required to complete payment-reporting detail for the duration of the agreement regardless of selection type or fees.

Consultants entering into an agreement are required to create an account with the Public Works Diversity Tracking and Management System powered by B2GNow prior to full execution of agreement regardless of selection type or fees. The Public Works Diversity Tracking and Management System is a web-based system designed to streamline and automate compliance reporting requirements.

Consultants entering into an agreement are required to report payment detail including payments made to all first-tier subcontractors, sub consultants and suppliers for the duration of the agreement.

U. Discussion between panel members is permitted

Discussion between panel members is permitted during the selection process. However, each panel member will score each firm independently. Panel members shall not attempt to influence other panel members' scoring.

V. Disqualification for non-responsiveness

An SOQ will be disqualified if it fails to meet the any of the submittal requirements outlined in the RFQ.

Emergency Projects

For fully authorized declared emergency projects, the competitive procurement provisions of this policy do not apply (ref. RCW 39.04.280). For an emergency project, the PM, in consultation with the Client Agency, will promptly acquire the consultant services necessary to address the emergency by directly selecting the consultant(s). Consultants may be selected from the A/E Reference File.

Additional Resources

- [OFM Guidelines for Determining Architect/Engineer Fees for Public Works Building Projects](#)
- [OFM A/E Fee Schedule](#)
- [A/E Reference File – Consultant Search](#)
- [AE Reference File Template](#)
- [Project Management Manual](#)

History

Amended:

- March 2009 - Consolidated seven (7) policies/procedures into three (3) policy/procedures. Increased reference limits from \$125,000 to \$150,000.
- January 2016 - Consolidated policy and procedures into single document; changed selection methods and associated fee limits; added diverse business participation; added and revised definitions; modified procedures.
- July 2023 – Separated out Procedure from Policy. Added scoring criteria bands. Changed E&AS to FPS. Increased Fee limits for the On-Call and Small Project selection methods to \$300,000 and \$500,000 respectively.