

Report To

# The Mississippi Legislature



## A Review of the Bureau of Building's Selection of Architectural and Engineering Firms

October 12, 1993

Since 1980, the Department of Finance and Administration's Bureau of Building, Grounds and Real Property Management has paid or contracted for over \$37 million in architectural/engineering fees on projects under the bureau's oversight. PEER's review and analysis of these architectural/engineering fees does not show a definitive trend of biased or unsupported firm selections; however, because of weaknesses in the bureau's selection process and lack of strong documented uniform criteria, the potential exists for inequities in the bureau's selection of architectural/engineering firms.

PEER recommends that the bureau strengthen its documentation requirements, prescribe uniform proposal procedures for architectural/engineering firms, and formally follow up on each project with user agencies. The report also includes proposed draft legislation requiring the Bureau of Building, Grounds and Real Property Management to review and pre-approve all state agency architectural/engineering services except for self-generated funds projects of the Board of Trustees, Institutions of Higher Learning.

**The PEER Committee**

## **PEER: The Mississippi Legislature's Oversight Agency**

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A standing joint committee, the PEER Committee is composed of five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of three Representatives and three Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues which may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

**A Review of the Bureau of Building's Selection of  
Architectural and Engineering Firms**

**October 12, 1993**

**The PEER Committee  
Mississippi Legislature**

The Mississippi Legislature  
Joint Committee on Performance Evaluation and Expenditure Review  
PEER Committee



SENATORS  
TRAVIS L. LITTLE  
Vice Chairman  
WILLIAM W. CANON  
Secretary  
JIM BEAN  
WILLIE SIMMONS  
JOSEPH STOGNER

TELEPHONE:  
(601) 359-1226

FAX:  
(601) 359-1420

P. O. Box 1204  
Jackson, Mississippi 39215-1204

JOHN W. TURCOTTE  
Director

REPRESENTATIVES  
CECIL McCORRY  
Chairman  
ALYCE G. CLARKE  
J. P. COMPRETTE  
DAVID M. HALBROOK  
MORRIS LEE SCOTT

OFFICES:  
Professional Building  
222 North President Street  
Jackson, Mississippi 39201

October 12, 1993

Honorable Kirk Fordice, Governor  
Honorable Eddie Briggs, Lieutenant Governor  
Honorable Tim Ford, Speaker of the House  
Members of the Mississippi State Legislature

At its meeting of October 12, 1993, the PEER Committee authorized release of the report entitled **A Review of the Bureau of Building's Selection of Architectural and Engineering Firms.**

A handwritten signature in cursive script that reads "Cecil McCrory".

Representative Cecil McCrory, Chairman

**This report does not recommend increased  
funding or additional staff.**

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# A Review of the Bureau of Building's Selection of Architectural and Engineering Firms

## *Executive Summary*

October 12, 1993

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### ***Introduction***

The PEER Committee conducted this review in response to a legislative request concerning the Department of Finance and Administration (DFA), Office of General Services, Bureau of Building, Grounds and Real Property Management's criteria and practices in selecting architectural firms for state construction projects. PEER's inquiry concentrated on practices of the Bureau of Building, Grounds and Real Property Management (hereafter referred to as bureau) and amounts paid by that office for related professional fees (focusing primarily on activities for the past ten years).

### ***Overview***

The bureau has used basically the same policies and procedures for selecting professional architectural/engineering firms since first adopted by the former State Building Commission in 1980. Before 1980, no written selection guidelines existed.

The bureau's procedures, even though generally guided by requirements for federal projects, are not sufficient to prevent the appearance of favoritism or biased selections in the award of architectural/engineering contracts. The bureau's current procedures do not require uniform proposal standards and requirements for firms' itemization of general and specific qualifications.

Since 1980, the bureau has paid or contracted for over \$37 million in architectural/engineering fees on projects under the bureau's oversight. A significant portion of the professional fees (\$17,526,552, or 47.2%) went to fourteen firms. This work represents 178 of the total 1,239 bureau projects (14.4%) during that period. Therefore, in comparison to the 120 Mississippi architectural/engineering firms that the bureau says are available, 11.7% of firms performed the majority of bureau-related work.

PEER's review and analysis of these architectural/engineering fees does not show a definitive

trend of biased or unsupported firm selections. However, because of weaknesses in the bureau's process and lack of strong documented uniform criteria, the potential exists for inequities in the bureau's selection of architectural/engineering firms.

### ***Recommendations***

1. The bureau should strengthen its documentation requirements and prescribe uniform proposal procedures for architectural/engineering firms, as follows:
  - expand information and data requirements on firms' annual *Professional Profile Form* to include qualifications and performance data of past work;
  - expand the *Professional Response Form* to require firms to itemize and describe specific pertinent past qualifications, experience, and performance data;
  - require firms to provide written proposals and statements in response to specific project offers to detail understandings of proposed objectives, outcomes, scope, deadlines, etc.; and,
  - require firms' written statements of guarantees of consultants and attached proof of qualifications.
2. The bureau should formally follow up on each project with required written documentation from user agencies reporting the performance of the architects/engineers, along with details concerning problems, change orders, working relations and conditions, etc.
3. The Legislature should amend MISS. CODE ANN. Section 31-11-3 to require Department of Finance and Administration's (Bureau of Building, Grounds and Real Property Management) review and pre-approval of all state

agency architectural/engineering services, except for the Institutions of Higher Learning (IHL) “self-generated” funds projects. The Legislature should require IHL to report building construction and renovation projects to DFA at least annually. The Appendix, page 17, provides proposed legislative changes.

**For More Information or Clarification, Contact:**

PEER Committee  
P. O. Box 1204  
Jackson, MS 39215-1204  
(601) 359-1226

Representative Cecil McCrory, Chairman  
Brandon, MS (601) 825-6539

Senator Travis Little, Vice-Chairman  
Corinth, MS (601) 287-1494

Senator William W. Canon, Secretary  
Columbus, MS (601) 328-3018



# **A Review of the Bureau of Building's Selection of Architectural and Engineering Firms**

## ***Introduction***

### **Authority**

The PEER Committee received a legislative request concerning the Department of Finance and Administration (DFA), Office of General Services, Bureau of Building, Grounds and Real Property Management's criteria and practices in selecting architectural firms for state construction projects. PEER performed this inquiry and review in accordance with MISS. CODE ANN. Section 5-3-57 (1972).

### **Scope and Purpose**

PEER's inquiry concentrated on practices of the Bureau of Building, Grounds and Real Property Management (hereafter referred to as bureau) and amounts paid by that office for related professional fees (focusing primarily on activities for the past ten years).

### **Method**

In conducting this inquiry, PEER performed the following tasks:

- interviewed appropriate DFA staff;
- reviewed the applicable Mississippi statute;
- reviewed related bureau policies and procedures;
- reviewed applicable bureau records and documents to include 1992 and 1993 architect/engineer selections and discussion narratives; and,
- compiled and analyzed 1980-1993 bureau data concerning architectural/engineering project fees.

### **Overview**

The bureau has used basically the same policies and procedures for selecting professional architectural/engineering firms since first adopted

by the former State Building Commission in 1980. Before 1980, no written selection guidelines existed.

The bureau's procedures, even though generally guided by requirements for federal projects (the "Brooks Bill," see Exhibit 1, page 3), are not sufficient to prevent the appearance of favoritism or biased selections in the award of architectural/engineering contracts. The bureau's current procedures do not require uniform proposal standards and requirements for firms' itemization of general and specific qualifications.

Since 1980, the bureau has paid or contracted for over \$37 million in architectural/engineering fees on projects under the bureau's oversight. A significant portion of the professional fees (\$17,526,552, or 47.2%) went to fourteen firms. This work represents 178 of the total 1,239 bureau projects (14.4%) during that period. Therefore, in comparison to the 120 Mississippi architectural/engineering firms that the bureau says are available, 11.7% of firms performed the majority of bureau-related work. Exhibit 2, page 4, provides PEER's analysis of the bureau's records.

PEER's review and analysis of these architectural/ engineering fees does not show a definitive trend of biased or unsupported firm selections. However, because of weaknesses in the bureau's process and lack of strong documented uniform criteria, the potential exists for inequities in the bureau's selection of architectural/engineering firms.

## Exhibit 1

# "Brooks Bill": Selection of Architectural, Engineering and Related Services for the Federal Government

### **PUBLIC LAW 92-582; 92ND CONGRESS, H. R. 12807; OCTOBER 27, 1972**

#### AN ACT

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:<sup>1</sup>

#### "TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

##### "Definitions

"Sec. 901. As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'architectural and engineering services' includes those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.<sup>2</sup>

##### "Policy

"Sec. 902. The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

##### "Requests for data on architectural and engineering services

"Sec. 903. In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each

proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

##### "Negotiation of contracts for architectural and engineering services

"Sec 904. (a) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."<sup>3</sup>

Approved October 27, 1972.

<sup>1</sup>Architects and engineers. Federal selection policy, establishment. 63 Stat. 377; 82 Stat. 1104.

<sup>2</sup>86 Stat. 1278.

<sup>3</sup>86 Stat. 1279.

##### LEGISLATIVE HISTORY:

HOUSE REPORT, No. 92-1188 (Comm. on Government Operations).

SENATE REPORT, No. 92-1219 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 118 (1972): July 26, considered and passed House. Oct. 14, considered and passed Senate.

## Exhibit 2

### Bureau of Building, Grounds and Real Property Management Architectural and Engineering Fees By Governor's Administration 1980 - 1993

Professional Firm	Governor William Winter 1980 - 1983					Governor Bill Allain 1984 - 1988				
	Amount		Project			Amount		Project		
	Total	%	No.	%	Average Fee	Total	%	No.	%	Average Fee
1. Albert & Lewis										
2. Architects Plus						\$368,974.21	4.8%	6	1.8%	\$61,495.70
3. Barlow & Plunkett, Ltd.										
4. C B & D Group	\$1,617,561.41	17.8%	13	3.5%	\$124,427.80					
5. Canizaro Trigiani Architects										
6. Cook Coggin Engineers, Inc.	416,314.03	4.6%	4	1.1%	104,078.51					
7. Cooke, Douglas, Farr, Lemons, Ltd.										
8. Dean, Dale & Dean Architects	574,741.74	6.3%	7	1.9%	82,105.96	2,075,866.34	26.9%	9	2.7%	230,651.82
9. Deas, Elridge & Associates						462,244.56	6.0%	17	5.2%	27,190.86
10. Eley Associates	667,170.53	7.3%	9	2.4%	74,130.06					
11. Environmental Protection Systems						310,574.91	4.0%	8	2.4%	38,821.86
12. Foil-Wyatt Architects/Planners	337,385.09	3.7%	8	2.1%	42,173.14					
13. McRee, Dardaman, Jones, Lacoste	479,081.54	5.3%	9	2.4%	53,231.28					
14. Spencer Associates, Inc.	394,822.48	4.3%	9	2.4%	43,869.16					
	<u>\$4,487,076.82</u>	<u>49.3%</u>	<u>59</u>	<u>15.8%</u>	<u>\$76,052.15</u>	<u>\$3,217,660.02</u>	<u>41.8%</u>	<u>40</u>	<u>12.2%</u>	<u>\$80,441.50</u>
Other Firms	<u>4,613,689.27</u>	<u>50.7%</u>	<u>314</u>	<u>84.2%</u>	<u>14,693.28</u>	<u>4,487,927.40</u>	<u>58.2%</u>	<u>288</u>	<u>87.8%</u>	<u>15,583.08</u>
Totals	<u>\$9,100,766.09</u>	<u>100.0%</u>	<u>373</u>	<u>100.0%</u>	<u>\$24,398.84</u>	<u>\$7,705,587.42</u>	<u>100.0%</u>	<u>328</u>	<u>100.0%</u>	<u>\$23,492.64</u>

**SOURCE: PEER staff analysis of Bureau of Building, Grounds and Real Property Management records compiled by governors' terms.**

Governor Ray Mabus 1988 - 1992					Governor Kirk Fordice 1992 - July 1993					Totals 1980 - July 1993				
Amount		Project			Amount		Project			Amount		Project		
Total	%	No.	%	Average Fee	Total	%	No.	%	Average Fee	Total	%	No.	%	Average Fee
					\$459,400.00	9.9%	5	3.8%	\$91,880.00	\$459,400.00	1.2%	5	0.4%	\$91,880.00
										368,974.21	1.0%	6	0.5%	61,495.70
\$749,156.04	4.8%	7	1.7%	\$107,022.29						749,156.04	2.0%	7	0.6%	107,022.29
										1,617,561.41	4.4%	13	1.0%	124,427.80
1,234,959.71	7.9%	4	1.0%	308,739.93						1,234,959.71	3.3%	4	0.3%	308,739.93
										416,314.03	1.1%	4	0.3%	104,078.51
557,629.43	3.5%	6	1.5%	92,938.24	567,000.00	12.2%	5	3.8%	113,400.00	1,124,629.43	3.0%	11	0.9%	102,239.04
1,402,721.31	8.9%	5	1.2%	280,544.26	353,700.00	7.6%	3	2.3%	117,900.00	4,407,029.39	11.9%	24	1.9%	183,626.22
726,973.85	4.6%	18	4.4%	40,387.44						1,189,218.41	3.2%	35	2.8%	33,977.67
1,915,896.40	12.2%	10	2.5%	191,589.64	407,000.00	8.8%	4	3.1%	101,750.00	2,990,066.93	8.0%	23	1.9%	130,002.91
										310,574.91	0.8%	8	0.6%	38,821.86
989,000.27	6.3%	7	1.7%	141,285.75	458,378.00	9.9%	5	3.8%	91,675.60	1,784,763.36	4.8%	20	1.6%	89,238.17
										479,081.54	1.3%	9	0.7%	53,231.28
										394,822.48	1.1%	9	0.7%	43,869.16
\$7,576,337.01	48.2%	57	14.0%	\$132,918.19	\$2,245,478.00	48.5%	22	16.9%	\$102,067.18	\$17,526,551.85	47.2%	178	14.4%	\$98,463.77
8,137,369.23	51.8%	351	86.0%	23,183.39	2,384,233.67	51.5%	108	83.1%	22,076.24	19,623,219.57	52.8%	1,061	85.6%	18,495.02
\$15,713,706.24	100.0%	408	100.0%	\$38,513.99	\$4,629,711.67	100.0%	130	100.0%	\$35,613.17	\$37,149,771.42	100.0%	1,239	100.0%	\$29,983.67

## ***Bureau Oversight***

The bureau receives its power and authority from MISS. CODE ANN. Section 31-11-1, et. seq. Per CODE Section 31-11-3 (1), the bureau [DFA] has:

*. . .full power and authority to employ and compensate architects or other employees necessary for the purpose of making inspections, preparing plans and specifications, supervising the erection of any buildings, and making any repairs or additions as may be determined by the Department of Finance and Administration to be necessary. . . .*

This authority is subject to approval by the Public Procurement Review Board and further restricted by CODE Section 31-11-3 (2) to certain projects:

*. . .as directed by the Legislature, or when funds have been appropriated for **its** use for these purposes. . . .* [Emphasis added signifying the bureau's appropriation]

Consequently, the bureau does not have authority or control over buildings constructed or repairs/renovations funded with "self-generated" or other funds outside its appropriations. For example, the current construction of the Department of Transportation's Jackson office building is not under the bureau's oversight, in addition to construction at university campuses funded by separate fee/revenue collections.

## *Bureau Criteria and Practices*

The bureau places projects into two categories to guide the selection process for architectural/engineering firms based on total budget of each project:

- less than \$500,000, and
- \$500,000 or more.

Exhibit 3, page 8, provides a copy of the bureau's procedures for selection of professionals. Per Jerry Oakes, Bureau Director, and PEER's review of written procedures since 1980, these procedures have remained significantly unchanged, except for composition of the selection committees.

In general, the process for projects of less than \$500,000 is for user agencies to provide written recommendation of three firms to the bureau. The bureau selects one of the three firms from the list, usually selecting the first choice of the agency unless there are negating reasons.

The process for projects of \$500,000 or more is more detailed, requiring public notices, direct mail-outs, and firms' written responses supported by each firm's prior annual March filing with the bureau of a *Professional Profile Form*. The bureau pre-selects three firms (the "short list") which must then appear before a selection committee for interviews. The selection committee chooses the winning firm based on the interviews and firm presentations. Since 1992, the bureau has compiled annual summary booklets of architect/engineer selections for projects of \$500,000 or more, along with discussions of the evaluation process.

Again, the bureau states that it uses the federal requirements for selection of architectural/engineering firms as a guide. However, PEER concludes that the bureau's current procedures are weak and do not provide sufficient uniform requirements, criteria, and a process to allow consistency and objective measurement of firms' qualifications, such as:

- The bureau receives no itemization of specific qualifications or detailed information on architectural/engineering firms for projects under \$500,000. The bureau's decisions are based solely on past personal experiences or agencies' recommendations, which might not be objective.
- The annual *Professional Profile Form* required by the bureau does not require firms to itemize statements of qualifications and/or performance data (past projects). Exhibit 4, page 11, provides a copy of the bureau's current profile form. The bureau

**Exhibit 3**  
**Bureau of Building, Grounds and Real Property Management**  
**Procedures for Selection of Professionals**

F. PROCEDURES FOR SELECTION PROCESS: The Office of Building, Grounds and Real Property Management's Planning and Construction Manual of Procedures (1992) states the following procedures in regards to the Selection of Professionals:

**OBJECTIVE**

The objective of a selection process is to select individuals, or firms, to provide professional services to the state of Mississippi which result in the best building for the user. In addition, the intent of the selection process is to distribute work among qualified firms who can deliver quality-designed projects on time and within the funds available.

It is the policy of this Office to employ architects, engineers and consultants who are not only licensed to do work in Mississippi, but who are, in fact, residents of Mississippi. When the expertise needed in particular instances is not available in Mississippi, this Office will consider professionals who are not Mississippi residents.

**PROJECTS LESS THAN \$500,000**

Projects containing less than an initial total project budget of \$500,000 may use the professional selection process if the Office of Building deems it necessary; however, it is not mandatory. The selection process is normally as follows:

1. After a project is initiated, the Using Agency will designate an agency contact person for all future Office of Building activities. This contact person will submit a list containing three (3) professional firms, in the order of preference, for the design of the project.
2. These names will be submitted to the governing board, or department head. The governing board, or department head, will review the recommendations and transmit its recommendation to the Office of Building for consideration.

This Office may select one (1) of the professional firms submitted. Or, as the contracting agency, this Office reserves the right to substitute another firm. After the selection has been made, the Professional, the governing board and the Using Agency will be informed.

**PROJECTS \$500,000 AND MORE**

Projects with more than \$500,000 in initial total project budget must follow the professional selection process outlined below. The selection process is as follows:

1. After a project has been initiated by this Office, the need for professional services for that project will be made public. The method of public announcement will be one or more of the following:
  - a. Posting on the bulletin board in the reception room of the Office of Building's office
  - b. Publication in a professional society publication
  - c. Direct mail-out
  - d. Daily newspaper



5. A minimum of five (5) committee members must be present for the selection process. The Office of Building staff members are responsible for eliminating all submissions not meeting the project qualifications prior to the Pre-selection Committee meeting.
6. After a short list has been established by the Pre-selection Committee, the interviewees will be scheduled by the Office of Building and the participants will be notified.
7. A Selection Committee will hear the interviews and will be composed of the following voting representatives:
  - a. Two (2) from the institution, agency, department and/or governing board
  - b. Deputy Director of Finance and Administration responsible for the Division of General Services
  - c. Director of the Office of Building, Grounds and Real Property Management and one (1) staff member; or, two (2) staff members of the Office of Building.
8. A minimum of three (3) committee members must be present; and if for any reason a tie vote results, the Director of the Office of Building will decide between the two (2) Professionals receiving the most votes.

The interviews are open to other representatives of the institution; however, they will not participate in the selection voting.

9. This Office will publish the project short-list selections and the final selection in a similar manner as the original publication of need.

The Office of Building, Grounds and Real Property Management is responsible for establishing any evaluation criteria when needed for each submission. This may change according to project need.

## CONSULTANTS

If the consultants are not selected in the above process, the principal professional architect selected will immediately submit to this Office the names of three structural, three mechanical and three electrical consulting engineers in the order of preference. If an engineer has been named the principal professional and the project will require additional engineering and architectural assistance, the engineer will submit the names of three consulting engineers and three architects in the order of preference for consideration by this Office.

If other consultants are needed, such as asbestos abatement consultants or landscape architects, the principal professional submits three names in order of preference for consideration. Approval of "In-House" preparation of asbestos, mechanical, electrical or structural portions of the contract documents without the use of an outside consultant must also be obtained prior to beginning the work. This Office reserves the right to select one of the firms recommended or appoint another firm that is not listed. Upon approval by this Office, the professional, the governing board and the using agency will be informed by the approved consultants.

2. Any individual, firm or corporation desiring to respond to the publication and provide professional services must give to this Office written notification of interest in the project. This response must be received in the office on or before the date established in the public notice. The response is to be as follows:
  - a. YEARLY: All individuals, firms and corporation desiring to provide professional services to this Office must submit in the month of March a completed Office of Building's "Professional Profile Form." A brochure from the firm or corporation may be included if desired. This yearly submission can be submitted any time during the year, but on March 1 of each year, all existing submissions will be destroyed and new ones received. A yearly submission is required for appointment for professional services. This submission will be the basis of any direct mail-out list.
  - b. SPECIFIC PROJECT: Any individual, firm or corporation desiring to provide professional services for a specific project must respond to the public notice by writing a letter indicating interest. A separate letter for each project is required. General letters listing more than one project will not be considered. Any additional required submissions, other than the letter indicating project interest, will be listed in the public notice.

In most cases, additional data will be required such as an Office of Building "Professional Response Form" or the submission of the complete design team including structural, asbestos, mechanical and electrical consultants. Joint ventures of professionals are acceptable and the responsibilities of all parties involved should be stated in the letter of interest.

3. A Pre-selection Committee will review all letters of interest and related data or information submitted. The committee selects from all the submissions a short list for consideration. The short list must have at least three names, but may have a maximum of five. If less than three are received, all will be considered. The Pre-selection Committee is composed of the following representatives:
  - a. Two from the institution, agency or department
  - b. One from the governing board (if there is no governing board, this member is omitted)
  - c. Deputy Director of Finance and Administration responsible for the Division of General Services
  - d. Director of the Office of Building, Grounds and Real Property Management
  - e. Chief Architect of the Office of Building, Grounds and Real Property Management
  - f. Maximum of two (2) staff members from the Office of Building, Grounds and Real Property Management
  - g. Two (2) staff members of the Department of Archives and History, if the facility is listed on the National Register of Historical Places or the Mississippi Historical Landmarks

**Exhibit 4**  
**Bureau of Building, Grounds and Real Property Management**  
**Professional Profile Form**

**PROFESSIONAL PROFILE FORM**

**DATE:** \_\_\_\_\_

All individuals, firms and corporations desiring to provide professional services for the Office of Building, Grounds and Real Property Management should submit at the beginning of each calendar year a completed Professional Profile Form. This yearly submission can be submitted any time during the year, but should be current for that calendar year. The Professional Profile Form is as follows:

**A. FIRM NAME/BUSINESS ADDRESS:**

\_\_\_\_\_  
(Business Name)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(Business Address, if different)

\_\_\_\_\_  
(City/State/Zip)

\_\_\_\_\_  
(Area Code/Telephone Number)

**B. CHECK AND COMPLETE ONE OF THE FOLLOWING:**

Corporation solely organized and existing under the laws of the State of \_\_\_\_\_  
and having its principal office in \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(City) (County) (State)

Partnership of the principals listed in (E) below.

Sole Proprietorship

**C. PROFESSIONAL'S GENERAL SERVICES VENDOR NUMBER:** \_\_\_\_\_

**D. PROFESSIONAL'S TAXPAYER IDENTIFICATION NUMBER:** \_\_\_\_\_

**E. LIST THE NAMES OF ALL PRINCIPALS AND THEIR TITLES:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**F. LIST ALL FULLTIME MEMBERS AND/OR EMPLOYEES, INCLUDING PRINCIPALS, OF THE FIRM. (Attach additional sheets if necessary.)**

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

MISSISSIPPI LICENSE NUMBER: \_\_\_\_\_ ARCHITECT \_\_\_\_\_ ENGINEER \_\_\_\_\_

COLLEGE GRADUATE (SCHOOL/YEAR/DEGREE): \_\_\_\_\_

\_\_\_\_\_

YEARS OF EXPERIENCE (EXCLUDED MILITARY/OTHER NON-RELATED): \_\_\_\_\_

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

MISSISSIPPI LICENSE NUMBER: \_\_\_\_\_ ARCHITECT \_\_\_\_\_ ENGINEER \_\_\_\_\_

COLLEGE GRADUATE (SCHOOL/YEAR/DEGREE): \_\_\_\_\_

\_\_\_\_\_

YEARS OF EXPERIENCE (EXCLUDED MILITARY/OTHER NON-RELATED): \_\_\_\_\_

only collects general firm information, which is not sufficient to evaluate firm qualifications.

- The bureau's *Professional Response Form* (required to be submitted by firms for advertised projects of \$500,000 or more) also does not require firms to itemize statements or give details of qualifications and/or performance data. Exhibit 5, page 13, provides a copy of this response form.
- The bureau does not require statements or proposals from interested firms to provide proposed workplans to meet objectives, outcomes, and scope of the services to be provided.
- The bureau does not require guarantees of proposed consultants or proof of qualifications of team members (e.g., degrees, certifications, licenses).
- The bureau does not formally follow up or require written documentation or reports (from either prior user agencies or architectural/engineering firms) describing and supporting firms' specific past performance (for example, user agencies' satisfaction with firms, construction problems or change orders resulting from architectural errors, project cost overruns due to architectural negligence).

The ultimate result of the bureau's lack of strong uniform proposal standards is that its selection of professional firms has relied heavily on personal marketing skills, public relations abilities, presentation packages, and incomplete documentation of firms' qualifications. In addition, the bureau's lack of strong uniform requirements opens the process to criticism and the potential for other influences and solicited favoritism from the architectural/engineering firms.

**Exhibit 5**  
**Bureau of Building, Grounds and Real Property Management**  
**Professional Response Form**

**PROFESSIONAL RESPONSE FORM**

**DATE:** \_\_\_\_\_

Any individuals, firms and corporations desiring to provide professional services for a specific project must respond to the public notice by completing the following Professional Response Form and submitting a current Professional Profile Form, if one is not presently on file with the Office of Building. All Consultants listed in (D) below must also have a current Professional Profile Form on file with the Office of Building.

**A. PROJECT:**

**GS#** \_\_\_\_\_

**PROJECT TITLE** \_\_\_\_\_

**PROJECT LOCATION** \_\_\_\_\_

**B. FIRM NAME:**

\_\_\_\_\_  
(Business Name)

**C. DESIGN TEAM:**

List the names of the complete design team that will be responsible for this project from beginning to end of the construction warranty period. Caution should be given to listing those who will actually complete the tasks as the Office of Building will expect those individuals to perform rather than someone else.

1. **KEY PRINCIPAL** - will be totally responsible for the project.  
\_\_\_\_\_

2. **DESIGN PROFESSIONAL** - will be responsible for overall design and planning of the project.  
\_\_\_\_\_

3. **CONTRACT DRAWINGS** - will be responsible for the actual production of the contract drawings.  
\_\_\_\_\_

4. **CONTRACT SPECIFICATIONS** - will be responsible for the actual preparation of contract specifications.  
\_\_\_\_\_

5. **BIDDING PROCESS AND CONSTRUCTION CONTRACT PREPARATION** - will be responsible for the bidding process and preparation of the construction award contract.  
\_\_\_\_\_

6. **INSPECTIONS** - will be responsible for inspection of the project.  
\_\_\_\_\_

**D. CONSULTANTS:**

The individuals, firms or corporations who will provide specific consultant services.

1. **STRUCTURAL:** \_\_\_\_\_

2. **MECHANICAL:** \_\_\_\_\_

3. **ELECTRICAL:** \_\_\_\_\_

4. **ASBESTOS:** \_\_\_\_\_

5. \_\_\_\_\_:

6. \_\_\_\_\_:

## ***Past Architectural/Engineering Fees***

Exhibit 2, page 4, summarizes fees for projects since Governor William Winter's administration beginning February 1980. This exhibit is presented by governors' terms of administration because the bureau maintains project data and records by such terms.

As presented at Exhibit 2, a limited number of architectural/engineering firms have performed the most significant amount of the related professional services. The following firms received the highest fees and performed services during at least three of the four governors' terms:

Dean, Dale & Dean Architects	\$4,407,029.39
Eley Associates	2,990,066.93
Foil-Wyatt Architects/Planners	1,784,763.36

These firms represent larger architectural firms and are from the Jackson, Mississippi, area. The firms have performed services for projects related to universities and state agencies. The largest fees earned during any one year were by Dean, Dale & Dean for the Department of Corrections and the prison system during 1987 for \$2,022,107.

## ***Conclusion***

Based on PEER's analysis, no distinct trends are evident nor does proof exist of the bureau's intention to restrict architectural/engineering services to only a few selected professionals. Nevertheless, weaknesses in the bureau's current selection process, along with the lack of uniformity and strong criteria, support PEER's conclusion that favoritism toward firms could occur.

## *Recommendations*

1. The bureau should strengthen its documentation requirements and prescribe uniform proposal procedures for architectural/engineering firms, as follows:
  - expand information and data requirements on firms' annual *Professional Profile Form* to include qualifications and performance data of past work;
  - expand the *Professional Response Form* to require firms to itemize and describe specific pertinent past qualifications, experience, and performance data;
  - require firms to provide written proposals and statements in response to specific project offers to detail understandings of proposed objectives, outcomes, scope, deadlines, etc.; and,
  - require firms' written statements of guarantees of consultants and attached proof of qualifications.
2. The bureau should formally follow up on each project with required written documentation from user agencies reporting the performance of the architects/engineers, along with details concerning problems, change orders, working relations and conditions, etc.
3. The Legislature should amend MISS. CODE ANN. Section 31-11-3 to require Department of Finance and Administration's (Bureau of Building, Grounds and Real Property Management) review and pre-approval of all state agency architectural/engineering services, except for the Board of Trustees, Institutions of Higher Learning's (IHL) "self-generated" funds projects. The Legislature should require IHL to report building construction and renovation projects to DFA at least annually. The Appendix, page 17, provides proposed legislative changes.



## Appendix

### Proposed Legislation Authority of Department of Finance and Administration, Bureau of Building, Grounds and Real Property Management Concerning Architectural and Engineering Contracts

Mississippi Legislature

Regular Session 1994

BY:

#### BILL

AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO REVIEW AND PRE-APPROVE ARCHITECTURAL AND ENGINEERING CONTRACTS OF STATE AGENCIES, BOARDS, COMMISSIONS, INSTITUTIONS, AND AUTHORITIES; TO EXEMPT CERTAIN CONTRACTS OF THE INSTITUTIONS OF HIGHER LEARNING BUT TO REQUIRE THAT THE INSTITUTIONS OF HIGHER LEARNING SUBMIT CERTAIN INFORMATION ON ENGINEERING AND ARCHITECTURAL CONTRACTS TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

Section 1. Section 31-11-3, Mississippi Code of 1972, is amended as follows;

#### **§ 31-11-3. Powers and duties.**

(1) The Department of Finance and Administration, for the purposes of carrying out the provisions of this chapter, in addition to all other rights and powers granted by law, shall have full power and authority to employ and compensate architects or other employees necessary for the purpose of making inspections, preparing plans and specifications, supervising the erection of any buildings, and making any repairs or additions as may be determined by the Department of Finance and Administration to be necessary, pursuant to the rules and regulations of the State Personnel Board. The department shall have entire control and supervision of, and determine what, if any, buildings, additions, repairs or improvements are to be made under the provisions of this chapter, subject to the approval of the Public Procurement Review Board.

(2) The department shall have full power to erect buildings, make repairs, additions or improvements, and buy materials, supplies and equipment for any of the institutions or departments of the state subject to the approval of the Public Procurement Review Board. In addition to other powers conferred, the department shall have full power and authority as directed by the Legislature, or when funds have been appropriated for its use for these purposes, to:

- (a) Build a state office building;
- (b) Build suitable plants or buildings for the use and housing of any state schools or institutions, including the building of plants or buildings for new state schools or institutions, as provided for by the Legislature;
- (c) Provide state aid for the construction of school buildings;
- (d) Promote and develop the training of returned veterans of the United States in all sorts of educational and vocational learning to be supplied by the proper educational institution of the State of Mississippi, and in so doing allocate monies appropriated to it for these purposes to the Governor for use by him in setting up, maintaining and operating an office and employing a state director of on-the-job training for veterans and the personnel necessary in carrying out Public Law No. 346 of the United States;
- (e) Build and equip a hospital and administration building at the Mississippi State Penitentiary;
- (f) Build and equip additional buildings and wards at the Boswell Retardation Center;
- (g) Construct a sewage disposal and treatment plant at the state insane hospital, and in so doing acquire additional land as may be necessary, and to exercise the right of eminent domain in the acquisition of this land;
- (h) Build and equip the Mississippi central market and purchase or acquire by eminent domain, if necessary, any lands needed for this purpose;
- (i) Build and equip suitable facilities for a training and employing center for the blind;
- (j) Build and equip a gymnasium at Columbia Training School;
- (k) Approve or disapprove the expenditure of any money appropriated by the Legislature when authorized by the bill making the appropriation;
- (l) Expend monies appropriated to it in paying the state's part of the cost of any street paving;
- (m) Sell and convey state lands when authorized by the Legislature, cause said lands to be properly surveyed and platted, execute all deeds or other legal instruments, and do any and all other things required to effectively carry out the purpose and intent of the Legislature. Any transaction which involves state lands under the provisions of this paragraph shall be done in a manner consistent with the provisions of Section 29-1-1;
- (n) Collect and receive from educational institutions of the State of Mississippi monies required to be paid by these institutions to the state in carrying out any veterans' educational programs; and
- (o) Purchase lands for building sites, or as additions to building sites, for the erection of buildings and other facilities which the department is authorized to erect, and demolish and dispose of old buildings, when necessary for the proper construction of new buildings. Any transaction which involves state lands under the provisions of this paragraph shall be done in a manner consistent with the provisions of Section 29-1-1.

- (6)** The department shall have authority to accept grants, loans or donations from the U.S. government or from any other sources for the purpose of matching funds in carrying out the provisions of this chapter.
- (7)** The department shall build a wheelchair ramp at the War Memorial Building which complies with all applicable federal laws, regulations and specifications regarding wheelchair ramps.

Section 2. This act shall take effect and be in force from and after July 1, 1994.

*Agency Response*



**STATE OF MISSISSIPPI  
DEPARTMENT OF FINANCE AND ADMINISTRATION**

**EDWARD L. RANCK  
EXECUTIVE DIRECTOR**

September 22, 1993

Honorable Cecil McCrory, Chairman  
PEER Committee  
Mississippi Legislature  
222 North President  
Jackson, Mississippi 39201

RE: A Review of the Bureau of Building's  
Selection of Architectural and  
Engineering Firms

Dear Chairman McCrory:

The Bureau of Building, Grounds and Real Property Management wishes to thank you for the opportunity to respond to the PEER Committee's review of this office's selection process for professional Architects and Engineers. The report is factual and we basically agree with its content.

In response to the recommendations, this office will gladly strengthen the process. We shall expand both the Professional Profile Form and Response Form as suggested. Most firms provide with their proposals the data mentioned but it is not required. Therefore, we shall now require specific response information. We shall develop a reporting process which permits the user institution or agency and this staff to evaluate the professionals performance. We support the proposed change to Code Section 31-11-3.

The Bureau of Building, Grounds and Real Property Management manages less than half of all State building projects. In order to have a complete picture of state practices, the PEER Committee may wish to review the selection process of Institutions of Higher Learning, the Military Department, the Transportation Department and any other State agency that selects and contracts with Architects and Engineers.

We appreciate the PEER Committee Staff's professional approach to this question and believe the report will benefit both this agency and the State of Mississippi.

Sincerely,

BUREAU OF BUILDING, GROUNDS AND REAL PROPERTY MANAGEMENT

  
Jerry A. Oakes  
Acting Director

mj

c: Ed Ranck  
Beverly Anthony Bolton

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## PEER Staff

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John W. Turcotte

### Administrative Division

Steve Miller, General Counsel  
and Controller

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Ann Hutcherson  
Mary McNeill

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