

RD1.1 CONSULTANT SELECTION PROCESS

(see [FM3\[I\]:2.2](#))

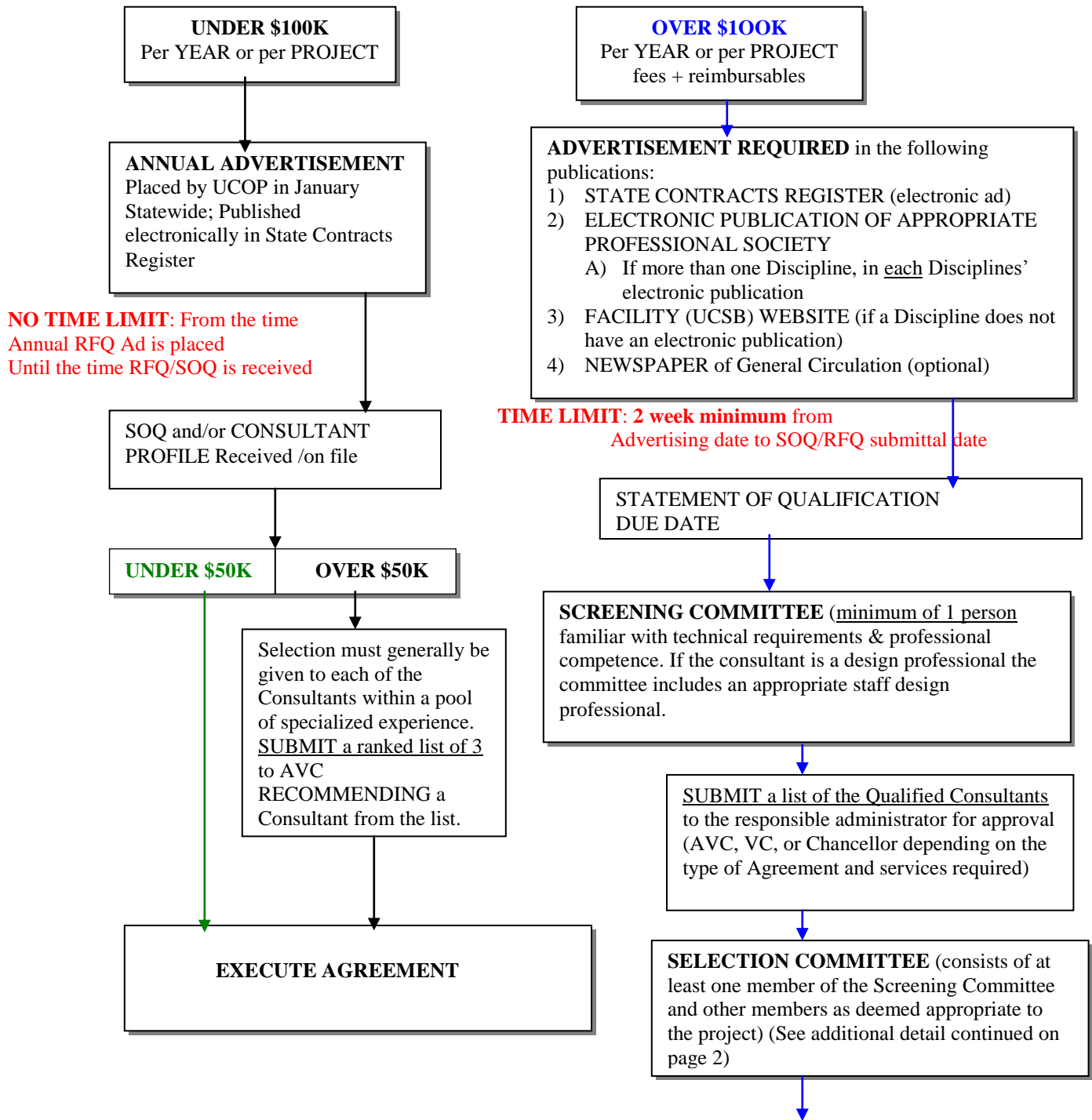
Anticipated Contract Sum ³	Selection Process		
	Advertising	Screening Committee	Selection Committee
Up to \$100,000	Annual announcement ¹	Not required	Not required
Over \$100,000	Required ²	Required	Required

Notes:

1. A Facility is required to advertise for consultants for any type of project or type of service not identified in the annual announcement, unless PCC 10510.4 does not cover the type of service and a waiver has been submitted and approved. (See [FM3\[I\]:2.8](#))
2. The advertisement must comply with the requirements of [FM3\[I\]:2.2.1](#)
3. The anticipated contract sum is the reasonably anticipated sum of fees plus reimburseables.



CONSULTANT SELECTION – ALL DISCIPLINES
CAMPUS DESIGN & FACILITIES – CONTRACTING SERVICES



(ctd on next page)



**CONSULTANT SELECTION – ALL DISCIPLINES
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OVER \$100K
Per YEAR or per PROJECT

SELECTION COMMITTEE
Composition - see page 1

SELECTION COMMITTEE

- 1) Notifies Candidates on the approved list, in writing: (i) that they are being considered for selection, and (ii) that they must respond to the Selection Criteria.
- 2) May add other consultants to the approved list with the concurrence of the Screening Committee.
- 3) Shall conduct discussions with **no less than 3 firms** (provided that at least 3 firms submitted qualifications)
 - A) Discussions may be conducted in person or may consist of written submittals required of each such firm.
- 4) Recommend a list to the responsible administrator:
 - A) List Consultants in order of preference based upon criteria established & published
 - B) Include no less than 3 of the firms deemed to be the most highly qualified
 - 1) If less than 3 firms submitted qualifications, then the referral must be accompanied by

TIME LIMIT: Fee Negotiations shall begin **within 14 days (maximum)** after the successful firm has been notified.

NOTIFICATION OF SELECTION - CONTRACT FEE NEGOTIATIONS

- 1) Facility Representative notifies 1st ranked firm & provides written instructions for the negotiations that are to follow.
- 2) Instructions shall provide the firm with necessary information that shall allow the negotiations to proceed.
- 3) Fee Negotiations shall begin no later than **14 days after notification** or upon receipt of the cost proposal.
 - A) Consultant shall be notified in writing if additional time is necessary to begin negotiations.
 - B) If more than one phase or component was advertised, University must notify Consultant by letter that it is only negotiating for the first phase or component and provide an estimate of the time frame for commencing negotiations for the remaining services.
 - C) If unable to successfully negotiate a fee with the first firm, formally terminate negotiations and begin negotiations with the second. Continue this process until negotiations are successful.

TIME LIMIT: University has **45 days maximum** after fee negotiations to provide the consultant with an Agreement and negotiate the language.

AGREEMENT

- 1) University has **45 days after fee negotiations** have been concluded to provide the Agreement to the Consultant.
 - A) If the University estimates that it is unable to complete the Agreement in 45 days it shall notify the consultant (in writing) of the additional time required.

TIME LIMIT: Consultant has **14 days** to execute the Agreement

EXECUTE AGREEMENT

- 1) Consultant has **14 days** to execute the Agreement.
 - A) If Consultant fails to execute the Agreement, University may terminate negotiations and begin negotiations with the second firm.



**CONSULTANT SELECTION – ALL DISCIPLINES
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Consultants for Multiple Phases of a Project

When selecting a consultant for a project and the intention is to issue an initial contract (usually a PSA for under \$100K) only for preliminary services e.g., programming and feasibility studies, and there is the possibility that the University will want to use this same consultant to perform services for the entire project, you must follow the selection process for projects over \$100K and include all possible phases in the advertisement.

Conflict of Interest

Participating as a member of a Screening or Selection Committee shall constitute "making or participating in the making of a decision." Requirements governing such decision-making and financial conflict of interest are found in the University's Conflict of Interest Code, and shall be observed when acquiring consultant services. Specifically prohibited are rebates, kickbacks, or other unlawful consideration. University employees having a relationship with a person or business entity seeking a contract under these provisions are prohibited from participating in the selection process.

Legal Requirements

Public Contract Code [10510.4 – 10510.9](#), "Contracts with Private Architects, Engineering, Environmental, Land Surveying and Construction Project Management Firms"

The Public Contract Code mandates certain procedures, described in more detail in the Facilities Manual vol. 3, part 1, chap. 2, sec. 2.2, covering the selection of, and contracting with, consultants, including design professionals. The procedures for the selection of consultants apply to all capital improvement projects on University property including renovation projects and projects on inclusionary property in which the University is involved in the selection of the consultant. The selection process for consultants varies with anticipated consultant contract sum.

PROJECT FILE RECORDS

For each consultant screening and selection process, the following must be preserved in the project file:

- Proof of publication for each public notice
- The applicant list
- The consultant Qualification Packet (RFQ and/or RFP)
- The names of screening and selection committee members
- The selection committee's list ranking the top candidates
- A copy of each appointment letter (consultant agreements over \$100K)
- A copy of the executed agreement



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ADMINISTRATIVE NOTIFICATIONS

- The identity of the responsible administrator is dependent upon the type and value of the contract. It is the individual who has delegated authority to approve and execute the subject agreement.

Please refer to the UC Facility Manual for additional information. The following are excerpts from the FM Manual.

AUTHORITY TO APPOINT EXECUTIVE DESIGN PROFESSIONALS

References:

- Standing Orders of The Regents, 100.4(y), Revision 18, August 1993.

The Standing Order 100.4(y) provides as follows:

The President is authorized to appoint and execute necessary agreements with executive architects, executive landscape architects, and executive and consulting engineers for approved projects.

- [Standing Orders of The Regents, 100.4\(y\)](#)

- **Delegation of authority:** "Authority to Appoint and Execute Agreements for Executive Architects, Executive Landscape Architects, and Executive and Consulting Engineers"

(see [FM1:4](#))

The President redelegated this authority to the Executive Vice President-Business Operations regardless of project cost, and to the Chancellors and Director for projects of \$60 million or less, subject to the requirements of the Facilities Manual. The authority delegated to the Executive Vice President-Business Operations was redelegated to the Vice President for Budget and Capital Resources ([DA 2220 A](#)); this authority was, in turn, redelegated to the Associate Vice President-Capital Resources Management ([DA 2220 B](#))

(See FM vol3, part 1, chap 2, sec 2.10, AUTHORITY TO APPOINT EXECUTIVE DESIGN PROFESSIONAL.)

(Note: When the term "executive" is applied to design professionals, the term refers to the primary design professional on a project and the one responsible for the overall design.)

SUBMITTING A REQUEST FOR DESIGN PROFESSIONAL APPOINTMENT

A Facility requesting the appointment of an executive design professional must submit to the Office of the President a letter recommending the appointment of the executive design professional. The letter will describe any special considerations taken into account during the selection process. The request will include one copy of (1) the Request for Qualifications or Request for Proposal, and (2) the recommended firm's completed Consultant Qualification Packet. At a minimum, the "P" portion of the project budget must be approved by the appropriate authority prior to submitting the request. When University policies and guidelines for the selection of design professionals have been met, the recommendation may be approved. If an exception to the University guidelines is being requested, the reasons for the exception must be stated in the recommendation letter and the appropriate background materials enclosed.