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**OWNER'S MANUAL  
FOR  
QUALIFICATIONS-BASED SELECTION (QBS)**

**A Process for the Selection  
of  
Design Professionals  
by Public Owners**

**Revised July 2012**

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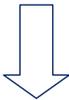
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## **Preamble to the Owner's Manual**

This manual has been prepared to assist municipalities and agencies (also referred to as Owners) in the selection and hiring of design professionals in compliance with the State Procurement Code. The manual contains a complete explanation of the qualifications-based selection (QBS) process and guidelines for proceeding from project inception to conclusion of a contract for professional services.

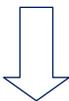
Of practical importance to Owners is the inclusion of sample forms for preparing a Request for Proposal (RFP) and for evaluating the proposals. Although much of the work of preparing a RFP has been simplified with this manual, additional tasks for the Owner to complete are outlined below.

**OWNER DEFINES  
WHAT IS NEEDED.**



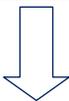
Only the Owner can define what is needed and what is required from the design professional regarding services to be performed, and only the Owner can develop a timeframe for completion of the work. Selection committees and/or local officials are encouraged to meet to discuss the scope of services and to define the final products expected from the design professional. All previous project-related reports and studies should be made available for review.

**SCOPE OF WORK  
DRAFTED.**



The Owner uses the results of the discussion to draft a scope of work for professional services that reflects the Owner's needs and expectations. The Owner is not limited by the space provided in Item 1 (Project Description) in the RFP form (see Appendix A). The Owner can attach a separate page to fully explain the project's scope of work and what is expected of the design professional. Examples are included in Appendix A of this manual. Progress made to date on the project, including studies, reports, and surveys, should be made available to potential Offerors in order to provide them necessary background information.

**SCORING SYSTEM  
DEVELOPED.**



The Owner translates the desired scope of work into a scoring system that reflects its needs and priorities. Examples in Appendix A illustrate how the scope can be divided into "Planning, Design, and Construction" phases for evaluation and contracting. Producing such a scoring system not only solidifies the desires of the Owner, but also clearly transmits the Owner's priorities to the responding Offerors.

**RFP ADVERTISED,  
MOST QUALIFIED  
SELECTED, AND  
CONTRACT  
NEGOTIATIONS  
CONDUCTED.**



**PTAB provides  
assistance with the  
above processes.**

The Owner advertises the RFP, receives proposals from responding Offerors, determines the most qualified Offeror, and enters into contract negotiations. During negotiations, the successful Offeror (design professional) prepares cost proposal spreadsheets, as detailed in Appendix B. These spreadsheets clearly indicate how the professional views the work and allows the professional and Owner to discuss each work task in detail. Negotiations end with both the Owner and design professional having a better understanding of each others' expectations, thereby reducing the potential for later disappointments.

The **Professional Technical Advisory Board (PTAB)** was formed to provide assistance, at no cost to the Owner, in order to successfully complete the above processes. The PTAB assigns a Professional Technical Advisor (PTA) to assist in the development of the RFP and to answer any additional questions. *The role of PTAB is discussed further in the next section of this manual.*

## **Introduction**

An elected or appointed public official may become involved in seeking the services of an engineer, architect, landscape architect, or surveyor. Their first reaction may be to obtain price quotes and go with the lowest bidder. After all, that's how copy paper, pencils, or a new dump truck are procured.

In the case of professional design services, how does the Owner know if an apparent low bidder fully understands the overall requirements of a project? The design work may end up costing much more when it is discovered that additional services are required. Or worse, the project may be completed without all the design services needed, resulting in greatly increased construction costs, as well as inappropriately high operation and maintenance costs. Either way, bidding for professional design services compromises the overall integrity of the services needed for a project.

In the case of major surgery, bid requests are not sent out for medical professionals. When being sued, one does not select the lowest priced legal professional for defense. In both cases, professionals are selected on competence, experience, and reputation. Design professionals should be selected with the same care, based on specialized experience and qualifications. For a unique project, the Owner needs to utilize a qualifications-based selection (QBS) process to obtain the best firm at the least overall cost.

### **APPLICABLE LAW**

Procurement for professional services in New Mexico is guided by New Mexico Procurement Code (Section 13-1-120). The Procurement Code authorizes agencies to conduct a multi-step procurement for Request for Proposals (RFP)-based procurements. This means that the agency can review the proposals submitted and select finalist(s) based on qualifications.

In addition, pursuant to Chapter 81, Laws of 2006, any prospective Offeror/Contractor (engineer or architect) seeking to enter into a contract with any state agency or local public body must file a *Campaign Contribution Disclosure Form* with that state agency or local public body. This form must be filed by the prospective Offeror/Contractor with their response to the RFP. The prospective Offeror/Contractor must disclose whether they, a family member or a representative of the prospective Offeror/Contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the Offeror/Contractor submits a proposal. A sample form, along with a Campaign Contribution Disclosure Form Requirements Matrix, is found in Appendix A. It may also be obtained at <http://www.nsbfn.org/purchasing/NMCampaignContributionDisclosureForm.pdf>.

### **PROFESSIONAL TECHNICAL ADVISORY BOARD (PTAB)**

The New Mexico Procurement Code (Section 13-1-117.2) also states that if the local public body does not have on staff a licensed professional, i.e. engineer, architect, surveyor, and/or landscape architect, then a Professional Technical Advisor (PTA) must be appointed by the appropriate New Mexico professional society. The Professional Technical Advisory Board (PTAB) was created to comply with this requirement.

PTAB is made up of professionals from the following organizations:

- *American Council of Engineering Companies (ACEC) New Mexico,*
- *New Mexico Society of Professional Engineers (NMSPE),*
- *American Institute of Architects (AIA), New Mexico Chapter,*

- *New Mexico Professional Surveyors (NMPS), and*
- *American Society of Landscape Architects, New Mexico Chapter.*

PTAB serves to assist local public bodies throughout New Mexico with the procurement of professional design services. Once a request is received at PTAB@acecnm.org, a PTA is assigned to the local public body to educate and to provide assistance with the RFP and to ensure its compliance with the State Procurement Code and, therefore, QBS. A local public body must allow sufficient time for the PTA assignment process to be completed. A minimum of four weeks prior to the advertising date is suggested. This allows for the selection of an appropriate PTA for a specific RFP. *Remember*, all PTAs are professionals who are volunteering their time and expertise. Their firms are excluded from responding to the RFP and proposing on the project if they serve as PTA for that RFP.

### **THE ROLE OF THE PROFESSIONAL TECHNICAL ADVISOR (PTA)**

The PTA is a senior member of an architectural, engineering, surveying, or landscape architectural firm with experience appropriate to the type of public works project proposed. The PTA is also a resident licensed design professional with at least ten years experience in responsible charge. The PTA is process-oriented, a good listener, and an articulate spokesperson and trainer.

#### The PTA will:

1. Meet with the local public body, board, committee, staff, individual, or group to provide information on what design professionals do and to explain the advantages of QBS in the selection of a design professional;
2. Develop materials to be used by the local public body, based on its specific needs and requirements;
3. Provide assistance on customizing materials and communications, answering questions, and providing ongoing guidance throughout the selection process;
4. Advise and assist in preparing the RFP;
5. Advise the Owner in giving public notice of the RFP;
6. Assist in the evaluation and selection process (but not in the selection itself);
7. Assist in the contract negotiations (limited to providing advice only); and
8. Provide other resources, such as additional materials or references.

#### The PTA will not:

1. Recommend a firm or firms;
2. Provide an evaluation or critique of any design professional or firm;
3. Dictate the process to be used in selecting a design professional;
4. Participate in the interviewing process except as an observer;
5. Participate in contract negotiations between the local public body and the selected firm;
6. Warrant or, in any way, be responsible to the firm and/or local public body as to the timely and proper completion of the selection or process; and
7. Have any personal or firm interest in any proposal submitted.

## Terminology

**Addendum** – a supplement to the request for proposals (RFP) sent out to all potential Offerors by the contracting agency/local public body that contains additional information or modifies the original RFP.

**Campaign Contribution Disclosure Form** – document used to disclose whether they, a family member, or a representative of the prospective Offeror/Contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the Offeror/Contractor submits a proposal (Chapter 81, Laws of 2006).

**Community/Owner** – a local public body conducting the procurement, also referred to as the contracting agency.

**Contract** – an agreement for the procurement of items of tangible personal property or services (13-1-41 NMSA 1978).

**Evaluation Committee** – a body appointed by the local public body to perform the evaluation of proposals submitted by Offerors.

**Offeror** – any person, corporation, or partnership that chooses to submit a proposal.

**Professional Services** – the services of architects, engineers, surveyors, and landscape architects (13-1-76 NMSA 1978).

**Professional Technical Advisor (PTA)** – a licensed, senior member, with at least ten years experience in responsible charge of an engineering, architectural, surveying, or landscape architectural business with experience appropriate to the individual type of public works project proposed.

**Professional Technical Advisor Board (PTAB)** – board consisting of design professionals created as a result of New Mexico Procurement Code (Section 13-1-117.2) to serve as a clearinghouse to receive requests for assistance from local public bodies within New Mexico.

**Procurement Code** – Chapter 13, Sections 13-1-28 through 13-1-199 NMSA 1978 (New Mexico State Statutes) which outlines the legal process for the acquisition of products and services for all governmental entities throughout New Mexico.

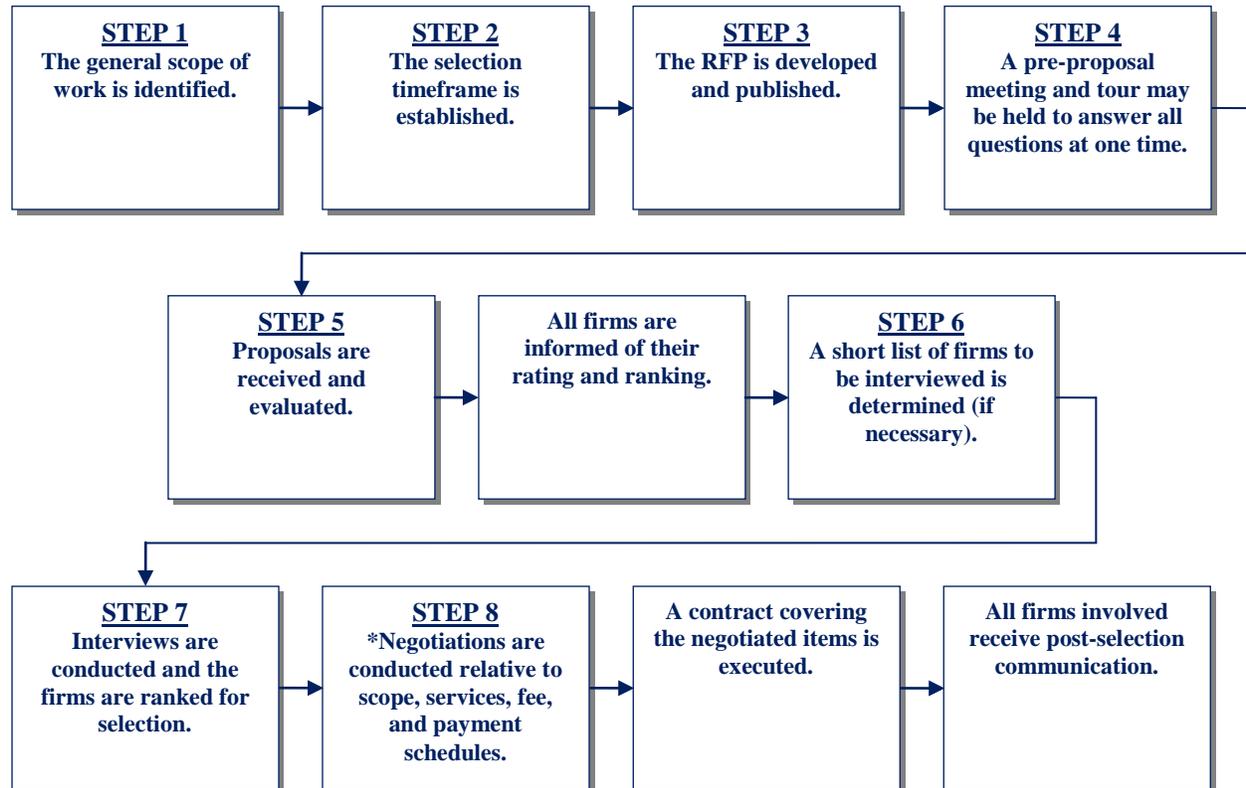
**Qualifications-Based Selection (QBS)** – a procurement method that results in the selection of the best qualified professional most suitable to the needs of the contracting agency.

**Request for Proposals (RFP)** – all documents, including those attached or incorporated by reference, used for soliciting proposals to meet the specific needs of a contracting agency (13-1-81 NMSA 1978).

**Responsive Proposal** – an offer or proposal which conforms in all material respects to the requirements set forth in the RFP.

## The QBS Process

The Qualifications-Based Selection (QBS) process includes all or part of the following steps and is detailed in the following sections:



\*If an agreement cannot be reached with the top ranked firm, negotiations are ended and then began with the second ranked firm. This continues down the list until an agreement is reached or a new RFP is issued.

Local public bodies should involve the services of a design professional as early as possible in the planning of a project. The design professional takes the available information and ideas and creates workable plans with options that allow the local public body to make sound project decisions.

### STEP 1: IDENTIFYING THE GENERAL SCOPE OF WORK

The first and most important step in the process of QBS is to identify the general scope of work and the particular needs of the project. This can only be done by the local public body, but the PTA can assist in developing the scope of work. The local public body should be prepared to spend time defining its needs and the work product desired so a specific scope can be included in the RFP. Questions to be answered include: *Who are the stakeholders in this project? Why are we hiring a professional? How can they help us? What final product do we want from them? When do we need the product delivered?* The scope of work is reflected in the [Evaluation Criteria](#) with the relative importance of each criteria reflected in the weight (or points) assigned to each. Items normally included in a statement of the scope of work for a public project are:

1. The local public body or Owner's name.
2. The project name or identification.
3. Project location.
4. Contact person (*clearly identified as the only person to contact for information on the project*), mailing address, telephone number, and email address, as appropriate.
5. Description of any other projects in process or planned for the same site or timeframe which might affect the scope of work.
6. Descriptions of completed studies, surveys, and/or preliminary feasibility work relevant to the project and available to Offerors that respond.
7. Requirements for further feasibility studies or program planning prior to design and construction, if appropriate.
8. Project outline, including intended size, function, capacity, and other general anticipated requirements, i.e. renovation, modernization, demolition, additions, new construction, energy, land use, site selection considerations.
9. Anticipated timeframe, including completion of design work, beginning of construction, and planned project completion date.
10. Description of the deliverables expected from the professional, such as final construction plans and specifications.
11. List of funding sources anticipated for the project and the agencies involved.
12. Description of the selection process, including who is involved.
13. Additional or unique requirements/considerations, such as anticipated public meetings, funding requirements, and budgeting.
14. Other items, as appropriate, which provide general guidance to the interested Offerors and meet the needs of the Owner.

**STEP 2: SELECTION TIMEFRAME**

To keep the process of selecting a design professional moving forward, the Owner establishes a timeframe for completion of the selection process. Establishing the timeframe communicates requirements with the Offerors and prevents misunderstandings and last minute "surprises" which may delay the process.

The timeframe for each public project differs, depending upon the nature of the project, the concerns of the Owner, and other factors. *The suggested timeframe for an average QBS project is a total of four to six weeks to allow proper planning and administration between each step of the selection process.* Depending upon the status of the Owner's project, adjustments can be made to accommodate the Owner's needs. A sample [schedule of activities](#) form is provided in Appendix A.

**STEP 3: REQUEST FOR PROPOSAL (RFP)**

At a minimum, the RFP indicates the following:

1. Scope of work;
2. Proposal receipt deadline;
3. Contact name and telephone number;

4. Type of services;
5. Number of copies required;
6. Page limits and exclusions to the page limits;
7. Evaluation Criteria to be used, including those required by State Statutes; and
8. Points allotted to each Evaluation Criteria.

In accordance with state law, *the RFP must be published at least once in a newspaper of general circulation* (13-1-104 NMSA 1978) in the area from which the notice emanates. In addition, the RFP must be sent to those firms which have signified, in writing to the local public body, an interest in submitting proposals for a particular category of professional services. The RFP may also be distributed by electronic-mail.

Additional data, if it exists, may be included in the published RFP or may be made available upon request to Offerors responding to the RFP. All Offerors must be given equal access to information.

Additional data may include:

1. A more detailed scope of work, including maps and prior studies and reports;
2. Technical approach;
3. Explanation for handling of late receipt of proposals;
4. Regulations concerning minority programs;
5. Definitions or interpretation of documents and publication of addendum;
6. Time schedule for projects;
7. Funding availability;
8. Selection process and weighted categories of interest;
9. Contract requirements; and
10. Limitations on proposal content.

The PTA assists in formulating the RFP and additional data as requested. A sample [Request for Proposals](#) is included in Appendix A.

#### **STEP 4: PRE-PROPOSAL MEETING AND TOUR OF THE FACILITY**

In most major or complex projects, a pre-proposal meeting and tour of the project site or facility is one of the most important parts of the selection process. These tours provide interested Offerors the opportunity to obtain firsthand information on the proposed project and to have their questions answered. The Owner can make the meeting mandatory so only those Offerors that attend the meeting are eligible to submit a RFP.

Tours can be one-on-one between a local public body representative and an Offeror representative; however, a group tour which includes all interested Offerors reviewing the site and/or facility at the same time often works best. Because the tour includes all interested Offerors, the Owner only provides information and answers questions once, and all Offerors receive the same information. Significant issues are summarized in an addendum issued to all interested Offerors in accordance with the terms of the RFP.

**STEP 5: RECEIPT AND EVALUATION OF PROPOSALS**

The Owner receives proposals only up until the appointed and published deadline. Late proposals are not accepted.

The first step in the evaluation process is to establish a selection committee. Remember that committees composed of elected officials may need to observe notice requirements of the Open Meetings Act. The selection committee is composed of competent individuals who are able to make an intelligent selection decision based on factual information. The committee first determines whether the proposals submitted conform to the mandatory requirements listed in the RFP. Next, the committee evaluates each proposal based on the published Evaluation Criteria. A [sample evaluation form](#) is included in Appendix A. With assistance from the PTA, the Owner can tailor this form to meet its specific project needs and priorities. Note that the Evaluation Criteria are not limited to those required by State Statutes. Criteria that address specific concerns of the local public body can be added. *IMPORTANT: The selection committee should document its proceedings and decisions in the event questions arise about any decisions made.*

References for the most qualified Offeror are checked before proceeding to the next step and entering into contract negotiations. A sample form for [checking references](#) is included in Appendix A. The Owner is encouraged to check references other than those listed by the Offeror in the proposal. The Owner can ask listed references if they are aware of other projects completed by the Offeror that would provide additional information.

**STEP 6: ESTABLISHING A SHORT LIST**

Based upon the evaluation and ranking of the proposals and subsequent reference check, the Owner establishes a short list of three to five firms to be interviewed. Because all the firms submitting proposals have made a commitment of time and expense in pursuing the project, the Owner contacts ALL the firms that submitted a proposal and notifies them of the short list. The letter sent to those firms who did not make the short list expresses appreciation and identifies the firms being invited for further consideration. A [sample memo](#) is included in Appendix A.

The nature of the responses, as well as the size and complexity of the project, determines whether interviews are held. Keep in mind that the purpose of the interview is to learn more about the firms than what was provided in their written proposals. If one firm clearly out-ranks all others, interviews are not necessary. The PTA can assist in this determination.

If interviews are scheduled, the firms selected for interviews need to be provided with the following information:

1. The date, place, time of interview, and length of time allowed for each firm, along with who will be conducting the interview;
2. A list of interview questions, the Evaluation Criteria, and an explanation of the scoring and selection process, as well as the structure of the interview (such as questions/answers or presentation followed by questions); and
3. Any feasibility studies, project program, or other necessary background information.

A [sample memo](#) to be sent to firms selected to be interviewed is included in Appendix A.

**STEP 7: INTERVIEWING THE SHORT-LISTED FIRMS**

Interviewing short-listed firms is an opportunity for the Owner to compare the firms' creative approaches to the design process, as well as the interpretation and understanding of the project requirements. *The Owner should not expect project sketches or design details at this time.*

All interviews should be designed to allow for the evaluation of the personal styles of each firm's management and key personnel assigned to the project. The selection committee evaluates how well the firm matches up with the Evaluation Criteria developed in Step 5.

The PTA may sit in on the interviews, but may not participate directly.

**The Interview Set-Up**

The room for the interview should be comfortable with good acoustics and should be large enough to accommodate the number of people expected. A separate area should be provided for firms waiting to be interviewed.

Most firms bring any equipment necessary for their presentation. Since equipment set-up time may cause some delays in the interviewing process, the interview schedule should allow some time for set-up, or two rooms should be used, if possible. While one firm is being interviewed in the first room, another firm can set up for its presentation in the second room.

*Interviews, if requested by the Owner, are held in closed session.*

**Guidelines for Interviews**

1. Interview only those firms on the short-list. All interviewed firms should have an equal opportunity to prepare their presentation based on the same information.
2. Schedule at least 45 minutes for each presentation and 15 minutes between interviews. This allows ample time for the presentation and question and answer period and for the selection committee members to discuss the presentation amongst themselves before beginning the next interview.
3. Schedule all the interviews on the same day. This allows the committee to compare all the firms while the information is still fresh in their minds. It also allows for consistent interview scoring.
4. The Evaluation Criteria for the interview scoring system are sent to all firms in advance.
5. While it is appropriate to question firms about how they would approach the design of a project, the committee *should not ask for an actual design solution during the interview*. The goal is to provide a clear understanding of the issues and challenges of the project and to learn how the firm will approach and address them.
6. The selection committee may ask how the firm plans to develop an appropriate level of compensation for the professional services and their experience staying within budgets. However, *specific compensation amounts cannot be discussed until after a firm has been selected and only after there is a comprehensive and mutual understanding of the actual scope of services to be performed.*
7. Let all short-listed firms know when a selection has been made. If possible, the decision is made the same day the interviews are conducted.

Sample [interview questions](#) are included in Appendix A.

### Ranking of Interviewed Firms

The evaluation form, which includes a weight and a score for each Evaluation Criteria, is a useful instrument for evaluating, ranking, and ultimately selecting a qualified firm. Each interviewer evaluates all firms separately during the firm's presentation. A sample [interview evaluation score sheet](#) and [score sheet summary](#) form are included in Appendix A. Other versions may be developed, based upon the complexity of the project.

The chairperson of the selection committee compiles the individual score sheets when all the interviews have been concluded. The ranking and selection is done by consensus rather than by majority vote. This system provides a documented record of the selection process to support the committee's actions. If requested, the PTA can sit in on the selection committee meeting to determine ranking following any interviews. *The PTA offers guidance but not opinions on individual evaluations.*

After the interviews and ranking are completed, a courtesy letter regarding the ranking of the firms is sent to all firms who participated in the interview process. The interviewed firms are listed in the order in which the committee ranked them. A sample [post-interview memo](#) is included in Appendix A. According to the Procurement Code, all firms that have not been selected must be notified in writing within 15 days after an award has been made (13-1-120.D NMSA 1978). Keep all documents of the selection process for at least the life of the project in the event questions are raised. These documents are required to verify compliance with the Procurement Code if public funding is sought for the project now or sometime in the future.

### STEP 8: NEGOTIATION OF SCOPE AND COMPENSATION

As soon as possible after selecting a preferred firm, the Owner begins detailed negotiations with the selected firm. If agreement on the scope of services and compensation is not reached, negotiations with the first-ranked firm are terminated and the Owner initiates negotiations with the second-ranked firm. *The law does not permit playing one firm against another.*

### Compensation Estimation

It is not overly difficult to reach agreement on compensation, if detailed discussions of the scope of services have taken place. Those services for which the effort is readily estimated may be included under the basic fee. Special services of a more indeterminate nature, such as surveys, soil borings, and investigations; regulatory agency permits; construction observation; materials testing; and special administrative procedures are included under special services with not-to exceed caps of a reasonable amount on costs for these efforts. *CAUTIONARY NOTE: Cost estimating curves for professional services only include "basic services" and do not include special services, such as those listed above. The total cost for professional services for a project is likely to exceed the percentages predicted by the curves. The curves in general circulation were prepared in the 1980's and do not accurately reflect today's costs.*

It is wise to negotiate only for that scope of services that can be clearly defined. As an example, the scope of basic design services cannot be clearly defined on many projects until conceptual studies have been completed and an alternative has been selected. This strategy can save the local public body money because the design professional does not have to add contingencies to his or her fee for unanticipated efforts. Contract formats, such as the EJCDC Funding Agency Edition, ([www.usda.gov/rus/water/ees/englib/engagree.htm](http://www.usda.gov/rus/water/ees/englib/engagree.htm)) allow for addendums to the contract as the scope becomes better defined. For instance, the contract can be signed with a fee for preparation of a

preliminary engineering report. After an alternative is selected, the contract can be amended to add basic design services and then can be amended again for construction management services when design is complete. This phased approach also allows for convenient termination of the contract when a phase is complete if the Owner wishes.

The selected firm is requested to prepare a detailed fee estimate predicated on the agreed upon, detailed scope of services as the basis of compensation negotiations.

The PTA may be able to offer assistance as negotiations proceed or become bogged down. However, because of the potential for conflict of interest, the PTA must not be involved in any contract negotiations. The PTA's role is to provide guidance for the local public body's negotiations or negotiating team.

Compensation guidelines and fee estimate preparation are included in [Appendix B](#).

### ***Overhead***

The most obvious costs incurred by design professionals are direct labor and expenses incurred during the development of designs and plans or in the observation of construction. A secondary cost is overhead. This cost is usually shown as a percentage of direct salary cost. Direct salary overhead for the firm includes such items as federal FICA, employment taxes, group insurance, and unemployment benefits. General overhead costs include administrative salaries, bookkeeping, office supplies, insurance, etc. Total overhead may be expected to vary from 150% to 200% of direct labor costs. Specialty firms may have higher overhead but may be more efficient in direct labor charges.

### ***Other Direct Costs***

The design professional may incur other direct costs for the project. These include the costs of information, such as maps or reports, and the cost for subconsultants, such as aerial photography, geotechnical investigations, and environmental and cultural resource analyses. It is customary for the professional to add an overhead charge (typically 10%) to their direct cost to cover their expenses for administration of the subcontracts.

### **Methods of Payment**

The method of payment is clearly stated in the contract for professional services. The method and timing for submitting invoices for the work is discussed and included in the contract. The design professional is made aware of any special billing requirements, such as an hourly accounting of staff hours or segregation of the bill, according to project phases or funding.

### ***Lump Sum***

Lump sum payment arrangements are usually best when the scope of the services is well defined. A schedule of payments for various phases of the project's development is a part of the lump sum agreement. For ease of administration, try and select easily identified milestones for payment, such as "submittal of preliminary plans" and "submittal of final plans." The contract clearly describes the scope of work to be performed for the lump sum fee.

### ***Time and Materials***

Cost-based arrangements are more desirable when the scope of particular services is less well defined. These may take the form of direct and overhead costs plus a fixed fee, salaries times a multiplier

(typically 2.75 to 3.50) plus expenses, or standard billing rates plus expenses. Cost-based arrangements should have a maximum agreed-upon limit that is not exceeded without Owner approval. The maximum agreed-upon limit may also contain a contingency for unexpected costs.

***Other Methods***

Retainers, per diem, or other systems of reimbursement are sometimes used. If public funding is anticipated for the project, check with the funding agency to determine if it has specific requirements for method of payment or for other required contract conditions.

**Contract Execution**

As an integral part of the scope discussions, the requirements and format of the proposed written contract must be discussed. The local public body and design professional may wish to use the standard forms of agreement used by professional societies. The funding agencies in New Mexico accept ECJDC Form 1910-1-FA (Funding Edition) for engineering projects. A copy can be found at ([www.usda.gov/rus/water/ees/englib/engagree.htm](http://www.usda.gov/rus/water/ees/englib/engagree.htm)). Many engineering firms have their own contract form; however, the Owner should check with the agencies funding the project to ensure the format is acceptable. Otherwise, the agency may not be able to use its money to pay the professional services. The PTA may be able to offer assistance in formalizing the agreement. Again, check with potential funding agencies to ensure its requirements are included in the contract to avoid denial of payment later.