

Municipal Contracting

- ◆ What does the ORC say about Bidding?
- ◆ What about for Engineering & Design?
- ◆ What is QBS?
- ◆ When to use QBS?
- ◆ Why use QBS?
- ◆ How to use QBS?

#1

What about Engineering & Design?

- ◆ ORC
 - Effective November 24, 1995 all public authorities in Ohio, including all units of local government, are required to comply with Ohio Revised Code Sections 153.65 through .71 when awarding contracts for engineering, architecture, surveying and landscape architecture services

#2

What is QBS?

- ◆ Ohio's Design Professional Selection Law
 - QBS = Qualifications-Based Selection Process
 - "Qualifications" means all of the following:
 - competence
 - ability
 - past performance
 - other factors
 - "Process" means a way to compare the qualifications

#3

When is it Required?

- ◆ QBS is not required for
 - any project with an estimated professional design fee of less than \$25,000
 - any project determined to be an emergency
 - any public authority that is not empowered by law to contract for professional design services

#4

Why QBS?

- ◆ Why is this important?
 - No longer lowest, but best
 - buying services is different than buying goods
 - investment of time and money upfront pays off
 - Engineering design determines cost of construction, operation, and maintenance
 - approximately 1% of life-cycle cost of project

#5

Why QBS?

- ◆ Why is this important?
 - difference between RFP and RFQ
 - consulting engineer is your representative
 - fosters mutual understanding of the project and open communication
 - can be more time consuming

#6

Qualifications-Based Selection (QBS)

- ◆ Request Statement of Qualifications
 - often called statement of interest
 - publicly announced to pre-qualified firms or those that are appropriate in a uniform and consistent manner
 - provide adequate opportunity to respond and directions on how & when to respond

#7

Qualifications-Based Selection (QBS)

- ◆ Statement of Qualifications (con't.)
 - general description of the project
 - statement of specific professional design services required
 - description of qualifications required for the project
- ◆ Can Pre-Qualify a List of Firms

#8

Qualifications-Based Selection (QBS)

- ◆ Review Statement of Qualifications -
 - evaluate the submittals regarding the firm's
 - ▮ competence & experience of personnel
 - ▮ ability in terms of workload & staff availability
 - ▮ equipment and facilities
 - ▮ past performance
 - ▮ their understanding of the project

#9

Qualifications-Based Selection (QBS)

- ◆ Review Statement of Qualifications (con't.)
 - ▮ may hold discussions with individual firms to explore further their statements of qualifications, the scope and nature of the services the firms would provide, and the various technical approaches the firms may take toward the project

#10

Qualifications-Based Selection (QBS)

◆ Evaluate the Firms

- select and rank no fewer than three firms which are considered to be the most qualified to provide the required professional design services**

#11

Qualifications-Based Selection (QBS)

◆ Begin Negotiations

- negotiate a contract with the firm ranked most qualified to perform the required services at a compensation determined in writing to be fair and reasonable**

#12

Qualifications-Based Selection (QBS)

- ◆ Contract Negotiations should
 - ensure a mutual understanding of the essential requirements of the project and needed design & engineering services
 - determine that the firm will make available the necessary personnel, equipment, and facilities
 - reflect an agreeable amount of compensation which is fair and reasonable

#13

Qualifications-Based Selection (QBS)

- ◆ If a contract is negotiated with the most qualified firm,
 - request approval to make expenditures under the contract

#14

Qualifications-Based Selection (QBS)

- ◆ If a contract is not negotiated with the most qualified firm,
 - inform the firm in writing of the failure to negotiate an agreeable contract and
 - enter in negotiations with firm ranked next most qualified

#15

Qualifications-Based Selection (QBS)

- ◆ If negotiations again fail,
 - the same procedure shall be followed with each next most qualified firm
 - Should the authority fail to negotiate with any of the firms; then select and rank additional firms, based on their qualifications, and negotiate until contract is reached

#16

How to Use QBS?

- ◆ Consulting Engineers Council of Ohio (CECO) has an eight-page pamphlet explaining how local governments can comply with the law with a minimum of inconvenience and red tape

#17

How to Use QBS?

- ◆ Think of it as a 2-Step Evaluation Process
 - ┆ statement of qualifications
 - ┆ approach to the project
- ◆ Form an Advisory/Review committee
 - ┆ elected/appointed officials
 - ┆ technical staff
 - ┆ citizens with design/engineering background

#18

QBS - Step #1

- ◆ Send out notice soliciting Statement of Qualifications - should include
 - list of necessary documents
 - directions and deadline for submittal
 - project description
 - evaluation criteria

#19

QBS - Step #1

- ◆ Necessary Attachments
 - description of qualifications and credentials
 - identification of project design team
 - estimation of project schedule

#20

QBS - Step #1

◆ Project Description

- l project title and location**
- l project contact person and telephone number**
- l brief summary of project**
- l project history and background**
- l population served**
- l scope of design project**
- l additional information**

#21

QBS - Step #1

◆ Evaluation Criteria

- l Qualifications of Firm & Personnel**
- l Geographic Considerations**
- l Capacity to Perform Work**
- l References**
- l Past Performance**
- l Other Factors (must explain)**

#22

QBS - Step #1

- ◆ Advisory Committee
 - reviews submittals
 - can begin reference checks
 - determines which firms are qualified and which are not qualified

#23

QBS - Step #2

- ◆ Invite firms to make a presentation before Advisory/Review Committee
 - should focus on their understanding of the project and how their firm can make it successful

#24

QBS - Step #2

- ◆ Evaluate firms using Evaluation Criteria
 - based on Statement of Qualifications and presentation, rank the firms
 - first
 - second
 - third
 - Notify firms in writing of result

#25

Resources

- ◆ Ohio Revised Code 153.65 to 153.71
- ◆ Consulting Engineers Council of Ohio
 - *“How to Comply with Ohio’s Design Professional Selection Law”*
 - *“How to Select a Consulting Engineer for Your Projects”*

www.cecoho.org

#26

Resources

- ◆ “*Choose the Right Consulting Engineer for the Job*”
 - Water Sense publication, by Kathy Jespersion, Staff Writer - National Drinking Water Clearinghouse, Spring 1999, p. 3-5
- ◆ Samples
 - letter with project description
 - evaluation criteria
 - notification

#27

Resources

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#28