

Engineering & Architectural Services Policy No. 6.20
Design Build Selection Policy

Applies To: Engineering & Architectural Services employees

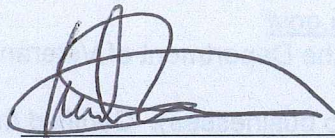
Authorizing Sources: [RCW 39.10](#)

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Approved By:



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Purpose

The purpose of this policy is to establish objective selection guidelines for Design-Build projects which maintains a fair and competitive environment, low risk of protests, and maximizes the pool of qualified teams for Design-Build projects.

Definitions

A/E means Architect/Engineer or related professional design and/or construction services consultant.

APM means E&AS Assistant Program Manager. An APM supervises a team of project managers.

Client Agency means an agency or organization using E&AS services.

Consultant means architect, engineer or related professional design and/or construction services provider. The references "consultant" and "A/E" are used interchangeably in this document. This definition also applies to sub-consultants that provide services to a prime consultant.

DES means Department of Enterprise Services

Diverse Business means Washington State-certified Minority-owned, Women-owned, Veteran-owned, and/or Small businesses as follows:

Minority Business Enterprise (MBE), Women's Business Enterprise (WBE), or combination of the two. Certified by the Office of Minority and Women's Business Enterprises (OMWBE): <http://omwbe.wa.gov/>

Veteran-owned Business. Certified by the Department of Veteran's Affairs (DVA): <http://dva.wa.gov/>

Small Business (includes Mini and Micro businesses). Certified through the Washington Electronic Business Solution (WEBS): <https://fortress.wa.gov/ga/webs/home.html>

Diverse Business Inclusion Plan means a proposer's plan to solicit for and include participation of qualified Minority-Owned, Women-Owned, Veteran-owned and/or Small Business enterprises in their proposed consultant teams in accordance with the Diverse Business Inclusion Plan Criteria. The Diverse Business Inclusion Plan is a mandatory selection criteria requirement for Design Build projects.

E&AS means Engineering & Architectural Services.

Geographic Proximity means the selection criterion of a defined area for a specific project, usually within a particular stated mileage radius as determined by the project manager in consultation with the Client Agency.

Honorarium means compensation paid by the owner to shortlisted responsive proposers who were not awarded the Design-Build contract.

Owner means the state agency, institution, or its authorized representative with the authority to enter into, administer, and/or terminate the work in accordance with the contract documents and make related determinations and findings.

PM means E&AS Project Manager, DOC (Dept. of Corrections) Team Project Manager, and/or DSHS (Dept. of Social and Health Services) Team Project Manager. Project managers report to an Assistant Program Manager (APM).

Pre Design means the process of exploring alternatives for proposed capital projects and assessing which alternative best addresses the problem, opportunity, or program requirement and at what cost. The predesign study involves data collection, analysis, organization, communication and evaluation through which all viable alternatives and elements of the selected facility's design are explored. It includes the establishment of an agency's or institution's programmatic, qualitative and financial needs, schedule requirements, and limitations for a project.

Proposer means the Design-Build team competing for the project. The proposer is a single entity which holds the contract with the owner and is responsible for both the design and construction.

Proprietary Meeting means a meeting between the selection panel and each proposer during the RFP phase. The proprietary meeting is an opportunity for each proposer to solicit feedback on program requirements and exchange information prior to submitting the proposal.

PRR means Project Request Report. The State Board for Community and Technical Colleges guidelines for developing a PRR can be found at:

<http://www.sbctc.edu/resources/documents/colleges-staff/programs-services/capital-budget/2017-19MajorProjectSelectionCriteriaAdopted5Feb15.pdf>

RFP means Request for Proposal.

RFQ means Request for Qualifications.

Schematic Design means the drawings and other documents illustrating the general scope, scale, and relationship of project components for approval by the owner.

Selection Criteria means weighted evaluation categories used to determine the most qualified Design-Builder for a particular project.

SOQ means Statement of Qualifications.

WEBS means Washington Electronic Business Solution

Weighted Selection Criteria means the importance or priority factor applied to selection criteria on a predetermined point scale.

Policy

A. Advertisement Requirements

Design-Build solicitations shall be advertised in the appropriate publications, the Daily Journal of Commerce, the DES website, and WEBS (Washington's Electronic Business Solution). The solicitation package requires coordination through the Contract Specialist and approval of the Assistant Program Manager (APM) prior to advertising.

B. Two Phase Selection Process

Design Builders are competitively selected based on qualifications through a two (2) phase process in accordance with RCW 39.10.330. Phase 1 of the process evaluates qualifications to short list the most highly qualified finalists. The finalists' are invited to submit proposals which are scored in Phase 2 of the evaluation process.

1. **Phase 1:** Request for Qualifications (RFQ). A RFQ shall be advertised for a minimum of three (3) weeks. Interested proposers shall submit Statement of Qualifications (SOQ) that will be evaluated against weighted selection criteria by the selection panel. Cost or price related factors shall not be evaluated during the request for qualifications.

The RFQ evaluation criteria shall include, but is not limited to:

- a. Technical qualifications
- b. Capability to perform
- c. Past performance of the proposer's team
- d. Past utilization of diverse businesses

SOQs submittals received after the advertised date and time deadline shall be returned unaccepted.

The selection panel shall evaluate and score the SOQs to shortlist the finalists for Phase 2 of the evaluation process. The finalists shall be limited to the three (3) highest scoring teams. SOQ/Phase 1 scores will not carry forward into Phase 2.

2. **Phase 2:** Request for Proposals (RFP). The proposals shall be limited in scope and not exceed schematic design requirements. Project performance requirements are typically stated in the RFP and the proposal from the selected finalist is incorporated in the Design Build contract.

The finalists will have an opportunity to present their proposals to the selection panel who will evaluate the proposals against weighted selection criteria. The RFP evaluation criteria shall include, but is not limited to:

- a. Technical qualifications
- b. Capability to perform
- c. Past performance of the proposer's team
- d. Technical approach design concept
- e. Ability of professional personnel
- f. Past performance on similar projects
- g. Ability to meet time and budget requirements
- h. Ability to provide a performance and payment bond
- i. Recent, current, and projected workloads
- j. Geographic Proximity to project location
- k. Cost or price related factors (includes operating costs)
- l. Diverse business inclusion plan

Proprietary meetings and site visits may be scheduled with each of the finalists during Phase 2 of the selection process for the purpose of providing input and clarification. Questions raised at the proprietary meetings that are not unique to a proposer may be released in addenda to all finalists.

An honorarium payment shall be provided to finalists who submitted responsive proposals and were not awarded the design build contract. The honorarium should be commensurate with the level of effort required and is included in the RFQ solicitation.

The finalist selected for the Design Build project may be paid for a portion of the design effort completed soon after the contract is written.

C. Selection Panel

A selection panel shall score both the phase 1 SOQs and phase 2 proposals against the respective evaluation criteria.

The PM is the point of contact for all selection process inquiries. Inquirer access to other selection panel members and/or client agency representatives will be at the discretion of the PM, in consultation with the selection panel and client agency representatives, as applicable.

1. **Composition.** The Selection panel shall consist of five (5) people; two (2) PMs, two (2) client agency representatives, and one (1) private sector member. Panelists are required to participate in both phases of the selection process. Panelists who are not

present for all of the in-person interviews and proprietary meetings shall not participate in panel deliberations on the final selection and shall not score the finalists.

Non-voting observers are permissible by mutual agreement of the PM and the client agency representative. Observers shall not participate in panel deliberations or scoring of the finalists. The PM will explain the protocol for any observers present prior to an interview.

2. Discussion between panel members. Discussion between panel members is permitted during the selection process. However, each panel member will score each proposer independently. Panel members shall not attempt to influence other panel members' scoring.
3. Scoring. Selection panel members shall evaluate each proposer's qualifications (phase 1) and proposals (phase 2) by completing the respective score sheet.

Each panelist will rank order each proposer in numeric order from highest score to lowest score. Ties in the rank order for each panelist are not permitted. Individual panelists must break any ranking tie(s) on their individual score sheets by further evaluation of the selection criteria.

For both phases, the numeric scores from each panelist will be combined on a final rank sheet to determine the overall rank order of the proposers. Ties on the final rank sheet shall be broken by further evaluation of the tied firms against the selection criteria and deliberation by the panel to reach consensus on the final ranking.

4. Requests for selection materials. Selection materials, to include SOQs, proposals, score sheets, and proprietary meeting minutes shall not be released prior to selection of the finalist that will be awarded the Design-Build contract.

D. Diverse Business

Proposers will be evaluated on past performance use of Diverse Businesses in Phase 1.

Short listed finalists will be scored on their Diverse Business Inclusion plan in Phase 2. Diverse Business Inclusion Plans with a goal of zero percent (0%) will be considered "Not Responsible".

E. Proposer Eligibility Criteria

Consultants are often hired to assist client agencies with project development and project delivery. Some of these services include creating Master Plans, Budget Estimates, Site Studies, Feasibility Studies, Project Request Reports (PRR), Predesign, and Design Build Selection.

Consultants and/or contractors that are deemed by DES to have an unfair advantage over competing proposers regarding the knowledge of the project shall be ineligible to participate as a proposer or on a Design Build team.

1. Performance of the following services are not considered to have an unfair advantage of the project and those proposers are eligible to compete for a Design-Build contract: Master Plan, Budget Estimate, Site Study, and Feasibility Study.
2. Proposers who developed (or assisted with developing) a PreDesign Report and/or a Project Request Report (PRR) for a project are eligible to compete for a Design-Build

contract on that project if the following conditions are met: The agreement for the PreDesign Report and/or PRR work was closed more than 180 calendar days prior to the public advertisement for the Design Build RFQ. Furthermore, the PRR and/or PreDesign Report shall be made available to all proposers prior to RFQ solicitation.

3. Consultants and/or contractors that assisted the owner in preparing a Design-Build procurement documents (to include instructions for bidders and evaluation criteria) are ineligible to complete for that Design-Build contract.

F. Protest Process

Upon receiving the notification of non-selection, a proposer may submit a written protest within four (4) business days of the notification to the proposers/finalists, as appropriate, of the selection decision as set forth in RCW 39.10.330(3) and (6). Protests must be in writing, and addressed to:

Department of Enterprise Services
Attn: Contracts Manager
PO Box 41476
Olympia, WA 98504

Protests shall include the name, email address, and phone number of the protestor's authorized representative, the specific grounds for the protest, all supporting documentation, and the specific relief requested.

Upon receipt of a timely written protest, the Contracts Manager will review the protest, consider all available facts, and issue a final protest decision. The Owner may not advance to the next phase of selection and may not execute a contract with the selected proposer until two (2) business days after the final protest decision is transmitted to the protestor.

Procedures and required forms

- **Procedures:**
 - *Coming soon*
- **Forms:**
 - Form 293 DB Inclusion Plan

History

Amended:

Need a copy of a prior version of this policy? E-mail jack.zeigler@des.wa.gov