



## Legislation Details (With Text)

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**Title:** Discussion of issues relating to a Request for Qualifications (RFQ) for a Construction Manager-at-Risk (CMAR) for the new Community/Recreation Center and Pool House project (Type B funded).

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**Attachments:** 1. 09-29-2021 RFQ for CMAR - Final Draft, 2. 2021-01 DP Rec Study Final Report, 3. 2019-11 DP Program\_CommCtr, 4. 2019-11 DP Program\_RecCtr

Date	Ver.	Action By	Action	Result
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Discussion of issues relating to a Request for Qualifications (RFQ) for a Construction Manager-at-Risk (CMAR) for the new Community/Recreation Center and Pool House project (Type B funded).

### Summary:

Historically, the City has utilized the traditional competitive bidding process for construction projects commonly referred to as the “Design - Bid - Build” process. Until the May 2019 City Charter election, the Charter provided competitive bidding as the exclusive method for construction delivery. The May 2019 Charter election amended the City Charter to allow other construction procurement methods that are permissible under State law.

State law (Govt. Code Chapter 2269) provides for the following construction delivery methods:

**Competitive Bidding** (Design - Bid - Build) - is a procurement method by which a governmental entity contracts with a contractor for the construction, alteration, rehabilitation, or repair of a facility by awarding the contract to the lowest responsible bidder.

**Competitive Sealed Proposals** - is a procurement method by which a governmental entity requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a general contractor for the construction, rehabilitation, alteration, or repair of a facility.

**Construction Manager-Agent** - is a delivery method by which a governmental entity contracts with a construction manager-agent to provide consultation or administrative services during the design and construction phase and to manage multiple contracts with various construction prime contractors.

**Construction Manager-at-Risk (CMAR)** - is a delivery method by which a governmental entity contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility.

**Design-Build** - is a project delivery method by which a governmental entity contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility.

**Job Order Contracting** - is a procurement method used for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite.

### **Determining the Method that Provides the Best Value**

State law provide that:

- a) the governing body of a governmental entity that considers a construction contract using a method authorized by this chapter other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity.
- b) The governmental entity shall base its selection among offerors on applicable criteria listed for the particular method used. The governmental entity shall publish in the request for proposals or qualifications:
  - 1) the criteria that will be used to evaluate the offerors;
  - 2) the applicable weighted value for each criterion; and
  - 3) for state agencies, a detailed methodology for scoring each criterion.
- c) The governmental entity shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded.

### **Selecting the Construction Manager-at-Risk (CMAR) Method**

The traditional Competitive Bidding method can work well when complexity is minimal, the schedule is important, but not critical, and the project has an average degree of difficulty. However, on projects that are complex and when the schedule is critical, as is the case in the new Community/Recreation Center project, the CMAR is the preferred method.

For these reasons, City staff proposes that the CMAR method is the most appropriate and provides the best value for the new Community/Recreation Center and Pool House project. Under this method, the City selects the architect and then separately select the CMAR through a two - step process as follows:

Step 1: Issue a Request for Qualifications (RFQ). At this step, the City may not request fees or prices in step one.

Step 2, the City may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and prices for fulfilling the general conditions.

The contract with the architectural firm (BSW Architects) has been approved and executed. At the August 16, 2021 meeting of the Deer Park Community Development Corporation (DPCDC) Board of Directors meeting, the Board authorized staff to complete the RFQ for the CMAR, and when

completed to request City Council's authorization to issue the RFQ.

Fiscal/Budgetary Impact:

Type B funded.

Discussion only during workshop. An action item is on the September 21, 2021 Regular City Council Meeting agenda to authorize issuance of a Request for Qualifications (RFQ) for the Construction Manager-at-Risk (CMAR) on the new Community/Recreation Center and Pool House project.