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MEMORANDUM

DATE: July 28, 2009

TO: **ALL WHO MAY SEEK TO USE ANY PERSONS OR FIRMS IN THE RESULTANT LISTINGS UNDER EPS090085-A1, PROFESSIONAL SERVICES ANNUAL REQUEST FOR QUALIFICATIONS**

FROM: DON ELLWANGER, EPS090085-A1 PROCUREMENT OFFICER

RE: **STATUTORY USE OF ANY PERSONS OR FIRMS THAT MAY OFFER TO PERFORM PROFESSIONAL SERVICES UNDER EPS090085-A1, PROFESSIONAL SERVICES ANNUAL REQUEST FOR QUALIFICATIONS**

In accordance with the Arizona Revised Statutes (A.R.S.) § 41-2578(C)(1), Procurement of specified professional and construction services..., the State of Arizona (State) published EPS090085-A1, Professional Services Annual Request for Qualifications (RFQ) on May 12, 2009. The RFQ closed on June 11, 2009. The resultant listings of the RFQ are intended to replace both EPS080009 - Architect-Engineering Annual RFQ, and EPS080057 - Supplemental Architect-Engineering Annual RFQ.

As noted in the RFQ's "Instructions," **the RFQ is neither a solicitation nor a contract.** The RFQ establishes ONLY a listing of those persons or firms engaged in the lawful practice of the profession. Those persons or firms, through the RFQ, may have submitted their respective and current statements of qualifications and experience to be on file for consideration in any subsequent procurement process for permitted professional services.

It shall be understood that the annual request for qualifications for professional services and, thereby, this RFQ, is intended to address professional services that may be offered or performed by those "persons or firms engaged in the lawful practice of the profession..."

Professional services are further defined in A.R.S. § 41-2571. Authority (i.e., registration or certification) to offer or perform "professional services regulated by [the Technical Registration Act, A.R.S. Title 32, Chapter 1] within the state of Arizona" is granted through the State of Arizona's Board of Technical Registration.(URL: http://www.azbtr.gov).

It shall be understood by any State agencies or eligible Purchasing Cooperative members that any listing resulting from the RFQ is NOT a pre-qualified listing. All State agencies or eligible Purchasing Cooperative members that may consider the use of any RFQ-listed persons or firms are hereby reminded that there is a selection process within A.R.S. § 41-2578(C)(1) that MUST be observed. This reminder is also directed to the attention of those persons or firms that may appear in any resultant listing.

The language specific to the RFQ's purpose is found only in the first sentence of A.R.S. § 41-2578(C)(1). It is as follows: "C. In the procurement of these professional services or construction services pursuant to this section: 1. For procurement of professional services if the contract is for professional services by an architect or architect firm and the contract amount is two hundred fifty thousand dollars or less or is for professional services by a person or firm other than an architect and the contract amount is five hundred thousand dollars or less, the director shall encourage persons or firms engaged in the lawful practice of the profession to submit annually a statement of qualifications and experience."

Subsequent to the RFQ, those persons or firms that submitted their statement of qualifications and experience in response to the RFQ may become part of any resultant listing. State agencies' or eligible Purchasing Cooperative members' selection committees may proceed to choose the most qualified persons or firms from any resultant listing, in accordance with A.R.S. § 41-2578(C)(1).

The language specific to the aforementioned selection process may be found beginning with the second sentence of A.R.S. § 41-2578(C)(1). It is as follows: "The director or head of the purchasing agency shall initiate an appropriately qualified selection committee for each procurement, which may include one or more contracts, in accordance with rules adopted by the director or purchasing agency. The selection committee shall evaluate current statements of qualifications and experience on file with the director or purchasing agency..."

State agencies and eligible Purchasing Cooperative members will be responsible to observe and follow any applicable procurement rules regarding the assembling and functioning of a Selection Committee as required under A.R.S. § 41-2578(C)(1), including the incorporation of any applicable AIA documents or other contractual provisions in any subsequent contract award(s).

It shall be understood that any "proof of insurance" that may have been provided as part any persons' or firms' respective submittals in response to the RFQ shall not be used to satisfy any evidence of insurance requirements in any subsequent contract award(s).

It shall be the responsibility of any State agency and Purchasing Cooperative members to obtain any required evidence of insurance (e.g., Certificate or Certificates of Insurance) in accordance with any terms and conditions as may be set forth under any subsequent contract award(s). Also, it shall be the responsibility of any persons or firms that may receive any subsequent contract award(s) from any State agency or Purchasing Cooperative members to provide and maintain any required evidence of insurance in accordance with any contract award(s).

Also, quarterly usage reports shall be provided by any persons or firms that may provide professional services as part of any listing that may result from the RFQ, regardless whether such persons or firms receive any subsequent contract award(s). Such usage report forms (i.e., reusable Excel formatted Sample) will be located in any listing's procurement file with this Notice.

Quarterly usage reports will be due no later than 30 days after the end of such quarters. The end of each quarter shall be understood as the following dates: April 1, June 30, September 30, and December 31. Usage reports shall be sent by e-mail to the EPS090085 Procurement Officer.

As may be set forth in accordance with the laws of the State and the RFQ, it shall be understood and agreed by any persons or firms that submitted a statement of qualifications and experience in response to the RFQ that any submission of any such statement of qualifications and experience of professional services:

1. shall establish qualifications and experience ONLY;

2. may allow the State to rely upon those certain qualifications and experience in its selection of any persons or firms for professional services for any subsequent contract award(s) per A.R.S. § 41-2578(C)(1); and

3. shall neither obligate nor establish any contractual relationship between the State and any responding persons or firms for professional services at any time prior to any subsequent contract award(s) per A.R.S. § 41-2578(C)(1).