

College Operating Procedures (COP)



Procedure Title: Design-Build RFP Construction Procurement
Procedure Number: 04-1003
Originating Department: Office of Financial Services

Specific Authority:
State Requirement for Educational Facility SREF 2014, Chapter 4, Section 4.1 and 4.2
Board Policy 6Hx6:1.01; 6Hx6:1.02; 6Hx6:4.01
Florida Statute 120.57(3); 287.042(2)(c); 255.0516
Florida Administrative Code 6A-14.0734; 6A-1.012

Procedure Actions: Adopted: 03/2010; 2/2011; 4/16/2012; 06/01/17
12/15/2020

Purpose Statement: This College Operating Procedure describes the procurement procedure for design-build construction for approved one-time construction projects.

Guidelines:

A design-build contract means a single contract with either a single design-build (D/B) firm or team of a general contractor that subcontracts with a licensed architectural/engineering firm for both the design and construction of a public construction project. Design build contractors are used for complex construction projects where the College evaluates a variety of criteria, including, but not limited to, the design build team members past directly related experience similar to the project, financial statements, bonding capacity and other unique qualifications in order to hire the most qualified D/B team that also offers the best overall total cost/value.

In the solicitation and selection of vendors for the procurement of goods and services, there shall not be taken into consideration any past, present or future monetary or non-monetary support or contributions and volunteer or partnership activity with the College or the College's direct support organizations. This prohibition of such consideration applies to the solicitation, evaluation process and recommendation to award a contract, and any other portion of the solicitation and selection process.

Procedures:

I. **Phase I: Request for Qualification (RFQ) to hire a Design Criteria Professional (DCP)**

One-time construction projects with a cost of greater than \$200,000:

A. Advertising

1. The Office of Procurement Services will issue a Request for Qualification (RFQ) to be publicly advertised with general circulation throughout the district for three consecutive weeks and will publish to the College's Landing Page via BidNet Direct's Florida Purchasing Group with the last such notice appearing at least seven days prior to the date set for the RFQ opening.

2. The advertisement at a minimum will describe in general terms the project name, name of board, location of project, brief statement describing the design criteria professional statement of work to develop a design criteria package set of project design development technical specifications, date, time and place of RFQ opening and from whom and when the RFQ is available.
3. The Evaluation Team follows the process defined in the COP 04-1006, Architectural & Engineering Services Procurement and recommends the College negotiate a contract with the top ranked DCP. The DCP meets with the College's design team and develops a detailed technical set of design criteria package that will be used in the solicitation of the D/B RFP's below.

II. Phase II: Request for Qualifications (RFQ) to rank/determine which D/B firms will be invited as finalists to participate in Phase III below.

One-time construction projects with a cost of greater than \$200,000:

A. Advertising

1. The Office of Procurement Services will issue a Request for Qualification (RFQ) to the College's Prequalified General Contractors. Exception: At the sole discretion of the College, the College, in addition, can publicly advertise with general circulation throughout the district for three consecutive weeks and publish to the College's Landing Page via BidNet Direct's Florida Purchasing Group with the last such notice appearing at least seven days prior to the date set for the RFQ opening.
2. The advertisement at a minimum will describe in general terms the project name, name of board, location of project, brief statement describing the statement of work to rank D/B teams to determine which D/B teams will be invited to receive the RFP and the projects design criteria package, date, time and place of the RFQ opening and from whom and when the RFQ is available.

B. Evaluation Team

1. The Office of Procurement Services along with the Facilities department shall establish an Evaluation Team of at least four members. The Evaluation Team may consist of representatives from Facilities, Information Technology Services, Financial Services, as well as representatives from the campus and/or program affected by the project. The Procurement Services representative or designee is required to attend every RFQ opening and all Evaluation Team meetings serving as the facilitator to the selection process and not as a voting member. The Design Criteria Professional is to attend all RFQ meetings as a resource to the Team.
2. An Evaluation Team chairperson may be selected and will serve as the liaison between the Evaluation Team members, the Office of Procurement Services and the Facilities department. The Evaluation Team shall evaluate each responding firm's submittal and any other relevant information and attend scheduled public evaluation meetings to discuss the strengths and weaknesses of each D/B team submittal and assign for each proposer evaluation scores to determine D/B team ranking. The Evaluation Team shall recommend no fewer than three firms deemed to be the most highly qualified firms for the project to the Facilities Department and Asst. VP/Finance & Accounting who will review/approve the firms to be short listed and invited to present to the Evaluation Team.

3. In determining whether a firm is qualified, the Evaluation Team shall consider such factors as reviewing the D/B teams financial statements, current bonding capacity, bond grade of AM Best "A-" or better, ability of professional personnel, past performance including confirming the D/B team has successfully completed at least two projects of similar size and complexity within the past five years, willingness to meet time and budget requirements, recent and current and projected workloads of the firm.
4. The Evaluation Team will score/rank the interviewed firms. The Evaluation Team shall recommend to the Facilities Department and Assistant VP/Finance & Accounting no fewer than three firms deemed to be the most highly qualified firms to be invited to receive the Request for Proposal (RFP) (Phase III).

III. Phase III: Design Build Competitive Request for Proposal (RFP)

- A. The Office of Procurement Services will issue a Request for Proposal (RFP) that shall include both the College's sample D/B contract as well as the design criteria package. A design criteria package means concise, performance-oriented technical set of drawings or specifications of the public D/B construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms/teams to prepare a sealed fixed lump sum price/response to the College's RFP. The design criteria package can be developed by the College's architect or by a qualified architectural firm selected to be the Design Criteria Professional (DCP) in accord with the procedures defined in Florida Statute 287.055. The DCP is to not only develop the design criteria package, but to also serve as the Owners' representative to review and approve all D/B team drawings, signing off on the 100% construction drawings (CDs) and certifying that the D/B 100% CDs are consistent with the design criteria package. The Design Criteria Professional is to also provide construction administration services to inspect both the D/B work on the project for compliance with both the 100% CDs and design criteria package as well as review/approve D/B firm payment applications. The D/B RFP will be issued to a minimum of the top 3 ranked firms selected to receive the RFP during Phase II noted above.
- B. The D/B RFP will contain at a minimum, the date, time and location of the submittal as well as definition that the submittal will contain the design-build firm's fixed lump sum price proposal, additive alternates, which includes a GMP as well as requiring D/B firms define in their RFP submittal any allowances or exclusions. The Evaluation Team in a public evaluation meeting will review, evaluate and assign evaluation points to each D/B responsive RFP price proposal. The basis of the recommendation of award is to the most qualified/top ranked D/B team that submitted both a responsive proposal as well as the highest number of RFP evaluation points. The D/B Phase II evaluation scores are not carried over to the RFP Phase III overall scoring. The contract attached to the RFP will be a Stipulated Lump Sum contract and the College will issue a purchase order.
- C. The Evaluation Team shall recommend the top ranked/most qualified design build firm that submitted an overall best total value/points proposal to the Facilities Department and the Assistant VP/Finance & Accounting.

IV. District Board of Trustees Approval

The final recommended rank order will be posted for 72 hours to the College's Landing Page via BidNet Direct's Florida Purchasing Group website on the date defined in the RFP. If the final recommended ranking is not protested, a board agenda is submitted to the District Board of Trustees for their approval prior to any contract negotiation or execution.

The Board agenda recommends that District Board of Trustees authorize College Administration to negotiate and enter into a satisfactory D/B contract with the top ranked D/B team and also empower College Administration to formally terminate negotiations with the top ranked D/B team if a satisfactory contract cannot be negotiated and entered into and to empower the Administration to begin negotiations with the next ranked D/B team until a satisfactory contract can be negotiated and entered into.