

ARCHITECT-ENGINEER FIRM SELECTION
for
P.L. 100-297 GRANTS

Policy:

Grantees may use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. See 43 CFR 12.76(b).

So as to comply with applicable Federal law, BIA requires grantees to select firms for Architect-Engineer (A-E) contracts on the basis of professional qualifications as required by the Brooks A-E Act (40 U.S.C. 1101-1104) and Part 36 of the Federal Acquisition Regulations (FAR). This process is also known as "Qualifications Based Selection". The Brooks Act requires the public announcement of the requirements for A-E services and the selection of at least three of the most highly qualified firms based on demonstrated competence and professional qualifications according to specific criteria published in the announcement. Cost is not used as a basis for selection. The Act then requires the negotiation of a contract at a fair and reasonable price starting first with the most highly qualified firm.

Selection Process and Procedures:

1. Determine Selection Criteria, Point Values and Advertise for firms
See Attachment A for sample advertisement and selection criteria.
2. Provide additional information to A-E firms during the advertisement period.
See Attachment B for sample information to be provided to A-E firms who express an interest in submitting their qualifications.
3. Establish an evaluation board before A-E qualification submissions are due.
A board chairperson is established and two or three members are designated to be evaluation board members, however not less than two board members shall be used. The board should be composed of members who, collectively, have experience in architecture, engineering, construction and acquisition matters (48 CFR 36.602-2). Grantees may use their project manager, tribal, community, or local/Regional BIA staff for this purpose. Local architect or engineer firm's staff may also be used; however the firm shall not be eligible for the A-E contract.
4. Evaluate all firms submitting qualifications statements and rate and rank each firm to determine the three most highly qualified firms. See Attachments C-1, C-2 and C-3 for sample forms. The forms are used as follows:
 - a. C-1, Individual Firm Evaluation-Composite Score, is used by each evaluation board member to evaluate and score an individual firm.
 - b. C-2, Individual Firm Evaluation-Cumulative Score, is used by the evaluation board chairperson to consolidate all evaluation board members scores for a single firm.
 - c. C-3, Firm Evaluation Scores, is used by the Board chairperson to consolidate the scores of all firms and arrive at the three most highly qualified firms.

5. Conduct interviews with the three most highly qualified firms. Normally, the board chairperson will establish the interview dates, times and location with the three A-E firms and notify board members accordingly.
6. Select the most highly qualified firm. The grantee shall have a documented basis for the selection and keep the selection records on file. Forms C-1, C-2 and C-3 may again be used for this purpose.
7. After the most highly qualified firm is selected, the Grantee requests an A-E fee proposal from the selected A-E firm. The Grantee provides the Statement of Work and other pertinent project information to the A-E firm. The A-E firm will want to know what form of A-E Agreement will be used. The BIA strongly recommends the Grantee use a qualified attorney to either establish the form of A-E Agreement or to review the form of Agreement proposed by the A-E firm.
8. After the fee proposal is received, the Grantee evaluates the proposal to determine if it is fair and reasonable. It may be necessary to hold discussions with the A-E firm to reach a clear understanding of the scope of the project. Oftentimes fee negotiations are required in order to reach a fair and reasonable fee.
9. After the A-E fee and form of A-E Agreement are agreed upon, the Grantee signs the A-E Agreement and issues a letter to the A-E requesting that the services commence. The Agreement should not be signed until a grant has been awarded for the contemplated services or the BIA authorizes the Grantee to incur pre-award costs.

SAMPLE

LEGAL ADVERTISEMENT FOR A-E SERVICES

This is a sample advertisement that is to be placed in regional newspapers, typically in the Legal Notices section. Users of this sample must make changes (see italic portions) to this sample to reflect the specific scope of the project and services required. This sample should not be used for design-build projects. The BIA recommends the legal advertisement be published at least three times a week (Sunday, Tuesday and Thursday) for not less than three weeks or as required by Grantee's procurement standards.

Request for Architect-Engineer Services

The *Best Indian School, Riverside, AZ* requests Qualification Statements from Architect-Engineer firms who are licensed to practice in the states of *AZ and NM*. The selected firm will provide planning, architectural-engineering basic design services, construction administration services and additional A-E services, as required.

The project consists of a K-8 replacement school for 500 students and a replacement dormitory for 100 students in grades 1-8. A new gymnasium, general and specialize classrooms, kitchen/dining, administrative, library media center and related site development and utilities are envisioned for this project. The estimated construction contract award amount is between \$14 and \$17 million.

This solicitation is open to interested Indian and non-Indian firms.

Selection Criteria:

1. Experience and professional qualifications
2. Specialized experience and technical competence
3. Past Performance
4. Capacity to handle this project in relation to firm's current workload
5. Compliance with Indian Preference Requirements
6. Firm's location in relation to the project and knowledge of locality
7. Availability of additional personnel and consultants to accelerate services

(Note: the above criteria has been taken from 48 CFR 36.602, Selection of firms for architect-engineer contracts)

Firms should call *Tom Eagle Claw, Project Manager, at (602) 456-7890 or Sara Marks at (602) 456-7895* to obtain information about the project schedule, funding, firm selection criteria, point values, submission requirements, and the selection process.

Qualification Statements are due on or before *5:00 p.m. July 12, 2005* and shall be received in the office of *Tom Eagle Claw, Best Indian School, P.O. Box 1234, Riverside, AZ 83457* or shall be hand delivered to *Tom Eagle Claw at 432 Pinon Street, Building 202, Best Indian School campus, Riverside, AZ 83457*. Late submissions will not be accepted.

ATTACHMENT B

Users of this sample must make changes to the parts in italics. Other changes may be necessary depending on specific project requirements, or tribal law regarding Tribal preference requirements. Please note that this sample information is not published in a legal advertisement. It is provided to A-E firms who are interested in submitting their qualifications in response to the legal advertisement (see attachment A) and are seeking additional information about the project and selection process.

SAMPLE

PROJECT INFORMATION FOR A-E FIRMS SUBMITTING PROPOSALS

Project Name: *Best Indian School Replacement*

Project No.: *06N3N*

Project Location: *Best Indian School Campus
432 Riverside Dr.
Riverside, AZ 83457*

Project Scope: *Kindergarten thru 8th grade school for 400 students
Dormitory for 100 students in grades 1 thru 8.
A new gymnasium, general and specialized classrooms, kitchen-dining,
administrative, library-media center and related site development (streets,
paved parking, age appropriate playground and playfields, sidewalks,
lighting, landscaping) and utilities (water and sewer mains, underground
electrical distribution, LPG gas distribution, telephone service, new
elevated water storage tank and new sewer lagoon).*

Project Schedule:

*Design Schedule: 10 months
Includes review times for design submissions
Bid and Award Schedule 3 months
Construction Schedule: 16 months*

The A-E Agreement is scheduled to be awarded within 45 days of selection and fee negotiations. Design services are scheduled to start within 10 calendar days of the Agreement signing.

Project Funding:

This project is funded under a Federal Financial assistance grant from the U. S. Department of Interior, Bureau of Indian Affairs, Office of Facilities Management and Construction, Albuquerque, NM. Funds are currently available for the design phase of the project and funds for the construction phase are expected the following year.

The estimated construction contract award amount is between \$14 and \$17 million.

Selection Criteria:

Responding A-E firms will be evaluated based on the following selection criteria:

1. Experience and professional qualifications of key personnel who will be assigned to this project. Include indication of specialized technical skills, project coordination, management skills, and experience in working together as a team. Provide the name and experience of the principal Architect that will be in charge of this project. Include the names, titles and roles of other key staff or consultants to be assigned to this project. (25 points)

2. Specialized experience and technical competence in the design of school facilities and or the type of facilities described in the project scope. Indicate schools designed and constructed, experience in energy conservation, experience with U.S. Green Building Sustainable Design concepts including LEED green building rating system and certification, commissioning of building systems, pollution prevention, waste reduction, and the use of recovered or recycled materials. (20 points)

3. Past performance on contracts with Government agencies and private industry in terms of:

- a) cost control and working within established budget,
- b) quality of work, and
- c) compliance with performance schedules.

Provide information on the last five of the firm's projects that have completed construction. Include the name of client, client's address, telephone number, and contact person. Provide original scope and budget and final scope and cost. Provide original design schedule and final design performance time. (20 points)

4. Capacity to accomplish the work in the required time. Indicate volume and nature of present workload and new work anticipated in the next six months. Indicate the impact of the firm's existing work on this project. (15 points)

5. Compliance with Indian Preference Requirements. This project is subject to Indian preference laws. Indicate how the firm intends to meet Indian preference requirements for employment and training of qualified Indian persons and subcontracting opportunities for Indian owned firms or consultants. (10 points)

6. Location in the general geographical area of the project and knowledge of the locality of the project. Indicate travel distance and time from firm's

office to project. Indicate any past work within a 100 mile radius of the project. (5 points)

7. Availability of additional personnel and consultants to accelerate the services, if required. Indicate potential sources and location of personnel and consultants that could be made available to accelerate the services. (5 points)

Total = 100 points

Qualifications Submission Requirements:

Firms meeting the stated limitations and having the capability and qualifications to perform the required services are invited to respond by submitting six (6) sets of documents containing the following information. One set shall contain original signatures.

1. A letter, dated and signed, by a principal of the firm, transmitting the qualifications documents.
2. Responses to each selection criteria element, numbered in the same sequence as the list above. Total responses shall not exceed ten (10) typewritten pages.
3. A completed, current and signed Part I of Standard Form 330, Architect-Engineer Qualifications. Form is available on the Internet at www.gsa.gov.
4. A completed, current and signed Part II of Standard Form 330, for each proposed consultant
5. No more than five (5) color photos of recently completed projects.

Faxed submissions will not be accepted or considered

Selection Process:

A selection board will be appointed to review all timely submissions. The selection board will select a minimum of three highly qualified firms. The board will conduct interviews with the three firms at the existing school on a predetermined date. The board will rate and rank the three firms after the interviews. The top ranked firm will be asked to submit a cost proposal for the work. Negotiations will take place, if necessary, and if a fair and reasonable price is reached, a fixed price contract will be awarded. If a fair and reasonable price is not reached, negotiations will be discontinued and the second ranked firm will be asked for a proposal and so forth.

Submittal Address:

*Tom Eagleclaw
Best Indian School
P.O. Box 1234
Riverside, AZ 83457*

*Or Hand-deliver to
Tom Eagleclaw
432 Pinon Street, School Building No. 202
Best Indian School Campus
Riverside, AZ 83457*

Inquiries:

Call Tom Eagleclaw, project manager, at (602) 456-7890 or cell phone (602) 334-8888. Alternate: Sara Marks at (602) 456-7895

Other Information:

Grantees should provide other information about the project that is currently available. For example, map showing location of the site, school history, tribal history or any other information that will assist the firms in understanding the project goals.

