

**9.057** **Consultant Agreements and Amendments Architect, Engineer and Construction Management Services** (Board of Regents Minutes July 18, 1996, p. 110)

A. Definition

Consultant agreements include but are not limited to agreements for architects and engineers of record, or other prime design professional services, and construction management services. The provisions of this section would not normally apply to surveying, testing, or other specialty and peer review consultant services.

B. Iowa Preference

4. Preference shall be given in accordance with Iowa Code §Chapter 18.6(10) of the Code to the selection of design professional architectural and engineering firms either based in Iowa or with permanent offices in Iowa. If a firm which is neither Iowa-based nor with a permanent office in Iowa is selected, reasons shall be reported to the Board in writing as part of the university's Register of Capital Improvement Business Transactions. (Board of Regents Minutes October 18, 1995, p. 324)

C. Architect and Engineer Design Professional Selection Process

1. Selection of Design Professionals for Projects With Budgets Between \$250,000 and \$999,999

~~a. Whenever the estimated project budget for a construction project is \$250,000 or more, selection shall be by the Board of Regents acting upon the recommendation from the institution involved. (See E.2.). The process for selection of the design professional is the responsibility of is left to the institution. if the project does not fit within the category requiring use of the Architectural Selection Committee. Approval of the negotiated agreement by the institution or the Board Office (as detailed in Section XXXX of this Chapter – Register of Capital Improvement Business Transactions) Board approval of a negotiated A/E agreement will shall constitute selection of the firm. (Board of Regents Minutes October 18, 1995, p. 324)~~

~~b. A single architect or engineer shall be selected and recommended to the Board for its approval.~~

~~c. For projects under \$250,000 the selection of a non-Iowa architectural or engineering firm must be approved by the Board if the cumulative work with that firm on projects of under \$250,000 during any fiscal year exceeds \$50,000. An institution may seek Board authorization of a threshold in excess of \$50,000 for particular non-Iowa firms if good reason can be shown. (Board of Regents Minutes October 18, 1995, p. 324)~~

2. Selection of Architects for Projects over with Budgets of \$1,000,000 or More (Board of Regents Minutes October 18, 1995, p. 324)

a. Architectural selection for projects expected to cost more than \$1,000,000 or more and that constitute major additions, substantial remodeling, or a new

building must be selected by the institution's an institutional Architectural Selection Committee.

- b. The institution shall advertise its need for design services for the project. ~~in a daily newspaper in general circulation in the state. The Iowa Chapter of American Institute of Architects shall be notified by the institution concerning the institution's intention to secure architectural services.~~ **RELOCATED AND REVISED FROM DIFFERENT SECTION**
  - c. The institution shall notify ~~the president of the Board and the executive director of the Board~~ when the institution will evaluate the proposals of each firm responding for the purpose of determining a short list of architectural firms to be interviewed and when the Architectural Selection Committee ~~is to~~ will meet to interview firms. ~~The president of the Board may designate a representative of the Board to serve on the Architectural Selection Committee.~~ (Board of Regents Minutes October 18, 1995, p. 324)
  - d. ~~The Architectural Selection Committee is to be used for the selection of architects (prime design consultants) only, not other consultants. (Board of Regents Minutes October 18, 1995, p. 324)~~
  - ed. ~~The Iowa Chapter of American Institute of Architects will be notified by letter from the institution concerning the institution's intention to secure architectural services. (Board of Regents Minutes October 18, 1995, p. 324)~~ **MOVED TO b. ABOVE**
  - fe. ~~The institution committee shall receive and evaluate the proposals of each firm responding to the advertisement utilizing appropriate criteria, and select the firms it believes are the most qualified for the project for interviews with the Committee. (Board of Regents Minutes October 18, 1995, p. 324)~~
  - gf. Based on the Architectural Selection Committee's interviews with the firms, the Committee shall select a firm and forward its selection, with justification, to the university president or the president's designee for authorization to negotiate an agreement with the firm.
  - ig. The Architectural Selection Committee's summary report shall be forwarded to the Board Office prior to inclusion of the architectural selection on the Register of Capital Improvement Business Transactions for Board approval.
  - h. The selected firm, and the negotiated agreement, shall be included on the Register of Capital Improvement Business Transactions for Board approval. (This may be done separately or simultaneously.)
3. Selection of Engineers and Other Prime Design Professionals for Projects with Budgets of \$1,000,000 or More
    - a. Engineer or other design professional selection for utility or other projects expected to cost \$1,000,000 or more must be selected by an institutional committee.

- b. The committee shall be established for the purpose of selecting the firm for the specific project; the committee shall be comprised of appropriate institutional personnel depending upon the professional services to be provided.
- c. The institution shall advertise its need for design services for the project.
- d. The institution shall notify the executive director of the Board when the institution will evaluate the proposals of each firm responding for the purpose of determining a short list of firms to be interviewed and when the committee is to meet to interview firms.
- e. The committee shall receive and evaluate the proposals of each firm responding to the advertisement utilizing appropriate criteria, and select the firms it believes are the most qualified for the project for interviews with the committee.
- f. Based on the committee's interviews with the firms, the committee shall select a firm and forward its selection, with justification, to the university president or the president's designee for authorization to negotiate an agreement with the firm.
- g. The committee's summary report shall be forwarded to the Board Office prior to inclusion of the engineering or other design professional selection on the capital register for Board approval.
- h. The selected firm, and the negotiated agreement, shall be included on the Register of Capital Improvement Business Transactions for Board approval. (This may be done separately or simultaneously.)

#### 4D. Use of Consultants for Feasibility Studies

- a~~1~~. ~~Institutions are authorized to retain professional assistance for the purpose of investigating alternatives and to use consultants (typically design professionals) to conduct feasibility studies and strategic planning related to university facilities for the purpose of establishing the feasibility, concept, and/or scope for capital projects, provided the fee for such activity does not exceed \$25,000 and the agreement study does not provide for include the preparation of contract construction documents. (Board of Regents Minutes October 18, 1995, p. 324)~~
- b. ~~Agreements for which the fee is between \$25,000 and \$50,000 require the approval of the Board Office; agreements for which the fee exceeds \$50,000 or which provide for the preparation of contract documents will be entered on the Register in accordance with procedures established elsewhere in this Guide. (Board of Regents Minutes October 18, 1995, p. 324)~~
  - a. For feasibility study agreements with a total anticipated cost of less than \$50,000, including reimbursables, the chief business officer institution shall determine the process for selection of the consultant. The chief business officer shall select the consultant and approve the consultant agreement.

- b. For feasibility study agreements with a total anticipated cost between \$50,000 and \$149,999, including reimbursables, the institution shall determine the process for selection of the consultant. The Board Office shall approve the consultant agreement; the institution shall provide the Board Office with a description of the selection process and the rationale for selection of the consultant with its request for approval.
- c. For feasibility study agreements with a total anticipated cost of \$150,000 or more, including reimbursables, selection of the consultant shall be approved by the Board. The institution shall advertise its need for services and ~~the institution's~~ an institutional Architectural Selection Committee (or other appropriate committee depending upon the professional services to be provided) shall evaluate the firms' submittals and determine a short list of firms to be interviewed, and interview the short list firms. A summary of the selection process and the rationale for the recommended consultant shall be provided with the institutional request for Board approval of the consultant agreement. Board approval shall be sought as part of the Register of Capital Improvement Business Transactions.

3E. Construction Manager Services (Board of Regents Minutes July 18, 1996, p. 110)

- a~~1~~. ~~When the institution proposes to use construction management services in lieu of a general contractor single lump-stipulated sum prime construction contractor on a project or when the proposed construction management service provides for the construction manager's financial participation in the project, the institution will~~ shall obtain approval from the Board of the proposed process, including approval of the responsibilities of the construction manager and the selection process to be used.
- b~~2~~. ~~The provision of other professional, specific services by construction managers is subject to procedures~~ the policies governing architects, and engineering and other design professionals consultants as detailed in this chapter of the Procedural Guide Policy Manual.

B~~F~~. Consultant Agreements and Amendments

- 1. Authority for approval of consultant agreements is detailed in the Section XXX of this Chapter (Register of Capital Improvement Business Transactions)
- 2. Authority for approval of amendments to consultant agreements is detailed in the Section XXX of this Chapter (Register of Capital Improvement Business Transactions)

1. ~~When a proposed amendment to an architectural, engineering or construction management contract previously approved or ratified by the Board changes the scope of the project or services to be performed or increases the project budget, the amendment shall be submitted for Board action prior to implementation. (Board of Regents Minutes July 18, 1996, p. 110)~~

CG. ~~Architectural, Engineering, and Construction Management Consultant Fees~~ (Board of Regents Minutes July 18, 1996, p. 110)

1. Payments to the architect, engineer, other design professional or construction manager for services shall be based on a fee negotiated with the institution and approved by the institution, Board Office, or Board ~~as negotiated agreements for services for projects over \$250,000 will be approved by the Board in accordance with~~ Section XXX 9.05A.1.c of this Guide (Register of Capital Improvement Business Transactions). (Board of Regents Minutes October 18, 1995, p. 324; July 18, 1996, p. 110)
2. The basis for payment ~~and the amount of architect, engineering or construction management fees~~ shall be established by the institution. (Board of Regents Minutes July 18, 1996, p. 110)
3. The Board Office will review architect, engineer, other design professional, and construction management contracts and, when appropriate, report to the Board. (Board of Regents Minutes July 18, 1996, p. 110)

DH. Disputes with Consultants

Disputes between the consultants and the university will be handled in accordance with procedures outlined in the Board of Regents consultant's agreement. ~~This appeal procedure shall not deny the right of the consultant to appeal disputes directly to the chief executive officer of the institution and the State Board of Regents.~~ (Board of Regents Minutes October 6-7, 1966, p. 163; October 18, 1995, p. 324)