
HIRING CONSULTANTS AT UC

UC Berkeley Facilities

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Introductions

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Agenda

- 1. Capital Projects: Major & Minor**
- 2. Bowen Bill: Qualifications Based Selection**
- 3. Annual Announcement**
- 4. Types of Agreements**
- 5. Terms and Conditions**
- 6. Restrictions**
- 7. Where can we find the answers?**

Facilities Manual

Construction Services

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- PROGRAMS & PROCESSES
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UC FACILITIES MANUAL

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[Delegations of Authority Table](#)

Capital Project types

Minor Capital Projects: Project Cost \$0 - \$1,000,000

- A Minor Capital Project can be designed in-house

Major Capital Projects: Project Cost above \$1M

- A Major Cap project must be designed by an outside design professional

If a project is **state-funded** these limits change:

- Minor Capital Projects: Project Cost \$0 - \$656,000
- Major Capital Projects: Project Cost above \$656,000
- These limits are subject to change so check before using

Bowen Bill - Public Contract Code 10510.4 et seq.

Requires Qualifications-Based Selection:

- Consultants and Design Professionals include the following: architects, landscape architects, engineering, cost estimator, environmental, land surveying, construction project management firms.
- PCC 10510.5: “Selection by the University . . . shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.”
- Selection Not Based on Cost or Fee.
- Project must be clearly defined.

The Annual Announcement aka \$100K Exception

- **PCC 10510.7(b)(4)**: “This subdivision does not apply to a contract for the services . . . with a total contract cost of one hundred thousand dollars (\$100,000) or less, provided that the type of project for which the contract is awarded is identified by the university in an annual announcement . . . that identifies the project needs of the university that are projected to have a total contract price of one hundred thousand dollars (\$100,000) or less.”
- Interested Design Consultants contact the campus rep in the announcement
- **Be conservative estimating total contract cost when using exception.**
- The University’s Annual Announcement: http://www.ucop.edu/construction-services/_files/annual_announcement.pdf

Bowen Bill – Selection Steps

- **Prepare** a Request for Qualifications (RFQ) see Facilities Manual RD1.1
- **Advertise** in California State Contracts Register and in publications of the respective professional societies and organizations of persons that perform those services, at a minimum.
- **Evaluate** statements of qualifications and performance data.
- **Interview** no less than 3 firms
- **Rank** in order of preference, based upon criteria established and published by the university.
- **Negotiate** a contract with the best qualified firm.

RFQs

A Request For Qualifications (RFQ) should ask for:

- Firm's relevant experience
- Specific comparable project experience
- Resumes of key staff members (the people you will work with)
- Proposed approach to the project
- Diversity and Inclusion (SBE, WBE, DVBE firms)

RFQs

The Berkeley campus of the University of California requests that interested firms submit written proposals to provide design services for renovations to the Women's Basketball shower and locker room facility at the Haas Pavilion. Scope comprises an approximate area of 3,600 GSF.

PROJECT REQUIREMENTS:

- Design creative and cost effective solutions to renovate and improve the shower and locker room facility for the Women's Basketball Program. All firms must have prior experience designing similar sports facilities for NCAA or professional programs.

SCOPE OF SERVICES

- Work with University stakeholder team to assess program requirements, existing conditions, key issues, etc.
- Design will cover an approach that addresses existing areas in a manner that will accommodate the growing needs of the Women's Basketball Program.
- Provide cost estimate, by phase, as directed by the University.

PROPOSAL CONTENT

Proposal must not exceed 20 pages and shall provide sufficient information to allow the University to evaluate the Consultant's approach, experience, staff and availability. Proposals shall include the following information:

- Discussion of Consultant's approach to the Project.
- Description of projects of comparable scope including a client contact and phone number for at least three (3) projects.
- Resumes of staff to be assigned to the Project and a statement regarding availability of staff to begin the Project.
- Rate sheet showing hourly fees for design team.

SUBMITTAL RECEIPT AND ADMINISTRATION

UNIVERSITY OF CALIFORNIA, BERKELEY
SUMMARY STATEMENT OF QUALIFICATIONS
Haas Pavilion Women's Basketball Locker Room Renovation
Project Number 12882A

RFQs

Company Information

Firm Name			
Primary (Street) Address			
Firm Established (Year)	Phone	Email	
Type of Organization: (check one)	<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> General Partnership
	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Individual/Sole Proprietorship	
If Corporation, incorporated in the State of _____			

Principal (P) and Associates (A): Check "P" or "A" for each

Name	P	A	Degree or Certificate	Issuing Institution
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

Relevant Project Experience

Project No. 1

Summary Description:	Delivery Method:
Building Size (sq. ft.):	Proposed Budget: \$
Client/Stakeholder:	Email/Contact:
Note: Indicate your firm's role in project No 1. Identify team members who worked on Project No. 1 that are also proposed to work on this project.	
Check attributes that apply for Project No. 1:	
Was project built? <input type="checkbox"/> Yes <input type="checkbox"/> No	

RFQs

How do you evaluate the qualifications?

- Identify key selection criteria ahead of time
- Include the selection criteria in the RFQ
- What you looking for will vary with the needs of the project

RFQs

Questions about this RFQ or the project should be submitted using Building Connected by using the "Message" Tab no later than 5:00p.m. PST on October 28, 2021.

Interested parties are expressly prohibited from contacting any other party associated with this project, including but not limited to UC Berkeley employees, representatives, consultants, and donors, during this RFQ process, including interviews and contracting. Such contact will serve as reason for firm disqualification.

SELECTION PROCESS

The University will review all proposals and select and rank the three most qualified Consultants. The selection and ranking shall be based on the criteria listed below. The order in which the criteria appear does not indicate the importance, ranking or weighting that will be used in the evaluation.

1. Proposed approach to the project
2. Past experience of the firm in performing similar projects.
3. Experience of staff to perform the services required by the Project.

The University shall negotiate with the highest ranked Consultant on the tasks, staffing, schedule and a maximum not-to exceed fee. Negotiations may be formally terminated if they fail to result in a contract within a reasonable amount of time. Negotiations will then ensue with the second ranked Consultant, and if necessary, the third ranked Consultant

Interviews. *The University may elect to hold interviews of the three highest ranked consultants. Interviews, if held, will be held via video conference with the firms selected by the Evaluation Committee. Each firm should attend the interview with no more than three people. The principal-in-charge, the design lead, and the project manager must attend the interview (these roles may overlap). Each of the team members attending the interview must participate substantively in the interview.*

Firms may bring one marketing staff member to the interview if desired; that staff member does not count towards the limit of three people and may not participate in the interview.

What Happens if...

- **You end up with less than 3 candidates after advertisement and outreach efforts?**
- **You can't successfully negotiate a satisfactory contract with the most qualified firm (at top of your list)?**

UC's Agreement Forms

1. EDPA – Executive Design Professional Agreement

- To be used if work includes stamped and signed drawings
- EDPA Blanket – used for multiple projects of the same type. The total fees \$ for all projects, and total time duration must be defined in advertisement.
- EDPA Lite where fee + reimbursables shall not exceed \$100K.

2. PSA – Professional Services Agreement

- Not to be used if the scope of work includes stamped & signed drawings

3. Brief Design Build & Energy Savings Brief Design Build more in next seminar

Agreement Forms

Construction Services

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Contract Templates - Design and Other >

Resource Directory

Glossary

Professional Services Agreement (PSA)

TEMPLATES (NON-DESIGN)

Construction Management Agreement (CMA) for CM Services with any Delivery Method

TEMPLATES (NON-DESIGN)

Executive Design Professional Agreement (EDPA)

TEMPLATES

EDPA for CM at Risk delivery

TEMPLATES

EDPA Blanket Agreement

TEMPLATES

Master Architect Agreement for Design-Build Delivery

TEMPLATES

Executive Design Professional Agreement Lite

TEMPLATES

Executive Design Professional Agreement

EDPA – Executive Design Professional Agreement

- To contract with executive architects, executive landscape architects, and executive and consulting engineers (structural, civil, mechanical, and electrical).
- To be used if work includes stamped and signed drawings
- Properly Licensed in State of California
- Executive Architect: Overall responsible for technical aspects of design, and works w Design Architect (if there is one)
- <https://www.ucop.edu/construction-services//facilities-manual/contract-templates-design/edpa.html>

EDPA

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Glossary

Executive Design Professional Agreement (EDPA)

The Executive Design Professional Agreement (EDPA) is used to contract with executive architects and executive engineers who are licensed within the state of California.

The following documents are approved by the Office of the President and the Office of General Counsel for use by the facility. Instructions and cover sheets contained in these documents are for the facility only and should be removed prior to distribution. Documents identified as "Core Documents" shall not be modified by the facility. Any revisions to these templates are made and issued by the Office of the President.

Agreement - Core Document

General Conditions/Division 1

Design Professional Rate Schedule

Supplemental Requirements

Format for Listing Rooms and Spaces

Reimbursement Schedule

Project Program

Certificate of Insurance

Amendment

Self-Certification

Final Distribution of Contract Dollars

Constructability Analysis

Lump Sum Fee

Regulatory Agencies and Approvals Requirements

Value Engineering Program

Design Professional Experience

Sustainability Score Sheet

Executive Design Professional Blanket Agreement

EDPA Blanket Agreement - to contract with an Executive Design Professional for a specified time period on multiple projects of the same type.

- The total fees \$ for all projects, and total time duration must be defined in advertisement.
- When the Facility is ready to use the consultant's services, an Authorization to Perform Services is executed.
- Authorization specifies the services to be performed, the compensation, and the time frame in which the services will be performed.
- <https://www.ucop.edu/construction-services//facilities-manual/contract-templates-design/edpa-blanket.html>

Executive Design Professional Agreement Lite

EDPA Lite

- For use for design services on a project where the fee + reimbursables shall not exceed \$100K.
- For complex projects (even if the dollar amount is low), the standard EDPA is recommended, especially if the services for the project were advertised.
- <https://www.ucop.edu/construction-services//facilities-manual/contract-templates-design/edpa-lite.html>

Professional Services Agreement

PSA – Professional Services Agreement

- When Consultant services are required for planning, design, and construction projects, the Professional Services Agreement is used. Examples:
 - Scheduling
 - Estimating
 - Soils sample testing
- Not to be used if the scope of work includes stamped & signed drawings
- <https://www.ucop.edu/construction-services//facilities-manual/contract-templates-design/psa.html>

Brief Design Build

Brief Design Build & Energy Savings Brief Design Build

(covered in more detail in next seminar)

- Design Consultant works for contractor (aka Design Builder)
- Cost of Design + Construction does not exceed \$5M
- <https://www.ucop.edu/construction-services//facilities-manual/contract-templates-construction/brief-design-build.html>
- <https://www.ucop.edu/construction-services//facilities-manual/contract-templates-construction/energy-savings-brief-design-build.html>

Terms & Conditions

- Ownership of documents – UC owns the documents produced by consultants
- The Consultant must Indemnify & defend the University against liability and claims
- The consultants are required to carry General Liability Insurance that names UC as an additional insured; Professional Liability Insurance, and Business Auto Insurance
- The consultant must register with Department of Industrial Relations (DIR), Senate Bill 96 2017-2018, there is a fine if they don't
- Payment for Basic Services and Additional Services

Restrictions

Conflict of Interest

- **PCC 10510.5(b):** “These Procedures shall specifically prohibit practices that might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit university employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section.”
- This includes accepting meals and gifts from a consultant
- https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10510.5&lawCode=PCC

Restrictions

Follow-on Contracting Prohibited

- **PCC 10515 (a)** Prohibits a consultant who has provided services on a project from bidding “for the provision of services, procurement of goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract.”
- The Consultant cannot benefit from the recommendations in their work
- This is Complicated, and there are Exceptions, so if you have questions ask UC Legal - OGC

What Happens if...

- **If your project estimate shows the cost of the design agreement is estimated to be \$92K, how do you proceed to select a designer?**
- **You hire an architect to perform a condition study of an older building to see if it can accommodate a new study center. The study recommends that campus construct a building addition. Can you hire that same architect to design the addition?**
- **ABC Engineers is one of three firms under consideration for a new switching station. If your brother is a part-owner of ABC Engineers, can you participate on the selection committee?**

Where are the answers? The Facilities Manual

The Facilities Manual provides policies, procedures, and guidelines

- Defines process for professional services selection
- Solicitation and selection process
- Provides contract templates
- Change a template? Questions? Call UCOP or UC Legal – OGC
- Process: <https://www.ucop.edu/construction-services//facilities-manual/volume-3/vol-3-chapter-3.html#intro>
- Contracts: <https://www.ucop.edu/construction-services//facilities-manual/contract-templates-design/index.html>

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Resource Directories (RDs)

QUESTIONS?

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