

STATUTES AND ADMINISTRATIVE RULES REGARDING THE HIRING OF ENGINEERS AND ARCHITECTS ON STATE PROJECTS

Chapter 16, subchapter V of the Wisconsin Statutes contains the specific statutory authorization for the Department of Administration to take charge of and supervise all engineering or architectural services or construction work for the State of Wisconsin or its departments, boards, institutions, commissions or officers, including nonprofit-sharing corporations. The substance of that statutory authorization is found in § 16.85 of the Wisconsin Statutes. In addition to being in charge of and supervising all engineering or architectural services or construction work for the state and its agencies, the Department of Administration has the authority to award a contract to a private engineer or architect for the providing of professional services to the State of Wisconsin. DOA also assists any agency of the state in letting contracts for engineering or architectural work and must approve the appointment of any principal engineer or architect to a state department, board or commission when the state agencies need continuous engineering or architectural services.

The Department of Administration has promulgated administrative rules which lay out the specific requirements for the selecting and contracting for architect/engineer services for the State and its agencies, and those rules are found in Chapter Adm 20 of the Wisconsin Administrative Code. The Department of Administration, along with all other state agencies, have rule making power granted by the legislature under Chapter 227 of the Wisconsin Statutes. Every professional engineer should have a copy of Chapter Adm 20 in his/her office for reference as necessary.

Under Adm 20.02 an architect/engineer means a member of the design profession registered under Chapter 443, Wis. Stats. The term applies separately to architects and engineers. It is not intended to impose the requirement of both registrations on an individual. Under Adm 20.02(3), an “architect/engineer data record form” is defined as a form upon which

architect/engineers shall provide specific data requested by the department which will facilitate evaluation of an architect/engineer eligibility, performance capabilities, experience, personnel and staff and statistics on past and present projects.

Under Adm 20.02(6) an “eligible architect/engineer” is defined as follows:

(6) “Eligible architect/engineer” means an architect/engineer who meets or exceeds the following criteria in order to be considered by the selection committee for a project:

- (a) Has more than one architect/engineer as a responsible member of the firm.
- (b) Has been in business for a period of not less than 3 years.
- (c) Has a permanent office within Wisconsin, where responsible direction of all services will be based. Out-of-state firms will be considered when the selection committee determines there are no Wisconsin firms qualified or available to provide the services required.
- (d) Has been responsible for the design and substantial completion of a similar project with a total construction cost or size of at least 50% as large as the construction cost or size of the project under consideration.
- (e) For construction projects less than \$1,000,000 or when it becomes apparent to the selection committee that a project is of such a size or has such unique characteristics that special architect/engineer project responsibility is warranted, the selection committee, by vote, may set appropriate standards of acceptability different from pars. (a), (b) and (d).

Under Adm 20.02(7) the “selection committee” is defined as a standing group composed of five state employees appointed by the secretary of the Department of Administration, three of whom are registered architects or engineers. Any agency for which a project is to be constructed will be requested to appoint two representatives to serve as additional members on the committee for the selection of an architect or engineer for that project. If after appropriate notice, the state agency fails to have any representative at the selection committee meeting, the absence of such representatives will be considered a waiver of their vote on the selection of an architect or engineer for that project.

Under Adm 20.03 the “selection committee” convenes for the purpose of initiating and carrying out the process of selecting an architect or engineer for projects approved by the State Building Commission. The selection committee prepares an agenda prior to its meeting to allow

committee members an opportunity to obtain background information including, (a) project identification, (b) estimated project budget, (c) extent to which the project may proceed as authorized by the Wisconsin State Building Commission, (d) status of the program requirements for the project and (e) other pertinent project information. The selection committee is responsible for reviewing the requirements of each project and the qualifications of each architect or engineer, and is responsible for recommending the selection of an architect or engineer considered to be the most appropriate for each project. Current selection committee members are: Adel Tabrizi, Chair and Registered Engineer; David Haley, Registered Architect; Robert Kilgust, Registered Architect; Jim Schey, Registered Engineer; and Godwin Amegashie, Assistant to the Administrator and MBE Manager.

Adm 20.03(4) provides for the nomination of an architect or engineer for emergency projects approved by the governor without solicitation or selection by the selection committee.

Under Adm 20.04, when selecting an architect or engineer for a project when the estimated project cost is less than \$5,000,000, the selection committee may utilize a simplified selection process specified in Adm 20.05. When selecting an architect or engineer for a project that has an estimated project cost of \$5,000,000 or more, the selection committee shall require a more detailed procedure for selection by advertisement, review and interview under §§ Adm 20.06, 20.07 and 20.08.

In the next issue of this publication I shall review the Wisconsin Administrative Code provisions on the selection procedure established by the Department of Administration for projects where the estimated project cost is both under and over \$5,000,000.