



Administrative Procedure PUR-332

**REQUEST FOR PROPOSALS FOR CONSTRUCTION
MANAGER AT RISK (CMAR) FOR
PUBLIC WORKS PROJECTS**

Responsible: Purchasing Department

PURPOSE

This Administrative Procedure shall provide guidance for Washoe County School District's (District) Purchasing Department when processing a Request for Proposal (RFP) for a Construction Manager at Risk (CMAR) for a public works project pursuant to Nevada Revised Statute (NRS) 338.

PROCEDURE

1. General Information

- a. When issuing an RFP for a CMAR to provide preconstruction and construction related services for a public works project, the District (also referred to as the Owner) intent is:
 - i. To promote public confidence and trust in the contracting and bidding procedures for public works established therein;
 - ii. For the benefit of the public, to promote the practice of obtaining the best possible value as compared to competitive bidding; and
 - iii. To better equip the District to address public works that present unique and complex construction challenges.
- b. The issuance of an RFP for a CMAR is not intended to be used by the District to:
 - i. Limit competition;
 - ii. Discourage competitive bidding; or
 - iii. Engage in or allow bid-shopping.

2. Authority to Construct a Public Work

- a. the District, as a local government, may construct a public work by selecting a CMAR pursuant to the provisions of NRS 338.1691 to 338.1696, inclusive; and by entering into separate contracts with a CMAR for:
 - i. Preconstruction services, including, without limitation:
 - Assisting the District in determining whether scheduling or constructability problems exist that would delay the construction of the public work;

- Estimating the cost of the labor and material for the public work; and
- Assisting the local government in determining whether the public work can be constructed within the local government's budget; and

ii. Construction of the public work.

3. Qualifications to be a CMAR

- a. To qualify to enter into contracts with the District for preconstruction services and to construct a public work, a CMAR submitting a proposal in response to an RFP issued by the District must:
- i. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the five (5) years immediately preceding the date of the advertisement for proposals pursuant to NRS 338.1692;
 - ii. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333; and
 - iii. Be licensed as a contractor pursuant to NRS 624.

4. Development, Approval and Distribution of RFP for a CMAR Solicitation

- a. The Purchasing Department's assigned RFP Facilitator receives notification from the Capital Projects Department to issue an RFP for a CMAR. The requestor is to provide the assigned RFP Facilitator a scope of work for both preconstruction services and construction services, critical deadline dates, a list of individuals who will serve on the evaluation committee and determine evaluation criteria with assigned weight/points to each one in consultation with the RFP Facilitator.
- i. Per NRS 338.1693(1), the evaluation committee/panel shall consist of at least three (3), but not more than seven (7) members, a majority of whom must have experience in the construction industry.
 - ii. If a supervisor, manager, director, or chief is on an evaluation committee, the majority of the committee may NOT be part of that person's reporting structure.

- iii. The committee shall have at minimum, one (1) external (non-WCSD employee) member with experience and/or interest related to the CMAR project.
 - iv. Contents of the RFP solicitation must include: (1) a list of the selection criteria and relative weight of the selection criteria that will be used to rank proposals, which is required; and (2) a list of the selection criteria and relative weight of the selection criteria that will be used to rank the Short List Applicants/Finalists.
- b. Once the RFP solicitation document and all related exhibits (e.g., General Terms and Conditions of the contract; sample contracts for preconstruction and construction; Cost Fee Proposal forms; Public Disclosure Form; site maps, etc.) are prepared, a timeline for the solicitation process is drafted by the assigned RFP Facilitator that will align with the requirements of the Capital Projects Department's anticipated schedule for the overall project.
 - c. Following the review of the RFP solicitation document, the assigned RFP Facilitator completes various tasks by following department guidelines and checklists to finalize the solicitation for publishing and distribution including obtaining any electronic copies of related exhibits; preparing the legal ad notification (Notice to Proposers / Contractors); and preparing calendar e-invites with dates and times for required meetings and project milestones (e.g., preproposal meeting, question and answer period; addendum posting; RFP submission date; proposal review meeting; formal interviews and presentations; contract negotiation period; release of Recommendation of Award; Board of Trustee's (Board) Approval; release of Notice of Award, etc.).
 - f. The RFP Facilitator will post and distribute the RFP for CMAR solicitation to all interested parties via the Solicitations website and direct email, if required.
 - g. Once the RFP solicitation has been posted and distributed accordingly, the solicitation process passes through several milestones as outlined in the timeline.
 - i. All solicitations that have a total contract value of \$100,000 or greater require Board approval at a regularly scheduled Board Meeting.
3. Advertising for Proposals for CMAR and Contents of the RFP Solicitation
- a. Pursuant to NRS 338 (Alternative Procedures for Local Governments), the District, as a local government, shall issue a solicitation (e.g., RFP for

CMAR) for projects estimated at \$100,000 or greater, by advertising in a newspaper qualified pursuant to Chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work.

- b. The RFP solicitation document published by the Purchasing Department must also include, without limitation:
 - i. A description of the public work with applicable square footage (if applicable);
 - ii. An estimate of the total cost of construction;
 - iii. Descriptions/scopes of the work that the District expects a CMAR to perform for preconstruction and construction of the project, that is provided to the Purchasing Department by the District's Capital Projects Department;
 - iv. The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;
 - v. The date and time by which proposals must be submitted to the District;
 - vi. The name, title, address, email address of the Purchasing Department's RFP Facilitator, who an applicant may contact for further information regarding the public work;
 - vii. A list of the selection criteria and relative weight of the selection criteria that will be used to rank proposals that will identify the Short List Applicants;
 - viii. A list of the selection criteria and relative weight of the selection criteria that will be used to rank the Short List Applicants (Finalists) following formal presentations and interviews; and
 - ix. A sample contract that will be issued by the District to the awarded CMAR to assist in the preconstruction of the public work and the construction of the public work, including, without limitation, the General Terms and Conditions of the Owner-CMAR Contract(s).

4. CMAR's Proposal Requirements

- a. All applicants submitting a proposal in response to an RFP for CMAR solicitation, must include, without limitations, the following:

- i. An explanation of the experience that the applicant has with projects of similar size and scope in both the public and private sectors by any delivery method, whether or not that method was the use of a CMAR, and including, without limitation, design-build, design-assist, negotiated work or value-engineered work, and an explanation of the experience that the applicant has in such projects in Nevada;
- ii. The contact information for references who have knowledge of the background, character and technical competence of the applicant;
- iii. Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the District;
- iv. Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law;
- v. A statement of whether the applicant has been:
 - Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the five (5) years immediately preceding the date of the advertisement for proposals;
 - Disqualified from being awarded a contract pursuant to [NRS 338.017](#), [338.13895](#), [338.1475](#) or [408.333](#);
- vi. The professional qualifications and experience of the applicant, including, without limitation, the resume of all Key Personnel that the applicant who will be managing the preconstruction and construction of the public work will be utilizing;
- vii. The safety programs established, and the safety records accumulated by the applicant;
- viii. Evidence that the applicant is licensed as a contractor pursuant to NRS 624;
- ix. Preferential Bidder Status Affidavit AND Certificate of Eligibility;
- x. Public Disclosure Form;
- xi. The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work and which includes, if the public work involves predominantly horizontal construction, a statement that

the applicant will perform construction work equal in value to at least twenty-five percent (25%) of the estimated cost of construction; and

- xii. Any other required factors, inclusions, or submittals requested by the District.

5. Before, During and After the RFP for CMAR Solicitation Publishes

- a. Before the solicitation document is published, the final timeline of milestones associated with the RFP for CMAR are calendared accordingly.
- b. Non-disclosure forms are prepared and provided to each Evaluation Committee Member to review, sign, and return to the RFP Facilitator prior to the RFP's publishing date.
- c. Newspaper notification (Legal Ad – Notice to Proposers / Contractors) is to be sent, no less than two (2) days prior to the publication date and posted to all required websites for public access.
- d. During the time in which the CMAR is publicly available for interested parties, the RFP Facilitator:
 - i. Manages all questions received and responds with Addendum(s);
 - ii. Facilitates any mandatory or non-mandatory Preproposal Meetings; and
 - iii. Communicates all requirements and notices needed to the Evaluation Committee Members.
- e. If the District does not receive at least two (2) proposals, then it may not contract with a CMAR. After the date and time for the proposals to be submitted and accepted has passed, the RFP Facilitator:
 - i. Opens each valid (received prior to due date and time of submissions) proposal package with (preferably) the assistance of another Purchasing Department staff member;
 - ii. Documents that all required documents requested in the RFP have been provided by the Proposer; and
 - iii. Bundles all submitted proposals (one of each copy) with scoresheets and any other related documents to be used by the Evaluation Committee Members and arranges with each committee member for the delivery or pick-up of his/her prepared bundle/package.

6. Evaluation and Scoring of Submitted Proposals

- a. After the Evaluation Committee Members have had a period of time to review, evaluate, and pre-score each proposal on their own, the team convenes for a meeting to discuss, review, and to provide a final preliminary score for each Proposer's submission to the RFP Facilitator.
- b. The RFP Facilitator adds each individual Member's scores to a tabulation that is formatted to auto-calculate each Proposer's final scores. These final scores/ranks are used to identify the Short List Applicants/Finalists, which is then publicly posted/distributed as a Notice of Short List Applicants.
 - i. Per NRS 338.1693(3), the Applicant is to receive the weight of five percent (5%) or 5 points out of a 100-point scale, should applicant provide a Certificate of Eligibility to receive a preference in bidding on public works and a signed affidavit that meets the requirements of the State of Nevada in his/her proposal submission (the District requires both documents to receive weight/points); and
 - ii. Per NRS 338.1693(4), the Short List is to have at least two (2), but not more than five (5) applicants whose proposals received the highest scores for formal interviews and presentations (scoring of Finalists).

7. Evaluation and Scoring of Short List Applicants/Finalists

- a. Using the timeline for the formal interviews and presentations that was established prior to the publication of the RFP for CMAR, the RFP Facilitator will coordinate with each Short List Applicant on scheduling their respective timeframes for their interviews and presentations.
- b. During the interview process, the District requires the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, including, without limitation, the cost of general overhead and profit, but in no event shall the proposed amount of compensation be less than five percent (5%; 5 points/100) or more than twenty percent (20%; 20 points/100) of the scoring for the selection of the most qualified applicant/CMAR (refer to NRS 338.1693(6)).
- c. All presentations made at any interview are to be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.

- d. After conducting the interviews and presentations, the Evaluation Committee will score each applicant using a separate scoring method from the process used to score the proposals.
 - i. The information presented is based on the scoring criteria for the interviews/presentations that was listed in the RFP solicitation;
 - ii. The scoring of the interviews and presentation applies only to information submitted/presented during the interview;
 - iii. Any materials, information, or documentation that was provided in the submitted proposals is not to be considered during the formal interviews/presentations (the information is not carried over to augment the final scores);
 - iv. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant; and
 - v. Per NRS 338.1693(7), after conducting the interviews: (A) The Applicant is to receive the weight of five percent (5%) or 5 points out of a 100 point scale, should applicant provide a Certificate of Eligibility to receive a preference in bidding on public works and a signed affidavit that meets the requirements of the State of Nevada in his/her proposal submission (the District requires both documents to receive weight/points); AND (B) the submission of these documents is during the interview process.
 - e. The RFP Facilitator adds each individual Member's scores to a separate tabulation from the one that was used for proposals that is formatted to auto-calculate final scores. These final scores/ranks are used to identify the CMAR that is to be recommended for contract award for preconstruction services by the Board.
8. Letter of Intent (Recommendation of Award)
- a. Once the tabulation has been finalized, the recommended Short List applicant for award has been identified, and before formal award has been obtained by the District's Board, the RFP Facilitator will distribute to the submitting Proposers, the Letter of Intent (Recommendation of Award) and post accordingly to the Purchasing Department's website and DemandStar's website (third-party solicitation distributor for the District).

- i. A copy of the Letter of Intent may also be obtained by written request via email to: solicitations@washoeschools.net

9. Negotiations and Execution of Preconstruction Agreement and Notice of Award

- a. The proposed amount of compensation submitted by the applicant with the proposal must be the same amount offered for the contract. Per NRS 338.1693(9), the following applies:
 - i. If the District is unable to negotiate a contract with the most qualified applicant for the amount of compensation offered by the applicant, then the District shall terminate negotiations with that applicant;
 - ii. If negotiations are terminated with the highest scoring applicant, the District may then undertake negotiations with the next highest scoring applicant in sequence until an agreement is reached; and
 - iii. If all subsequent negotiations fail, the District may make the determination to reject all proposals.
- b. Following the successful negotiation of the preconstruction services contract and after the Board has approved the recommendation of award for the CMAR, the contract is signed by the District's Superintendent.
- c. The RFP Facilitator coordinates with the awarded contractor for the countersigning of the agreement and collection of required certificates of insurance liability.
- d. The awarded CMAR is to be provided one (1) copy of the fully executed agreement and the Capital Projects Department is notified, so that scheduling with the CMAR can begin.
- e. The RFP Facilitator posts and distributes the Notice of Award accordingly.

10. Public Request of Records / Freedom of Information Act (FOIA)

- a. If the District receives a request for public records (FOIA Request), per NRS 338, the District shall make available to the requestor any of the following information as specified in the request only after the CMAR selection has been approved by the Board:
 - i. The final rankings of the applicants;
 - ii. The score assigned to each proposal received by the District;

- iii. For each proposal received by the District, the score assigned to each criterion that the District specified in the RFP; and
- iv. Provide, upon request, an explanation/debrief to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

11. Record Retention of Public Works Solicitation Documentation

- a. Although NRS 338 doesn't mandate a specific retention period for RFB solicitation documents, the District's Purchasing Department maintains a copy of all related documents indefinitely. An electronic file is maintained throughout the solicitations process, as well as a hard copy file of the bonds. Both the electronic file and the hard copy file are retained after the solicitation has been closed out.

LEGAL REQUIREMENT AND ASSOCIATED DOCUMENTS

- 1. This Administrative Procedure reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 3321, Contract Review and Approval; and
 - b. Administrative Regulation 3322, Bids/Quotations and Contracts.
- 2. This Administrative Procedure aligns with Nevada Revised Statutes, to include:
 - a. NRS Chapter 338, Public Works.

REVISION HISTORY

Date	Revision	Modification
01/01/2022	1.0	Adopted