

ARKANSAS BUILDING AUTHORITY

**501 WOODLANE, SUITE G-01
LITTLE ROCK, ARKANSAS 72201**

350-RFQ-1101

REQUEST FOR QUALIFICATIONS

FOR

PROFESSIONAL ENGINEERING DESIGN SERVICES

DATE

AUGUST 4, 2010

SUBMITTAL DEADLINE

4:00 PM

AUGUST 25, 2010

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I. INTRODUCTION

A. General

In accordance with Ark. Code Ann. § 19-11-801 et. seq., §19-11-1001 et seq., Arkansas Building Authority Minimum Standards and Criteria (ABAMSC) § 2-100, and the Department of Finance Administration and Finance Office of State Procurement's Policies and Guidelines, Arkansas Building Authority (ABA), (herein after referred to as the Agency), is soliciting qualifications from qualified firms to provide engineering design services under an design professional contract for various projects at the Agency's facilities in Pulaski, Craighead, and Sebastian Counties in Arkansas. Applicants must be properly registered with the appropriate professional boards in accordance with Ark. Code Ann. § 17-15-101 et. seq. (Architectural), Ark. Code Ann. § 17-38-101 et. seq. (Landscape Architect), Ark. Code Ann. § 17-30-101 et. seq. (Engineering) and Ark. Code Ann. § 17-48-101 et. seq. (Land Surveyors).

B. Objective

Agency is seeking a qualified firm to provide professional design services for the production of plans and specifications and contract administration for Design professional contracts (formerly known as On-Call) regarding engineering design for ABA Critical Maintenance and Alteration Projects. Agency intends to award this contract to a consultant having the capability to provide the required engineering services in-house but shall consider awarding the contract to a consulting firm specializing in one or more of these fields with outside sub-consultants for the other fields. ABA reserves the right to award one or more contracts under this solicitation if deemed in the best interest of the State.

C. Contemplated Projects

The following is a partial listing of the types of projects the Agency anticipates performing over the next two (2) years under this contract. It is provided to illustrate the types of projects and services the consultant may be asked to perform and shall not be construed as a commitment of work under this contract. Actual projects under this contract may or may not include the ones shown here. Each assignment will be issued individually in writing and the scope and fees shall be negotiated for each at that time.

1. HVAC and boiler system repair and/or replacement
2. Utility upgrades, repairs and/or replacements
3. Mechanical and plumbing projects
4. Electrical and communication projects
5. Civil type projects, i.e., parking lot improvement
6. Energy Audits and Life Cycle Cost Analysis

D. The term of the contract will be annual with the option for extension or renewal for up to seven (7) consecutive years total.

E. Submittal of Statement of Qualifications

Responses to this Request For Qualifications (RFQ) shall be submitted to the evaluation committee facilitator identified under item IV.A of this RFQ on or before the date stipulated.

F. Clarifications

Prospective respondents may submit written questions or request for clarifications to the facilitator on or before 4:00 PM CST on the date shown under item III of this RFQ.

II. SCOPE OF SERVICES REQUESTED

A. The selected firm shall provide professional services including but not limited to the following:

1. Review of Agency's program and budget for each project.
2. Code analysis to ensure the facility complies with all applicable Federal and State codes as well as State rules and standards.
3. Review of the proposed site for compliance with Federal and State regulations and rules regarding floodplain development management.
4. Development of an estimate of the maximum probable cost of construction.
5. Development of a schematic design submittal (approximately 15% complete documents) and an estimate of the annual utility consumption and operating cost for review and approval by the Agency.
6. Development of a design development submittal (approximately 50% complete documents) and a revised estimate of construction cost for review and approval by the Agency.
7. Development of a construction document submittal (100% complete documents), a revised estimate of construction cost, and a revised estimate of the annual utility consumption and operating cost for review and approval by the Agency.
8. Submittal of the construction documents to all applicable regulatory review agencies on behalf of the Agency.
9. Submittal of the final documents to ABA Design Review Section for approval.
10. Assistance with the preparation of bid advertisements and submittal to ABA Construction Section for approval, attendance at bid openings, evaluation of bids, and review of contract documents in conjunction with award of the bid.

11. Construction contract administration and project observation to include review of contractor submittals, progress of the work proposal request, progress payments, contract change order, substantial completion and project closeout.
12. Review of the project site at the end of the contractor's warranty period and development of a list of deficiencies for correction under the terms of the warranty.

III. PROPOSED SCHEDULE OF EVENTS

- A. The following schedule of events is provided for preliminary planning and to convey the Agency's understanding of the time critical events and proposed milestones for the development of this project only. This schedule is in no way intended to establish an expectation or commitment for the execution or delivery of any or all of the events listed below. This schedule may be reviewed and revised and each step of the process up to and including the negotiation of the design services contract.

Approx. Date	Procurement Event or Project Activity
08/08/10 & 8/15/10	Agency Advertises RFQ
08/18/10	Deadline for submittal of written questions or clarifications.
08/23/10	Agency shall issue responses to all requests for clarifications
08/25/10	Deadline for submittal of qualifications to the Agency.
09/01/10	Agency notifies all respondents of the consultants selected for oral presentations and interviews.
09/16/10	Oral presentations and interviews held at Agency's offices in Little Rock.
09/21/10	Agency notifies all interviewees of firm selected for negotiation.
10/08/10	Deadline of ABA preparation of contract.
10/15/10	Deadline for submittal of Contract to Office of State Procurement.
11/03/10	Contract reviewed by PEER/REVIEW Committee.
11/15/10	Contract reviewed by Arkansas Legislative Council.

11/ 30/10 Contract approved by DF&A.
12/1/10 Agency could begin making assignments of individual project work orders.

IV. WRITTEN QUALIFICATIONS SUBMISSION GUIDELINES

A. Submittal Information

1. Provide five (5) paper copies of the statement of qualifications and one (1) in PDF file format on compact disc addressed to the evaluation committee facilitator at:

Jennifer Shipley
Arkansas Building Authority
501 Woodlane, Suite 101N
(501) 682-5555
jshipley@aba.state.ar.us

2. Submittals shall be received at the above address on or before 4:00 PM on August 25, 2010. Failure to meet this requirement shall result in automatic disqualification for consideration under this RFQ.
3. Envelopes should state "Statement of Qualifications for 350-RFQ-1101, Professional Engineering Design Services".
4. In accordance with the policies of the DF&A and the State of Arkansas concerning recycling of paper products, the statement of qualifications should be printed on recycled paper or on paper suitable for recycling. Color photographs, charts or color printing is acceptable. Do not include plastic laminated sheets or covers.
5. The submittal should be bound by a plastic comb binder, tape binder, three-ring binder, or other similar method suitable for ease of removal for recycling.
6. The statement of qualifications should contain the information listed under contents below. Please note the submittal page limitations (maximum) as applicable. Unused pages in one section of the response may not be substituted for addition pages in another section.
7. A page shall consist of one typewritten, graphic, or photo representation on standard 8-1/2" x 11" stationery. Double sided print on standard 8-1/2" x 11" paper shall count as two pages. Maps, graphics or photos on one side of 11" x 17" paper shall count as two pages. Other paper sizes or blank filler pages are discouraged. It is not necessary to prepare your response to this

solicitation using elaborate brochures and artwork, expensive paper and bindings or other expensive visual presentation aids.

8. Submittal brochures shall be tabbed and indexed to correspond to the numbering and labeling shown under contents below.
9. No information concerning the statement of qualification, evaluation scores, nor the identity of the evaluators shall be released by the Agency until all ratings have been summarized and approved by the appropriate procurement official of the Office of State Procurement or the Agency.

B. Contents

Submittals which exceed the maximum page limits shown below shall be disqualified.

1. Transmittal Letter (1 page maximum)

This is to serve only as the document covering transmittal of the statement of qualifications. The letter should provide the name, title, address, and telephone number of the official contact and an alternate. This individual(s) should be available to be contacted by telephone or attend meetings to provide clarification on the statement of qualifications as may be appropriate. A brief summary of the firm's qualifications may be provided with the body of the letter. The letter should be signed by a principal or corporate officer of the firm.

2. Proof of Registration (No page limit)

Submit evidence of proof of registration by the appropriate board having jurisdiction for each of the key personnel and the firms on the team. All individuals and firms must have a valid and current license and must be in good standing with the applicable board. Acceptable forms of proof from the Boards of Architects, of Engineers and Land Surveyors, and of Landscape Architects may be one of the following:

- (a) A copy of the Board issued wallet card showing the name of the individual or firm, the license number(s), and current expiration date. (Place multiple cards on a single page.)
- (b) A copy of the individual's or firm's license downloaded from the appropriate Board's official website.
- (c) A copy of the on-line verification of the individual or firm's license or certificate from the appropriate Board's official website. The copy should show the individual or firm's name, license or certificate number, and current expiration date.

3. Proof of Insurance (No page limit)

The primary design firm should submit proof of professional liability and general liability insurance in accordance with the requirements and limitations set forth in the ABAMSC under § 2-312 and § 2-313. The consultant selected for award under this RFQ must maintain the insurance current and effective throughout the period stipulated in the ABAMSC. The consultant may change insurance carriers subject to notification to Agency. Any new carrier must be acceptable to the Agency and ABA.

4. Equal Employment Opportunity Policy (EEO) (No page limit)

The firm should submit a copy of their EEO policy or statement which is currently on file with the Office of State Procurement (OSP) and the Agency. A respondent is not required to have a formal policy but is required to disclose whether they have one or not.

5. Office Size and Location (1 page maximum)

Provide a description of the size, structure and location of your firm. If housed in multiple locations, provide a description of the staffing at each location. Include a detailed description of the staffing and resources for the office from which you intend to service this contract.

If the consultant intends to utilize outside consultants (such as architectural or engineering sub-consultants), provide a description of their primary office size and location, name, and services provided.

6. Key Personnel of the Design Team (10 pages maximum)

Provide a description of the key personnel to be used on the design team, including consultants. Provide a brief description of the qualifications including education and licenses. You may include an organizational chart. The descriptions should detail the role each individual will play along with brief examples of similar projects where this individual served in the same or a similar capacity. Descriptions should also indicate how long the person has been with the current firm and where the individual has worked (if other than the current firm) in the past 5 years and in what capacity.

If other than the primary design team provides any of the following functions, include descriptions of the personnel that will provide peer review of the design documents, review of contractor submittals for compliance with the contract documents, and field observation of work in progress.

7. Experience-General (8 pages maximum)

Provide detailed descriptions of projects (or contracts) of similar nature and scope that demonstrate your understanding of the requirements of this contract. Examples should be as closely matched to this type of contract as

possible. Examples of other projects that demonstrate your ability to address key elements of this type of contract may be included provided the link between the key element and the anticipated application to this contract are clearly delineated.

8. Previously Awarded State of Arkansas Contracts (3 pages maximum)

Provide a complete listing of all contracts that the primary firm has or had within the previous 24 months, including all current contracts. This listing should be limited to Arkansas State Agencies, Boards and Commissions, Higher Education Institutions, the Arkansas Highway and Transportation Commission, the Arkansas Game and Fish Commission and any Arkansas Constitutional Offices. You do not need to include public schools (K-12), county and municipal government units, or federal government contracts.

Listing should show the Agency with whom you had or have a contract, the type of contract (i.e. Design professional contract formerly known as On-Call, or name of specific project), term of the contract (beginning and ending dates), amount of the contract, and the name, phone number and email address of the point of contact (person having operational knowledge of the contract) with the Agency.

V. EVALUATION OF RESPONSES AND SELECTION CRITERIA

A. General

The following provides a general overview of the evaluation process and describes the scoring criteria to be used in this evaluation process. The statements of qualifications shall first be screened to determine that the submittal meets the guidelines and requirements of this RFQ. Submittals which do not fully comply with these requirements may be disqualified from consideration by the committee.

All compliant submittals shall be distributed to the committee members for evaluation. After each committee member has completed their evaluation and scoring, the committee shall convene to discuss each submittal and total the scoring from all members.

The evaluation committee shall be comprised of three (3) or more representatives (an odd number is required) from ABA. Voting members shall have subject matter expertise in the areas of contracting, design, construction, operations and maintenance, or management of the programs housed in the Agency's buildings. A representative of the ABA Design Review Section may attend the meetings as an observer or adviser for auditing purposes.

B. Minimal Submittal Requirements

Failure to provide this information may result in disqualification of the submittal for consideration.

The following information shall be bound in the submittal under the tab number indicated. The information contained in these areas shall be considered as mandatory submittal requirements. While the following documents will be reviewed for compliance under section “IV.B.” of this RFQ, no points shall be awarded for the information under these areas. Those submissions deemed compliant will then be evaluated and scored as stipulated in section “V.C.” below.

1. Transmittal Letter
2. Proof of Registration
3. Proof of Insurance
4. EEO Policy

C. Evaluation Criteria and Scoring

Submittals meeting the minimum requirements above shall be considered for evaluation subject to meeting the page limitation for each area as shown. The information provided under this subsection will be evaluated based on the criteria contained below and scored based on the maximum points assigned to each category.

1. Office Size and Location

Office size and location shall be evaluated based upon the anticipated needs for the types of projects typically seen under an on-call type contract. A maximum of five (5) points shall be assigned to this category. Consideration shall be given to the size and location of the primary consultant’s office as well as all outside consultants.

The number of discipline specific designer and support staff should be adequate to staff the proposed design team and provide backup personnel.

2. Key Personnel

Key personnel shall be evaluated on their experience relative to the capacity they will serve in on the team. A maximum of fifteen (15) points shall be assigned to this category. Experience on contracts of the same or similar nature as this contract shall be the primary consideration. If a member is designated as a lead designer in a specific area, previous experience in lead roles is considered desirable. If this is the person’s first project in a lead position, this shall not automatically disqualify that individual but the relative importance of that position to the overall success of the project shall be considered and points may be deducted for lack of adequate experience. The length of employment with the current firm shall be considered as well as employment history during the past 5

years. Individuals should have been employed by their current employer at least 6-months and should not have had more that 3 different employers during the past 5-years.

3. Experience-General

Experience shall be evaluated on its relevance to this specific contract’s requirements. A maximum of ten (10) points shall be assigned to this category. Experience with contracts of the same or similar nature as this specific contract shall be the primary consideration. Experience of a general nature demonstrating an understanding or problem solving capability for discrete elements or functions related to this contract’s requirements may also be considered relevant.

4. Previously Awarded Arkansas Contracts

The consultant’s current and recent contracting history shall be evaluated to ensure that all qualified firms have an equitable opportunity for Arkansas State contracts. A maximum of five (5) points shall be assigned to this category.

D. Summary of Statement of Qualifications Scoring.

Category	Maximum Points
1. Office Location	5
2. Key Personnel	15
3. Experience	10
4. Previous Arkansas Contracts	<u>5</u>
TOTAL	35

E. Notification of Results

In accordance with ABAMSC § 2-106, within three (3) working days after the committee has completed this portion of the evaluation, the Agency shall notify all respondents of the results. Only the names of the consultants selected for interviews will be released at this time. The scoring results and the ranking order of the consultants shall remain confidential. The time, date and location of the interviews shall be included in this notification.

VI. SELECTION OF CONSULTANTS FOR INTERVIEWS

- A. In accordance with ABAMSC §2-106, a minimum of three (3) and a maximum of five (5) consultants shall be identified as the most responsively qualified and shall be selected for the oral presentation and interview phase. The total scores from all evaluators shall be averaged to arrive at a ranking for each submittal. The consultants having the highest average scores shall be selected for interviews. In the event of a tie score(s) for any position of ranking, the tie(s) shall be broken by coin toss elimination. The consultant winning the coin toss shall be placed in the ranking above the loser of the toss. The coin toss shall be conducted by the evaluation committee chair and witnessed by the facilitator. When ranking is to be decided by coin toss, the facilitator shall notify the affected consultant's and extend an offer for the consultant to witness the coin toss decision. If the consultant declines to attend it shall be so noted in the meeting minutes. It is recommended that the coin toss event be performed within one (1) working day of the determination of a tie score.
- B. The order of the scheduled times for interviews shall be determined by random drawing. The names of the consultants selected for interview shall be placed in a container and the names drawn one at a time from the container by the evaluation committee facilitator. The order of the schedule shall be as follows; the first name drawn shall have the first time slot; the second name drawn the second slot and so forth until all names are drawn. All interviews may be scheduled for the same date and location.
- C. Should the Agency receive only one response to this solicitation, they may submit a request for the ABA Design Review Section to waive the interview phase and proceed directly to the negotiation of a contract with the single respondent or they may re-evaluate the services requested and re-advertise the solicitation. If the Agency elects to request the waiver, the committee, shall complete the evaluation of the one response and average the scores to ensure the respondent meets the minimum qualifications and expectations. A copy of the scoring and submittal must be forwarded to the ABA Design Review Section with the waiver request.

VII. ORAL PRESENTATIONS AND INTERVIEWS

- A. General
 - 1. Each consultant selected shall be notified in writing of their selection and scheduled for oral presentations and interviews. Consultant shall be given no less than 14 calendar days to prepare for this meeting. Consultant should be prepared to answer questions concerning the qualifications and capabilities of their proposed team and the presentation should be well prepared and concise. The consultant will be given approximately 30 minutes to discuss their unique qualifications and team structure and to present examples of their previous works. Approximately 15 minutes will be allocated for the committee to ask questions relevant to the proposed team and the project. After the question and answer

period, approximately 2 minutes will be allocated for the consultant to make a brief closing statement regarding why he believes his firm/team is the best qualified for this project.

2. Interviews shall be conducted at the location shown in the letter of notification. The consultant may use photographic slides, power point presentations or poster board displays for visual aids during the presentation. It is the responsibility of the consultant to bring the necessary equipment including projectors, screens, stands or easels for this presentation.
3. The consultant may elect to provide paper copies of photographs or visual aids to the committee for later review. Copies shall be presented to the facilitator or committee chairperson at the time of the interview. Materials should be bound in a folder labeled in a similar manner to that of the initial response to the request for qualifications. This material shall be used by the committee as a reference only during the evaluation. It is not necessary to prepare elaborate exhibits, displays or presentations with high end audio or graphics. No points shall be awarded or deducted for handout materials whether presented or not.
4. Except as noted in ABAMSC § 2-106, preliminary designs or suggested designs for specific projects shall not be permitted. This includes renderings, sketches, site plans, space plans, or other graphic or pictorial representations developed for this specific project. Failure to adhere to this requirement shall be grounds for disqualifications. This prohibition is not intended to exclude examples of projects of similar functions that have been previously prepared for other clients. All visual presentation materials should contain an identification of the client for which that material was prepared.

B. Evaluation of the Oral Presentation

1. Experience-Specific

The consultant shall be evaluated on ability to provide the requested services for small renovation and maintenance projects of the specific type and size the Agency anticipates may be assigned during the term of the contract. A maximum of (20) points shall be assigned to this category.

The consultant should present an overview of previous project experiences specific to this RFQ that illustrates the capabilities and expertise of the proposed team's ability to deliver high quality, functional and aesthetically pleasing designs. The range and types of design challenges the firm has encountered on previous projects that might occur on this contract should be discussed as well as how the consultant overcame these challenges. Emphasis should be placed on projects resulting in high energy efficiency performance and low maintenance requirements.

Visual presentations of projects representing the consultant's style and creativity may be presented. To the maximum extent possible, these examples should

reflect projects of similar size, function and complexity as those typically seen under an on-call type contract.

The consultant may discuss or present examples of projects for which his team has received regional or national recognition or awards.

2. Schedules

The consultant shall be evaluated on demonstrated ability to meet time critical schedules for small renovation and maintenance projects of the type, size, and complexity that the Agency anticipates may be assigned during the term of the contract. A maximum of fifteen (15) points shall be assigned to this category.

The consultant's current workload shall be evaluated to determine that the team has sufficient capacity to meet the Agency's needs. Staffing patterns, staff utilization, and staff productivity of the consultant shall be evaluated to determine if an adequate number of the key and support personnel are assigned or available to execute the project in a timely manner. The organization structure of the team shall be evaluated to ensure that the appropriate mix of talent and expertise is available for each phase of the project. The consultant's use of, and approach to the team concept as well as contingency planning shall be considered.

3. Cost Controls

The consultant shall be evaluated on demonstrated ability to meet established project budgets. A maximum of ten (10) points shall be assigned to this category. Consultant's understanding of both hard cost (construction contract items) and soft cost (items outside of the general construction contract) shall be considered.

The construction cost estimating examples provided by the consultant should be from the projects referenced in the specific project experience described in item 1 above. The consultant should discuss the firm's approach to developing estimates of probable construction costs for the construction phase of small projects of the type normally seen under this type of contract. Include a discussion of the accuracy of firm's estimates on all projects of similar size and complexity over the past 3-years and, if available, provide a discussion of the factors affecting estimates that exceeded plus or minus (+/-) 10 percent of original budget at the start of the design phase.

4. Management Plan

The consultant shall be evaluated on the firm's management approach for contracts of this nature and a demonstrated ability to acquire and disseminate the types of information required in a typical project assignment in an expedient and efficient manner to all members of the design team and the Owner. A maximum of ten (10) points shall be assigned to this category.

The consultant should present an overview of the quality control methods used to document and track the project requirements to ensure compliance with the Owner's project requirements and all regulatory review agency submittal and approval requirements.

The consultant should discuss the firm's use of key personnel during the project for design and construction observation. Describe the primary designers roles with regards to the design of plans, attendance at design meetings with the Owner or other consultants, production of plans, review of others work in peer reviews, review of contractor submittals, review of construction, review of proposed changes in scope of the work and review of pricing or payment requests.

The consultant should identify the primary and secondary points of contact to be used by the Agency. These individuals should be present and make this portion of the presentation. The consultant should describe the proposed organization of team members and support staff as required to meet the design challenges and delivery times for projects under this contract. Emphasis should be placed on the roles and responsibilities of each member of the team.

The consultant should describe his approach to the organization of the team in the areas of design production, pre-bid document review (i.e.: program and budget requirements, code research, coordination meeting, client meetings and peer reviews), post-bid document review (i.e.: contractor submittals, changes orders, payment request, etc.), project observation, and project closeout.

The consultant should describe contingency plans to address the loss of key personnel, delays in production of bid documents and extreme fluctuations in construction cost that may adversely affect the project schedule or budget.

5. Construction Observation and Contract Administration

The consultant shall be evaluated on demonstrated ability to meet the industry's standard of care as well as the ABA established criteria in this area. A maximum of ten (10) points shall be assigned to this category.

The consultant's use of the key members of the design team may be considered as well as the proposed frequency of site visits during the construction phase of the project and the proposed methodology for monitoring, documenting and controlling change orders during the construction phase shall be of primary consideration.

The consultant's approach to keeping the Agency and ABA informed as to the progress of construction and major issues as well as the methodology used to track and resolve issues in a timely manner shall also be evaluated. The consultant's past performance with ABA may be considered in this area.

C. Summary of Oral Presentation Scoring.

Category	Maximum Points
1. Experience-Specific	20
2. Schedule	15
3. Cost Control	10
4. Management Plan	10
5. Construction Observation/Administration	<u>10</u>
TOTAL	65

VIII. SELECTION OF CONSULTANT FOR NEGOTIATIONS

- A. The interview scores from each evaluator shall be averaged to arrive at a ranking for each consultant. These average scores shall be numerically added to the average score for the same consultant's statement of qualifications evaluations. The scores shall be ranked from highest to lowest (i.e.: highest score receives the number 1 rank position and second highest the number 2 position, etc). In the event of a tie score(s), the tie(s) shall be broken by coin toss elimination. The coin toss shall be conducted by the evaluation committee chair and witnessed by the facilitator. The consultant winning the coin toss shall be placed in the ranking above the loser of the toss. The consultant having the highest total score (ranking) shall be selected for negotiations. When ranking is to be decided by coin toss, the facilitator shall notify the affected consultant's and extend an offer for the consultant to witness the coin toss decision. If the consultant declines to attend it shall be so noted in the meeting minutes. It is recommended that the coin toss event be performed within one (1) working day of the determination of a tie score.
- B. All consultants interviewed shall be notified in writing of the rankings and the name of the consultant initially selected for negotiation.
- C. The consultant selected for negotiation will be instructed to submit a proposed scope of basic services to be provided for this contract along with a copy of all proposed attachments to the contract. Include a schedule of the proposed fees and anticipated reimbursable expenses. If services above and beyond the customary basic services are anticipated, submit a description of the proposed services and the proposed fees. Basic services, allowable reimbursable expenses and additional services shall be as defined in the ABAMSC. The Agency will schedule a meeting as soon as possible with the selected consultant to discuss the details and requirements of the full scope of services and contract budget. All contracts shall be on the forms approved by the Office of State Procurement and ABA. Attachments to this form are permissible and necessary to fully define the terms and conditions of the proposed contract. All

attachments shall be edited as required to be in compliance with Arkansas law, ABAMSC, Office of State Procurement rules and guidelines governing professional service contracts and the Agency's policies.

- D. In the event that the Agency can not successfully negotiate a contract with the first consultant selected, Agency may terminate the negotiation process and undertake negotiations with the second highest ranked consultant. If the second negotiation is unsuccessful, Agency may terminate negotiation and move to the third ranked and so forth. If the Agency is unable to successfully negotiate a contract with any of the consultants interviewed, the selection process shall be terminated. The Agency may re-evaluate the scope of services required under this solicitation and begin the RFQ selection process over or may cancel this solicitation. Under no circumstances shall the Agency undertake negotiations with any of the consultants not selected for the oral presentation and interview phase of this solicitation.
- E. The State of Arkansas nor any of its entities shall be financially obligated for any consultants' expenses associated with the negotiation process whether successful or not. Nothing within this document shall be construed to waive the sovereign immunity of the State of Arkansas or any of its entities.