

153:1-1-01 **Announcement of professional design and design-build contracts and qualifications-based selection of professional design firms.**

(A) Definitions: For the purpose of rules 153:1-1-01 and 153:1-1-02 of the Administrative Code:

- (1) "Public exigency" shall have the meaning given it in section 123.10 of the Revised Code.
- (2) The following terms shall have the meanings given them in section 153.65 of the Revised Code: "professional design firm," "professional design services," "qualifications," "design-build firm," "design-build services," and "criteria architect or engineer."
- (3) "EDGE" means the "Encouraging Diversity, Growth, and Equity" business development program ~~created~~ pursuant to section ~~123.152~~ 122.922 of the Revised Code.
- (4) "State" means any organized body, office, or agency established by the laws of this state for the exercise of any function of state government; or any institution of higher education as defined in section 3345.011 of the Revised Code. The "state" does not include the department of transportation or the Ohio turnpike commission when engaging professional design services for transportation projects.
- (5) "Selection coordinator" means a person appointed by the state to coordinate the selection process.

(B) Pre-design phase:

- (1) The state shall conduct a pre-design phase for each contract available for professional design services or design-build services, if applicable, in order to determine the feasibility of the project, availability of funding, the most appropriate method of project delivery, the scope of services required, the program of requirements if not included in the scope of services, the project schedule, the project budget, including the EDGE participation goal for the contract determined pursuant to rule 123:2-16-12 of the Administrative Code, and shall, if appropriate, conduct a site survey, environmental investigation, soil boring and testing, and other analyses to determine feasibility of the proposed site.
- (2) Upon completion of the pre-design phase, the state shall announce the contract and request statements of qualifications in the following manner:

- (a) The request for qualifications shall be published not less than fourteen days in advance of the last date that statements of qualifications may be accepted.
- (b) The request for qualifications shall include a general description of the project, the project delivery method, a statement of the specific professional design services or design-build services required, a description of the qualifications required for the project, including the EDGE participation goal, and criteria by which submissions will be evaluated. The criteria shall include a point system, developed to encourage EDGE business participation, pursuant to division (B)(6) of section ~~123.152~~ 122.922 of the Revised Code, if applicable.
- (c) The request for qualifications shall indicate how qualified professional design firms or design-build firms may submit a statement of qualifications to be considered for a contract to perform the required services for the project.
- (d) In addition to the requirements set forth in division (D) of section 153.67 of the Revised Code, the state may advertise electronically by using one or more of the following:
 - (i) Placing an advertisement on the website of the newspaper of general circulation in the county where the contract is to be performed;
 - (ii) Placing an advertisement on the state public notification website;
 - (iii) Placing an advertisement on its own official website or on other non-official websites, such as appropriate trade association websites.
- (e) The request for qualifications shall identify a process for submitting written questions regarding the project.
 - (i) The selection coordinator shall direct interested firms to submit questions in writing and shall not answer questions outside the process identified in the request for qualifications.
 - (ii) The state shall answer any questions from interested firms in writing and make all questions and answers available to all interested firms prior to the last date for accepting statements of qualifications;
 - (iii) The state shall not disclose the name of the interested firm submitting a question when answering such question from an interested firm;

- (f) The request for qualifications may include notice of a meeting or site visit where interested parties may learn more about the project and ask questions. The state shall prepare and publish written minutes of any such meeting or site visit. Additional information disclosed during the meeting or any site visit shall be published by the state in the same manner.
- (3) Professional design services, including but not limited to criteria architect or engineer services, shall be acquired by the state through qualifications-based selection pursuant to paragraphs (C) to (I) of this rule or pursuant to rule 153:1-1-02 of the Administrative Code.
- (4) Design-build services shall be acquired by the state through best value selection pursuant to rule 153:1-6-02 of the Administrative Code.

(C) Evaluation phase:

- (1) The statements of qualifications shall be timely reviewed and evaluated by a evaluation committee, appointed by the state, using the criteria published in the request for qualifications. The composition of the committee shall not consist of enough members of a public body to constitute a quorum. As used in this rule, the term “public body” has the meaning defined in section 121.22 of the Revised Code.
 - (a) Proposing firms shall not contact members of the evaluation committee prior to announcement of the short list.
 - (b) The selection coordinator shall verify the completeness of the evaluators’ scores and seek clarification only when it cannot determine the evaluator’s intent.
 - (i) The selection coordinator shall not change an evaluator’s score or replace the evaluator’s judgment with its own.
 - (ii) If an evaluator awarded more points in any category than the maximum available in the criteria published in the request for qualifications, the selection coordinator shall revise the score for that category to the maximum available.
- (2) At the conclusion of the evaluation process, the selection coordinator shall tally the scores and the state shall announce a short-list of not less than three firms that it determines are most qualified to perform the required services, unless the state determines that fewer than three qualified firms are available in accordance with division (A) of section 153.69 of the Revised Code.

- (3) A scope clarification meeting may be conducted with the short-listed firms. The discussions shall be designed to further explore the scope and nature of the services required, the various technical approaches the firms may take toward the project, unique project requirements, the project schedule and the project budget. Depending on the nature of the project, the meeting may include a physical site visit. Any questions of the firms shall be answered at this meeting and shared with all participants.

(D) Interview phase:

- (1) The state may appoint and convene an interview committee that shall review the technical proposals, if any, conduct interviews of each short-listed firm, and rank the short-listed firms. The state may appoint one or more individuals to serve as alternates. Individuals appointed to rank or serve as alternates shall attend each interview. Members of the evaluation committee may be members of the interview committee. The composition of the committee shall not consist of enough members of a public body to constitute a quorum. As used in this rule, the term "public body" has the meaning defined in section 121.22 of the Revised Code.
- (2) The interview committee shall interview each of the short-listed firms and each member shall rank the firms from most to least qualified to provide the required services based on their interview and technical proposals, if any. The rankings of the interview committee members shall be combined to determine the overall ranking of the short-listed firms.
- (3) If two or more firms receive equal ranking by the interview committee, an alternate shall rank the firms and the alternate's ranking shall be added to the previous rankings. If the firms remain tied, another alternate may rank in the same manner. When all alternates have been exhausted, the tied firm with the highest score in the evaluation phase shall receive the higher ranking.

(E) Technical proposal: The state may ask short-listed firms to supplement their statement of qualifications with a technical proposal in accordance with the final scope of services and project requirements as may have been clarified at the scope clarification meeting. Each short-listed firm requested to submit a technical proposal shall be informed of the date, time, and location for submitting its technical proposal.

(F) Contract negotiations: The state shall announce the firm determined to be the most qualified to perform the required services, request a fee proposal, and enter into contract negotiations with the selected firm in accordance with division (B) of section 153.69 of the Revised Code.

- (G) Public records: Records that are maintained by the state during the selection process are public, to the extent permitted by sections 149.43 and 149.433 of the Revised Code, and shall be available for inspection.
- (H) Nothing in this rule affects the state's right to accept or reject any or all professional design firms' statements of qualifications or technical proposals in whole or in part.

Effective: 1/19/2023
Five Year Review (FYR) Dates: 9/1/2022 and 01/19/2028

CERTIFIED ELECTRONICALLY

Certification

01/09/2023

Date

Promulgated Under: 119.03
Statutory Authority: 153.71
Rule Amplifies: 153.66, 153.70, 153.69, 153.68, 153.67
Prior Effective Dates: 09/04/1991 (Emer.), 12/05/1991, 10/05/2012,
10/10/2019