

Chapter Adm 20

SELECTING AND CONTRACTING ARCHITECT/ENGINEER SERVICES

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Adm 20.01 Authority. (1) Section 16.004, Stats., empowers the department of administration to adopt rules for administering the department and performing the duties assigned to it.

(2) These rules shall apply whenever the department of administration exercises its powers and duties prescribed in s. 16.85, Stats., to award and contract to a private architect/engineer who will be retained to provide professional services to the state of Wisconsin.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

Adm 20.02 Definitions. In this chapter:

(1) “Approval” means the written or electronic procedure for evaluation and acceptance.

(2) “Architect/engineer” means a member of the design profession, registered under ch. 443, Stats., and is meant to refer to either an architect or an engineer, whichever is appropriate. The term shall apply to an individual or firm which provides architectural or engineering services, or both, and is not intended to impose the requirement of both registrations on an individual or individuals within a design firm.

(3) “Architect/engineer data record form” means a form upon which architects/engineers shall provide specific data requested by the department which will facilitate evaluation of architect/engineer eligibility, performance capabilities, experience, personnel and staff and statistics on past and present projects.

(4) “Architect/engineer proposal” means those documents submitted by an architect/engineer, indicating interest in providing professional services to the state for a specific project. The documents may include a fully executed architect/engineer data record form, a tentative schedule to include the method and staff that would be employed to meet the requirements of the proposed projects and such other materials as requested by the selection committee in the advertisement for architect/engineer proposals.

(5) “Department” means the department of administration. This also includes any organizational entity of the department of administration, which is assigned the responsibility for providing and supervising the architectural and engineering services performed by, or for, the state, as provided for in s. 16.85, Stats.

(6) “Eligible architect/engineer” means an architect/engineer who meets or exceeds the following criteria in order to be considered by the selection committee for a project:

(a) Has more than one architect/engineer as a responsible member of the firm.

(b) Has been in business for a period of not less than 3 years.

(c) Has a permanent office within Wisconsin, where responsible direction of all services will be based. Out-of-state firms will be considered when the selection committee determines there are no Wisconsin firms qualified or available to provide the services required.

(d) Has been responsible for the design and substantial completion of a similar project with a total construction cost or size of at least 50% as large as the construction cost or size of the project under consideration.

(e) For construction projects less than \$1,000,000 or when it becomes apparent to the selection committee that a project is of such a size or has such unique characteristics that special architect/engineer project responsibility is warranted, the selection committee, by vote, may set appropriate standards of acceptability different from pars. (a), (b) and (d).

Note: The department will post additional information regarding selection committee requirements for projects at the time of project advertising. Additional information regarding selection committee policy and procedures may be obtained at the department website, www.doa.state.wi.us/dsf.

(7) “Selection committee” means a standing group composed of 5 state employees appointed by the secretary of the department of administration including one who shall also be designated as chairperson, and a minimum of 3 who shall be registered architects/engineers. The agency for which the project is to be constructed will be requested to appoint 2 representatives to serve as additional members on the committee for the selection of an architect/engineer for that project. If after appropriate notice, the agency fails to have any representative at the selection committee meeting, such absence shall be considered a waiver of their vote on the architect/engineer selection for that project. Each committee member shall have one vote.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; CR 05-069: r. and rec. Register May 2006 No. 605, eff. 6-1-06.

Adm 20.03 Convening of selection committee. (1)

At the call of the chairperson, or the chairperson’s designee, the selection committee shall convene for the purpose of initiating and carrying out the process of selecting architects/engineers for projects approved by the state building commission.

(2) An agenda will be furnished to the selection committee prior to their meeting to allow committee members an opportunity to obtain background information. The agenda shall provide the following information:

(a) Project identification

(b) Estimated project budget

(c) Extent to which project may proceed as authorized by the Wisconsin state building commission.

(d) Status of program requirements for the project.

(e) Other pertinent project information.

(3) The selection committee shall be responsible for reviewing the requirements of each project and the qualifications of architect/engineers and recommending the selection of an architect/engineer considered to be the most appropriate for each project.

(4) The chairperson of the selection committee, or the chairperson’s designee, may nominate an architect/engineer for emer-

agency projects approved by the governor under s. 16.855 (16) (b) 2., Stats., without solicitation or selection committee action. The chairperson, or chairperson's designee, shall notify the selection committee of any emergency nomination action at the next scheduled selection committee meeting.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; CR 05-069: am. (1); cr. (2) (e) and (4) Register May 2006 No. 605, eff. 6-1-06.

Adm 20.04 Selection procedures. (1) When selecting an architect/engineer for a project when the estimated project cost is less than \$5,000,000, the selection committee may utilize the simplified selection by nomination procedure specified in s. Adm 20.05.

(2) When selecting an architect/engineer for a project that has an estimated project cost of \$5,000,000 or more, the selection committee shall require the more detailed procedure for selection by advertisement, review and interview as specified in ss. Adm 20.06, 20.07 and 20.08.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; CR 05-069: am. (1) and (2) Register May 2006 No. 605, eff. 6-1-06.

Adm 20.05 Selection by nomination. (1) The department shall solicit for architects/engineers by posting an advertisement for the project on the department's official website. The advertisement shall include a project description, proposed budget, schedule and a contact name for questions during the solicitation period. Architects/engineers who are interested in a project may submit a letter of interest through the website for review by the selection committee.

(2) An architect/engineer responding to the project solicitation shall provide all of the following information in the letter of interest:

(a) Completed and updated architect/engineer data record form, if one has not previously been provided.

(b) List of similar projects the architect/engineer has, at minimum, substantially completed, including approximate project square footage or cost of project.

(c) Architect's/engineer's proposed staff and subconsultants for the project.

(d) Schedule indicating when the architect/engineer can begin project work.

(e) Any other pertinent information indicating the architect's/engineer's qualifications and experience.

(3) The department shall make copies of the data record forms and the submitted architect/engineer letters of interest available to the selection committee for consideration for each project.

(4) The selection committee's evaluation of all interested architects/engineers shall also give consideration to the qualification criteria stated in s. Adm 20.07 (3).

(5) The selection committee shall submit its first and second recommendations for selection of an architect/engineer to the secretary of the department, or the secretary's designee, accompanied with justification supporting their recommendations.

(6) The selection committee shall keep the minutes of the selection committee meeting and shall record the name of the architects/engineers considered for each project and the action taken by the selection committee and justification supporting the selection committee recommendations.

(7) The secretary of the department, or the secretary's designee, shall consider the selection committee's recommendations, and inform the selection committee of the approval or disapproval of the recommended architect/engineer.

(8) The department shall repeat the selection process if the

secretary of the department, or the secretary's designee, does not accept the selection committee's recommendations.

(9) When the selection of an architect/engineer has been finalized, the department shall establish a time and date for the architect/engineer to meet with the department's designated representative to negotiate a contract. If negotiations with the selected architect/engineer firm do not reach consensus, negotiations may be initiated with the second qualified architect/engineer firm as determined by the selection committee.

(10) The department shall post the results of the selection on the department's official website.

(11) If at any time during the selection process the department determines submitted materials misrepresent qualifications, the department may reject the letter of interest of a recommended architect/engineer.

Note: The Wisconsin Department of Administration Division of State Facilities official website is www.doa.state.wi.us/dsf. Forms, publications and information regarding architect/engineer selection and proposed projects may be obtained from this website.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; CR 05-069: r. and recr. Register May 2006 No. 605, eff. 6-1-06.

Adm 20.06 Selection by advertisement. (1) For all projects having an estimated project cost of 5,000,000 or more, an invitation for architects/engineers to submit proposals for consideration by the selection committee, shall be published in a class 2 notice under ch. 985, Stats., in the official state newspaper. The notice shall contain as a minimum the following information:

(a) Project title and location.

(b) Identity of owner.

(c) Architect/engineer qualification requirements.

(d) Description of services required.

(e) Project description, estimated project budget and schedule.

(f) Location where proposals will be received and the date and time receipt of proposals will close.

(g) Criteria used in ranking architects/engineers to qualify for the interview process.

(h) Other information pertinent to the solicitation regarding the qualifications of the architect/engineer firm.

(2) In addition to the class 2 notice required in sub. (1), the department may solicit and advertise for proposals by, but not restricted to, either or both of the following methods:

(a) An invitation for proposals may be placed in trade publications, or newspapers within the locale of the project, which would have the potential of reaching prospective architects/engineers.

(b) An invitation for proposal may be mailed directly to potential architects/engineers, if such measure is deemed necessary to assure an adequate number of interested architects/engineers available for consideration by the selection committee.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; CR 05-069: am. (1) (intro.), r. and recr. (1) (c) and (e), cr. (1) (g) and (h) Register May 2006 No. 605, eff. 6-1-06.

Adm 20.07 Eligibility and qualification review. (1) Proposals received from architects/engineers will be opened by the selection committee after the date and time set forth in the advertisement.

(2) The first phase of the review shall be directed to establishing eligible architects/engineers, as defined in s. Adm 20.02 (4), by screening the information provided in the architects/engineers data record form submitted with each proposal.

(3) Proposals submitted by those architects/engineers meeting eligibility criteria shall then be reviewed for the following qualification criteria:

- (a) Past performance on projects for which the architect/engineer has been responsible.
- (b) Production capabilities.
- (c) Current workload of state projects under contract by the architect/engineer.
- (d) Experience or specialization in the type or function of the project being considered.
- (e) Geographic proximity.
- (f) Other information pertinent to the review of architect/engineer qualifications.

(4) Consideration may be given to associations consisting of 2 or more architect/engineer firms organized for the purposes of furnishing professional services as a single entity, providing the assignment of and provisions for continuity of the various responsibilities within the association are approved by the selection committee and further providing that the combination of the qualifications of the individual firms constituting the association makes the team eligible for selection as defined in s. Adm 20.02 (4) and the qualification requirements indicated in sub. (3). Those firms that are party to an association that are invited to interview in accordance with s. Adm 20.08 (1) shall submit at the interview an executed draft association agreement in principal between the parties. Firms that are party to an association, selected in accordance with s. Adm 20.08 (6), shall submit a final executed association agreement between the parties prior to execution of a contract in accordance with s. Adm 20.09. The association agreement shall indicate how responsibilities will be shared, how tasks will be divided and the firms or individuals that will be assigned the responsibilities and tasks.

(5) Upon completion of the review, all architects/engineers who submitted a proposal will be notified of the review results.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; CR 05-069: cr. (3) (f), am. (4) Register May 2006 No. 605, eff. 6-1-06.

Adm 20.08 Interview. (1) Those architects/engineers deemed to be the best qualified, shall be notified and date and time shall be arranged for them to appear before the selection committee for the purpose of presenting their understanding of the scope of services required and their proposed method of meeting the program, including appropriateness and adherence to project budget and schedule. A copy of the evaluation form and interview questionnaire used by the selection committee will be furnished to the architect/engineer at least 10 days prior to their scheduled appearance.

(2) During the architect/engineer presentations, selection committee members will be free to ask pertinent questions of the architect/engineer. Each member of the selection committee shall independently complete a pre-developed evaluation form on each architect/engineer appearing before the panel.

(3) Upon completion of architect/engineer presentations, the selection committee will discuss the overall conclusions derived from presentations and independently complete the evaluation forms.

(4) The selection committee's recommendation for selection shall be the 2 architect/engineer firms receiving the highest scores.

(5) The selection committee will submit their first and second recommendation for selection of an architect/engineer to the secretary of the department or the secretary's designee.

(6) The secretary of the department, or the secretary's designee, will consider the selection committee's recommendations, and inform the selection committee of the results of that consideration.

(7) The department will confirm the selection with the ap-

proved architect/engineer. If deemed necessary, the department may request additional information prior to confirmation.

(8) Negotiations for contract shall be conducted in the same manner as that specified in s. Adm 20.05 (9).

(9) After confirmation of the selection, the department shall notify all interviewed architects/engineers informing them of the selection committee action and post results of selection on the department's official website. Any architect/engineer who was interviewed may upon request, inspect the selection committee interview evaluation of their firm.

Note: The Wisconsin Department of Administration Division of State Facilities official website is www.doa.state.wi.us/dsf. Forms, publications and information regarding architect/engineer selection and proposed projects may be obtained from this website.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; correction in (8) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1999, No. 520; CR 05-069: am. (1), (5), (6), (8) and (9) Register May 2006 No. 605, eff. 6-1-06.

Adm 20.09 Contract processing. (1) The department will prepare contracts and submit them to the architect/engineer for signature.

(2) Final approval authority for contracts shall be guided by all of the following:

(a) The approving authority for contracts less than the threshold prescribed in s. 16.87 (3), Stats., is vested in the department secretary, or the secretary's designee.

(b) Contracts of the threshold prescribed in s. 16.87 (3), Stats., or more must be signed by the department secretary, or the secretary's designee, and forwarded to the governor for approval.

(3) Change orders to the architect/engineer contract shall be governed by the following:

(a) The request for a change order to the architect/engineer contract may be initiated by either the architect/engineer or the department representative assigned to coordinate the project implementation.

(b) Change order requests shall be reviewed by the appropriate department representative coordinating the project implementation and by that employee's supervisor. If the request is approved by the department representative's supervisor, the recommendation shall be processed in the form of a change order and submitted to the department secretary, or the secretary's designee, in accordance with s. 16.87 (3), Stats., for approval.

(c) A change order to the architect/engineer contract shall contain: specific information which will document the reason for the contract change, a description of the work involved, any change to the schedule, and the maximum cost limit.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; CR 05-069: am. (2) (a) and (b) and (3) (b) and (c) Register May 2006 No. 605, eff. 6-1-06.

Adm 20.10 Performance reporting. (1) Upon award of the construction contracts and upon completion of the construction phase, and at any other time deemed necessary, department staff members involved in specific phases of the work will submit independent written evaluations of the architect's/engineer's performance of the professional service to the department's representative who is responsible for the general supervision of project implementation. Similar performance evaluations shall be completed on the consultant(s) of the architect/engineer.

(2) Individual performance evaluation reports shall be based on evaluation of professional contract services such as, but not limited to the following:

(a) Design ability to meet program, schedules, and budgets.

(b) Accuracy and completeness of contract documents as evidenced by the number and character of addenda and change orders required.

(c) Administration of contracts, payments and construction

documents as evidenced by the timeliness of the service rendered.

(d) Responsiveness to field observations and construction activities and requirements as evidenced by the timeliness of the service rendered.

(e) Overall professional responsibilities demonstrated.

(3) The performance evaluation reports shall be the basis for the evaluation summary, prepared by the department.

(4) The evaluation summary shall contain the significant evaluations of strengths and weaknesses and shall be utilized as a report to the selection committee and a basis for review with the architect/engineer. The summary shall be placed in the evaluation file.

(5) The evaluation summary will be reviewed with the architect/engineer upon request. An entry may be made in the evaluation file to acknowledge the review with the architect/engineer, rating information, summary, or corrective measures to be taken as pertinent to providing good performance services, and any comments the architect/engineer desires to include as part of the record. The architect/engineer may appeal to the department any

portion of the evaluation summary within a period of 30 calendar days after the architect/engineer has been notified of the evaluation.

(6) The department person who is assigned the responsibility shall present the evaluation summary to the members of the selection committee at the appropriate time.

(7) The file copy of the evaluation summary shall be available for review by the selection committee, secretary of the department of administration, members of the Wisconsin state building commission, examining board of architects, professional engineers, designers and land surveyors, and the state auditor. The material contained in the evaluation summary may be treated as confidential if it appears that it may unduly damage the reputation of the architect/engineer, and its use by all recipients is to be limited to discussions related to the selection of the architect/engineer for state projects. If it appears that the material contained in the evaluation summary will not unduly damage reputations then it will be open for public inspection and copying pursuant to s. 19.21, Stats., and department policy and procedure.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; CR 05-069: am. (4) and (5) Register May 2006 No. 605, eff. 6-1-06.