

CHAPTER 5 – SELECTION OF THE PROJECT ARCHITECT OR PROJECT ENGINEER

1.0 Negotiating Committee and Responsibilities

- 1.1 A negotiating committee is established to interview the nominated architectural or engineering firms, and to select and negotiate fees with the selected firm.
- 1.2 Each negotiating committee shall consist of the following members:
 - 1.2.1 The head of the state agency for which the proposed project is planned or designee.
 - 1.2.2 The head of the institution for which the proposed project is planned or designee.
 - 1.2.3 A person designated by the Secretary of Administration who shall act as chairperson of the committee.
- 1.3 When the negotiating committee is notified of the State Building Advisory Commission's (SBAC) firm nominations, the OFPM chair committee will schedule interviews with the committee. Each negotiating committee member will have the following:
 - 1.3.1 A written description of the scope or program of the project, prepared by the head of the state agency for which the project is *proposed*. ([K.S.A. 75-1255](#))
 - 1.3.1.1. The negotiating committee may approve the description as submitted or may revise and amend or reject all or any part of such description.
 - 1.3.1.2. The description in the form approved by the negotiating committee shall be used in the negotiations between the committee and qualified firms.
 - 1.3.1.3. Such description shall be the basis for the project development and the project description shall not be altered without the prior approval of the negotiating committee.
 - 1.3.2 A partially completed Fee Negotiation Checklist DCC Form 102.
 - 1.3.3 Each nominated firm's current statement of qualifications and performance data.
 - 1.3.4 Each firm's project proposal delivered to OFPM in response to the project advertisement.
- 1.4 The negotiating committee encourages nominated firms to visit the project site to gather information regarding the advertised project and to prepare supplemental information pertinent to the project for presentation to the negotiating committee during interviews.
 - 1.4.1 Prior to the interviews, nominated firms will be provided a scope of work or program of the project and a completed Fee Negotiation Checklist DCC Form 102.
- 1.5 The committee shall interview each of the firms regarding the anticipated project and select a single firm, unless the project was advertised for multiple selections.
 - 1.5.1 The selected firm(s) will be reported to the SBAC and be announced at www.da.ks.gov/fp/ when the contract with the selected firm is signed by all parties.

2.0 Fee Negotiation Requirements

- 2.1 Prior to fee negotiations the selected firm will be provided the following:
 - 2.1.1 A written description of the scope or program of the project.

- 2.1.2 A Fee Negotiation Checklist DCC Form 102, completed by the agency.
- 2.1.3 A Project A/E Services DCC Form 103, completed by the agency and designating which services are required for the project.
- 2.1.4 An OFPM project number.

3.0 Fee Negotiation Procedures

- 3.1 Each negotiating committee shall negotiate a contract with the selected firm for the type of professional services required at a fair and reasonable rate of compensation in accordance with ([K.S.A. 75-1257](#) & [75-1263](#)).
 - 3.1.1 The Secretary of Administration's published guidelines (located at the end of this chapter) for fees based on the projected cost of a project, the complexity of a project, the type of construction for the project and the level of services to be provided, as factors in establishing the rate or amount of such fees. ([K.S.A. 75-1257](#) & [75-1263](#))
 - 3.1.2 The program or scope of work, completed Fee Negotiation Checklist DCC Form 102, the Project A/E Services List DCC Form 103, and OFPM's Building Design and Construction Manual.
- 3.2 Should the negotiating committee be unable to negotiate a contract with the firm considered to be the most qualified within the fee limits established, the committee shall then undertake negotiations with the second most qualified firm to negotiate a contract, and so forth with the third, fourth, and fifth firms, if necessary. Should the negotiating committee be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall reevaluate the services and fee requirements and reopen negotiations with any of the nominated firms”.
- 3.3 Should the negotiating committee still be unable to enter into a contract with any of the nominated firms, it shall request the SBAC to provide another list of nominees.
- 3.4 The fee for professional design on-call services may be negotiated on the following basis: as an hourly rate, as a percentage of the estimated construction cost, or as a percentage of the construction contract award.

4.0 Contracts

- 4.1 Each firm shall be responsible for all negligent acts, errors or omissions in the performance of the contract and will be required to have professional liability insurance as determined by the fee negotiations. ([K.S.A. 75-1258](#))
- 4.2 Each contract for professional services negotiated shall be entered into between the Secretary of Administration or the agency and the firm selected. ([K.S.A. 75-1258](#))
- 4.3 Each contract shall specify the responsibilities undertaken by the firm as outlined in the negotiation minutes prepared by the Negotiating Committee Chair, signed by all four (4) parties, and attached to the contract.
- 4.4 Each contract is written as a lump sum not-to-exceed amount and will only be changed by contract amendment when negotiated between the firm and the negotiating committee.

Link to [DCC Form 102 Fee Negotiation Checklist](#)

Link to [DCC Form 103 A/E Services List](#)

Building Design and Construction Manual

A/E FEE GUIDELINES USING CRITERIA FOR: COST / COMPLEXITY / TYPE / SERVICES									
Construction Cost	\$750,000			\$1,500,000			\$2,500,000		
Complexity/Construction Type	New	Combined	Remodel	New	Combined	Remodel	New	Combined	Remodel
Utilitarian (Considerably Less Than Ave)	7.00%	8.00%	9.00%	6.75%	7.75%	8.75%	6.50%	7.50%	8.50%
Conventional (Less Than Average)	7.75%	8.75%	9.75%	7.50%	8.50%	9.50%	7.25%	8.25%	9.25%
Moderately Complex (Average)	8.50%	9.50%	10.50%	8.25%	9.25%	10.25%	8.00%	9.00%	10.00%
Comparatively Complex (More Than Average)	9.25%	10.25%	11.25%	9.00%	10.00%	11.00%	8.75%	9.75%	10.75%
Complex (Considerably More Than Ave)	10.00%	11.00%	12.00%	9.75%	10.75%	11.75%	9.50%	10.50%	11.50%

Construction Cost	\$5,000,000			\$7,500,000			\$10,000,000		
Complexity/Construction Type	New	Combined	Remodel	New	Combined	Remodel	New	Combined	Remodel
Utilitarian (Considerably Less Than Ave)	6.25%	7.25%	8.25%	6.00%	7.00%	8.00%	5.75%	6.75%	7.75%
Conventional (Less Than Average)	7.00%	8.00%	9.00%	6.75%	7.75%	8.75%	6.50%	7.50%	8.50%
Moderately Complex (Average)	7.75%	8.75%	9.75%	7.50%	8.50%	9.50%	7.25%	8.25%	9.25%
Comparatively Complex (More Than Average)	8.50%	9.50%	10.50%	8.25%	9.25%	10.25%	8.00%	9.00%	10.00%
Complex (Considerably More Than Ave)	9.25%	10.25%	11.25%	9.00%	10.00%	11.00%	8.75%	9.75%	10.75%

Notes:

Each complexity factor and each construction type are established at a normal or typical level of difficulty. Individual projects levels may be evaluated compared to the presumed levels.

Combined projects include both new construction, such as an addition, and remodeling construction.

Projects with a Construction Cost between the listed cost values shall have fee values interpolated within the corresponding Fee Ranges.

Projects with a Construction Cost less than \$750,000 shall be negotiated as if the A/E delivery is for an "On-Call" contract.

Projects with a Construction Cost greater than \$10,000,000 shall be evaluated by extending Construction Cost in multiples \$2,500,000 with adjustments in Fee Range of 0.25% for Construction Type and 0.75% for Complexity.

Reference the separate list of Complexity Factors for Assigned Building Types Program Services listed in DCC Form 103 "Services Provided by the Project Architect/Engineer" are established for a typical project.

A/E Fee Guidelines is established for use in evaluating Architecture-only or combined Architecture and Engineering Projects. Engineering-only projects may require different/adjusted criteria.

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COMPLEXITY FACTOR FOR ASSIGNED BUILDING TYPE				
Utilitarian (Considerably Less Than Ave.)	Conventional (Less Than Average)	Moderately Complex (Average)	Comparatively Complex (More Than Average)	Complex (Considerably More Than Ave.)
Projects of simple, utilitarian character without complication or detail and with a high degree of repetition.	Projects of simple character requiring normal attention to design, detail, and with moderate repetition.	Projects of conventional character requiring normal attention to design and detail, complete mechanical and electrical systems.	Projects of specialized character requiring a high degree of skill in design, containing large amounts of complex scientific mechanical and electrical equipment.	Projects of detail character requiring elaborate planning and execution and devoid of repetition.
Agricultural Dam (Earthen) Construction Dam (Earthen) Renovation Grandstand Hangar Industrial Buildings Maintenance Shops Parking Structures Perimeter Security Towers Pre-engineered Structure Prototype Facilities (replication of previously designed facilities) Site Adaptations of Existing Designs Storage Facilities Warehouses	Apartments Armories Bakery Basic Building Structure without interior layout design Boat Ramps Bowling Alley Dining Facilities Dormitories Food Service Greenhouses Gymnasium Historical Facilities requiring only repairs Historical Monuments Laundry Detention / Correctional Facilities – Minimum Natatorium Offices Buildings without partitions Park Shelters Printing Plant Shop & Maintenance Facilities Site Work: Water, Sewers, Streets, Fences, Walks, Parking Lots, Park Trails, Landscaping, Signage, Site Lighting Stadium	Archive Building Auditorium Cellhouse Central Utility Plants Chapel Child Care Classrooms – General Day Care Facilities Detention / Correctional Facilities – Medium Dietary Facilities / Kitchens / Cafeterias Fire & Police Stations Fish Hatchery Floating Docks Recreational Facilities Heating Plant High Voltage Electrical Service / Distribution Laboratory (Dry) Lagoon Library Marinas Medical Office Facilities & Clinics Mental Hospitals - Non-secure Museum Offices Office Buildings with tenant improvements Power Plant Recreation Facility Restroom & Shower Buildings Schools: Sight / Hearing / Physically Impaired Shooting Range – Outdoor Shower Buildings Student Center Student Union / Center Swimming Pool – Natatorium Visitors / Interpretive Centers	Broadcast Studio Classroom – Specialized Computer Center Control Centers Detention / Correctional Facilities – Maximum Fish Hatcheries Food Service Facilities Historical Facilities requiring complete restoration Laboratory – Teaching (Wet) Medical Clinic Mental Hospitals – Secure Museums Observatories Residences Theaters Veterinary Hospital	Computing Center Hospitals Laboratory – Research (Wet) Medical Hospital Science & Medical Research Buildings

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