

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Professional Consulting Services Related to Capital Construction

POLICY NUMBER: 8066

A. PURPOSE

To ensure professional consulting services, related to construction projects, follow the procedures established by the Nebraska Consultants' Competitive Negotiation Act in the selection of professionals needed for capital construction projects.

B. DEFINITIONS

1. Construction Costs: The total amount to be spent for construction materials and installations, excluding architects and other professional consultant fees.

C. POLICY

1. Thresholds

When construction costs are greater than eight hundred ninety-six thousand dollars (\$896,000) and consulting fees are greater than eighty-nine thousand five hundred dollars (\$89,500):

- Request for Proposals to be issued
- For projects whose basic construction costs are estimated to be more than the limit established in Neb. Rev. Stat. §81-1108.43 and periodically adjusted by the Department of Administrative Services (currently eight hundred ninety-six thousand dollars [\$896,000] until January 1, 2026) and the estimated fee is anticipated to exceed the limit established in Neb. Rev. Stat. §81-1712 and periodically adjusted by the Department of Administrative Services (currently eighty-nine thousand five hundred dollars [\$89,500] until January 1, 2026).

2. Applicability

All contracts involving the use of Building Renewal funds must conform to Project Procedures/Standards as promulgated by the Task Force for Building Renewal.

3. Advertisement for Consulting Services

- A Request for Proposal (RFP) advertisement for the project shall be drafted by the College and reviewed by System Office staff before publication.
- The advertisement shall include a general description of the project and the name of the person at the College to contact for additional information.
- This advertisement must be published once at least thirty (30) calendar days prior to the deadline for receipt and opening of proposals in a publication based in or near the locality of the project and in other widely circulated publications or electronic platforms as deemed necessary by the College.
- A timeline shall be noted in the advertisement including the deadline for submittal of proposals. The RFP will direct the firms to include specific forms/information with their proposals.

4. Proposal Reviews

4.1. Screening Committee

The President is authorized to appoint a screening committee to review the professional consultants' proposals and to select three (3) or four (4) firms for interviews by the selection committee. It is suggested that the local committee include the leadership of the Division/Department for which the facility is being constructed/renovated; the Vice President of Administration and Finance (VPAF); the College Director of Facilities and others deemed appropriate by the President.

4.2 Proposal Criteria

In evaluating the proposals, the screening committee shall give consideration to the following criteria:

- Demonstrated interest in project;
- Relevant experience in projects of similar nature;
- Background of key personnel to be involved in project;
- Planned use of outside consultants;
- Approach in working with campus staff, students and faculty;
- Past performance in meeting budget limits and time schedules;
- Evaluation of firm's work on other state projects;
- Evaluation of proposal;
- Current workload and past volume of work for State Colleges to promote an equitable distribution of contracts among qualified firms; and
- Any additional project specific criteria.

4.3 Selection Committee

The President shall recommend the membership of the Selection Committee to the Board for approval. Included as members of the committee will be a Board of Trustee member, Chair of the Fiscal, Facilities & Audit Committee, the Vice Chancellor for Facilities (VCF) and appropriate campus personnel as desired by the President.

4.4 Selection Committee Interviews

- The College representative in charge of the selection process shall consult with the System Office staff in scheduling the date for the interviews.
- Once the firms to be interviewed have been identified by the Screening Committee, notification and appropriate material shall be forwarded to the selection committee for review prior to the interviews.
- The objective criteria used by the Selection Committee shall be similar to that used by the Screening Committee.
- Unless time is not available, each firm shall be interviewed for one (1) hour, including questions from the Selection Committee.

4.5 Selection Committee Decision

When the interviews have all been completed, the committee shall discuss the strengths of the firms in relation to the proposed project and shall arrive at agreement on the order of firm preference.

4.6 Contract Negotiation

After the Selection Committee has made their selections, the College shall then negotiate a contract, with the selected firm, keeping in mind the budget for professional fees. If the fee cannot be negotiated with the first place firm within the budget limits and required terms, negotiations shall be held with the second place firm. If agreement cannot be reached with the second qualified firm, negotiations shall be undertaken with the third place firm. If those negotiations do not result in a satisfactory agreement, the College and System Office staff will determine the next steps.

4.7 Agreement Form

The Department of Administrative Services (DAS) "Open End Agreement" as defined by DAS Standard Form of Consulting Services: Design and Contract Administration, Nebraska Open End Agreement may be substituted as defined by DAS policy. Per the current DAS-BD Open End Agreement, the policy applies to projects not to exceed two million dollars (\$2,000,000). The policy recognizes the DAS-BD Open End Agreement as an already complete Proposal Request.

5. Exceptions to Process

5.1. Emergencies and DAS Selected Consultants

In cases of emergencies approved by the Chancellor, and in cases where a DAS “Open End Agreement” consulting firm is utilized at less than two hundred thousand dollars (\$200,000) in fees, the consultant selection procedures in Sections 3 and 4 are not required.

6. Contract Changes

A consultant services contract may be conditioned upon later refinements in scope and price and may permit the College in agreement with the consultant to make changes in the project without invalidating the contract. Later refinements shall not exceed the budget or available funding for the project.

FORMS/APPENDICES:

None

SOURCE:

| | | |
|-------------------------|----------------------|--|
| Legal Reference: | RRS 81-1108.43 | Capital construction project; prohibited acts; exceptions; warrant; when issued. |
| | RRS 81-1701 et. seq. | Nebraska Consultants’ Competitive Negotiation Act. |
| | RRS 85-304 | Board of trustees; powers; enumerated. |
| | RRS 85-306 | State colleges; president; duties. |
| | RRS 85-316 | State colleges; funds; contingencies; disbursements; travel expense. |
| | RRS 85-325 | Construction projects; board of trustees; powers. |
| | RRS 85-411 | Campus buildings and facilities; board; powers. |

Policy Adopted: March 1994

Policy Revised: June 1998, September 2002, February 2004, September 2006, November 2009, April 2010, March 2013, November 2013, November 2014, November 2015, March 2017, April 2018, September 2021, April 2022, June 2022