

7010**AWARDING OF CONSTRUCTION MANAGEMENT AT RISK CONTRACTS**

THE SCHOOL BOARD MAY AWARD CONSTRUCTION MANAGEMENT AT RISK CONTRACTS AS ONE OPTION IN ITS EFFORT TO CONSTRUCT QUALITY SCHOOLS IN A TIMELY MANNER. THE RULES LISTED BELOW MUST BE FOLLOWED IN THE AWARDING OF SUCH CONTRACTS.

Authority: F.S. 287.055 and State Regulation for Education Facilities (Section 4.1 (6))

RULES

Administrative procedures for selecting Construction Management at Risk services in compliance with Section 287.055, F.S. and SREF 1999 Section 4.1 (6) are as follows:

1. A public announcement that the School Board of Broward County, Florida is in need of Construction Management at Risk services shall be issued on each occasion when such services are required. The announcement shall be published in The Sun Sentinel, The Herald, The Dodge Report and other appropriate publications identified by the Superintendent, as required by Section 287.055 F.S.
 - a. The project description shall include but not be limited to:
 1. Location(s)
 2. Scope of project work
 3. Budget
 4. Schedule
 5. Value engineering
 6. Specialized expertise for complex projects
 7. Special Requirements
2. **Competitive Selection.** After the Board has determined that Construction Management at Risk services are required, it should use the following process to select a construction manager:
 - a. Upon receipt of qualifying proposals, the Consultants Review Committee (CRC) ("committee") ("selection committee") shall convene to consider the proposals.
 - b. The Consultants Review Committee should evaluate statements of qualifications data submitted by firms proposing to provide services and should determine the relative ability of each firm to perform the services required for the project. The Board should conduct discussions and shall require public presentation by no less than three (3) firms regarding their qualifications, approach to the project, and ability to furnish the required services. Selection should include a point system and should rate, at a minimum, the following criteria:
 1. The company's history, structure, personnel, licenses, and experience.
 2. Related projects similar in scope or amount completed by the company, including name of client or its representative.

3. Financial information such as balance sheet and statement of operations.
 4. Project management, scheduling and cost control systems the company uses for similar projects.
 5. Proposed minority business involvement in the project.
 6. Cost control and value engineering techniques.
 7. Description of litigation, major disputes, contract defaults and liens in the last five (5) years.
 8. Interview.
 9. Confirmation of references.
- c. The selection committee should, based upon points received during the evaluation process, select no less than three (3) firms deemed to be most highly qualified to perform the required services. These three (3) firms, ranked in order of tabulated score, will be forwarded to the Superintendent and the Board.
 - d. After the CRC shortlists no less than three (3) firms The School Board of Broward County, Florida shall interview and rank the three (3) firms deemed to be most highly qualified to perform the required service.
 - e. Registered or non-registered lobbying of CRC members and School Board Members with respect to a pending project/award is prohibited during the time period between the date the RFQ is advertised through the date the contract is awarded by The School Board of Broward County, Florida, and any contact other than that initiated by a School Board Member (written, telephone, email, etc.) relating to a pending project/award, between CRC members and representatives of applicants, and/or, School Board Members and representatives of applicants outside of scheduled meetings with respect to matters of the CRC, and, The School Board of Broward County, Florida, is grounds for disqualification.
3. **Competitive Negotiations.** After the Board interviews and ranks the three (3) firms, the Superintendent, or designated representative should negotiate a contract for services for fees to provide direct management cost of the Construction Management at Risk. Contracts should maintain an "open book" project accounting process, with any savings returned to the Board, pursuant to the contract documents. In the event that fewer than three (3) submittals are received those finalists as determined by the CRC may be considered for selection.
 - a. Should the negotiations not result in a contract with the firm considered to be the most qualified at a price determined by both parties to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated. The Board must be informed prior to undertaking negotiations with the second most qualified firm. If negotiations are commenced with the next ranked firm those negotiations must be settled at a lower amount than the best and final offer of the most qualified firm. The Superintendent, or his designee, should undertake negotiations with the second most qualified firm and thereafter, if necessary, with the third.
 - b. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, additional firms should be selected in accordance with the above-described procedure. Negotiations should continue in accordance with Section 287.055, F.S., or until the board determines not to proceed and to readvertise and begin the process again.

4. **Construction Manager at Risk Duties.** Depending upon the requirements or the Construction Manager at Risk services, duties of the manager may include, but are not limited to, the following:
- a. Pre-design activities:
 - 1. Provide or review project requirements, educational specifications, on and off-site development, survey requirements, preliminary budget, and make recommendations for revisions.
 - 2. Prepare project schedule, including critical path elements, responsibilities of the owner, Construction Management at Risk, architect, contractor, and outside agencies, and update monthly throughout the duration of the contract.
 - 3. Where the program includes renovation or expansion of existing structures, prepare an analysis package outlining the condition of existing structures, existing finishes and existing equipment, code deficiencies, energy use, and life expectancy of other building systems. The package should contain recommendations and cost estimates.
 - 4. Provide project delivery options for the design, bid, and bid packaging of projects for efficient scheduling, cost control and financial resource management.
 - 5. Procure design services or assist the owner with selection of design professionals.
 - 6. Utilize an information and reporting system to provide the Board with accurate and current cost control, work status, including but not limited to, work narrative, work completed/anticipated, schedules, estimated expenditures, and project accounting systems of the project at all times.
 - 7. Provide a project manual which shall describe, as a minimum, the work plan, job responsibilities, and written procedures for reports, meetings, inspections, changes to the project, etc.
 - 8. Provide market analysis and motivation for contractor interest for the publicly opened bids, and recommendations for minority business participation.
 - b. Design phase
 - 1. Provide value engineering recommendations to maximize the Board's capital outlay and operations resources.
 - 2. Attend all project-related meetings and record proceedings.
 - 3. Periodically review all design documents for constructability and compliance with applicable laws, rules, codes, design standards, and ordinances.
 - 4. Periodically update the project schedule and make recommendations for recovery of lost time.
 - 5. Secure and monitor the review and approval process governing authorities.
 - c. Bid and award phase:
 - 1. Maintain a list of potential bidders and subcontractors and solicit bidders, including minority participation.
 - 2. Monitor and review all addenda and coordinate code review compliance.
 - 3. Prepare and issue bid packages, open or assist in the opening and evaluation of bids from at least two bidders for each trade package, and provide written recommendations.
 - 4. Receive and review pre-contract documents as required.
 - 5. Review the schedule of values for balance of tasks vs. dollars and compliance with the project schedule.
 - 6. Review contracts and make recommendations.
 - 7. Provide guaranteed maximum price.
 - 8. Provide value engineering during subcontractor bidding phase.

9. Hold contracts and subcontracts; provide bonding for projects.
- d. Construction phase:
1. Schedule, conduct, and/or attend the preconstruction conference.
 2. Provide contract administration and approval of payments; monitor and record construction progress; review and approve as-builts and maintenance and warranty manuals from all subcontractors; provide limited construction services; and keep a log of all site visits and observations.
 3. Develop and implement procedures to monitor, record, review and approve all submittals, shop drawings, change orders, pay requests, and field orders for budget and schedule impact, and compliance with the contract documents.
 4. Coordinate inspection of all work, materials, and tests prior to wall installation, including substantial completion and occupancy inspections.
 5. Ensure that as-builts are being kept up to date by the contractor.
 6. Make recommendations for correction of nonconforming or substandard work.
 7. Coordinate ordering and delivery of owner supplied equipment.
 8. Coordinate the testing, inspections and approvals of project, delivery of instructions for operating all building systems, including training of maintenance staff for the owner.
 9. Prepare final project accounting and provide written evaluation of the A/E, general contractor and major subcontractors.
 10. Construction Manager at Risk may perform construction services if approved by the Board and upon justification of benefits to contract such as savings in cost, in time, improved quality or other issues relevant to delivery of the project within terms of the contract. Construction Manager at Risk may perform construction services as authorized by law in cases of emergency under procedures approved by the Board.
- e. Minimum One-Year Warranty:
1. Assist owner in completion of warranty work during warranty period.
 2. Assist owner in the warranty inspections (held ten (10) months after occupancy) and completion of required work generated by the inspections.
 3. Assist in the transfer of the project to the maintenance department including the delivery of as-builts warranties, guaranties, and operating instructions.
5. **Board's Duties:** The duties of the Board should include, but not be limited to:
- a. Determine project scope, schedule for construction, funding source(s) and project budget.
 - b. Depending on the scope of Construction Management at Risk contract for services, the Board may also have to provide a site survey, educational plant survey or survey update, educational specifications/program, approvals, easements, assessments, coordination with local government, architectural or engineering services, inspection services, drawings and specifications.
 - c. Provide the Construction Manager at Risk with a description of applicable requirements, state and federal laws, Board policies and processes, schedule, interface/approvals required, payment policies, change orders, inspections, and approval procedures.

Rules Adopted: 9/11/01