

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-6821.0

FOR POLICY NUMBER: BP – 6821

ALTERNATIVE CONSTRUCTION METHOD PROCEDURES

1. PROCEDURE SUMMARY STATEMENT

To provide procedures for the construction manager at risk method of construction.

2. DEFINITIONS

2.1 For purposes of this procedure the following definitions also found in the Political Subdivisions Construction Alternatives Act (Neb. Rev. Stat. §§13-2901 to 13-2914) are applicable:

2.1.1 Construction management at risk contract means a contract by which a construction manager (a) assumes the legal responsibility to deliver a construction project within a contracted price to the College, (b) acts as a construction consultant to the College during the design development phase of the project when the College's architect or engineer designs the project, and (c) is the builder during the construction phase of the project;

2.1.2 Construction manager means the legal entity which proposes to enter into a construction management at risk contract pursuant to the act;

2.1.3 Proposal means an offer in response to a request for proposals by a construction manager to enter into a construction management at risk contract for a project pursuant to the act;

2.1.4 Request for proposals means the documentation by which the College solicits.

3. PROCEDURE

3.1 Board Resolution

3.1.1 The Board of Governors shall adopt a resolution selecting the construction management at risk contract delivery system prior to proceeding thereunder. The resolution shall require the affirmative vote of at least two-thirds of the Board.

3.2 Process For Selecting a Construction Manger

3.2.1 For each proposed project, unless the Board has entered into a continuing contract with a construction manager, the Board shall evaluate current statements of qualifications and performance data of persons and firms who are

on file with the College, together with those proposals that may be submitted by persons or firms regarding the proposed project.

- 3.2.2 The public notice shall include a general description of the project and shall indicate how interested persons or firms can apply for consideration for such contract.
 - 3.2.3 The Board shall select a construction manager after receiving a recommendation of the Board's Facilities Committee as hereinafter provided. The person or firm selected by the Board shall be fully qualified to render the required professional service.
 - 3.2.4 The public shall not be excluded from the meetings or proceedings where such findings are made in accordance with the Open Meetings Act.
 - 3.2.5 Notwithstanding any other provisions set forth above, there shall be no public notice requirement or utilization of the selection process as provided herein for projects in which the College is able to reuse existing drawings, specifications, and other documents from a prior project.
- 3.3 Construction Manager - Request for Proposals
- 3.3.1 After adopting the aforementioned resolution the College shall prepare a request for proposal for each construction management at risk contract.
 - 3.3.2 Notice of the request for proposal shall be published in a newspaper of general circulation within the Colleges' service area at least thirty (30) days prior to the deadline for receipt and opening of proposals.
 - 3.3.3 The request for proposal shall contain, at a minimum, the following elements:
 - 3.3.3.1 The project shall be built for the College who shall execute the construction management at risk contract;
 - 3.3.3.2 Policies adopted by the College for entering into a construction management at risk contract;
 - 3.3.3.3 The proposed terms and conditions of the contract, including any terms and conditions which are subject to further negotiation. The proposed general terms and conditions shall be consistent with nationally recognized model general terms and conditions which are standard in the design and construction industry in Nebraska. The proposed terms and conditions may set forth an initial determination of the manner by which the construction manager selects any subcontractor and may require that any work subcontracted be awarded by competitive bidding;

3.3.3.4 Any bonds and insurance required by law or as may be additionally required by the College;

3.3.3.5 General information about the project which will assist the College in its selection of the construction manager, including a project statement which contains information about the scope and nature of the project, the project site, the schedule, and the estimated budget;

3.3.3.6 The criteria for evaluation of proposals and the relative weight of each criterion; and

3.3.3.7 A description of any other information which the College chooses to require.

3.4 Construction Manager Selection Committee and Proposal Evaluation

3.4.1 In evaluating construction managers the College shall refer the proposals to a selection committee for recommendation to the Board Facilities Committee. The selection committee shall be a group of at least five persons designated by the Board. Members of the selection committee shall include:

3.4.1.1 Members of the Board of Governors,

3.4.1.2 Members of the administration or staff of the College,

3.4.1.3 The College's architect or engineer when evaluating proposals from construction managers,

3.4.1.4 Any person having special expertise relevant to selection of a construction manager under the Political Subdivisions Construction Alternatives Act, and

3.4.1.5 A resident of the College's 20-county service area other than an individual included in subdivisions (3.4.1.1) through (3.4.1.4).

3.4.2 A member of the selection committee designated under subdivision (3.4.1.4) or (3.4.1.5) of this subsection shall not be employed by or have a financial or other interest in a construction manager who has a proposal being evaluated and shall not be employed by the College. The committee shall have among its membership at least one person whose profession represents that particular field of endeavor being considered by the Board.

3.4.3 The selection committee shall evaluate proposals taking into consideration the criteria enumerated in subdivisions (3.3.3.1) through (3.3.3.7) of this subsection with the maximum percentage of total points for evaluation which may be assigned to each criterion set forth following the criterion.

3.4.4 The following criteria shall be evaluated, when applicable:

- 3.4.4.1 The financial resources of the construction manager to complete the project, ten percent;
- 3.4.4.2 The ability of the proposed personnel of the construction manager to perform, thirty percent;
- 3.4.4.3 The character, integrity, reputation, judgment, experience, and efficiency of the construction manager, thirty percent;
- 3.4.4.4 The quality of performance on previous projects, thirty percent;
- 3.4.4.5 The ability of the construction manager to perform within the time specified, thirty percent;
- 3.4.4.6 The previous and existing compliance of the construction manager with laws relating to the contract, ten percent; and
- 3.4.4.7 Such other information as may be secured having a bearing on the selection, twenty percent.

3.4.5 The records of the selection committee in evaluating proposals and making recommendations shall be considered public records for purposes of Neb. Rev. Stat. §84-712.01.

3.5 Board Evaluation and Negotiation

- 3.5.1 As previously provided, the Board shall evaluate and rank each proposal on the basis of best meeting the criteria in the request for proposals and taking into consideration the recommendation of the selection committee as provided for herein.
- 3.5.2 The Board shall attempt to negotiate a construction management at risk contract with the highest ranked construction manager and may enter into a construction management at risk contract after negotiations. The negotiations shall include a final determination of the manner by which the construction manager selects a subcontractor. If the Board is unable to negotiate a satisfactory contract with the highest ranked construction manager, the Board may terminate negotiations with that construction manager. The Board may then undertake negotiations with the second highest ranked construction manager and may enter into a construction management at risk contract after negotiations. If the Board is unable to negotiate a satisfactory contract with the second highest ranked construction manager, the Board may undertake negotiations with the third highest ranked construction manager, if any, and may enter into a construction management at risk contract after negotiations.

3.5.3 If the Board is unable to negotiate a satisfactory contract with any of the ranked construction managers, the Board may either revise the request for proposals and solicit new proposals or cancel the construction management at risk process under the Political Subdivisions Construction Alternatives Act and this Procedure.

3.6 Other Applicable Provisions

3.6.1 A construction management at risk contract may be conditioned upon later refinements in scope and price and may permit the College in agreement with the construction manager to make changes in the project without invalidating the contract. Later refinements under this section shall not exceed the scope of the project statement contained in the request for proposals.

3.6.2 Nothing in the Political Subdivisions Construction Alternatives Act or these procedures shall limit or reduce statutory or regulatory requirements regarding bonding or insurance.

3.6.3 The College shall not use a construction management at risk contract for a project, in whole or in part, for road, street, highway, water, wastewater, utility, or sewer construction.

4. APPLICABILITY

N/A

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DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Admin Services

SPONSORING DIVISION/DEPARTMENT: Administrative Services

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