

## DAR - PART 8

### Contracting for Construction and Construction Related Services

8.000 Scope of Part.....	2
8.001 Authority .....	3
Subpart 8.1 --Solicitations.....	3
Subpart 8.2 -- Pre-Qualification of Contractors .....	4
8.201 Scope of Subpart.....	4
8.202 Pre-qualification Authority .....	4
8.203 Pre-qualification Program .....	4
8.204 Pre-qualification Process .....	4
8.206 Solicitations above the Simplified Acquisition Threshold of \$150,000 .....	4
8.207 Construction Manager/General Contractor (CM/GC) Solicitations .....	5
8.20 8.210Contractor Lists.....	6
8.211 Debriefings .....	6
8.212 Sharing Past Performance Information .....	6
Subpart 8.3 – On-Call Contracts.....	6
8.301 Process for Awarding On-Call Contractors.....	6
8.302 Process for Awarding On-Call Task Orders .....	7
8.303 Monitoring On-Call Contractor Performance .....	7
Subpart 8.4 -- Request for Proposals.....	7
8.401 Request for Proposals (RFP's) .....	7
8.402 RFP Format and Source Selection Procedures.....	8
Subpart 8.5 -- Request for Quotations (RFQ's).....	8
8.501 Request for Quotations (RFQ's).....	8
Subpart 8.6 -- RFP and RFQ Procedures .....	8
8.601 One Offer Received .....	8
8.602 Public Availability .....	9
8.603 Pre-Proposal or Pre-Quotation Conferences.....	9
8.604 Amendments to Solicitations.....	9
8.605 Receipt of Offers.....	9
8.806 Project Magnitude.....	9
8.607 Offer Evaluation - Product Acceptability .....	9
8.607 Award Options .....	10
Subpart 8.7 – Bonds and Insurance.....	10
8.701 Contract Bonds.....	10
8.702 Insurance Requirements.....	10
8.8 – Post Award Construction Contractor Performance Evaluations .....	11
8.9 Contract Administration (Refer to Part 12) .....	11

## DAR -- Part 8

### Contracting for Construction and Construction Related Services

#### 8.000 Scope of Part

This part discusses the various authorized methods for contracting for construction and construction-related services, including Construction Manager/General Contractor (CM/GC), Design Build, and General Contractor requirements. Construction and construction related services include alterations, additions, and repairs to real property, as well as construction of new facilities.

Architectural/Engineering, Construction Management, and Owner Representative service requirements are to be procured in accordance with DAR Part 6. Formal solicitations for Architects/Engineers will be required for services costing \$50,000 or more.

Purchase of material, parts, or equipment in direct support of a capital construction project may be purchased and furnished to the contractor to complete the project. This should be the exception not the rule. When purchasing these commodity items, the competition threshold is \$50,000 and the purchase shall be performed by a Contracting Officer using a purchase order.

#### Definitions:

**Business Clearance:** This is an approval and required to issue a solicitation when the estimated value of the total project value exceeds the Contracting Officer's authority. A warranted Contracting Officer may approve so long as their warrant has the necessary approval limits.

**Design:** means defining the construction requirement (including the functional relationships and technical systems to be used such as architectural, environmental, structural, electrical, mechanical, and fire protection), producing the technical specifications and drawings, and preparing the construction cost estimate.

**Design Build:** means combining design and construction in a single contract with one contractor. A proof of concept, a preliminary design, and/or scope of work is required for this method. Additional information may include: environmental impact statement, geo-technical reports, surveys, other pertinent scope related reports.

**Simplified Acquisition Procedures for construction:** are used when price related factors are the only evaluation factors to be considered. Simplified acquisition procedures are optional up to the threshold of \$150,000.00. Formal source selection procedures are required over \$150,000.00 unless justified in writing by the Contracting Officer. Justifications may be warranted for purchases of large quantities of commercially available items that do not warrant formal selection process of best value procedures.

**Project magnitude:** solicitations shall state the project magnitude of the requirement in terms of physical characteristics and estimated price range. In no event shall the budget estimate be disclosed to the contractor.

**Simplified Acquisition Thresholds for construction:** Purchases under the stated threshold of \$150,000.00 do not require formal competition (e.g., request for proposal). Purchase history can be used if recent and relevant competition purchase history is available. Formal Quotes (not online pricing information or published pricing) from qualified sources using a request for quote process are the preferred competition method. Competition is not required when purchasing from an already competed source or contract. Most state contracts and Co-Ops have been fully competed. The Contracting Officer is required to verify competition has occurred before a purchase is executed.

**Competition Thresholds:** These dollar amounts indicate that purchases up to this limit do not require competition before a purchase is made. However, competition drives reasonable pricing in the market and should not be dismissed. It is encouraged that informal quotes are obtained to verify price fair and reasonable when there isn't current purchase history available. All quotes should be documented and retained.

Supplies, Equipment, Commodities and Services (DAR Part 4): \$25,000  
Construction (DAR Part 8): \$100,000  
Capital projects materials, parts, and equipment directly tied to a capital construction project: \$50,000  
Professional Services (DAR Part 6): \$50,000  
Consulting Agreements (DAR Part 6): \$50,000  
Food (DAR Part 4): \$10,000

**On-Call Contracts:** The District utilizes On-Call contracts for (1) unplanned (2) non-routine, and/or (3) emergency construction (Capital), and/or facilities-related (Maintenance/Repairs) projects that need to be done quickly.

**Time and materials:** Time and material pricing arrangements may only be used in this Part 8 when unknown conditions may exist or to stop an emergency situation from further damage. The contract shall reflect an NTE price ceiling/limit. These types of pricing arrangements require high COTR/Project Management oversight to ensure billable hours are verified.

#### **8.001 Authority**

The District's construction and construction-related procurement procedures are in accordance with CRS Title 24, Articles 92, 93, 101 (as applicable) and Board of Education Policy DJ.

#### **Subpart 8.1 --Solicitations**

8.101 Facilities and construction related products and/or services may be solicited via Request for Proposal (RFP) or Request for Quote (RFQ). RFQ's may be used for requirements under \$150,000 but for requirements over \$150,000 a formal RFP must be solicited. The District uses a "best value" Request for Proposal (RFP) approach. If an RFQ is used, the Contracting Officer must still ensure that the appropriate construction related terms and conditions are part of any subsequent purchase agreement.

8.102 **Non-competitive Justifications:** Any requirement over \$100,000 that is a sole source or single source, for products or services that are not appropriate for competitive bidding, must be documented with a "Justification for Non-Competition" determination prepared by the requesting user department, prior to any purchasing activities. (Refer to DAR Part 9.1 for further information on Non-Competitive Purchases)

8.103 If a requirement must be solicited that is over the warrant authority of the Contracting Officer, the necessary Business Clearance must be obtained by the Contracting Officer before soliciting the requirement.

8.104 It is the responsibility of the contracting officer to ensure that adequate competition is obtained. Construction solicitations will also be advertised by posting the solicitation on the District's website. If appropriate, solicitations may also be advertised through "Bonfire", "Bid Net" (Rocky Mountain E-Purchasing System), newspapers, social media, or plan rooms. Solicitation notices of the availability of RFP's may also be emailed to a sufficient number of prospective Offerors to secure adequate competition. For formal solicitations in excess of \$150,000 public notice shall be published on the District's Procurement and Contracting Web Page and may also be published in a newspaper of general circulation and/or in trade publications, the "Bid Net" system, "Bonfire" and secondary newspapers, to assure adequate competition. For public project construction contracts, per CRS 24-92-103 (3), adequate public notice of the solicitation may be given at least 14 calendar days, 21 is preferred, prior to the date set for the submission of Offers. Such notice may include publication with electronic on-line access pursuant to section [24-92-104.5](#) or in a newspaper of general circulation or in an electronic medium approved by the Executive Director.

8.105 Nothing shall prevent the contracting officer from advertising or otherwise giving public notice in additional media or locations to ensure adequate competition is solicited.

8.106 Any requirement at or under the competition threshold of \$100,000, the Contracting Officer may determine that a competitive process is in the best interest of the District. Contracts may be awarded to a pre-qualified contractor without issuing a solicitation if the Contracting Officer determines it to be in the best interest of the District. All requirements above the competition threshold shall be competed unless a justification for non-competitive procedures is approved by the Executive Director Procurement and Contracting.

## **Subpart 8.2 -- Pre-Qualification of Contractors**

### **8.201 Scope of Subpart**

This subpart prescribes procedures for pre-qualifying contractors for construction and construction related services. The District will only accept Offers from pre-qualified or otherwise qualified contractors. Pre-qualification procedures are used to limit competition to only those contractors that are either pre-qualified or can be qualified for competitive procedures. When competition is not required, contract awards may be made to a qualified contractor without competition when determined to be in the best interest of the District.

### **8.202 Pre-qualification Authority**

Colorado Revised Statute (CRS) 24-92-107 provides the authority to develop a pre-qualification program.

### **8.203 Pre-qualification Program**

The District has established a pre-qualification program for construction contractors desiring to do business with the District. This program includes a performance evaluation process for evaluation of the performance of all prime contractors which can also be used for subcontractors.

### **8.204 Pre-qualification Process**

This pre-qualification process will be used by District personnel for evaluating the overall business capabilities, capacity and performance for prime contractors that propose on District construction contracts. In order to select qualified construction contractors, the District has established a pre-qualification process for firms doing business with the District. If D11 chooses to use a prequalification process for a particular project or in general the Capital Program Manager, and/or Director of Facilities, the Project Manager, and Contracting Officer may request that prime contractors (general contractors, plumbers, mechanical firms, electricians) provide the following information:

Company name, TIN/EIN and W9;  
Statement of compliance/ability to obtain the District's insurance coverage requirements  
Company size (number of employees, trades covered in-house);  
Annual revenue; desired project size(s);  
Bonding capacity;  
Key team member resumes;  
Safety history (EMR record below 1.25 is desired);  
Past relevant and recent (within 3 years) projects;  
SAMs "Exclusion List" verification check and references  
Registration form (identifies contractor trades, desired division work, and functional categories)

### **8.205 Solicitations for Construction Projects**

#### **a. At and above \$150,000**

When the District is soliciting proposals for construction projects over \$150,000 in anticipated value, a formal Request for Proposal (RFP) will be issued which shall indicate evaluation criteria for the specific project. Contractors may be asked to submit the necessary documentation to the District to become pre-qualified prior to or concurrently with submission of their proposal. If a contractor who is not pre-qualified submits a Proposal, the

Contractor may be asked to complete and return the necessary documentation for review by the evaluation committee before being considered for award.

b. Below \$150,000: Only qualified contractors in the applicable disciplines will be solicited.

c. Below \$100,000: The District may contract with a qualified contractor without competition when the total contract value is under \$100,000

### **8.207 Construction Manager/General Contractor Solicitations**

The Construction Manager/General Contractor (CM/GC) construction delivery method entails a commitment by the CM/GC to perform construction within a defined schedule and price. The CM/GC provide input during the design phases and becomes the general contractor during the construction phase.

For the acquisition of large and/or highly technical construction projects the District uses a “best value” Request for Proposal (RFP) approach to select a Construction Manager/General Contractor (CM/GC). A typical CM/GC RFP requests pricing for: Pre-construction/Design Fixed Fee and General Conditions Percentage. The CM/GC's Guaranteed Maximum Price (GMP) for the construction will be developed once design documents (drawings and specifications) are available.

#### **The potential CM/GCs propose on two “phases”:**

a. Phase I – Design: During the Design phase, the CM/GC's provides consulting services related to the contracted architectural firm's design work. The CM/GC proposes a pre-construction service fee; their fixed fee will cover their estimating (assisting to keep design within project budget) and constructability services during the architect or engineer's project design.

b. Phase II – Construction: During the Construction phase, the CM/GC competes the pricing for the project, based on complete or nearly complete design documents. The CM/GC bids out all subcontractor work (based on District 11 solicitation procedures), adds the costs for the work their company will provide directly (e.g., demolition), and compiles a Guaranteed Maximum Price (GMP); their general conditions fixed fee will be applied to and included in the GMP for the Phase II construction work.

c. For CM/GC solicitations the District will include a detailed matrix in each RFP, advising Contractors specifically where and how to budget for and propose job costs, general conditions costs, insurance costs, bonding costs, CMGC fees and all other costs associated with a construction project. All Offerors responding to CM/GC solicitations shall prepare their proposals in accordance with the District CM/GC matrix to assure that offers can be evaluated on an equal basis.

### **8.208 Design Build Solicitations**

The Design Build (DB) method of project delivery involves one entity (design-builder) who provides both architectural/engineering design services and construction services through a single contract with the District. Typically, the team is led by the construction contractor who manages the project in its entirety and carries full responsibility for the work. However, it may be design led or a joint venture.

Projects are typically solicited using the Design Build approach when projects need to be fast-tracked (delivered quickly) and when it is deemed beneficial to overlap the design and construction services. The DB approach can lead to cost efficiencies and fewer changes and claims, as contractor and designer work together. The District will have one contract and one main point of contact to the DB team.

Relatively simple projects may only require a simple statement of work to outline the desired scope and standard project requirements. More complex design-build projects may require the project scope to be better

articulated with a requirements document or a concept design. Design elements may be expanded past the concept design to meet unique project requirements such as architectural compatibility or unique functional requirements. Additionally, supplemental documentation may need to be completed prior to the design-build process begins to minimize overall project risk and its associated cost. This supplemental documentation may include environmental assessments, geotechnical reports, as-built surveys for hazardous materials, and other pertinent information that impact the project scope. Simple projects may only require equipment schedules while complex projects may require periodic design submittals.

### **8.209 General Contractor Solicitations**

The District will use an RFP to solicit proposals from General Contractors when the project is fully designed and all proposing contractors will review the project and base their pricing on full drawings and specifications. The designer and contractor each work directly for the District under individual contracts.

### **8.210 Contractor Lists**

The Purchasing and Contracting Department at the FOTC satellite location will maintain a list with the names of businesses that may be qualified/pre-qualified and have shown interest in competing for various types of construction trades or services. The submittal of a provider's application does not guarantee inclusion on any or all solicitations. Businesses may contact FOTC Contracting Officers at any time. The District will request periodic updates of information from businesses on the list.

### **8.211 Debriefings**

Debriefings with unsuccessful offerors include discussions of evaluated weaknesses and strengths of the requesting unsuccessful Offeror, along with relative comparison to the successful Offeror. However, the identified weaknesses and strengths of all unsuccessful Offerors will be held confidential, and will not be shared with any other Offeror.

### **8.212 Sharing Past Performance Information**

Other governmental agencies, doing past performance evaluations, may request performance information of a contractor on one of the District's projects. If a request is received from another governmental agency on a contractor's performance, the information that the District has on file will be provided, with the understanding that it is "for official use only."

### **Subpart 8.3 – On-Call Contracts**

The District utilizes On-Call contracts for unplanned, non-routine or emergency construction and facilities-related projects that need to be done quickly.

District On-Call contracts provide the methodology to cover a variety of indefinite delivery, indefinite quantity, fixed price needs for renovation, rehabilitation, and repair work for district facilities and infrastructure. The District reserves the right to openly compete particular projects that might fit the previously competed On-Call categories, whenever deemed to be in the District's best interest.

District On-Call contracts for professional services such as Environmental Services and Architectural Services are allowed but can follow solicitation procedures under DAR Part 6 for award and competition thresholds.

### **8.301 Process for Awarding On-Call Contractors**

a. **On-Call contract that are expected to be valued at or over \$100,000 per year:** Require competition. The District will solicit proposals from interested contractors for award up to three (3) one-year terms, renewed on an annual basis, as determined to be in the best interest of the District by the Contracting Officer. The On-Call contracts will be based on firm-fixed pricing or firm hourly rates as defined by each contractor in their proposal fee schedule. The proposed fee schedules will identify the maximum preset costs for specific task orders by trade categories. Firm-fixed pricing shall be provided for construction, repair, or maintenance tasks by particular trade. If a specific pricing item is not in the fee schedule, it can be negotiated, priced, and added at any time

needed in a specific task order. The District will award to the appropriate number of contractors per trade as identified in the solicitation for simultaneous On Call contracts, based on best value, past performance, capacity, pricing and other factors considered.

b. **On-Call contracts that are expected to be valued at less than \$100,000 per year:** should be competed but may be awarded to a qualified contractor and shall not exceed more than a one-year period. The Contracting Officer may issue consecutive one-year terms, but they must have updated pricing, insurance, and a new contract tracking number. On-Call contracts are not exclusive, so the District may opt to solicit competition from more than the On-Call contractors for particular projects.

c. On-Call contracts will require contractors to become pre-qualified if not already pre-qualified. Pre-Qualified vendors may receive on-call contracts without competition when under the total contract value is less than the competition threshold (\$100,000) and cannot exceed a one year term.

### **8.302 Process for Awarding On-Call Task Orders - When Multiple On-Call Contractor Provide the Same Type of Work/Service**

The following steps will be used for awarding a Task Order when more than one on-call contractor can provide the work/service and the Contracting Officer determines it requires competition to determine which On-Call Contractor to award to. This should **not** be used for orders less than \$25,000 and the Contracting Officer should rotate sources or award based on contractor availability/capacity to perform:

1. The District and the contractor(s) may conduct a meeting at the site to review and discuss the work and the construction schedule;
2. The District and/or contractor(s) will prepare a detailed scope of work, as necessary;
3. The contractors will prepare price proposals using unit prices from the fee schedule and estimated quantities, and will submit proposal, schedule, list of subcontractors, and other documents required by the District per the specific task order;
4. The District will review price, hours, rates, and quantities, assessing for proper fit to task order; and
5. Once the District is satisfied with price, schedule, subcontractors, etc. submitted, the District will select a contractor and issue a task order.

### **8.303 Monitoring On-Call Contractor Performance**

The District shall monitor contractor performance and work through a performance-based system by the COTR completing contractor performance evaluations mid-year and at the end of each fiscal year. On-Call contractors can be terminated for lack of performance.

**See 8.8 for evaluation process.**

## **Subpart 8.4 -- Request for Proposals**

### **8.401 Request for Proposals (RFP's)**

Requests for Proposals (RFP) is the preferred method of procuring construction services and construction-related equipment when project or equipment costs are over \$100,000 and/or needs are more complex and considerations other than low price are required. Best value considerations include such evaluation criteria as technical approach, performance capabilities, life cycle costs, warranties, fitness for use, and customer satisfaction/past performance of construction team or equipment.

When the estimated value of a contract is greater than \$500,000, the prime contractor shall be asked to submit a subcontracting plan listing the business size of all subcontractors. This is prevalent in GC, Design-Build, and CM/GC projects. The District desires to track small business subcontracting awards.

## **8.402 RFP Format and Source Selection Procedures**

8.402. Construction-related RFP submittals are evaluated using numeric weighting of each Proposal received, tallying all evaluators' scores and discussing each evaluation team member's perspective on strengths and weaknesses of each proposal received. The evaluation team works to reach a consensus on which proposal best meets/fits the project needs. The Contracting Officer will negotiate final agreement options with the selected contractor after the top-ranked proposal is selected. The best value offeror resulting from final negotiations will be awarded a contract.

8.402.2 As part of their proposal, all interested Offerors must provide updated past performance information as it relates to the particular project. Performance capability will be evaluated based on Contractor's experience on similar projects for other Owners and/or based upon Contractor's past performance on District projects. If a contractor has performed work for the District in the past, their past performance rating will be evaluated along with new proposal, performance information. In addition to similar work experience and past performance history, performance capability may also be determined by staffing models, proposed schedules, safety history, and/or other evaluation criteria as stated in an RFP.

8.402.3 A CM/GC RFP is used when the project requires an experienced and highly capable general contractor to serve as a prime contractor and as an overall construction project manager of necessary subcontractors, and where the project's success demands on timely construction completion. The CM/GC matrix format is used to identify specific proposal offerings to ensure that offers can be evaluated on an equal basis.

8.402.4 Design Build RFP is used when a very short period for design and build is available or a specific dollar amount to build to is available or when multiple agencies are participating.

8.402.5 General Contractor RFP is used when designs are completed prior to solicitation for construction proposals. This approach applies to less complex construction efforts.

### **Subpart 8.5 -- Request for Quotations (RFQ's)**

#### **8.501 Request for Quotations (RFQ's)**

Request for Quotations (RFQ's) can be used for solicitations that are under \$150,000, or when the requirement is less complex in nature and the evaluation is solely price and price related factors.

If the requirement is simple scope in nature and the Team is evaluating price factors only, the Contracting Officer may use only Pre-Qualified contractors to request quotes.

See Part 4 "Simplified Purchase Procedures."

### **Subpart 8.6 -- RFP and RFQ Procedures**

#### **8.601 One Offer Received**

If only one Offer is received in response to a solicitation, an award may be made to the single contractor if the Contracting Officer finds that the price(s) submitted are fair and reasonable and that other prospective Offerors had reasonable time to respond, or there is not adequate time for re-solicitation. Otherwise, the Offers may be rejected and (a) new Offers may be solicited, (if new Offers are solicited, any pricing originally submitted shall not be released to the public in order to maintain the integrity of the procurement) (b) the proposed procurement may be canceled, or (c) if the Contracting Officer determines that the price of the one Offer is not fair and reasonable, and that re-solicitation would likely-be futile, negotiations may be entered into with the lone Offeror in order to reach a fair price.



#### **8.602 Public Availability**

A copy of the RFP or RFQ shall be made available for public inspection at the Procurement and Contracting Department serving the Facilities, Operations and Transportation Center (FOTC), at 5240 Geiger Boulevard, Colorado Springs, CO 80915. A notification page will be posted on the District's website guiding interested contractors to Bonfire for access to a full copy of the solicitation as well. Accessing Bonfire is the preferred option for expediency.

#### **8.603 Pre-Proposal or Pre-Quotation Conferences**

Pre-Proposal/Quotation conferences may be conducted for the purpose of explaining the procurement requirements. They shall be announced to all prospective Offerors known to have received the solicitation. The conference should be held long enough after the solicitation has been issued, to allow Offerors to become familiar with it, but with adequate time before submittal due date to allow consideration of the conference results in preparing the Offers. The Pre-Proposal/Quotation conferences may be mandatory if determined necessary to ensure familiarity of the project by all Offerors prior to submitting Offers. Nothing stated at such conference shall change the solicitation unless the District makes the change by written amendment.

#### **8.604 Amendments to Solicitations**

Amendments to solicitations shall reference the portions of the solicitation it amends. Notice of Amendments shall be posted in Bonfire. It is the responsibility of each prospective Offeror to check the website for these amendments. Amendments shall be available within a reasonable time to allow prospective Offerors to consider them in preparing their Offers. If the time set for submittal due date and time will not permit such preparation, to the extent possible the solicitation submittal time shall be increased in the amendment, or if necessary, by telephone and confirmed in the amendment. Questions received by prospective Offerors concerning the solicitation, both technical and contractual in nature, will be answered in the form of an amendment to allow all potential Offerors to have the same information. Amendments to solicitations shall be identified as such and shall require that the Offeror acknowledge receipt of all amendments issued.

#### **8.605 Receipt of Offers**

Upon receipt, the Bonfire system will notate time received for each Offer. Offers shall not be opened until due date and time.

#### **8.606 Project Magnitude**

Solicitations shall state the magnitude of the requirement in terms of physical characteristics and estimated price range. In no event shall the project budget be disclosed.

- Less than \$100,000
- Between \$100,000 and \$250,000
- Between \$250,000 and \$500,000
- Between \$500,000 and \$750,000
- Between \$750,000 and \$1,000,000
- Between \$1,000,000 and \$2,500,000
- Between \$2,500,000 and \$5,000,000
- More than \$5,000,000

#### **8.607 Offer Evaluation - Product Acceptability**

The solicitation may require the submission of product samples, descriptive literature, technical data, or other material necessary to determine product acceptability. The acceptability evaluation is not conducted for the purpose of determining whether one Offeror's item is superior to another but only to determine whether an Offeror's offering will meet or exceed the specifications set forth in the solicitation. Any offering which does not meet the minimum requirements will be rejected as non-responsive.

**8.608 Award Options**

The Contracting Officer may determine to make whole or partial awards, or may reject all Offers and terminate the solicitation, or re-solicit Offers, as may be determined to be in the best interest of the District.

**Subpart 8.7 – Bonds and Insurance**

**8.701 Contract Bonds**

In accordance with CRS §24-105-202, contracts in excess of \$150,000 require Payment and Performance Bonds equal to 100% of the contract amount. Such bonds guarantee provision of all labor and material required for completion of all construction and construction related contracts. The contractor shall deliver the bonds to the District within 10 calendar days after receipt of the Notice of Award, or at the same time the contract is executed. If the contractor fails to deliver the required bonds, the contract will not be signed.

The bonds shall be submitted on bond forms in accordance with CRS §24-105-203, and executed by a surety company authorized to do business in the state of Colorado. Performance and Payment Bonds may be required on contracts less than \$150,000 if the Executive Director of Procurement and Contracting determines it to be in the best interest of the District.

Retainage is limited by CRS to 5% total contract value.

**8.702 Insurance Requirements**

All contractors working in District buildings shall provide a Certificate of Insurance with endorsements, including all exceptions and riders attached to the certificate, and all shall be subject to review by the Risk Management Office. All District construction and construction-related contracts shall include a requirement for the provision of Workers' Compensation insurance. All contractors shall carry Workers' Compensation insurance. At a minimum, this insurance coverage shall be in the statutory amount. Independent Contractors shall carry Workers' Compensation insurance to cover themselves and any employees or agents working, or who may work, under a District contract. Workers and contractors who are not protected by Workers' Compensation insurance shall not participate in a District contract.

Standard Insurance Requirements

General Liability \*  
Errors & Omissions Liability \* (if applicable – see #5 below)  
Automobile Liability  
Workers' Compensation

Limit of Liability Requirements

(District named as an additional insured \*)  
\$1M /occurrence & \$2M aggregate  
\$1M /occurrence & \$2M aggregate  
\$1M /occurrence  
Statutory Limits/Employers Liability \$1M

Higher Risk Insurance Requirements

Construction (General Liability)  
Contracts

Limit of Liability Requirements  
(District named as an additional insured)  
All Above Limits, but General Liability

below \$1M  
=> \$1M  
=> \$5M  
=> \$10M  
=> \$25M

\$1M /occurrence & \$2M aggregate  
\$2M /occurrence & \$3M aggregate  
\$3M /occurrence & \$5M aggregate  
\$5M (minimum)  
\$10M (minimum)

New Construction (entire building)

Contact Risk Management for specific project requirements

General Contractor required to have a Builder's Risk insurance policy or endorsement for new construction/ building footprint change at no less than the value/amount of the contract.

General Contractor required to have an Installation Floater insurance policy or endorsement for renovation, repair or replacement construction no less than the value/amount of the contract.

Environmental Remediation	(District named as additional insured)
- Contractors Pollution Liability (No Exceptions)	\$5M (Minimum)
Professional Liability (see list page 2)	(District NOT named as additional insured)
- Architects, Design or Engineers	\$5M (Minimum)
- Project Management (construction only, no design)	\$2M /occurrence & \$4M aggregate
- Environmental Remediation	\$5M (Minimum)

All insurance must be via an insurance company with an A.M. Best rating of A- or better.

### **Subpart 8.8 – Post Award Construction Contractor Performance Evaluations**

#### **8.801 Construction Contractor Performance Evaluations**

Beginning with the first project performed for the District, Contractors will be evaluated for their performance by the District Project Manager (Contracting Officer's Technical Representative - COTR) assigned to the project. Contractors will be evaluated in the areas of safety, quality of workmanship, conformance with project schedule, quality of project field supervision, fairness of pricing for original scope and change orders, responsiveness to District needs, follow through for punch list and warranty items, and quality of overall project administration (estimating, project management, change order administration, submittal coordination, accuracy and timeliness of pay applications and closeout documents, etc.). Contractors will receive a point value between 0 and 100 points for performance on each completed project. Any Contractor whose average performance score falls below 50 points will be removed from the prequalified contractors list. Contractor will be notified by a District Contracting Officer and may request a debriefing to discuss their evaluation. Contractors receiving scores above 50 points will not receive their evaluations but will remain on the prequalified Contractors list.

### **8.9 Contract Administration (Refer to Part 12)**

The following are additional contract administration functions specific to this Part.

#### **8.901 Change Orders**

Only the Contracting Officer may issue a change in the work or the manner of work, which causes an increase, or decrease in the cost of the work. All changes shall be addressed via a modification to the contract. The solicitation shall contain specific guidance on this subject for every project.

#### **8.902 Differing Site Conditions**

It is the responsibility of the Contractor to promptly, and before the conditions are disturbed, give a written notice to the Contracting Officer when (1) subsurface or latent physical conditions are encountered at the site which differ materially from those indicated in the contract; or (2) unknown physical conditions at the site, of an unusual nature, which differ materially from those ordinarily encountered and generally recognized as inherent to the type of work specified in the contract. Only the Contracting Officer may make changes by modification as a result of differing site conditions.

#### **8.903 Subcontracting Requirements**

The solicitation shall contain specific guidance to each project. However, the following requirements shall be applicable to all construction related contracts:

- 1) The Contractor must perform at least 20 percent of the actual work with its own work force.
- 2) A list of all proposed subcontracts/subcontractors shall be submitted to the District for approval.
- 3) When the estimated value of a contract is greater than \$500,000, the prime contractor shall be asked to submit a subcontracting plan listing the business size of all subcontractors

8.904 Post Construction Submittals Each solicitation shall have specific instructions pertaining to post construction submittals and closeout. The following documents are minimum submittal requirements for final payment. The Contractor shall deliver to the District, the following:

- 1) The Contractor's written construction warranty.
- 2) All product and material warranty information with applicable instructions.
- 3) Contractor's final Release of Liens/Claims
- 4) Release of liens from all material suppliers and subcontractors.
- 5) Copies of all building permits and inspection certifications signed by building inspector (if permit required) including fire, health, backflow prevention device inspection, etc.
- 6) Redline Drawings (for Architect or Engineer to convert to As Builts/final Record Drawings).
- 7) Operations, maintenance and training manuals, if applicable.
- 8) Hard copies of all approved shop drawings and product submittals bearing approval signatures from COTR and/or Architect/Engineer
- 9) List of all principal subcontractors and material suppliers used on this project with addresses, phone numbers and contact names.
- 10) Return of all District keys, if applicable.
- 11) Letter stating that no asbestos containing materials were used on project.
- 12) Asbestos or hazardous material disposal manifests (if applicable)