

Alternative Project Delivery Methods

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Authorized Project Delivery Methods

- * Design-Bid-Build
- * Construction Management at-Risk
- * Design-Build
- * Design-Build-Operate-Maintain
- * Design-Build-Finance-Operate-Maintain
- * Any combination of design, construction, finance, and services for operations and maintenance approved by:
 - * The B&CB by Regulation, or
 - * The State Engineer in accordance with 11-35-3010

Steps In Selecting and Using an Alternative Project Delivery Method

- Determine the method of project delivery that is the most advantageous for the State
- Obtain approval of the project delivery method
- Appoint a selection committee
- Prepare a selection plan
- Prepare the RFQ/RFP

Note: the Selection of Project
Delivery Method and
Determination Supporting that
Selection is Project Specific

Determining which project delivery method is most advantageous

- S.C. Code Ann. §§ 11-35-3005 thru 3015 & 3030
- Regs. 19-445.2145

WHEN SHOULD I MAKE THE DETERMINATION?

- * When sufficient information is available to analyze advantages and disadvantages of each (see factors in subsequent slides)
- * Before hiring an architect to design the project



WHAT SHOULD I CONSIDER WHEN MAKING THE DETERMINATION?

- * The Facility:
 - * Facility type
 - * Complexity
 - * Extent to which design requirements for the infrastructure facility are known, stable, and established in writing



WHAT SHOULD I CONSIDER WHEN MAKING THE DETERMINATION?

- * Location
 - * Required site attributes
 - * Available sites
 - * Unique characteristics of available sites that would impact project
- * Time
 - * Earliest date on-site work can start
 - * Deadline for completion
 - * Critical intermediate deadlines

WHAT SHOULD I CONSIDER WHEN MAKING THE DETERMINATION?

- * Financing to support project/facility life cycle
 - * Projected cost and life cycle costs
 - * Potential sources of funding
 - * Projected cash flow requirements

WHAT SHOULD I CONSIDER WHEN MAKING THE DETERMINATION?

* Available Project Delivery Methods

- * Comparative advantages & disadvantages for the project
- * How each method might be configured and applied to fulfill requirements
- * Methods used on similar projects in the past and the results

WHAT SHOULD I CONSIDER WHEN MAKING THE DETERMINATION?

- * Decision Making/Administrative Services
 - * Available decision makers and administrators
 - * Their relevant experiences, skills, and abilities
 - * Extent to which decision-making and administration can be assigned to others by contract

WHAT SHOULD I INCLUDE IN THE WRITTEN DETERMINATION?

- * A description of the selected project delivery
- * A discussion of the factors considered in making the determination and how those factors pointed you to the selected method
- * A statement that based on those factors the selected method is the most advantageous



WHAT SHOULD I INCLUDE IN THE WRITTEN DETERMINATION?

- * Explain why design-bid-build is not the most advantageous project delivery method for the project, e.g.

WHAT SHOULD I INCLUDE IN THE WRITTEN DETERMINATION?

- * Description of the source selection method
- * Description of any additional procurement procedures:
 - * Prequalification
 - * Shortlisting proposals
 - * Stipends
- * Description of performance security that will be required

AVAILABLE SOURCE SELECTION METHODS

- * Competitive Sealed Bidding
 - * Design-Bid-Build
 - * Construction Management at-Risk?
- * Competitive Sealed Proposals - RFP
 - * Construction Management at-Risk
 - * Design-Build
 - * Design-Build-Operate-Maintain
 - * Design-Build-Finance-Operate-Maintain

WHAT SHOULD THE DETERMINATION DO?

Provide the citizens of South Carolina a window into the Agency's "decision-making process – safeguarding the quality and integrity of the contract awards through public accountability." *Sloan v. School District of Greenville County*, No. 3704 (Ct. App., 2003)



WHO MAKES THE DETERMINATION?

- * The Agency Head, or
- * An individual designated by the Agency Head in writing to make such determinations on behalf of the Agency

OBTAINING APPROVAL OF THE DETERMINATION

- * Must be submitted to State Engineer for approval
- * State Engineer has ten days to approve or disapprove
- * May appeal a disapproval to the five member board

PIP PROCESS CONSIDERATIONS

The PIP Establishment Process is
not a Part of the Procurement
Code

OSE cannot Allow a Solicitation
on a PIP Project to Proceed if
the Agency does not have an
Approved A-1

The Agency must incorporate the two part PIP approval process into its project development and procurement regardless of the project delivery method

If you have questions on the PIP approval process

- * See the Manual for Planning and Execution of State Permanent Improvements – Part I

<http://www.budget.sc.gov/OSB-cbu-manual.phtm>

- * Contact Capitol Budgeting – Allyn Powell @ 803-734-0493

The Selection Plan

Developing Your Road Map

Minimum Requirements

- * Description of project
- * Description of the organizational structure
- * Description of the proposed pre-solicitation activities
- * Summary of the acquisition strategy, including
 - * Statement of the proposed evaluation factors and their relative importance
 - * Description of the evaluation process, methodology, and techniques to be used
- * Schedule of significant milestones

Organizational Structure

- * Identify the Selection Team
 - * Procurement Officer (employee of the agency responsible for managing the procurement)
 - * Selection Committee Members
 - * Technical Advisors
 - * The person or persons who will have final authority at the agency to approve the selection
- * A description of the duties of each element of the organization

Pre-solicitation activities

- * Will there be a pre-solicitation and/or pre-proposal conference
 - * Who Will Conduct
 - * Who will brief agency personnel on objectives and limitations on conference discussions
- * Will agency issue a draft RFQ/RFP for comment

Acquisition Strategy

- * What contract documents will you use
- * Will you pre-qualify offerors
 - * If so, identify the evaluation factors and process
- * Will you shortlist proposals
 - * If so, identify the evaluation factors and process
- * Identify evaluation factors and relative importance of each for evaluating proposals

Acquisition Strategy

- * What procedures will you use to evaluate RFQ's and RFP's
- * Are you going to reserve the right to engage in discussion with offerors
 - * If so, see Appendix D of the Manual
- * Are you going to reserve the right to conduct a BAFO

Conducting the Procurement

Source Selection Information is Confidential

- * Source selection plans
- * Selection Team Members
- * Evaluation plan
- * Contents of proposals
- * Technical evaluations of proposals
- * Evaluations of costs proposals
- * Information regarding which proposals are determined to be reasonably susceptible of being selected for award
- * Rankings of responses, proposals, or competitors
- * Reports, evaluations of source selection committees or evaluations panels
- * Other information based on a case-by-case determination by the procurement officer that its disclosure would jeopardize the integrity or successful completion of the procurement to which the information relates.

Confidentiality and Conflict of Interest

- * Each Selection Team Member must sign a:
 - * Conflict of interest Non-disclosure of Procurement and Confidential Information Form and
 - * Procurement Integrity (Conflicts of Interest/Ethics) Form

Note: If your governing Board is the final approval authority, each Board member must execute these documents before you can give them source selection information

Confidentiality of Source Selection
Information Ends when Notice of
Intent to Award is Posted

Complying with FOIA

- * Notice of Meetings of the Selection Committee (Committee) must be posted no later than 24 hrs. before the meeting
- * Convene Committee meetings publicly
- * Do not identify last names of Committee members
- * Call meeting to order
- * Have the public sign an attendance sheet

Complying with FOIA

- * Announce the purpose of the meeting
- * Publicly instruct the Committee regarding the process, confidentiality and conflict of interest requirements
- * Hand out any instructions and forms
- * Request a motion to go into executive session to discuss confidential source selection information
- * Request a second

Complying with FOIA

- * Announce you are going into executive session to discuss matters incident to a proposed contractual arrangement – ex.

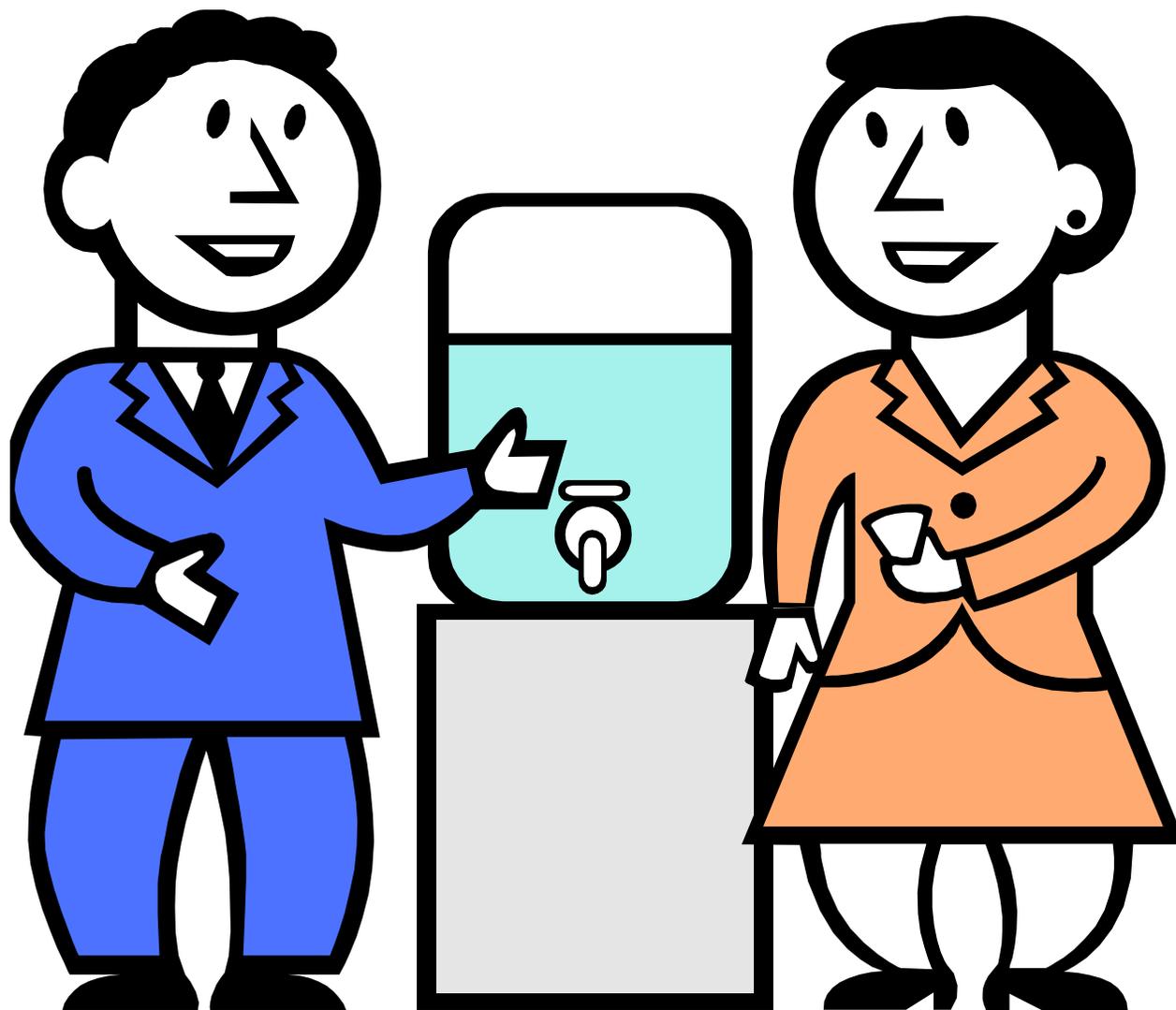
“The Committee is going into executive session. The matters to be discussed are incident to a proposed contractual arrangement, and the Committee will discuss all proposals received in response to the solicitation. The Committee may adjourn without leaving executive session.”

- * Adjourn to review the statements of qualifications/proposals individually
- * Ask those in attendance who are not part of the evaluation process to leave the room

Complying with FOIA

- * Make a record of those attending the executive session
- * Conduct the business of the executive session
- * At the end of the conduct of business, adjourn the executive session
- * Keep all rankings and evaluations in the procurement file – this will become public information once an award is made

BREAK



REQUEST FOR INFORMATION (RFI)

Use requests for information to gather information to help refine the RFP

RFI EXAMPLES

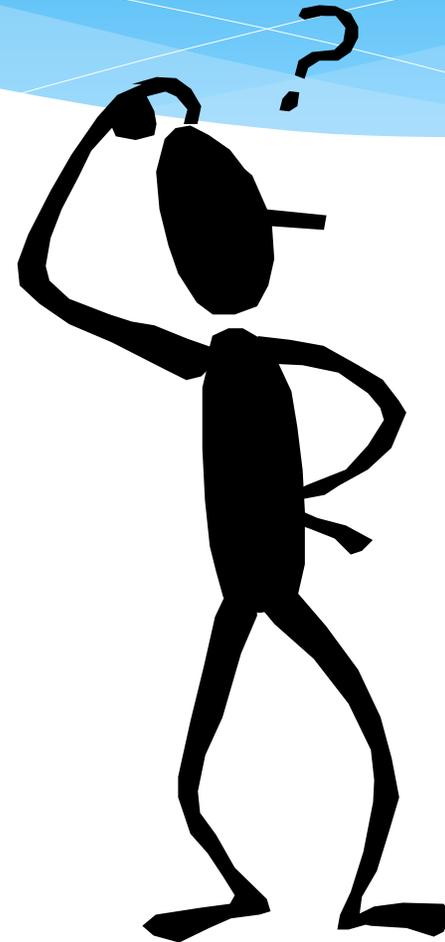
- * Has the description of the project unnecessarily restricted your ability to effectively and competitively respond to the RFP?
- * Is the scope, phasing or location of the project problematic or incompatible in your experience?
- * What minimum level of conceptual or schematic design drawings will be necessary to illustrate your response to the RFP in a way that can be fully evaluated and compared to other proposals?
- * The RFP will require that Offerors provide life cycle costs for Agency evaluation. What, in your opinion, is the most effective format for presentation of this information?
- * What is the minimum number of calendar days that you will need to create a thorough and competitive response to the RFP?
- * Would there be a benefit in providing a stipend that would partially fund the expenses associated with responding to the RFP and that would allow the agency to acquire ownership of the proposal development documents submitted in response to the RFP? What would be a reasonable stipend for this effort?

COMPONENTS OF THE RFQ

- * Cover Page
- * Project Description
- * Required Qualification Information
- * Submittal Format
- * Evaluation Factors and Their Relative Weight
- * Instructions to Offerors
- * Request for Information

WHAT BELONGS ON THE COVER PAGE?

- * Date of issue
- * Project Name and Number
- * Procurement Officers name / phone number / email address
- * Closing date / time / place
- * Where to deliver response



PROJECT DESCRIPTION

- * Describe Intent of Project
 - * Goals
 - * Scope
 - * Budget
- * Describe Offeror Responsibilities
 - * Design
 - * Construction
 - * Operation
 - * Maintenance
- * Describe Applicable Standards/Requirements
 - * LEED
 - * Agency Design/Construction Guidelines & Standards
 - * Building Codes
 - * Schedule

REQUIRED QUALIFICATION INFORMATION

- * Firm overview
- * Experience on similar projects and prior performance
- * Financial stability
- * Management of Company
 - * Resumes of principals/top management/project management
 - * Resumes of separate members of offeror's team
 - * Project organizational chart

SUBMITTAL FORMAT

- * Structure
- * Page limitations
 - * Printing front & back
 - * Font size/type
 - * Number of pages

Evaluation Factors

List each evaluation factor in the order of relative importance or state their relative weight

INSTRUCTIONS

- * Solicitation information from sources other than official source
- * Restrictions on contact with state agencies
- * Certification regarding debarment and other responsibility matters
- * Disclosure of conflicts of interest or unfair competitive advantage
- * Ethics certification
- * Protests rights and Protest address
- * Submitting confidential information
- * Special provisions of RFP

COMPONENTS OF THE RFP

- * Cover Page
- * Scope of Solicitation
- * Instructions to Offerors
 - * General Proposal Instructions
 - * Special Instructions
- * Specifications
- * Information for Offerors to Submit
- * Qualifications

COMPONENTS OF THE RFP (cont.)

- * Award Criteria
- * Terms and Conditions
 - * General
 - * Special
- * Price Proposal
- * Attachments to Solicitation

WHAT BELONGS ON THE COVER PAGE?

- * Date of issue
- * Project Name and Number
- * Procurement Officers name / phone number / email address
- * Closing date / time / place
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SCOPE OF SOLICITATION

- * STATE THE INTENT OF THE SOLICITATION AND GENERAL DESCRIPTION
 - * Introduction
 - * History/Background
 - * Objective
 - * Summary of project scope
 - * Proposed site
 - * Existing conditions

SCOPE OF SOLICITATION

* BUDGET

- * Should we publish the budget?
- * Funds available for the project
- * Is a fixed amount available, or some estimate only?
- * Does budget represent total project or annual figure?
- * What is the source of funds?

GENERAL INSTRUCTIONS

- * Award notification
- * Submitting confidential information
- * Right to protest
- * Proposal as offer to contract
- * Amendments
- * Deadline for submission of proposal
- * Public opening
- * Signing proposal
- * Certification of independent determination of price
- * Debarment and responsibility certification

GENERAL INSTRUCTIONS

- * Ethics certification
- * Restrictions applicable to offerors and gifts
- * Nonresident taxpayer registration
- * Solicitation information from sources other than official source
- * Tax credit for subcontracting with minority firms
- * Clarifications
- * Discussions & Negotiations

SPECIAL INSTRUCTIONS

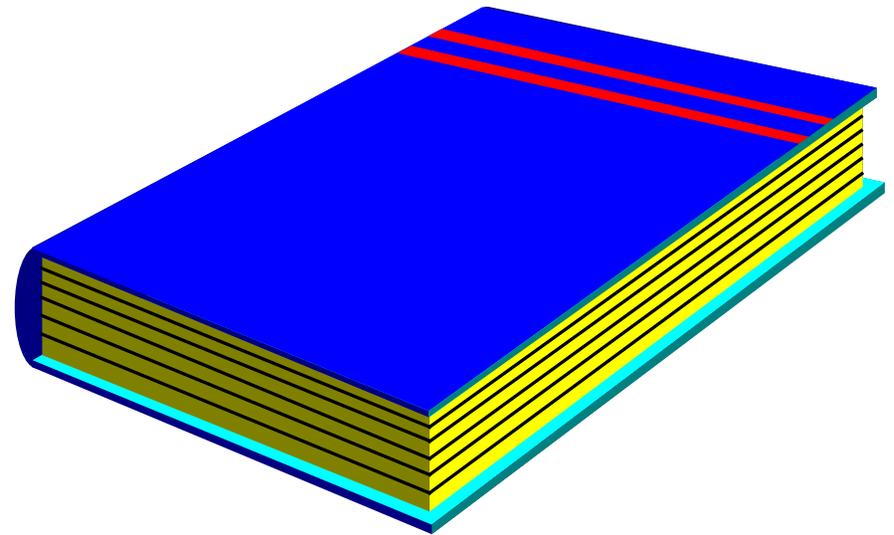
- * QUESTIONS/CONFERENCES
 - * Date/Time/Location and invitation to attend Pre-Proposal Conference
 - * Deadline for questions
 - * Other Relevant Data
- * Preparation of proposal
- * Oral Presentations
- * Discussion with Offerors

SCOPE OF WORK/SPECIFICATIONS

- * Design requirements (i.e. program)
- * Specific tasks and sub-tasks required of contractor
- * Parameters / Limitations
 - * Code and Planning requirements
 - * Design guidelines
 - * Proposed site
 - * Existing conditions
- * Deliverables, reports, and deadlines
- * Items and/or services furnished by agency
- * Other

INFORMATION FOR OFFERORS TO SUBMIT

- * What should prospective offerors furnish?
 - * Response to Scope of Work
 - * Offeror's Approach
 - * Qualifications of offeror and staff
 - * Client list and/or references
 - * Resumes



INFORMATION FOR OFFERORS TO SUBMIT

- * Evidence of insurance / licensure/bonding capacity
- * Product specification or data sheets
- * Financial statements
- * Project Schedule
- * Price or life cycle cost of Project
- * Other

AWARD CRITERIA

- * Lists the items that will be evaluated and scored
- * List in descending order of importance, or state relative weightings of each criteria
- * Could include:
 - * Quality of program design/response to Scope of Work/Approach
 - * Qualifications of Offeror / Staff

AWARD CRITERIA(cont.)

- * Response from references
- * Appropriateness of materials or products
- * Expediency of completion schedule
- * Total project price or life cycle cost

TERMS AND CONDITIONS GENERAL

- * Includes “boiler plate” clauses
 - * Force majeure
 - * Offeror’s responsibility
 - * Affirmative action
 - * Termination
 - * Subcontracting
 - * Indemnification (Hold Harmless)
 - * Ownership of Materials
 - * Contract amendments

TERMS AND CONDITIONS GENERAL

- * SC law applies
- * Dispute resolution
- * Drug free workplace
- * Illegal immigration
- * False claims
- * Non-indemnification
- * Cost or pricing pricing data
- * Right to audit records

TERMS AND CONDITIONS SPECIAL

- * CONTRACT TERM/OPTION TO EXTEND
 - * State the start and end date of project or contract
 - * State how the contract may extend
 - * State total possible number of years of contract
 - * State whether or not and when contractor may request cost adjustments
 - * State basis for cost adjustments
- ❖ TERMS/CONDITIONS SPECIFIC TO THE PROCUREMENT

ATTACHMENTS TO SOLICITATION

- * Financial data
- * Plans and specifications
- * Population data
- * Maps
- * Etc.

EVALUATION ACTIVITIES

- * Proposal Closing
- * Responsiveness Review
- * Distribution of Proposals
- * Reference checks
- * Clarifications/Discussions
- * Oral Presentations
- * Ranking and Selection

PANEL BRIEFING

- * Distribution of proposals
- * Evaluative documents
 - * RFP and Amendments
 - * Conflict of Interest/Confidentiality/Briefing
 - * Evaluation Panel Briefing Instructions
 - * Ranking Sheets
 - * Reference Checks

REFERENCE CHECKS

Seek information from a similar number of references for each offeror

ORAL PRESENTATIONS

- * Intended to facilitate an understanding and evaluation of proposals
- * Presentations must be consistent with and limited to the services, construction, pricing, terms, and conditions provided in the offeror's proposal
- * Limitations:
 - * May not communicate demands, weaknesses, or deficiencies
 - * May not result in proposal revisions
 - * May not convey information regarding other proposals

THE SELECTION MEETING



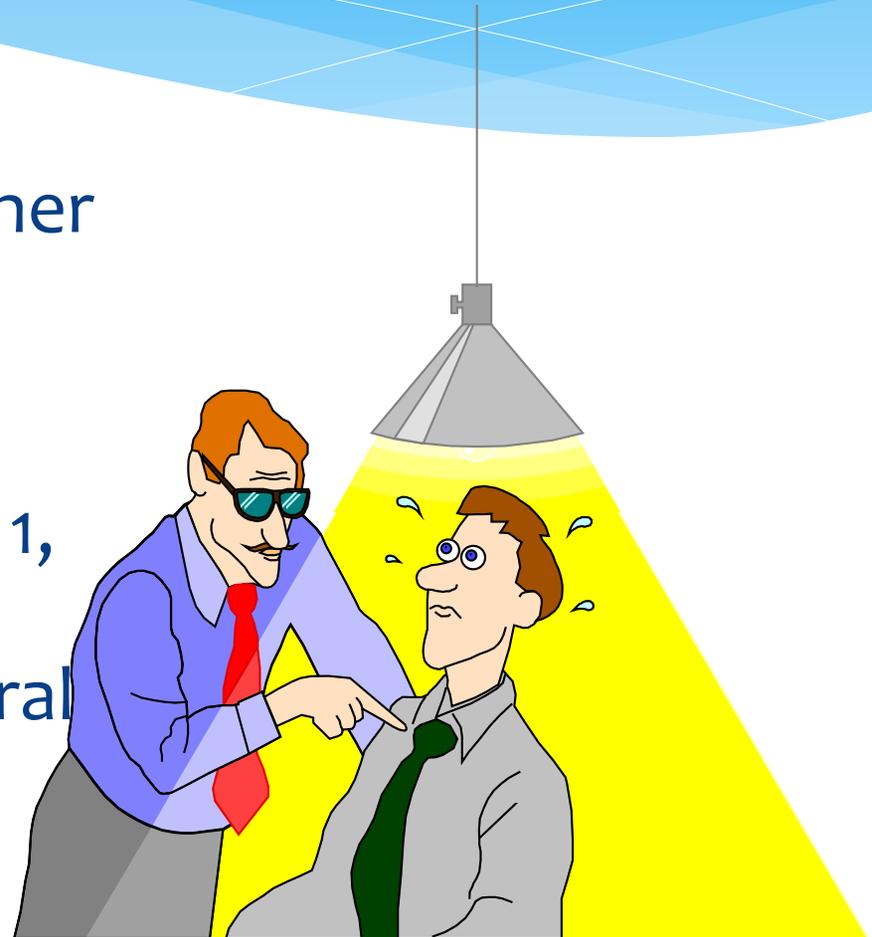
- * General instruction
- * Review
Responsiveness
- * General discussion
- * Ranking - Justification
- * Cost evaluation
- * Composite
- * Collect proposals

PRE-AWARD

- * Negotiations
- * Contract
- * Procurement file
- * Statement or Intent to Award

NEGOTIATION

- * Price reduction
- * Expand, strengthen, enlarge, enhance, or further develop proposal
 - * Changes must be within general scope of RFP
- * Reopen with respondent 1, 2, 3, or 4
- * Alter scope beyond general scope or RFP
 - * Best and Final from all responsive offerors
- * Record of Negotiations



CONTRACT

- * RFP, Amendments
- * Offeror's Proposal
- * Correspondence incorporated by reference
- * Special terms and conditions
- * Schedules
- * Negotiated pricing / scope of work

PROCUREMENT FILE

- * Project Delivery Method Determination and Approval
- * RFQ and amendments
- * Statements of Qualification
- * RFQ evaluation documents
- * RFP and amendments
- * Proposals
- * RFP evaluative documents
- * Record of clarifications/discussions
- * Notice of Intent to Award

END OF PRESENTATION

QUESTIONS?

Visit us on the web at www.procurement.sc.gov

This link gives you access to OSE, Information Technology Management Office (ITMO) and Materials Management Office (MMO)