ADMINISTRATIVE REGULATIONS
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Facilities Planning and Design

Construction Manager Selection

When the District determines that it may need to engage the services of a construction manager, the Board of Education shall select a construction manager and negotiate with that construction manager to obtain a contract that is fair and reasonable. To select a construction manager, the District shall advertise and solicit proposals from qualified construction managers in the following manner:

1. If the total cost for the project exceeds five hundred thousand dollars ($500,000), the solicitation shall be advertised for a period of ten (10) days in one (1) newspaper of general circulation in the county.

2. If the total cost of the project exceeds one million five hundred thousand dollars ($1,500,000), the solicitation shall be advertised for ten (10) days in two (2) daily newspapers in Missouri which have not less than fifty thousand (50,000) daily circulation in addition to the advertisement required by number 1 above.

3. If the total cost of the project is five hundred thousand dollars or less, the solicitation need not be advertised.

Solicitations shall require the bidders to submit the following information:

1. Fees for overhead and profit.

2. Reimbursable costs for reimbursable items.

3. Qualifications.

4. Demonstration of ability to perform projects comparable in design, scope and complexity.

5. Demonstration of good faith efforts to achieve compliance with federal, state and local affirmative action requirements.

6. References from owners for whom construction management services have been performed.

7. Financial strength.

8. Qualifications of personnel who will manage the project.

9. Demonstration of successful management systems which have been employed for the purposes of estimating, scheduling, and cost controls.

If the Board of Education selects a construction manager on the basis of the above factors, then contractual negotiations may be conducted with that construction manager and a contract may be executed between the District and that construction manager.

If the Board of Education cannot reach an agreement upon the terms of a construction management services contract through negotiations with the selected construction manager, then the Board of Education will attempt to select another construction manager and negotiate a contract with that construction manager. The Board of Education will continue to follow the procedures outlined in this policy until a contract has been executed between the District and a construction manager.

Furthermore, the Board of Education shall not award a contract for construction management services on a negotiated basis to any construction manager (or a firm that controls, is controlled by or shares common ownership or control with the construction manager), if such construction manager:

1. Guarantees, warrants or otherwise assumes financial responsibility for the work of others on the project.

2. Provides the District with a guaranteed maximum price for the work of others on the project.

3. Furnishes or guarantees a performance or payment bond for other contractors on the project.

A construction management services contract to such a construction manager may only be awarded though a competitive bid process.

Under this policy, the term "project" shall mean the erection or construction of a building or structure or the improvement, alteration or repair of a building or structure. The term "construction manager" includes, but is not limited to, consulting, advising, assisting and making recommendations on any and all aspects of preconstruction planning, design, bidding, and contract award and providing general observation, coordination and direction of the work and processing of payment requests and change orders during construction.

Facilities Planning and Design

Design-Build Selection

Board Action

To initiate the design-build method, the Board will:

1. Publically disclose its intent to utilize a design-build method during an open session of a regular Board meeting. This meeting will occur at least one week prior to publishing a request for proposals.

2. Retain a design criteria consultant who shall be a duly licensed architect or engineer, to assist in preparation of a design criteria package and request for proposal. Among the functions to be performed by the consultant are the following:

    a) To perform periodic site reviews to determine adherence to design criteria;

    b) Prepare progress reports and additional services by the District;

    c) Assist in the development of project design criteria;

    d) Assist in the development of requirements for proposal; and

    e) Assist in evaluation of proposals.

    However, the consultant may not submit a proposal or furnish, design or consultation services for the contract for which they were retained to consult. The consultant will be selected and its contract negotiated consistent with the process utilized in Policy 7120 for selection of architects and engineers, unless the consultant is a District employee.

3. Publish a notice of the request for proposals with a description of the project, the procedures for submission and the selection criteria to be used. This notice will be publicized in a newspaper of general circulation located in the county within the boundaries of the District. The publication will occur once per week for two consecutive weeks prior to opening of proposals.

Selection Process/Design Criteria Consultant

1. A design criteria consultant will be retained by the District to assist in preparation of the design criteria package and request for proposals.
2. The consultant will assist the District in the development of project design criteria, requests for proposals, evaluation of proposals and any additional services requested by the District.

3. Requests for Proposals will include:

    a) Procedures for submitting proposals.

    b) Criteria for evaluating proposals including the relative weight of each criteria.

    c) Terms and conditions of the design-build contract.

    d) The design criteria package.

    e) Description of the drawings and specifications.

    f) A schedule of the planned commencement and completion of the design-build contract.

    g) Budget limits, if any.

    h) Requirements for performance bonds, payment bonds and insurance.

    i) Amount of stipend.

Bid Process

Phase One.

1. All bidders will be required to submit a statement of qualifications to include:

    a) Demonstrated ability to perform projects comparable in design, scope and complexity.

    b) References of Owners of design-build projects completed.

    c) Qualifications of personnel will manage the design and construction aspects.

    d) Names and qualifications of the primary design consultants and primary trade contractors proposed to be utilized.

Phase Two/Evaluation Team.

1. The District will select qualified design-builders to proceed to Phase Two. The number selected to proceed will not be more than five, nor less than two in number.

2. Neither price nor fee will be a part of the pre-qualification criteria.

3. Design-builders will participate in an interview.

4. Qualified design-builders will assemble a Phase II proposal to include:

    a) Project design.

    b) Ability to meet the approved schedule.

    c) Points will be awarded as follows:
        i. Up to 20% based on qualification and ability to design, contract and deliver the project on time and within budget.
        ii. Phase II points will account for not less than 40% of the total points.

Phase Three.

1. Qualified design-builders will submit a firm, fixed cost of design and construction and will include a bid security bond as well as a statement of minority participation.

2. Phase III will account for no less than forty (40%) percent of the total points.

3. Proposals for Phase II and Phase III will be submitted concurrently in separate envelopes.

4. Phase III cost proposals will be opened only after the Phase II design proposals have been evaluated; assigned points, ranked in order and pointed.

5. Cost proposals shall be opened and read aloud at the time and place specified in the RFP. Simultaneously, the scoring of Phase II will be made public.

6. In evaluating cost proposals, the lowest responsive bidder will be awarded the total number of points to be awarded in Phase III. Higher bidders' point totals will be reduced by one (1%) percent for each percentage point by which the bidder exceeds the lowest bid.

7. If the District rejects the bidder with the highest total points, all proposals will be rejected.

8. A stipend in the amount of one-half (1/2) of one (1%) percent will be paid to each prequalified bidder where proposal is responsive but not accepted. Upon payment the

District will acquire a non-exclusive right to use the design submitted by the proposer. The proposer may retain the design rights by releasing the stipend.

9. Construction Oversight. The design criteria consultant will be responsible for among other things:

    a) Perform regular site visits to determine adherence to the design criteria.

    b) Prepare progress reports.

    c) Review and approve progress and final pay applications of the design-builder

    d) Review shop drawings and submissions

    e) Provide input in disputes

    f) Interpret construction documents

    g) Perform inspections upon substantial and final completion

    h) Complete warranty inspections.

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FACILITIES DEVELOPMENT **Regulation 7132**

Facilities Planning and Design

Construction Manager Selection

When the Board elects to utilize the construction manager at risk method of construction, the following procedures will be follows:

Initial Board Action

At least one week prior to publishing request for construction manager qualifications, the Board will disclose at a regular meeting, open session, its intent to utilize a construction manager at risk (hereinafter "CM-AR") and the selection criteria it will utilize in the process.

Prior to or at the same time the Board selects a CM-AR, the Board will select an architect who will be responsible for preparation of construction documents.

Publication of Request for Proposals/Qualifications

The District will publish its requests for proposals or qualifications for a CM-AR in a newspaper of general circulation located in a county within the District's boundaries once per week for two consecutive weeks prior to the opening of proposals.

Process for Selection of a Construction Manager

Step One: The District's Request for Qualifications will include such general information to include:

1. Project site
2. Project scope
3. Schedule
4. Selection criteria
5. Time and place for receipt of proposals/qualifications

Selection criteria will include but not be limited to the following:

1. Construction manager experience
2. Past performance
3. Safety record
4. Proposed personnel and methodology
5. Similar projects performed for other school districts during the past five years
6. The request for qualifications will not require fees or price

Step Two: The District will, based upon qualifications, select two (2) to five (5) potential CM-ARs to provide additional information including each potential CM-AR's proposed fee and its price for fulfilling the general conditions.

Proposal Openings

At the conclusion of each of the two steps, the District shall receive, publically open and read aloud the names of the CM-ARs.

Selection

In making its selection the District will weigh the proposing CM-AR's qualifications a minimum of forty (40%) percent. Cost shall account for a maximum of sixty (60%) percent.

The District will select the CM-AR that submits the proposal that offers the best value based upon the published selection criteria and on its ranking evaluations.

Within forty-five (45) days after the date of opening proposals, the District will evaluate and rank each proposal in relation to the proposal/qualifications submitted in relation to the criteria contained in the District's RFP.

The District will then interview at least two of the top ranked proposers as part of the final selection process. The District will first attempt to negotiate a contract with the selected CM-AR. If negotiations are unsuccessful, the District will notify such CM-AR, in writing, that negotiations have ended. The District will then begin negotiations with the second highest most ranked CM-AR following the same process until a contract is reached.

Selection of Subcontractors

The selected CM-AR will publically advertise for bids from trade contractors for performance of all major elements of the work in the same manner as if the bids were solicited directly by the District.

The CM-AR may submit sealed bids for portions of the construction work that they may elect to perform in the same manner as other trade contractors. However, the District has the right to restrict the CM-AR from submitting such bids to perform trade work.

The CM-AR will review all bids and recommend approval of trade work bids. Where the CM-AR is permitted to and does submit sealed bids for certain subcontracts, the District will determine if the CM-AR's trade work bid offers the best value for the District.

If the CM-AR reviews, evaluates and recommends a bid for trade contractor, the Board may accept or reject the recommendation and require that another bid be accepted. In such case, the District will compensate the CM-AR by a change in price, time or guaranteed maximum cost due to additional cost or risk occasioned by rejection of the CM-AR's recommended bidder.

Construction

If a selected trade contractor materially defaults in its performance or fails to execute a subcontract, the CM-AR, without further authorization may fulfill the requirements of the defaulted contract or may select a replacement subcontractor.

Performance and Payment Bonds

The CM-AR will deliver performance and payment bonds to the District no later than the tenth (10^{th}) day after the date the fixed contract amount, or guaranteed price is established. The sums of such bonds shall equal the sum of the fixed contract amount or guaranteed maximum price.

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