

Hiring the Design-Builder

Texas School Construction and Procurement Conference - November 29, 2023



DESIGN-BUILD

- 29 **DESIGN-BUILD CONTRACT**
- 29 **A SINGLE CONTRACT FOR BOTH DESIGN AND CONSTRUCTION**
- 29 **THE STATUTORY PROCEDURE FOR PROCUREMENT IS UNIQUE**

DESIGN-BUILD

- STEP 1: ADOPT THE EDUCATIONAL SPECIFICATIONS**
- STEP 2 ADOPT THE LONG RANGE FACILITY PLAN**
- STEP 3: DETERMINE METHOD OF DELIVERY**
- STEP 4: DELEGATION OF AUTHORITY**
- STEP 5: HIRE INDEPENDENT ENGINEER/ARCHITECT**

DESIGN-BUILD

- **STEP 5: HIRE INDEPENDENT ENGINEER/ARCHITECT**
- **SCHOOL DISTRICT MUST DESIGNATE AN ENGINEER OR ARCHITECT INDEPENDENT OF THE DESIGN-BUILD FIRM TO ACT AS ITS REPRESENTATIVE FOR THE DURATION OF THE WORK**



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- STEP 6: DETERMINE CRITERIA AND WEIGHTS**
- STEP 7: PREPARE DESIGN CRITERIA PACKAGE**



DESIGN-BUILD - THE DCP

29 WHAT'S A DESIGN CRITERIA PACKAGE?

- 29 A SET OF DOCUMENTS THAT PROVIDES SUFFICIENT INFORMATION TO PERMIT A DESIGN-BUILD FIRM TO PREPARE A RESPONSE TO REQUEST FOR QUALIFICATIONS AND OTHER INFORMATION REQUESTED



DESIGN-BUILD - THE DCP

29 A DESIGN CRITERIA PACKAGE MAY INCLUDE, AS APPROPRIATE:

- 29 (1) BUDGET OR COST ESTIMATES;
- 29 (2) INFORMATION ON THE SITE;
- 29 (3) PERFORMANCE CRITERIA;
- 29 (4) SPECIAL MATERIAL REQUIREMENTS;
- 29 (5) INITIAL DESIGN CALCULATIONS;



DESIGN-BUILD - THE DCP

- ☺ (6) KNOWN UTILITIES;
- ☺ (7) CAPACITY REQUIREMENTS;
- ☺ (8) QUALITY ASSURANCE AND QUALITY CONTROL REQUIREMENTS;
- ☺ (9) THE TYPE, SIZE, AND LOCATION OF STRUCTURES; AND
- ☺ (10) NOTICE OF ANY ORDINANCES, RULES, OR GOALS ADOPTED BY THE GOVERNMENTAL ENTITY REGARDING HISTORICALLY UNDERUTILIZED BUSINESSES.



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STEP 8: PREPARE REQUEST FOR QUALIFICATIONS



Why An RFQ?

Why An Rfq?

**Design Professional
Qualifications come First!**

Because of This



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STEP 8: PREPARE REQUEST FOR QUALIFICATIONS

STEP 9: SET PREVAILING WAGE RATE

STEP 10: GIVE NOTICE OF WORKER'S COMP COVERAGE

STEP 11: REQUIRE PAYMENT AND PERFORMANCE BONDS

STEP 12: PUBLICATION OF REQUEST FOR QUALIFICATIONS

STEP 13: SELECTION OF DESIGN BUILD FIRM

DESIGN-BUILD - TWO PHASES ALWAYS

- ☺ **STEP 13: SELECTION OF DESIGN BUILD FIRM**
- ☺ **MUST USE A TWO-PHASE PROCESS**
- ☺ **13.1 PHASE ONE: CONSIDER EXPERIENCE, COMPETENCE, ETC., BUT NOT COST-RELATED OR PRICE-RELATED FACTORS. DISTRICT MUST QUALIFY UP TO 5 OFFERORS TO SUBMIT ADDITIONAL INFORMATION**
- ☺ **13.2 PHASE TWO: EVALUATE ALL INFORMATION ON BASIS OF SELECTION CRITERIA. DISTRICT MAY REQUEST MORE INFORMATION, BUT NOT DETAILED DESIGNS.**

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- STEP 11: REQUIRE PAYMENT AND PERFORMANCE BONDS
- STEP 12: PUBLICATION OF RFQ
- STEP 13: SELECT FIRM
 - 13.1 QUALIFICATIONS
 - 13.2 COMPENSATION
- STEP 14: MAKE SELECTION PUBLIC**



DESIGN-BUILD

- 25 TESTING
- 25 THE SCHOOL DISTRICT MUST CONTRACT INDEPENDENTLY OF THE DESIGN BUILD FIRM FOR CONSTRUCTION MATERIALS ENGINEERING, TESTING, AND INSPECTION SERVICES. SUCH SERVICES MUST BE SELECTED IN ACCORDANCE WITH 2254 OF THE TEXAS GOVERNMENT CODE.



DESIGN BUILD - MOST COMMON ERROR

- ☹️ **INTERLOCAL COOPERATIVES & DESIGN BUILD**
- ☹️ **THE FAILURE TO HIRE AN ENGINEER OR ARCHITECT**
- ☹️ **THE MORPH - THE “SWITCH” FROM “PERFORMANCE CONTRACTOR” TO DESIGN BUILDER.**

THE ACCIDENTAL DESIGN-BUILD

ENERGY SAVINGS AND PERFORMANCE K

- ☺ **FOR ENERGY AND WATER EFFICIENCY IMPROVEMENTS**
- ☺ **BELOVED FOR ITS SEEMING EASE AND FINANCING OPTIONS . . . “IT PAYS FOR ITSELF.”**
- ☺ **SOMETIMES IT DOESN'T**



ESPC - DESIGN BUILD - THE MORPH

- ☺ **HAVE TO RESTART THE PROCUREMENT PROCESS**
 - ★ **IF YOUR “FREE” AUDIT COMES WITH A PRICE TAG AND YOU CHOOSE NOT TO HIRE THE PERFORMANCE CONTRACTOR,**
 - ★ **HOW DO YOU GO THROUGH THE DESIGN BUILD PROCUREMENT WITHOUT CONSIDERING PRICE AS A FACTOR?**
 - ★ **REMEMBER- THE FIRST STEP IS TO CONSIDER QUALIFICATIONS ONLY**
- ☺ **DON'T FORGET. YOU NEED A DESIGN PROFESSIONAL TO CREATE THE DESIGN CRITERIA PACKAGE AND MONITOR THE WORK**

Questions

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