



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

July 12, 2005

## QUALIFICATION BASED SELECTION FOR CONSULTANT ENGINEERING SERVICES

COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS  
MUNICIPAL ENGINEERS/DIRECTORS OF PUBLIC WORKS  
CONSULTING ENGINEERS

#05-05

According to 50 ILCS 510 Local Government Professional Services Selection Act and Title 23, Chapter 1, Subchapter I, Paragraph 112(b)(2) of the United States Code, local governments must negotiate and enter into contracts for architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable compensation. Awarding a contract to the lowest bidder through competitive bidding is not allowed.

Chapter 5 Section 5.07 of the Bureau of Local Roads & Streets manual details the qualification based selection process. Figure 5-5B Consultant Ranking Criteria is attached to assist local agencies when evaluating engineering consultants. Please contact your District Local Roads & Streets Office with any questions.

Sincerely,

A handwritten signature in black ink that reads "Charles J. Ingersoll".

Charles J. Ingersoll, P. E.  
Engineer of Local Roads and Streets

KB/bat

Attachment

**LOCAL GOVERNMENT**  
**(50 ILCS 510/) Local Government Professional Services Selection Act.**

(50 ILCS 510/0.01) (from Ch. 85, par. 6400)

Sec. 0.01. Short title. This Act may be cited as the Local Government Professional Services Selection Act.  
(Source: P.A. 86-1324.)

(50 ILCS 510/1) (from Ch. 85, par. 6401)

Sec. 1. Policy. It shall be the policy of the political subdivisions of the State of Illinois to negotiate and enter into contracts for architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable compensation.  
(Source: P.A. 85-854.)

(50 ILCS 510/2) (from Ch. 85, par. 6402)

Sec. 2. Federal Requirements. In the procurement of architectural, engineering and land surveying services and in the awarding of contracts, a political subdivision of the State of Illinois may comply with federal law and regulations and take all necessary steps to adapt its rules, specifications, policies and procedures accordingly to remain eligible for federal aid.  
(Source: P.A. 85-854.)

(50 ILCS 510/3) (from Ch. 85, par. 6403)

Sec. 3. Definitions. As used in this Act unless the context specifically requires otherwise:

(1) "Firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of architecture, engineering or land surveying and provide architectural, engineering or land surveying services.

(2) "Architectural services" means any professional service as defined in Section 5 of the Illinois Architecture Practice Act of 1989.

(3) "Engineering services" means any professional service as defined in Section 4 of the Professional Engineering Practice Act of 1989 or Section 5 of the Structural Engineering Practice Act of 1989.

(4) "Land surveying services" means any professional service as defined in Section 5 of the Illinois Professional Land Surveyor Act of 1989.

(5) "Political subdivision" means any school district and any unit of local government of fewer than 3,000,000 inhabitants, except home rule units.

(6) "Project" means any capital improvement project or any study, plan, survey or new or existing program activity of a political subdivision, including development of new or existing programs which require architectural, engineering or land surveying services.

(Source: P.A. 91-91, eff. 1-1-00.)

(50 ILCS 510/4) (from Ch. 85, par. 6404)

Sec. 4. Public notice. Present provisions of law notwithstanding, in the procurement of architectural,

engineering or land surveying services, each political subdivision which utilizes architectural, engineering or land surveying services shall permit firms engaged in the lawful practice of their professions to annually file a statement of qualifications and performance data with the political subdivision. Whenever a project requiring architectural, engineering or land surveying services is proposed for a political subdivision, the political subdivision shall, unless it has a satisfactory relationship for services with one or more firms:

(1) Mail a notice requesting a statement of interest in the specific project to all firms who have a current statement of qualifications and performance data on file with the political subdivision; or

(2) Place an advertisement in a secular English language daily newspaper of general circulation throughout such political subdivision, requesting a statement of interest in the specific project and further requesting statements of qualifications and performance data from those firms which do not have such a statement on file with the political subdivision. Such advertisement shall state the day, hour and place the statement of interest and the statements of qualifications and performance data shall be due.

(Source: P.A. 85-854.)

(50 ILCS 510/5) (from Ch. 85, par. 6405)

Sec. 5. Selection Procedure. A political subdivision shall, unless it has a satisfactory relationship for services with one or more firms, evaluate the firms submitting letters of interest, taking into account qualifications, ability of professional personnel, past record and experience, performance data on file, willingness to meet time and budget requirements, location, workload of the firm and such other factors as the political subdivision may determine in writing are applicable. The political subdivision may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services.

(Source: P.A. 85-854.)

(50 ILCS 510/6) (from Ch. 85, par. 6406)

Sec. 6. Selection procedure. On the basis of evaluations, discussions and presentations, the political subdivision shall, unless it has a satisfactory relationship for services with one or more firms, select no less than 3 firms which it determines to be the most qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The political subdivision shall then contact the firm ranked most preferred and attempt to negotiate a contract at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. If fewer than 3 firms submit letters of interest and the political subdivision determines that one or both of those firms are so qualified, the political subdivision may proceed to negotiate a contract pursuant to this Section and Section 7.

(Source: P.A. 85-854.)

(50 ILCS 510/7) (from Ch. 85, par. 6407)

Sec. 7. Contract negotiation. (1) The political subdivision shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation that the political subdivision determines in writing to be fair and reasonable. In making this decision the political subdivision shall take into account the estimated value, scope, complexity and professional nature of the services to be rendered.

(2) If the political subdivision is unable to negotiate a satisfactory contract with the firm which is most preferred, negotiations with that firm shall be terminated. The political subdivision shall then begin negotiations with the firm which is next preferred. If the political subdivision is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The political subdivision shall then begin negotiations with the firm which is next preferred.

(3) If the political subdivision is unable to negotiate a satisfactory contract with any of the selected firms, the political subdivision shall re-evaluate the architectural, engineering or land surveying services requested, including the estimated value, scope, complexity and fee requirements. The political subdivision shall then compile a second list of not less than three qualified firms and proceed in accordance with the provisions of this Act.

(Source: P.A. 85-854.)

(50 ILCS 510/8) (from Ch. 85, par. 6408)

Sec. 8. Waiver of competition. A political subdivision may waive the requirements of Sections 4, 5, and 6 if it determines, by resolution, that an emergency situation exists and a firm must be selected in an expeditious manner, or the cost of architectural, engineering, and land surveying services for the project is expected to be less than \$25,000.

(Source: P.A. 87-1034.)

§ 112. Letting of contracts

Release date: 2004-09-20

(a) In all cases where the construction is to be performed by the State transportation department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

**(b) Bidding Requirements.—**

**(1) In general.—** Subject to paragraphs (2) and (3), construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the State transportation department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective or that an emergency exists. Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

**(2) Contracting for engineering and design services.—**

**(A) General rule.—** Subject to paragraph (3), each contract for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project subject to the provisions of subsection (a) of this section shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or equivalent State qualifications-based requirements.

**(B) Applicability.—**

**(i) In a complying state.—** If, on the date of the enactment of this paragraph, the services described in subparagraph (A) may be awarded in a State in the manner described in subparagraph (A), subparagraph (A) shall apply in such State beginning on such date of enactment.

**(ii) In a noncomplying state.—** In the case of any other State, subparagraph (A) shall apply in such State beginning on the earlier of

**(I)** August 1, 1989, or

**(II)** the 10th day following the close of the 1st regular session of the legislature of a State which begins after the date of the enactment of this paragraph.

Typical criteria for both evaluating and ranking firms should include but not be limited to the following:

1. The education, experience, and expertise of the firm's principals and key employees.
2. The firm's general experience, stability, and history of performance on projects similar to the one under consideration.
3. Availability of adequate personnel, equipment, and facilities to do the required work expeditiously.
4. The name, or names, of individuals in the firm who will be assigned key project responsibilities, with particular attention to their qualification, competence, and past performance.
5. The firm's approach to the planning, organizing, and management of a project effort, including communication procedures, approach to problem solving, data gathering methods, evaluation techniques, and similar factors.
6. Facilities and equipment owned by the firm, including computer capability, reproduction and communication equipment, laboratory and testing equipment, or other specialized equipment applicable to the project under consideration.
7. Present workload with attention to current and future commitments of available personnel, particularly those key persons expected to be assigned to your project.
8. Financial stability, with particular attention to avoiding a situation in which the firm is solely dependent on income from the project at hand for its existence.
9. Recommendations and opinions of each firm's previous clients as to its ability to meet deadlines and remain within budget. Prior clients may also be able to advise you as to each firm's sense of responsibility; attitudes of key personnel; concern for economy, efficiency, and environment; and quality of service.
10. If practical, observation of each firm's facility and the sites of current and/or completed projects.
11. Proximity of the engineering firm to the proposed project site and/or the agency's office.
12. The reputation and integrity of the engineering firm within the professional field and the community.
13. Awards received by the firm and technical papers authored by employees.
14. Special considerations for some projects might include staff conversant in foreign languages and qualified minority representation.
15. The local agency has worked with a specific firm and can cite any or all of the following advantages:
  - a. The firm's personnel are acquainted with the agency's organization and local conditions.
  - b. Information from the files of past assignments is of great importance.
  - c. Compatibility with agency organization is assured.
  - d. A smooth start-up and satisfactory progress will result because both parties will be dealing with known factors.
16. The weight given each evaluation criterion in the ranking process may vary from project to project. For example, criterion "6" would be more heavily weighted than criterion "11" if the bulk of the project tasks involve computer analysis and design. However, the reverse would be true for a project with an extensive construction oversight provision.

## CONSULTANT RANKING CRITERIA

Figure 5-5B