

209 - Procurement of Professional Design Services

209.1 Statutory Authority: Per KRS 45A.800, professional design services (i.e. architectural, engineering or engineering-related services) may only be procured by the Finance and Administration Cabinet or the Transportation Cabinet. The Transportation Cabinet is restricted to roadway-related construction, and Transportation Cabinet buildings are handled as Finance and Administration Cabinet projects.

For the Finance and Administration Cabinet, the designated procurement agency is the Division of Engineering and Contract Administration. Using Agencies are specifically prohibited from procuring such services except through the Division of Engineering and Contract Administration in the course of a Capital Construction Project.

For emergency situations, services may be retained under KRS 45A.095, <http://www.lrc.ky.gov/KRS/045A00/095.PDF> with appropriate coordination with the Division of Engineering & Contract Administration. The Secretary of the (Using Agency) Cabinet, or University President as appropriate, shall provide the required documentation that fully explains the nature of the emergency and the need for immediate assistance.

The Division of Engineering and Contract Administration has two methods to hire professional design services: (1) Master Agreements (**See Section 209.2**), and (2) Personal Services Contracts. (**See Section 209.3**)

209.1.1 Procurement-Related Statutes, Regulations and Policies:

1. KRS 45A.805(1)(c) states as a legislative finding of policy, "Award a contract for architectural, engineering, or engineering-related services to the best firm, qualified to perform the work on a project, on the basis of demonstrated competence and qualifications for the type of professional services required and at fair and reasonable prices." 200 KAR 5:309(1)(9) permits noncompetitive negotiations for architectural or
2. KRS 45A.810 sets the criteria for the use and membership of selection committees. The statute requires that a selection committee participate in every instance of procuring architectural, engineering, or engineering-related services.
3. KRS 45A.837 requires the Finance & Administration Cabinet and the Transportation Cabinet to enter into Master Agreements for architectural, engineering, or engineering-related services. For the Finance and Administration Cabinet, the statute sets limits for awards to each firm, for each prequalified discipline, of \$50,000 per project and \$100,000 per fiscal year. **See Section 209.2.**
4. 200 KAR 5:309(1)(9) permits noncompetitive negotiations for architectural or engineering services negotiated in accordance with KRS 45A.805.
5. FAP 220-14-00 includes additional policies for prequalification as shown in its entirety as follows:

FAP 220-14-00 SOLICITATIONS FOR ARCHITECTURAL OR ENGINEERING SERVICES AND PROCEDURE FOR PREQUALIFICATION

I. Solicitation

A Solicitation for architectural or engineering services shall comply with the provisions of KRS 45A.825 and may include the following evaluation factors:

A. Experience and ability:

- 1. Number of professionals in the firm including consultant disciplines.*
- 2. Number of technical, administrative and other personnel in the firm.*
- 3. Number of years the firm has been in the business.*
- 4. Types of projects on which the firm or key personnel have been the prime design professional or provided significant professional design services.*
- 5. Qualifications and experience of the proposed project team.*
- 6. Availability of technical equipment.*
- 7. Volume of design work in the last three years.*

B. Past performance:

- 1. For the prior 3-year period, the ability to design projects within specific project budgets and schedules.*
- 2. Average percentage by which construction bids deviated from the estimated construction cost.*
- 3. Change orders as a percentage of the bid construction amount.
(a) Change orders caused by errors and omissions of the architect or engineer.
(b) Change orders requested by the Commonwealth.
(c) Change orders caused by found conditions or regulatory decisions.*
- 4. Design performance and experience of firm and key personnel with prior projects of similar scope.*
- 5. Construction supervision services and post construction services.*
- 6. Record of compliance with:
(a) Regulatory agencies.
(b) Environmental regulations.
(c) Equal employment opportunity regulations, policies and procedures.
(d) Building codes.*

C. Existing workload relative to the size of the firm and capacity to perform the project.

D. Geographical location with respect to the project:

- 1. Location of offices of persons that will perform the work.*
- 2. Size of the staff, including professional personnel, in the offices that will perform the work.*

E. Payment of sub-consultants.

II. Prequalification

- A. In order to submit a response to a request for proposal, an architectural or engineering firm shall be prequalified by the Department for Facilities Management.*

- B. *An architectural or engineering firm shall prequalify by filing with the Department for Facilities Management a completed current Federal Standard Form 254 which has been superseded by Federal Standard Form 330 part II.*
- C. *A firm's prequalification shall remain in effect for twelve (12) months from the date of prequalification.*
- D. *The prime consultant shall be registered in the Commonwealth of Kentucky with the appropriate professional governing body.*

III. Selection Committee Project Evaluation Sheets

- A. *Each member of an architectural or engineering services selection committee shall use the project evaluation sheet provided by the Department for Facilities Management, in evaluating a firm's proposal.*
- B. *Upon completion of evaluation of all the responses to a request for proposals, each evaluation committee member shall sign his or her individual project evaluation sheet and shall submit the sheet to the chairperson of the committee. The chairperson of the selection committee shall record the composite score from each individual evaluation sheet on the evaluation summary sheet for the project. The evaluation summary sheet shall be signed by each participating member of the selection committee.*
- C. *The procedure established in subsection B of this section shall also apply to project interview evaluation sheets used during the interview process required by KRS 45A.825(8).*
- D. *All evaluation sheets and evaluation summaries for a project shall be maintained by the Division of Engineering, Department for Facilities Management.*

209.1.2 Additional Requirements to FAP 220-14-00:

- Engineering firms shall provide a Kentucky Engineering Permit Number. In addition, Kentucky license numbers for individual engineers proposed to work on the project shall be submitted.
- Architectural firms shall provide the Kentucky license number of the individual architects proposed to work on the project.
- Firms that include other licensed professionals (i.e., landscape architects, geologists, land surveyors, etc.) shall provide the Kentucky license number of those individuals proposed to work on the project.

209.2 Master Agreements

209.2.1 Prequalification: Any Architect-Engineer who employs a registered design professional (with a valid license from the appropriate Kentucky governing body) in one of the following service disciplines may submit to the Division of Engineering and Contract Administration a request to be pre-qualified for that discipline. Firms are pre-qualified separately for each of the following disciplines:

1. Aerial Surveying
2. Architectural
3. Civil
4. Environmental
5. Landscaping (Landscape Architect)
6. Mechanical
7. Electrical
8. Site and Boundary Surveying
9. Structural
10. Subsurface (Geotechnical)
11. Interior Design

The prequalification request is reviewed by a Selection Committee. Typically, an Architect-Engineer that submits a complete qualification statement (SF Form 330, Part 2), and is verified as employing appropriately-licensed professionals for the specific field will become pre-qualified after review by the Selection Committee. The prequalification shall remain effective for the next twelve months.

Prequalification for Master Agreements does not imply or guarantee that any Master Agreements or Delivery Orders will be issued to the Architect-Engineer. It is simply a prerequisite necessary to allow such issuance if deemed in the interest of the Commonwealth.

209.2.2 Master Agreement Award: After prequalification, the Architect-Engineer is eligible to be issued a Master Agreement. Specific work will be authorized as needed by Delivery Orders issued under the appropriate Master Agreement. In accordance with KRS 45A.837, each firm may be awarded work, with a maximum fee of \$50,000 per project and maximum aggregate total fee of \$100,000 per fiscal year, per contract. A firm may be issued multiple contracts; i.e., one for each prequalified discipline. For example, a multi-disciplined engineering firm may be issued separate Master Agreements for Civil, Environmental and Structural Services, subject to prequalification. Each Master Agreement would have a limit of \$50,000 per project and \$100,000 per year.

The initial Master Agreement is for a zero-dollar amount, and lists the terms (hourly rates, etc.) that will govern any work delivered under a subsequent Delivery Order. Master Agreements are not issued until such time as the initial Delivery Order under the Master Agreement is needed.

209.2.3 Delivery Orders: After the establishment of a Capital Construction Project and the need for professional design services is identified by the Using Agency, and the Master Agreement is deemed to be an appropriate delivery method by the Division of Engineering and Contract Administration, Architect-Engineer(s) will be selected from the prequalification list for each appropriate discipline.

The selection will be performed by a committee consisting of the Project Manager, Associate Director, and Director. The selection will be performed using one or more of the following criteria:

1. Available to meet time frame
2. Location/proximity to site
3. Specific expertise required
4. Good prior performance
5. Incubating to state process
6. New, small or seldom used firm
7. Agency request
8. Familiarity with facility
9. Other (project specific)

The Project Manager will prepare a selection form, listing three potential firms, appropriate selection criteria, estimated fees and a primary award recommendation. The Project Manager will meet with the Associate Director and Director to review the selection. Upon concurrence, each will sign the form. The signed selection sheet and the Agency's EO-1 will be forwarded to the Master Agreement Procurement Specialist in the Division of Engineering and Contract Administration, who will issue a Delivery Order, pending funding, to the Architect-Engineer.

209.2.4 Establishment of Delivery Order Amounts (Fee Negotiation): Each Delivery Order must be authorized with a specific dollar amount limit by the Division of Engineering and Contracting Administration. This limit is added to the maximum Master Agreement cumulative contract amount, and is in turn reported to the Legislative Research Commission. This cumulative maximum Master Agreement amount is referred to as the "Maximum Fee", and no Delivery Order may be issued or modified if it exceeds the authorized Maximum Fee for that specific Master Agreement.

Typically, the initial Delivery Order will be for a nominal amount. After the requested scope of services is more fully defined, the Architect-Engineer may be asked to submit an upset (not-to-exceed) fee to the Project Manager for approval. Upon approval of the upset fee proposal, the Delivery Order will be modified to reflect the agreed amount. The Architect-Engineer shall not begin work until they have an approved Delivery Order.

209.2.5 Delivery Order Modifications: Delivery orders may be increased as long as the existing Maximum Fee of the Master Agreement is not exceeded. If the Maximum Fee needs to be increased, the Project Manager shall request, through the Associate Director and Director, to increase the Maximum Fee as needed. The request shall list the original date and amount of approval, plus dates and amounts for any subsequent increases, and the requested (revised) Maximum Fee.

Existing Delivery Orders may be modified (including increases) after the end of the fiscal year, as long as the increase does not exceed the Master Agreement's statutory project or annual limits. For example, a Delivery Order issued for \$5,000 in June may be modified in

September to reflect the negotiated upset fee, even though the ability to issue a new Delivery Order under that particular Master Agreement expired July 1. New Delivery Orders can only be issued against a Master Agreement for the current fiscal year. No professional design services shall be provided, that exceed the maximum Delivery Order fee, without acceptance of a fee increase by the Division of Engineering and Contract Administration.

209.2.6 Delivery Order Duration: After execution, each Delivery Order shall remain effective until all work is completed and invoiced, or the Delivery Order is modified to reduce the scope of the services. The Delivery Order does not expire with the end of the fiscal year.

209.2.7 Sub-Consultants Prohibited Under Master Agreements: Since Master Agreements are based strictly on hourly rates established by the contract, there are no provisions for the employment or payment of any sub-consultants. If it becomes necessary to engage other design disciplines, the Project Manager will initiate Delivery Order(s) for other Architect-Engineers under separate Master Agreements as required. The affected firms will be assigned to cooperatively complete the project, both working directly for the Division of Engineering and Contract Administration under separate Master Agreements.

For example, if a firm is issued a Delivery Order under the Mechanical/Electrical discipline and it becomes necessary to engage architectural services, a separate architectural firm will be selected, and a Delivery Order issued to that firm under their own Architectural Master Agreement. Both firms will work together with joint responsibility for the project. In such cases, the Project Manager may designate one Architect-Engineer as the entity to oversee project design coordination.

209.2.8 Master Agreement Usage by Regional Universities: At the University's option, certain Capital Construction Projects may be self-administered (under delegated authority) by Eastern Kentucky University and Morehead State University without oversight from the Division of Engineering and Contract Administration. These projects are limited to a total scope of less than \$600,000.

For such delegated-authority projects, the University may elect to procure professional design services using the Master Agreements of the Division of Engineering and Contract Administration. The University must request the use of desired Architect-Engineer(s) in advance, and must be granted permission by of the Division of Engineering and Contract Administration. Permission(s) granted by of the Division of Engineering and Contract Administration shall include specific firm assignments and fee limits. The fees will still count against the annual Master Agreement limits. The work shall be performed in accordance with the terms of the Master Agreements. However, since the Universities use different accounting systems than the Finance and Administration Cabinet, the fee negotiations and invoicing shall be done directly between each Architect-Engineer and the University.

209.3 Personal Service Contracts

209.3.1 Selection Committee: Where estimated fees exceed those allowable under Master Agreements (or the use of Master Agreements are deemed unsuitable for other reasons), selection of the Architect-Engineers for Capital Construction Projects shall be by an Architectural or Engineering Services Selection Committee comprised and performing in accordance with applicable provisions of KRS 45A.800 through 45A.836. After the proper establishment of a Capital Construction Project, and when the Using Agency is ready to initiate the design of the Project, the Using Agency shall formally notify the Director of the Division of Engineering and Contract Administration and request the selection of the Architect(s) and/or Engineer(s). The Director of the Division of Engineering and Contract Administration shall then assign a Project Manager and authorize the establishment of an Architectural or Engineering Services Selection Committee and the issuance of a Request for Proposals (RFP).

209.3.1.1 Composition of the Architectural Services Selection Committee: The Architectural Services Selection Committees shall be comprised of:

- two (2) Architects (or otherwise qualified employees) from the Division of Engineering and Contract Administration
- two (2) merit employees of the Using Agency
- one (1) At-Large member (nominated by the Kentucky Society of Architects and appointed by the Governor)
- one (1) non-voting Architect (or otherwise qualified merit employee) of the Division of Engineering and Contract Administration to serve as a technical adviser
- one (1) or more merit employees of the Auditor of Public Accounts (participation is at the discretion of the Auditor)

The employees of the Division of Engineering and Contract Administration shall be selected by the Director in accordance with KRS 45A.810(3). The merit employees of the Using Agency shall be assigned by the agency's Cabinet Secretary, with written confirmation to the Division of Engineering and Contract Administration. The merit employee(s) of the Auditor of Public Accounts shall be appointed by the Auditor of Public Accounts.

209.3.1.2 Composition of the Engineering or Engineering-Related Services Selection Committee: Engineering or Engineering-Related Services Selection Committees shall be comprised of:

- two (2) Engineers (or otherwise qualified employees) from the Division of Engineering and Contract Administration
- two (2) merit employees of the Using Agency
- one (1) At-Large member (nominated by the Kentucky Society of Professional Engineers and the Kentucky Consulting Engineers Council, and appointed by the Governor)
- one (1) non-voting Engineer (or otherwise qualified merit employee) of the Division of Engineering and Contract Administration to serve as a technical adviser
- one or more merit employees of the Auditor of Public Accounts (participation is at the discretion of the Auditor)

The employees of the Division of Engineering and Contract Administration shall be selected by the Director in accordance with KRS 45A.810(3). The merit employees of the Using Agency shall be assigned by the agency's Cabinet Secretary, with written confirmation to the Division of Engineering and Contract Administration. The merit employee(s) of the Auditor of Public Accounts shall be appointed by the Auditor of Public Accounts.

209.3.2 Request for Proposals: The Request for Proposals (RFP) shall conform to a standard template and format to be established by the Division of Engineering and Contract Administration. The RFP shall include, but not necessarily be limited to, the following:

- Project Title and location
- Project budget
- Prime (Lead) professional discipline desired (Architect, Structural Engineer, Civil Engineer, etc.)
- Professional design disciplines required
- Identification of Selection Committee members
- Contact person(s) for information, including the Professional Services Procurement Specialist
- Project description
- Project design and construction schedule
- Evaluation criteria upon which responding consultants will be scored and the relative scoring weights of the criteria
- Submittal requirements for expressions of interest, including deadline and location for these submittals
- Submittal requirements including format, number of copies of submittals and specific information to be identified
- Submittal deadline and location for the submittal of Proposals
- Date(s) of the meeting(s) of the Selection Committee
- Other relevant information to assist interested firms in their understanding of the selection process and of the subject Project.

The Request for Proposals will be prepared by the Project Manager with supervision from the Associate Director, in consultation with the Using Agency and the Professional Services Procurement Specialist ("Procurement Specialist"). The Procurement Specialist will publish the RFP on the Internet or in other public media to alert qualified Architectural or Engineering firms of the Request for Proposals.

209.3.3 Submittal of Proposals: Proposals by responding Architectural or Engineering firms shall be submitted to the Procurement Specialist as specified in the Request for Proposals. Proposals submitted after the deadline for the submittal of proposals shall be set aside by the Procurement Specialist and shall not be reviewed by the Selection Committee. The Procurement Specialist shall provide a copy of each proposal submitted by the deadline to the voting and technical advisor members of the Selection Committee in advance of the first meeting of the Committee.

209.3.4 Conductance of Selection Committee Meetings: Selection Committees shall convene at the time, date and place identified in the Request for Proposals. The Procurement Specialist will present the Committee with an Agenda and all relevant forms. The Selection Committee shall not convene and conduct its business unless all five voting members are present, unless permission is granted from the Director of the Division of Engineering and Contract Administration. **Members of the Selection Committee shall keep confidential all proposals and information obtained and/or discussed during Executive Sessions until such time as a Contract for Professional Services for the Project has been executed.**

209.3.5 Selection Committee Process for Projects with Estimated Architectural Fees less than < \$50,000 or Engineering Fees less than < \$100,000: The Selection Committee shall meet in Executive Session and select the three (3) most qualified firms and rank them in order of preference, based upon the weighted evaluation factors established in the Request for Proposals.

209.3.5.1 Prior to Meeting: The Selection Committee members shall:

- Verify that Federal Form SF330 Part II is included in the proposal
- Confirm receipt that each Committee member has received all Request for Proposals from the Procurement Specialist
- Discuss and sign Statement of Confidentiality forms
- Review all proposals prior to the meeting

209.3.5.2 Meeting: The Selection Committee members shall:

- Sign the Minutes/Attendance sheet, recording the time and date of the start of the meeting
- Elect a Chairperson and Vice-Chairperson (This is done by the voting members.)
- Discuss KRS 45A.800-936
- Discuss Policy FAP-220-14-00
- Discuss and sign Statement of Confidentiality forms
- Move into Executive Session (only Committee Members present)
- Distribute and sign Ex-Parte communication disclosure forms
- Clarify their individual understanding of the process through questions and comments
- Discuss the submitted proposals
- Score the proposals
- Select the three (3) most qualified firms and rank them in order of preference (highest-to-lowest order)
- Break ties. In the event of a tie score, the tie shall be first broken in accord with KRS 45A.827. If a tie remains, then the tie shall be broken by comparing the sums of the raw scores of the individual voting members. If a tie remains, immediately consult the Procurement Specialist.
- Review and sign the individual score sheets

- Record the name and address of the highest ranked firm on the form “Committee Recommendation for Consulting Services”. All voting members of the Committee sign this form
- Sign the certification of conformity to procurement process (All voting members must sign this certification.)
- Authorize committee approval for time spent on selection committee for the professional-at-large representative. This is signed by all voting members of the committee.
- Move out of Executive Session.
- Conduct any other business matters
- Adjourn (noting the time of adjournment)
- Deliver the forms completed and executed by the Committee to the Procurement Specialist. The Committee Chairperson is responsible for this action.

The Procurement Specialist will notify all responding firms of the results of the selection process. The Division will then offer a Contract for Professional Services to the highest-ranked firm and establish a fee for Phase “A” Design services (or Work Plan services, where applicable).

209.3.6 Selection Committee Process for Projects With Estimated Architectural Fees Greater Than > \$50,000 or Engineering Fees Greater Than >\$100,000: The Selection Committee shall first meet in Executive Session to select the three (3) most qualified firms based upon the weighted evaluation factors established in the Request for Proposals. The Committee shall then notify the Procurement Specialist of the identities of the three most qualified firms, who will then notify the three firms of their selection status, the scoring criteria for the interview, and the time and date of their interview with the Committee. The Procurement Specialist will also notify all other submitting firms of the identities of the three finalist firms.

209.3.6.1 Prior to Meeting: The Selection Committee members shall:

- Verify that Federal Form SF330 Part II is included in the proposal
- Confirm receipt that each Committee member has received all Request for Proposals from the Procurement Specialist
- Discuss and sign Statement of Confidentiality forms
- Review all proposals prior to the first meeting

209.3.6.2 First Meeting: The Selection Committee members shall:

- Sign the Minutes/Attendance sheet, recording the time and date of the start of the meeting
- Elect a Chairperson and Vice-Chairperson (This is done by the voting members.)
- Discuss KRS 45A.800-936
- Discuss Policy FAP-220-14-00
- Discuss and sign Statement of Confidentiality forms
- Move into Executive Session (only Committee Members present)

- Distribute and sign Ex-Parte communication disclosure forms
- Clarify their individual understanding of the process through questions and comments Discuss the submitted proposals
- Score the proposals
- Determine the ranking order of the scored proposals
- Break ties. In the event of a tie score, the tie shall be first broken in accord with KRS 45A.827. If a tie remains, then the tie shall be broken by comparing the sums of the raw scores of the individual voting members. If a tie remains, immediately consult the Professional Services Procurement Specialist.
- Select the three (3) most-qualified firms to be invited for interviews. Establish any specific instructions to the firms selected for interviews. Establish the time, place and date of the interviews, if different from the published Request For Proposals.
- Review and sign the individual score sheets
- Sign the summary score sheet
- Conduct any other business matters
- Adjourn (noting the time of adjournment)
- Deliver the forms completed and executed by the Committee to the Procurement Specialist (This action is performed by the Committee Chairperson.)

209.3.6.3 Second Meeting: During Executive Session of a second meeting, the Committee will separately interview representatives from each of the three most-qualified firms and then rank the three (3) finalists based upon the weighted evaluation factors established in the Request for Proposals. The Procurement Specialist will notify all three firms of the results of the selection process. The Selection Committee members shall:

- Sign the Minutes/Attendance sheet, recording the time and date of the start of the meeting
- Discuss and sign Statement of Confidentiality forms
- Move into Executive Session (only Committee Members present)
- Distribute and sign Ex-Parte communication disclosure forms
- Clarify their individual understanding of the process through questions and comments Conduct interviews with each of the finalist firms. Only the Committee members and the interviewing firm/team may be present. Typical format will be a 30 minute presentation by the firm followed by a 15 minute question and answer session. The format of the interviews may be altered as the Committee deems appropriate. The interviewing firm is then dismissed and the Committee members discuss the interview. Voting members may record their individual scores at this time or record their individual scores after the conclusion of all interviews.
- Discuss the interviews
- Score the interviewed firms
- Determine the ranking order of the interviewed firms (first, second, third)

- Record the name and address of the highest ranked firm on the form “Committee Recommendation for Consulting Services”. All voting members of the Committee sign this form.
- Sign the certification of conformity to procurement process. All voting members must sign this certification.
- Authorize time spent on selection committee for the professional-at-large representative. This is signed by all five members of the committee.
- Move out of Executive Session.
- Conduct any other business matters
- Adjourn (noting the time of adjournment)
- Deliver the forms completed and executed by the Committee to the Professional Services Procurement Specialist. This action is the responsibility of the Committee Chairperson.

209.3.7 Contract Award Process:

- The Procurement Specialist verifies that the Agency has received EO-1 approval to proceed with the contract.
- The Procurement Specialist verifies the Architect’s registration with the Kentucky Board of Architects and the Secretary of State for their current standing to perform work in Kentucky.
- The Procurement Specialist verifies the Engineering firm’s permit and individual’s registration with the Kentucky Board of Registration for Professional Engineers and Land Surveyors and the Secretary of State for their current standing to perform work in Kentucky.
- The contract checklist is routed for a form to pay the at large member of the Selection Committee.
- The Project Manager prepares Form B-210 Project Budget and the proposed project schedule.
- The Project Manager initiates the allotment process (Form SAS-5) to ensure funding is available for contract award.
- The Executive Director meets with the Project Manager and/or Associate Director to establish the Phase A or Work Plan fee and the total estimated fee for the project.
- The Executive Director executes a form certifying that the selection process was conducted in accordance with established procedures.
- The Executive Director makes payment to the At-Large member of the selection committee.
- The Procurement Specialist verifies that the selected firm has workers compensation insurance required by the contract.
- The Procurement Specialist drafts a Contract for Professional Services to the selected Architect-Engineer, specifying the initial Phase A or Work Plan fee amount and forwards to them for signatures.

- The Commissioner executes a form certifying that the selection process was conducted in accordance with established procedures. He signs and sends the Contract for Professional Services to the Office of General Counsel for final approval.
- The Secretary of the Finance and Administration Cabinet signs a form that the selection process was conducted in conformity with established procedures.
- The Procurement Specialist finalizes the Contract for Professional Services and transmits the Contract to the selected Architect-Engineer.
- The Procurement Specialist enters the Contract for Professional Services into eMARS.
- After the Contract is entered into eMARS, the Architect-Engineer may initiate work under the Contract. In the event the Contract is denied by the LRC, the Architect-Engineer will be instructed to stop work immediately, and will be paid for any work performed before this point.