

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 11:020. Procurement of architectural and engineering services.

RELATES TO: KRS Chapter 45A, Chapter 150

STATUTORY AUTHORITY: KRS 150.025, 150.0242, 45A.800, 45A.835, 45A.195, 45A.440, 45A.695

NECESSITY, FUNCTION, AND CONFORMITY: The Kentucky Department of Fish and Wildlife Resources is authorized by KRS 150.0242 to conduct all procurements necessary for the performance of its duties in accordance with the procurement procedures outlined in KRS Chapter 45A, Chapter 150, and administrative regulations promulgated under KRS Chapter 150. KRS 150.025(1)(h) authorizes the department to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.0242 requires the department to promulgate administrative regulations pursuant to KRS Chapter 13A to implement its procedures for the procurement of engineering services pursuant to KRS 150.0242 and 45A.800 to 45A.838.

Section 1. Solicitations. A solicitation for architectural or engineering services shall comply with the provisions of KRS 45A.825 and include the following evaluation factors:

- (1) Experience and ability:
 - (a) Experience of key personnel that will be assigned to the project, including principal in charge, project manager, other key professional and technical staff;
 - (b) Previous projects completed by the firm similar to the proposed project;
 - (c) Types of projects on which the firm or key personnel have been the prime design professional or provided significant professional design services;
 - (d) . Qualifications of the proposed project team;
 - (e) Volume of design work in the last two (2) years.
- (2) Past performance:
 - (a) For the two (2) year period prior to solicitation of services, the ability to design projects within specific project budgets and schedules.
 - (b) Design performance and experience of firm and key personnel with prior projects of similar scope.
 - (c) . Construction supervision services and post construction services if relevant.
- (3) Existing workload relative to the size of the firm and capacity to perform the project.
- (4) Geographical location with respect to the project:
 - (a) Location of offices of persons that will perform the work.
 - (b) Size of staff, including professional personnel, in the offices that will perform the work.
 - (c) Additional evaluation factors and other criteria required by the specific needs and scope of the project as set out in the requests for bids.

Section 2. Prequalification.

- (1) In order to submit a response to a request for proposal, an architectural or engineering firm shall be prequalified by Kentucky Department of Fish and Wildlife Resources (KDFWR).
- (2) A firm shall prequalify by filing with the department a completed current Federal Architect – Engineer Qualifications Form, Standard Form 330. This form may be submitted concurrently with a response to a request for proposals.
- (3) The prime consultant shall be registered in the Commonwealth of Kentucky with the appropriate professional governing body.

(4) Prequalification shall remain valid for the fiscal year in which it was received. To requalify, a firm shall submit an updated Federal Architect – Engineer Qualifications, Standard Form 330.

(5) A firm desiring to be considered for an award as a prime shall provide:

(a) An original certificate of a continuous professional liability policy in an amount not less than \$1,000,000 with a response to a request for proposals.

(b) Proof of current Kentucky workers compensation insurance coverage.

(6) A certificate of self-insurance shall not be accepted by the department.

Section 3. Receipt of Proposals.

(1) Proposals shall be received at the designated location prior to the closing time and date for the receipt of proposals indicated in the solicitation or any extension thereof made by addendum. Proposals received after the closing time and date for the receipt of bids shall be considered for evaluation and award only if:

(a) No other bids were received;

(b) The re-advertisement time delay would affect the operations of the department; and

(c) In the reasonable judgment of the purchasing officer, the bid was finalized prior to the official closing time and date for the receipt of bids.

(2) Submittals received that do not conform with the requirements of the solicitation shall be deemed non-responsive.

Section 4. Department Employee Responsibilities. All department personnel engaged in the procurement of engineering, architectural, or related services or the implementation of the provisions of KRS 45A.800 to 45A.835 shall comply with the following:

(1) Consider the interests of the Commonwealth of Kentucky and the department first when contracting for professional services;

(2) Request and accept assistance from other department and state personnel as required without allowing it to impair the dignity and responsibility of the employee's position;

(3) Seek to obtain the maximum value for each dollar spent for professional services;

(4) Strive for honesty and truth in contracting;

(5) Denounce all forms of bribery or favors;

(6) Invite all firms to submit their qualifications for consideration by the department;

(7) Assist other department personnel in the contracting for professional services as necessary; and

(8) Comply with both the letter and the spirit of KRS 45A.340.

Section 5. Selection Committee Evaluations.

(1) Each member of an architectural or engineering services selection committee shall use the project evaluation sheet provided by the department procurement branch in evaluating a firm's proposal.

(2) Upon completion of evaluation of all the responses to a request for proposals, each evaluation committee member shall sign his/her individual project evaluation sheet and shall submit the sheet to the chairperson of the committee. The chairperson of the selection committee shall record the composite score from each individual evaluation sheet on the evaluation summary sheet for the project. The evaluation summary sheet shall be signed by each participating member of the selection committee. This procedure shall also apply to project interview evaluation sheets used during the interview process as required by KRS 45A.825(8).

(3) All evaluation sheets and evaluation summaries for a project shall be maintained by the department procurement branch.

Section 6. Incorporation by Reference.

(1) "Architect-Engineer Qualifications", July 2021 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. or online at: <https://www.gsa.gov/Forms/TrackForm/32994> for the "Architect – Engineer Qualifications".

RICH STORM, Commissioner

APPROVED BY AGENCY: May 15, 2023

FILED WITH LRC: May 15, 2023 at 10:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 28, 2023, at 9:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov