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# Expressions of Interest



Presented by:

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# Process/Law Changes to Help You

## **Modifies the Disclosure of Interested Parties Form (2018):**

Increases the limit for the Disclosure of Interested Parties from \$100,000 to \$1 million. Additionally, this form will no longer apply to publicly traded companies.

## **Allow Open-Ended Construction and Maintenance (2018):**

Allows open-ended maintenance and repair construction contracts up to \$500,000 (applies to entire term of the contract, including renewals).

## **Adds an Emergency Section to West Virginia Code §5G-1-3 (2018):**

Allows for the emergency purchase of design and engineering work, even when the cost of the project is expected to exceed \$250,000, to quickly stop problems from becoming more dangerous and more costly to repair.

## **Simplify RFP (2018):**

Revising the Request for Proposal and Expression of Interest Standard Formats to provide clarification and more ease of use.



# Objectives

By the end of this session, you should better understand...

- The preparation and planning phases for Expressions of Interest (EOI)
- Documentation required for the submission and contract award of EOIs



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# Definition

- An Expression of Interest (EOI) is a “Best Value” procurement tool used primarily in the selection of architects and engineers which permits the State to award a contract to the most qualified vendor on the basis of demonstrated competence and qualification for the type of professional services required at a negotiated fee determined to be fair and reasonable based upon the negotiated Scope of Work.



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# Statutory Requirements

## West Virginia Code §5G

- The state and its political subdivisions are to procure architectural and engineering services on the basis of demonstrated competence and qualification of the type of professional services required



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# Preparation

## What to consider?

- Required facility function or project objective
- Budget limitations
- Timeline for occupancy or project completion
- Pre-approvals and special consideration
  - Historic preservation (Capitol Building Commission [CBC]) and/or the State Historical Preservation Office (SHPO)
  - Leadership in Energy and Environmental Design (LEED) certification objectives ([www.usgbc.org](http://www.usgbc.org))
  - Unique site or construction considerations



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# Planning: Project Cost

## Determine the total project cost

- Includes design and construction costs
- Determine procurement value
  - Total project cost determines method of advertisement and award
    - Under \$250K (5G-1-4)
    - Over \$250K (5G-1-3)



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# Planning: Evaluation Committee

## Determine who should be a part of the evaluation team

- Comprised of at least three members but no more than five members recommended
- Agency Procurement Officer
  - Full voting member
  - Present for all evaluation team meetings and oral interviews
  - Advises committee on procurement matters and processes
  - Substitutions must be approved by Purchasing Director
- Non-state employees cannot be voting members but can serve as subject matter experts in an advisory role





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# Projects \$250K or Less

- Follow planning processes
- Competition must be sought by the Agency
  - Conduct discussions with three or more professional firms solicited on the basis of known or submitted qualifications
    - Discussions should be in relation to qualifications, performance data
    - May include anticipated concepts and proposed methods of approach to the project
    - Price may not be discussed
- Agency and highest ranked firm develops scope for services and negotiates price
  - Note: If negotiations fail with the highest ranked firm, negotiations may begin with next highest ranked firm.



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# Projects \$250K or Less, Cont.

- If competition is not practical or special circumstances exist, a firm may be selected on the basis of previous satisfactory performance and knowledge of the agency's facilities and needs
  - Must be requested and approved by Purchasing Director
  - 5G-1-4 (a)



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# Projects \$250K or Less, Cont.

## Required documents for submission to the Purchasing Division:

- Centralized Award Document in wvOASIS
- Pre-approvals
- Agency memo with project description, list of contacted firms in ranked order, documentation of interest received from vendors, and firm selected
- Negotiated Statement of Work or Applicable AIA Documents (including State of WV Supplementary Conditions and negotiated statement of work), including signed vendor quote, Purchasing Master Terms and Conditions (must include Additional Terms for A/E), applicable licenses, and certificates of insurance attached



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# Projects \$250K or Less, Cont.

Required documents for submission to the Purchasing Division:

- Certificate of Insurance
- Certificate of Non-Conflict of Interest



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# Projects \$250K or More

- Follow planning processes
- Competition shall be sought by the Purchasing Division (for the agency)
- Prepare specifications
  - EOI Standard Format
    - Forms section of Purchasing Division website
    - Section One: General Information
      - Purpose
      - Project



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# Projects \$250K or More, Cont.

## CEOI Standard Format

- Section Two: Instructions to Vendors Submitting Bids
  - Agency will add the “Instructions to Vendors Submitting Bids” from the Purchasing master terms and conditions
  - Any information, such as need for pre-bid meeting, should be addressed on this form
  - Buyer will complete prior to distribution



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# Projects \$250K or More, Cont.

## CEOI Standard Format

- Section Three: Project Specifications
  - Background (i.e. what, where, why of the project)
    - Describes the overall intent and scope of the project
    - May include anticipated concepts or proposed methods of approach to the project
  - Qualifications, Experience, and Past Performance
  - Oral Presentations/Interviews



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# Projects \$250K or More, Cont.

## EOI Standard Format

- Section Four: Vendor Proposal, Evaluation, and Award
  - Contains instructions for vendors submitting proposals
  - Explains evaluation and award process
  - Should not be altered by the Agency (except Section 3.4)
- Vendor ranking (Section 3.1)
  - Completed by the Agency
  - Values assigned based on Section 3.2 (Qualifications and Experience; Project Goals and Objectives; and Oral Interviews)
  - Must equal 100 Points





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# Projects \$250K or More, Cont.

## EOI Standard Format

- Section Five:
  - Agency will add Purchasing master terms and conditions with required Insurance Requirements using AIA B101-2017 Supplementary Conditions requirements
  - Including but not limited to Errors and Omissions Coverage



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# Projects \$250K or More, Cont.

## Required documents for submission to Purchasing for advertisement

- Centralized requisition in wvOASIS (CRQS)
  - Include total estimated value and maximum budgeted amount
- Pre-approvals (if applicable)
- Completed Expression of Interest Standard Format
- Suggested vendors



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# Solicitation

## What happens now?

- Buyer reviews for completeness
- If complete, EOI is posted to “WV Purchasing Bulletin” and a Class II Legal Advertisement (WV Code 59-3-1) placed in the local newspaper
  - Published once a week for two consecutive weeks
  - Will post to Auditor’s website
- Firms are given time to prepare their proposals
- EOIs are received, opened, and read aloud
- EOI copies are downloaded by the Agency for review and evaluation



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# Evaluation

Opening the EOI, evaluation, short-listing, interviewing, and recommending a firm for contract negotiation:

- Evaluation Committee meets to short-list firms and schedule interviews
- Point scores are assigned
  - All proposals begin with 100 points, and points are deducted for deficiencies
    - only whole points deducted
  - Deficiencies are based on the criteria set forth in the specifications
  - Proposals are not evaluated against one another, but rather to the specifications as written



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# Evaluation

- Consensus recommendation for award submitted to Purchasing Division
  - Contains:
    - Justification for score deductions
      - deductions must be consistent among vendors
    - Signature of evaluation committee members
    - Chairperson should be noted
- Agency is notified of approval of recommendation
- Agency negotiates scope of work and price with highest ranked vendor



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# Negotiations

- Agency and the selected architect and/or engineering firm will negotiate scope of work, schedule of tasks, deliverables, and all associated fees
- If an architect is involved, the use of AIA Document B101-2017 Edition-Standard Form of Agreement Between Owner & Architect, and the WV Supplementary Conditions to the AIA Document B101-2017 form as approved by the WV Attorney General's Office are required, with negotiated Scope of Work and Fees, etc. attached
- If an engineer is involved, a negotiated Scope of Work and Fees, etc., must be attached



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# Capitol Complex Renovations

## Capitol Building Commission

- Contracts or purchase orders to renovate any building on the Capitol Complex cannot be bid or executed without Capitol Building Commission approval
- Capitol Building Commission will review and either approve or reject all plans of substantial physical changes inside or outside the state Capitol or surrounding complex
  - Meaning any permanent physical change that alters the appearance of any public area of the Capitol and surrounding complex



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# Construction Administration Services

If Construction Administration Services are included, those should be provided on any construction, enlargement, or alteration of any building other than those exempted by code

- The registered architect and/or engineer may be required to make construction site visits, process shop drawings or samples, and notify the owner of any discovered code violations on the site, etc.
- Agency may obtain a waiver from the West Virginia Board of Architects if the agency has available staff capable of performing these administrative duties





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# Award

## Agency submits:

- Negotiated contract (Scope of Work/ Fees)
  - Should include signed AIA Document B101 and WV Supplementary Conditions to the AIA B101-2017 (Agreement between Owner and Architect for building design and construction contract Administration)
- Negotiated fee schedule
  - should include hourly rates per discipline
- Acord Insurance Certificate



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# Award

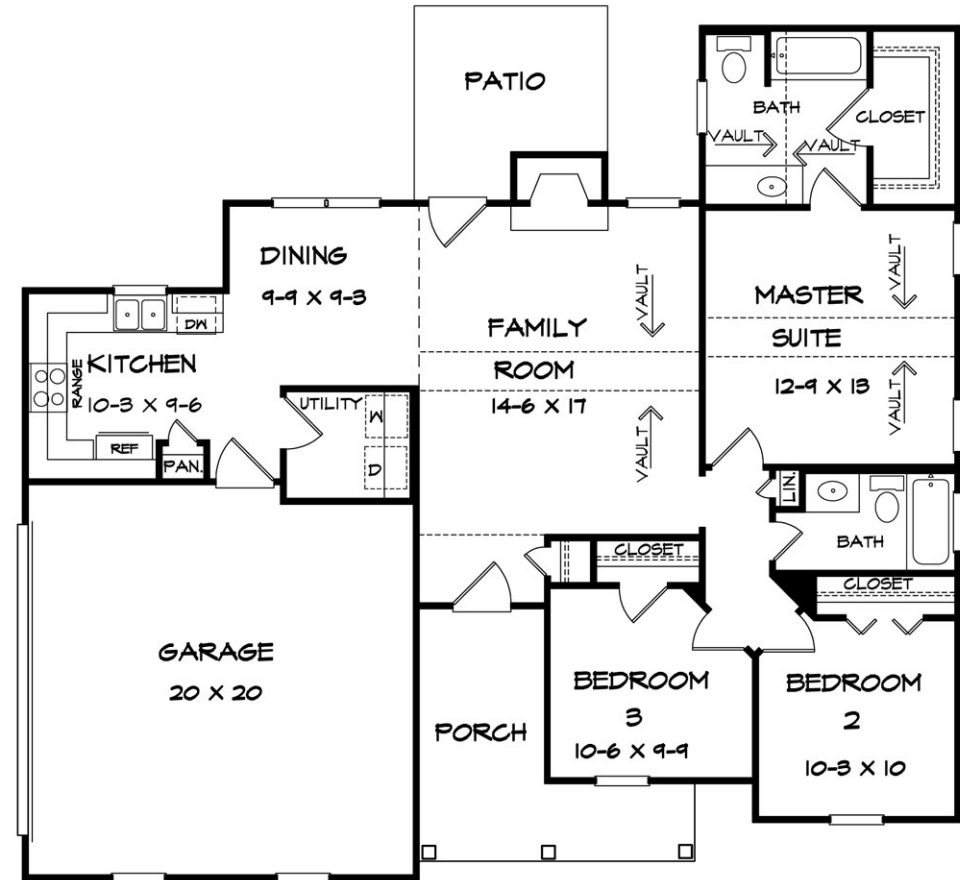
## The Purchasing Division will:

- Certify documentation is complete and attach to the Award Document
- Contract internally reviewed and approved within Purchasing Division, then transmitted to the West Virginia Attorney General's Office for review
- Upon West Virginia Attorney General's Office approval, contract funds are encumbered, contract is posted on website and all vendors notified by email
- Agency and firm are then able to conduct the business of the contract in accordance with the negotiated terms



# Expressions of Interest

*Imagine the Expression of Interest as the blueprint for a house you are building...*



WIDTH - 48-6  
LENGTH - 44-0

FLOOR PLAN

# Questions?

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