

## Requirements for Hiring Architects, Engineers and Land Surveyors

The Illinois Local Government Professional Services Selection Act ("Act"), 50 ILCS 510/0.01 *et seq.*, sets forth the process for hiring architects, engineers and land surveyors. It applies to all units of local government with less than 3 million inhabitants except for home rule units. Based on the population requirements, all library districts and local libraries must comply with its provisions except for the Chicago Public Library.

There are two exceptions to the Act and its required process. If the library board determines, by resolution, that an emergency situation exists and a firm must be selected in an expeditious manner, it is not required to comply with the Act. Another exception exists if the cost of the architectural, engineering and land surveying services for the project is expected to be less than \$25,000. In either of those situations, a library board may waive the requirements of giving notice, conducting interviews and selecting one of three qualified firms.

The Act provides that unless a library already has a good relationship with an architect or architectural firm, the library must do one of the following:

1. Mail a notice to all architectural firms that have a current statement of qualifications and performance data on file with the library requesting a statement of interest in the specific project, or
2. Advertise, seeking architects' statements of interest in the particular project that is under consideration by the library. The advertisement must seek statements of qualifications and performance data. The advertisement must be placed in a secular English language newspaper of general circulation in the library's boundaries and must include the day, hour and place that the statement of interest, along with statements of qualification and performance data are due.

Therefore, if a library is considering hiring a new architect or would like to obtain proposals from several architects regarding a specific project, it must follow the steps outlined in the Act.

The library is then required to evaluate those architects who have submitted statements, selecting the top three based on qualifications, ability of professional personnel, past record and experience, performance data on file, willing-



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ness to meet time requirements, location, workload of the firm and such other qualifications-based factors determined in writing. A library is permitted to discuss the project with each architect or firm and to require a public presentation.

Although the selection of vendors and service providers for a library and the decision to award a contract generally focuses on the cost of such contract, the Act prohibits a library from seeking formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost or any other measure of compensation prior to selecting a firm with which the library will seek to enter into a contract.

A library must rank its top three architects, in order of preference. The Act then requires that a library must attempt to negotiate a satisfactory contract with the top-ranked architect, "at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered." If negotiation with the top-ranked candidate fails, the library is required to attempt to negotiate with the second and third architects in the library's ranking order. If the library is unable to negotiate a satisfactory contract with one of its first three choices of architects, then another list of three architects may be developed by the library, and the interview process repeated. As noted at the beginning of this article, this process is also required for engineers and land surveyors.

Please contact us if you have any questions about the process of selecting a new architect, engineer or land surveyor.

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