

## **FACILITIES DEVELOPMENT**

## **Regulation 7120**

### **Facilities Planning and Design**

#### **Procurement of Architects, Engineers and Land Surveyors**

When the District determines that it may need to engage the services of an architect, engineer, or land surveyor, the Board of Education shall first attempt to select and conduct contractual negotiations for such a service with a professional who falls within one of the two following categories: (1) any architect, engineer, or land surveyor who has contracted previously with the District to provide services to the District; or (2) any architect, engineer, or land surveyor who has been recommended to the District by a construction contractor with whom the District is familiar.

If the Board of Education determines that an architect, engineer, or land surveyor selected from one of the two categories in the prior paragraph is appropriate for the project contemplated, then contractual negotiations may be conducted with that architect, engineer, or land surveyor, and a contract may be executed between the District and that professional. The determination of whether a particular architect, engineer, or land surveyor is "appropriate" for a project is discretionary on the part of the Board of Education.

If the District cannot agree upon the terms of a contract with the architect, engineer, or land surveyor whom it has selected and with whom it has negotiated, or if the District determines that a professional selected according to this policy is not appropriate, the District will then attempt to select an appropriate architect, engineer, or land surveyor through advertisements inviting the submission of proposals or by directly contacting other architects, engineers, or land surveyors. After making its selection pursuant to this paragraph, the District will attempt to negotiate a contract with that professional. The District will continue to follow the procedures outlined in this regulation until a contract has been executed between the District and an appropriate architect, engineer, or land surveyor.

## **FACILITIES DEVELOPMENT**

**Regulation 7130**

### **Facilities Planning and Design**

#### **Construction Manager Selection**

When the District determines that it may need to engage the services of a construction manager, the Board of Education shall select a construction manager and negotiate with that construction manager to obtain a contract that is fair and reasonable. To select a construction manager, the District shall advertise and solicit proposals from qualified construction managers in the following manner:

1. If the total cost for the project exceeds five hundred thousand dollars (\$500,000), the solicitation shall be advertised for a period of ten (10) days in one (1) newspaper of general circulation in the county.
2. If the total cost of the project exceeds one million five hundred thousand dollars (\$1,500,000), the solicitation shall be advertised for ten (10) days in two (2) daily newspapers in Missouri which have not less than fifty thousand (50,000) daily circulation in addition to the advertisement required by number 1 above.
3. If the total cost of the project is five hundred thousand dollars (\$500,000) or less, the solicitation need not be advertised.

Solicitations shall require the bidders to submit the following information:

1. Fees for overhead and profit.
2. Reimbursable costs for reimbursable items.
3. Qualifications.
4. Demonstration of ability to perform projects comparable in design, scope and complexity.
5. Demonstration of good faith efforts to achieve compliance with federal, state and local affirmative action requirements.
6. References from owners for whom construction management services have been performed.
7. Financial strength.
8. Qualifications of personnel who will manage the project.

9. Demonstration of successful management systems which have been employed for the purposes of estimating, scheduling, and cost controls.

If the Board of Education selects a construction manager on the basis of the above factors, then contractual negotiations may be conducted with that construction manager and a contract may be executed between the District and that construction manager.

If the Board of Education cannot reach an agreement upon the terms of a construction management services contract through negotiations with the selected construction manager, then the Board of Education will attempt to select another construction manager and negotiate a contract with that construction manager. The Board of Education will continue to follow the procedures outlined in this policy until a contract has been executed between the District and a construction manager.

Furthermore, the Board of Education shall not award a contract for construction management services on a negotiated basis to any construction manager (or a firm that controls, is controlled by or shares common ownership or control with the construction manager), if such construction manager:

1. Guarantees, warrants or otherwise assumes financial responsibility for the work of others on the project.
2. Provides the District with a guaranteed maximum price for the work of others on the project.
3. Furnishes or guarantees a performance or payment bond for other contractors on the project.

A construction management services contract to such a construction manager may only be awarded through a competitive bid process.

Under this policy, the term "project" shall mean the erection or construction of a building or structure or the improvement, alteration or repair of a building or structure. The term "construction manager" includes, but is not limited to, consulting, advising, assisting and making recommendations on any and all aspects of pre-construction planning, design, bidding, and contract award and providing general observation, coordination and direction of the work and processing of payment requests and change orders during construction