

Prepared by Office of Procurement and Real Property Management.
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A8.245

A8.200 Procurement

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A8.245 Professional Services Procurement

1. General

- a) "Professional Services" means those services within the scope of the practice of architecture, landscape architecture, professional engineering, land surveying, real property appraisal, law, medicine, accounting, dentistry, public finance bond underwriting, public finance bond investment banking, or any other practice defined as professional by the laws of Hawaii or the professional and scientific occupation series contained in the United States Office of Personnel Management's Qualifications Standard Handbook (available at <http://www.opm.gov/qualifications/standards/group-stds/GS-PROF.asp>)

- b) Professional services may generally be procured through any of the source selection methods provided in these procedures as applicable. However, the acquisition of design professional services in the disciplines of engineering, architecture, land surveying, and/or landscape architecture and furnished by licensees under Chapter 464, HRS, shall be procured in accordance with Section A8.246 and the procedures set forth in Section 103D-304, HRS, and in this section, except in the case of an emergency procurement.

2. Public Notice for Professional Services

- a. Before the beginning of each fiscal year, the University shall give public notice to invite persons engaged in performing designated professional services to submit current statements of qualifications and expressions of interest for services which the University anticipates needing in the performance of its operations during the fiscal year.

- b. Additional public notices inviting persons engaged in providing professional services may be made if the response to the initial notice is not adequate, if the response to the initial notice does not result in an adequate representation of available sources, or if previously unanticipated needs for professional services arise.

3. Review of Submitted Statements of Qualifications

- a. The President or designee shall designate a review committee consisting of a minimum of three persons with sufficient education, training, and licenses or credentials for the type of professional services which may be required. In designating the members of the review committee, the President or designee shall ensure the impartiality and independence of committee members. All members of the review committee shall execute an attestation to their impartiality and independence as provided in OPRPM Form 156, University of Hawaii Attestation (Attachment 245.3). The names and members of the review committee established shall be placed in the procurement file. The review committee shall review and evaluate all submissions including statements of qualifications and other pertinent information, including references and reports, for the purpose of compiling a list of qualified persons or firms to provide the particular types of services.
- b. Persons or firms included in the qualified list may amend their statements of qualifications as necessary or appropriate and shall immediately inform the University of any change in information furnished which would disqualify the person or firm from being considered for a contract award.

4. Procedure for the Acquisition of Professional Services

- a. If a University program identifies a need to procure professional services, the following procedures shall apply:
 - 1) The President or designee shall designate a selection committee to evaluate the statements of qualifications and performance data of those

persons or firms on the list prepared pursuant to Section 3 along with other pertinent information including references and reports.

- 2) The selection committee shall consist of at least three persons with sufficient education, training, and licenses or credentials in the area of the services required. In designating the members of the selection committee, the President or designee shall ensure the impartiality and independence of committee members. All members of the review committee shall execute an attestation to their impartiality and independence as provided in OPRPM Form 156, University of Hawaii Attestation (Attachment 245.3). The names of the members of the selection committee shall be placed in the contract file.
- 3) The selection criteria to be employed in descending order of importance shall be:
 - a) Experience and professional qualifications relevant to the project type;
 - b) Past performance on projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies;
 - c) Capacity to accomplish the work in the required time; and
 - d) Any additional criteria determined in writing by the selection committee to be relevant to the University's needs or necessary and appropriate to ensure full, open, and fair competition, such as the following:
 - 1) Specialized experience, equipment and technical competence to be applied;
 - 2) Quality control practices, techniques and methods used;

- 3) Ability to work effectively with University and user program staff; and
 - 4) Familiarity with and knowledge of all applicable laws, codes and ordinances.
- 4) The selection committee shall evaluate the submissions of the list of qualified persons or firms against the selection criteria. Committee members may use OPRPM Form 153, Individual Evaluation Form for Professional Services, (**Attachment 245.2**), or similar form, for evaluation purposes. The committee may conduct confidential discussions with any person or firm on the list of qualified professionals regarding the services which are required and the services they are able to provide. In conducting discussions, there shall be no disclosure of any information derived from competing offerors.
 - 5) The selection committee shall provide the President or designee with the ranking of a minimum of three persons or firms based on the selection criteria, together with a summary of their qualifications for the ranking of each person or firm on OPRPM Form 134, Evaluation Summary Abstract, (**Attachment 245.1**), or similar form, for the contract file.
 - 6) The President or designee shall thereafter seek to negotiate a contract with the first-ranked individual or firm, including a rate of compensation which is fair and reasonable, established in writing, and based upon the estimated value, scope, complexity, and nature of the services to be rendered. If a satisfactory contract cannot be negotiated with the first-ranked individual or firm, such negotiations shall be terminated and negotiations with the other individuals or firms in order of their rankings shall commence.
 - 7) If a contract at a fair and reasonable price cannot be negotiated with any of the ranked individuals or firms, the selection committee may be asked to submit the ranking of three (3)

additional individuals or firms to the President or designee, to resume negotiations in the same manner provided in these procedures.

- 8) Upon completion of negotiations, the University program shall forward the following documents to the OPRPM for processing:
 - a) Original fee proposal from selected individual/firm, if applicable;
 - b) The original Individual Evaluation Form for Professional Services for each member of the selection committee, and the Evaluation Summary Abstract;
 - c) Completed OPRPM Form 95, Determination of Cost or Price Reasonableness (**Attachment 285.1**);
 - d) Copy of a KFS purchase order for contract encumbrance purposes; and
 - e) A draft of the proposed contract terms relating to the scope of services, time of performance, and the compensation and payment schedule (see attachment 1 through 3, OPRPM Form 107G, University of Hawaii Agreement for Services, **Attachment 230.3**)

- b. All contracts processed under these professional services procurement procedures shall be submitted to the OPRPM for review, regardless of the dollar amount of the contract.

5. Posting of Awards

Contracts awarded under this section for \$5,000 or more shall be posted electronically within seven days of the contract award by the OPRPM and shall remain posted for at least one year. Information to be posted shall include, but not be limited to:

- a. The names of the persons or firms ranked by the selection committee;

- b. The name of the person or firm receiving the award;
- c. The dollar amount of the contract;
- d. The name of the University officer making the selection; and
- e. Any relationship of the principals to the officer making the award.

6. Public Inspection

After the contract is awarded, the following information shall be open to public inspection, including but not limited to: the contract; the list of qualified persons; the selection committee's criteria for selection; and the statements of qualifications and related information submitted by the qualified persons, except those portions for which a written request for confidentiality has been made.

7. Debriefing

- a. The purpose of a debriefing is to inform the providers of professional services of the basis for nonselection.
- b. A written request for a debriefing by a non-selected provider shall be made within three working days after the posting of the award of the contract.
- c. Debriefing shall be held by the procurement officer or designee, to the maximum extent practicable, within seven working days; provided the procurement officer or designee may determine whether or not to conduct individual or combined debriefings.

8. Contract Modifications

Modifications to professional services contracts under this section shall require prior approval of the President or designee when the modification provides for an increase of at least \$25,000 and ten percent or more of the initial contract price.