

School Board

Procurement of Architectural, Engineering, and Land Surveying Services¹

The School Board selects architects, engineers, and land surveyors to provide professional services to the District on the basis of demonstrated competence and qualifications, and in accordance with State law.

LEGAL REF.: 40 U.S.C. §1101 *et seq.*
 50 ILCS 510/, Local Government Professional Services Selection Act.
 105 ILCS 5/10-20.21.
Shively v. Belleville Twp. High Sch. Dist. 201, 329 Ill.App.3d 1156 (5th Dist. 2002), *appeal denied*.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State law controls this policy's content. The Local Government Professional Services Selection Act describes the required selection procedure. 50 ILCS 510/. A district may not, prior to selecting a firm for contract negotiation, seek 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. *Id.* at 510/5. If the district has a satisfactory relationship with a person or firm, the relationship may continue. *Id.* at 510/4 through 6.

Construction manager services, unlike general contractor services, are significantly different from construction work because they involve a professional activity (i.e., assisting the owner with the project's planning, costing, and management). As such, a construction-management contract is exempt from mandatory bidding by virtue of the professional services exemption. Shively v. Belleville Twp. High Sch. Dist. 201, 329 Ill.App.3d 1156 (5th Dist. 2002).