

## SELECTING CONTRACTING FIRMS UTILIZING THE ALTERNATIVE DELIVERY METHOD: GENERAL CONTRACTOR/CONSTRUCTION MANAGER (GCCM) SELECTION

While Board Policy 7320 ([www.gfps.k12.mt.us/sites/default/files/Policy%207320%20Final%208-21-17.pdf](http://www.gfps.k12.mt.us/sites/default/files/Policy%207320%20Final%208-21-17.pdf)) outlines bid and contract procedures, districts can also utilize an alternative delivery method which results in the selection of the General Contractor/Construction Manager (GCCM).

The alternative delivery method is provided for in Montana Codes Annotated. The details can be found in Title 18 (Public Contracts), Chapter 2 (Construction Contract), Parts, 501, 502 and 503 (Alternative Project Delivery Contracts): [www.leg.mt.gov/bills/mca/title\\_0180/chapter\\_0020/part\\_0050/section\\_0010/0180-0020-0050-0010.html](http://www.leg.mt.gov/bills/mca/title_0180/chapter_0020/part_0050/section_0010/0180-0020-0050-0010.html), [www.leg.mt.gov/bills/mca/title\\_0180/chapter\\_0020/part\\_0050/section\\_0020/0180-0020-0050-0020.html](http://www.leg.mt.gov/bills/mca/title_0180/chapter_0020/part_0050/section_0020/0180-0020-0050-0020.html) and [www.leg.mt.gov/bills/mca/title\\_0180/chapter\\_0020/part\\_0050/section\\_0030/0180-0020-0050-0030.html](http://www.leg.mt.gov/bills/mca/title_0180/chapter_0020/part_0050/section_0030/0180-0020-0050-0030.html). This method has been successfully deployed on countless other projects for school districts statewide, including Billings, Missoula, and Helena. This process is explained below.

### MEETING LEGAL CRITERIA

Before a public entity can utilize the alternative delivery method, it must first establish that it has the authority to do so by meeting a certain number of criteria set forth in MCA 18-2-502 (above). GFPS is using this process because the projects identified by the District specifically fall under the criteria outlined in 18-2-502 in that they have significant cost and schedule ramifications where alternative project delivery is deemed to be the most effective project delivery. These criteria are met in a written determination that demonstrates the District is able to benefit from a shortened construction duration, realize savings through value engineering, building systems analysis, life cycle analysis, and construction planning. The selection of a GCCM is a 3 part process that includes an RFQ, RFP, and interview.

The establishment of the criteria must be set forth in writing with evidence noted. You can see the district's determinations for the Giant Springs Elementary School (previously called Roosevelt Replacement), for CMR and for GFHS at these links: [http://gfps.k12.mt.us/sites/default/files/2877\\_001.pdf](http://gfps.k12.mt.us/sites/default/files/2877_001.pdf), [http://gfps.k12.mt.us/sites/default/files/3395\\_001.pdf](http://gfps.k12.mt.us/sites/default/files/3395_001.pdf), and <http://gfps.k12.mt.us/sites/default/files/GFHS%20Alt%20Proj%20Del%20Cont.pdf>

### REQUEST FOR QUALIFICATIONS (RFQ)

In order to determine which firm is qualified to perform the GCCM services for a project, GFPS issues a request for qualification that is publicly advertised per MCA requirements. The requirements are clearly laid out in the RFQ and include:

- Scope of services provided for preconstruction services
- Scope of services for construction services
- A detailed description of the selection procedure
- Pass/fail qualification criteria that contains the following items:
  - General Contractor/Construction Manager Firm Information:
    - Proposer must demonstrate successful experience and capacity to act as a GC/CM on projects of similar size, type and complexity. Specifically, the District will be looking for successful experience constructing schools.
    - Firm Background: Description of firm's history. Include information identifying the firm's annual volume of business, financial/bonding capacities, and speak to the firm's stability in the marketplace. Information identifying the firm's strengths and weaknesses along with special capabilities that may be appropriate to this Project will assist in the evaluation.
    - Provide complete information on bonding company and agent.

- Provide contact name, phone and email information for this project.
- If less than 5 years, or not your exclusive surety source, list others used in the last 5 years
- In the last five (5) years, have the firm (for each "yes" response provide an explanation):
  - had a settled or pending claim against your payment or performance bond?
  - had a contract terminated for default on a project?
  - been assessed liquidated damages for late delivery of a project?
  - taken legal action or dispute resolution proceedings against an Owner other than for an Owner's failure to pay?
- Proof of Bonding Capacity: The Proposer must be capable of providing a 100% performance bond and 100% payment bond for a project valued up to \$15 million in construction costs, as documented by a letter or binder from the Surety.
- Construction Contractor Registration: Proposer must include evidence of valid current Montana construction contractor registration submitted with the RFQ response.
- Safety: Provide incidence rate, experience modification rate, AND loss ratio. An incidence rate greater than the latest average for non-residential building construction as established by the federal Bureau of Labor Statistics (BLS) for the prior year or an experience modification rating (EMR) greater than 1.0 may result in immediate disqualification on this item.
  - Include number of employees.
  - Proposer may submit an explanation for incident rate, EMR, and/or loss ratio greater than those listed here for further consideration by the Owner. The Owner reserves the sole right to waive the pass/fail requirement if, in the Owner's sole judgment, sufficient justification exists for any explanation provided. The Owner also reserves the right to request additional information and/or clarification on this item but is not obligated to do so prior to making its determination on whether or not to waive the requirement.

### REVIEW OF RFQ SUBMITTALS

On a given day, at a given time, the District's Facility Selection Committee meets to review the RFQ submittals. The Committee is typically comprised of the Board Chair, a second trustee, the superintendent, an assistant superintendent, the principal of the facility, the business operations director, and supervisor of buildings and grounds. The Committee determines which firms then proceed on to the next step of the process by meeting the requirements of the RFQ.

### REQUEST FOR PROPOSALS /INTERVIEW

Firms selected by the Committee are then asked to submit a Request for Proposal (RFP). The RFP clearly describes the District's needs with respect to the project, the submittal requirements, and the scoring system. The scoring system is based upon 3 criteria that are specifically listed in the RFP. The Committee narrows down the firms to interview after a committee evaluation of the RFP using the following criteria:

- Project approach-This comprises 1/3 of the score for the proposer. Each firm is asked to submit details of their project approach that include duties of project personnel, experience with the selected design firm, critical construction components of that particular project, safety features, ability to facilitate a local subcontracting plan, and project schedule.
- Price-This component also represents 1/3 of the score for the proposer. Each firm is asked to submit a preconstruction services fee, their fee based on the estimated cost of work, their costs for reimbursables, and the method of adjustment for change orders. These costs are broken out and leveled across to ensure a fair comparison.
- Interview-This is the final 1/3 of the scoring. Each selected firm is given the same amount of time to interview, the format on how they present is at the discretion of the proposer. The Committee then scores each firm on how they felt each firm presented their information. It is noted the committee

members who sit in on the interview are the same committee members that reviewed all prior materials in the process.

The score are totaled and the firm with the highest total score is awarded the project pending Board approval.

#### BOARD APPROVAL

The Board takes official action at a publicly noticed regular or special Board meeting to hire the successful firm, by recommendation of the Committee. The firm selected is then able to begin work on the project.