

A RESOLUTION TO ESTABLISH PROCEDURES FOR THE SOLICITATION AND AWARD OF CONSTRUCTION MANAGEMENT SERVICES CONTRACTS

WHEREAS, the City of Rapid City is required to establish and publish procedures for the solicitation and award of construction management services contracts before it may issue a Request for Proposals for certain services; and

WHEREAS, the City of Rapid City has previously established such procedures for specific projects; and

WHEREAS, the City of Rapid City desires to establish general procedures applicable to all construction management services contracts.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Rapid City, that the following procedures are established to govern the solicitation and award of construction management services contracts:

Section 1. Purpose

The City of Rapid City recognizes that the most efficient and cost effective manner of proceeding with certain projects is through the use of a Construction Manager at Risk (CMAR). The City has determined that it is consistent with the public interest to allow the request for utilization of a CMAR so long as the applicable statutory procedures are followed. The City, having been assured that the construction management services would not unreasonably duplicate and would be in addition to the normal scope of separate architect or engineer contracts, in order to comply with SDCL §5-18A and B, including specifically SDCL § 5-18B-44, adopts the following procedures for selection of a construction management firm to provide CMAR services.

Section 2. Definitions

For the purposes of this procedure, the definitions contained in SDCL § 5-18A and 5-18B and the following definitions shall apply:

“City” means the City of Rapid City, its departments, commissions, boards and agencies.

“CMAR” means Construction Manager at Risk.

“Firm” means any individual, partnership, corporation, limited liability company, association, joint venture or other legal entity permitted by law to practice architecture, engineering, or construction contracting in the State of South Dakota and City of Rapid City.

“RFP” means Request for Proposals, as defined and governed by state law and city ordinance, including specifically SDCL ch. 5-18A.

Section 3. Method of Selection

The CMAR will be selected through a competitive RFP process in accordance with SDCL § 5-18B-40 through 44.

Section 4. Minimum Qualification Requirements for Firms Providing CMAR Services

Construction Managers at Risk shall be registered with the State of South Dakota as a domestic or foreign corporation, partnership or joint venture as of the date of the contract award. Construction Managers at Risk shall register with the South Dakota Department of Revenue upon selection. Further detailed and specific minimum qualifications shall be established by the City and contained in the RFP.

Section 5. Public Announcement Procedures

Notice of any RFP shall be advertised in accordance with the provisions of SDCL § 5-18A-14.

Section 6. Review Committee

There shall be a Technical Review Committee (Committee) consisting of a minimum of five (5) persons established to determine the most qualified proposals and to rate and score the proposals and interviews. The Committee shall contain the Project Manager and other persons designated by the Department Director or Manager of the City department or agency contracting the CMAR.

Section 7. Request for Proposal – Selection Criteria

A. General Requirements.

The Request for Proposals shall contain the following:

- A description of the project;
- A description of the areas of qualification required for performance of the work, including but not limited to experience, management resources, and financial capability;
- The criteria upon which the most qualified offerors will be determined;
- A description of the qualifications the Construction Manager will be required to have;
- A description of, or reference to, the proposed contract terms and conditions for the construction manager services contract, including a description of the services to be performed; and
- Any other requirements the City deems necessary.

B. Selection Criteria.

The Committee shall determine the relative ability of each firm to perform the services required for each project. The Committee shall base its determination upon the following:

- Experience with comparable projects
- Financial and bonding capacity
- Managerial resources
- The ability of the professional personnel
- Past performance
- Capacity to meet time and budget requirements
- Knowledge of local or regional conditions
- Recent and current project workload
- The ability of the construction manager to complete the work in a timely and satisfactory manner
- Legal judgments against the construction manager
- References from owners of similar projects

Section 8. Competitive Selection of Construction Manager at Risk Services

A. The Committee shall review the Proposal submitted by each firm and shall establish a rating for each firm's proposal based upon criteria established by the City and contained in the RFP. The criteria shall include, but not be limited to, a rating for each of the following items:

- Corporate information – the firm's company history, size, staff, general experience and evidence of financial capacity.
- Personnel information – an organization chart with resumes of the project team and key team leaders.
- Systems approach – a management plan and project management control systems that will be used on the project.
- Experience – a list, with references, of similar projects the firm has completed.

B. A short list of firms that scored the highest on the ratings of the Committee will be selected for interviews. Following interviews with the top firms, the Committee shall then score each firm's interview based upon interview evaluation criteria, which shall include but not necessarily be limited to the following:

- The firm's project approach and methods;
- The firm's understanding of the program and project;
- The firm's ability to provide the service required by the City; and

- If a consortium or joint venture, the amount and type of work anticipated to be done by each component firm and how quality and schedule will be controlled.

C. The Committee will total the proposal and interview scores for each firm. The firm with the highest total score shall be selected for contract negotiations.

Section 9. Negotiations

The City, with the advice and assistance of its design professional, may discuss with the selected firm significant weaknesses, deficiencies, and other aspects of its proposal that could be altered or explained to materially enhance the proposal's potential for award. Discussions may include technical approach, management plan, and terms and conditions. The primary objective of discussions is to maximize the ability to obtain best value, based on the requirement and evaluation factors set forth in the RFP. The scope and extent of discussions are a matter of City's judgment. If the negotiations with the firm with the highest total score do not result in a contract, the City reserves the right to negotiate with the firm with the second highest score without issuing a new RFP.

Section 10. Right to Reject Proposal

The City reserves the right to reject all proposals.

Section 11. Award

Upon completion of successful negotiations, the City shall enter into a contract with the firm selected. The City shall notify the successful firm in writing and simultaneously notify the unsuccessful firms.

Section 12. Confidentiality

The City shall at all times make every effort to maintain the confidentiality of information provided by firms. To the extent provided by law, proposals and proprietary information provided to the City for its evaluation shall remain confidential.

Dated this _____ day of _____, 2013.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(seal)