

CHAPTER 64. SELECTIONS COMMITTEE

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Authority

The provisions of this Chapter 64 issued under sections 506 and 2401.1 of The Administrative Code of 1929 (71 P. S. §§ 186 and 631), unless otherwise noted.

Source

The provisions of this Chapter 64 adopted April 17, 1981, effective April 18, 1981, 11 Pa.B. 1318, unless otherwise noted.

§ 64.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The act of July 22, 1975 (P. L. 75, No. 45) (71 P. S. §§ 61—643).

Department—The Department of General Services of the Commonwealth.

Emergency projects—Projects which require the accelerated appointment of a professional to prevent economic loss or to preserve life or property.

Joint venture—A special association of persons, firms, associations, or corporations, who by contract, expressed or implied, agree to engage in a common enterprise for their expected mutual profit. Each coventurer assumes the duties and responsibilities to complete the project and to share in any attendant loss jointly or severally.

Professional—An individual or member of a firm, association, corporation or joint venture licensed by the Commonwealth for performing architectural or engineering design services or both.

Selections Committee—An independent advisory board created under the act to assist the Department of General Services in the selections and appointment of professionals.

§ 64.2. Purpose.

This chapter has been established by the Department in accordance with section 9(19) of the act (71 P. S. § 631.1(19)) for action on all projects referred to

the Committee for recommendations. Emergency projects may be considered on an individual basis and shall be subject to the accelerated selections process.

§ 64.3. Procedure for requesting meetings of the Selections Committee.

(a) The Selections Committee shall meet in Harrisburg upon a written request to the Committee from the Department for the recommendation of professionals.

(b) The written request for the convening of the Selections Committee shall include a general description of the proposed project, the estimated construction cost of the project, a description of any special requirements or unique features of the proposed project, and any other information which will assist the Selections Committee in carrying out its responsibilities as provided for in section 9(19) of the act (71 P. S. § 631.1(19)).

(c) Upon receipt of a request from the Department, the Selections Committee through the Department shall give public notice of projects requiring services of professionals in order to determine the identity of professionals interested in the design, contract administration or, at the discretion of the Department, inspection for the project.

§ 64.4. Public notice of project.

The Selections Committee, through the Department, shall give public notice of all projects in the *Pennsylvania Bulletin* with the advertisement containing the following minimum information:

(1) Project number, location, description of scope of work, and estimated construction cost for each project.

(2) Liability Disclaimer Clause, which states: "All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. All recommendations for selection made by the Committee shall be final pursuant to the act of July 22, 1975 (P. L. 75, No. 45)."

(3) Statement that the Selections Committee encourages responses from small firms, minority firms, women-owned firms, and firms who have not previously performed State work and will consider joint ventures which will enable these firms to participate in this program.

(4) A professional shall not be considered until all of the following requirements are met:

(i) Form 150 is filed with the Department within the last 12 months.

(ii) Submission of Form 150-S is made for each project for which the professional wants to be considered. The completed Form 150-S must be received by the Selections Committee on or before the date specified in the advertisement. This form can be requested from the Selections Committee; Department of General Services; 18th and Herr Streets; Harrisburg, Pennsylvania 17120; Attention: Deputy Secretary for Public Works.

(5) Professionals may be required as part of the Selections process to be interviewed by the Selections Committee. If an interview is required, the professionals will be notified by the Committee as to the date, time, and place.

(6) When it is determined by the Selections Committee that there are special requirements in a project that need additional information or qualifications of a professional, these qualifications and requirements shall be placed in the advertisement.

§ 64.5. Review of requests for consideration.

The Selections Committee shall review each request for consideration submitted by interested professionals for evaluation, utilizing the following criteria:

- (1) Specialized experience and technical competence of firm.
- (2) Capacity of firm to perform the work within the time limitations.
- (3) Past record of performance with respect to cost control, work quality, and ability to meet schedules during design as well as construction. In the case of newly organized firms or joint ventures, the specific experience of individuals who constitute the firms shall be considered.

§ 64.6. Ethical considerations.

For the purposes of this section only:

(1) The members of the Committee shall be considered Commonwealth employees in the service of the Department and subject to the State Adverse Interest Act (71 P. S. §§ 776.1—776.8).

(2) Members of the Selections Committee shall be subject to the Code of Ethics for Appointed Officials and State Employees (4 Pa. Code §§ 7.151—7.154).

(3) Under section 2401.1(12) of the act (71 P. S. § 631.1(12)), no Selections Committee member may, on leaving the employ of the Department, negotiate or participate in any contract for the providing of goods or services to the Department before the expiration of one year from the date of termination of his employment.

(4) Selections Committee members shall file a statement of financial interest for the preceding calendar year with the Department no later than May 1 of each year that they hold the position and of the year after they leave the position under the act of October 4, 1979 (P. L. 883, No. 170) (65 P. S. § 404).

(5) Committee members shall not answer requests for information made by professionals seeking the recommendation of the Selections Committee, but rather, the committee members shall inform the professional that all requests for information regarding the work assigned to the committee must be:

- (i) In writing.
- (ii) Addressed to the Selections Committee as a whole.

(6) The Chairperson of the Selections Committee shall answer in writing properly submitted requests for information following consultation with the members of the committee.

(7) The Selections Committee shall keep on file all requests for information and answers thereto and the questions and answers shall be available for review to all professionals seeking the recommendations of the Committee.

§ 64.7. Quorum.

Three members of the Selections Committee shall constitute a quorum, and all action shall be taken only by vote of a majority.

§ 64.8. Recommendations of professionals.

The Selection Committee shall publicly recommend to the Department for each project three qualified professionals in order of its preference.

§ 64.9. Determination of fee for design and contract administration.

Concurrently with its recommendation of the professionals, the Selections Committee shall submit its determination of the fee to be paid for the design and contract administration of the project. Such fee shall not exceed the limits of the fee as are currently in effect unless specifically authorized by the Secretary of the Department.

§ 64.10. Quarters, records, and staff.

The Department will provide the Selections Committee with suitable quarters for the maintenance of an office, the holding of meetings and the keeping of records, and will provide a secretarial staff to the Committee, as necessary, for the expeditious conduct of the duties and responsibilities of the Committee.

§ 64.11. Emergency projects.

Upon determination by the Secretary of the Department that a project is an emergency project, the selection procedures with regard to the time for application, consideration, and recommendation by the Committee, as set forth by the Department, may be accelerated by the Secretary of the Department.

§ 64.12. Guidelines.

This chapter will be implemented by guidelines established by the Department. Consideration for amending or modifying the guidelines will be given to any request made to the Department by the Committee.

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