USE AND SELECTION OF ARCHITECTS, ENGINEERS, SURVEYORS, AND CONSTRUCTION MANAGERS AT RISK

Policy Code: **9110**

A. USE OF ARCHITECTS AND/OR ENGINEERS

To the extent required by North Carolina General Statute 133-1.1, a registered architect or registered engineer, or both, will be used to design and inspect school system buildings being repaired or constructed. In addition, architects and/or engineers may be used for services, such as:

1. preparing feasibility studies for additions, alterations, or renovations of existing facilities;

2. providing consulting services on technical matters;

3. providing services related to long-range planning or facility design; and

4. assisting in the preparation and submission of any documents requested by other governmental agencies.

B. SELECTION PROCESS FOR ARCHITECTURAL, ENGINEERING, SURVEYING, AND CONSTRUCTION MANAGEMENT AT RISK SERVICES

Procurement for architectural, engineering, surveying, or construction management services for facility design, construction, and related services will be accomplished in accordance with the following requirements. Any purchases of services using federal funds must also be made in accordance with the terms and conditions of the federal award and all applicable requirements of federal law and regulation, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") issued by the U.S. Office of Budget and Management. (See also policy 8305, Federal Grant Administration.)

1. Projects with an Estimated Professional Fee of $50,000 or More

   a. The superintendent shall solicit proposals from service providers for selection based upon qualifications using the following or similar criteria:

      1) training and experience of the service providers, especially in school-related projects;

      2) planning ability and promptness;

      3) experience in specification writing, including reputation for accuracy and sufficiency of detail;

4) experience in the construction of K-12 buildings;

5) reputation for quality of design and construction in appearance and utility;

6) history of thorough inspections and follow-through with jobs;

7) timely completion of projects within the established budgets;

8) relationships with contractors and designers; and

9) any other factors the superintendent deems relevant.

b. The superintendent shall provide a list of qualified service providers to the board for consideration and selection unless the estimated professional fee for the project is within the superintendent's authority to contract as provided in policy 6420, Contracts with the Board. The list shall not include any company whose name appears on the state treasurer's lists of restricted companies, developed in accordance with G.S. 147, art. 6E or art. 6G.

c. A North Carolina resident firm will be granted a preference over a nonresident firm if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis, and to the same extent as the preference granted by the nonresident firm's home state. The solicitation documents must require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.

d. Fees will be negotiated with the selected firm. If a fair and reasonable fee cannot be agreed upon, the board or superintendent will select the next best qualified firm and negotiate fees. The contract with the firm must be reviewed by the board attorney and meet all applicable laws and board policies. The contract must have board approval unless the board has delegated this authority to the superintendent in policy 6420.

2. Projects with an Estimated Professional Fee of Less than $50,000

a. The process established in subsection B.1. is not required unless otherwise directed by the board or superintendent for a specific project.

b. When the estimated professional fee for a project is estimated to be **within** the superintendent's authority to contract on behalf of the board as provided in policy 6420, Contracts with the Board, the superintendent

shall have authority to select the firm. Board approval of the firm is not required. The contract with the firm must meet all applicable laws and board policies and must be consistent with G.S. 147, art. 6E and art. 6G.

c. When the professional fee is estimated to **exceed** the superintendent's authority to contract on behalf of the board as provided in policy 6420, Contracts with the Board, the superintendent shall recommend one or more firms to the board for consideration. The board will approve the selection of the firm. The contract with the firm must be reviewed by the board attorney, be approved by the board, meet all applicable laws and board policies, and be consistent with G.S. 147, art. 6E and art. 6G.

Legal References: 2 C.F.R. 200.317-200.326; G.S. 115C-521(g); 133, arts. 1 and 3; 143-64.31, -64.32; 147 art. 6E, art. 6G

Cross References: Contracts with the Board (policy 6420), Federal Grant Administration (policy 8305), Site Selection (policy 9010), Facility Design (policy 9020)

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