SECTION 4-6: DESIGN-BID-BUILD

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4-6-00 POLICY

This section sets forth polices, procedures and guidance for Design-Bid-Build of federally-owned real property assets, the traditional method that utilizes two or more separate and discrete contracts to deliver a facility. Usually there is one design (architect-engineer contract) and one or more construction contracts. Under this arrangement there is no privity between the contracts. The designer who develops the plans and specification (contract documents) cannot direct or supervise construction.

The procurement of architectural-engineering (A/E) services is qualifications based, in accordance with FAR 36.6 and the requirements of the Brooks Act (40 U.S.C.1101-1104). The Brooks Act "declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices". Construction can be procured using sealed bids in accordance with FAR 36.1 and FAR 36.2. Construction can also be procured under FAR 36.214 Special Procedures for Price Negotiation in Construction contracting.

4-6-10 PROCEDURES

The following information is provided to assist with the planning and implementation of Design-Bid-Build projects. Exhibit X4-6-A provides a checklist for the sequence of events leading up to award of an Architect/Engineer design contract.

A. REQUEST TO UTILIZE DESIGN COMPETITIONS

The OPDIVS shall obtain permission to utilize design competitions from the Assistant Secretary for Administration and Management through the Office for Facility Management and Policy.

B. PRE-DESIGN PROCEDURES

Prior to advertising design services the OPDIV must ensure that adequate funds are available to complete the design of the project; that the Planning and Programming documents and HHS Facility Project Approval Agreement and statement of work are complete; evaluation criteria is established and the government estimate is complete.

1. Availability and Certification of Design Funds: Designs for new facilities, replacement facilities, and building additions must be accomplished with funds appropriated for the specified project. Designs for building improvement projects must normally be accomplished with specifically designated funds or with lump sum amounts appropriated for repairs and improvements.

Guidance should be requested from the OFMP, in the event of questions on the appropriateness of proposed design funding sources.

In unusual cases where time is critical, and the appropriation/apportionment appears to be imminent, it may be appropriate to advertise for design services before the funds are actually received. In such cases, the Contracting Officer should obtain a written statement from the agency's financial management officer to the effect that appropriation and apportionment of proper funds is expected within 60 days. Wording should also be included in the announcement to the effect that the Department expects to receive design funds in the near future, and that the award of the A/E contract is subject to the receipt of these funds.

2. Planning and Programming Documents and HHS Facility Project Approval Agreement: The planning and programming documents and HHS Facility Project Approval Agreement (FPAA) define a large portion of the scope of work, and are essential to the A/E selection process. Therefore, planning and programming documents clearly defining the project scope and requirements should be approved prior to advertising the procurement. An HHS Facility Project Approval Agreement must be approved by the Department prior to awarding a design contract.

3. Preparation of the A/E Statement of Work: The A/E Statement of Work is the key document in the actual performance of the work. A well-prepared statement of work minimizes negotiation problems, eliminates ambiguities, and assures that the design will satisfy program needs. The planning and programming documents should be incorporated into the Statement of Work or attached to the Statement of Work to describe the project requirements and concept. The Statement of Work should be tailored to the specific design requirements of each project. Typical areas covered by the Scope of Work are pre-design services, basic design service and optional construction contract administration services. See Exhibit X4-6-B for a Sample Statement of Work.

4. Evaluation Criteria: In qualification-based selections, the Evaluation Board establishes criteria to be used in evaluating the A/E firms before making the public announcement. The criteria for qualification-based selections shall conform to the Federal evaluation criteria set forth in FAR 36.6.

   In design competitions the selection of the A/E is based on a comparison of proposed solutions to planning and programming documents or the design problem.

   The evaluation criteria will be listed in the announcement, in descending order of importance.

5. Government Prepared Estimate of A/E Costs: The rules governing preparation of the independent government estimate of the cost for required A/E services are set forth in FAR 36. The estimate shall be prepared on the basis of a detailed analysis of the required work as though the Government were submitting a proposal. The estimate must be prepared prior to publishing the FedBizOpps announcement. The independent government estimate serves two main purposes:

   a. It determines the sufficiency of funds to cover the project as outlined in the statement of work. If the estimate indicates that the allocated funds are not sufficient to cover the proposed project, the procuring agency may modify the statement of work or pursue an authorized increase in funding.

   b. It serves as a guideline to measure the reasonableness of the A/E firm's fee proposal. Major differences between the government estimate and the A/E cost proposal, or the scope of services to be furnished, should be investigated thoroughly. Major differences may indicate that the statement of work is not clearly defined or communicated. Any changes that are

made in the government estimate or statement of work must be agreed upon by both the Contracting Officer (CO) and the technical staff and recorded in the CO's file.

The fee estimate for design shall not exceed six percent (6%) of the estimated cost of construction, as required by law. Other required services, not related to design, must be included in the estimate but are not included in the 6% calculation. The maximum fee limitation does not apply to the following A/E services: preparing planning and programming documents; feasibility studies; measured drawings of existing facility; subsurface investigations; structural, electrical, and mechanical investigation of existing facility; topographic/ boundary/ utilities surveys; special consultant services; the cost of reproducing drawings and specifications for bidding and for distribution to prospective bidders and plan file rooms; reproduction of approved designs through models, color renderings, photographs, or other presentation media; travel and per diem allowances; supervision or inspection of construction, review of shop drawings or samples and other services performed during the construction phase; and all other services that are not integrally a part of the A/Es design services.

C. EVALUATION BOARDS

The OPDIVS shall establish appropriate evaluation boards or juries to evaluate A/E qualifications to design HHS facilities.

1. The Evaluation Board for architect-engineer services shall be established according to FAR 36.602-2. It is recommended that the board include registered professionals representing relevant architectural and engineering disciplines. The board could also include members representing the program users to be housed in the facility, operations and maintenance, agency planning and other specialized support functions. The agency official responsible for facilities will establish an Ad Hoc Evaluation Board for each architect-engineer contract.

2. Duties of the Chairperson - The Chairperson of the A/E Evaluation Board for all contracts will assist the OPDIV Facility Manager or designee in appointing the members of the board. In addition, the Chairperson will call and preside over as many meetings as he/she deems necessary to complete the selection process. The Chairperson will also recommend the assistance of other technical personnel (non-voting technical advisors) who may make a substantial contribution to the evaluation process. The Chairperson will also develop the final selection report for approval and inclusion in the contract file.

3. Competition Advisor - In the rare event that a design competition is contemplated the OPDIV shall appoint a Competition Advisor. The Competition Advisor serves as the sponsoring OPDIV's focal point for the design competition. The Competition Advisor should be a registered architect who holds a senior position within OPDIV or HHS. The Competition Advisor may be hired from the outside if HHS does not have qualified personnel available for the assignment. The Competition Advisor will: prepare the Competition Announcement; assist in the preparation of the Program of Requirements; establish eligibility requirements and register the competitors; assist in the recruitment of design jurors; establish competition security protocols; and establish the presentation format for the competition.

4. Design Competition Jury - The jury should be composed of nationally recognized registered architects and engineers including senior HHS design professionals. The jurors or members of their staff are not allowed to compete for the project. (See 4-6-20B when used.)

D. DESIGN-BID-BUILD PROCEDURES

1. Public Announcements - The Government shall make a public announcement of any planned A/E selection. See paragraphs 4-6-20A and 4-6-20B for additional information.

2. Evaluation Procedures - A/E firms shall be evaluated and rated to establish the competitive range. Each evaluation board member shall review the information submitted by each A/E firm and rate the firms individually. When the members have finalized their rankings of the firms, they shall be tabulated and summarized. See Exhibit X4-6-C for a Sample Selection Evaluation Form. From this summary, the firms within the competitive range are selected for interviews. At least three of the top firms thus selected shall be notified and scheduled for discussions (interviews).

3. Interviews - The evaluation board shall clearly communicate to each firm the evaluation criteria, time allowed and key A/E personnel that should attend the interview. Firms should be allowed sufficient time to prepare for interviews. The topics must stay within the parameters established in the announced evaluation criteria in the public announcement. At the end of the interviews, the board members shall rank the interviewed firms again, using the previously established ranking criteria. With the approval of the OPDIV Facility Director, telephone interviews may be conducted with A/E Firms for small projects in accordance with the Short Selection process described in the FAR.

4. Selection Report - The selection report shall be prepared by the Chairperson of the board, and signed by the Chairperson and each member of the board. It shall include a list of the most highly qualified firms (not less than three) ranked in terms of relative qualifications. This report shall document the extent of the evaluation and the considerations upon which the recommendations were based. The report shall be submitted to the Selecting Official.

5. Negotiations - Negotiations shall be conducted with the top-ranked A/E firm. If a mutually satisfactory contract cannot be negotiated with that firm, the CO shall obtain a best and final offer, in writing, from the prospective A/E firm, terminate the negotiations, and so advise the firm. Negotiations shall then be initiated with the next listed firm in the order of preference, and this procedure shall continue until a mutually satisfactory contract has been negotiated. If negotiations fail with all the listed firms, the selection process shall reconvene. Promptly at the conclusion of any negotiations, a memorandum setting forth the principal elements of the negotiations shall be prepared for use by the reviewing authorities and for inclusion in the contract file.

6. Design Contract Award - After the selection of the A/E firm and conclusion of negotiations, the CO shall award the contract. The contract and the statement of work shall reflect any changes that were agreed upon during negotiations. The contract shall set forth the scope, the period of performance (i.e., the start and completion dates), a schedule of submissions, and method of payment. The contract shall reflect the A/E firm's assurance that it will provide a design that can be constructed within the Government's construction/renovation cost estimate.

7. Design Contract Administration - Each OPDIV shall decide the appropriate key staff for any project team depending on complexity, cost, type of construction, etc. Key team members that may be involved in design projects are: Contracting Officer, Project Officer (COTR), Architect/Engineer, and Commissioning Agent (if required see Section 3-10).

   a. Monitoring Schedule, Scope, and Cost: In addition to review of the work it is standard practice for project officers to measure performance of design projects using management tools that evaluate progress with respect to schedule, scope and cost. By integrating the resultant data, useful information is derived which can be used to determine the percentage of work complete for payment purposes or to identify schedule problems, which require corrective action on the part of the contractor.

b. Submittals: The need for submittals shall be determined by the OPDIVs. (See Section 4- 3) The OPDIVs shall define the scope, process, elements, and documentation of the submittal approval activity.

c. Contractor Payments: Contractor progress or partial payments are usually made periodically (monthly) during the progress of the Project or at specific submittal authorized in the contract. The amount of payment is usually based upon the contract amount or an approved progress schedule, and project officer recommendation to the Contracting Officer for payment. From time to time, payments may be reduced for cause, as outlined in the FAR. Approval authority for progress payments rests with the Contracting Officer.

d. Final Payment: Contractor final payment is made at the end of the Project when the contractor has satisfactorily accomplished all provisions and requirements of the contract. The project officer addresses design issues and reports any deficiencies to the Contracting Officer. Approval authority of final payment rests with the Contracting Officer.

8. Pre-Acquisition Review (PAR) for Construction Contracts - The Contracting Officer will take charge of and manage the project acquisition and the construction contracting process. The architect/engineer is responsible for the professional quality, technical accuracy, and coordination of all services required under their contracts including adequacy of the plans and specifications. The OPDIVs are encouraged to establish a pre-acquisition review process to assure that everyone involved in the development and assembly of the construction acquisition package confirms that the package is complete and satisfactory. Under the direction of the Contracting Officer, the PAR team should consist of the Contracting Officer, Contracting Officer's technical representative, architect/engineer, OPDIV's technical review team, and the Office of General Counsel. It is recommended that the PAR team review the construction contract to assure that all applicable provisions and clauses are included. The PAR team should confirm that the construction acquisition package is in accordance with the Facility Project Approval Agreement (FPAA).

9. Pre-Bid Conference - OPDIVs are encouraged to hold on-site pre-bid conferences for all construction projects. The agenda will vary depending on the scope and complexity of the project. For major projects, it is recommended that OPDIVs use the services of a professional recorder to record the proceedings and send each participant a hard copy of the meeting record.

10. Submission of Bids or Proposals – Consistent with FAR Part 14 or 15, as appropriate, bids or proposals must be submitted in accordance with the terms and conditions of the solicitation, which shall specify a due date, time and location for submission.

11. Evaluation of Bids or Proposals - If sealed bidding procedures are used, the contracting officer will follow evaluation requirements of FAR Part 14. If a negotiated acquisition, then the contracting officer will follow the evaluation requirements of FAR Part 15, including the provision at FAR 52.215-1, which allows for award without discussion.

12. Contract Award - Contract award will be made with reasonable promptness upon completion of the evaluation of the offers pursuant to the relevant FAR provisions and terms of the solicitation.

13. Construction Contract Administration - Each OPDIV shall decide the appropriate key staff for any project team depending on complexity, cost, type of construction, etc. Key team members that may be involved in construction projects are: Contracting Officer, Project Officer (COTR), Architect/Engineer, Commissioning Agent (if required) and the Construction Contractor.

a. Monitoring Schedule, Scope, and Cost: In addition to visual inspections of the work and materials, it is standard practice for project officers to measure performance of construction projects using management tools that evaluate progress with respect to schedule, scope and cost. By integrating the resultant data, useful information is derived which can be used to

determine the percentage of work complete for payment purposes or to identify schedule problems that require corrective action on the part of the contractor. In so doing, the project officer is applying the most basic Earned Value principles.

b. Submittals: The need for submittals shall be determined by the OPDIVs, as required by the appropriate acquisition regulation, the contract, and the pre-construction conference agenda. Typically, submittals take one or more of the following forms: shop drawings, plans, diagrams, catalog submittals, color charts, samples, mock-ups, safety plans, testing plans, test results, disposal plans, coordination drawings, production plant visits, as-built drawings, and other associated information. Substitutions may be allowed only at the discretion of the Contracting Officer. The OPDIVs shall define the scope, process, elements, and documentation of the submittal approval activity.

c. Contractor Payments: Contractor progress or partial payments are usually made periodically (monthly) during the progress of the Project. The amount of payment is usually based upon the contract amount, an approved schedule of values, an approved progress schedule, project officer verification of the value of work-in-place and stored materials, satisfactory progress on the approved progress schedule, and project officer recommendation to the Contracting Officer for payment. From time to time, payments may be reduced for cause, as outlined in the FAR. Approval authority for progress payments rests with the Contracting Officer.

d. Final Payment - Contractor final payment is made at the end of the Project when all provisions and requirements of the contract have been satisfactorily accomplished by the contractor. The project officer addresses construction issues and reports any deficiencies to the Contracting Officer. Approval authority of final payment rests with the Contracting Officer.

14. Acceptance: The Contracting Officer has sole authority to grant final acceptance of any facility or portion thereof. Generally, acceptance infers approval of all work, including satisfactory correction of all the items on the deficiencies and omissions list. Acceptance of the contract work is final and conclusive, subject to certain contractual conditions such as warranties, guarantees, latent defects, etc. For this reason, a facility should not be accepted without a clear delineation in writing of any conditions or exceptions to the acceptance. Acceptance should not be granted unless all close-out items have been completed, such as O&M Manuals, as-built drawings, list of systems and equipment, attic stock, tools, maintenance parts, etc., and that all specified operator/ maintenance personnel training has been provided.

a. Warranties: The OPDIVs responsible for the Project shall appoint appropriate staff to assist the Contracting Officer in the management of the technical portion of the warranty process for the completed Project. The OPDIVs shall determine the period of time that the project officer remains involved with warranty management, before transferring the responsibility to the organization providing operations and maintenance functions for the facility.

b. Closeout Documents: All documents required by the contract including, but not limited to, Guarantees and Warranties, Commissioning Reports, Record Drawings, Operation and Maintenance Manuals, and Training Documents, shall be provided as specified prior to contract closeout. Each OPDIV shall prepare a format to assure that all contracts are closed out and all funds are disbursed or de-obligated from the project.

c. Training: Training of Operations and Maintenance Staff to operate and maintain the new facility and sophisticated building systems and equipment is very important to the activation of the facility. Provisions for adequate operation and maintenance training should be provided for in the specifications or in the general provision of the contract. The contract should require the contractor to provide a detailed training plan based on actual submitted

manufacturer's recommendations for review and approval by the COTR. Provisions for training the operators/ users in the care and use of equipment should also be included in the contract. Training should occur prior to acceptance of the work by the Government.

4-6-20 GUIDANCE AND INFORMATION

A. QUALIFICATION BASED SELECTIONS FOR A/E SERVICES

The Federal Acquisition Regulations (FAR) pertaining to A/E services were adopted to carry out the requirements of the Brooks Act (40 U.S.C. 1101-1104).

1. The regulations setting forth the procedures for choosing an A/E firm may be found in FAR subpart 36.6, "Architect Engineer Services." These procedures apply to the selection of all architectural and engineering services, including studies, surveys and analyses. The purpose of this section is to supplement the FAR subparts mentioned throughout the section and it should be read in conjunction with them.

2. The Short Selection Process described in the FAR may be utilized for contracts that do not exceed the small purchase limitation. The Board or the Chairperson of the Board can make the selection of the A/E.

   a. Selection by the Board - The board shall review and evaluate architect-engineer firms in accordance with Board's functions, except that the selection report shall serve as the final selection list and shall be provided directly to the Contracting Officer. The report shall serve as an authorization for the Contracting Officer to commence negotiations in accordance with FAR 36.606.

   b. Selection by the Chairperson of the Board - When the board decides that formal action by the board is not necessary in connection with a particular selection, the following procedures shall be followed:

      (1) The chairperson of the board shall perform the functions required in FAR 36.602-3.

      (2) The OPDIV's designated selection authority shall review the report and approve it or return it to the chairperson for appropriate revision.

      (3) Upon receipt of an approved report, the chairperson of the board shall furnish the Contracting Officer a copy of the report, which will serve as an authorization for the Contracting Officer to commence negotiations in accordance with 36.606.

3. The CO shall make a public announcement of any planned A/E selection. The CO will provide a copy of the announcement to the Evaluation Board for the file. The specific requirements for publicizing Federal contract actions are set forth in the FAR. Announcements for design contracts expected to exceed $25,000 must be published in the FedBizOpps, unless the contracts are to be procured through an existing task order or other procurement process through which the firms included in the procurement have been previously selected through full and open competition published in the FedBizOpps. The CO will determine the appropriate method and requirements for the public announcement for each project. The announcement should be published at least thirty days prior to the A/E selection, and the procurement schedule should take this requirement into consideration. For contracts expected to be $25,000 or less, the CO shall as a minimum publicize the announcement in the vicinity of the project by displaying the notice at the procuring office and publishing it in the local daily newspaper. Affected professional societies in the area may be notified of the project consideration as well.

The public announcement should contain brief but clear statements consistent with the requirements of the FAR. It should include the project location, scope of service required, the relative importance of the significant evaluation factors presented in descending order, range of construction cost, type of contract proposed, estimated start and completion dates, and date by which responses must be received. Any other specialized requirements (energy conservation, phased design/construction, etc.) or limitations on eligibility (small business or Buy Indian set-aside) should also be indicated. The amount of funding available for the project should never be announced. The public announcement should define what information the A/E must provide before and during the selection process. The information to be provided may include the "Architect-Engineer Qualifications" on SF 330, if the A/E firm does not have a current SF 330 on file with the agency. The agency may also request additional information, but the public announcement should clearly define what information will be considered and what the evaluation criteria will be.

B. DESIGN COMPETITIONS

A design competition is a method of awarding a design contract based on design excellence. A design contract should be awarded to the person or firm who submits the best design in the judgment of a jury in accordance with the rules of the competition. Design competitions are allowed under FAR 36.602 (b). When the Department approves the use of design competition, OPDIVs may evaluate firms on the basis of their conceptual design of the project. Characteristics that would make design competition an appropriate A/E selection method include:

- Unique situations exist involving prestige projects, such as the design of memorials and structures of unusual national significance;
- Sufficient time is available for the production and evaluation of conceptual designs; and
- The design competition, with its related costs, will substantially benefit the project.

1. Design competitions can be open or invited. They can be one or two stages. Open design competitions are simply competitions that are open to all design professionals - most frequently registered architects. Invited competitions are design competitions where a select group of design professionals – typically highly regarded or recognized architects are invited to submit a design on a project.

   a. One-stage competitions are competitions where the winner is selected by the jury and awarded the contract to design the project. This is the most common type of competition used by the private sector and internationally. The competitor bears all the cost and risk in entering the design competition. The Vietnam Veteran’s Memorial is an example of a one-stage design competition.

   b. A two-stage design competition is a competition that is usually open to all design professionals and the highest-ranking competitors are invited to compete in the second stage. It is common practice for the jury to give the second stage competitors a written critique of their design submission.

2. The competition announcement should feature a short description of the project and its location. Key dates such as competition registration deadlines and submission deadlines should be mentioned. The name of the jurors should be stated. Eligibility requirements should be clearly stated. The competition announcement should be widely disseminated in professional journals and newsletters to maximize interest in the competition.

a. Competition Registration - Persons or firms interested in competing in the design competition should be registered and pay a nominal entry fee to defray the cost of the competition.

b. Eligibility - Competitions should open to architects and engineers who are registered in the United States.

c. Competition Security - To assure fair and impartial evaluations of competition submittals, names should not be used to identify competitors. Registrants for the competition should be assigned a number to assure anonymity. These numbers should be used throughout the competition process.

3. The design competition document should consist of the competition rules, a site description, program of requirements, and competition submission format.

a. Rules. The rules of the competition must be clear and enforceable. Date and time for the competition submission deadline must be stated in the document. Failure to meet the deadlines and other violations of competition rules should be grounds for disqualification.

b. Site Description. The site description should contain a site analysis with a detailed site plan showing topography and other physical features. The site and the areas surrounding it should be illustrated, photographed, and discussed. The availability of utilities should be illustrated and discussed.

c. Program of Requirements. The Program of Requirements (POR) is key to the success of the design competition. The POR should provide the goals and objectives of the project. It should have space requirements, functional relationships, and other design requirements. The POR should clearly state the design problem.

d. Drawings, Photographs and Maps. The OPDIV should provide drawings, site plans, maps and photographs necessary for the competitors to complete their submissions. The OPDIV may require the competitors to use the drawings and maps as base drawings or backgrounds for the sake of consistency in the presentation of submissions.

e. Submission Format. The size and number of boards or panels should be clearly stated. The OPDIV should establish the type of media permitted for the presentation of the submission. If written documents are required a format should be established.

4. The Jury selects the prize winners. The Jury prepares a report to the OPDIV Selection Authority in accordance with the FAR recommending selection in order of preference. The results of the competition are made public.

C. PREPARATION AND PUBLICIZING SOLICITATIONS

1. Preparation and Publicizing Solicitations: Solicitations must describe the requirements of the Government clearly, accurately, and completely. Unnecessarily restrictive specifications or requirements that might unduly limit the number of bidders or offerors are prohibited. The solicitation should include all documents (whether attached or incorporated by reference) that prospective bidders or offerors submit with their bid or proposal.

a. Solicitations must be publicized pursuant to the requirements of FAR 5.2. Publication must provide sufficient time to enable prospective bidders or offerors to prepare and submit bids or proposals. Projects above OPDIV approval authority may not be advertised without an approved Facility Project Approval Agreement.

2. In addition, all HHS construction shall be executed in compliance with applicable Federal Acquisition Regulations plus Executive Orders, laws, and regulations relating to 1) labor, 2) energy, water conservation, sustainability, and/or other environmental matters; 3) safety; 4) building codes; and 5) fiscal responsibility.

D. GENERAL CONSTRUCTION PROCUREMENT GUIDANCE

The procurement of construction should be in accordance with the acquisition plan. There are only two basic types/ major categories of contracts. They are Fixed Price and Cost-Reimbursement. Generally, firm-fixed priced contracts shall be used to acquire construction, FAR 36.207. Firm-fixed-price contracts shall be used when the method of contracting is sealed bidding, FAR 14.104. FAR 16.2 addresses incentives and economic price adjustments in fixed-price contracts.

1. A firm-fixed-price contract provides for a price that is not subject to adjustment, except for appropriate modifications. This contract type places upon the contractor maximum risk and full responsibility for all costs and resulting profit or loss. It provides maximum incentive for the contractor to control costs and perform effectively, while imposing a minimum administrative burden upon the contracting parties.
2. Fixed-price contracts with economic price adjustment may be used for construction in certain circumstances as outlined in FAR 36.207(c) and when authorized in accordance with FAR 16.203.
3. Justification is required for other than firm-fixed-price contracts for construction, except on projects contracted with tribes on P.L. 93-638. The basis for using incentives or economic price adjustments in a fixed-price construction contract shall be documented in the acquisition plan.

E. SAFETY

The OPDIVs should assure that the Contractor is in compliance with federal and state safety regulations as they relate to construction. Although job safety is the responsibility of the contractor, the project officer should look for unsafe or potentially unsafe conditions. Should the project officer become aware of any such conditions, the project officer should notify the Contracting Officer and the contractor. If the unsafe condition is life threatening, the project officer should direct the contractor to take immediate action to remedy the situation, even to the point of issuing a “Stop Work Order”, if necessary. If a “Stop Work Order” is issued, the project officer should notify the Contracting Officer of the pertinent facts as soon as possible.

G. GOVERNMENT OVERSIGHT

The OPDIV is responsible for performing oversight of all aspects of the contract to assure that construction contract requirements are met:

1. Quality Assurance in accordance with FAR Part 46. Government contract quality assurance shall be performed at any stage of performance and such places as may be necessary to determine that the work conforms to contract requirements. Quality assurance surveillance plans should be prepared in conjunction with the preparation of the statement of work. The plans should specify all work requiring surveillance and the method(s) of surveillance.
2. Changes: The FPAA is a binding agreement that establishes project scope, budget, and schedule. Changes at this level of development are costly (construction phase) and should be avoided. Each OPDIV should have a formal change control process. Technical changes due to differing site

conditions or errors and omissions by the architect/engineer or the Government should be approved at the OPDIV level. Programmatic changes should also be approved at the OPDIV level. The Contracting Officer is the only person with authority to issue a change or modification to the construction contract. The Contracting Officer may delegate authority to the Project Officer for field changes. If the Program of Requirements (POR) is exceeded or if the cost exceeds the limits of the FPAA, approval must be obtained through HHS using the FPAA process. The OPDIVs shall assure that the approved changes are properly implemented into the project. See also Section 2-3 for changes requiring Departmental approval through the FPAA.

4-6-30 REPORTING REQUIREMENTS

BID REPORT FOR CONSTRUCTION CONTRACTS

The OPDIV shall submit a bid report to the Office for Facilities Management and Policy (OFMP) at the completion of the bid/proposal evaluation process. A bid report is required only on those projects requiring HQ approval per the FPAA policy. The report is for OFMP information only. A sample bid report form is provided as Exhibit X4-6-D. The Bid Report may be in a different format such as the OPDIV's standard bid tabulation format as long as it contains the information included in the Exhibit.

CHECKLIST TO AWARD ARCHITECT/ENGINEER DESIGN CONTRACT

1. PRIOR TO ADVERTISEMENT

   a. Certify availability of funds (HHS 393) _____

   b. Complete Program of Requirements (design criteria) _____

   c. Develop A/E Statement of Work including time schedule _____

   d. Develop estimate of facility construction costs _____

   e. Develop estimate of A/E fee or costs _____

   f. Develop management plan _____

2. A/E EVALUATION BOARD

   a. Clear delegation of appointing authority _____

   b. Appoint proper persons and numbers to serve as Board members _____

   c. Appoint Board Chairman, an agency representative and a Recorder _____

   d. Establish evaluation criteria. _____

   e. Establish numerical weighting factors. _____

3. ADVERTISEMENT

   a. Announce in Fed Biz Ops (Old: Commerce Business Daily) _____

   b. Include clear statement of project _____

   c. Do not include cost estimate _____

   d. Include selection evaluation criteria in descending Order of importance _____

   e. Emphasize special requirements _____

4. PROCEDURE OF THE EVALUATION BOARD

   a. Establish pre-screening criteria and pre-screen A/E Firm fairly _____

   b. All members shall evaluate all A/E firms. _____

   c. Minimize discussions on A/E firm qualifications _____

d. Post all A/E firms scores _____

e. Rank according to numbers of 1st, 2nd, 3rd and 4th place _____
Votes not by numerical values

f. Determine list of finalists _____

g. Conduct equal time A/E firm interviews. _____

h. Provide necessary information to the approving authority _____
and obtain approval.

i. Document all actions. _____

5. NEGOTIATIONS

Make certain the following items have been satisfied prior to negotiation meetings.

a. Approval of A/E Selection by the approving authority. _____

b. Funds are available _____

c. Government Project Manager assigned _____

d. Program of Requirements furnished to A/E Firm _____

e. A/E Statement of Work furnished to A/E firm. _____

f. A/E fee or costs estimated by government _____

(Prefer A/E uses same format for estimate)

g. Facility Construction cost estimate completed. _____

6. A/E CONTRACT AWARD

Upon successful negotiations, the following items must be satisfied:

a. For Project where fees exceed $100,000; conduct _____
audit to confirm basis of figures used in negotiations.

b. Document agreement of all parties on contract content _____
including payment and time schedule.

c. File one copy of contract with original signatures, and _____

give two copies to the paying authority.

SAMPLE

SECTION C

STATEMENT OF WORK

January 2004

A. BACKGROUND:

The General Laboratory for Cellular Biology (GLCB) will house the staff of a special task force created by a Presidential Commission on Health. This task force is composed of eminent scientists from different Departments and Centers (DC's), within the Agency. The Task Force is charged with the responsibility to find the cause and cure of a recently discovered virus that attacks the human immune system. The Task Force is to report directly to the Director. For organizational and administrative purposes, the Department of Allergies and Infectious Diseases (AID) will be the lead institute. However, the Task Force will have its own director, executive officer, and scientific director. Extramural Research will be coordinated through AID.

B. PROJECT DESCRIPTION:

The GLCB will accommodate 7 laboratories, shared analytical laboratories, and support space. The laboratory facility will house the staff of the Scientific Director, administrative space associated with the laboratories as well as ancillary space. Since the Task Force consists of scientists from different DC's, it is important that they interact with one another. It is expected that the scientist will spend long hours in the laboratories; therefore it is important that the workspace be pleasant. The quality of the workspace should not be compromised. Unlike most of the laboratories at the agency, this facility will have a high intensity of instrument laboratories. Once the Task Force's work is completed, the facility will become a part of the Director's reserve. It is important that the design consider flexibility and expansion. The construction cost is estimated to be $ 35,000,000.00.

C. CODES & STANDARDS

1. Model Building Codes

The GLCB shall be designed in compliance with applicable standards of the model building code for the location of the facility. The design may use other appropriate codes and industry standards such as: the Life Safety Code (NFPA 101), Fire Protection for Laboratories Using Chemicals (NFPA 45), Standard for the Installation of Sprinkler Systems (NFPA 13) and Health care Facilities (NFPA 99). (Note: HHS is an agency of the Government of the United States of America, derives its authority from the Congress of the United States, and is not subject to laws, ordinances, regulations established by state and local governments or authorities of a lessor jurisdiction.)

2. Federal Regulations

The GLCB shall be designed in compliance with all applicable Federal Regulations including but not necessarily limited to the following: Uniformed Federal Accessibility Standards, OSHA 29CFR 1910; The National Environmental Policy Act of 1969 (NEPA); The Endangered Species Act; The National Historic Preservation Act of 1966; The Archeological and Historic Preservation Act; The Wild and Scenic Rivers Act; 40CFR Environmental which includes: Safe Drinking Water Act, Clean Air Act, Clean Water

Act, Toxic Substance Control Act, Solid Waste Disposal Act, and RCRA; Executive Order 11990 (Wetlands); Executive Order 11988 (Floodplains); Executive Order 12088 (Compliance with State environmental laws); National Capital Planning Commission (NCPC) "Master Planning Regulations"; Energy Policy Act of 1992; etc.

3. Departmental Regulations

The GLCB shall be designed in compliance with NIH Publication 85-23 "Guide for the Care and Use of Laboratory Animals", plus, the U.S. Public Health Service (PHS) and the American Association for Accreditation of Laboratory Animal Care (AAALAC) accreditation standards. GLCB shall be designed in compliance with HHS Publication No. (CDC) 93-8395 "Biosafety in Microbiological and Biomedical Laboratories, 4th Edition, May 1999

4 Agency Design Policies

The GLCB shall be designed in compliance with the applicable provisions of the Agency Architectural and Engineering Design Policies and Guidelines and the Agency Planning and Programmatic Guidelines

D. SCOPE OF SERVICES

1. General:

The Architect/Engineer (A/E) shall provide all professional services; material and labor necessary to design the GLCB.

2. Submittals and Deliverables

The A/E shall make three (3) design submittals at the following stages: concept, design development and contract documents.

a. Schematic Design

The schematic design constituting 30% design completion consists of but not necessary limited to the following: schematic site, floor plans (for each design discipline), elevations and sections drawn to scale, exterior and interior perspective or axiometric drawings necessary to explain the concept, table of content specifications, broad order of magnitude (square foot) cost estimate, storm drainage, structural, HVAC, plumbing and electrical calculations.

b. Design Development

Design development constituting 60% of design completion consists of but not necessary limited to the following: site grading and drainage plan, site utilities plan, site pavement plan, landscape plan, sediment control plan, site profiles, definitive floor plans (for each design discipline), elevations, cross, longitudinal and wall sections, interior elevations, reflected ceiling plans drawn to scale, final perspective or axiometric drawings necessary to explain the design for presentation purposes, finish and door schedules, plumbing raiser diagram, one line electrical diagram, communication and data layouts and one line diagrams, out line specifications, systems cost estimate, final storm drainage, structural, HVAC, plumbing and electrical calculations.

c. Construction Documents

Construction documents constituting 100% of design completion consists of but not necessary limited to the following: site grading and drainage plan, site profiles, site utilities plan, site pavement plans and profiles, landscape plan and plant schedules, sediment control plan, final floor plans (for each design discipline), elevations, cross, longitudinal and wall sections, interior elevations, reflected ceiling plans drawn to scale, finish and door schedules, details for each discipline drawn to scale, plumbing raiser diagram, one line electrical diagram, communication and data layouts and one line diagrams, specifications, quantity takeoff cost estimate, and bid documents

E. GOVERNMENT FURNISHED ITEMS

1. Program of Requirements

The A/E shall design the GLCB in accordance with the Program of Requirements.

2. Agency Master Plan

3. Topographic Survey of the site

4. Geo-technical Report and recommendations

F. INTERFACE & COORDINATION:

1. Formal Meetings

Progress meetings will be held at the Agency, 9000 Stoneville Pike Bath, Maryland. The purpose of the progress meetings is to formally review the submittal, resolve outstanding issues, and to provide Agency programmatic and technical direction.

The Government will provide appropriate representatives authorized to make technical and programmatic decisions necessary to maintain progress.

The A/E shall send appropriate representatives consistent with the level of development and the nature of review. The representative(s) shall be qualified and authorized to make the technical decisions as required to maintain effective progress. The A/E shall take minutes of the meeting and distribute a narrative summary to the persons in attendance as well as the Project Officer within seven (7) days after each meeting.

2. Interface:

a. DC Executive Officer:

The Executive Officer (EO) or designee will be the liaison between the DC and DES.

b. Oversight Committee:

The Associate Director for Research Services (ADRS) will establish an oversight committee. The committee will oversee the development of the GLCB.

c. User Group:

The user group is a customer (decision making) group that may consist of scientific directors, laboratory chiefs, branch chiefs, AOs, section chiefs etc. within one DC to provide programmatic direction and requirements.

d. Process Action Team (PAT):

A PAT is a group that provides programmatic and technical recommendations for the GLCB when more than one IC is involved. The PAT consists of members from each involved IC and ORS and serves as an advisory group for the Oversight Committee.

e. Division of Engineering Services:

The Division of Engineering Services (DES) has the overall responsibility for the development of Agency buildings and facilities designs. The Design and Construction Branch has been delegated the authority to carry out this responsibility for DES.

f. Design and Construction Branch (DCB) Project Officer:

The Project Officer (PO) will manage the design and construction activities of the project.

g. Contract Specialist:

The contract specialist is responsible for administrating design and construction contracts.

G. SCHEDULE

The A/E shall complete the design of GLCB in 210 calendar days

1. Schematic Design

The A/E shall submit the concept design within 60 calendar days after notice to proceed.

a. Government Review

The Government will review the concept design and submit comments within 30 calendar days. The Government and the A/E will meet with 15 calendar days after comments are submitted to resolve any outstanding issues. Upon acceptance of the submission the A/E shall proceed to the next submittal.

2. Design Development

The A/E shall submit design development documents within 60 calendar days after notice to proceed.

a. Government Review

The Government will review the design developments and submit comments within 30 calendar days. The Government and the A/E will meet with 15 calendar days after comments are submitted to resolve any outstanding issues. Upon acceptance of the submission the A/E shall proceed to the next submittal.

3. Contract Documents

The A/E shall submit design development documents within 30 calendar days after notice to proceed.

a. Government Review

The Government will verify that all previous comments are incorporated and the documents are complete and accept the contract documents.

H. OPTIONS:

At the option of the Government the A/E shall provide the following post design activities

1. Construction Administration

The A/E shall administer the construction contract GLCB in accordance with establish professional standards.

I. NIH PROJECT OFFICER:

The Project Officer for the GLCB will be: Richard Fish, AIA

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Sample Selection Evaluation Form

Ratings: Excellent = 4, Good = 3, Fair = 2, Poor = 1, and Unacceptable = 0
Rating times the weight = the score

Name & Location of Firm								
	Weight	Criteria	Score	Rating/Remarks	Score	Rating/Remarks	Score	Rating/Remarks
Qualifications		Staff Capability						
		Staff Registration						
		Staff Experience						
		Sub Total						
Experience		Experience. w/ Building Type						
		Quality of Experience.						
		Building Performance						
		Sustainable Design						
		Sub Total						
Past Performance		Federal Government						
		State Government						
		Local Government						
		Private Sector						
		Awards						
		Sub Total						
Capacity		Team Resources						
		Workload						
		Staff Availability						
		Sub Total						
Location		Wash Metro Area						
		Mid Atlantic Region						
		CONUS						
		Sub Total						
Other								
		Sub Total						
		Total						

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SAMPLE BID REPORT FORM

Bid Report Form	1. Project No./ID	2. Revision No.:
3. Project Title:	4. Budget Year:	5. Date: (mm/dd/year)
	6. Total B&F Cost ($M):	7. Number of bids

8. OPDIV/Program Office:	9. Installation/Location (City & State)

10. List of Bids

10.a. Offeror/Bidder Name and Address	10.b. Bid Price	10.c Alternative Price	10.d Responsive	
			Yes	No