

39.10.360 - General contractor/construction manager procedure — Contract award process

#	Comments	Response	Proposed Changes (Best Practices/Legislation)	Scope (Procurement/PreCon/Construction/Administration)
1	The Specified General Conditions should be clearly defined. GCCM is often used and best applied to projects that are heavily phased, occupied facilities or early in design with limited understanding of permitting constraints, site logistics, constraints or complexity of construction. Quantifying the amount of time key personnel and other potential general condition items that will be needed during the construction phase is thus best determined during the preconstruction phase in order to provide best value to the project. During development of the MACC time allocation and the quantification of Specified General Conditions related to project management can be based on the phasing of work, scheduling to meet stakeholder and permit requirements and responding to project specific circumstances and final construction types. The following need to be considered when creating a RFP and the Specified General Conditions:	It can be difficult to lock down a fixed amount for SGCs on certain projects and the fixed amount can end up being negotiated as the work is clarified during design and preconstruction. Using a fixed amount is desirable, however flexibility in what pricing is required would benefit the industry to allow for more meaningful cost certainty for a project. Potentially revising the language to expand the ability of agencies to use other price factors during GCCM procurement. Need to be aware of how this change would affect flow down RCWs.	Legislation "After the committee has selected the most qualified finalists, at the time specified by the public body, these finalists shall submit final proposals, including sealed bids for the percent fee on the estimated maximum allowable construction cost and the one or more price-related factors fixed amount for the general conditions work specified identified in the request for proposal. All price-related factors used for evaluation purposes must be clearly delineated in the solicitation."	Procurement
1a	All proposers should be using the same level of effort (hours) for the scope of work defined by the public agency for evaluation purposes. Project staff and key personnel should be clearly defined. Public Agencies should only ask for the GCCM hourly rates for labor. They should not ask for the anticipated level of effort since this will be determined during the preconstruction phase. Requiring GCCM's to identify the level of effort when determining the total cost for SGC and using for the evaluation of a proposal creates an uneven playing field. Our recommendation is to eliminate the use of lump sum SGC for the purposes of evaluation and introduce an hourly rate analysis for key personnel with an understanding that support personnel will also be determined once the scope of the project is better defined as they are typically unquantifiable at the RFP stage. This approach ensures the public agency is not over paying for SGC's or that conversely the project is inadequately staffed for the work and eliminates a potential for manipulation of the level of effort to skew the cost evaluation of the RFP.	Best practices should address how to level the playing field amongst the bidders, either by establishing the hours for staff used under SGCs or by asking for hourly rates. Best practices should explore this area and provide guidance to owners	Best Practices	Procurement
1b	Using a catch all for anticipated staffing should not be part of the SGC analysis. For example – "All other supporting staff" should not be used. It creates an uneven playing field and is best determined during the MACC development.	Same Comments as 1a	Best Practices	Procurement
1c	Use the Cost Allocation Matrix as the governing document for items to be included in the SGC. Blanket statements similar to <u>all other SGC Costs required by the contract documents</u> provides opportunity for error. Division 0 and Division 01 are complex and often include personnel requirements that may not be reflected in the key personnel or describe temporary construction measures that are well suited for NSS application. The Cost Allocation Matrix as the governing document ensures that all proposers are including the same scope and avoids inadvertently pushing items into the SGC that are inappropriate or unintended.	Same Comments as 1a	Best Practices	Procurement
1d	Through the use of the Cost Allocation Matrix, all items that are unquantifiable at the time of the RFP should be identified as Negotiated Support Services as opposed to SGC regardless of the scope of work. We are seeing temporary construction measures working their way into the SGC's as opposed to remaining in the NSS to either be determined when the project is better defined or paid at cost plus fee as the work is completed. For example, shoring, perimeter safety rail, temporary protection, temporary power, dumpsters, temporary barricades, these are all items that are unquantifiable until the scope and phasing of a project is defined.	Same Comments as 1a	Best Practices	Procurement
2	Bonds and Insurance should be evaluated separately from the SGC or the fee line items. These are components that as industry standard are calculated based on the Total Contract Cost as a percentage of the value of the work. As such, these items are applied to SGC, NSS, Fee, etc. in addition to the cost of work. By including them either as a part of the SGC or the Fee, the calculations to cover these costs become complicated and if included as a part of a lump sum value, result in either over or understated values depending on the final MACC value. If the bonds and insurance were listed as a separate item and applied to the total, this would simplify the calculation and ensure the appropriate value while remaining a part of the overall evaluation process. (If not called out separately, the bonds and insurance should reside with the fee line item because it is applied as a percentage, this ensures the value included most closely aligns with the actual calculation of cost.)	Same Comments as 1a. Need to address price factors in best practices discussion	Best Practices	Procurement
3	Provision 39.10.360(1)	Committee agreed to delete this provision as it is really guidance and belongs in the best practices document.	Legislation Delete provision and move to best practices. Need to review against E/MCCM provisions to ensure it's not duplicated there.	Procurement
4	No advertisement requirements identified for the overall GCCM procurement services.	Committee agreed that there should be similar advertisement provisions for GCCM as there are for DB.	Legislation Added the following Language to statute: "The public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be done, a notice of its request for qualifications from proposers for general contractor / construction manager services, and the availability and location of the request for qualifications documents. "	Procurement
5	Is 39.10.360 (6) providing sufficient information around preconstruction services? This is the first point that precon is actually discussed in detail.	There doesn't seem to be any real confusion on precon, and it's use is not prescribed in as much detail as other parts of the GCCM legislation. Doesn't really need any changes to the description, but should be discussed in detail in the best practices.	Best Practices	Procurement
6	Revise 39.10.360 (2)G to utilize similar language used in 39.10	Intent is fine, but the language should be similar to other language used in the 39.10 statute.	Legislation	
7	Revise 39.10.360 (3) to help reduce barriers into proposing on GCCM project.	Committee agreed to look at the DB requirements and see if they are similar to those in GCCM, with a focus on reducing potential barriers to firms trying to enter the GCCM market.	Legislation	
8	Revise 39.10.360 (4). Language is repetitive and very specific administratively.	Committee agreed to clean up section to provide clarity, reduce redundancies, reduce prescriptiveness of provisions, and to make similar to other language used throughout 39.10	Legislation	