

## College Operating Procedures (COP)



<b>Procedure Title:</b>	Construction Management Services Procurement
<b>Procedure Number:</b>	04-1007
<b>Originating Department:</b>	Office of Financial Services
<b><u>Specific Authority:</u></b>	
State Requirement for Educational Facility Board Policy Florida Statute	SREF 2014, Chapter 4, Sections 4.1 and 4.2 6Hx6:1.01; 6Hx6:1.02 1013.45 (1) (c); 287.055; 255.0525 6A-14.0734
<b>Procedure Actions:</b>	Adopted: 01/2010; 2/2011; 4/16/2012; 06/23/2017; 12/16/2020
<b>Purpose Statement:</b>	This procedure describes the procurement process for soliciting professional services of construction managers for approved one time construction projects and for continuing contracts of minor projects with a cost of \$4,000,000 or less.

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### Guidelines:

Construction Managers at Risk (CMs) are licensed general contractors that are used for complex or multi-year funding phased construction projects. The CM is responsible for all scheduling and coordination in both design and construction phases and is generally responsible for the successful, timely and economical completion of the construction project. Pursuant to Florida Statute 287.055, the College publicly advertises and issues a Request for Qualifications (RFQ) where the solicitation includes a variety of prescribed evaluation criteria and evaluation weight of each criterion. The solicitation also shall include the exact scheduled date/time/location for pre-proposal conference meetings, public evaluation meetings, public RFQ opening, finalist interviews and final public evaluation meetings as well as the planned date the College will post to the College's website the recommended intent to award. The solicitation shall attach a copy of the College's authorized pre-approved standard CM contract (if applicable) and require firms to comment during their interview if they have any objections to the use of the College standard contract. The College Evaluation Team reviews responsive proposals and evaluates a variety of criteria, including, but not limited to, the CMs past experience similar to the project, financial statements, current bonding capacity and other unique qualifications, in order to rank the most qualified contractor that would be negotiated with first as opposed to awarding to the lowest responsible bidder (LRB).

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 selectin process.

### Procedures:

- I. One time construction projects and continuing contracts of minor projects with a cost of \$4,000,000 and less.
  - A. Advertising
    1. The Office of Procurement Services will issue a Request for Qualification (RFQ) and publicly advertise in a uniform and consistent manner 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 work, date, time and place of RFQ opening, and how to obtain the RFQ.

B. Evaluation Team

1. The Director of Procurement Services and Director of Facilities 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 designated Architect/Engineer for the project may, at the discretion of the Evaluation Team, serve as an advisor to the Team. 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.
2. An Evaluation Team chairperson may be selected and will serve as the liaison between the Evaluation Team members, Procurement Services and Facilities.
3. The Evaluation Team shall evaluate each responding firm's written submittal, attend scheduled finalist interviews and public evaluation meetings and review any other relevant information. The Evaluation Team in the scheduled public evaluation meeting will discuss the strengths and weaknesses of each submittal and assign/score the submittals to develop a ranking. The Evaluation Team shall recommend no fewer than three firms deemed to be the most highly qualified firms for the project to the Director of Facilities and the Vice President of Operations/CFO who will review/approve the firms to be short-listed and invited to make a formal presentation to the Evaluation Team.
4. In determining whether a firm is qualified, the Evaluation Team shall consider such factors as the ability and adequacy of professional personnel, past performance, experience of at least two projects being completed in the past five years of managing projects of equal size and complexity, experience with building codes, willingness to meet time and budget requirements, ability to furnish the required services, audited financial statements/financial resources, bonding capacity where the bond is underwritten by an underwriter with an AM Best Rating of "A-" or better, where each criterion in the RFQ would have a predefined maximum number of points and either be left as a subjective criterion or quantitative with defined metrics.
5. The Director of Procurement Services will notify the firms who have been "short-listed" and have been selected to present to the Evaluation Team at a designated time and location.
6. The short-listed firms will present before the Evaluation Team allowing the Team to ask questions and evaluate a pre-determined set of criteria to include, but not be limited to, project team and contract methodology, recent, current and projected workloads of the firm.
7. The Evaluation Team in a scheduled public evaluation meeting shall evaluate each responding firm's presentation/interview and any other relevant information resulting in scoring and ranking. The Evaluation Team shall recommend to the Director of Facilities and the Vice President of Operations/CFO the interview recommended rank order.
8. The Vice President of Operations/CFO will bring forth a recommendation to the District President. The President recommends to the

District Board of Trustees the recommended firms for selection of the specified project in ranking order.

9. The final official intent to award is then posted on the scheduled date to the College's website for 72 hours (or 3 business days). After the 72-hour period, the posting is removed. The posting shall include specific protest language as defined in Florida Statute 120.

C. District Board of Trustees Approval

1. The final rank order will be submitted as a District Board of Trustees agenda item recommending that the Florida SouthWestern State College District Board of Trustees approve the College Administration to begin negotiations with the top ranked firm.
2. The Florida SouthWestern State College District Board of Trustees will also authorize College Administration to formally terminate negotiations with the top ranked firm if a satisfactory contract cannot be negotiated and to continue negotiations with the next ranked firm until a satisfactory contract can be negotiated.
3. District Board of Trustees' approval is required prior to any contract negotiations commencing.

D. Contract/Contract Negotiations

1. The Facilities Office will begin contract preparation/contract negotiations after Board approval has been obtained. All contracts will be reviewed/approved by the College's General Counsel prior to submitting to the CM for execution.

*NOTE: To ensure competitive project pricing, the CM is expected to perform bidding of all major subcontractors. A Facilities Department representative should review all bid documents provided by the CM and such documents shall be kept in the Facility project file.*

2. The Facilities department will conduct negotiations on items to include, but not be limited to, clarifying and providing resolution on open items such as delivery team, commencement date, general conditions and pre-construction fee. Negotiations must be formally terminated if the College is unable to negotiate a satisfactory contract with:
  - a. The most qualified firm; and/or
  - b. The second most qualified firm; and/or
  - c. The third most qualified firm;
  - d. Should the College be unable to negotiate a satisfactory contract with any of the selected firms (initial three most qualified), the College shall select additional firms in order of competence and qualifications and continue negotiations;
  - e. At any time, the College, at its discretion, may stop negotiations with all firms and cancel the RFQ.

*NOTE: Once negotiations have been terminated with a firm, and begun with the next firm, negotiations may not be reopened with said firm.*

3. The final negotiated compensation must be fair, competitive and reasonable.