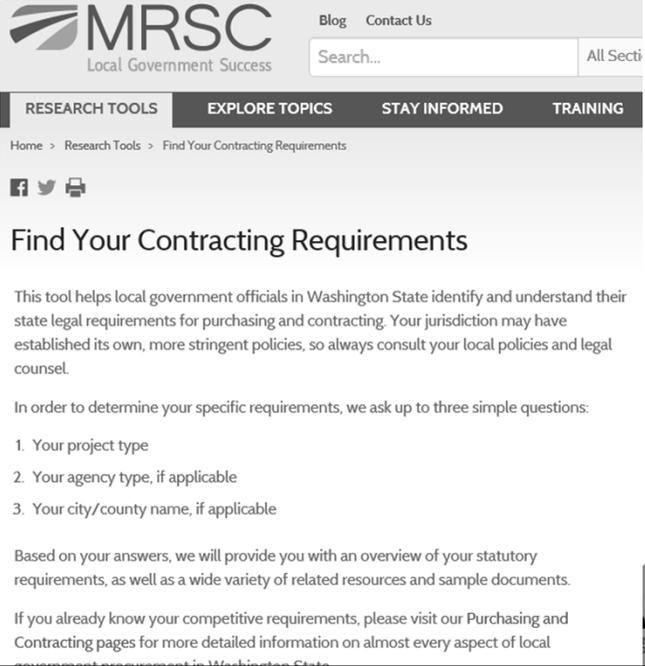




FIND YOUR CONTRACTING REQUIREMENTS TOOL



The screenshot shows the MRSC website header with the logo and tagline 'Local Government Success'. Navigation links for 'Blog' and 'Contact Us' are visible. A search bar is present. Below the header is a menu with 'RESEARCH TOOLS', 'EXPLORE TOPICS', 'STAY INFORMED', and 'TRAINING'. The main content area is titled 'Find Your Contracting Requirements' and includes a brief description of the tool's purpose, a list of three questions to determine requirements, and a note about providing an overview of statutory requirements. Social media icons for Facebook, Twitter, and LinkedIn are also shown.




FIND YOUR CONTRACTING REQUIREMENTS TOOL

Get Started!

1. What type of project is this?

- Public works ?
- Purchase of goods, equipment, supplies, or materials not connected with a public works project ?
- Architecture, engineering, landscape architecture, or surveying services ?
- Personal services ?
- Purchased services ?




FIND YOUR CONTRACTING REQUIREMENTS TOOL



Find Your Contracting Requirements

5

MRSC created this tool in partnership with the State Auditor's Office to help local government employees in Washington State easily identify their legal contracting requirements for any kind of project.

2. What type of agency are you?

- City or Town
- County
- Fire Protection District
- Irrigation District
- Port District
- Public Hospital District
- Public Utility District
- Reclamation District



FIND YOUR CONTRACTING REQUIREMENTS TOOL



Your Statutory Contracting Requirements

6

You Selected:

1. Project type: Public works
2. Agency type: Fire Protection District

This information may not apply to regional fire protection service authorities, which are formed by interlocal agreement and should follow the most limiting laws of their establishing jurisdictions.

Day Labor Prohibited

Your agency may not use its own employees to perform public works projects.

Competitive Bidding Overview

If your estimated project cost is \$20,000 or less, you may use an informal public works project [Back to top](#) public works roster, or formal competitive bidding.



7

FIND YOUR CONTRACTING REQUIREMENTS TOOL

Related Materials

TOPICS

- Purchasing and Contracting

SAMPLE DOCUMENTS

- Uniform Exemptions
- Telecommunications Purchase and Installation
- Before You Advertise
- Bidding and Award
- Contract Administration
- Contract Closeout
- Roster Contracts




8

FIND YOUR CONTRACTING REQUIREMENTS TOOL

Purchasing and Contracting

This page lists MRSC's topic pages related to purchasing, bidding, and contracting for local governments in Washington State.

Your Statutory Requirements

- Find Your Contracting Requirements

General Information

- Contracting and Competitive Bidding
- Procurement Policy Guidelines
- Competitive Bidding Exemptions

Services

- Architecture and Engineering Contracts
- Personal Services Contracts
- Purchased Services Contracts

Purchases

- Purchasing Goods, Equipment, Materials, and Supplies
- Intergovernmental Purchases and "Piggybacking"

Public Works

- Public Works Contracts




9

Public Works

FIND YOUR
CONTRACTING
REQUIREMENTS
TOOL

- Public Works Contracts
- Prevailing Wages
- Sales and Use Taxes in Public Works
- Guarantees, Bonds, and Retainage
- Small Public Works Rosters
- Before You Advertise a Public Works Contract
- Bidding and Awarding a Public Works Contract
- Public Works Project Closeout
- Intergovernmental Cooperation in Public Works

INFRASTRUCTURE ASSISTANCE
COORDINATING COUNCIL

10

HIRING THE RIGHT CONSULTANT AGENDA

- What are professional services?
- One size needn't fit all.
- RFPs that rock!!
- Interviews that are fun (novel idea)!!
- QBS in practice.
- Contracts that guarantee a perfect design effort.
- Care and feeding of your consultant design team.

INFRASTRUCTURE ASSISTANCE
COORDINATING COUNCIL

WHAT ARE PROFESSIONAL SERVICES?

Professional services rendered by a consultant or any person, other than as an employee of the agency to perform activities within the scope of the general definition of professional practice in RCW chapters:

- 18.08 (Architects)
- 18.43 (Engineers and Land Surveyors)
- 18.96 (Landscape Architects)



WHAT ARE PROFESSIONAL SERVICES?

- Services are procured using the qualifications based selection (QBS) requirements in Chapter 39.80 RCW.
- These services may reasonably be required in connection with a public works project meeting the definition in RCW 39.04.010(4).
- Licenses or certification by State agencies are required.



ONE SIZE NEEDN'T FIT ALL

A request for qualifications (RFQ) asks only for a firm's general capabilities, list of principals, previous projects, number of employees, licenses, etc. for either a services roster or, perhaps, an individual project.

A request for proposals (RFP) asks proposers to submit qualifications (if not already on file) and a proposed scope of services in response to specific agency needs.



ONE SIZE NEEDN'T FIT ALL

For A/E solicitations under chapter 39.80 RCW, advance notification is required for all contracts, either by:

- publishing an announcement each time A/E professional services are solicited; or
- publishing an announcement soliciting qualifications for a consultant roster for projected A/E professional service needs.



ONE SIZE NEEDN'T FIT ALL

Local agencies can adopt differing levels of competitive solicitation to fit differing levels of project complexity, estimated fees; and type of project or work to be accomplished.

Levels of competition are:

- formal
- informal
- minimal

Look at Table B on page 43 of MRSC's Contracting for Services publication



ONE SIZE NEEDN'T FIT ALL

The desired end result of any A/E selection process is to select the most qualified firm to accomplish your design project.

For "minimal" projects, you may wish to select the most qualified firm directly from your consultant roster, then ask for a cost proposal.

For "informal" projects, you may wish to select 3-5 qualified firms directly from your consultant roster, then ask for non-cost proposals.

Interviews are optional.

For "formal" projects, you could either select from the roster or advertise for RFQs. Then shortlist 3-5 qualified firms and ask for non-cost proposals.

Interviews are optional.



RFPS THAT ROCK!!

Basic Elements of RFP	Suggestions for Content
Statement of Need (Scope)	Well written with adequate level of detail describing project tasks and products; List availability of supporting documents
Estimated Budget	Adequate and well-matched with the requested scope of services
Estimated Schedule	Realistic; Matched to the scope
Evaluation Criteria	Clear; Matched to the scope of services; Provide scoring criteria up front; Provide decision schedule, if available
Proposal Elements (information to be submitted)	Keep submittal requirements, page limitations and due date in same section of the RFP; Allow for flexibility in format of response
Deadline for acceptance of the proposal	Allow adequate response time (3-4 weeks); Accept electronic submittals; Acknowledge receipt of proposal
Agency's standard terms and conditions	Copy of contract terms and conditions attached to the RFP, if available



RFPS THAT ROCK!!

In addition to the basics, other common RFP elements include

- Background on the agency and project, including budgets
- Reference documents – large files may be posted to a website for consultant access
- Whether interviews will be scheduled or whether the selection will be based on the submitted proposals without interviews
- Pre-proposal conference schedule



RFPS THAT ROCK!!

In addition to the basics, other common RFP elements include

- Page limits, including instructions for section dividers and 11X17 sheets
- Public disclosure guidance
- Formal certification by the proposer of its authorization to submit the proposal, time validity of proposal, non-collusion, etc.
- Notice that cost incurred in the development of proposals and participation in the selection process shall be borne by proposers



RFPS THAT ROCK!!²⁰

From the consultant's perspective:

Winning a project is all about knowing as much as possible!

- Make your project manager and other critical staff accessible during the consultant selection process.
- Don't constrain the outflow of info .
- Reward the consultant with the initiative to ask questions.
- Share details of your selection process.



RFPS THAT ROCK!!²¹

From the consultant's perspective:

- **Have the RFP available the same day the public notice is out**
 - Provide a specific link to the RFP, not just the general site link – make it easy to share electronically
- **Electronic submittals**
 - Tell us the maximum file size
 - Make sure the person who is to receive them is available and that the mailbox isn't on the verge of being over size limit
 - Acknowledge receipt
- **Proposals due around holidays are a real problem.**



RFPS THAT ROCK!!²²

What does a consultant look for?

- Clear, well written scope
- Adequate budget
- Realistic expectations and schedule
- Match between RFP criteria and selection criteria
- Do the scope and budget match?
- Can we compete?
- What firms have prior experience with the agency?
- Is there enough time to respond?



RFPS THAT ROCK!!²³

Observations



Advertisements (and some RFPs) for professional engineering services are not sufficient to identify the project work.



Agencies/Owners could be more open in defining the project needs and objectives, regulatory issues (if any), budget constraints, and schedules .



Agency/Owner staff sometimes know very little about the project and have had little preparation in developing method to handle the onslaught of consultant questions.



Agency/Owner has no plans on changing the Engineer who they are working with and they are only doing the Professional Services solicitation because the funding agency funding the project requires the solicitation.

Comments
from a
Long-Time
Engineering
Consultant



INTERVIEWS THAT ARE FUN!!²⁴

Should you interview finalists? There are pros and cons:

- Pro:
 - Interviews can streamline the process and assist the agency in understanding the technical proposals.
 - Interviews can provide greater opportunities to identify the best value based on all the proposals received.
 - Interviews provide an opportunity for agencies to meet the consultant personnel who will be in charge of the project in order to gauge their effectiveness.
- Con:
 - When time is a factor, scheduling all panel members and consultants on the same day becomes a challenge.



INTERVIEWS THAT ARE FUN!!²⁵

- Consider Alternative Formats
 - No formal presentation? No PowerPoints?
 - Ask consultant to design a similar project at a working interview?
 - Ask consultant to conduct a public meeting at a working interview?
- Ask real interview questions



INTERVIEWS THAT ARE FUN!!²⁶

- The less rehearsed, the better
- Phone interviews only?
- Limit number and type of presenters?
 - Only one principal, the project manager and chief designer(s)?

“When we walked in, they had a large aerial photo printed out and 5-6 different colors of Sharpies laying on the table. They said, “Show us how you will fix our problem.”



27

INTERVIEWS THAT ARE FUN!!

- Consider impact of the room layout
 - Allow consultant (within reason) to rearrange room to fit their presentation style?
 - Across a table?
 - Formal presentation (“U” shaped room?) (Other?)



28

INTERVIEWS THAT ARE FUN!!

- Make the interview process as technical and as project specific as possible
 - “Selection committees should have good representation of people that have a good understanding and perhaps some passion for the scope and technical detail of the project.”
 - “Pro forma, generic questions like “how would you handle project communication” do not reveal much of substance.”
 - “However if you get a couple of engineers talking about the technical merits and challenges of a proposal, you will learn a lot more about their communication abilities and style than you would from a canned question.”



QBS IN PRACTICE

- What is QBS?
 - Initial selection based on qualifications only and not price
 - Establish selection criteria
 - Price negotiated with most qualified firm
 - Negotiate with next most qualified if unable to successfully negotiate with the most qualified firm



QBS IN PRACTICE

A/E is creative work and can't be bid since the scope of work is variable

- Public agencies shouldn't want the cheapest design
 - You get what you pay for
- QBS requires public agencies to have the skills to negotiate price*
 - Contact other agencies to see if they have done similar projects
- The most qualified firm may be too expensive
- Should price be a limiting factor in evaluation?
 - Not permitted under Washington State or Federal law

* Stay for the next tech session



31

CONTRACTS THAT GUARANTEE A PERFECT DESIGN EFFORT

- Time for a little “truth-in-advertising”
 - NO CONTRACT WILL GUARANTEE A PERFECTLY DESIGNED PROJECT!
 - If you had an unlimited budget for design and could get all affected utilities to tell the consultant exactly where their facilities are located, then
- Agency's attorney must review each contract, with particular attention to clauses/provisions that assign/allocate risks.



32

CONTRACTS THAT GUARANTEE A PERFECT DESIGN EFFORT

- Provide a copy of the proposed standard contract with the RFP
- Don't forget to have any grant funding agencies approve both the selection process and the contract



CONTRACTS THAT GUARANTEE A PERFECT DESIGN EFFORT

- Accurate and clear scope of work
- Provisions for handling disputes
- Reasonable hours by task
- Correct staff allocation
- Identify and itemize deliverables
- Schedule with tasks and milestones
- Hourly rates are stated
 - Fully loaded
 - Audit of overhead rates is available
- Provisions for handling scope changes/amendments



CONTRACTS THAT GUARANTEE A PERFECT DESIGN EFFORT³⁴

(Non-Exclusive) Checklist of Contract Items

- | | | |
|-------------------------------|---------------------------|--|
| ✓ Representatives | ✓ Disclosure | • Payment Schedule |
| ✓ Key Personnel | ✓ Tasks and Milestones | • Time |
| ✓ Relationship of the Parties | ✓ Deliverables | • Assignability |
| ✓ Conflicts of Interest | ✓ Compensation | • Termination of Agreement |
| ✓ Records and other Tangibles | • Payment Schedule | • Disputes |
| ✓ Ownership of Work | • Costs and Disbursements | • Extent of Agreement |
| | • Indemnification* | • Indemnification Language for A/E Contracts |
| | • Insurance | |
| | • Standard of Care | |



35

CARE AND FEEDING OF YOUR CONSULTANT DESIGN TEAM

Now that you have gone to the trouble and expense of hiring your consultant design team, how do you keep them well-fed and happy?

Whoa!!! A happy consultant? Well-fed? Are you kidding?



36

CARE AND FEEDING OF YOUR CONSULTANT DESIGN TEAM

From an experienced consultant and former agency person



"The agency staff and consultant staff should act as one team. Open and honest (no secrets). That means that the consultant shouldn't be "penalized" for telling the agency something that they don't want to hear.

A consultant' job is to help the agency (and more specifically the agency's PM) to succeed and the job of the agency representative is to help the consultant succeed. If there is a confrontational relationship between the two, no one will succeed. "



37

CARE AND FEEDING OF YOUR CONSULTANT DESIGN TEAM

- Periodic team meetings are essential
 - Agendas and minutes needed
 - Timely responses to assigned action items by both agency and consultant
 - Don't procrastinate just because you can!
- Resolve differences of opinions/disputes quickly

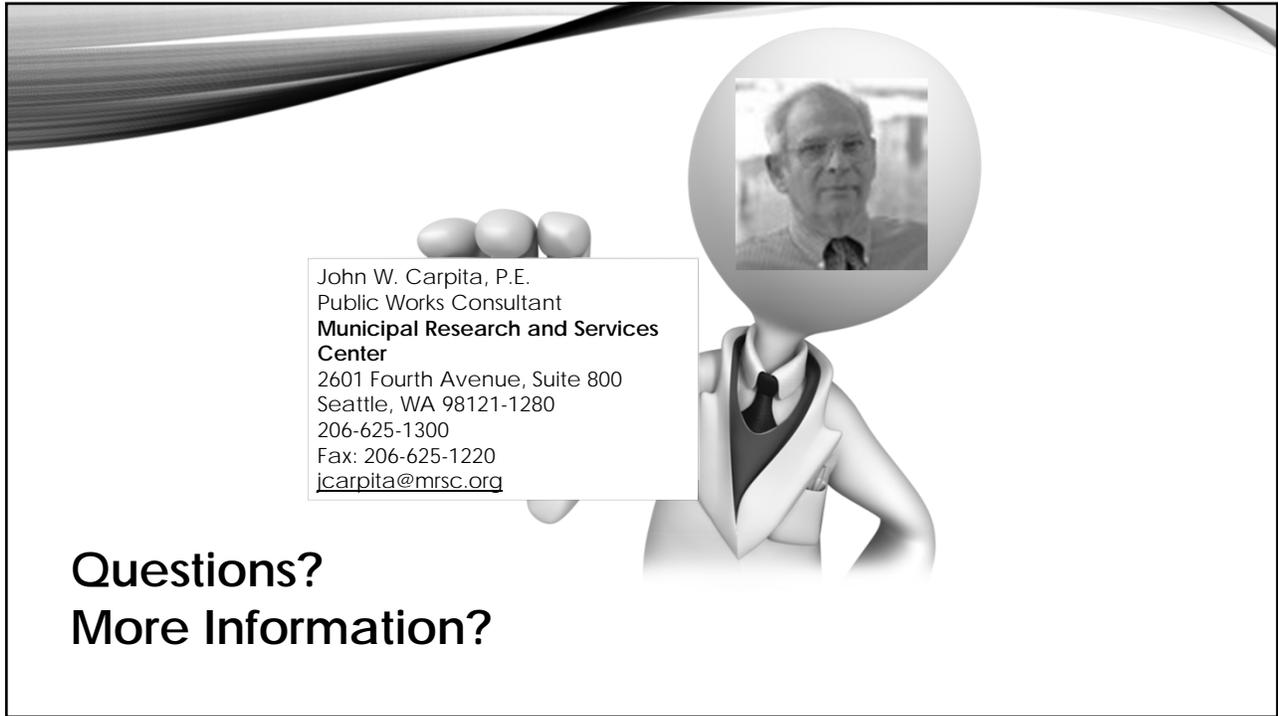


38

CARE AND FEEDING OF YOUR CONSULTANT DESIGN TEAM

- Be realistic about asking for additional design effort
 - Be prepared to pay extra
 - Promptly process scope changes/amendments
- Pay invoices as promptly as your agency's processes will allow





The image features a 3D rendered character, possibly a mannequin or a stylized figure, wearing a white lab coat over a dark vest and tie. The character is holding a white rectangular sign with contact information. Above the sign, three small, light-colored spheres are arranged in a row. To the right of the sign, there is a circular inset containing a black and white portrait of an older man with glasses, identified as John W. Carpita, P.E. The background of the slide is white with a dark, curved, abstract shape at the top.

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**Questions?
More Information?**