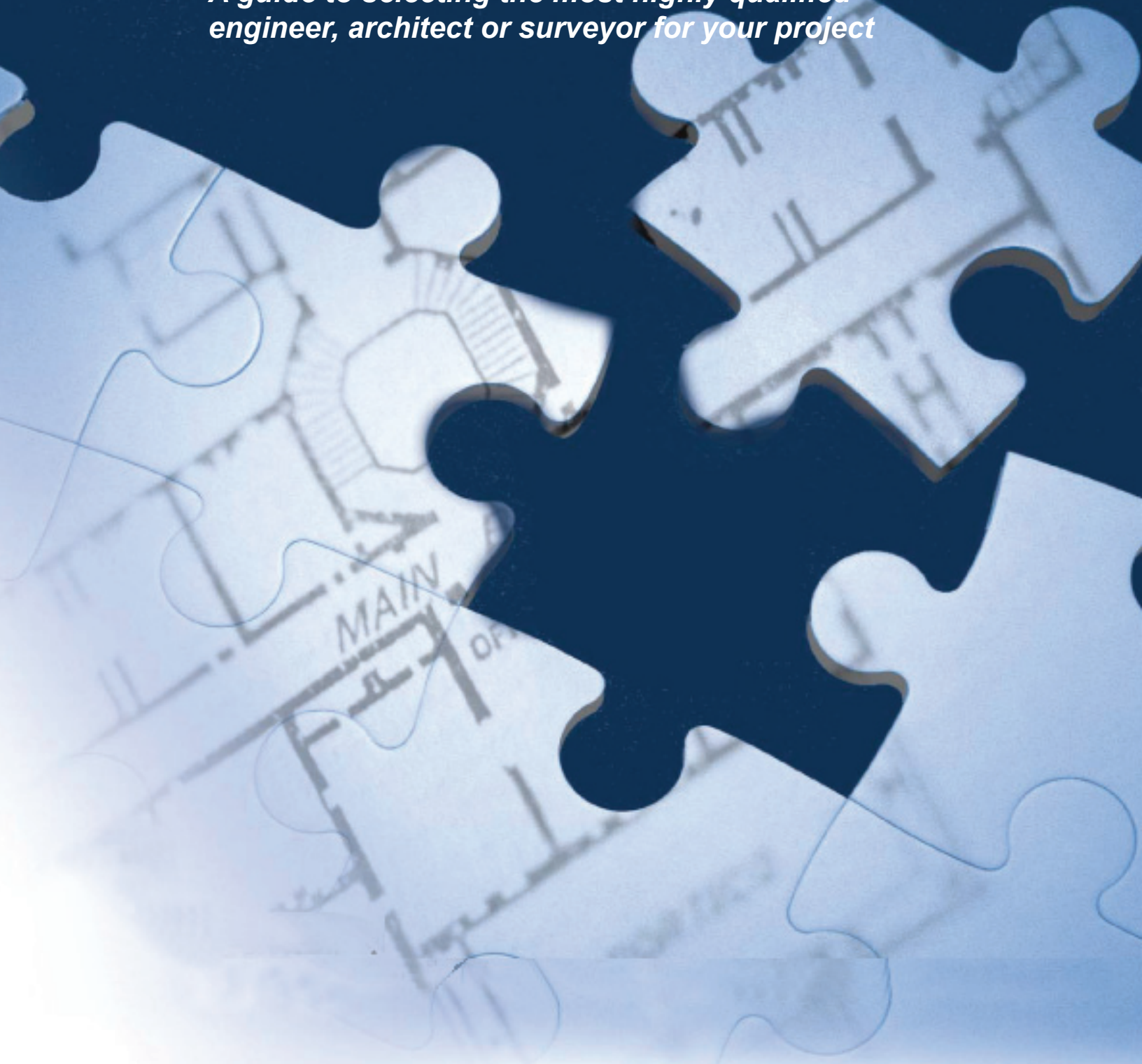


# Ohio QBS Manual

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## ***Qualifications-Based Selection***

*A guide to selecting the most highly qualified  
engineer, architect or surveyor for your project*



Published as a public service by the

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AMERICAN COUNCIL OF ENGINEERING COMPANIES  
*of Ohio*

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# Introduction

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The most important element of any construction project is its design. The quality of design is the single most important factor in determining a project's "life-cycle cost" — the initial cost of construction plus the long-term cost for operation and maintenance.

Design is one of the very first steps in the process of developing any facility, but it is the design that dictates everything that follows: the size and layout of the facility, the type of construction materials to be used; the capacity of mechanical and electrical systems; energy efficiency; and other factors. Not even the best contractor using the finest of materials can overcome the failings of a poor design.

Architectural and engineering services represent only a small percentage of the overall budget for any construction project — and a far smaller percentage of the overall life-cycle cost — so it

makes sound financial sense to make sure your architect or engineer has the experience and expertise needed to deliver a high-quality design.

Qualifications-Based Selection (QBS) is a process that enables the project owner to obtain the advice and service of a highly qualified architect or engineer at a fair and reasonable cost, an investment in quality that will result in substantial savings over the life of the project.

Federal agencies, most states and many local governments award A/E design contracts using a QBS process. In addition, the QBS process is endorsed by groups such as the American Public Works Association and the American Bar Association because this method of A/E selection provides the project owner with the greatest assurance of obtaining a high-quality design and a successful project.



# 1

## PLANNING

- Describe your project needs and goals
  - Identify your selection committee
  - Establish a schedule for selection
  - Establish selection criteria
  - Compile a list of Architecture/Engineering (A/E) firms
  - Prepare a request for Statements of Qualifications (SOQ)
  - Distribute the SOQ requests
- 

# 2

## SELECTION

- Evaluate SOQs
- Establish a short-list of A/E firms
- Inform all A/E firms of selection results



If you are able to make a decision based on SOQ, you may proceed to step 3, negotiation.

- Arrange a site tour
  - Conduct interviews and rank firms
  - Inform short-listed A/E firms of selection results
- 

# 3

## NEGOTIATION

- Open, formal discussions with the highest ranked design professional regarding the firm's proposed technical approach to the project, the schedule, key personnel to be devoted to the project and related issues
- Enter into a contract with the highest ranked firm that spells out the specific scope of services to be provided by the firm and the fee for those services

# Frequently Asked Questions

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## What is QBS?

*QBS stands for “Qualifications-Based Selection.” It is a process that helps you select the highest qualified architect or engineer for your project. This process focuses on helping owners identify the design professional with the optimal qualifications and experience for the project at hand. The QBS process is:*

- *Straightforward,*
- *Easy to implement,*
- *Objective and fair, and*
- *A well-documented and defensible process.*

## Why use QBS?

- *QBS provides an objective, step-by-step process that allows you to identify and contract with the architect or engineer who has the best qualifications for your specific project.*
- *QBS develops a successful and cooperative relationship between you and the A/E firm.*
- *QBS benefits both you and your architect or engineer by saving time and money.*
- *QBS gets the A/E on board early enough to improve project planning, minimize total project costs and enhance efficiency and effectiveness.*

## Am I required to use QBS?

*Ohio Revised Code section 153.65 - .71 requires all public authorities to use the QBS process (see page 24).*

## Who uses QBS?

*QBS is endorsed and promoted by the American Public Works Association.*

*QBS is recommended by the American Bar Association in its Model Procurement Code for State and Local Governments, and is currently used by most states, numerous localities and private owners.*

*The Ohio Facilities Construction Commission, the Ohio Department of Transportation and all other state boards, commissions and authorities authorized to develop capital projects use the QBS process to select A/E firms.*

*Since 1972, with passage of the Brooks Act, the federal government requires QBS for its A/E services procurement.*

## How much time will QBS take?

*Depending on the project and the number of decision-makers, it can take from one week to five months.*

*Generally the larger the project and the more individuals involved in the process, the more time will be required.*

## Must I use the full QBS process on small projects?

*No. For projects with an estimated design fee of less than \$50,000, section 153.71(A) of Ohio’s QBS law allows public authorities to select a qualified engineer or architect from among those who have statements of qualifications on file with the authority and to proceed directly to the contract negotiation phase.*

# QBS Process Documents

This manual provides several sample documents to assist you in using the QBS process. The following identifies the QBS tools to be used at each step in the process and where they can be found.

## 1 PLANNING

	Title	Page
• Describe your project .....	Preliminary Scope of Services .....	6
• Establish a schedule .....	Schedule of Activities .....	7
• Establish selection criteria and compile a list of A/E firms .....	Qualifications Evaluation Criteria .....	8
• Prepare a request for Statements of Qualifications (SOQs) and distribute SOQ requests .....	Request for SOQs .....	9

## 2 SELECTION

• Evaluate SOQs.....	Qualifications Evaluation Criteria .....	8
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• Establish a short-list .....	Short-List Highest Qualified A/E Firms.....	13
• Inform all responding firms .....	Memo to Short-Listed Firms .....	14
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• Arrange a site tour .....	Providing a Tour of the Facility/Site .....	16
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## 3 NEGOTIATION

• Discuss scope of services with highest ranked firm and negotiate agreement .....	Negotiate Scope of Services & Compensation .....	22
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# Preliminary Scope of Services



**The preliminary scope of services provides a description of your project needs and goals. A properly defined and clearly communicated scope of services saves time, money and effort for both you and the A/E firms. Given the appropriate information, firms can tailor their statements of qualifications directly to your project's requirements, providing you with a more uniform basis for your evaluation.**

- 1) \_\_\_\_\_  
*owner/client* \_\_\_\_\_ *project*
- 2) \_\_\_\_\_  
*location*
- 3) \_\_\_\_\_  
*owner/client's representative*



**Limit contact to one person and include mailing address, telephone number, fax number, and email address as appropriate.**

- 4) Other involved groups (e.g., boards, committees, or citizens groups).
- 5) Description of available and relevant studies, surveys and preliminary feasibility of work.
- 6) Project description: intended size, function, capacity and general requirements (e.g., preliminary design/ studies demolition, renovation, new construction, waste management, energy, land use and site selection considerations).
- 7) Timeline:  
Award of A/E contract \_\_\_\_\_  
Commencement of design work \_\_\_\_\_  
Beginning of construction \_\_\_\_\_  
Planned project completion date \_\_\_\_\_
- 8) Description of A/E selection process.
- 9) Other requirements (e.g., bond issues, public hearings).



# Schedule of Activities



**To keep your selection process running smoothly, set a schedule. An established time frame prevents misunderstandings and last-minute surprises that could delay the selection process.**

The following schedule has been established by:

\_\_\_\_\_ *owner*  
for

\_\_\_\_\_ *project*

Date	Description
_____	Develop a preliminary scope of services and project description.
_____	Identify a selection committee.
	<b>A good selection committee mix includes individuals who are decision makers, have technical experience, and at least one board/council member. Provide all selection committee members with a copy of the QBS Manual.</b>
_____	Identify interested and potential firms.
_____	Mail requests for Statements of Qualifications (SOQs).
_____	SOQ due date.
	<b>Allow a minimum of two weeks for firms to submit their responses.</b>
_____	Review references and develop a short-list of firms to interview.
_____	Notify short-listed firms of the pre-interview tour date, the interview date and the interview criteria.
_____	Notify all other firms of short-listed firms and thank them for their time and interest.
_____	Tour facility/site at _____ at _____ . <span style="margin-left: 100px;"><i>time</i></span> <span style="margin-left: 100px;"><i>location</i></span>
	<b>Schedule tours at least 10 days before the interview date to allow for preparation.</b>
_____	Interview short-listed firms.
_____	Review SOQs and interview notes. Rank firms.
_____	Notify all firms interviewed of the results and express appreciation for their involvement.
_____	Negotiate and execute a contract with the selected firm.
_____	Arrange for any post-selection requirements, such as public hearings.

# Qualifications Evaluation Criteria



**General suggestions:**

- Document all selection proceedings in the event questions arise.
- Establish a policy that you will not consider SOQs submitted after the deadline.
- Check references before you meet to determine your short-list. If possible, check references other than those suggested by the firm. (See page 13, Reference Check Form.)
- A short-list of three firms is usually sufficient.

---

*project*

---

*firm*



*The criteria below represent general criteria for rating firms. Add to this list, depending on project needs (e.g. environmental experience if the project has extraordinary environmental concerns). Weight each category if certain categories are more important to the project than others by adjusting the Best Possible Rating for each criteria.*

Qualifications Evaluation Form		
Criteria	Best Possible Rating	Rating
1) Project interest & understanding		
2) Firm's history		
3) Firm's ability & experience		
4) Personnel assigned to project		
5) Related project experience		
6) Reference check (Reference Check Form pg. 13)		
<b>Total</b>		

# Request for Statements of Qualifications



Once you have formulated your project's scope, invite potential firms to submit their Statements of Qualifications (SOQs). When requesting SOQs, remember that firms' responses can be lengthy and will require careful review. Keep this in mind when deciding how many firms you will contact. You can find potential firms by contacting facility owners who have completed projects similar to yours. State professional associations representing architects, engineers and landscape architects also publish member directories or on-line membership listings. Allow at least 14 days for firms to submit their SOQ.

TO: \_\_\_\_\_  
*list, in alphabetical order, all firms*

FROM: \_\_\_\_\_  
*owner/client*  
\_\_\_\_\_  
*owner/client representative*

RE: Request for Statement of Qualifications

Your firm is invited to submit a Statement of Qualifications to become eligible for an interview for A/E services for

\_\_\_\_\_  
*project*  
\_\_\_\_\_  
*owner*

Attached to this memo are the following:

- 1) A list of information and materials that you should include with your Statement of Qualifications.  
**See following page.**
- 2) A Preliminary Scope of Services.  
**See page 6.**
- 3) A Schedule of Activities for the selection process.  
**See page 7.**

We will arrange a tour of the facility/site, if appropriate, for firms selected for an interview.

Forward your Statement of Qualifications to:

\_\_\_\_\_  
*name*  
\_\_\_\_\_  
*address*

The deadline for submission is: \_\_\_\_\_ on \_\_\_\_\_  
*time date*

# ***Request for Statements of Qualifications***

---

## **Statement of Qualifications Information and Materials**

- 1) Firm name, address, telephone number and contact person.
- 2) A **one-page statement** of interest and qualifications for this project.
- 3) A **brief** (maximum two-page) project understanding description. Include any concerns regarding permits, schedule, site, etc.
- 4) Discussion of firm's specific abilities and expertise to provide the required professional services and qualifications related to project requirements, including project management skills and methodology to monitor project budgets.
- 5) Key personnel proposed as project team members, including detailed resumes. Clearly identify subconsultants, if proposed, with similar information.
- 6) Examples of specific knowledge, expertise and project management experience related to this type of project.
- 7) Descriptions of recent and related projects completed by the firm.
- 8) References of other owners for which the firm has provided similar professional services. Reference information **must** include:
  - a) name of owner
  - b) project name
  - c) brief description of firm's involvement
  - d) contact person
  - e) address
  - f) telephone number
  - g) firm's key personnel assigned to the referenced project

## Reference Check Form

References checked for \_\_\_\_\_  
*name of professional design firm*

\_\_\_\_\_ *owner*

\_\_\_\_\_ *address*

\_\_\_\_\_ *project referenced*

\_\_\_\_\_ *phone* \_\_\_\_\_ *person contacted*

What was your project? \_\_\_\_\_

When was it completed? \_\_\_\_\_

What did the firm do for you (e.g. design work, construction phase services, project budget, studies, other)?

\_\_\_\_\_

Who was the staff person assigned to the project? \_\_\_\_\_

Rate the following:	Rating 1-5 (5=highest)	Comments
Quality of key personnel		
Timeliness		
Budget control		
Communication		
Creativity		
<b>Total</b>		



*Other project-specific rating factors may be added by the selection committee.*

# Qualifications Evaluation Summary



Use this form to compile the evaluation results of all SOQs. Enter the grand total for each firm as recorded by individual reviewers.

Evaluation Summary Table										
Reviewers	Firms									
	A	B	C	D	E	F	G	H	I	J
1										
2										
3										
4										
5										
6										
7										
8										
<b>Total</b>										

## **Short-List Highest Qualified A/E Firms**

---



*To finalize your short-list, rank the firms' SOQs and select the top firms for your short-list. A short list of three firms is usually sufficient. Notify all firms of your decision.*

- 1) **Notify the firms that you have selected for your short-list.** Your project's size and complexity will determine whether you will conduct subsequent interviews in person or by telephone. If you decide to interview in person, the short-listed firms will need the following information:
  - The date, place and time of the interviews.
  - The date of the tour(s), when appropriate, of the facility/site.
  - A list of the project issues, the interview criteria and an explanation of the scoring and selection process.
  - List any feasibility studies, project program or other background information that will be made available to all short-listed firms.
  - A sample memo you may send to short-listed firms is on page 15.
- 2) **Notify the firms you did not select for further consideration.** The A/E firms devote considerable time and expense in preparing their SOQs and deserve recognition for their efforts. Personal contacts will help to preserve good relations with the firms you have not selected. A sample memo thanking participating firms for their interest is on page 17.

# ***Memo to Short-Listed Firms***

---

TO: \_\_\_\_\_  
*list, in alphabetical order, all firms you plan to interview*

FROM: \_\_\_\_\_  
*owner*

RE: Interview Schedule and Requirements

Congratulations. Your firm has been short-listed for consideration to provide professional services for  
\_\_\_\_\_  
*project*

Following is information regarding the interview process.

Each firm will have 45 minutes to present its qualifications and to answer questions. The interviewers will schedule 15 minutes between interviews for informal discussion of information presented during the preceding interview. After the interviews, the interviewers will rank the firms according to their qualifications and compatibility for the project. The firm deemed highest qualified will then enter into negotiations for a contract to provide the necessary services. If contract terms cannot be reached, the firm ranked second will be invited in for contract negotiations.

Interviews will be held on \_\_\_\_\_ at \_\_\_\_\_.  
*date location*

The order and times of the interviews are:

_____	_____
<i>firm A</i>	<i>time</i>
_____	_____
<i>firm B</i>	<i>time</i>
_____	_____
<i>firm C</i>	<i>time</i>

We have arranged a tour of the facility/site for \_\_\_\_\_.  
*date and time*

Please have your firm's representative contact \_\_\_\_\_, acknowledging  
*owner's representative*  
attendance at the tour and at the interview.

The committee anticipates making a decision and notifying short-listed firms of final rankings by  
\_\_\_\_\_  
*date*



## ***Memo to Firms Not Selected for Interview***

---

TO: \_\_\_\_\_  
*list, in alphabetical order, all firms you have not selected for an interview*

FROM: \_\_\_\_\_  
*owner* \_\_\_\_\_ *address*

RE: Status of Selection Process for \_\_\_\_\_  
*project*

The \_\_\_\_\_ appreciates your interest in our project.  
*committee or group*

After careful consideration, we have decided to interview the following firms:

***List short-listed firms in alphabetical order.***

Although your firm was not short-listed, we appreciate your interest in our project and the resources spent preparing your statement of qualifications.

## ***Providing a Tour of the Facility/Site***

---



*For very large or complex projects, a tour of the project facility or site can be an important part of the selection process. Tours provide interested firms with the opportunity to obtain first hand information about the proposed project.*

Schedule tours at least ten days before the interview date to allow firms enough time to incorporate any new information into their presentations.

In most cases, you should provide tours for short-listed firms only. Whether to offer tours to all interested firms or only to short-listed firms depends on the project requirements. A group tour that includes all interested firms can be effective, but may inhibit firm representatives from openly discussing the project and raising questions, for competitive reasons.

Depending on the complexity of your project, one-on-one tours may be appropriate, with your representative meeting with firm representatives one firm at a time.

For one-on-one tours, the following is suggested:

- Schedule all tours for one date.
- Limit times for each tour to be consistent for each firm (e.g., one hour for each short-listed firm).
- Ensure that the owner's representative is the only "owner's voice" on the tour to prevent possible conflicting information. Also, the owner's representative should strive to answer similar questions from each of the firms with the same information.



*Interviewing the short-listed firms gives you the opportunity to compare each firm's creative approach to the project as well as its interpretation and understanding of the project requirements. Interviews need not be conducted on relatively small or non-complex projects.*

## The Interview Environment

The room for the interview should be comfortable, have good acoustics and be large enough to accommodate the expected number of people. You should provide a separate area for firms waiting to be interviewed.

## Interview Guidelines

- 1) All interviewed firms should have an equal opportunity to prepare their presentation and equal access to all pertinent information. Send all firms the criteria to be used for the interview scoring.
- 2) Schedule all interviews on the same day, so the committee can compare all firms while the information is fresh in their minds. The same interviewers should be present at all of the interviews. This will also result in consistent interview scoring.
- 3) Schedule 45 minutes for each presentation and 15 minutes between interviews. This will allow ample time for the presentation, the question and answer period and discussion of the presentation among the selection committee members.
- 4) Request that the firm's project manager and key personnel attend the interview.
- 5) Let all firms know when the selection decision will be made and when they will hear from you.
- 6) A sample Interview Evaluation Form is provided on page 19. You may develop other versions of this form, depending on your project's complexity.
- 7) Each interviewer should evaluate each firm and record his/her score on separate forms. The chair of the committee will then compile the individual score sheets. See page 20 for a Selection Committee Score Sheet.
- 8) After completing interviews and rankings, it is customary to notify firms of the final selection decision. A sample Memo to Interviewed Firms is provided on page 21.

# Interview Evaluation Form



*The individual firm score sheet is an effective tool for rating, ranking and ultimately selecting a qualified and compatible firm. This system also provides a well-documented record of your selection process.*

Project: \_\_\_\_\_

Firm: \_\_\_\_\_

*Rate each firm using the categories listed below. Depending on your needs, you may wish to weight the categories by determining different Best Possible Ratings for each one. Develop a rating system in advance that your group is comfortable with. You may tailor categories as appropriate to your project.*

Interview Evaluation Form		
Category	Best Possible Rating	Rating
1) <b>Project requirements</b> Firm's analysis, preparation and interest		
2) <b>Design approach/methodology</b> Firm's or individual's creativity		
3) <b>Key personnel and roles</b> Qualifications and professional skills of key individuals		
4) <b>Previous experience of firm</b> Related projects		
5) <b>Resources and abilities</b> Quality and importance of support services		
6) <b>Project management</b> Project cost controls, construction observation, conflict resolution and schedule control		
7) <b>Responsiveness to owner's concerns</b> Firm's ability to communicate and form successful working relationships		
<b>Total</b>		



*Additional criteria may be added by the selection committee.*

# Selection Committee Score Sheet



*The chairperson should use this form to compile all of the individual evaluation scores. Enter the total for each firm as recorded by individual interviewers.*

Selection Committee Score Sheet			
Interviewer	Firms		
	A	B	C
1			
2			
3			
4			
5			
6			
7			
8			
Combined Total			

# ***Memo to Interviewed Firms***

---

TO: \_\_\_\_\_  
*list, in alphabetical order, all firms interviewed*

FROM: \_\_\_\_\_  
*owner*  
\_\_\_\_\_  
*address*

RE: Status of Selection Process for \_\_\_\_\_  
*project*

The \_\_\_\_\_ *owner* has completed the selection process for professional services for \_\_\_\_\_ *project*.

Our objective was to select the highest qualified firm to perform this service.

We have now entered into contract negotiations with \_\_\_\_\_ *firm #1*.

On behalf of \_\_\_\_\_ *owner*'s selection committee, I would like to express our appreciation for your time, effort and interest spent on our behalf.

Sincerely,

\_\_\_\_\_  
*selection committee chair*

## ***Negotiate Scope of Services & Compensation***

---



***As soon as possible after an A/E firm is selected, begin detailed discussions on the agreement for professional services. This gives you the opportunity to refine your goals, project requirements (scope of services), fees and expectations of the selected firm.***

From this point on, you and the selected firm will work as a team. You should discuss the project in detail with the selected firm so that you both have a good understanding of what the project entails and what services the firm is to provide. For a major project, these discussions might require several meetings. The result of your discussions — a detailed scope of services — is the foundation of your agreement.

When you have agreed on the scope of services, the A/E firm will develop a detailed fee proposal, which will serve as the basis for your fee negotiations. Common fee proposals include:

- lump sum
- percent of construction costs
- hourly rate basis
- cost plus fixed fee
- combination of above

If the proposed fee exceeds your budget, the firm can suggest modifications to the scope of services. At this time, the firm's project manager will also explain the possible ramifications of any changes to the original scope of services.

In the unlikely event that you and the selected firm are unable to reach an agreement on the scope of services and/or compensation, you should terminate discussions and begin negotiations with the second-ranked firm.

A written agreement between you and the A/E firm is important to ensure that both parties have the same expectations and understanding of the project requirements, responsibilities, scope of services and compensation. The firm may recommend using a standard form of agreement developed by either The American Institute of Architects (AIA) or the Engineers Joint Contract Document Committee (EJCDC).

These standard contract documents are widely used and accepted because they are time-tested and reflect the consensus of opinion among organizations representing facility owners, attorneys, insurance industry and contractors, as well as engineers and architects. These AIA and EJCDC standard agreements are part of a coordinated family of contract documents, which is important and beneficial to the owner.

It is advisable to involve legal counsel when finalizing the agreement and its subsequent approval by your governing board.

# Ohio's QBS Law

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**Note:** *In 2012, the Ohio General Assembly enacted legislation (Am. Sub. H.B. 153) adding language to Ohio's QBS Law that authorizes public authorities in Ohio to use the design/build project delivery system and requires the use of a quasi-QBS process for awarding design/build contracts. The following is an abridged version of the QBS statute as it applies to the selection of engineers, architects and surveyors. It omits those provisions relating to awarding design/build contracts.*

**Sec. 153.65.** As used in sections 153.65 to 153.73 of the Revised Code:

(A)(1) "Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, a county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special purpose district of the state or of a political subdivision.

(2) "Public authority" does not include the Ohio turnpike commission.

(B) "Professional design firm" means any person legally engaged in rendering professional design services.

(C) "Professional design services" means services within the scope of practice of an architect or landscape architect registered under Chapter 4703. of the Revised Code or a professional engineer or surveyor registered under Chapter 4733. of the Revised Code.

(D) "Qualifications" means all of the following:

(1) (a) For a professional design firm, competence to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services;

(2) Ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously;

(3) Past performance of the firm as reflected by the evaluations of previous clients with respect to

such factors as control of costs, quality of work, and meeting of deadlines;

(4) Any other relevant factors as determined by the public authority;

**Sec. 153.66.** (A) Each public authority planning to contract for professional design services or design-build services shall encourage professional design firms and design-build firms to submit a statement of qualifications and update the statements at regular intervals.

(B) Notwithstanding any contrary requirements in sections 153.65 to 153.70 of the Revised Code, for every design-build contract, each public authority planning to contract for design-build services shall evaluate the statements of qualifications submitted by design-build firms for the project, including the qualifications of the design-build firm's proposed architect or engineer of record, in consultation with the criteria architect or engineer before selecting a design-build firm pursuant to section 153.693 of the Revised Code.

**Sec. 153.67.** Each public authority planning to contract for professional design services or design-build services shall publicly announce all contracts available from it for such services. The announcements shall:

(A) Be made in a uniform and consistent manner and shall be made sufficiently in advance of the time that responses must be received from qualified professional design firms or design-build firms for the firms to have an adequate opportunity to submit a statement of interest in the project;

(B) Include a general description of the project, a statement of the specific professional design services or design-build services required, and a description of the qualifications required for the project;

(C) Indicate how qualified professional design firms or design-build firms may submit statements of qualifications in order to be considered for a contract to design or design-build the project;

(D) Be sent to any of the following that the public authority considers appropriate:



(1) Design-build firms, including contractors or other entities that seek to perform the work as a design-build firm;

(2) Architect, landscape architect, engineer, and surveyor associations;

(3) The news media;

(4) Any publications or other public media, including electronic media.

**Sec. 153.68.** Any public authority planning to contract for professional design services may institute prequalification requirements for professional design firms seeking to provide services to the public authority and may require that each prequalified firm maintain a current statement of qualifications on file with the public authority. The prequalification requirements shall be based on factors such as those set out in division (D) of section 153.65 of the Revised Code.

**Sec. 153.69.** For every professional design services contract, each public authority planning to contract for professional design services shall evaluate the statements of qualifications submitted by professional design firms specifically regarding the project, and may hold discussions with individual firms to explore further the firms' statements of qualifications, the scope and nature of the services the firms would provide, and the various technical approaches the firms may take toward the project. Following this evaluation, the public authority shall:

(A) Select and rank no fewer than three firms which it considers to be the most qualified to provide the required professional design services, except when the public authority determines in writing that fewer than three qualified firms are available in which case the public authority shall select and rank those firms;

(B) Negotiate a contract with the firm ranked most qualified to perform the required services at a compensation determined in writing to be fair and reasonable to the public authority. Contract negotiations shall be directed toward:

(1) Ensuring that the professional design firm and the agency have a mutual understanding of the essential requirements involved in providing the required services;

(2) Determining that the firm will make available the necessary personnel, equipment, and facilities to perform the services within the required time;

(3) Agreeing upon compensation which is fair and reasonable, taking into account the estimated value, scope, complexity, and nature of the services.

(C) If a contract is negotiated with the firm ranked to perform the required services most qualified, the public authority shall, if applicable under section 127.16 of the Revised Code, request approval of the board to make expenditures under the contract.

(D) Upon failure to negotiate a contract with the firm ranked most qualified, the public authority shall inform the firm in writing of the termination of negotiations and may enter into negotiations with the firm ranked next most qualified. If negotiations again fail, the same procedure may be followed with each next most qualified firm selected and ranked pursuant to division (A) of this section, in order of ranking, until a contract is negotiated.

(E) Should the public authority fail to negotiate a contract with any of the firms selected pursuant to division (A) of this section, the public authority may select and rank additional firms, based on their qualifications, and negotiations may continue as with the firms selected and ranked initially until a contract is negotiated.

(F) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

**Sec. 153.691.** No public authority planning to contract for professional design services under section 153.69 of the Revised Code shall require any form of fee estimate, fee proposal, or other estimate or measure of compensation prior to selecting and ranking professional design firms, except in instances when firm are selected and ranked by a state agency from a list of prequalified firms created under section 153.68 of the Revised Code and the state agency's payment of funds for the professional design services has been preapproved by the controlling board.

**Sec. 153.70.** (A) Except for any person providing professional design services of a research or training nature, any person rendering professional design services to a public authority or to a design-build firm, including a criteria architect or engineer and person performing architect or engineer of record services, shall have and maintain, or be covered by, during the period the services are rendered, a professional liability insurance policy or policies with a company or companies that are authorized to do business in this state and that afford professional liability coverage for the professional design services rendered. The insurance shall be in amount considered sufficient by the public authority. At the public authority's discretion, the design-build firm shall carry contractor's professional liability insurance and any other insurance the public authority considers appropriate.

(B) The requirement for professional liability insurance set forth in division (A) of this section may be waived by the public authority for good cause, or the public authority may allow the person providing the professional design services to provide other assurances of financial responsibility.

(C) Before construction begins pursuant to a contract for design-build services with a design-build firm, the design-build firm shall provide a surety bond to the public authority in accordance with rules adopted by the director of administrative services under Chapter 119. of the Revised Code.

**Sec. 153.71.** Any public authority planning to contract for professional design services or design-build services may adopt, amend, or rescind rules, in accordance with Chapter 119. of the Revised Code, to implement sections 153.66 to 153.70 of the Revised Code. Sections 153.66 to 153.70 of the Revised Code do not apply to either of the following:

(A) Any project with an estimated professional design fee of less than fifty thousand dollars if both of the following requirements are met:

(1) The public authority selects a single design professional or firm from among those that have submitted a current statement of qualifications within the immediately preceding year, as provided

under section 153.68 of the Revised Code, based on the public authority's determination that the selected design professional or firm is the most qualified to provide the required professional design services;

(2) The public authority and the selected design professional or firm comply with division (B) of section 153.69 of the Revised Code with respect to the negotiation of a contract.

(B) Any project determined in writing by the public authority head to be an emergency requiring immediate action including, but not limited to, any projects requiring multiple contracts let as part of a program requiring a large number of professional design firms of the same type.

**Sec. 153.73.** The requirements set forth in sections 153.65 to 153.72 of the Revised Code for the bidding, selection, and award of a contract for professional design services or design-build services by a public authority prevail in the event of any conflict with any other provision of this chapter.

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