UNIVERSITY OF NEBRASKA

DESIGN/BUILD AND CONSTRUCTION MANAGEMENT SERVICES SELECTION PROCEDURES

I. Reference and Application:

A. On November 22, 1997, the University of Nebraska Board of Regents approved use of the services of a Design/Builder or Construction Manager for capital construction projects pursuant to a general procedure for the award of construction management contracts or design/build contracts.

B. Application: The selection procedures apply to all projects utilizing a construction manager or design/builder for construction services.

II. Objectives and Limitations:

The objective of these procedures is to encourage construction excellence, and budget and schedule control by providing an impartial, objective, and competitive system open to all qualified construction firms. The procedure is divided into the following five phases: the interest phase, the proposal phase, the interview phase, the contract phase and the report phase. The five phases of procedure are described below.

III. Definitions

A. Construction Services. Construction Services shall mean those services within the scope of the practice of construction or those performed by any construction management or design/build firm, including pre-construction and post-construction services as necessary.

B. Construction Firm. Construction Firm shall mean any partnership, corporation, association, or other legal entity practicing construction management or design/build construction.

C. Project. Project shall mean that fixed capital outlay, study or planning activity except renewal work as described below.

IV. Interest Phase

The Chief Business Officer or designee, hereinafter referred to as Campus, will advertise in appropriate Nebraska papers to provide an opportunity for as many construction firms as possible to be considered for a project. The advertisement will contain a brief project description and information on how interested construction firms can apply for consideration for the project.
V. Proposal Phase

A. The campus will send a letter to all construction firms that indicate an interest in a project. A list of all recipients will be forwarded to the Director of Facilities Planning and Management. The letter will request the construction firms submit a written proposal for services by a specific date.

B. Packets sent to the construction firms include the following:

1. For Construction Management Services
   a. Request for Proposal (Design/Build and Construction Management Services Selection, Att. 5, RFP Construction Management)
   b. Summary of Project, including description, schedule and budget
   c. Contract Form
   d. Construction Management Services Selection Qualifications Supplement
   e. Construction Management Services Selection Evaluation Criteria Form

2. For Design/Build Services
   a. Request for Proposal (Design/Build and Construction Management Services Selection, Att. 1, RFP Construction Management)
   b. Summary of Project, including description, schedule and budget
   c. Contract Form (Design and Construction Agreement – Fixed Price - OCIP)
   d. Design/Build Services Selection Qualifications Supplement
   e. Design/Build Services Selection Qualifications Supplement

C. Proposals will be reviewed in conjunction with interviews. If the number of written proposals becomes too numerous, a two-step process will be implemented. The construction firm proposals will be ranked based on the average of the total evaluation made by each member of the Evaluation Board. The three construction firms that receive the highest evaluations will then be interviewed. In the event of a tie or near tie for third position, the Evaluation Board may elect to include a fourth firm for interviews.

VI. Interview Phase

A. The campus will notify the construction firms to be interviewed by phone and letter. Construction firms will be provided the time and place of interview.

B. An Evaluation Board composed of a minimum of three persons (the Director of Facilities or designee and at least two campus designated persons) will interview and rank the construction firms in order of qualifications with the most qualified firm first. The profession of one member of the board must represent the particular field of endeavor being considered. A designated chairperson shall be the impartial referee and tie breaker, and shall conduct the proceedings for the benefit of all concerned. The Evaluation Board will consider each firm's capabilities to perform, adequacy of personnel, past record and performance as well as experience to render the services required.
C. The Construction Firms will be ranked based on the average of the total evaluation made by each member of the Evaluation Board. The firm receiving the highest ranking will then be considered the most qualified firm for the project. In the event of a tie, the Board will further evaluate and rank the top two construction firms.

VII. Contract Phase

A. The Design/Build Firm receiving the highest evaluated score will be recommended for award of the Design/Build Contract. There will be no binding contract for the project until the contract documents with the selected Construction Firm have been approved by the Vice President for Business and Finance and signed by the President of the University of behalf of the University.

B. A Contract Negotiation Committee composed of a minimum of two persons (the Director of Facilities Planning and Management or designee and one campus designated person) will attempt to negotiate a contract with the most qualified Construction firm that the Contract Negotiation Committee determines is fair and reasonable for the University.

1. If unable to negotiate a contract with the most qualified firm, the Committee will forward a letter to the most qualified firm formally terminating the negotiations and negotiations will be undertaken with the next most qualified firm. In the event of failure to reach an agreement with the second most qualified firm, the Committee will again forward a letter to the firm notifying them of formal termination of negotiations. The same procedure will be followed with all the firms in the order ranked by the Evaluation Board until a contract is successfully negotiated with a qualified firm.

2. If negotiations with qualified firms are unsuccessful, the Committee will report results to the Board of Regents at the next scheduled meeting. The Board will provide guidance for renegotiating with the firms in the order previously ranked by the Evaluation Board or direct that the Evaluation Board reconvene and interview and rank additional firms and that the Contract Negotiation Committee negotiate with such additional firms in the order ranked pursuant to the procedures set forth above.

VIII. Report Phase

After signing a contract, the campus will report the name of the successful construction firm at the next regularly scheduled Board meeting.