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# COUNTY ADVISORY BULLETIN

**CAB**

*Published by: County Commissioners Association of Ohio*

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## **BULLETIN 1996-03**

### **QUALIFICATIONS-BASED SELECTION AND FINANCIAL RESPONSIBILITY FOR PROFESSIONAL DESIGN FIRMS AND FOR CONSTRUCTION MANAGERS**

#### **INTRODUCTION**

The General Assembly has enacted HB 231, effective November 24, 1995. The new law generally requires all public entities, including counties, to use a qualifications-based selection process when hiring design professionals and construction managers. Design professionals and construction managers are required for the first time to provide evidence of financial responsibility when contracting with public entities.

The purpose of this CAB is to provide a detailed summary of the new requirements when hiring design professionals and construction managers. This CAB also summarizes the new financial responsibility requirements for design professionals and construction managers.

This CAB should be inserted after the CCAO INFORMATION TAB of the COUNTY COMMISSIONERS HANDBOOK for future reference.

#### **SUMMARY OF MAJOR PROVISIONS OF NEW LAW**

The following table summarizes provisions of the new law relating to the hiring of construction managers and design professionals:

<b>ORC SECTION</b>	<b>SUMMARY</b>
9.33(B)(4)	Redefines “qualified” construction manager to require construction managers to show evidence of financial responsibility. Financial responsibility may be demonstrated through a letter of credit, surety

	bond, certified check or cashier's check in an amount equal to the value of the construction management contract or by other means acceptable to the county.
9.332	Requires all contracts with construction managers to utilize the statutory qualifications based selection process in which construction managers are ranked in order of qualifications. Removes the provision that required only projects with an estimated cost of more than \$5 million to use the selection process based on qualifications.
9.333	Generally prohibits counties from entering into contracts with construction managers unless the construction manager shows evidence of financial responsibility. The county may waive this requirement for good cause.
153.54(C)(2)	Requires a construction manager at the time they enter into a public contract to file their documents of financial responsibility with the county unless the county has waived the financial responsibility requirement. If a letter of credit is used as evidence of financial responsibility, such a letter of credit is revocable only at the option of the county.
153.65	Redefines "public authority" for purposes of the professional design services law to include the state or county, township, municipal corporation, school district, or any other political subdivision of the state.
153.70(A) (B)	Requires professional design firms (architects, landscape architects, engineers and surveyors) doing business with a county to maintain or be covered by professional liability insurance. Gives counties broad discretion to determine the amount of insurance coverage, to accept other assurances of financial responsibility or to waive the insurance coverage requirement for good cause. The professional liability insurance requirement does not apply to projects with an estimated professional design fee of less than \$25,000, or to an emergency project.

**QUALIFICATIONS-BASED SELECTION OF PROFESSIONAL DESIGN SERVICES-APPLICATION TO LOCAL GOVERNMENTS (ORC 153.65)**

HB 231 redefines "public authority" to require a county to comply with a statutory qualifications based selection process for professional design services. Prior to the enactment of HB 231, the qualifications based selection process applied only to state agencies.

The new law defines professional design firm to mean any person legally engaged in rendering professional design services. Professional design services is defined as

services within the scope of practice of an architect, landscape architect, professional engineer or surveyor.

The “qualifications” of a professional design firm are similar to the qualifications of construction managers. Qualifications are defined to include:

1. Competence to perform the required services as indicated by the technical training, education, and experience of the firm’s personnel and especially the personnel who will be assigned to the project.
2. Ability in terms of its work load and availability of qualified personnel, equipment and facilities to perform the required services competently and quickly.
3. Past performance as reflected by the evaluations of other public authorities with respect to cost control, work quality and meeting deadlines.
4. Other similar factors

**STATEMENT OF QUALIFICATIONS FILE FOR PROFESSIONAL DESIGN FIRMS (ORC 153.66)**

The law requires each county that plans to contract for professional design services to encourage professional design firms to submit a statement of qualifications to the county and periodically update that statement. If a county contracts for the services of an architect, engineer or surveyor from time to time, it is suggested that you establish one or more files for qualification statements from various types of professional design firms.

**PUBLIC ANNOUNCEMENT OF BUSINESS OPPORTUNITY (ORC 153.67)**

The law requires each county planning to contract for the services of a professional architect, engineer or surveyor to publicly announce the county’s interest in contracting for such services. Prior to notifying potentially interested firms, the county should develop a preliminary project description that might include the following elements:

1. Project name or identification and planned location.
2. Project details including size, function, capacity of the project; whether the project is new construction, repair, renovation or remodeling; and whether it will involve demolition, additions or environmental, energy or land use studies.
3. Project budget and anticipated funding sources.
4. Anticipated project schedule, including completion of design work, beginning of construction and planned project completion date.

5. Unique requirements or restrictions such as zoning or environmental problems.
6. Specific services to be provided such as feasibility studies, program development, design, construction oversight or management and budget development.

Public announcements for design services should meet the following requirements:

1. Be uniformly and consistently prepared and released.
2. Be made sufficiently in advance of the submission deadline to permit firms to submit a statement of interest in the project.
3. Include a preliminary scope of work or project description.
4. Include a list of information each firm should include in its statement of qualifications. This would include such information as the names of firm owners, number of years in business, services offered, background of key personnel, similar projects designed and projects underway.
5. Provide the county's name and the name, address and phone number of the project contact person.
6. Indicate the deadline for submitting statements of qualifications.
7. Indicate where and to whom the qualifications statement is to be submitted if other than the contact person.

These public announcements may be sent to either:

1. Each qualified firm that has a statement of qualifications on file with the county;  
or
2. Each appropriate trade association, the news media and any other publications or public media that the county considers appropriate.

### **PREQUALIFICATION OF PROFESSIONAL DESIGN FIRMS (ORC 153.68)**

The law permits, but does not require, counties to establish prequalification requirements by which the county could arrive at a short list of firms for final evaluation and ranking. Prequalification requirements must be based on qualifications such as competence of the firm and personnel, ability to perform the required services, geographic considerations and past performance and experience on similar projects. Any design firms that do not survive an initial prequalification screening process should be thanked for their interest and notified that they are no longer under consideration.

## **EVALUATION AND RANKING OF SHORT LISTED FIRMS (ORC 153.69(A))**

For every contract with a registered engineer, architect, landscape architect or surveyor where the estimated design fee is \$25,000 or more, the law requires the county to select and rank no fewer than three professional design firms which it considers most qualified. On very large projects, the county may wish to select and rank four or five firms. The county may select and rank fewer than three firms if it determines in writing that fewer than three qualified firms are available.

Each of the short listed firms may be invited to submit detailed technical proposals. A firm's technical proposal might include the following information:

1. The firm's technical approach to the project.
2. The firm's plan for managing and performing the work.
3. The personnel to be assigned to the project.
4. The proposed work schedule.
5. The firm's current work load.
6. The office in which the work will be performed.

The county may invite short listed firms to tour the project site. Following any tours of the project site, the county may also wish to conduct interviews with each of the short listed firms. Interviews would generally be conducted after technical proposals have been reviewed, but before the final ranking process. The county would generally ask each short listed firm to send the firm's owner or manager, key design professionals and others who will be directly responsible for the work to attend the interview.

Following review of technical proposals, and any site tours and interviews, the county must objectively rank at least three firms that it considers most qualified. The ranking may be performed by an individual or a committee, but should include individuals involved in the interview process. It is suggested that a standardized evaluation form be used for the final ranking to assure consistency and to provide a paper trail demonstrating the use of a ranking process. An evaluation form may include a numerical evaluation of factors such as the firm's grasp of project requirements, design approach, project management, appraisal of design team and key personnel, firm's communication skills and proposed billing procedures.

The firm that is rated most qualified should be notified that it has been selected to receive the contract, provided agreement can be reached on scope of services and a fee for services. Unsuccessful firms on the short list should be notified and thanked for their interest.

## **NEGOTIATION OF A CONTRACT (ORC 153.69(B)(C)(D)(E))**

Once a professional design firm has been selected, the county and the firm must work together to provide a detailed scope of services from which a project fee may be established. Similar to the construction management law, the county and the firm must reach a mutual understanding of the essential requirements for providing the required services. The county must establish its objectives and priorities and clearly communicate these goals to the firm. The priorities of the county will influence the approach taken by the design firm. For example, the county may be most concerned about keeping construction costs low or assuring a high level of dependability. Rapid completion of a project may be a priority in order to achieve operational benefits, meet a state or federal deadline, or take advantage of available funding.

In addition to reaching a mutual understanding of the scope of services, the law requires the contract negotiations to be directed toward determining that the firm will provide the necessary personnel, equipment and facilities to complete the services within the required time. Finally, the county and the firm must agree on a fee for services based on the estimated value, scope, complexity, and nature of services. Counties may wish to consult with other political subdivisions or with agencies such as the Ohio Public Works Commission which oversees hundreds of contracts in order to determine what is a fair and reasonable fee.

If the owner and the firm ranked most qualified fail to negotiate a contract, then the firm is notified in writing of the termination of negotiations. The owner then enters into negotiations with the firm ranked next most qualified and so on until a contract is executed. If negotiations fail to result in a contract with any of the firms on the first short list of ranked firms, then the county selects and ranks a second short list of firms and enters into negotiations with the firm ranked most qualified until a contract is executed.

Model contract forms are available from the Ohio Association of Consulting Engineers. Your county prosecutor can also assist in preparing a contract that protects the county's interest.

## **PROFESSIONAL LIABILITY INSURANCE REQUIREMENT (ORC 153.70)**

The law requires any firm providing professional design services to a county to have and maintain, or be covered by, professional liability insurance coverage during the period the services are performed. The insurance must be provided by a company authorized to do business in Ohio and must provide coverage for the type of services provided. The amount of insurance coverage required is left entirely to the discretion of the county.

The law also permits the county to waive the insurance coverage requirement for good cause or allow the professional design firm to provide other assurances of financial responsibility.

The county should require any firm providing professional design services to show proof of professional liability insurance, with at least one million limit of liability. The county, its employees, elected officials and agents should be included as additional insured. The policy should also be endorsed to require the county to be given a 30-day notice of cancellation, non-renewal, or any endorsements restricting or reducing coverage. Counties may wish to require higher limits of liability on environmental projects or other types of large complex projects.

Professional liability insurance coverage may be purchased on a project basis in some instances. Project insurance may be purchased for a set price and has the advantage of being dedicated to a specific project. Blanket policies are also available to cover certain design services for various periods of time and amounts.

The cost of the insurance policy is incorporated into the fee charged by the design firm. Counties have the option under the law of purchasing the insurance directly if the design firm is not otherwise covered by such insurance or the coverage is deemed insufficient. Regardless of whether the county provides the insurance coverage or enters into a contract with a design firm that has no coverage, the county should determine that the absence of coverage is not due to poor claims experience, shoddy work or outstanding lawsuits.

The law permits the public owner to require the design firm to provide other assurances of financial responsibility. Any form of financial responsibility must protect the county's interest in a public contract for an amount at least equal to the firm's fee for designing the project. If the county uses some other form of financial responsibility such as requiring the firm to provide real or personal property as collateral, the burden will be on the county to demonstrate that the public interest in the contract has been adequately protected. Other forms of financial responsibility should either be incorporated into the contract or written into the resolution approving the contract.

If a county decides to waive professional liability coverage, that decision should be documented in the resolution approving the contract with an explanation of why the coverage was waived. The professional liability insurance coverage is meant to protect the public interest in a contract and should not be waived unless there are compelling reasons.

### **APPLICATION OF QUALIFICATIONS BASED SELECTED TO DESIGN CONTRACTS (ORC 153.71)**

The qualifications based selection process and the professional liability insurance requirement do not apply to:

1. Any project with an estimated professional design fee of less than \$25,000.
2. Any project determined in writing by the public authority to be an emergency requiring immediate action.

If the estimated fee for services exceeds \$25,000 and the project is not an emergency, whether the county is required to use the qualifications based selection process depends on answers to two questions:

1. Does the project or service require the professional skills of a registered engineer, architect, landscape architect, or surveyor?

If the answer to this question is yes, then the county should follow the statutory qualifications based selection process.

2. Does your public notice or advertisement announcing the availability of a business opportunity require the qualifications of a design professional in order to be eligible for consideration for a contract?

If the answer to this question is “yes,” then the county should use the qualifications based selection process even if the project or services could have been performed by a firm other than a professional design firm. The point here is that if the county requires a professional design firm as a precondition to be considered for a contract, then the county should use the qualifications based selection process.

If, however, the service or project contemplated by a county does not require a professional design firm to be properly performed and the county chooses not to make it a precondition of the contract, then the qualifications based selection process need not be followed.

### **WHAT IS A QUALIFIED CONSTRUCTION MANAGER? (ORC 9.33)**

A construction manager is defined as a person with substantial discretion and authority to plan, coordinate, manage and direct all phases of a project for the construction, demolition, alteration, repair or reconstruction of any public building, structure or other improvement. The definition specifically excludes professional design services and the work of an actual construction contractor.

A “qualified” construction manager has the following qualifications:

1. Competence in terms of the technical training, education and experience of personnel, especially the personnel assigned to the project.
2. Ability in terms of work load and the availability of qualified personnel, equipment and facilities to perform the work competently and according to schedule.
3. Past performance as reflected by the evaluations of previous clients with respect to factors such as costs control, work quality and meeting deadlines.



4. Financial responsibility as evidenced by the capability to provide a letter of credit, surety bond, certified check or cashier's check in an amount equal to the value of the construction management contract. Financial responsibility can also be met by other means acceptable to the county.
5. Other similar factors: "Public owner" is broadly defined to include the state, or any county, township, municipal corporation, school district, or other political subdivision or any instrumentality or special purpose district of the state or a political subdivision.

### **NOTICE OF INTENT TO EMPLOY A CONSTRUCTION MANAGER (ORC 9.331)**

Prior law, unchanged by HB 231, requires counties to advertise in a newspaper of general circulation in the county of its intent to employ a construction manager. The notice must invite interested parties to submit proposals for consideration and must be published at least 30-days prior to the date for accepting proposals. The county may also advertise in trade journals or otherwise notify construction managers of the potential business opportunity.

The advertisement must include a general description of the project, a statement of the specific management services required and a description of the qualifications required for the project.

The advertisement should include the following information:

1. A general description of the project including proposed function, size, capacity and any other pertinent information.
2. Project budget and anticipated funding sources.
3. Anticipated project schedule, including completion of design work, beginning of construction, and planned project completion date.
4. Specific services to be provided by the construction manager.
5. A list of information each construction manager should include in its proposal such as the names of the firm owners, the types of services offered, background on key technical personnel, similar projects managed by the firm, projects underway and other related information.
6. The deadline for submitting a proposal.
7. The name, address and telephone number of the project contact person.

## SELECTING A CONSTRUCTION MANAGER (ORC 9.332)

Prior law had required any county planning to hire a construction manager on any project estimated to cost more than \$5 million to rank construction managers according to qualifications and to negotiate a contract with the construction manager that the county considers most qualified. This selection process is known in the industry as “qualifications-based selection.” HB 231 removed the \$5 million threshold so that this selection process applies to all construction management contracts. The statutory selection process requires a county to:

1. Evaluate the proposals submitted. The county may hold discussions with individual construction managers to explore their proposals, the scope of the services they would provide, and the various technical approaches they could take regarding the project.
2. Select and rank no fewer than three construction managers that the county considers most qualified. Each construction manager that submits a proposal is evaluated on the basis of predetermined criteria such as the qualifications of the construction manager and his personnel, proximity to the project site, capacity to perform work, references from previous work, past performance and evidence of financial responsibility. Evaluations may be conducted by an individual or by a committee.

CCAO strongly recommends that a consistent evaluation approach be utilized for each project. For example, the same individual or individuals should perform the evaluations using the same evaluation form for any particular project. Written evaluation forms should be retained in a project file in case questions are raised as to whether the statutory selection process was used. The law permits fewer than three construction managers to be ranked in cases where the county determines in writing that fewer than three qualified construction managers were available. The county may also choose to rank four or five construction managers on particularly complex or expensive projects. The sample evaluation form included at the end of this CAB under Appendix A may, with minor changes, be used to evaluate construction managers.

3. Negotiate a contract with the construction manager ranked most qualified to perform the required services at compensation determined in writing to be fair and reasonable. The law requires contract negotiations to be directed toward ensuring that the county and the construction manager have a mutual understanding of the essential requirements involved in performing the contract. The contract should ensure that the necessary personnel, equipment and facilities will be available to perform the services within the required time. After the construction manager has developed a detailed proposal including all the required services, then the construction manager should prepare and submit a detailed fee proposal. If the fee proposal is more than the county had budgeted for, then the scope of services should be reviewed for possible adjustments. The

objective is to negotiate a contract that will guarantee completion of the project on time and within budget. If a county has limited experience hiring construction managers, it may be helpful to consult with other counties that could share information relative to the services provided and fees charged for projects of similar size and cost.

If the county and the construction manager ranked most qualified fail to negotiate a contract, then the county must notify the construction manager in writing that the negotiations are terminated. The county then enters into negotiations with the construction manager ranked next most qualified until a contract is negotiated. This process may be repeated if necessary with each construction manager ranked next most qualified until a contract is negotiated. If necessary, a new list of qualified construction managers may be prepared and ranked and the negotiation process repeated.

### **FINANCIAL RESPONSIBILITY REQUIREMENTS FOR CONSTRUCTION MANAGEMENT CONTRACTS (ORC 9.333, 153.54(C)(2))**

The law prohibits a county from entering into a contract with a construction manager unless financial responsibility is provided. Financial responsibility may be demonstrated through a letter of credit, a surety bond, a certified check, or cashier's check in an amount equal to the value of the contract. The construction manager may also provide other reasonable financial assurance of a nature and in an amount satisfactory to the county. The law permits the county to waive the financial responsibility requirement for good cause.

While the law grants counties broad discretion to accept other forms of financial responsibility or even to waive financial responsibility altogether, CCAO recommends that counties require evidence of financial responsibility in one of the forms recognized by the law. If the county permits the construction manager to use a form of financial responsibility other than those listed in the statute, the burden will be on the county to demonstrate that the county's interest in the contract is adequately protected under the form of financial assurance allowed.

The law is silent on what constitutes "other reasonable financial assurance of a nature and in an amount satisfactory to the owner." One possible financial assurance alternative would be to require collateral in the form of real or personal property in an amount equal to the value of the contract. This would presumably require a legal document to be prepared in which specified property would be pledged to reimburse the county for any failure of the construction manager to perform according to the terms of the contract.

The law permits a county to waive the requirement of financial responsibility for good cause. Good cause is not defined in the law, but might reasonably be related to the size of the contract, the cost or availability of financial assurance, the size and financial integrity of the company or other related factors. For example, if the construction

management contract is small relative to the size of the company, then it might be appropriate to waive the financial responsibility requirement. It might also be appropriate to waive the financial responsibility requirement if the cost of financial assurance represents a disproportionate amount of the overall cost of the contract.

In any case, if the county decides to waive financial responsibility, the decision and reasons for the waiver should be documented in writing. This documentation could be either in the contract or in the commissioners' resolution approving the contract. The state auditor's office will be reviewing construction management contracts for evidence of compliance with the financial responsibility requirements.

The law specifically provides that all forms of financial responsibility are intended to protect the public owner from any damages suffered by the construction manager's failure to perform the contract according to its terms. To further protect the county, in the case of a letter of credit from a financial institution, the letter of credit may be revoked only at the option of the county.

## **CONCLUSION**

HB 231 generally requires public owners and authorities including counties to use a qualifications-based selection process when selecting construction managers and professional design firms. Qualifications-based selection assures a more open and competitive process in the selection of these firms for county work. The financial responsibility requirements protect counties from the failure of firms to perform according to the terms of a contract.

## **ACKNOWLEDGMENTS**

CCAO wishes to thank Donn Ellerbrock of the Associated General Contractors, Donald Mader of the Ohio Association of Consulting Engineers and Russell Rouch of the State Auditor's office for their helpful comments in preparing this bulletin. Any errors or omissions however, are the sole responsibility of CCAO.

## **DISCLAIMER**

The model forms included in the original CAB were drawn from the Consulting Engineers' publication, "How to Select a Consulting Engineer for Your Project". A copy of this publication may be obtained by contacting the Ohio Association of Consulting Engineers at (614) 487-8844. The model forms included in the original CAB are:

- Appendix A - Preliminary Description
- Appendix B - Invitation to Submit a Statement of Professional Qualifications
- Appendix C - Evaluation Form for Statements of Qualifications
- Appendix D - Design Firm Reference Check
- Appendix E - Memo to Firms Selected for Further Consideration
- Appendix F - Evaluation Form for Short-Listed Firms

## Appendix G - Memo to short-Listed Firms, Announcing Final Selection

These forms are intended as guidance materials and may be modified or replaced with other forms appropriate to the contracting needs of your county. CCAO makes no representation as to the legal sufficiency of the forms and suggests that you consult with your county prosecutor regarding contracting procedures and documents.

**Preliminary Project Description  
(Model Form)**

Name of Project \_\_\_\_\_

Project Owner \_\_\_\_\_

Project Location \_\_\_\_\_

Contact Person \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
Phone \_\_\_\_\_

Description of Planned Facility \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Total Budget \_\_\_\_\_

Source of Financing \_\_\_\_\_

Project Schedule:

Planned Date of Design Startup \_\_\_\_\_

Planned Date of Design Completion \_\_\_\_\_

Planned Date of Construction Startup \_\_\_\_\_

Planned Date of Construction Completion \_\_\_\_\_

Site Requirements or Restrictions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Professional Services Required \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Invitation to Submit a Statement of Professional Qualifications  
(Model Form)**

TO: (List all firms that receive the invitation)

FROM: (Project owner)  
(Owner's representative and title)

SUBJECT: Invitation to Submit Statement of Professional Qualifications

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Your firm is invited to submit its statement of professional qualifications to become eligible for an interview that could lead to a design commission for our project. Attached is a list of information that should be included in your statement of qualifications, along with a preliminary project description.

It is our intention to review the statements of qualifications and select (number) firms for further consideration. The short-listed firms will be given tours of the project site and granted interviews prior to final selection of a design consultant.

Your statement of qualifications should be delivered to the following address no later than 5 p.m. on (date). Statements received after this deadline will not be considered.

Statements of qualifications should be transmitted to:

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

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**Evaluation Form for Statements of Qualifications  
(Model Form)**

Name of Project \_\_\_\_\_

Name of Design Firm \_\_\_\_\_

Name of Evaluator \_\_\_\_\_

Criteria	Rating		Weight		Score
<b>Firm &amp; Individual Qualifications</b>					
Number of years firm in business		x	2	=	
Qualifications & experience of principals & key technical personnel		x	3	=	
Firm's background & experience on similar projects		x	5	=	
<b>Geographic Considerations</b>					
Number of offices		x	2	=	
Proximity to project site		x	3	=	
<b>Capacity to Perform Work</b>					
Size/availability of staff		x	5	=	
Projects in progress		x	2	=	
Firm's equipment & facilities		x	2	=	
Sub-consultants		x	3	=	
<b>References</b>					
Quality of design		x	4	=	
Ability to meet schedules/deadlines		x	5	=	
Ability to control costs/meet budgets		x	4	=	
Communication/cooperation		x	2	=	
			<b>Total Score</b>	=	

**Rating Key:** 1 = Poor, 2 = Fair, 3 = Good, 4 = Excellent, 5 = Superior



**Design Firm Reference Check  
(Model Form)**

Name of Design Firm \_\_\_\_\_

Project Referenced \_\_\_\_\_

Owner \_\_\_\_\_ Person contacted \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

1. When was your project completed? \_\_\_\_\_
2. What services did the firm provide? (design, construction observation, etc.)  
\_\_\_\_\_
3. Name of firm's representative you worked with most closely \_\_\_\_\_

Poor    Fair    Good    Excellent    Superior  
(1pt)    (2pts.)    (3pts.)    (4pts.)    (5pts.)

4. Overall, how would you evaluate the quality of work performed by the firm? \_\_\_\_\_
5. How would you rate the firm's performance in terms of meeting schedules and deadlines? \_\_\_\_\_
6. How would you rate the firm's performance in terms of controlling design costs and meeting budgets? \_\_\_\_\_
7. How would you rate the firm's overall attitude and ability to communicate and work cooperatively? \_\_\_\_\_

**Enter the ratings from questions 4-7 directly on the Evaluation Form for Statement of Qualifications (Appendix C), References.**

**Memo to Firms Selected for Further Consideration  
(Model Form)**

TO: (Name of firm selected for further consideration)  
FROM: (Project owner's representative)  
SUBJECT: (Project name)

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Your firm has been short-listed and will receive further consideration for a contract to provide \_\_\_\_\_ services on our project.  
(engineering, architectural, etc.)

The other firms selected for further consideration are:

- 1) \_\_\_\_\_ .
- 2) \_\_\_\_\_ .

You are requested to submit a technical proposal for the design work necessary to implement this project. Technical proposals will be evaluated on the following criteria: understanding of the project requirements; technical design alternatives; the project management schedule, including cost control techniques; the project design team, including key project personnel; your firm's plan for communications throughout the project; and methods of determining compensation for the required services.

Technical proposals are due on \_\_\_\_\_ (Date) \_\_\_\_\_ at \_\_\_\_\_ (Time) \_\_\_\_\_ , and should be addressed to (name of owner's representative). (number) copies should be submitted.

*(The following language may be included if interviews or site tours are planned.)*

Before making the final selection, we would like to interview representatives of each of the short-listed firms. Each firm will be allowed 45 minutes to make its presentation and answer questions. The interview for your firm is scheduled for \_\_\_\_\_ (Time) \_\_\_\_\_ on \_\_\_\_\_ (Date) \_\_\_\_\_ at \_\_\_\_\_ (Location) \_\_\_\_\_ .

Your interview team should consist of at least one principal of the firm and the person who would serve as the project manager for our project. Your team should consist of no more than \_\_\_\_\_ (Number) \_\_\_\_\_ members.

All firms will be provided an opportunity to tour the project site prior to the submission of technical proposals. To arrange a tour, please call me no later than \_\_\_\_\_ (Date) \_\_\_\_\_ .

**Evaluation Form for Short-Listed Firms  
(Model Form)**

Name or Project \_\_\_\_\_

Name of Design Firm \_\_\_\_\_

Name of Evaluator \_\_\_\_\_

	<b>Possible Points</b>	<b>Points Awarded</b>
<b>1. Grasp of Project Requirements</b> Firm's analysis, interview preparation & level of interest.	20	
<b>2. Design Approach/Methodology</b> Technical alternatives, creativity, problem-solving ability.	20	
<b>3. Project Management</b> Proposed-project schedule, cost & construction plans.	15	
<b>4. Project Design Team</b> Sub-consultants who would be made part of project design team.	15	
<b>5. Key Project Personnel</b> Qualifications & experience of project manager, other key personnel.	15	
<b>6. Firm Responsiveness</b> Plan for progress reports, general attitude and ability to communicate.	5	
<b>7. Interview Score</b> Did the firm respond effectively to issues and questions raised during the interview?	5	
<b>8. Compensation</b> Method of determining compensation, billing procedures.	5	
	<b>TOTAL</b>	

**Memo to Short-Listed Firms,  
Announcing Final Selection  
(Model Form)**

**TO:** (List alphabetically all short-listed firms.)

**FROM:** (Project Owner's Representative)

**SUBJECT:** (Project Name)

---

After evaluating the technical proposals submitted for this project (*and if appropriate*) interviewing representatives of each of the short-listed firms, we have ranked the firms in the following order:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

Throughout this process, it has been our objective to select the firm most qualified to provide the services we require. Accordingly, we have entered into contract negotiations with \_\_\_\_\_ (Most highly ranked firm).

Please accept our most sincere thanks for the time and effort you have expended on our behalf. Perhaps we will have the opportunity to work together on another project in the future.