

Final Report

EVALUATION OF THE STATE DESIGNER SELECTION BOARD

PROGRAM EVALUATION DIVISION
Office of the Legislative Auditor
State of Minnesota

EVALUATION OF THE
STATE DESIGNER SELECTION BOARD

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OFFICE OF THE LEGISLATIVE AUDITOR
STATE OF MINNESOTA

February 27, 1981

PREFACE

This report examines the performance of the State Designer Selection Board. It is part of a broader study the Program Evaluation Division has conducted of state building construction at the request of the Legislative Audit Commission. Other reports from the study address the cost overrun experienced in construction of the new state prison at Oak Park Heights and the operation of the Division of State Building Construction.

During the course of evaluating the State Designer Selection Board, we noted that board members have given generously of their time in carrying out their responsibilities and that the board has generally gained the support of the architectural and engineering community. We wish to thank the board for cooperating with evaluation staff and hope that our report will further improve the board's operation. We also wish to thank officials in the Department of Administration and University of Minnesota who cooperated with our study.

This report was prepared by Kathryn Buxton and John Yunker, project manager for the study.



Eldon Stoehr, Legislative Auditor



James Nobles, Deputy Legislative Auditor for Program Evaluation

February 27, 1981

PROGRAM EVALUATION DIVISION

The Program Evaluation Division was established in 1975 to conduct studies at the direction of the Legislative Audit Commission (LAC). The division's general responsibility, as set forth in statute, is to determine the degree to which activities and programs entered into or funded by the state are accomplishing their goals and objectives and utilizing resources efficiently. A list of the division's studies appears at the end of this report.

Since 1979, the findings, conclusions, and recommendations in Program Evaluation Division reports are solely the product of the division's staff and not necessarily the position of the LAC. Upon completion, reports are sent to the LAC for review and are distributed to other interested legislators and legislative staff.

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EXECUTIVE SUMMARY

Since 1974, the State Designer Selection Board has been responsible for selecting architects and engineers to design the state's major building projects. Our study of the board's performance addressed three questions: (1) Has the selection of designers been conducted openly? (2) Has the board established adequate selection criteria and applied them consistently and objectively? and (3) Has the board made selections within the 60 day time period required by law?

We found that the selection process in Minnesota has been significantly improved by the Legislature's creation of a State Designer Selection Board in 1974. The board has adequately publicized proposed projects and generally conducted an open selection process. The board has not always been able to select a designer within the 60 day time period, but has improved its performance significantly. The average selection time decreased from 103 days in 1976 to 51 days in 1980.

There are certain deficiencies, however, in the board's use of selection criteria. First, the board does not give explicit consideration to a designer's past performance on state projects. The board neither requests nor receives performance evaluations from the Department of Administration, even though the department is required by law to prepare them. We recommend that the Legislature require the State Designer Selection Board to include past performance on state projects as a criterion when selecting a designer. In addition, we recommend that the Department of Administration and the University of Minnesota make evaluations of designer performance on past state projects available to the board. At a minimum, these evaluations should cover the designer's performance in: (1) completing design work on time, (2) keeping project costs within the appropriated funds, (3) solving design problems and achieving a design of high quality, and (4) avoiding costly design errors and omissions.

A second major problem is that the board does not create or maintain any records to support its selections. In particular, the board: (1) does not assign any weights to its selection criteria to indicate the relative importance of each, (2) does not indicate how each applicant was rated on any of the criteria, and (3) does not provide any written explanation of the basis for its selection. The board's executive secretary also disposes of all but the winning application shortly after the board selects a designer. As a result, it is not possible to review whether the board has consistently and objectively applied its selection criteria.

We recommend that the Legislature require the State Designer Selection Board to state in writing its reasons for selecting each designer. In addition, the board should assign weights to its selection criteria to indicate their relative importance and should develop a system for rating applications. The board's executive

secretary should retain all applications as required by law. Permission to destroy public records must be obtained from the Records Disposition Panel.

We make a number of additional recommendations to the State Designer Selection Board. The board should record the votes of its individual members on all actions taken by the board, as required by the Minnesota Open Meeting Law. The board should adopt rules on selection criteria and organizational matters, since rules proposed in 1976 were never adopted due to an oversight. The board should also adopt a standardized application form to facilitate the review and rating of applications.

INTRODUCTION

In 1974, the Minnesota Legislature created the State Designer Selection Board. The act establishing the board included a number of safeguards to ensure that the selection of architects in Minnesota would be conducted openly and objectively. For example, the act requires the board to publicize each proposed project, to establish selection criteria and make them public, and to compile data on and conduct interviews of interested designers. The act also requires the board to make a selection within 60 days. This requirement is designed to prevent the selection process from unduly delaying the design and construction of a building project.

This report evaluates the board's performance since its creation in 1974. Chapter I briefly reviews the composition of the board, its powers, and its process of selecting designers. Chapter II examines the extent to which the selection of designers has been conducted openly. Chapter III examines the board's selection criteria and the board's application of the criteria in actual selections. Chapter IV reviews the board's compliance with the 60 day time limit.

I. THE STATE DESIGNER SELECTION BOARD

A. THE BOARD'S JURISDICTION

In 1974, the Minnesota Legislature enacted the State Designer Selection Board Act.¹ This act created a State Designer Selection Board (SDSB) responsible for selecting private architectural or engineering firms to design state building projects. Currently, the board selects the primary designer for state building projects with an estimated construction cost greater than \$400,000, or planning projects with estimated fees greater than \$35,000.² The board's jurisdiction extends to projects undertaken by any state agency over which the Commissioner of Administration has the power of supervision and control. In addition, the board selects designers on projects undertaken by the University of Minnesota. Between 1974 and 1980, the board has selected designers for 112 projects with total construction costs exceeding \$400 million.

B. BOARD MEMBERSHIP AND STAFF SUPPORT

The board consists of five individuals appointed by the governor. Each of the following three organizations nominate an individual for consideration by the governor: the Consulting Engineers Council of Minnesota, after consultation with other professional engineering societies in the state; the Minnesota Society of Architects; and the Minnesota State Arts Board.

The governor may appoint the three nominees, or reject any nominee and request a second nomination. The governor appoints the remaining two members from the general public. SDSB also has two ex officio members who participate in the interviewing, but do not vote in the selection of designers. One of these is a representative of the Commissioner of Administration. The other is a representative of the agency undertaking the project under consideration.

The board has no permanent staff. The Commissioner of Administration is responsible, however, for providing the board with suitable quarters for holding meetings and keeping records. The

¹The State Designer Selection Board Act is included as Appendix A to this report.

²Prior to July 1979, these amounts were \$250,000 and \$20,000 respectively.

commissioner designates an employee of the Department of Administration to serve as the board's executive secretary. In addition, the department provides secretarial services necessary for the conduct of the board's duties.

C. THE SELECTION PROCESS

The designer selection process is initiated by the state agency undertaking each proposed project. The user agency is required to submit a written request for a designer to the Commissioner of Administration who forwards the request to SDSB.

Upon receiving the request, the board publicizes the proposed project. The board's executive secretary drafts a "request for proposals" based on the information submitted by the user agency. The request is mailed to all architectural or engineering firms registered to practice in Minnesota.

After reviewing the applications from interested design firms, the board meets to narrow its selection down to three to five firms. At a later meeting, the board interviews representatives of these firms. The interviews are brief, with ten minutes generally allowed for each firm's presentation and another ten minutes allowed for the board to question each firm about its proposal.

After all the firms have been interviewed, the board members briefly discuss the merits of the competing firms. The board generally asks those present to leave the meeting room while the board discusses and votes on the proposals. After selecting a designer, the board notifies the firms interviewed of their final choice.

II. OPENNESS OF THE SELECTION PROCESS

This chapter examines the extent to which the designer selection process has been conducted openly. Two questions are addressed: (1) Does SDSB adequately publicize proposed projects? and (2) Has SDSB conducted its meetings in compliance with the Minnesota Open Meeting Law?

A. PUBLICITY ON PROPOSED PROJECTS

The board makes more than sufficient efforts to publicize the availability of state design work. In fact, SDSB notifies all firms or individuals registered to practice architecture or engineering in Minnesota. Currently, the board has approximately 860 firms or individuals on its mailing list.

B. COMPLIANCE WITH THE MINNESOTA OPEN MEETING LAW

In several respects, the State Designer Selection Board procedures for recording the votes of its members violate the Minnesota Open Meeting Law.¹ We identified the following two areas of non-compliance with the law:

1. On October 8, 1979 the board used a secret ballot to select a designer to provide architectural and engineering services for the University Hospitals Renewal Project. Because the votes of the four board members in attendance were evenly split, the board decided to use a secret ballot to break the tie. The board did not record how its four members voted to select one firm from the final three under consideration.
2. On all projects, the board does not record how its individual members vote when it decides which designers will be considered for interviews.

Although the first example is the only instance in which the board used a secret ballot, it occurred on the largest project the board has considered during its history. In October 1979, the project was estimated to cost between \$175 and \$188 million. It is important on any project, particularly one of that size, that the board conduct its selection openly and in compliance with the Minnesota Open Meeting Law.

¹Minn. Stat. §471.705 (1980).

Recommendation: The State Designer Selection Board should record the votes of its individual members on all actions taken by the board.

III. SELECTION CRITERIA

A. INTRODUCTION

Minnesota Statutes §16.826 (1980) requires the State Designer Selection Board to establish criteria to be used in the selection process and make these criteria public. During our study, we reviewed the selection criteria established by SDSB. Particular attention was given to whether the board's criteria are adequate when compared to those used by other selection boards. We also attempted to review whether the board has objectively applied its criteria in making selections. Our findings and recommendations are presented below.

B. FINDINGS AND RECOMMENDATIONS

1. DUE TO AN OVERSIGHT, SDSB HAS NEVER ADOPTED RULES ON SELECTION CRITERIA.

On April 23, 1976, the Minnesota Office of Hearing Examiners held a hearing on rules proposed by SDSB. These proposed rules established both selection criteria and organizational rules for the conduct of SDSB meetings. The hearing examiner's report recommended that the proposed rules be adopted as amended during the hearing. Exhibit 1 displays the board's proposed rule on selection criteria.

The board, however, never officially adopted the rules as required by law. Because the board never acted upon the rules after the public hearing, the final steps in the process of rule adoption were not completed. The Attorney General's Office has not reviewed the rules, approved them, or filed them with the Secretary of State. As a result, the board's rules are not yet legally effective.

Recommendation: The board should complete the necessary legal steps to adopt rules on selection criteria and organizational matters.

Although the board has not had rules in effect, the board has operated under the assumption that its proposed rules are in effect. In the remainder of this chapter, we evaluate the selection criteria in the board's proposed rules.

EXHIBIT 1

PROPOSED SELECTION CRITERIA

Chapter Two: Selection of Designers

Design 11. Selection Criteria

In making its selection of designers the board shall consider the criteria listed below. The criteria do not necessarily have the same weight, nor are their relative weights necessarily constant from one project to another. The board may issue statements regarding criteria as they relate to individual projects.

- (a) Qualifications and technical competence in the required field of design.
- (b) Ability to deal with aesthetic factors.
- (c) Capacity to accomplish the work and services within the required constraints.
- (d) Availability of appropriate personnel.
- (e) Geographic relationship of the designer's base to the project site.
- (f) Awards previously made to a designer by the State.

2. THE BOARD'S SELECTION CRITERIA DO NOT INCLUDE CONSIDERATION OF A DESIGNER'S PERFORMANCE ON PAST STATE PROJECTS.

In selecting designers for state work, the State Designer Selection Board has not considered their performance on past state projects. Although the board members are aware of what state projects each designer has been awarded in the past, the board neither requests nor receives written information from the Department of Administration on the designer's performance. The board relies instead on each member's general knowledge of a firm's reputation.

A 1979 study of 16 state and federal selection boards found that 11 of the 16 boards consider performance on past agency projects to be an important selection criterion. A number of the selection panels also contact previous¹ private clients of the designers regarding the designers' performance.

A majority of these selection boards do not rely on general knowledge of a firm's reputation but instead receive a written record of the firm's performance on past projects. Generally, performance ratings of designers consider the following four factors to be important: (1) ability to complete design work on time, (2) ability to keep the project within budget, (3) ability to solve design problems and achieve a design of high aesthetic quality, and (4) ability to avoid an increase in the construction cost due to design errors and omissions. Timely completion of design work is a particularly important factor to consider in our inflationary economy. Any delay in completing design work will generally increase the costs of construction.

The second factor warrants some additional comment. In our report on the Division of State Building Construction, we point out that the Department of Administration has had difficulties in keeping project costs within the appropriated funds. Of 27 consultant-designed projects begun between 1976 and 1979, 17 projects ultimately cost more than the original appropriations for their construction. In total, approximately \$17.5 million more than the original appropriations was needed to complete the 27 projects.² Although the Department of Administration and various user agencies are in part responsible for these cost overruns, the figures demonstrate the need for SDSB to consider a designer's proven ability to keep a project within budget.

Since March 1978, the Minnesota Legislature has required all state agencies to evaluate the performance of the services provided or

¹ Illinois Capital Development Board, An Overview of Architect/Engineer Selection Systems Employed by Construction Agencies of Certain States and the Federal Government, May 1979.

² Program Evaluation Division, "Evaluation of the Division of State Building Construction," forthcoming March 1981.

products produced¹ under each consultant or professional and technical services contract. The Legislature required that all evaluations be delivered to the Commissioner of Administration. However, the Division of State Building Construction within the Department of Administration did not develop a performance evaluation form for design services until January 1980. Furthermore, the division has not made any completed evaluations available to the State Designer Selection Board.

Recommendation: The Department of Administration and the University of Minnesota should make evaluations of designer performance on past state projects available to the State Designer Selection Board. These evaluations should cover, at a minimum, the four factors (timeliness, budget, design quality, and design errors and omissions) discussed above.²

While state law requires the department to make performance evaluations, it does not require SDSB to consider past performance in selecting designers. To ensure that past performance is considered, we make the following recommendation.

Recommendation: The Legislature should require the State Designer Selection Board to include performance on past state projects as a criterion in the selection of designers.

3. THE STATE DESIGNER SELECTION BOARD DOES NOT CREATE OR MAINTAIN ANY RECORDS TO SUPPORT ITS SELECTIONS.

During our study, we attempted to review whether the board has consistently and objectively applied its selection criteria. It is apparent from the board's selections that the board has tried to avoid selecting any one firm too frequently.³ Since 1974, no firm has been selected for more than five projects. However, beyond this simple observation, it was not possible to review the board's application of selection criteria.

The following findings illustrate the difficulties encountered:

1. The board does not assign any weights to its selection criteria to indicate the relative importance of each.

¹Minn. Stat. §16.098, subd. 6 (1980). This requirement does not apply to the University of Minnesota.

²Appendix B includes the current evaluation form used by the Minnesota Department of Administration as well as several forms used by other state and federal agencies.

³This does not mean, however, that the board has selected all qualified firms at least once before selecting any firm a second or third time.

2. The board does not indicate how each applicant was rated on any of the board's selection criteria.
3. The board does not provide even a brief written explanation of why the selected designer was chosen.
4. Applications submitted for past projects were not available for review because the board's executive secretary disposes of all but the winning application shortly after the board makes its selection.

Each of these factors makes it difficult to review the board's performance or to hold the board accountable for its decisions. In addition, designers not selected by the board are given no formal feedback regarding the reason for the board's decision.

a. Explaining the Selection in Writing

Nearly all selection committees surveyed in the 1979 study referred to earlier either provide some explanation of the basis for their decision or maintain detailed records of how that decision was reached. To ensure that some minimum explanation is provided we make the following recommendation.

Recommendation: The Legislature should require the State Designer Selection Board to state in writing its reasons for selecting each designer.

b. Assigning Weights to Selection Criteria and Rating Applications

According to the 1979 study, 13 of the 16 selection boards surveyed assign weights to the selection criteria used on a project and then rate applicants on each of the criteria. Some of these boards come to a group decision on how to rate each application, while others permit individual members to independently score each application. If the board acts as a group, it gives an applicant a score for each criterion. The score is then multiplied by the weight assigned to that criterion. The sum of weighted scores is the applicant's total score and determines which applicant is selected. If each member independently scores applications, then each applicant's final score is the sum of the total scores received from each member.

There are a number of other systems SDSB could use. For example, each member could independently rate applications and then rank the finalists according to his rating. A point system could then be used to combine the rankings made by all five members and arrive at a final selection.

While all these systems have considerable merit, they are all rather mechanical in determining a final selection. Each is also subject to potential abuse though less so than the board's current selection methods. Instead of adopting one of the systems discussed

above, SDSB could require each of its members to rate applications, but permit members to vote as currently is the practice. This alternative would be less mechanical than those discussed above, but would offer the following advantages over the current system: (1) each member would attach the same relative importance to a criterion, and (2) each member would have carefully documented ratings to support his votes.

Recommendation: The board should assign weights to each of its selection criteria. The weights could vary depending on the needs of a particular project, but should be made public when the project is publicized.

Recommendation: The board should adopt a system for rating applicants.

The rating system should be kept simple. Use of a rating system should not affect the board's ability to complete selections within 60 days. If necessary, the system could be applied only to the final selection from the three to five design firms interviewed.

c. Maintaining Necessary Records

The destruction of applications once a designer has been selected violates Minnesota law. Minnesota Statutes §15.17, subd. 1 (1980) requires that all records "necessary to a full and accurate knowledge" of an agency's official activities be maintained. If the board or its executive secretary wish to destroy these records, they must receive permission from the Records Disposition Panel.

Recommendation: The executive secretary of the State Designer Selection Board should retain applications as required by Minnesota law.

4. THE ADOPTION OF A STANDARDIZED APPLICATION FORM WOULD SIMPLIFY THE TASK OF REVIEWING APPLICATIONS.

In the past, the board has not used a standardized application form. Instead, the board has requested that certain pertinent information be provided. In addition, each applicant was permitted to attach additional pages of material of the applicant's choice up to a maximum number of pages set by the board.

¹This panel consists of the Attorney General, the Legislative Auditor, and the Director of the Minnesota State Historical Society. See Minn. Stat. §138.17, subd. 1 (1980).

In reviewing applications submitted while our study was in progress, we observed that some of the applications did not contain all of the required information. Other applications contained an amount of supplementary material exceeding the board's page limit. In addition, the lack of a standardized format makes reviewing and comparing applications unnecessarily difficult.

All federal agencies require designers to file a standardized form (Standard Form 255) when applying for a particular project. A number of the states surveyed in the 1979 Illinois study also use either the federal form or a similar standardized form. Use of a standardized form ensures that all required information is submitted and can be quickly reviewed by members of a selection board. The use of a standardized form also facilitates the rating of applications as recommended above.

Within the past year, SDSB has developed a standardized form. Approximately seven months ago, the board asked its executive secretary to have a draft of the form reviewed by the Attorney General's Office. Since then, the executive secretary has taken no action. As a result, a standardized form has not yet been adopted.

Recommendation: The board should adopt a standardized application form to be used in all selections.

The board should continue to permit applicants to submit a limited amount of supplementary material. The board may be required to adopt a rule if it wants to enforce the requirement that the standardized form be used or that supplementary material beyond a specified number of pages will be discarded. However, the board may be able to adopt a rule without a hearing by following the statutory procedures for the adoption of noncontroversial rules.

We note that the proposed application form does not require a design firm to list the key personnel it intends to assign to the project or a brief summary of their professional experience relevant to the project under consideration. Because of the importance of this information in the selection process, it should be included on the form.

Recommendation: The standardized form should require applicants to list the names and most relevant experiences of the personnel who will have major project responsibilities.

IV. TIMELINESS OF DESIGNER SELECTION

Minnesota Statutes §16.826, subd. 2 (1980) requires that the board select a designer not more than 60 days after the receipt of a request for a designer. If the board fails to make a selection within 60 days, the Commissioner of Administration may appoint a designer.

The average length of time to select a designer has decreased from 103 days in 1976 to 51.5 days in 1980. Although 89 percent of the selections in 1976 took more than 60 days, only 9 percent exceeded the time limit in 1980. Exhibit 2 illustrates the improvement in timeliness between 1976 and 1980.

EXHIBIT 2

TIMELINESS OF DESIGNER SELECTIONS

	Year				
	1976	1977	1978	1979	1980
Average number of days for selection	103.0	75.9	63.4	61.5	51.5
Number (and percentage) of projects selected in 60 days or less	3 (11%)	1 (8%)	19 (45%)	3 (38%)	10 (91%)
Number (and percentage) of projects selected in more than 60 days	24 (89%)	11 (92%)	23 (55%)	5 (62%)	1 (9%)

The board's executive secretary indicated to us that there are two reasons for selections taking more than 60 days. First, if a large number of requests are received during a short period of time, there may be some delays. For example, in 1978, 33 requests for designers were received in a three and one-half month period. Second, there may be occasional difficulties in setting a meeting time at which all members can be present. In our opinion, the board and its executive secretary have made reasonable efforts to meet the 60 day time limit.

APPENDIX A
MINNESOTA STATE DESIGNER SELECTION BOARD ACT

16.821 STATE DESIGNER SELECTION BOARD ACT; CITATION.

Sections 16.821 to 16.827 may be cited as the "state designer selection board act".

History: 1974 c 533 s 1

16.822 DEFINITIONS.

Subdivision 1. As used in sections 16.821 to 16.827, the following terms shall have the meanings given them.

Subd. 2. "Agency" means any official, department or agency of the state government, and the university of Minnesota, over which the commissioner of administration has the power of supervision and control.

Subd. 3. "Architect" means an architect or landscape architect registered to practice under sections 326.02 to 326.16.

Subd. 4. "Board" means the state designer selection board.

Subd. 5. "Designer" means an architect or engineer, or a partnership, association or corporation comprised primarily of architects or engineers or of both architects and engineers.

Subd. 6. "Engineer" means an engineer registered to practice under sections 326.02 to 326.16.

Subd. 7. "Person" includes an individual, corporation, partnership, association or any other legal entity.

Subd. 8. "Primary designer" means the designer who is to have primary design responsibility for a project, and does not include designers who are merely consulted by user agency and do not have substantial design responsibility, or designers who will or may be employed or consulted by the primary designer.

Subd. 9. "Project" means any undertaking to construct and erect any building or remodel any building by or for the state or any agency.

Subd. 10. "User agency" means the agency undertaking a specific project.

History: 1974 c 533 s 2; 1979 c 333 s 65

16.823 STATE DESIGNER SELECTION BOARD.

Subdivision 1. There is hereby created a state designer selection board, whose duty it shall be to carry out the purposes and assume the responsibilities set forth in sections 16.826 and 16.827.

Subd. 2. The board shall consist of five individuals, the majority of whom shall be residents of the state of Minnesota. Each of the following three organizations shall nominate one individual whose name and qualifications shall be submitted to the governor for consideration: Consulting engineers council of Minnesota after consultation with other professional engineering societies in the state; Minnesota society of architects; and the Minnesota board of the arts. The governor may appoint the three named individuals to the board with the advice and consent of the senate, but the governor may reject any individual so nominated and request a second nomination. The remaining two members shall also be appointed by the governor with the advice and consent of the senate.

Subd. 3. The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575. No individual shall serve for more than two consecutive terms.

Subd. 4. In addition to the foregoing five members of the board, there shall be two ex officio members who shall participate, without vote, in the interviewing and selection of designers as hereinafter provided. One such member shall be a representative of the commissioner of administration and shall participate in the interviewing and selection of designers for all projects. The other such member shall be a representative of the user agency, who shall participate in the interviewing and selection of the designer or designers for the project being undertaken by such user agency. The representative of the user agency shall be appointed by the commissioner of administration in consultation with the user agency.

Subd. 5. [Repealed, 1976 c 134 s 79]

History: 1974 c 533 s 3; 1975 c 271 s 6; 1975 c 297 s 5; 1976 c 134 s 11,12

16.824 ORGANIZATION OF BOARD; CHAIRMAN; OFFICERS; RULES OF PROCEDURE.

At the first meeting of the board, the board shall elect a chairman who shall be a voting member of the board. The board shall also elect such other officers as it deems necessary for the conduct of its affairs. The board shall adopt rules governing its operations and the conduct of its meetings. The rules shall provide for the terms of the chairman and such other officers as it may elect.

History: 1974 c 533 s 4

16.825 REQUEST FOR DESIGNER.

Subdivision 1. Upon undertaking a project with an estimated cost greater than \$400,000, or a planning project with estimated fees greater than \$35,000 every user agency, except the capitol area architectural and planning board, shall submit a written request for a primary designer or designers for its project to the commissioner of administration who shall forward the request to the board.

If a project for which a designer has been selected by the board becomes inactive, lapses or changes as a result of project phasing, insufficient appropriations or other reason, the commissioner of administration or the University of Minnesota may, if the project is reactivated, retain the same designer to complete the project.

If a project initially estimated to be below the cost and planning fee limits of this subdivision has its cost or planning fees revised so that the foregoing limits are exceeded, the project shall be referred to the board for designer selection even if a primary designer had been previously selected. In this event, the board may, without conducting interviews, elect to retain the previously selected designer if it determines that the interests of the state are best served thereby and shall notify the commissioner of administration of its determination.

Subd. 2. Such written request shall include a description of the project, the estimated cost of completing the project, a description of any special requirements or unique features of the proposed project and any other information which will assist the board in carrying out its duties and responsibilities set forth in section 16.826.

History: 1974 c 533 s 5; 1975 c 271 s 6; 1979 c 333 s 66

16.826 DUTIES AND POWERS OF BOARD.

Subdivision 1. The board shall meet as often as is necessary, not less than twice annually, in order to act expeditiously upon requests submitted to it for selection of primary designers.

Subd. 2. Upon receipt of a request from a user agency for a primary designer, the board shall publicize the proposed project in order to determine the identity of designers interested in the design work on the project. The board shall establish criteria for the selection process and shall make this information public, and shall, in addition, compile data on and conduct interviews of designers. Upon completing the foregoing, the board shall select the primary designer. Notification to the commissioner of administration of such selection shall be made not more than 60 days after receipt from a user agency of a request for a primary designer. The commissioner of administration shall promptly notify the designer and the user agency. The department of administration shall negotiate the designer's fee and prepare the contract to be entered into between the designer and the user agency.

Subd. 3. No designer or their firms shall be selected in which a member of the design selection board has a current financial interest.

Subd. 4. In the event the board receives a request for a primary designer on a project, the estimated cost of which is less than the limit established by section 16.825, subdivision 1, or a planning project with estimated fees of less than the limit established by section 16.825, subdivision 1, the board may submit the request to the commissioner of administration, with or without recommendations, and the commissioner shall thereupon select the primary designer for the project.

Subd. 5. In the event the designer selected for a project declines the appointment or is unable to reach agreement with the department of administration on the fee or the terms of the contract, the commissioner of administration shall, not less than 60 days after the first appointment, request of the board that another selection be made.

Subd. 6. If the board fails to make a selection and notify the commissioner of administration thereof within 60 days of the user agency's request for a designer, the commissioner of administration may appoint a designer to the project without the recommendation of the board.

History: 1974 c 533 s 6; 1979 c 333 s 67

16.827 OFFICE, STAFF AND RECORDS.

The board shall be provided with suitable quarters by the department of administration for the maintenance of an office, the holding of meetings and the keeping of records. The commissioner of the department of administration shall designate an employee of the department of administration to serve as executive secretary to the board, and shall furnish a secretarial staff to the board as is necessary for the expeditious conduct of the board's duties and responsibilities.

History: 1974 c 533 s 7

APPENDIX B
PERFORMANCE EVALUATION FORMS

CONSULTANT APPRAISAL

Building Construction Office

1. Firm Name: _____
Selected By: _____
2. Project Architect/Engineer: _____
3. Project: _____
4. Appropriation: _____
5. Estimated Bid Cost: _____
Actual Bid Cost: _____
Final Construction Cost: _____
6. Number of Construction Change Orders: _____
7. Additional Costs of Change Orders: _____
8. Project Completed on Time?: Yes _____ No _____
9. If Not, Explain: _____

10. Was Consultant Work Satisfactory?: Yes _____ No _____
If Not, Explain: _____

11. Would You Recommend That This Firm be Retained For Other Projects? Yes _____ No _____

Date: _____

DOA Rep: _____

Source: Division of State Building Construction, Minnesota Department of Administration.

NAME OF ARCHITECT-ENGINEER

PROJECT DESCRIPTION AND LOCATION

ADDRESS (Include ZIP code)

NAMES OF CONSULTANTS	ADDRESS	SPECIALTY

STAGE OF SERVICES	RATING FACTORS							RATING CODE
	ACCURACY	COMPLETENESS	COOPERATION	COORDINATION	MANAGEMENT	MEETING SCHEDULES	PERSONNEL ABILITY	WORK QUALITY

+ Excellent
A Average
- Poor
NA Not Applicable
NI No Information

RATED BY (Signature and office symbol)

CONCEPTS	SCHEDULE (Month, Day, Year)	ARCH							
	FROM TO	STRU							
	ACTUAL (Month, Day, Year)	MECH							
	FROM TO	ELEC							
TENTATIVES	SCHEDULE (Month, Day, Year)	ARCH							
	FROM TO	STRU							
	ACTUAL (Month, Day, Year)	MECH							
	FROM TO	ELEC							
WORKING DRAWINGS	SCHEDULE (Month, Day, Year)	ARCH							
	FROM TO	STRU							
	ACTUAL (Month, Day, Year)	MECH							
	FROM TO	ELEC							
ESTIMATES		A/S							
		M/E							
CRITICAL PATH METHOD		PREAWARD							
		POST-AWARD							
POST CONSTRUCTION CONTRACT SERVICES		SHOP DWGS.							
		MANUALS							
INSPECTION		FIELD							
		OFFICE							

CONSTRUCTION AWARD COSTS	INITIAL ESTIMATE \$	FINAL ESTIMATE \$	ACTUAL AWARD \$
PROJECT COMPLEXITY	<input type="checkbox"/> DIFFICULT	<input type="checkbox"/> ROUTINE	<input type="checkbox"/> SIMPLE
CONSTRUCTION CHANGE ORDERS	NUMBER	TOTAL	\$
DESIGN FEES (Thru PCCS)	INITIAL \$	NO. OF AMENDMENTS	FINAL \$
DESIGN DEFICIENCIES	<input type="checkbox"/> MAJOR	<input type="checkbox"/> MINOR (Explain either on reverse)	
OVERALL RATING	<input type="checkbox"/> EXCELLENT	<input type="checkbox"/> AVERAGE	<input type="checkbox"/> POOR

RECOMMENDED FOR FUTURE EMPLOYMENT YES NO (Explain on reverse)

BY (Signature of rating official)	DATE	APPROVED BY (Signature of reviewing official)	DATE
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TITLE AND OFFICE	TITLE AND OFFICE
------------------	------------------

ADMINISTRATIVE MANUAL

CHAP.	SECT.	SUBJ.
4	3	2
DATE		PAGE
4/24/78		14

SUBJECT Professional Services for
Major Projects

PROJECT NAME: _____
NAME OF FIRM: _____

PERFORMANCE RATING
OF
PROFESSIONAL SERVICE CONTRACTORS

	60	65	70	75	80	85	90	95	100
TIMELINESS	Unresponsive or late with answers to questions, requests or reviews. Does not submit complete data in advance of scheduled review meetings. Indifferent efforts to expedite and track schedules. Belated interpretation or clarification of documents when needed. Poorly anticipates adverse impacts on schedules. Late and incomplete minutes of meetings.	Fairly responsive and prompt with answers to questions, requests or reviews. Submits complete data in advance of scheduled review meetings. Average efforts to expedite and track schedules. Fairly prompt interpretation or clarification of documents when needed. Reasonably anticipates adverse impacts on schedules. Fairly prompt and adequate minutes of meetings.	Very responsive and prompt with answers to questions, requests or reviews. Submits very complete data well in advance of scheduled review meetings. Outstanding efforts to expedite and track schedules. Expeditious interpretation or clarification of documents when needed. Very effectively anticipates adverse impacts on schedules. Very prompt and very complete minutes of meetings.						
BUDGET	Bids exceeded by 5 percent or more the construction cost estimates. On occasion with prompting submits budget changes as they impact. Does not properly recognize importance of total project budget from onset. Unskilled at reconciling owner demands with budget constraints.	Bids within 3 to 6 percent of construction cost estimates. Submits budget changes as they impact. Understands importance of total project budget from onset. Reasonably skilled at reconciling owner demands with budget constraints.	Bids within 3 percent of construction cost estimates. Regularly and without prompting, submits budget changes as they impact. Fully understands and appreciates importance of total project budget from onset. Very skilled at reconciling owner demands with budget constraints.						
DESIGN AND FUNCTION	Inadequate grasp of site considerations and relationships. Inadequately solved pragmatic design problems before proceeding with the intangible design features. Achieved marginal aesthetic design quality. Inadequately utilized detailed knowledge of user personnel. Marginally met the requirements of the Michigan Energy Code, the State Fire Marshal, and other regulatory code requirements.	Reasonable grasp of site considerations and relationships. Solved pragmatic design problems before proceeding with the intangible design features. Achieved acceptable aesthetic design quality. Utilized detailed knowledge of user personnel. Adequately met the requirements of the Michigan Energy Code, the State Fire Marshal, and other regulatory code requirements.	Outstanding grasp of site considerations and relationships. Very effectively solved all pragmatic design problems before proceeding with the intangible design features. Achieved outstanding aesthetic design quality. Skillfully utilized detailed knowledge of user personnel. Very thoroughly explored and met the requirements of the Michigan Energy Code, the State Fire Marshal, and other regulatory code requirements.						
ERRORS OR OMISSIONS	Total increase in construction contract amount due to A/E errors, omissions, oversights, etc. exceeded 0.6 percent. Poorly reflected previously approved quantitative program requirements. Unusual number of problems with roof, walls, expansion, heating, etc.	Total increase in construction contract amount due to A/E errors, omissions, oversights, etc. was in the range of 0.3 to 0.6 percent. Reasonably reflected previously approved quantitative program requirements. Attended to errors and omissions when discovered in field. Minimum number of problems with roof, walls, expansion, heating, etc.	Total increase in construction contract amount due to A/E errors, omissions, oversights, etc. was less than 0.3 percent. Faithfully reflected previously approved quantitative program requirements. Immediately analyzed and corrected errors and omissions and readily admitted to them when discovered in field. Exceptional absence of problems with roof, walls, expansion, heating, etc.						

INSTRUCTIONS: Please indicate your evaluation of the Professional Service Contractor's performance by circling the most appropriate score that describes the performance level for each item. Also, please put a check mark (✓) in one of the boxes below to indicate the present status of the project.

Preliminary Planning Under Construction
 Final Planning Project is completed

Signature _____ Date _____
Title _____

ADMINISTRATIVE MANUAL

CHAP.	SECT.	SUBJ.
4	3	2

SUBJECT Professional Services for Major Projects

DATE	PAGE
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NOTE

SUMMARY OF PERFORMANCE RATINGS

APPLICANT: _____ DATE _____

	Project No. 1		Project No. 2		Project No. 3		Project No. 4		Project No. 5		Project No. 6		Project No. 7		Project No. 8	
	Wt.	Adj. Score														
TIMELINESS																
BUDGET																
DESIGN AND FUNCTION																
ERRORS OR OMISSIONS																
	100		100		100		100		100		100		100		100	

WEIGHTED FACTORS

	STATUS OF PROJECT	
	PP	Const/Compl
TIMELINESS	30	20
BUDGET	10	20
DESIGN AND FUNCTION	60	40
ERRORS OR OMISSIONS	--	20
	100	100

PROJECT NAMES

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____
- 6 _____
- 7 _____
- 8 _____

PP - Preliminary Planning Const - Under construction
FP - Final Planning Compl - Project is complete

APPENDIX C
WEIGHTED CRITERIA SELECTION SYSTEMS

GENERAL SERVICES ADMINISTRATION

ARCHITECT-ENGINEER EVALUATION BOARDS

Selection Criteria and Weighting Factors

Sample

1. Project proposal.
2. Organization.
3. Design ability.
4. Experience.
5. Special.

* * * * *

Bonus Points:

1. Evaluation of GSA work.
2. Evaluation of past GSA performance.

* * * * *

Scoring Key:

- 0.5 = Marginal
- 0.7 = Acceptable
- 0.8 = Occasionally exceeds Acceptable
- 0.9 = Consistently exceeds Acceptable
- 1.0 = Outstanding in all respects

Score = Rating x Weight

EVALUATION CRITERIA

Criteria Element	0.5	0.7	0.8	0.9	1.0	Wt.	Score	Comments
I : PROJECT PROPOSAL								
A. Rate key personnel 1) Background 2) Team 3) Consultants								
B. Review listed projects to evaluate relevant experience								
C. Demonstrated interest in project								
D. Evaluate management plan 1) Team organization 2) Previous experience as a team 3) Proposed method of contract administration with GSA 4) Control scope of project 5) A-E's shop drawing processing & control system 6) How will engineering disciplines be coordinated?								
E. Provide description of facilities and production capabilities of office within designated geographic area								
F. Milestone schedule presentation 1) A-E's methods and techniques for expediting GSA's approval of submittals when required 2) Who will be responsible to see this schedule is met? 3) What techniques are planned to ensure this schedule is met?								
G. Budget presentation 1) Is budget reasonable? (If not, discuss why not)								
II : ORGANIZATION								

EVALUATION CRITERIA

Criteria Element	0.5	0.7	0.8	0.9	1.0	Wt.	Score	Comments
II: ORGANIZATION (CONT'D) G. Budget presentation (cont'd) 2) Review completed project which would demonstrate ability to meet this budget 3) Who will be responsible for cost control? 4) How will cost control be implemented? 5) Provide examples of cost control 6) Provide sample of cost estimates 7) Provide data on extent of Change Orders on previous projects (\$ECCA)								
III: DESIGN ABILITY H. Review of design approach for this project 1) As applied to energy conservation guidelines 2) Evaluate extent and quality of design team's presentation re comprehension of design requirements 3) Evaluate design team's presentation of proposed ideas re design excellence potential I. Who are key designers (individuals)? 1) Overall design capability (Review of previous work) 2) Interior planning 3) Landscape architecture								
IV: EXPERIENCE J. Evaluate presentation of relevant projects 1) Evaluate interest in office structures in the \$1-5 million range. Evaluate: a) Schedule b) Budget								

EVALUATION CRITERIA

Criteria Element	0.5	0.7	0.8	0.9	1.0	Wt.	Score	Comments
<p>J. Evaluate presentation of relevant facts (cont'd)</p> <p>1) . . . evaluate (cont'd):</p> <p>c) Construction supervision procedures</p> <p>d) Construction supervision problems and how they are handled</p>								
<p>K. Evaluate familiarity with:</p> <p>1) Design standards</p> <p>a) Making facilities accessible to the physically handicapped</p> <p>b) Fire safety criteria</p> <p>c) Fall out shelter</p> <p>2) GSA procurement regulations</p>								
<p>L. Evaluate experience with:</p> <p>1) Value management</p> <p>2) Performance specifications</p> <p>3) Integrated ceiling systems</p> <p>4) Office excellence</p> <p>5) Energy conservation</p> <p>6) C.P.M.</p>								
<p>M. Evaluate sensitivity to community involvement</p> <p>1) What are major concerns?</p> <p>2) How should contact be handled?</p>								
				TOTAL:		100	=	Evaluation score
			B-1 =					
			B-2 =					Total score

IV: EXPERIENCE (CONT'D)

V: SPECIAL

EVALUATION CRITERIA

INSTRUCTION: B-1 evaluation of GSA work. Evaluation of this element will result in a minus score. A potential contractor shall not receive a score greater than minus three.

Comments

Bonus Points

B1 Evaluation of GSA work

- a) Current GSA project -3 points
- b) Three GSA projects last five years -2 points

B2 Evaluation of past GSA performance

- a) Average rating 0 points
- b) Above average 2 points
- c) Outstanding* 4 points

*Firm has received a GSA Design Award

Scoring Key:

- 0.5 = Marginal
- 0.7 = Acceptable
- 0.8 = Occasionally exceeds Acceptable
- 0.9 = Consistently exceeds Acceptable
- 1.0 = Outstanding in all respects

Score = rating x Wt.

EVALUATION CRITERIA OUTLINE

- 1.0 CAPABILITY: TO PRODUCE A PROJECT WITH QUALITY DESIGN, WITHIN THE BUDGET AND WITHIN THE TIME SCHEDULE
 - 1.1 DESIGN APPROACH
 - a) Comprehension of the program requirements.
 - b) Understanding of the design requirements.
 - c) Ideas about design excellence potential.
 - d) Acceptable design approach.
 - 1.2 QUALITY OF DESIGN ON PREVIOUS PROJECTS.
 - a) Performance on similar projects (function, suitability of materials, durability, aesthetics).
 - b) Performance on other projects (design awards for excellence firm's feedback on completed projects).
 - 1.3 FAMILIARITY WITH SPECIAL DESIGN REQUIREMENTS
 - a) Energy Conservation guidelines.
 - b) Life cycle costing (value management).
 - c) Fire protection regulations.
 - d) Regulating codes.
 - e) Seismic design.
 - f) Procurement regulations (Illinois Purchasing Act).
 - g) Handicapped accessibility standards.
 - h) Performance specifications.
 - i) Phased bidding without construction management.
 - j) Construction management involvement.
 - 1.4 BUDGET PRESENTATION
 - a) Reasonable project budget.
 - b) Cost control implementation procedure (design, bidding, and construction phases)
 - c) Capability to meet cost limitations.
 - 1.5 BUDGET EXPERIENCE ON PREVIOUS PROJECTS
 - a) Ability to produce projects within the budget.
 - b) Extent of change orders on previous projects.
 - 1.6 SCHEDULE PRESENTATION
 - a) Schedule Analysis.
 - b) Techniques to insure schedules are met (design and construction phase).
 - 1.7 RESULTS OF TIME SCHEDULES ON PREVIOUS PROJECTS
 - a) Ability to meet design schedules.
 - b) A/E related construction schedule items (expedite shop draw design decisions, and reports).

Source: Illinois Capital Development Board

1.0 CAPABILITY (Cont'd)

1.8 STAFF SIZE AND AVAILABILITY

- a) Adequate size of in-house staff and additional staff requirements.
- b) Overall capability of key available personnel.

1.9 CONSULTANTS' ABILITY

- a) Availability of key personnel
- b) Quality of in-house engineering disciplines.
- c) Consultants regularly engaged.

2.0 EXPERIENCE: FIRM, PERSONNEL AND CONSULTANTS

2.1 FIRM'S RELEVANT EXPERIENCE

- a) Experience with similar projects.
- b) Extent of firm's specialization of designated project.
- c) Construction inspection/supervision results.

2.2 KEY PERSONNEL EXPERIENCE

- a) Reputation of principal-in-charge.
- b) Professional background of other key personnel (especially designers).
- c) Experience on similar projects.

2.3 CONSULTANT'S EXPERIENCE

- a) Professional qualifications.
- b) Experience on similar projects or systems.

3.0 LOCATION OF THE FIRM

3.1 PRODUCTION CAPABILITY

- a) Proximity of main and branch office to project (highway distance).
- b) Production capability and facilities of office within designated project area.
- c) Branch office capability of performing independently of the main office.

3.2 SENSITIVITY/EXPERIENCE TO LOCAL CONDITIONS

- a) Local construction industry sensitivity.
- b) Positive experience with construction industry.
- c) Sensitivity to user.

1.0 CAPABILITY (Cont'd)

4.0 WORKLOAD CONSIDERATIONS

4.1 PRESENT OVERALL WORKLOAD

- a) Low workload \$200,000/key manager, moderate workload \$400,000/key manager, and high workload \$800,000/key manager.
- b) Evaluate present State projects.
- c) Evaluate past State projects.
- d) Preference given to firms not previously interviewed.

4.2 PRESENT AND PAST CDB PROJECTS

Negative consideration if below average performance, no additional weight given if performance is average and positive consideration if performance is good.

4.3 NOT PREVIOUSLY CONSIDERED FIRMS

Positive consideration given.

5.0 ORGANIZATION AND MANAGEMENT

5.1 PREREQUISITES FOR CONSIDERATION

- a) Registered professionals in the State.
- b) Prequalified prior to consideration unless suggested by User.
- c) Prequalified prior to recommendation or selection.

5.2 STABILITY OF FIRM (Optional consideration)

- a) Type ownership (Joint ventures evaluated).
- b) Capability of firm sustain loss of key personnel (if known problems exist).
- c) Financial capability.
- d) Years firms has been established.
- d) Reputation of the firm.

5.3 MANAGEMENT PLAN

- a) Team organization.
- b) Experience as a team.
- c) Method of contract administration.
- d) Engineering discipline coordination.

6.0 INTEREST DEMONSTRATED

Prior to referenced project and normal interest in completed projects.

7.0 PRESENTATION

- a) Clarity and completion of drawings and specifications.
- b) Clarity of presentation and communication.
- c) Professionalism.

EVALUATION CRITERIA

FIRM _____		Marginal	Average	Good	Excellent	Weight	Score
Range		0.3	0.6	0.3	1.0		
1.0	CAPABILITY: TO PRODUCE A PROJECT WITH QUALITY DESIGN, WITHIN THE TIME SCHEDULE						
	1.1 Design approach						
	1.2 Quality of design on previous projects						
	1.3 Familiarity with special design requirements						
	1.4 Budget presentation						
	1.5 Budget experience on previous projects						
	1.6 Schedule presentation						
	1.7 Results of time schedules on previous projects						
	1.8 Staff size and availability						
	1.9 Consultants' ability						
2.0	EXPERIENCE: FIRM, PERSONNEL AND CONSULTANTS						
	2.1 Firm's relevant experience						
	2.2 Key personnel experience						
	2.3 Consultant's experience						
3.0	LOCATION OF THE FIRM						
	3.1 Production capability						
	3.2 Sensitivity/experience to local conditions						

EVALUATION CRITERIA

FIRM _____

	Marginal	Average	Good	Excellent	Weight	Score
Range	0.3	0.6	0.8	1.0		
<u>4.0</u> WORKLOAD CONSIDERATIONS						
4.1 Present overall workload						
4.2 Present and past CDB projects						
4.3 Not previously considered firms						
<u>5.0</u> ORGANIZATION AND MANAGEMENT						
5.1 Illinois License					*	
5.2 Stability of firm					*	
5.3 Management plan						
<u>6.0</u> INTEREST DEMONSTRATED						
<u>7.0</u> PRESENTATION						

* Mandatory prerequisite

Date _____

Total Score _____

STUDIES OF THE PROGRAM EVALUATION DIVISION

Final reports and staff papers from the following studies can be obtained from the Program Evaluation Division, 122 Veterans Service Building, Saint Paul, Minnesota 55155, 612/296-8315.

1977

1. Regulation and Control of Human Service Facilities
2. Minnesota Housing Finance Agency
3. Federal Aids Coordination

1978

4. Unemployment Compensation
5. State Board of Investment: Investment Performance
6. Department of Revenue: Assessment/Sales Ratio Studies
7. Department of Personnel

1979

8. State Sponsored Chemical Dependency Programs
9. Minnesota's Agricultural Commodities Promotion Councils
10. Liquor Control
11. Department of Public Service
12. Department of Economic Security, Preliminary Report
13. Nursing Home Rates
14. Department of Personnel, Follow-up Study

1980

15. Board of Electricity
16. Twin Cities Metropolitan Transit Commission
17. Information Services Bureau
18. Department of Economic Security
19. Statewide Bicycle Registration Program
20. State Arts Board: Individual Artists Grants Program

1981

21. Department of Human Rights
22. Hospital Regulation
23. Department of Public Welfare Regulation of Residential Facilities for the Mentally Ill
24. State Designer Selection Board

In Progress

25. Corporate Income Tax Processing
26. Construction Cost Overrun at Minnesota Correctional Facility -
Oak Park Heights
27. Utilization and Development of Computerized Tax Processing
Systems
28. State Sponsored Chemical Dependency Programs, Follow-up Study
29. Individual Income Tax Processing
30. Division of State Building Construction
31. Real Estate Management Division