

# A&E Services Award - 101

## Understanding and Administering

Mohave's  
*Architects &  
Engineering (A&E)  
Services  
Award*

*RFQ 08-0608*



*As of: July 13, 2009*

A&E101

## Overview

- ▶ Purpose: To understand and properly administer Mohave's Architects & Engineering Services Award; **RFQ 08-0608**
  
- ▶ Primary Legal References:
  - ▶ ARS 34-603, Procurement of Professional Services...
  - ▶ ARS 41-2578, Procurement of Specified Professional and Construction Services
  - ▶ R7-2-1117 through R7-2-1122, Procurement of Specified Professional Service (State Board of Education Procurement Rules)
  
- ▶ Additional References: Mohave RFQ solicitation, Mohave A&E Use Guide

## **RFQ Process**

- ▶ In initiating this A&E Services contract, Mohave used the Request for Qualifications (RFQ) process
- ▶ This was done in accordance with applicable Arizona State Procurement Code (Title 41, Chapter 23), State Board of Education Procurement Rules, and other applicable statutes
- ▶ A selection committee (of member representatives) was established for each of the seven regions
- ▶ These evaluations resulted in a multiple selection of vendors by region; in all, 18 vendors were awarded

## *Mohave's A&E Award*

- ▶ Based on our member needs, Mohave has made a regional based award. In other words, Mohave has selected vendors based on their qualifications to perform work in a certain region
- ▶ For purposes of this award, regions include one or more counties as listed on the map that follows this slide
- ▶ This award is unlike any other Mohave awards in that the member is required to complete negotiations with the vendor which includes agreeing upon a “fair and reasonable price” and other contract terms (34-603, 41-2578, R7-2-1122)



## ***Mohave's A&E Regions***

Up to eight vendors were awarded in each region—these vendors are listed on our website

A&E Regions

## **A&E Firm Selection**

- ▶ Mohave's evaluation committee selected up to eight A&E vendors in each region for our member's use
- ▶ Mohave's members must determine which vendor is the most qualified to meet their particular needs
- ▶ ***Once they have determined this, they will enter formal negotiations with that vendor***
- ▶ If they are unable to successfully negotiate with that vendor, they may move on to another approved vendor within their region

## **Mohave A&E Use Guide**

- ▶ Prior to using the A&E contract, members should review the “Mohave A&E Use Guide” and this presentation to help facilitate use of this contract
  - ▶ This guide may be found on our website under the “Training Corner” section
- ▶ This slide presentation is a handout to assist members in understanding the components of negotiating under this contract

## Member Negotiation



- ▶ After determining the most qualified A&E firm for their particular project, Mohave's members must negotiate with that vendor
  
- ▶ **Negotiation includes “a price and contract terms” negotiation**
  - ▶ Member must obtain information to make a “fair and reasonable” determination (34-603, 41-2578, R7-2-1122)
  - ▶ Additionally, member and vendor must agree upon a formal contract (may be vendor provided, member provided, or other)

## **Member Negotiation (Continued)**

- ▶ Below are some possible ways to determine “fair and reasonable” price for professional services
  - ▶ Request from A&E firm pricing information on most recent efforts on related public sector-school jobs
  - ▶ Compare similar projects, size and scope
  - ▶ Contact those clients to discuss pricing and also “lessons learned”
  - ▶ Contact other like public entities to determine what pricing they received
  - ▶ Use industry or other related guides such as School Facilities Board (SFB) guidelines on A&E fees

## **Member Negotiation (Continued)**

- ▶ How do you determine what formal contract to use and what contract terms are necessary?
  - ▶ Many acceptable formal contracts (AIA, individual A&E Firm, other)
  - ▶ Contracts must comply with Arizona procurement code and would recommend some form of legal review prior to any signing of contract
  - ▶ **Biggest question members should consider asking, “what is included and not included in Basic Services part of contract?”**

## Mohave “Review” Requirements

- ▶ Mohave’s Procurement Specialists will look for “**proper and complete**” documentation submitted with each Purchase Order for A&E services
  
- ▶ What constitutes “proper and complete? (**must** have both items below)
  - ▶ 1. Valid member Purchase Order for A&E services
  - ▶ 2. Attached copy of contract between member and firm (Mohave contracted vendor from member’s region)

## **Mohave Recommendations**

- ▶ Mohave recommends to its members that the following items should not be included in your negotiated agreement:
  - ▶ Waiver of right for a jury trial;
  - ▶ Requirement of upfront payment by member when purchase order is placed;
  - ▶ Entire agreement language;
  - ▶ Late fees.
  
- ▶ All of the items listed above have the potential to adversely impact the member and/or place the member at a disadvantage. When in doubt, we recommend a review by your legal counsel.

## Summary

- ▶ Mohave's A&E Services contract requires members to negotiate "pricing and contract terms" with contracted vendors within their region
- ▶ To ensure contract requirements are met, members using the Mohave A&E contract must also submit their purchase order and negotiated contract for review by a Mohave procurement specialist
- ▶ When in doubt about contract compliance, members may contact the Mohave Contracts Team for additional guidance

# Still have questions?

*Questions regarding this information and/or the Mohave  
A&E contract should be directed to  
Tom Peeler ([tom@mesc.org](mailto:tom@mesc.org))*