

## **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<sup>th</sup>) 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.

\*\*\*\*\*

August 2016, Copyright © 2016 Missouri Consultants for Education