

The following Policy is referenced in the Fresno County Ordinance Code, Chapter 4.10, adopted by the Board Of Supervisors December 11, 1990 Ordinance No. 90-028, Copy Attached

POLICY FOR SELECTION AND COMPENSATION OF ARCHITECTURAL / ENGINEERING CONSULTANTS

Approved By Board Of Supervisors 10/7/80, Revised 09/01/81, 05/22/84, 04/25/89, 11/29/94.

I. GENERAL:

The following policy is applicable to the selection of consultants for feasibility studies, master plans, design, field supervision, and related services for public improvement projects in Fresno County. Public improvement projects consist of new construction, renovation, or structural modifications of existing County-owned facilities. Professional services to be considered include the following:

- (1) Engineering (civil, mechanical, electrical, structural, etc.).
- (2) Architectural (building and landscape).
- (3) Geotechnical (foundation reports, quality control tests, etc.).
- (4) Aerial photogrammetry.
- (5) Other professional services as required for public improvement projects.

II. OBJECTIVE:

The intent of this policy is to establish guidelines for a selection process and basis for compensation which will permit Fresno County to obtain the most highly qualified and competent consultants who are able to provide public facilities and services at the lowest total cost consistent with the highest quality standards of design and construction.

Consultants must be selected for a specific project based on their experience, their ability to perform services within given time frames, their record of success on similar work and their ability to complete the work with effective presentations, coordination and cooperation between all parties involved. Fresno County has the responsibility to establish a selection policy which provides equal opportunity for all interested and qualified consultants to be considered for services required.

The provisions of these guidelines related to compensation of architectural/engineering consultants are to be utilized as the basis for the negotiation of contractual agreements with these firms.

It is the finding of the Board of Supervisors of Fresno County that this policy for selection and compensation of Architectural/Engineering consultants is consistent with and will carry out the policy of the State that such consultants shall be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required while insuring that the services will be performed at fair and reasonable prices to the County of Fresno.

III. LIST OF PROJECTS:

Each year the County will establish a list of capital projects for which technical consultant services will be required. Upon approval by the Board of Supervisors of the projects contained in the annual County budget, the Public Works & Development Services Department staff will review the scope of each project and where feasible, group smaller projects which are similar, into single contracts.

IV. CRITERIA FOR SELECTION:

The following criteria shall be used in selecting a consultant for a particular study or project. It is understood, however, applicable items from the list will be used on each project, based on its scope and magnitude.

- (1) Education background of the consultant.
- (2) Experience record of the consultant.
- (3) Past performance of the consultant on work previously performed for the County or similar agencies.
- (4) Individual within the consultant's organization directly responsible for the work.
- (5) Adequate staff to perform the work within the time allowed.
- (6) Approach proposed for completion of the work.
- (7) Ability of the consultant to make effective public presentations on the report and/or proposed design.
- (8) Ability of the consultant to work effectively with County staff, other public agencies, and related parties.
- (9) New ideas presented by the consultant in proposal or presentations.

- (10) Knowledge of local conditions, where appropriate.
- (11) Demonstrated interest of the consultant in the success, efficiency, and workability of facilities during construction and after they are placed in operation.
- (12) Whether the consultant is currently engaged in another project which has direct and substantial physical relationship to the proposed project.
- (13) When an existing facility is being modified or added to, whether the consultant who designed the original facility should be retained for the new work on the basis of cost, detailed knowledge of the existing facility, or necessity of use of the same design concept in the new work (as in architectural design).
- (14) Past performance of the consultant in keeping costs within project budgets and design estimates.
- (15) After most qualified firms have been identified, the estimated fee proposal for providing professional services will be a factor in final selection of firms.
- (16) Demonstrated record of abiding by terms of subcontract agreements regarding timely payment for services rendered on County projects.
- (17) Ability of the consultant to furnish effective construction supervision, where such services are required.
- (18) All other things being equal, local (within Fresno County) consultants are preferred over non-local consultants.
- (19) All other things being equal, a non-local consultant who associates with a local consultant for the purpose of the particular services required shall be preferred to a non-local consultant who does not so associate.

V. **SELECTION METHODS:**

Selection of consultants for all contracts shall be made using one of the following methods:

- (1) *FORMAL REQUESTS FOR PROPOSALS.* (Projects with estimated construction cost of \$250,000 or more.)
- (2) *PREQUALIFICATION OF CONSULTANTS - EVALUATION OF INFORMAL PROPOSALS.* (Projects with estimated construction cost of less than

\$250,000.)

- (a) Projects with an estimated construction cost between \$100,000 and \$250,000 or for subconsultants/specialists with estimated fees not greater than \$25,000.
- (b) Projects with an estimated construction cost of \$100,000 or less or for subconsultants/specialists with estimated fees not exceeding \$10,000.

Subconsultants or specialists may consist of soils engineers, aerial photogrammetry firms, surveyors, energy conservation engineers, space needs analysts. etc., which do not provide complete design services for a construction contract, but are utilized for an analysis or services, which may lead to only a partial design component.

(1) FORMAL REQUESTS FOR PROPOSALS

Formal requests for proposals on architectural/engineering contracts will be requested on projects where the estimated construction cost is \$250,000 or more. Under this selection method, architectural/engineering consultants are required to submit formal proposals which include detailed information on project-related questions developed by the Public Works & Development Services Department. Responses to these questions are utilized to determine the professional qualifications and competence of each firm.

On projects requiring requests for proposals, the consultant will be provided a comprehensive design program which includes a detailed description of the proposed project. Information to be provided includes:

- (a) Functional area requirements, including general layouts.
- (b) Nature of activity, number of persons and equipment within the project.
- (c) Project time frame and anticipated budget.
- (d) Site conditions, including landscaping, drainage and security.
- (e) Maintenance expectations.
- (f) Mechanical and electrical requirements or criteria.
- (g) Special conditions unique to the project.

Proposals will be submitted to the Public Works & Development Services Department.

Notification Procedure - In order that all interested parties will have an opportunity to participate equitably, consultants will be notified by one of the following formats:

Request for proposals on architectural projects will be furnished to the local chapter of the American Institute of Architects and the Chapter will disseminate the information to all architectural firms in Fresno County, including those who are not members of the AIA.

Request for proposals on other projects requiring professional/technical services will be distributed by the Public Works & Development Services Department to those firms in Fresno County who have previously shown interest in similar projects. Interested and qualified firms are maintained on lists compiled and updated periodically by the Public Works & Development Services Department. New names of interested architectural / engineering firms may be added to that list at any time during the year by notifying the Public Works & Development Services Department in writing.

There may be major or specialized projects in which it may be advantageous for the County to advertise outside the local areas. On those projects, wider advertisement may be made in addition to local notification.

The Public Works & Development Services Department will assemble all proposals received for evaluation by a Selection Committee. The Selection Committee may evaluate all proposals as submitted or it may interview the consultants. If several proposals are received for a project, the committee may interview only the most qualified consultants, usually three to five firms. More than five firms will be considered as finalists when in the judgment of the Committee other firms are equally qualified to provide the requested professional services.

After the most qualified firms have been identified, the Selection Committee will ask those firms for an estimated fee proposal for providing professional services for the project under consideration.

The Selection Committee will consist of representatives from the Public Works & Development Services Department, Administrative Office and the user department. On major projects, the committee may also include a representative knowledgeable in architectural/engineering services from outside the community or from one of the universities. The Selection Committee will utilize the list of items set forth in the Criteria for Selection to evaluate the proposals.

For projects in this category (over \$250,000) the Board of Supervisors will make final selection from three to five most qualified consultants identified by the Selection Committee. More than five firms will be considered as finalists when in the judgment of the Committee other firms are equally qualified to provide the requested professional services. The Selection Committee makes a recommendation from a list of the most qualified firms along with a commentary on the strong and weak points for each listed consultant and the estimated fee proposals of providing professional services.

Public Works & Development Services Department will negotiate the terms of the agreement for services and final compensation with the architect/engineering firm after the final selection has been made by the Board of Supervisors.

(2) *PREQUALIFICATION OF CONSULTANTS - EVALUATION OF INFORMAL PROPOSALS:*

This method will apply to the selection of consultants in projects where the estimated construction cost does not exceed \$250,000.

Under this method consultants interested in being included in a list of prequalified firms will submit a statement of qualifications and performance data on Standard Form 254. These statements will be solicited by the Public Works & Development Services Department on an annual basis but can be updated by participating firms at any time. New names of interested firms may be added to this list at any time during the year by submitting a completed Standard Form 254.

After the list of prequalified firms have been established, a minimum of three firms that have previously expressed an interest in the type of project for which consultant services are needed will be contacted to determine availability and immediate interest. The purpose of these statements of qualifications and performance data is to reduce the amount of information submitted by consultants when being considered for selection. The Public Works & Development Services Department may request additional information as required. Architects/engineers selected for services using this method will not be precluded from consideration under the Formal Requests for Proposals Method.

Public Works & Development Services Department will negotiate the terms of the agreement for service and final compensation with the selected architectural/engineering firm after the final selection has been made by the Selection Committee or Director of Public Works & Development Services Department.

Final Selection of Consultants (Informal Proposals)

- (a) Projects with an estimated construction cost between \$100,000 and \$250,000.

For projects submitted in this category, the Selection Committee evaluates all informal proposals considered under this category and makes the final selection. Contractual agreements are negotiated by the Director of Public Works & Development Services Department and submitted for Board approval if the amount of the fee is greater than \$16,250. Agreements involving a fee lower than \$16,250 are normally approved by the Purchasing Agent and do not require Board approval.

- (b) Projects with an Estimated Construction Cost of \$100,000 or Less.

Evaluation of qualifications of firms considered under this category and their selection are performed by the Director of Public Works & Development Services Department or his designee. A Selection Committee is not utilized for the evaluation and selection of these consultants. The Purchasing Agent awards all contracts under this category, subject to the \$16,250 limit imposed by State law.

V. EXTENSION OF CONTRACTS

Negotiation with Individual Firms for Extension of an Existing Contract or a Multi-Phase Contract -

Certain architectural/engineering and aerial photogrammetry services are of such a nature that it is more efficient and economical to expand the scope of the work under an existing contract or enter into a multi-phase or multi-year contract. An extension of an existing contract would be limited to services which have been determined to be logically incorporated into an ongoing contract and to be constructed as a single project. A multi-phase contract is normally negotiated under the Formal Requests for Proposals method and does not include feasibility studies, master plans, and programming services. Negotiations may be required on existing multi-phase contracts upon completion of each phase prior to proceeding with the next phase. A multi-year contract is normally negotiated at the time of the original agreement to permit the County the option to extend the contract into future fiscal years.

Agreements for these services will be negotiated by the Public Works & Development Services Department when appropriate and will be submitted to the Board of Supervisors or purchasing Agent for approval.

VI. COMPENSATION FOR ARCHITECTURAL / ENGINEERING SERVICES

(1) Estimated Fee Proposal Submitted by Consultants

After the most qualified firms have been identified under the Formal Request for proposal selection method (projects with an estimated construction cost of \$250,000 or more), these finalist firms will be asked to submit an estimated fee proposal for the cost of providing professional services. This requirement does not apply to firms selected under the prequalification of Consultants-Evaluation of Informal Proposals method which includes projects with an estimated construction cost of less than \$250,000.

If necessary, the Selection Committee will discuss with each finalist firm the estimated fee proposal for the purpose of clarifying financial component of formal proposals.

The final fee and basis of compensation will be determined while negotiating the terms of the agreement for consultant services.

(2) Basis for Compensation -

Wherever possible, compensation for Architectural/Engineering Services, which shall include all necessary engineering services, shall be related to complexity and dollar value of the project.

The basic compensation for Architectural/Engineering Services will be determined using one of the following procedures:

- (a) Lump sum payment.
- (b) Agreed hourly rate with maximum fee using approved Rates of Compensation.
- (c) Percentage of Construction Cost (to the nearest 0.1%) using the appropriate attached curves for basic Architectural or Engineering Services. These curves are to be used only as a basis for negotiations and the final fee agreed upon between parties may be above or below the values shown on the curves, depending upon the complexity, information furnished by the County or type of project.

(3) Recap of Architectural/Engineering Agreement -

Architectural / Engineering agreements will specify various phases for basic services when the above methods of compensation are used. The following compensation schedules list these phases for both types of projects, the basic compensation for each phase, and the construction cost basis for each phase.

COMPENSATION SCHEDULE FOR ARCHITECTURAL PROJECTS

Percent Basic Compensation

PHASE*	Per Phase Percent	Cumulative Percent	Constr. Cost Basis
Phase 1 - Schematic Design	Pmt on Dir Pers Cost w/Max.	15%	County's Estimate
Phase 2 - Design Develop.	20%	35%	Architect's Estimate upon Completion of this Phase Approved by County
Phase 3 - Construction Documents	40%	75%	Phase 2 Estimate
Phase 4 - Construction Documents (Comple.)	5%	80%	Phase 2 Estimate
Phase 5 - Contract Surveillance	20%	100%	

COMPENSATION SCHEDULE FOR ENGINEERING PROJECTS

PHASE*	Percent Basic Compensation		
	Per Phase Percent	Cumulative Percent	Const Cost Basis
Phase 1 - Preliminary Survey/Schematics	25%	25%	Engineer's Est.
Phase 2 - Preliminary Plans	25%	50%	Engineer's Est.
Phase 3 - Final Plans & Quantities & Eng. Estim.	30%	80%	Final Engineer's Estimate
Phase 4 - Engineer's Estimate, Contract Specs & Const. Review <u>or</u>	20%	100%	Final Engineer's Estimate or actual bid
Phase 5 - Contract Surveillance	20%	100%	

* Depending on scope and magnitude of project, phases may be combined to reduce total number.

(4) Architectural Projects

(a) Program -

The County will prepare and provide to the Architect a comprehensive program or scope of work defined as follows:

A detailed description of all conditions precedent to a proposed construction project, including (1) the functional area and volume requirements, (2) the equipment, number of persons and nature of the activity to be housed, (3) a projected time schedule and anticipated budget, (4) site data and standards concerning landscaping, drainage and security, (5) maintenance expectations, and (6) mechanical and electrical system requirements or criteria.

In the absence of an adequate program, the Architect may be required to supplement the County's program as part of Phase 1 services.

On major projects or when the staff workload requires it, the County may engage an outside architect to complete the entire program phase.

Selection of an Architect to provide programming for a project will not preclude that architect or his firm from being considered for subsequent phases of the project.

(b) Phase 1 - Schematic Design -

The Architect will review, and if necessary, supplement the program. Based upon program, the Architect will prepare schematic design studies consisting of drawings and other documents as necessary to define the scope of project, basic site plan, areas and diagrammatic relationships, types of construction and systems, and a statement of probable construction cost, based upon area, volume or other unit costs. If necessary, the scope of project may have to be adjusted during this phase to balance anticipated cost with available funds and with functional needs. Various schemes may have to be investigated to achieve the desired balance and to accommodate the County's needs as they become clarified.

(c) Phase 2 - Design Development -

Based upon owner-approved schematic design studies, the Architect shall prepare design development documents, consisting of drawings, outline specifications, and other documents to more accurately fix and describe the character of the entire project. At this stage the visual character, materials, and structural, mechanical, and electrical and electronic systems are determined. Based upon these finite decisions,

a detailed cost estimate shall be made, using a quantity unit approach.

The County shall review the documents carefully; materials and/or systems selected at this stage are fixed and cannot be changed after construction documents are in preparation without additional compensation.

(d) Phase 3 - Construction Documents Through Plan Check Submission

Based upon owner-approved design development documents, Architect to prepare complete construction documents, setting forth in detail the requirements for the construction of the entire project. Concurrent with completion of these documents, the estimate shall be adjusted to reflect the scope of project as shown in the documents and/or changes in market conditions since the Phase 2 estimate; this estimate shall be considered the final estimate, and needs only to be updated to incorporate changes made by plan check agencies. Upon completion of this phase, the documents are to be submitted to all reviewing agencies.

The final estimate is to be prepared in a manner and by persons mutually agreed to by the Architect and County. It may be by the Architect's own forces, or by a mutually agreeable third party, in which case the County will participate in approximately 20% of the cost of the estimate to cover overhead and profit to the outside firm.

(e) Phase 4 - Construction Documents - Completion, Including Bidding

Following reviews by the State and local agencies having jurisdiction, the documents shall be revised as necessary to secure the approvals of said agencies and all necessary final coordination of documents completed. The estimate shall be reviewed again, and when mutually acceptable, shall be submitted to the County, and shall be considered as the revised final estimate. This phase shall be considered completed when all documents are submitted to the County, ready to call for bids. The following is to be considered as work of this phase on the part of the Architect:

Assisting the Owner in obtaining bids, and in awarding and preparing construction contracts.

(f) Phase 5 - Contract Surveillance -

The scope of this work shall be as defined in AIA Document B141, latest edition and other tasks as mutually agreed by Architect and Fresno County.

(g) Method for Determining Architect's Compensation -

(1) General Approach for Phase 1 Through Phase 4:

The County's Phase 1 construction estimate will be used to determine the appropriate consultant's fee determination (to be referred to as fee percentage) by utilizing the applicable (range of compensation) graphs referred to in Article V1-2c.

At the completion of Phase 2, Design Development, the Architect's compensation payments are to be adjusted to reflect the appropriate cumulative percentage (per chart in Article VI) of the fee percentage applied against the estimate agreed upon at completion of the Design Development Phase (Phase 2).

Payments for subsequent phases will also be the appropriate cumulative percentage (per Compensation Schedule in Article VI-3) of the fee percentage applied against the estimate agreed upon at completion of the Design Development Phase (Phase 2).

(2) Special for Phase 1 - Schematic Design:

The Architect and County will jointly review the scope of the anticipated project and adequacy of the program. The Architect shall then estimate the anticipated dollar cost to perform the professional services under Phase 1. The parties will then agree to a fixed maximum payment for this Phase. The Architect is to be paid for this work based on direct personnel cost, as defined in Paragraph 3, but not to exceed the fixed maximum amount. The Agreement will include a provision to revise this amount, if mutually agreeable, due to unanticipated changes in project program or scope.

Amounts paid for services furnished under Phase 1 shall be considered as included in the 80% compensation for Phase 1 through Phase 4, except that any amounts in excess of 15% of the fee percentage times the Phase 1 fee estimate will be considered as payment for extra services, and therefore, will not be considered as applying toward the 80%.

Compensation for Phase 5 - Contract Administration, shall be

20% of the fee percentage applied against the estimate at completion of the Design Development Phase.

(3) Direct Personnel Cost

Direct personnel cost is defined as: Direct personnel expense times a multiplier of 2.5, plus reimbursement for consultant costs as hereinafter described. The 2.5 multiplier is assumed to include an adequate amount to cover the Architect's overhead expenses (130%) and profit and contingencies (20%).

Direct personnel expense is defined as the salaries of professional, technical and clerical employees engaged on the project by the Architect, and the cost of their mandatory and customary benefits such as statutory employee benefits, insurance, sick leave, holidays, vacations, pensions and similar benefits.

Direct personnel costs shall be computed for only those employees who are working directly on the County's project. It shall not include administrative personnel unless they are working directly on the project, such as a secretary typing specifications for the project. It does include the Architect and other principals when they are working on the project.

The Architect will be reimbursed for his engineering consultant's cost which shall be computed in a manner which will not exceed costs computed as above, "plus 10% of such costs to compensate the Architect for his project coordination and responsibility."

(4) Consultant Payment

All agreements with architects will contain provisions for certification by the Architect and the Architect's engineering consultants that the Architect has timely compensated the consultants before the County will make any further payments to the Architect.

(5) Additional Services

Any special or additional services not included in the above phase definitions will be accomplished on a direct personnel cost basis or will be reimbursable. This includes:

- (a) Contract surveillance in event time of construction exceeds sixty days beyond originally scheduled time set forth in construction contract. It is anticipated that construction contract will include the necessary amounts as additional "liquidated damages."
- (b) The Architect will be reimbursed for his direct cost for any models or renderings requested by the County. The County will provide for any site surveys, soil investigation, or any other special services that are not usually considered part of the Architect's services.
- (c) "As-built" drawings shall be prepared by the Architect on County-purchased reproduces. As-builts are recommended as "musts" for every County project.
- (d) Expense of reproductions, postage and handling of drawings and specifications excluding duplicate sets at the completion of each phase for the Owner's review and approval.
- (e) Special consultant work, such as detailed energy analysis and compliance reports, environmental impact studies, special acoustic or other consultants required by the County.
- (f) Other additional services as outlined in AIA Document B142.

(5) Engineering Projects

(a) Scope of Work -

A detailed description of the work setting forth specific tasks to be accomplished, together with a summary of information such as preliminary reports, as-built plans, right-of-way drawings and County standards to be used in the design of the project.

(b) Phase 1 - Preliminary Surveys -

Compensation for the performance of all preliminary surveying work necessary for completion of the plans, specifications and quantity calculations, including location of section corners or other horizontal references and the establishment of a bench mark system to maintain vertical control.

(c) Phase 2 - Preliminary Plans -

Plans will include title sheet, typical cross sections, plan and profile sheets, and other views or sections necessary to show all work to the satisfaction of the County. This phase will also require, if necessary, such displays as may be needed for public meetings regarding the project.

Two sets of preliminary plans will be furnished to the Department for review and comment. The engineer shall also perform all work necessary in coordinating with various districts and utility companies involved to insure that all existing facilities are shown on the plans.

(d) Phase 3 - Final Plans and Quantities -

Upon completion of review by the County, the engineer shall meet as required to discuss changes or additions to the details shown, format in which information is presented and the need to provide additional views, sections, etc. When agreement is reached on information to be shown, the Engineer shall prepare final plans to establish County standards.

After final plans are completed the Engineer will also prepare quantity calculations for each item of work. These calculations will be checked by an individual other than the person making the original calculations.

Upon completion and approval of the plans, the Engineer will sign the original plans, submit them to the Public Works & Development Services Department and they will become the property of Fresno County.

e) Phase 4 - Engineer's Estimate, Specifications and Construction Review -

The Engineer will provide technical specifications for each item of work on 8-1/2" x 11" sheets which will be submitted to the Public Works & Development Services Department for review, approval and included in the project special provisions.

The Engineer will provide an Engineer's Estimate to Fresno County,

which includes unit prices for each contract item of work to be bid.

The final engineer's estimate and the unit prices used to arrive at the estimate shall be agreed upon between County and Engineer.

The Engineer shall upon request provide such assistance as the County may require in rendering decisions on any problems which develop during construction that may require an interpretation of the plans and/specifications.

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Attachments:

- Curve A, Median Compensation For Basic Services Expressed As A Percentage Of Construction Cost For Projects Of Above-Average Complexity
- Curve B, Median Compensation For Basic Services Expressed As A Percentage Of Construction Cost For Projects Of Average Complexity
- Curve - Recommended Range Of Compensation For Basic Architectural Services
- Fresno County Ordinance Code, Chapter 4.10
 - Revision 11/29/94, Appeal Process

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