

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. As used in s. Adm 20.01 to 20.10 the following terms shall mean:

(1) The term “department” where used herein shall mean the department of administration, or an 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.

(2) The term “selection committee” shall mean a group composed of 6 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. If the estimated cost of the project being considered exceeds \$250,000, the agency for whom the project is to be constructed will be requested to appoint a representative to serve as an additional member on the committee for the selection of an architect/engineer for that project. If after appropriate notice, the agency fails to have a representative at the selection committee meeting, such absence shall be considered a waiver of their vote on the architect/engineer selection for that project.

(3) The term architect/engineer is used to describe members 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.

(4) The term “eligible architect/engineer” shall mean 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 completion of a 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 those projects which are estimated to have a project cost of less than \$250,000, the criteria for eligibility in pars. (a), (b) and (d) may be waived.

(5) The term “architect/engineer data record form” shall mean a preprinted 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.

(6) The term “architect/engineer proposal” as it relates to ss. Adm 20.06 and 20.07, shall mean 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.

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

Adm 20.03 Convening of selection committee.

(1) At the call of the chairperson 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.

(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.

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

Adm 20.04 Selection procedures.

(1) When selecting an architect/engineer for a project when the estimated project cost is less than \$2,500,000 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 \$2,500,000 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.

Adm 20.05 Selection by nomination. (1) Copies of all architect/engineer data record forms which are on file with the department shall be provided to each member of the selection committee so the members may obtain names of eligible architects/engineers, as defined in s. Adm 20.02 (4), to be nominated for consideration for each project.

(2) Any member of the selection committee may nominate architects/engineers for consideration.

(3) The selection committee's evaluation of the architects/engineers nominated will give consideration to the qualification criteria stated in s. Adm 20.07 (3).

(4) Upon completion of the evaluation, minutes of the meeting shall be kept which record the names of the architects/engineers considered for each project and the action taken by the selection committee.

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

(6) The secretary of the department will consider the selection committee's justification regarding the recommendations, and inform the selection committee of the selection approval or disapproval.

(7) If the secretary of the department does not accept the selection committee's recommendations, the selection process shall be repeated.

(8) The department will furnish the selected architect/engineer with a copy of the program requirements and request that the following be submitted to the department for review:

- (a) An updated architect/engineer data record, if the form on file is more than 6 months old.
- (b) Identity and availability of personnel proposed to be assigned to the project.
- (c) Name of consultant(s) intended to be used on the project and past associations architect/engineer has had with the consultant(s).

(9) The person in the department who is assigned the responsibility by the committee shall review the information received from the first choice architect/engineer and if there are any circumstances which warrant reconsideration of the selection, said person shall notify the members of the selection committee.

(10) When the selection of an architect/engineer has been finalized, the department will establish a time and date for the architect/engineer to meet with the department's designated representative to negotiate a contract.

(11) After negotiations have been completed between the architect/engineer and the department, a summary of the negotiations shall be distributed to the selection committee chairperson and the person who has been assigned the responsibility for general supervision of project implementation. If no objections to the agreements are raised within 5 days, the contract shall be prepared and executed.

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

Adm 20.06 Selection by advertisement. (1) For all projects having an estimated project cost which would exceed \$2,500,000, 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) Date and place where application forms and program requirements may be obtained.
- (d) Description of services required.

(e) Estimated project budget.

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

(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.

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.

(4) Consideration may be given to joint ventures 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 joint venture are approved by the selection committee and further providing that the combination of the qualifications of the individual firms constituting the joint venture makes the team eligible for selection as defined in s. Adm 20.02 (4).

(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.

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. A copy of the evaluation form used by the selection committee will be furnished to the architect/engineer 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.

(6) The secretary of the department 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 approved 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 (11).

(9) As soon after the selection of an architect/engineer has been confirmed, an announcement shall be sent to all architects/engineers who were interviewed, informing them of the selection committee action. Any architect/engineer who was interviewed may upon request, inspect the selection committee interview evaluation of their firm.

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.

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

(2) Upon return of contracts from the architect/engineer, the department shall be guided by the following procedure regarding final approval:

(a) The approving authority for contracts less than \$15,000 is vested in the department secretary or a designee thereof.

(b) Contracts of \$15,000 or more must be signed by the department secretary or a designee thereof 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 a designee thereof for approval. When the change order amounts to \$15,000 or more it shall also be submitted to the governor 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, and the maximum cost limit.

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

Adm 20.10 Performance reporting. (1) Upon award of the construction contracts and upon completion of the construc-

tion 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 summary of the performance evaluation reports 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 professional service evaluation summary will be reviewed with the architect/engineer upon request. An entry shall 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.

(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.