

9.07 Consultant Agreements and Amendments

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

Preference shall be given in accordance with Iowa Code §18.6(10) to the selection of design professional 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 as part of the university's Register of Capital Improvement Business Transactions.

C. Design Professional Selection Process

1. Selection of Design Professionals for Projects With Budgets Between \$250,000 and \$999,999
 - a. The process for selection of the design professional is the responsibility of the institution. 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) shall constitute selection of the firm.
2. Selection of Architects for Projects with Budgets of \$1,000,000 or More
 - a. Architectural selection for projects expected to cost \$1,000,000 or more must be selected by an institutional Architectural Selection Committee.
 - b. The institution shall advertise its need for design services for the project. The Iowa Chapter of American Institute of Architects shall be notified by the institution concerning the institution's intention to secure architectural services.
 - c. 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 architectural firms to be interviewed and when the Architectural Selection Committee will meet to interview firms.
 - d. 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.
 - e. 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.

- f. 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.
 - g. 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.)

D. Use of Consultants for Feasibility Studies

1. Institutions are authorized 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 study does not include the preparation of construction documents.
 - a. For feasibility study agreements with a total anticipated cost of less than \$50,000, including reimbursables, the institution shall determine the process for selection of the consultant. The chief business officer shall 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 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.

E. Construction Manager Services

1. When the institution proposes to use construction management services in lieu of a single stipulated sum prime construction contractor, the institution 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.
2. The provision of other professional, specific services by construction managers is subject to the policies governing architects, engineering and other design professionals as detailed in this chapter of the Policy Manual.

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)

G. Consultant Fees

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 in accordance with **Section XXX** of this Guide (Register of Capital Improvement Business Transactions).
2. The basis for payment shall be established by the institution.
3. The Board Office will review architect, engineer, other design professional, and construction management contracts and, when appropriate, report to the Board.

H. 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.