

SECTION 9: REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGEMENT SERVICES

9.1 Construction Manager Process

Due to their complexity and high cost, new construction projects, additions, remodeling, other types of construction services requiring a contractor license estimated over \$100,000.00, which have been authorized in the County budget by the Board, may be selected and awarded through the Request for Qualifications, Construction Management (CM) process received by Procurement Management (“Procurement”, herein).

9.2 Initiating the Procurement of Professional Services

9.2.1 To initiate a construction project (utilizing the CM process) the project sponsoring department should provide Procurement Management with the following information:

- 1) Scope
- 2) Project Background
- 3) Estimated Construction Cost
- 4) Estimated Construction Duration
- 5) Consultant Name (if applicable)
- 6) Any other special qualification requirements

9.2.2 Once received, Procurement Management will prepare the appropriate qualification document.

- 1) Procurement will contact Risk Management to obtain the insurance limited for the document.

9.3 Qualification Selection Committee

9.3.1 Committee Responsibility and Function

The Qualification Selection Committee shall be responsible for evaluating the qualifications and capabilities of contractors who have submitted Statement of Qualifications in response to the County’s announcement soliciting such statements. Evaluation may include such activity as is deemed appropriate by the Committee to verify the qualifications and capabilities of the contractors and their ability to furnish the required services.

The Qualification Selection Committee shall establish by consensus which of at least three (3) firms it deems to be most fully qualified and capable to perform the required services.

9.3.2 Committee Membership

The membership of the Qualification Selection Committee shall consist of the following:

9.3 Qualification Selection Committee (Continued)

There shall be three (3) voting members on the Committee as follows:

- 1) The Director of Public Works (or designee) who shall chair the committee. At the discretion of the Director of Public Works the number of voting members may be expanded to five (5), if the complexity and uniqueness of the project justifies the expansion.
- 2) The director of the project sponsoring department (or designee).
- 3) The project sponsoring department project manager.
- 4) The Committee may include the County Attorney's office (as an "invited" participant), as a non-voting member, participating as legal counsel to the Committee.
- 5) The Director of the Department of Construction & Design (or designee), will also serve as a member of the Committee when the project under consideration involves buildings or facilities for which this department has a responsibility for development, planning, design, construction, maintenance or operation.
- 6) Other persons, as may be designated and authorized in writing by the County Manager, may participate on the Committee but as non-voting members only.
- 7) Others, at the pleasure of the Chair, may be invited to participate in the Committee discussions.
- 8) No outside industry representatives shall be allowed to sit on the Committee as a voting member but may serve as a non-voting, unless approved by the Board.

9.4 Solicitation and Evaluation of Statement of Qualifications

The public shall not be excluded from observing the proceedings under this Section.

- 9.4.1 Upon completion of the Request for Qualification (RFQ) document the public announcement shall:
- (a) be published once in a newspaper with circulation throughout Lee County, and posted on the Procurement web site; and
 - (b) ~~be mailed to contractors on the Master Bidder's list established by Procurement,~~
and
 - (c) state the deadline date and time for submitting the Statement of Qualifications.

Contractors will be given not less than two weeks from the date the public announcement is published to submit their Statement of Qualifications.

9.4 Solicitation and Evaluation of Statement of Qualifications (Continued)9.4.2 Evaluation and Selection Process

- 1) All Statements of Qualifications are to be submitted to Procurement Management. Procurement, on the date and at the time announced as the deadline for submittal for each project, shall open and make a certified record of the Statements of Qualifications received prior to the announced submittal deadline. Statement of Qualifications received after the announced deadline shall be considered ineligible for consideration and shall be returned to the submitter.
- 2) Procurement shall distribute to each of the members of the Qualification Selection Committee a copy of each of the Statements of Qualifications which were received prior to the announced submittal deadline.
- 3) Procurement shall coordinate the scheduling, announcement and arrangements for all meetings of the Qualification Selection Committee.
- 4) At the conclusion of its evaluations the Qualification Selection Committee shall establish by consensus a minimum of three firms most fully qualified and capable to perform the required services for a presentation to the Committee. If less than three fully qualified firms are available, the Committee will select only those fully qualified.
 - a) Procurement will be responsible for scheduling the presentation meeting with the Committee.
 - b) Upon conclusion of its evaluation the Committee shall establish by consensus a recommended ranking of the interviewed firms.
 - c) All Committee meetings shall be recorded by Procurement.
 - c) The Qualification Selection Committee shall evaluate the firms using the Selection Sheet.
- 7) Immediately following the Qualification Selections Committee meeting, the project manager shall forward the Contractor Evaluation Sheet form to Procurement.
 - a) Procurement shall prepare brief minutes of the Qualification Selections Committee meetings for placement in the project file.
 - b) Procurement shall “informally” notify all contractors who submitted a Statement of Qualifications of the selection, “pending Board approval”.

9.5 Award Process

- 9.5.1 The project manager of the project sponsoring department shall negotiate the construction manager percentage (%) fee or negotiate the CM fee (%) and Guarantee Maximum Price (GMP) at the same time, with the selected contractor, based on the estimated total construction cost of the project.
- a) The project manager will obtain a letter from the selected contractor with the agreed upon construction manager fee.
- 9.5.2 The project manager will provide Procurement with the construction manager fee letter. Procurement will be responsible for the preparation of the “Blue Sheet” for Board approval of the construction manager fee.
- 9.5.3 The Department of Public Resources will notify Procurement of the Board’s action on the recommendation of the contract award.

9.6 Construction Manager Agreement

After a contractor has been awarded the construction manager fee by the Board of County Commissioners, Procurement will process the construction manager agreement for execution.

- 1) Procurement will prepare the construction manager agreement for execution by the contractor.
 - a) Procurement will provide the project manager with a copy of the construction manager agreement for review prior to obtaining the contractors execution.
- 2) Contract originals will be forwarded to the contractor by Procurement with instructions as to how to execute the contract.
 - a) The successful contractor must obtain a certificate of insurance in compliance with the requirements of the construction manager agreement. **Note: At this time the contractor is not required to provide the Builders’ Risk Insurance or the Public Payment & Performance Bond.**
 - b) The contractor shall return all copies of the contract and the certificate of insurance to Procurement.
- 3) After receipt of the executed contracts from the Contractor and all originals have been reviewed and approved by Procurement, Procurement will have the contract executed by the Chairman or Vice-Chairman of the Board as follows:
 - a) County Attorney for review and approval as to form prior to the final execution by the chairman or Vice-Chairman of the Board.
 - b) Risk Management for review and approval of the insurance certificate(s) prior to final execution by the Chairman or Vice-Chairman of the Board.
 - c) Chairman or Vice-Chairman of the Board for final execution of the agreement.

9.6 Construction Manager Agreement (Continued)

- 4) After contract execution, the contract must be attested by the Clerk of the Court.
 - a) After final execution by the Chairman or Vice-Chairman all contracts will be forwarded to the Clerk of Courts, Minutes Department.
 - b) A Deputy Clerk in the Minutes Department will attest to all copies of the contract.
 - c) The Minutes Department will return the remaining copies of the contract to Procurement.
 - d) Procurement will be responsible for final distribution of the contract to the Contractor.
- 5) Procurement will issue a contract number which will also serve as the PURCHASE ORDER NUMBER for the project.

9.7 Construction Manager Agreement Distribution

After contract execution, Procurement will distribute the contract to all required parties.

If needed Procurement will issue the Notice to Proceed to the Construction Manager.

9.8 Guaranteed Maximum Price

Once the initial construction manager agreement has been fully executed and distributed the project manager shall begin negotiating the Guaranteed Maximum Price (GMP) with the selected contractor.

- 1) After the construction manager and project manager have gone through the selection of subcontractors, in accordance with established procedures, the construction manager will provide the project manager with the GMP for the project.
- 2) The project manager will provide Procurement with the letter and all supporting documentation from the construction manager. Procurement will be responsible for the preparation of the "Blue Sheet" for Board approval of the Addendum to the Construction Manager Agreement with the GMP fee.
- 3) The Department of Public Resources will notify Procurement of the Board's action on the recommendation of the contract.

9.9 Addendum to the Construction Manager Agreement

After the approval of the Addendum to the Construction Manager Agreement by the Board of County Commissioners, Procurement will process the Addendum for execution.

- 1) Procurement will prepare the Addendum to the contractor with instruction as to how to execute the contract.

9.9 Addendum to the Construction Manager Agreement (Continued)

When the Addendum is forwarded to the Contractor for execution, the Contractor must obtain a Public Payment & Performance Bond and a certificate of insurance with Builders' Risk (if applicable).

- 2) The Contractor shall return all executed copies of the Addendum, the Public Payment & Performance Bond and insurance to Procurement.
- 3) After receipt of the executed Addendum from the Contractor, Procurement will prepare and sign a Notice of Commencement and have the Notice of Commencement recorded with the Public Payment & Performance Bond.
 - a) The Notice of Commencement shall be signed by the Procurement Manager (or designee).
- 4) The Addendum to the Construction Manager Agreement will follow the same process for execution and distribution as in 9.6 and 9.7 above.
- 5) Procurement will advise the project manager that the Addendum has been executed and is now ready to issue the Notice to Proceed.
 - a) When the project sponsoring department is ready to proceed with the construction work, the project manager shall notify, in writing, Procurement of the date to proceed.
 - b) Procurement will prepare and forward a Notice to Proceed to the contractor.

9.10 Contract Contingency – Contract Changes

After a contract has been awarded and the written Notice to Proceed has been issued to the contractor, if the project sponsoring department finds it necessary to have change(s) made in the construction, as set forth and agreed to by both parties, then such change(s) shall be approved and authorized using the appropriate procedure and form as follows:

- 1) CONTINGENCY TRANSFER - At the time the Contractor provides the project manager with the Guaranteed Maximum Price (GMP), as part of that GMP is a line item cost for "contract contingency".
 - a) **PURPOSE** – A Contingency Transfer may be used as a means of the County and the contractor agreeing in writing to provide a record for auditing purposes of changes in costs of the various sub-trades (i.e. plumbing, HVAC, electrical, etc.) This also tracks the use of the contingency to make minor upgrades to the project while staying within the approved upon Guaranteed Maximum Price.

9.10 Contract Contingency – Contract Changes (Continued)

- b) APPROVAL AND AUTHORIZATION – A Contingency Transfer may be approved and authorized by the director of the project sponsoring department or by the designated project manager. The contractor is not authorized to proceed with the change(s) set forth in the Contingency Transfer until the contractor has received a copy of the fully executed Contingency Transfer Approval.
 - c) FORM – A Contingency Transfer Approval must be approved and authorized using Lee County Standard Form CMO:044.
- 2) FIELD CHANGE, FIELD DIRECTIVE CHANGE OR CHANGE ORDER- If the project sponsoring department finds it necessary to utilize a Field Change Order, Field Directive Change or Change Order under the Construction Management Process, the approval, authorization and appropriate form usage, as outlined in Section 8, 8.6 “Contract Changes”, shall be utilized.

9.11 Construction Management Contract Payment Authorization

Payments for all construction management contracts shall be initiated by the project sponsoring department on the County’s Standard Form titled “ESTIMATE AND REQUISITION FOR PAYMENT” (Progress and Final). Refer to Section 8, 8.7 “Construction Contract Payment Authorization”, for Progress Payments and Final Payment process and forms to be utilized under the Construction Management Process.