

Requests for Proposals

Selection and Evaluating Tools

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Outline

- Objectives
- Definitions
- Regulations
- Qualification Based Selection (QBS)

Outline (continued)

- Request for Qualifications (RFQ)
- Request for Proposals (RFP)
- Resources
- Discussion

Objectives

- Qualification Based Selection
 - Legal Requirements
 - Approach
- Request for Qualifications/Proposals
 - Process
 - Critical Steps

Definitions

- Request for Proposals (RFP)
 - Solicitation document requesting proposals in response to required scope of services
 - Does not specify in detail how to accomplish or perform the required services

Definitions (continued)

- Request for Qualifications (RFQ)
 - Solicitation document requesting submittal of qualifications or specialized expertise in response to required scope of services

Definitions (continued)

- Qualification Based Selection (QBS)
 - Selection of firms based on demonstrated competence and qualification for the type of professional services required
 - Without regard to fee (other than unit prices)
 - Negotiate a contract at a fair and reasonable fee after selection of the best qualified firm

Regulations

- Use of Design Professionals
 - G.S. 133-1.1(a) – Use of registered engineer required for
 - Nonstructural work (\geq \$300,000)
 - Structural repair or new construction (\geq \$135,000)
 - Repair work affecting life safety systems (\geq \$100,000)

Regulations (continued)

- Use of Design Professionals (continued)
 - G.S. 143-64.31 – Requires State and all Local public entities to
 - Use good faith efforts to notify minority engineering firms of bid opportunities
 - Expected good faith efforts or reporting requirements are not specified in the same manner as for construction contracts

Regulations (continued)

- Qualification Based Selection
 - G.S. 143-64.31 et seq. (North Carolina Mini-Brooks Act) – Requires State and all Local public entities to
 - Select firms based on demonstrated competence and qualification for the type of professional services required without regard to fee (other than unit prices)
 - Negotiate a contract at a fair and reasonable fee after selection of the best qualified firm
 - Exemptions are allowed for particular contracts and certain projects

Regulations (continued)

- Qualification Based Selection (continued)
 - NCAC 21-56.0701(f)(3) – Engineers and Land Surveyors Board rule requires that
 - A registered engineer comply with the provisions of G.S. 143-64.31 et seq.
 - A registered engineer shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31 et seq.

Qualification Based Selection

■ Legal Requirements

■ Federal Brooks Act (U.S. Code 541 et seq.)

- Introduced by Congressman Jack Brooks of Texas in 1972
- Codifies selection of architects and engineers (and surveyors) based on qualifications rather than solely on price
- President Nixon signed into law on October 27, 1972
- Applies to the Federal Government

Qualification Based Selection (continued)

- Legal Requirements (continued)
 - North Carolina “Mini-Brooks” (G.S. 143-64.31 et seq.)
 - Became law in 1987 for qualification based selection of architectural, engineering, and land surveying services
 - Construction management at risk services were added in 2001
 - Applies to State and Local Governments

Qualification Based Selection (continued)

- North Carolina “Mini-Brooks”
 - Requires State and all Local public entities to
 - Select firms based on demonstrated competence and qualification for the type of professional services required without regard to fee (other than unit prices)
 - Negotiate a contract at a fair and reasonable fee after selection of the best qualified firm
 - Exemptions are allowed for particular contracts and certain projects

Qualification Based Selection (continued)

- North Carolina “Mini-Brooks” (continued)
 - Written exemption of particular contracts by Local Governments (G.S. 143-64.32) for
 - Proposed projects where the estimated professional fee is less than \$30,000
 - Other particular projects in the sole discretion of the unit of Local Government, stating the reasons therefore and the circumstances attendant thereto

Qualification Based Selection (continued)

- North Carolina “Mini-Brooks” (continued)
 - Exemption of certain projects (G.S. 143-64.34) including
 - A State Building Commission or a community college capital improvement project with estimated public expenditures < \$100,000
 - A University of North Carolina capital improvement project under G.S. 116-31.11 with estimated public expenditures < \$300,000 and that meets other stipulated conditions of G.S. 143-64.34

Qualification Based Selection (continued)

- North Carolina “Mini-Brooks” (continued)
 - Exemption of certain projects (G.S. 143-64.34) including (continued)
 - A community college capital improvement project with estimated public expenditures < \$300,000 and that meets other stipulated conditions of G.S. 143-64.34

Qualification Based Selection (continued)

- Approach
 - Identify the need
 - Define the scope of services generally required
 - Determine if QBS is necessary or desired
 - Prepare the RFQ
 - Select firms qualified to receive the RFP
 - Prepare the RFP
 - Negotiate a contract with the most qualified firm

Request for Qualifications

- RFQ Further Defined
 - Solicitation document requesting submittal of qualifications or specialized expertise in response to required scope of services
 - Generally used to pre-qualify a pool of vendors for use on future projects
 - Sometimes used to pre-qualify professional services firms for specific or future projects

Request for Qualifications (continued)

- Professional Services RFQ
 - Selection based on the perceived ability of submitting firms to achieve the most desired outcome
 - Services not well defined
 - Services to be provided depend on the firm's ability to identify and appropriately address the issue

Request for Qualifications (continued)

■ RFQ Process

■ Request preparation

- Project description and location
- Budgeted construction cost (if known)
- Specific disciplines sought – special requirements
- Contact person for technical questions (phone #, email, fax, hours)

Request for Qualifications (continued)

- RFQ Process (continued)
 - Request preparation (continued)
 - Statement that QBS will be used (if applicable)
 - Submission date
 - Special contract terms
 - Description of qualification package
 - Rating criteria – list

Request for Qualifications (continued)

- RFQ Process (continued)
 - Evaluation and selection
 - Include at least two people on committee
 - Include user department representatives
 - Agree on evaluation criteria

Request for Qualifications (continued)

- RFQ Process (continued)
 - Evaluation and selection committee
 - Keep scoring records and notes
 - Notify firms of selection results
 - Make recommendations to management and/or board

Request for Qualifications (continued)

■ RFQ Critical Steps

■ Evaluation process

- Each committee member evaluates all submissions
- Committee selects top two to five firms for short list
- Assign one or two members to check references of short-listed firms using a standard reference checking form

Request for Qualifications (continued)

- RFQ Critical Steps (continued)
 - Qualifications evaluation process (continued)
 - Conduct in-person interviews
 - Members do not discuss outcome with submitting firms
 - Firms' debriefings conducted by committee chair

Request for Qualifications (continued)

■ RFQ Examples

- Geomorphic analysis and identification of potential sites for stormwater BMPs (Town of Carrboro)
- Project and construction management services on upcoming public works projects (Coast Community College District, Costa Mesa, CA)
- Feasibility and impact analysis of a termination of the current contract with the City (Public Housing Authority of Abilene, Abilene, TX)

Request for Proposals

- RFP Further Defined
 - Solicitation document requesting proposals in response to required scope of services
 - Does not specify in detail how to accomplish or perform the required services
 - Use when the services are not well defined
 - Allows for creative responses

Request for Proposals (continued)

- RFQ/RFP Relationship
 - RFQ used to pre-qualify firms
 - RFQ or RFP not needed if required services are well defined
 - RFQ and RFP may be combined into one document

Request for Proposals (continued)

■ RFP Process

■ Request preparation

- Introduction - summary of the project request
- Objective - why project is necessary
- Project description - how project will be implemented and evaluated
- Scope of services - general description of project
- Deliverables - content and format of project results

Request for Proposals (continued)

- RFP Process (continued)
 - Request preparation (continued)
 - Proposal requirements - when due, format, and content
 - Selection process and criteria - proposal review and evaluation
 - Contacts - owner names, titles, addresses, phone, fax, etc.
 - Attachments - additional clarifying information

Request for Proposals (continued)

■ RFP Critical Steps

■ Selection process

- Proposed project manager's experience, qualifications, and availability
- Key project staff experience and qualifications
- Firm's related experience and performance on similar projects

Request for Proposals (continued)

- RFP Critical Steps (continued)
 - Selection process (continued)
 - Proposed project approach
 - References on past similar projects
 - Ability to meet project schedule
 - Bid (if not a solely QBS)

Request for Proposals (continued)

■ RFP Examples

- Optimization of the Process Control Protocol for the Orange Water and Sewer Authority's Mason Farm Wastewater Treatment Plant (OWASA)
- Mason Farm Wastewater Treatment Plant Upgrade and Improvement Project (OWASA)
- Clayton Road Pump Station Phase Out (OWASA)

Resources

- North Carolina “Mini-Brooks Act”
 - G.S. 143-64.33
 - DOT or DOA may provide consultant selection advice
- Purchasing Manager
- City/County Attorney

Resources (continued)

- An Overview of Contract Bidding Requirements for North Carolina Local Governments (second addition, September 2005)
 - Frayda S. Bluestein
 - UNC School of Government (UNC-CH)
 - www.sog.unc.edu or 919.966.5381

Resources (continued)

- North Carolina Board of Examiners for Engineers and Surveyors
 - Official NCBES position on the North Carolina Mini-Brooks Act (www.ncbels.org/faq)
 - David S. Tuttle, Board Counsel
(919.791.2000 ext. 111 or dstuttle@ncbels.org)

Discussion

Thank you