

3.05 DESIGNER SELECTION PROCESS

The overall goal is to secure the most qualified designers for State projects resulting in the development of suitably functioning facilities meeting the user's needs within time and budget limitations in the overall best interest of the State.

Objectives of the designer selection process:

- Provide clear guidance.
- Promote access by all interested professionals.
- Promote competition.
- Promote transparency and accountability.
- Secure the best designer resulting in quality work on State capital projects.
- Encourage clear communication between the State and design professionals interested in working on State projects.

A. Registration:

1. Architects, Engineers and other Design Professionals shall submit annually the standard registration information in a format that will be made available on the State Architect's website.
2. Registration is required for all projects (Major, Standard and Minor) and should be completed before expressing formal interest in a project.
3. This information will include but is not limited to the following:
 - a) General firm information including name(s) of principals and their corresponding architectural and/or engineering state license number, primary office location, number of staff including breakdown of professionals and years in business and primary email address to receive notifications;
 - b) General project experience;
 - c) State project experience;
 - d) Services available

B. Public Announcement:

1. The Office of the State Architect shall each year, no later than 30 days following the presentation of the Governor's Annual Budget Request to the State Legislature, send a notification, electronically or otherwise, as determined by the State Architect's office, with the Governor's proposed capital projects list to Architects, Engineers and other

Design Professionals licensed in the State of Tennessee who have previously registered with the Office of the State Architect (see “Registration” above).

2. The letter should also include information, such as website information of the State Procurement Agency (SPA) where solicitation of designer services for particular projects under their purview will be posted. SPAs include the University of Tennessee, Tennessee Board of Regents and Real Property Administration of the Department of Finance and Administration.
3. The Office of the State Architect shall also provide notice of subsequent non-disclosed projects.
4. On the websites the SPA should clearly define:
 5. Name of user agency (UA), (a user agency is the entity responsible for the operation and maintenance of the facility);
 6. Project title;
 7. Overview of the project, including any specialized or general design requirements;
 8. The date the project was posted to the website;
 9. The deadline for submission of interest;
 10. Designer selection and general submission requirements; and
 11. UA project contact name, email and phone number.
12. The SPA and the UA will assign the appropriate e-mail contact(s) for electronic submission for each project.
13. All projects are subject to the State’s fee calculation as determined by the State Architect’s office and approved by the State Building Commission.
14. The issuance of any formal Request for Qualifications (RFQ) shall be posted in the RFQ section of SPAs website

C. Standards of Practice

1. Only Tennessee firms are normally considered unless there is a specific need for expertise not available within the State.
2. Regional Designers are considered for regional projects (i.e., West Tennessee firms do west Tennessee projects; Middle Tennessee firms for Middle Tennessee projects, etc.)
3. RFQs shall be issued and administered consistent with the standards and models of the Department of Finance and Administration, except as provided herein.
4. Submission of responses to RFQs shall not create rights, interest, or claims of entitlement for any proposer, including the best evaluated proposer.

5. The State reserves the right, at its sole discretion, to reject any and all submittals for projects and to waive immaterial irregularities in accordance with applicable laws, regulations, policies and case law.
6. Whenever the State proposes to reject all submittals for a certain RFQ such action shall be taken only for the following reasons:
 - a) failure of all submittals to meet technical specifications;
 - b) Error in the request for qualifications;
 - c) Cessation of need;
 - d) Unavailability of funds; or any other reason approved by the State Building Commission.
7. All members of an evaluation team/committee for “Major” and “Standard” projects shall execute a signed conflict of interest statement, as approved by the State Architect’s office, prior to completion of the member’s review.

D. Projects:

1. Projects will be listed in three (3) categories:
 - a) “Major Projects,” projects greater than \$20,000,000;
 - b) “Standard Projects,” projects \$20,000,000 or less, and above \$3,000,000; and
 - c) “Minor projects” projects \$3,000,000 or less.
2. The State will not require joint ventures for any State projects. A UA and/or the SPA, when posting projects, may state their desire to receive joint venture proposals.

E. Selection Process:

1. “Major Projects” will require a formal RFQ. This will be open to all Architects, Engineers and/or other Design Professionals who have registered with the State Architect.
 - a) REQUIREMENTS FOR FORMAL RFQ PROCUREMENT
 - 1) Establishment of Evaluation Team: The ability to provide an objective, fair, knowledgeable and competent evaluation team is critical to the success of the Designer Selection Process.
 - 2) The following criteria should be considered by the SPA and UA in the selection of evaluation team members:
 - (a) As a standard, the evaluation team should be composed of five (5) State employees, but in no case, less than three (3) employees.
 - (b) Member selection and selection of a RFQ coordinator from among the evaluation team members is the responsibility of the SPA and/or UA.

- (c) Team members should be knowledgeable of the goals, scope and technical criteria of the project and be familiar with the design and construction process.
- (d) An understanding of the particular procurement process by all members of the team is essential.
- (e) Objectivity and avoidance of the appearance of impropriety shall be of uppermost importance to the team.
- (f) Where appropriate, additional technical advisors in such areas as financial, scheduling, references, submittal compliance, design, etc., should be given consideration.

b) Selection Procedures

1) Weighting of Evaluation Criteria.

- (a) The determination of the weighting of individual factors will be made and included in the technical response portion of the RFQ. Factors to be considered are ones warranted by the specific project needs and, at a minimum, should include:
 - (i) General qualifications;
 - (ii) Recent and relevant experience of designer;
 - (iii) Past performance of designer including any State designer evaluation;
 - (iv) Designer's technical approach to the project;
 - (v) Designer's ability to provide qualified professional project management and design team;
 - (vi) Project scheduling; and
 - (vii) Proximity of staff to and familiarity with the area where project is located.
- (b) The criteria and their relative weights shall be included in any RFQ so that potential designers are aware of the requirements.

2) Evaluation and selection

- (a) The State's evaluation team will be responsible for assigning a score for each submittal for the technical response portion of any RFQ, following the procedures set forth in the RFQ.
- (b) In any prequalification of an RFQ, a minimum score will be pre-established and only those submissions receiving the minimum score or higher will be allowed to proceed to the next step in the process.
- (c) Unless an alternative approach is approved by the SBC, the highest total technical score in an RFQ will identify the recommended Designer for contract award.

- (d) Upon SBC approval of an awarded contract, the files will be open for public inspection.
2. "Standard Projects" will require interested Architects, Engineers and other Design Professionals to submit a letter of interest to the SPA and the UA.
 - a) The letter of interest will be limited to between two (2) and four (4) pages and should include responses to the following general design requirements applicable to design submissions for all projects:
 - 1) Expertise to address the scope of the project.
 - 2) Proposed design or consultant team for the project, and the projects these members are currently working and similar past work.
 - 3) Current and proposed firm work load and State projects previously awarded.
 - 4) Record of similar successfully completed projects including experience in meeting project budgets, schedules and project programs.
 - 5) Proposed project administration capabilities and approach.
 - 6) Proximity of staff to and familiarity with the area where project is located.
 - 7) A list of up to the last five (5) State projects previously awarded.
 - 8) Record of past evaluations on prior State projects that the designer was awarded if applicable. If no or limited prior State projects, prior experience on completed non-State projects will be considered.
 - 9) Record of any ongoing litigation or disputes, and any contracts terminated for cause.
 - 10) Consideration will be given to the volume of State work design firms currently hold, and State projects they have previously completed.
 - b) Specialized design requirements may be developed by UA and/or SPA, as necessary for individual projects, and posted in addition to the general requirements by the SPA to the SPAs website, as referenced in number three (3) under the Public Announcement section of this Designer Selection Process.
 - c) All of the necessary requirements must be submitted by the posted deadline in order for a designer to be considered for the project.
 - d) Evaluation of Letters of Interest for Standard Projects:
 - 1) Upon receiving letters of interest from Architects and Engineers, the SPA and/or UA will have established an evaluation committee of at least three members, including at least one representative from the SPA and one representative from the UA, to review and evaluate the letters of interest and corresponding information.
 - 2) The Evaluation Committee will prepare a brief written evaluation of each letter of interest identifying the factors constituting the relative merits of each letter relative to the requirements of the proposed project.

- 3) The Evaluation Committee shall also prepare a written ranking and detailed summary of the top three designer proposals in order of preference of award of a contract for design services.
 - 4) The prepared evaluation will clearly convey to successful and unsuccessful designers the material factors upon which the agency determined its rankings of the top three including justification for their listing above all other entrants.
 - 5) Copies of the evaluation of each letter of interest shall be promptly furnished to the State Architect who shall house the documentation and make it available for inspection by all interested professionals following approval of an Architect, Engineer or other design professional by the SBC.
 - 6) Following completion of the selection process, the SPA shall promptly notify by written notification, electronic or as otherwise determined by the SPA, each design applicant of the results.
- e) Submitting Candidates for Standard Projects to the State Building Commission: The evaluation committee will send an evaluation report to the State Architect to be distributed to the State Building Commission members. This evaluation report will include:
- 1) A detailed summary of the top three candidates, in order of ranking, chosen by the evaluation committee for the specific project.
 - 2) For the top three candidates, the State Architect's office will provide the current five year summary of State projects for those firms.
 - 3) A list of all design professionals that submitted letters of interest for the project and a brief description on how each compared with the top three firms chosen.
3. "Minor projects" will not require a letter of interest as defined under "Standard Projects." The SPA and UA will have the discretion to determine how to receive and process information from Architects, Engineers and/or other design professionals expressing interest in a project in this category.
- a) Nonetheless, the SPA and UA will be responsible for preparing a written summary that includes the number of Architect, Engineers, and/or other design professionals who formally expressed interest and how they were evaluated and compared with the top three chosen. This summary shall be promptly furnished to the State Architect who shall house the documentation and make it available for inspection by all interested proposers following approval of a design professional by the SBC.
 - b) Submitting Candidates for Minor Projects to the State Building Commission: The SPA and UA will be required to submit to the State Architect, to be distributed to the State Building Commission, a detailed summary of the proposed top three designers ranked in order of preference, and a list of the other Architects, Engineers, and/or other design professionals who formally expressed interest.
4. Evaluation of completed performance for all project categories: SBC standard Designer Performance Evaluation forms are to be completed by the SPA during the course of a project development and upon completion of the project. The forms are to be submitted to the State Architect's office for electronic compilation available as a reference for use by SPA and UA(s) in future evaluations.

5. Open Records for all project categories: The evaluations of letters of interest, the ranking of the top three design professionals, along with the evaluation of completed performance will be kept on record for public access through the State Architect's office in accordance with Tennessee Code Annotated, Section 10-7-504(a)(7).

- F. The State Building Commission reserves the authority to modify, waive or add additional requirements or procedures to this designer selection process in the event that circumstances exist such that it would be in the best interest of the State to take such action in the selection of a designer.

- G. Once the selection of a designer is approved, the State Procurement Agency must obtain the Executive Sub-Committee's approval if a decision is made not to proceed with the designer selected.

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