

# Consultant Procurement Process

**\*\*Facilitation by the CDE staff is essential for a successful process\*\***

A BEST Technical Assistance representative will partner with the district for the entire procurement process if desired by district, charter school, BOCES, or CSDB (Owner). Since the State invests a substantial amount of funding into a project, BEST staff wishes to partner throughout this process and throughout the entire life of the project. BEST staff will attend the interviews if requested to ensure that the process is fair and transparent.

The following procurement process is recommended by the Division of Public School Capital Construction Assistance for the following consultant/contractor positions: Master Planner, Owner's Representative, Architect, Design/Build, and CM/GC:

- 1) Team Collaboration/Brain Storming
  - a) Work as a team to decide what service should be solicited for;
  - b) Decide what the Owner's goals are and what is expected from the end results;
  - c) Develop a timeline;
  - d) Establish an RFQ evaluation team, CDE recommends 3 to 5 people as follows:
    - i) One district, charter school, BOCES, or CSDB admin or board member;
    - ii) One outside, uninvolved, individual who has extensive experience in the design/construction/facility management industry;
    - iii) One who might be owner's rep, if available, or another individual who has experience in school design/construction/facility management industry and with the school district;
    - iv) Up to two others, but no more than one more administration or board member.
- 2) RFQ Development/Issuance/Selection
  - a) Using the RFQ template provided by CDE, begin to develop a RFQ;
    - i) Be sure to tailor the RFQ for the specific consultant being solicited and your specific project;
    - ii) Be as detailed as possible.
  - b) Customize the selection criteria and scoring matrix provided by CDE so that it fits your projects goals;
    - i) Selection criteria should be clearly noted in the RFQ. It is suggested that scores be identified for each criteria that will be used, that each criteria be scored, and the applicant(s) with the highest score(s) selected or shortlisted;
    - ii) It is suggested that fee proposals not be submitted at the time of the proposal. The process should be qualification based. Fees should be negotiated with the top-scoring applicant, the apparent winner. If the negotiation is unsuccessful with the apparent winner, then the fee may be negotiated with the next highest scoring applicant;
    - iii) If, however, fee is to be included with the proposal or interview by district policy, it should be kept in a sealed envelope, and opened only upon selection of the winning applicant.
  - c) Once the RFQ is developed be sure to submit it to CDE at least four days before your proposed issuance date;
    - i) The Capital Construction representative must approve the RFQ before an announcement can be posted to the list serve. Be prepared in order to avoid delays;
    - ii) Once approved CDE will post an announcement to their list serve;
    - iii) The Owner should also consider other form of advertisement (i.e. local news paper, Owner's webpage or equivalent, radio, etc).
  - d) Once all RFQ's are received evaluate them using the scoring matrix;
    - i) RFQ responses that have more or less than what is requested may be eliminated;
    - ii) The completed scoring matrix will be used to develop a shortlist of applicants to be interviewed;
    - iii) A detailed interview invitation should be sent to the shortlisted applicants. CDE can provide examples and help develop this;

- iv) The selection committee determines the questions to be asked at the interviews in advance with a score for each question, which then can be added to the initial RFQ score resulting in a total combined score or applicants may be scored on interview only. The same questions should be asked and scored of each candidate.
    - e) After the apparent winner is chosen the Owner should issue a detailed decision memorandum to CDE that includes:
      - i) Both scoring matrixes from the proposals and interviews;
      - ii) Note where the RFQ was advertised;
      - iii) A copy of the RFQ should be attached;
      - iv) A narrative summary of the positives and negatives of the interviewed applicants;
      - v) Be sure to notify non awarded applicants. CDE can provide examples of non award letters.
- 3) Contract and Fee Negotiations
  - a) Fee proposals should provide a very detailed scope/description of the project. They may include but not be limited to:
    - i) Total not to exceed fee;
    - ii) Statement of work;
    - iii) Confirmation that all scope items from the original RFQ will be addressed;
    - iv) Any exclusions;
    - v) # of hours;
    - vi) # of people;
    - vii) Other resources;
    - viii) How the resources are to be used;
    - ix) Breakout of anticipated reimbursable included in the fee proposal;
    - x) Hourly rates for all personnel involved in the project;
    - xi) Number of site visits anticipated to complete the work.
  - b) The Owner's legal counsel should review all agreements.
  - c) Be sure to send the contract to CDE for review, prior to signing it.
    - i) CDE has standard language that must be included;