

153:1-1-01**Qualifications-based selection.**

(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 123.15 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) "State" means the department of administrative services, general services division, office of the state architect, serving as the contracting authority as authorized by chapters 123 and 153 of the Revised Code; a state agency with the approval of the department for local administration of a specific project; or an institution of higher education as defined in section 3345.011 of the Revised Code certified or authorized by the department and the board of regents to perform local administration. The "state" does not include the department of transportation or the Ohio turnpike commission when engaging professional design services for transportation projects.
- (4) "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, 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 made in a uniform and consistent manner on a standard form prescribed by the state architect 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, and criteria by which submissions will be evaluated.

- (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 design the project.
- (d) The request for qualifications shall be sent to any of the following that the state considers appropriate:
 - (i) Design-build firms, including contractors or other entities that seek to perform the work as a design-build firm;
 - (ii) Architect, landscape architect, engineer, and surveyor associations;
 - (iii) The news media, and
 - (iv) Any publications or other public media, including electronic media.
- (e) The request for qualifications may be posted to a website maintained by the department of administrative services, a website maintained by the project owner, or the state public notice website established under section 123.182 of the Revised Code.
- (f) The department of administrative services may require that an agency or institution of higher education publish its requests for qualifications on the department's website as a condition of any local administration approval or certification.
- (g) 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 or the pre-proposal meeting.
 - (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;
- (h) The state may schedule a pre-proposal meeting where interested parties

may learn more about the project and ask questions. The state shall prepare and publish written minutes of any pre-proposal meeting. Additional information disclosed during the pre-proposal 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, may be acquired by the state through qualifications-based selection pursuant to paragraphs (C) through (F) 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) Statement of qualifications: Each professional design firm shall submit its statement of qualifications on a standard form prescribed by the state architect.

(D) Evaluation phase:

(1) The statements of qualifications shall be timely reviewed and evaluated by an evaluation committee, appointed by the state, using the criteria published in the request for qualifications.

(a) Proposing firms shall not contact members of the evaluation committee prior to announcement of the short list of firms.

(b) The selection coordinator shall verify the completeness of the evaluators' scores and seek clarification only when it cannot determine the evaluator's intent. The selection coordinator shall not change an evaluator's score or replace the evaluator's judgment with its own.

(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.

(4) The short-listed firms may be asked 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.

(5) Each short-listed firm requested to submit a technical proposal shall be informed of the date, time, and location for submitting its technical proposal.

(E) 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.

(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 be receive the higher ranking.

(F) The state shall request a fee proposal from and enter into contract negotiations with the firm ranked most qualified to perform the required services.

(1) Contract negotiations shall be directed toward:

(a) Ensuring that the professional design firm and the state have a mutual understanding of the essential requirements involved in providing the required services, including meeting the established project budget and schedule;

(b) Determining that the firm will make available the necessary personnel, equipment and facilities to perform the services within the required time; and

(c) Agreeing upon compensation which is fair and reasonable, taking into account the estimated value, scope, complexity and nature of the services.

(2) If agreement is reached with the firm ranked most qualified, the state shall announce the firm selected.

(3) Upon failure to negotiate a contract with the firm ranked most qualified, the firm shall be informed of the termination of negotiations in writing. Negotiations may then proceed with the firm ranked next most qualified. If negotiations again fail, the same procedure may be followed with each next most qualified firm ranked pursuant to paragraph (E)(3) of this rule, in order of ranking, until a contract is negotiated.

(a) Should there be a failure to negotiate a contract with the firms ranked pursuant to paragraph (E)(3) of this rule, additional firms may be ranked as follows:

(i) From the short-list of firms issued by the state pursuant to paragraph (D)(2) of this rule; or

(ii) The contract may be re-announced pursuant to paragraph (B) of this rule.

(b) Upon selection, negotiations may continue as with the short-listed firms initially ranked until a contract is successfully negotiated.

(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 only after the announcement of the selected firm set forth in paragraph (F)(2) of this rule.

(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.

(I) This rule shall not apply to either of the following:

(1) Any project determined in writing by the state to be an emergency requiring immediate action including, but not limited to, any projects requiring multiple contracts let as part of a program requiring a large number of professional design firms of the same type; or

(2) Any project declared by the director of administrative services to be a public exigency requiring immediate action to prevent injury or obstruction pursuant to section 123.15 of the Revised Code.

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