

**R33. Government Operations, Purchasing and General Services.**

**R33-15. Procurement of Design Professional Services.**

**R33-15-101. Application.**

(1) Title 63G, Chapter 6a, Part 15, Design Professional Services applies to each procurement of services within the scope of the practice of architecture as defined by Section 58-3a-102, or professional engineering as defined in Section 58-22-102, except as authorized by Section R33-4-109. definitions in the Utah Procurement Code shall apply to this rule unless otherwise specified in this rule. This administrative rule provides additional requirements and procedures and must be used in conjunction with the procurement code.

**R33-15-201. Architect-Engineer Evaluation Committee.**

(1) The procurement official shall designate members of the Architect-Engineer Evaluation Committee. The evaluation committee must consist of at least three members who are qualified under Section 63G-6a-707, at least one of which is well qualified in the profession of architecture or engineering.

**R33-15-301. Request for Statement of Qualifications.**

- (1) A procurement unit shall issue a public notice for a request for a statement of qualifications to rank architects or engineers.
- (2) A procurement unit that issues a request for statement of qualifications shall:
  - (a) state in the request for statement of qualifications:
    - (i) the type of procurement item to which the request for statement of qualifications relates;
    - (ii) the scope of work to be performed;
    - (iii) the instructions and the deadline for providing information in response to the request for statement of qualifications;
    - (iv) criteria used to evaluate statements of qualifications including:
      - (A) basic information about the person or firm;
      - (B) experience and work history;
      - (C) management and staff;
      - (D) qualifications and certification;
      - (E) licenses and certifications;
      - (F) applicable performance ratings;
      - (G) financial statements; and
      - (H) other pertinent information.
  - (b) Key personnel identified in the statement of qualifications may not be changed without the advance written approval of the procurement unit.
- (3) Architects and engineers shall not include cost in a response to a request for statement of qualifications

**R33-15-302. Evaluation of Statement of Qualifications.**

(1) The evaluation committee shall evaluate statements of qualifications in accordance with Section 63G-6a-707 to rank (score) architects or engineers.

**R33-15-303. Negotiation and Award of Contract.**

(1) The procurement official shall negotiate a contract with the most qualified firm for the required services at compensation determined to be fair and reasonable.

**R33-15-304. Failure to Negotiate Contract With the Highest Ranked Firm.**

- (1) If fair and reasonable compensation, contract requirements, and contract documents cannot be agreed upon with the highest ranked firm, the procurement official shall advise the firm in writing of the termination of negotiations.
- (2) Upon failure to negotiate a contract with the highest ranked firm, the procurement official shall proceed in accordance with Section 63G-6a-1505.

**R33-15-305. Notice of Award.**

- (1) The procurement official shall award a contract to the highest ranked firm with which the fee negotiation was successful.
- (2) Notice of the award shall be made available to the public.

**R33-15-401. Written Justification Statements.**

(1) Executive branch procurement units shall issue a statement justifying the ranking of the firm with which fee negotiation was successful.

**KEY: architects, engineers, government purchasing**

**Date of Enactment or Last Substantive Amendment: January 22, 2021**

**Notice of Continuation: July 8, 2019**

**Authorizing, and Implemented or Interpreted Law: 63G-6a**