

**CITY OF RAPID CITY PROCEDURES  
FOR DESIGN-BUILD PROCUREMENT OF  
PUBLIC CONTRACTS**

**PURPOSE**

In order to comply with the requirements of the Design-Build Procurement Act, the City of Rapid shall select design-build firms to provide combined design and construction services for construction projects in accordance with the following procedures.

**DEFINITIONS**

For purposes of this procedure the definitions contained in the Design-Build Procurement Act and the following definitions apply:

- 1) "City" is defined as the City of Rapid City, South Dakota.
- 2) "Public Works" is defined as the City of Rapid City Public Works Department.
- 3) "Firm" is defined as any individual, firm, partnership, corporation, association, joint venture, or other legal entity permitted by law to practice engineering, architecture or construction contracting in the State of South Dakota.
- 4) "Project" is defined as that project described in the public announcement.

**MINIMUM QUALIFICATION REQUIREMENTS FOR FIRMS PROVIDING DESIGN-BUILD SERVICES**

Design-builders shall be registered with the Secretary of State and the Department of Revenue prior to contract award. Where required by state or federal law, the design-builder shall be able to provide design or construction services by licensed or registered individuals.

**PUBLIC ANNOUNCEMENT PROCEDURES**

Except in emergency situations, the Department shall publish an announcement in accordance with SDCL §5-18-3. The announcement shall set forth a general description of the project requiring design-build services and defining time frame and procedures for interested qualified firms to apply for consideration. The public announcement shall further state whether design-builders will be pre-qualified for the project.

**TECHNICAL REVIEW COMMITTEE**

There shall be a Technical Review Committee (Committee) comprised of the following:

- 1) Director of Public Works and up to three additional members appointed by the Public Works Director.
- 2) The Engineering Division Manager, or his designee, and up to three additional members from the Engineering Division to be appointed by the Engineering Division Manager.

The Committee shall have responsibility for determination of the most qualified offerors as provided in "Qualification of Design-Builders" and rating and scoring Qualitative Proposals as provided in "Competitive Selection of Design-Build Services".

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**CRITERIA PACKAGE AND REQUEST FOR PROPOSALS**

- 1) The Department shall prepare a criteria package. The criteria developer may be either a private practitioner (selected in accordance with normal procedures for selecting design firms) or on the Public Works Department staff. The criteria developer is prohibited from being part of the bidding entity. The criteria package may include the following:
  - a) Scope of work;
  - b) Site survey;
  - c) Material quality standards;
  - d) Conceptual design criteria;
  - e) Design and construction schedules;
  - f) Site development requirements;
  - g) Stipulation of responsibilities for permits and utility, storm-water, and road connections;
  - h) Stipulation of responsibility for meeting environmental regulations;
  - i) Soil borings and geo-technical information;
  - j) Traffic control stipulations;
  - k) Performance specifications; and
  - l) Statement of required compliance with codes and general technical specifications.
- 2) The purpose of the criteria package is to furnish sufficient information for firms to prepare qualitative proposals and price proposals. The firm submitting the successful proposal shall develop a detailed project design based on the criteria in the criteria package. Moreover, the firm shall construct the facility in accordance with the criteria package.
- 3) The Request for Proposals (“RFP”) shall consist of the criteria package, instructions to bidders, bid proposal forms, provisions for contracts, general and special conditions, and basis for evaluation of proposals.

**QUALIFICATION OF DESIGN-BUILDERS**

- 1) The Public Works Department shall qualify design-builders on a project by project basis.
- 2) The Public Works Department shall advertise in accordance with SDCL §5-18-3 for a Request for Qualifications (“RFQ”). The RFQ shall contain the following:
  - a) a general description of the project;
  - b) a description of the areas of qualification required for performance of the work, such as experience, management resources, and financial capability;
  - c) the basis upon which the most qualified offerors will be determined; and
  - d) any other requirements the Department deems necessary.

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Firms desiring to submit proposals on the design-build project shall submit a statement of qualifications setting forth the qualifications of the entities involved in the firm and providing any other information required by the RFQ.

- 3) The Committee shall determine the relative ability of each D-B team to perform the services required for each project. The Committee shall base its determination upon the following:
  - a) Experience with comparable projects;
  - b) Financial and bonding capacity;
  - c) Managerial resources;
  - d) The abilities of the professional personnel;
  - e) Past performance;
  - f) Capacity to meet time and budget requirements;
  - g) Knowledge of local or regional conditions;
  - h) Recent and current project workload; and
  - i) The ability of the design and construction teams to complete the work in a timely and satisfactory manner.
- 4) The Committee shall select at least two and no more than five firms deemed to be most highly qualified to perform the required services, after considering the factors in (2) above. The Committee will report its selection of most highly qualified offerors to the Mayor and Rapid City Council.
- 5) The Public Works Department shall issue RFP's to the most highly qualified firms selected by the Committee.

**COMPETITIVE SELECTION OF DESIGN-BUILD SERVICES**

- 1) Each firm submitting a proposal shall submit a Qualitative Proposal and a Price Proposal. Only firms receiving a RFP may submit proposals. Proposals shall be segmented into two packages;
  - a) Qualitative Proposals. A qualitative proposal shall include preliminary design drawings, outline specifications, technical reports, calculations, permit requirements, management plan, schedule, and other data requested in response to the RFP. Qualitative proposals shall be submitted in a sealed package, which identifies the project and the design-builder on the outside of the package. Each firm shall place the works 'QUALITATIVE PROPOSAL" on the outside of the package. Nothing contained in the qualitative package, except the project management plan set forth below shall identify the design-builder. The project management plan shall be submitted in a separate envelope within the qualitative proposal package.

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- b) Price Proposal. Price proposals shall include one lump sum cost for all design and construction of the proposed project. Each firm shall submit its price proposal in a separate sealed package. Each firm shall place the words "PRICE PROPOSAL" on the outside of the package. Each firm shall also place its name, the project description, and any other information required by the RFP on the outside of the package. The Department shall secure price proposals until the time provided in "Best Value Selection", paragraph (1).
- 2) The Bid Letting Engineer shall assign each qualitative proposal. The proposal, less the project management plan, shall be submitted to each member of the Committee with only the assigned number to identify the design-builder (it is intended that the Committee members not know the identity of the design-builder during the review and scoring of the technical and schedule aspects of the packages). The project management plan shall be submitted to the Committee members for review and scoring only after they have turned in their scores for the other portions of the qualitative proposal. The Committee members shall review the design concepts, preliminary designs and technical data submitted by each firm. Prior to issuing their ratings, the Committee members may consult with each other and with any Consultant hired by the Department to assist with the design-build procurement process. The Committee members shall then independently rate each firm's proposal based upon criteria established by the Committee for the project. The criteria may include the following format example, but shall be adjusted for the particular characteristics of the project prior to the advertisement of RFP:
- |  |                   |
|--|-------------------|
| 1. Technical Criteria  | Maximum Score: 65 |
| 2. Project-specific Management Plan  | Maximum Score: 20 |
| A. Management Plan and Organization  |                   |
| B. Resumes of Key Professional and Managerial Personnel                      |                   |
| C. Quality Assurance Plan  |                   |
| D. Safety Plan   |                   |
| E. Minority and Disadvantaged Business Participation Plan                    |                   |
| 3. Project Schedule  | Maximum Score: 15 |
| A. Construction Schedule and Ability to Meet Schedule                        |                   |
| B. Architecture and Engineering Design Schedule and Ability to Meet Schedule |                   |
| C. Length of Construction and Design Schedule                                |                   |
| Total Maximum Score: 100   |                   |
- 3) The Committee may adjust and refine all of the above criteria and the points assigned to each based on the project type and Department experience. The Committee may reduce the weight of management criteria or omit it entirely if it is sufficiently

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determinative in selection of the most qualified offerors under “Qualification of Design-Builders”. The Committee may omit schedule as criteria when it is a fixed requirement in the RFP.

- 4) The Committee members shall, without conferring with one another, submit their criteria scores for each design-builder to the Bid Letting Engineer. The Bid Letting Engineer will average the scores of the Committee members for each design-builder to arrive at a single score for each design-builder.

**BEST VALUE SELECTION AND AWARD FOR DESIGN-BUILD SERVICES**

- 1) The City Finance Office shall set a date for publicly opening the price proposals, and shall notify all firms submitting price proposals at least seven calendar days prior to the opening date. The notification shall include the date, time, and place of the opening of price proposals and date for award of the project.
- 2) The City Finance Office shall publicly open the sealed price proposals and divide each firm’s proposed price by the qualitative score given by the Committee to obtain an “adjusted price”. The firm selected will be that firm whose adjusted price is lowest. An example of the “best value” selection formula follows:

Firm	Qualitative Score	Proposed Price	Adjusted Price
A	90	\$6.9 million	\$7.67 million
B	79	\$6.3 million	\$7.97 million
C	84	\$6.8 million	\$8.09 million

(Award to firm A at \$6.9 million)

- 3) Instead of requiring Qualitative Proposals and Price Proposals, the department may establish a fixed dollar budget for the design-build project in the RFP. With a fixed price established for all proposers, each firm would submit only Qualitative Proposals. The department would award the project to the firm receiving the highest qualitative score.
- 4) The Department reserves the right to reject all proposals. The Rapid City Council shall either reject all proposals or approve an award to the firm with the lowest adjusted price. The City Finance Office will notify all proposers in writing of the Department’s intent to enter into a contract with that firm.
- 5) The Department shall enter into a contract with the firm selected as provided above. At the time of the award, the Department may negotiate minor changes for the purpose of clarifying the design criteria and work to be done, provided that the negotiated changes to not affect the ranking of the proposals based on their adjusted scored.