

**ADMINISTRATIVE CODE**  
**BOARD OF COUNTY COMMISSIONERS**

**ATEGORY:**

Purchasing/Contracts

**CODE NUMBER:**

AC-4-3

**TITLE:**

'Selection Procedures Regarding Contracting for Design/Build Services

**ADOPTED: .**

8/5/92

**AMENDED:**

**ORIGINATING DEPARTMENT:**

Public Works/County Attorney

**PURPOSE/SCOPE:**

The purpose hereof is to set up procedures for selection of Design-Build firms by Lee County and otherwise ensure compliance with the Design-Build requirements of Section 287.005 Florida Statutes, as amended from time to time.

**POLICY/PROCEDURE:**

I. INTRODUCTION:

Definitions

1. DESIGN-BUILD FIRM means an individual, firm, partnership, corporation, association or other legal entity which:
  - a) Is certified under Section 489.119, Florida Statutes, 'to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; and
  - b) Is certified under Section 471.023, Florida Statutes, to practice or to offer to practice engineering; certified under Section 489.219, Florida Statutes to practice or to offer to practice architecture; or certified under Section 481.319, Florida Statutes practice or offer to practice landscape architecture.
2. DESIGN-BUILD CONTRACT means a single contract with a design-build firm for the design and construction of a public construction project, where services within the scope of the practice of architecture, landscape architecture, or professional engineering as defined by the laws of the State of Florida are performed by a certified architect, certified landscape architect, or certified professional engineer and where those services within the scope of construction contracting as defined by the laws of the State of Florida are performed by a certified or registered contractor.

3. DESIGN CRITERIA PACKAGE means **concise**, performance-oriented drawings or specifications of the public construction project. The purpose of the design **criteria** package is to furnish sufficient information **so as to** permit design-build firms to prepare a bid or a **response** to a department's request for proposal, **or to** permit a department to **enter into a** negotiated design-build contract. The design criteria package **shall** specify such performance based **criteria** for the public construction project, including, but not limited to, the legal description of the site, survey **information** concerning the site, interior space requirements, 'permitting criteria, material quality standards, schematic layouts and conceptual design criteria of the project, cost or **budget** estimates, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, traffic impact statement **and** parking requirements, as may be applicable to the project.
4. DESIGN CRITERIA PROFESSIONAL means an individual, **firm**, corporation, partnership, 'association, or other legal entity holding a current certificate of registration under **Chapter** 481, Florida Statutes, to practice architecture or landscape architecture or such an entity who holds a current certificate as a registered engineer under Chapter 471, **Florida** Statutes, to practice engineering and **who is** employed by **or under** contract to the County for the providing of professional architectural services, landscape **architectural** services, or **engineering** services **in** connection with the preparation of the **design** criteria package.
5. COUNTY means Lee County, Florida.
6. **BOARD** means Board of County **Commissioners** of Lee County, Florida.
7. ADMINISTRATOR **means the** County Administrator of Lee County, **Florida**, or designee.
8. COMPENSATION means, the total **amount paid** by the County for the services.
9. SPONSORING DEPARTMENT means the unit of Lee County government which initiates the 'project and/or utilizes the final product of the **professional** service work.

**I. DESIGN CRITERIA**

**A. Design Criteria Package**

1. All design-build projects require a design criteria **package** to define the project parameters which are to be used to evaluate and **govern** the **proposal**. This **design criteria package** consists of concise performance-oriented drawings or specifications, or **both**, of the project. The criteria shall include as a minimum the following, as may be applicable to **the project**:
  - a) **Legal** description of the site.
  - b) Survey information concerning the site.
  - c) Interior space requirements.
  - d) Material quality standards.
  - e) Schematic layouts and conceptual **design** criteria of the project.
  - f) Cost or budget estimates.
  - g) Design and construction schedules.
  - h) Site **development** requirements.
  - i) Provisions for utilities, storm **water** retention and disposal.
  - j) Parking requirements.
  - k) Available land, easements; **ROW's** to be utilized.
  - l) Processes, standards, or specific requirements to meet County needs.
  - m) Performance requirements and milestones.
2. The design criteria package shall be prepared **and** sealed by a design criteria professional employed by **or retained** by the County.

**B. Design Criteria Professional**

1. Accepted entities who may act as the design criteria professional include but are not limited to:

- a) Licensed professional engineers, architects and landscape architects employed by the County.
  - b) Engineering, architectural or landscape architectural -individuals; corporations, **firms** or other legal entities selected by the County pursuant to County procedures **implementing** Section. 487.055(4) and (5), Florida **Statutes** as. **amended**, to be the design criteria professional,
2. A design criteria professional who has been selected to prepare the **design criteria** package **shall not** be eligible to render services **under a** design-build contract executed pursuant to the design **criteria** package.
  3. The design **criteria professional** shall develop criteria using the general or specific guidelines of the County and shall utilize the following methods (or combinations thereof) as directed and supervised by the County.
    - a) Developing a written criteria defining the requirements of the design-build project.'
    - b) Developing schematic plans **or** guide specifications, or both, for use by the prospective design-build firm in preparing proposal documents.
    - c) Utilizing previously completed or partially **completed** designs (prepared for the County by others) with written criteria to **define** the specific requirements of **the** project.
  4. The Director **of** the Project Sponsoring Department shall consult with the design criteria **professional** concerning' its duties which may include, but are not **limited** to:
    - a) **evaluation** of the responses or bids submitted by **the design-build** firm;
    - b) super-vision or **approval** of **the County** of the detailed working **drawings and** review of design-build firm's design for the project; a n d
    - c) evaluation of the compliance of the project construction with the design **criteria** package.
  5. The County may elect to have any of the services referenced in sub-paragraph (4) above performed by County personnel or another qualified **firm** or entity.

III. SELECTION PROCEDURES

A. Public Announcement

When the Administrator determines that a project shall be constructed pursuant to this Administrative Code, he or she shall arrange for preparation of a design criteria package for the project as specified elsewhere herein.

Except in valid public emergency situations declared in accordance with Section VI, Lee County shall publicly advertise in a uniform and consistent manner on each occasion when design-build services are required. The advertisement shall include a general description of the project and shall include how, and the time within which, interested design-build firms may apply for consideration.

The Lee County Department of Public Works shall prepare and maintain a list of legally qualified design-build firms. Each legally qualified design-build firm included on the list will receive an announcement of upcoming projects.

B. Legal Qualification

Any firm or individual desiring to provide design-build services to the County must first be determined legally qualified.

Legal qualifications include;

1. Firms must be properly certified to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; and
2. Firms must be properly certified to practice or to offer to practice engineering, architecture, or landscape architecture; and
3. The firm shall be duly qualified to perform its proposed service under any other applicable law.

C. Professional Service Committee

A Professional Service Committee (PSC) will be used to select design-build firms for recommendation to the Board and will be comprised of the following:

1. The Director of the department requesting the service, or designated representative, who shall chair the committee.

2. The Project **Sponsoring Department's Project Manager**, who shall serve-as the secretary of-the committee.
3. The Public Works Director or designee.
4. The **design criteria professional**.
5. Other persons, as **may** be designated and authorized in writing by the County Administrator.

In addition, others, at the pleasure of the chair, may be invited to participate in the committee discussion. The County Attorney, **or** a designated Assistant County Attorney, shall be available to render legal counsel to the committee.

D. Solicitation

The Project Sponsoring Department shall develop the scope of work for the design-build project. The Department of **Public Works** shall then develop a Request For Proposals (RFP) to solicit proposals from interested, legally qualified design-build **firms**. The RFP shall contain as a minimum the **following**:

1. The design criteria package.
2. Submittal requirements.
3. Performance criteria (as defined in II.C.1. above.)
4. Basis for selection (i.e., **price**, points, or a combination of **the two**.)
5. Method of selection (**one** of the following) shall be determined at **the** reasonable **discretion** of the **Director** of the Project **Sponsoring Department**.
  - a) Single Step. Selection of no less than three design-build firms, **and** acceptance of a **lump sum** proposal, based on the evaluation criteria outlined in the RFP. **This criteria will** include price, technical and design aspects of the project.
  - b) Two Step. Selection of **no less than three** design-build firms by qualifications based on the requirements outlined, in the RFP including technical and design aspects of the **project**, and then a **review** of the **price** proposals for final selection. The design-build firms **shall be** ranked on the basis of both qualifications and price.

c) Two Phase. Selection of no less than three qualified design-build firms with a recommendation that two firms be, awarded a contract, to provide 30% design for a fixed price.. Upon completion of 'the 30% **design**, the two design-build firms will provide a **fixed price for completion of their design and construction of the project.** Award **will** be made on a cost per point basis where the 'points are determined by **evaluation** of the submitted, design as provided **in** the RFP.

- 6.. Requirements for **determining** qualification.
7. Terms and conditions of proposed agreement.
- 8 : Other items as required by procedures, laws, ordinances; or prevailing circumstances.

**E. Recommendation for Selection**

After due **consideration**, the Professional Service Committee shall identify-, **no** less than three (3) design-build firms, in ranked order, **deemed to be** the most qualified. to perform the required services. Recommendations for **selection** of the design-build firms shall be based on the criteria set forth **in the RFP.**

The **RFP** requirements may include, **but shall not be** limited to, the following:

1. Approach to the project and management ability.
2. Ability of design and construction entity.
3. Financial capability **of the design-build firm.**
4. Successful experience with **similar work** and with design-build projects.
5. Availability **and** ability to meet schedules and budget requirements.
6. Past performance on **Lee** County projects.
7. Location where design work is to be performed.
8. Recent, current and projected workload.
9. **Qualifications** of the design-build. firm, 'the. **design-build** firm partners, members or key personnel.

10. Equal opportunity and affirmative action posture.

F. Oral Presentations

Oral presentations may be, required on design-build projects, in the **discretion of the** County.

**When** required-, oral presentations will be scheduled **with the short listed firms** as determined **by** the evaluation performed by the PSC on the response to the RFP. **Presentations will be** scheduled by the Department of Public Works with input from **the Project Sponsoring Department--**

It is mandatory that all members of the **Professional Service Committee** attend the oral presentation. Committee members will be provided with a second evaluation form whereby they will evaluate each firm based on the following criteria:

1. Professional and technical understanding of the project and capital **improvement** program **requirements.**
2. Approach to the project and methods to be used to plan, design and administer the project.
3. Ability **to provide the** required service within **schedule** and budget.

Following the oral presentations, members. of the Professional Service Committee **will** score, each firm in accordance with the **RFP.**

G. Final Scoring and Ranking

1. **The** RFP will define the specific scoring for each proposal. The initial short. listing scores and the ranking of the oral presentation **will be added to** develop a final ranking of the firms. The final ranking shall be based on the price/point ranking.
2. If in evaluating the three shortlisted firms, issues regarding price, terms or conditions **require** clarification or discussion, the Director of the Project Sponsoring Department is authorized to hold negotiations with any or all of the short listed firms.

H. Selection

1. **The** minimum score considered acceptable for a firm to be selected will be defined in the RFP. Only firms which meet or exceed this minimum score **shall** be considered or recommended for selection.
2. The Board shall be requested **to** select the firm providing the County, with the best price and services as determined by the selection process. The Board reserves the right to not award any contract hereunder.

IV. ACCELERATED PROCEDURES

On' projects **identified** for **acceleration** by the County Administrator following the evaluations, the PSC **Committee** will negotiate a contract. with the top ranked, firm. **Should** negotiations with the top ranked firm be unsuccessful,. the PSC Committee shall negotiate with the second and third ranked firms, as necessary.

The Department of Public Works shall **prepare** an agenda item presenting to the Board the top **qualified firms** in **order of** ranking, the proposed contract executed by **the** firm with whom negotiations were successful,. and certifications that the competitive selection and negotiations were conducted **in** accordance **with** 'the Administrator's procedure and the Consultant's: Competitive Negotiations Act.. The Board, Shall be requested to approve, the selection of the top firms in order of ranking **and the** proposed contract with the firm with whom negotiations were successful..

V. EVALUATION OF THE PERFORMANCE OF THE DESIGN-BUILD FIRM

The design-build firm to whom the design-build contract **is** awarded **shall be** responsible **for** creation **of** the. project design based upon the criteria in the design criteria package.

The Project Sponsoring Department shall maintain and administer professional services review procedures as approved **by** the Administrator. These procedures shall be used to evaluate ongoing and past performances of **firms** providing design-build services to the County including their partners and members. **The** following procedures will be used:

- A. The Project Sponsoring Department and/or other departments,, involved in the contract shall evaluate the services performed **by** the firm.
  1. At least **once during** design at the 30% or 60% review.

2. Upon completion of design.
  3. Every six months during construction, but not less than once.
  4. Upon final completion of construction...
  5. At other times to be determined in County's discretion.
- B. Criteria to be used in the evaluation process shall include, but not be limited to, design, quality of design and construction, ability to meet budget. and schedule, constructability, operation and maintenance and overall performance of the project, and such other factors as may be determined to be applicable.
- C. Results of the evaluation process will be used in competitive selection of design-build firms for subsequent work.
- D. Design-build firms will have the right to review their evaluations and request clarifications as appropriate.

VI. EMERGENCY

- A. When there exists a concern regarding the public health, safety or welfare, or a concern regarding other substantive loss to the County requiring emergency action for a proposed design-build project, the Board may declare, an emergency and authorize the PSC Committee to negotiate with the best qualified firm available at the time, at a compensation determined to be fair, competitive, and reasonable, subject to the requirements of the existing, emergency. In making the determination; the PSC Committee shall analyze the cost of the design-build services required, giving full consideration of the scope and complexity of the project and the requirements of the existing emergency.
- B. The negotiated contract shall be presented to the Board for approval.
- C. The provision of this subsection shall supersede any provisions to, the contrary contained elsewhere herein.

VII. The provisions of this Administrative Code section shall be liberally construed in order to, effectively carry out the purposes hereof. in the interest of public health, welfare, and safety of the citizens and residents of Lee County, and the State of Florida.