

Section III.D.3. Purchasing of Professional Services Purchasing of Architecture and Engineering Services Procedures

These procedures supplement and clarify Section III.D.3. of the Lone Star College System District Policy Manual (“Policy Manual”) last revised by the Board of Trustees on **February 2, 2017**—setting out the College’s policies regarding the purchasing of Professional Services. These procedures apply to the purchase of architecture and engineering services through a Request for Qualifications (“RFQ”) pursuant to Texas Government Code § 2254 *et seq.*

The Policy Manual controls when a conflict arises between it and the procedures below. These procedures were last updated on **October 30, 2017**. The notice and comment period was open online to the public from **September 20, 2017** to **October 20, 2017**.

1. **Scope of Procedures.** These procedures govern the necessary timelines the Facilities and Construction Department must give the Purchasing Department before awards may be made for architectural services. These procedures address the solicitation and evaluation of submittals by architecture firms for construction or design projects.

2. **Timeline.** This is a solemn, important, and in many respects—legally required—process that should not be rushed. Failing to adequately plan does not cloak what would be a routine procurement process in the shroud of emergency. The Chancellor requires college employees to err on the side of thoroughness rather than speed should the two values ever conflict.

a. **Hard Submission Deadline.** The Administration and Finance Division issues an Administration and Finance Planning Calendar every fiscal year (attached as an appendix). The columns on the far left side of that calendar outline the dates by which the Purchasing Department must be notified of the intended project. The Facilities and Construction Department must faithfully and literally follow those deadlines. The Facilities and Construction Division’s failure to properly notify the Purchasing Department of an intended project by the date required on the Planning Calendar requires delaying the project until the following board meeting’s notification deadline.

Proper notification—as the term is used in the last sentence—includes delivering a complete RFQ Package by the due date to the Purchasing Department. Failing to deliver this RFQ Package prevents the Purchasing Department from maintaining its own schedule and ensuring a robust, thorough, predictable, and timely process for all involved parties.

b. **Advertisement Requirements.** The RFQ Event (in most cases the deadline for submissions) must be advertised in the Houston Chronicle and African American News and Issues for at least 14 calendar days before the deadline for submitting qualifications expires. The College’s employees involved in this process—or those wielding authority over the process or employees involved—should only meet with submitters as outlined in these procedures.

c. **Pre-submission Meetings.** The College has two pre-submission meetings. The first meeting is a Pre-Submittal Meeting and it can be held at any time after the 14-calendar-day advertising requirement is met. The second meeting is a teleconference (typically through the third-party software, WebEx) that can be held at any time after the Pre-Submittal Meeting.

1. The objective of the Pre-Submittal Meeting is providing the Purchasing Department an opportunity to relay the RFQ Event's details while allowing attendees to review the physical site where construction will take place and ask questions. The Purchasing Department will memorialize in writing all questions asked and provide them on an addendum that is provided to all prospective vendors. The Purchasing Department is the presiding officer of the Pre-Submittal Meeting. The Purchasing Department will provide at least 3 working days for the submission of additional questions after the Pre-Submittal Meeting's date.

2. The objective of the teleconference is providing the public with instructions on how to use the College's procurement websites and software (iStar Vendor Portal) as well as answer any questions about the contents of the Submittal Package. The Purchasing Department is the presiding officer of the teleconference.

d. **Addendum Posting and Vendor Submissions.** The Purchasing Department will post an addendum to the RFQ Package detailing all questions asked during either of the Pre-Submission Meetings as well as the respective answers. The Purchasing Department will not require firms to submit qualifications before the expiration of the sixth working day after the supplemental addendum is posted for the public's review. All submittals must be timely submitted through the iStar Vendor Portal by the deadline advertised for further consideration—no College employee is authorized to make an exception.

e. **Eligible Submittal Routing.** All submittals are directly routed to the Purchasing Department. The Purchasing Department makes no judgment or evaluation of the content of those submittals. The Supplier Recruitment and Diversity Manager provides the HUB score. If sections or information is missing in the materials firms submit, those incomplete submissions are routed to the Submission Review Committee and will be measured against the objective standards nevertheless.

3. **Committee Structure.** These procedures establish two committees. The first-round committee is the Submission Review Committee (SRC). The SRC independently reviews the written qualification packets submitted by the architectural firms during a first round of evaluations. The second-round committee is the Interview Review Committee (IRC). The IRC independently interviews all firms forwarded to it by the SRC as finalists for interviews. SRC members cannot serve as IRC members. IRC members cannot serve as SRC members.

- a. **Submission Review Committee Composition.** The SRC is a standing committee with fixed membership based solely on job positions. It is convened and composed of the College's Seven Senior Project Directors. The Chancellor may approve a Variance, using the attached Form III.D.3., to reduce this number if (1) a Project Director vacancy exists or (2) a Project Director is out on approved leave.

No individual may sit on the SRC during a submittal evaluation process without having gone through the required training and signed an acknowledgement on file with the Office of the General Counsel. Because the process cannot continue in the absence of one SRC member, a member who fails to complete the training, sign, and file the attestation has the potential to stall the entire process. The Executive Director of Construction is responsible for ensuring that every SRC member—all of which are his or her subordinates—takes the training within 10 working days of commencing employment or before a Senior Project Director participates on an SRC—whichever is earlier.

- b. **Interview Review Committee Composition.** The IRC is also a standing committee with fixed membership comprised of the incumbents of particular job positions. It is convened and composed of five members. The IRC will nonetheless convene with less than five members if the Chancellor approves a Variance, using the attached Form III.D.3., and (1) a vacancy exists or (2) an IRC member is out on approved leave. The first member is the cabinet member that will oversee the finished construction project. The second member is the cabinet member's deputy over that particular area. For example, an instructional building at a college would require the Vice President of Instruction from that college to sit on the IRC for that project. Similarly, a student services building at a college would require the Vice President of Student Services to sit on the IRC. The third member is the Chief Executive Officer overseeing the System Office-University Park location. The fourth member is the Executive Director of Construction. The fifth member is the Senior Assistant General Counsel. These assignments cannot be delegated or further assigned.

- c. The Senior Assistant General Counsel is responsible for ensuring that every IRC member takes the training within 10 working days of commencing employment or before the IRC member participates in an IRC interview—whichever is earlier.

- d. For each submittal evaluation process governed by these procedures, each member of the SRC or IRC must sign the attached Form III.D.3.3d affirming that the signer is free from conflicts of interest regarding the submittal and will maintain confidential all information pertaining to the submittals and the evaluation process.

4. **Submission Review Process.** All submissions must be submitted online by the date and time announced in the corresponding RFQ. The SRC must submit its evaluations in electronic format by no later than seven working days and no earlier than six working days after receipt of the submittals from the Purchasing Department. Access to these returned evaluation forms should be on a professional need-to-know basis—especially during an ongoing, evaluative process.

- a. **SRC Members Discussing Proposals with IRC Members.** The integrity of this process is paramount and both IRC and SRC members have a solemn responsibility to ensure the integrity of this process remains beyond reproach or reasonable suspicion. Members of both groups shall endeavor to avoid creating even the appearance of impropriety regarding their interactions and scores. Specifically, IRC members should take steps to ensure they do not influence SRC members and SRC members should ensure they do not influence IRC members outside of these procedures. IRC and SRC members should also be especially sensitive to gifts and overtures from proposing firms and vendors.
 - b. **Selection of Finalists.** The SRC's individual member recommendations will be averaged to the nearest hundredth (e.g., 69.55). The number of finalists will be fixed at 33 percent of the total submissions—rounding up fractions to include one more finalist if necessary. For example, if a particular project has 23 proposals, 33 percent of those submissions would yield 7.59 finalists. Because the College cannot have .59 of a finalist, these procedures require the Purchasing Department to forward eight (8) finalists to the IRC for their consideration under this example.
 - c. **SRC Evaluation Weight.** The SRC's individual member's scores are not shared with the IRC's members before the IRC convenes for interviews. The SRC's scores are also not shared with the IRC's members during the interview day(s). The SRC's individual member scores are averaged to a seven-person average that represents every SRC committee member. That seven-person average, if a fraction, is rounded up to the nearest whole number. The resulting seven-person, rounded average, becomes 65% of firm's final score.
5. **Interview Review Process.** The IRC convened for a particular project shall not meet except in accordance with these procedures (or where required for formal training sessions). IRC members will all meet to interview and evaluate finalist firms. The absence of any one member precludes the interviews from commencing or continuing.

Interviews shall occur and be conducted in sufficiently spacious rooms to allow presenters the full range of presentation tools and audio-visual equipment needed. The room should also allow all IRC members to sit sufficiently spread apart to allow each individual IRC member to vote his or her conscience without even the appearance of influence from other IRC members present during the interviews.

Each IRC member will be provided a college-issued laptop with Microsoft Word/Excel to complete their evaluation (with no communication/Internet abilities). After every presentation, the College will provide every IRC member with a flash/jump/USB drive on which to save the presenting firm's evaluation. The file will be password protected by the individual reviewer to a read-only status and saved on the provided drive after each presentation. A reviewer may not "go back" and change, edit, modify, or alter any evaluations based on subsequent evaluations. Each firm must be measured on their own merit against the objective standards independent of the performance of other presentations. Once the College collects the drive from the

interviewer/evaluator, it cannot be retrieved by the interviewer/evaluator for any reason.

After each presentation, IRC members will have no more than 15 minutes to electronically submit a score. Once an IRC member submits an electronic score, if earlier than 15 minutes, that IRC member may leave the room or sit quietly waiting for the next interview. The next interview cannot begin until each IRC member has submitted their electronic score. These procedures specifically direct IRC members to not communicate with one another regarding the interviewees being evaluated during the interviews. Paper for notes will be provided at the IRC's interview meeting(s), but IRC members should not keep running scores of individual performances beyond the interviewer in question.

- a. IRC Members Discussing Proposals with SRC Members.** The integrity of this process is paramount and both IRC and SRC members have a solemn responsibility to ensure its integrity remains beyond reproach. Members of both groups shall endeavor to avoid creating even the appearance of impropriety regarding their interactions with one another and with submitting firms and vendors. Specifically, IRC members should take steps to ensure they do not influence SRC members and SRC members should ensure they do not influence IRC members outside of these procedures. IRC and SRC members should also be especially sensitive to gifts and overtures from proposing firms and vendors. Please refer to the College's Policy on Receipt of Gifts contained in the Policy Manual for clarification.
 - b. Scoring the Interviews.** The IRC's individual member recommendations will be averaged. The five-person average will be rounded up to the nearest one hundredth of a whole number (e.g., 69.55).
 - c. IRC Evaluation Weight.** The score identified above in Subsection 5(b) becomes 35% of the firm's final score.
6. **Selecting Award Winner.** The SRC produces a final score for its portion of the process that accounts for 65% of the final score. The IRC produces a final score for its portion of the process that accounts for 35% of the final score. The SRC and IRC scores, combined, are the firm's final score. The firm with the highest combined score after the SRC and IRC scores are added is the winner and should be recommended to the Board of Trustees for the contract. In the event of a tie, the firms in a tie will be invited for a second round of interviews—governed by these procedures as though they were first round interviews—repeated until such time as a sole winner remains.
7. At no time shall the IRC or SRC members give any consideration or weight to the potential cost or fees associated with a particular architecture firm.
8. **Work Commenced Before the Chancellor Executes the Contract.** A successful submittal does not entitle the presumptively selected firm to commence work. The College will not pay—because it cannot pay—any contract-requiring work

commenced before the Board of Trustees approves the selection of the recommended firm and the contract is executed under governing Board Policy.

9. **Purchasing Department.** Unless otherwise specified, the Purchasing Department, within the Administration and Finance Division, is responsible for shepherding and organizing this process. The Office of Compliance, Audit, and Governance will ensure process fidelity through audits and investigations where appropriate. All participants are required to fully cooperate with both offices.

Effective Date: October 30, 2017

A handwritten signature in black ink, appearing to read 'S. Head', written over a horizontal line.

Stephen C. Head
Chancellor



**FORM III.D.3.3d—EVALUATION COMMITTEE NON-DISCLOSURE STATEMENT
COMPETITIVE SOLICITATION NUMBER _____
FOR ARCHITECTURE AND ENGINEERING SERVICES**

To protect the integrity, propriety, and fair play of procurement processes of Lone Star College (“College”) and to obtain the best value for the College—

I, _____, the undersigned, a member of the Evaluation Committee for the competitive solicitation referenced above (“Solicitation”), certify to the College that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

I am not currently employed by, nor am I receiving any compensation from any proposer, offeror, bidder, or vendor involved with this Solicitation (each, a “Proposer”), with any disclosed or identified subcontractor or supplier to any Proposer (each, a “Subcontractor”), with any parent entity, subsidiary, or other affiliate of any Proposer or Subcontractor (each, a “Affiliate”), or with any agent, broker, officer, director, shareholder, manager, member, partner, executive, owner, or other person or entity acting in conjunction with any Proposer, Subcontractor, or Affiliate (each, a “Proposer Party”). I have not received nor been promised any present or future economic opportunity, employment, gift, loan, trip, favor, special discount, special treatment, special service, or any other gratuity or benefit in return for favorable consideration of any proposal, response, or bid of any Proposer in connection with this Solicitation (each, a “Proposal”). I am not closely related by blood or marriage to any Proposer, Subcontractor, Affiliate, or Proposer Party.

Until the Solicitation ends—through an executed contract or the College’s decision not to procure the solicited goods or services—I agree to keep confidential, and to not to disclose or otherwise divulge, any information or materials pertaining to the contents, cost or price information, or status or ranking of any Proposal to anyone except the Evaluation Committee leader, other Evaluation Committee members, the Director of Purchasing, any College-retained consultant for this Solicitation, or College legal counsel, unless otherwise directed by the Board of Trustees as a whole, the Chancellor, the Director of Purchasing, or College legal counsel. I agree to comply with all present and future non-disclosure agreements applying to the College.

I understand that loss, misplacement, or mishandling of any portion of a Proposal provided to me as an Evaluation Committee member may fall within the phrase “disclose or otherwise divulge”.

I agree to comply with all applicable laws and College policies and procedures on conflicts of interest in connection with this Solicitation. I understand that violating applicable laws, policies, or procedures may be a breach of ethical standards under Board Policy Manual Section IV.D.3.01., which may subject violator(s) to immediate employment termination under Board Policy Manual Section IV.F.13.03.

I agree to immediately and fully inform the Director of Purchasing if I witness or learn of any communication or conduct relating to this Solicitation by any Proposer, Subcontractor, Affiliate, Proposer Party, College employee, or third party that reasonably appears to violate this Non-Disclosure Statement, applicable laws, policies, procedures, or any non-contact provision under the Solicitation, even if the communication or conduct only creates an appearance of impropriety. I agree that this duty remains in effect during the Solicitation and for up to four years after the contract is awarded or until I am no longer employed by the College, whichever comes first.

I have no preconceived position on any Proposal’s relative merits. I agree to evaluate all Proposals without bias, to the best of my ability, and with the College’s best interests paramount in all decisions.

Signature

Date