

University of Florida Internal Operating Memorandum

Number: 06-16

Date: December 1, 2006, Revised June 8, 2012 (Supercedes No. 02-4 dated December 11, 2002)

Subject: Qualifications-Based Selection of Professional Consultants, Construction Managers and Design/Builders

Authority: Sections 287.055, 1001.72, 1013.45, F.S.
Board of Governors Regulation 1.001;
UF Regulations 3.070 and 3.071

Purpose: To provide guidelines for qualifications-based selections of professional consultants (including commissioning agents), construction managers and design/builders.

A. Introduction.

Florida law provides for the University's board of trustees to administer a program for the maintenance and construction of facilities. Florida law also requires the University to select professional consultants, construction managers, and design/builders pursuant to a qualifications-based selection process, except in the selection of design/builders who may also be selected under a competitive proposal selection process.

In the qualifications-based selection process, after the University qualifies and ranks applicants, the University negotiates a contract with the most qualified applicant. If for some reason the University is not able to negotiate a contract with the most qualified applicant, Florida law provides a process by which the University will negotiate with the other applicants, in order of ranking, for a contract. If the University is not able to negotiate a contract with any qualified applicant, it conducts a second selection process.

Generally, the University categorizes its construction projects as either minor projects, projects the cost of which is \$2,000,000.00 or less, or major projects, projects the cost of which exceeds \$2,000,000.00. Florida law authorizes the University to enter into "continuing contracts" for all required services on minor projects. Continuing contracts are multi-year agreements between the University and its professionals and construction managers for the provision of services to the University. These contracts are entered into after a qualifications-based selection process. Services for projects not being procured pursuant to a continuing contract are procured on a project by project basis.

Services to be provided on projects for which the basic construction cost is estimated to be \$250,000.00 or less and planning or study activities, the cost of which are estimated to be \$100,000 or less, are not required to be procured pursuant to the process outlined in Florida law. The University's Purchasing Division handles such procurements and this policy does not apply.

In addition to the requirements in UF Regulations 3.070 and 3.071, this policy provides additional guidelines governing the University's selection of professionals, construction managers and design/builders.

B. Selection Criteria.

Florida law requires that the University evaluate, at a minimum, capabilities, adequacy of personnel, past record, and experience. The University also considers additional criteria, such as safety records and cost estimating services. The University's standard selection criteria are attached hereto as Appendix 1. Such selection criteria should be adapted to fit the needs of each particular selection and may include additional criteria.

C. Selection Committee.

Generally, the University will utilize a selection committee when conducting qualifications-based selections of professionals, construction managers and design/builders. When the University desires to select a professional, construction manager or design/builder for an individual project, or for a continuing contract, the President, or designee, appoints a selection committee. The selection committee will usually consist of five members. The selection committee for continuing contracts is typically comprised of a representative from the Division of Facilities Planning and Construction (FPC), a representative of the Physical Plant Division (PPD), a representative of the Purchasing Division and one representative each from the University Athletic Association, the Department of Housing, the Institute of Food and Agricultural Sciences and any other University department requiring these services. The selection committee for individual projects will be comprised of two or more representatives of the user group, the Director of FPC, the FPC Project Manager, and a PPD representative. In addition, in the case of a major project for which a design professional has already been selected, a representative of that firm is included as a non-voting member of the selection committee.

The President or designee may vary the number of members, and composition, of the selection committee when in the best interest of the University to do so, provided each committee shall always be comprised of an odd number of members. Additionally, when circumstances warrant, such as planning or study activities to be performed by professionals, the President or designee may appoint only one individual to make selections.

The selection committee shall:

1. Review the requirements for the project and project-specific selection criteria to be utilized beyond the standard University selection criteria.
2. Check references and conduct other research as necessary to judge the relative merit of each applicant and/or finalist.
3. Receive and evaluate written proposals based on the given selection criteria, discussing and deliberating as necessary to reach consensus on a "shortlist" of between three and five finalists.

4. Provide finalists with amplifying project and/or process information as necessary prior to the interview.
5. Conduct in-person interviews with the proposed staff of each finalist, consisting of both presentations by the finalist and a question and answer session with the committee.
6. Discuss and deliberate the relative merits of each finalist as needed to reach consensus on the ranking of each.
7. Make a recommendation for award to the top-ranked finalist to the President or designee.

D. Public Announcement for Services.

Florida law requires that the University publicly announce, in a uniform and consistent manner, each occasion when it needs to acquire the services of a professional, construction manager, or design/builder. To that end, with respect to major projects and continuing contracts, the University places an advertisement, including a general description of the project and an explanation of how interested parties may apply for consideration, in the Florida Administrative Weekly and on the FPC website. Additionally, the University may advertise the project in national print or electronic media as dictated by the project scope, complexity, uniqueness and/or special needs and, in the case of highly specialized services, solicit qualified applicants directly. For other projects, the University may advertise in the manner noted above, may advertise the project through the University's Purchasing Division or through direct solicitation.

E. Emergencies.

In the event of an emergency, the President or designee may authorize the University to procure the services of professional consultants, construction managers or design/builders as provided in BOT IOM 02-2.

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