



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) solicitation for a Construction Manager at Risk (CMAR) for a public works project (Project) pursuant to Nevada Revised Statute (NRS) [Chapter 338 – Public Works](#).

PROCEDURE

1. General Information

- a. When issuing an RFP for a CMAR to provide pre-construction and construction related services for a Project, the District's (also referred to as the "Owner") intent is:
 - i. To promote public confidence and trust in the contracting and bidding procedures for a Project 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 a Project that presents unique and complex construction challenges.
- b. The issuance of an RFP 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 Project

- a. The District, as a local government, may construct a Project by selecting a CMAR pursuant to the provisions of [NRS 338.1685](#) through [338.16995](#), inclusive; and by entering into separate contracts with a CMAR for:
 - i. PRE-CONSTRUCTION SERVICES, including without limitation:
 - Assisting the District in determining whether scheduling or constructability problems exist that would delay the construction of the Project;

- Estimating the cost of the labor and materials for the Project; and
 - Assisting the District in determining whether the Project can be constructed within the District's budget.
- ii. CONSTRUCTION SERVICES, including without limitation:
- Overseeing the project from design to construction close-out and deliver with a Guaranteed Maximum Price (GMP) for each construction phase (if multiple GMPs);
 - Providing all labor, materials, services, equipment, tools, transportation, power, water, permanent and temporary utilities, connections, provisions for safety, and all incidental factors necessary to produce a completed project;
 - Assuming overall responsibility for ensuring that the construction of the Project is completed in a satisfactory manner; and
 - Agreeing that time is of the essence for completion of the Project and to satisfactorily complete all work in accordance with the contract and within the specified time/schedule of the Project.
3. Qualifications to be a CMAR
- a. Pursuant to [NRS 338.1691](#), to qualify to enter into contracts with the District for pre-construction and construction services for a Project, a CMAR submitting a proposal in response to an RFP issued by the District must:
- i. Not have been found liable for a legitimate breach of contract with respect to a previous project, 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 [NRS 338.017](#), [338.13895](#), [338.1475](#).
 - iii. Be licensed as a contractor pursuant to [NRS 624](#).
4. Development, Approval, and Distribution of an RFP for a CMAR
- a. The Purchasing Department's assigned RFP Facilitator receives notification from the Capital Projects Department (Requestor) to issue an RFP.

- b. The requestor is to provide the RFP Facilitator a scope of work for both pre-construction and construction services, critical deadline dates, determine evaluation criteria with weights/points to be assigned to each criterion whereas consultation with the RFP Facilitator is preferred and a list of individuals who will serve on the RFP Evaluation Committee (Committee).
 - i. Per [NRS 338.1693\(1\)](#), the Committee 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 serves on a Committee, the majority of the members shall not be part of that person's reporting structure.
 - iii. The District will endeavor to have at a minimum, one (1) external member (non-District employee) with experience and/or interest related to the Project serve on the Committee. Should an external member be unavailable or is unable to participate unexpectedly, and the District is unable to replace them, approval to proceed with a Committee made up of only internal members (District employees) must be obtained by the Director of Procurement & Contracts prior to proceeding without an external member. Furthermore, with the approval of the Director of Procurement and Contracts, the District reserves the right to have a Committee comprised of only internal members.
- c. Per [NRS 338.1693](#), for the selection of the most qualified applicant, the RFP must include: (1) a list of the selection criteria with relative weights/points assigned to each criterion that will be used to score/rank the proposals and (2) a separate list of the selection criteria and relative weights/points assigned to each criterion that will be used to score/rank the short-list applicants.
- d. Once the RFP and all related exhibits (e.g., sample contracts for pre-construction and construction services; terms and conditions of a contract; fee proposal forms; District-required forms; public site maps, etc.) are prepared, a timeline for the solicitation process is drafted by the assigned RFP Facilitator that will align as closely as possible with the requirements of the Capital Projects Department's anticipated schedule for the overall project.
- e. Following the review of the RFP solicitation documents, the assigned RFP Facilitator completes various tasks by following department practices and using internal-related documents to finalize the solicitation for publishing and distribution including obtaining any electronic copies of related exhibits; preparing the legal ad notification; and preparing calendar e-invites with

dates and times for required meetings and project milestones (e.g., pre-proposal meeting and project site visit, question and answer period; addendum posting; RFP submission date; proposal review meeting; formal interviews and presentations; contract negotiation period; issuance of the Letter of Intent (Recommendation of Award); District's Board of Trustee's (Board) meeting for final approval to award; release of formal Notice of Award, etc.).

- f. The RFP Facilitator will post and distribute the RFP to all interested parties via the Purchasing Department's Solicitations website at: <https://solicitations.washoeschools.net> and if required, by direct email.
 - g. Once the RFP has been posted and distributed accordingly, the solicitation process passes through several milestones as outlined in the timeline.
 - i. All RFPs that have a total contract value of \$100,000 or greater require Board approval at a regularly scheduled Board meeting.
5. Legal Advertising for Proposals for CMAR and Contents of the RFP Solicitation
- a. Pursuant to [NRS 338](#), the District shall issue a competitive solicitation for projects estimated at \$100,000 or greater, by advertising in a newspaper qualified pursuant to [NRS 238 \(Legal Notices and Advertisements\)](#) that is published in the county where the Project will be performed.
 - b. The RFP published by the Purchasing Department must also include, without limitation:
 - i. A description of the project with applicable square footage (if applicable);
 - ii. An estimated PROJECT budget and an estimated CONSTRUCTION budget;
 - iii. Descriptions/scopes of the work that the District expects a CMAR to perform for pre-construction and construction of the project;
 - iv. The dates on which it is anticipated that the separate phases of the pre-construction and construction of the project will begin and end;
 - v. The date and time by which proposals must be submitted to the District;
 - vi. The name, title, and address of the Purchasing Department's RFP Facilitator, and directives on how and where to submit questions, requests, and clarifications regarding the RFP and/or Project;

- vii. A list of the selection criteria and relative weight/points of the selection criteria that will be used to score/rank proposals that will identify the short-list applicants;
- viii. A list of the selection criteria and relative weight/points of the selection criteria that will be used to score/rank the Short-List Applicants following formal presentations and interviews; and
- ix. Sample contracts that will be issued by the District to the awarded CMAR to assist in the pre-construction and construction services of the project.

6. 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. A cover letter with firm information, a completed and signed Public Disclosure Form for Vendor/Contractor, and a completed and signed CMAR Signature Page.
 - ii. The firm's Certificate of Eligibility for Preferential Bidder Status and the firm's Preferential Bidder Status Affidavit with its proposal submission in order to receive the designated points during the proposal evaluation phase to select Short-List Applicants and must provide both forms again during the formal interviews and presentations meeting in order to receive the designated points for this phase of the CMAR selection process.
 - iii. A copy of the firm's Organizational indicating lines of responsibility and/or communication of firm's organization and clear identification of key personnel who will be assigned to the Project.
 - iv. A list and summary of firm's current workload including project names and the associated contract values.
 - v. A list of key personnel to be assigned to this project including resumes and specific roles to the project. Any changes the CMAR desires to make to the key personnel presented in its proposal after award of the CMAR, must be approved in writing by the District (as the Owner) prior to implementation.
 - vi. Experience in projects of similar size and scope (CMAR and/or non-CMAR experience) in public and/or private sector construction.
 - vii. The firm's project implementation plan that includes its approach to performing pre-construction services, construction administration

and management, budget controls, quality assurance, quality control and project close-out.

- viii. Information regarding past performance including a list with the names and general descriptions of each project, cost performance, schedule performance, and a letter certifying that the firm has not been disqualified from any project per [NRS 338.1691.2](#).
- ix. A list of all projects that have had litigation or disputes within the last 5 years including any assessed liquidated damages, termination from a contract before completion, declared to be in default of a contract, settlements in excess of \$25,000 paid by the firm, and any judgments for breach of contract.

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

- a. Before the RFP is published, a final timeline of milestones associated with the RFP is e-calendared accordingly.
- b. Non-Disclosure Agreement Memos are prepared and provided to each RFP Evaluation Committee Member (Committee Member) to review, sign, and return to the RFP Facilitator prior to the RFP's publishing date.
- c. Newspaper legal advertisement (Notice to Contractors) is to processed according to the local newspaper's requirements and schedule.
- d. During the time in which the RFP is publicly available for interested parties, the RFP Facilitator:
 - i. Manages all questions, requests, and clarifications received and will provide responses via addendum(s) and/or through the solicitation website;
 - ii. Co-facilitates any mandatory or non-mandatory pre-proposal meetings and project site visits with other selected District representatives; and
 - iii. Communicates all requirements and notices needed to the Committee Members and any interested parties.
- 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 proposal received no later than the due date and time specified preferably with the assistance of another Purchasing Department staff member;

- ii. Records whether or not all required documents and forms requested in the RFP have been provided by the applicant; and
- iii. Prepares proposal review packages, that include one (1) copy of each submitted proposal, evaluator scoresheets, and any other related documents to be used by the Committee Members; and
- iv. Arranges the delivery of the proposal review packages to each Committee Member for processing.

8. Evaluation and Scoring of Submitted Proposals

- a. After the Committee Members have had a period of time to review, evaluate, and initially score each proposal on their own, the Committee convenes for a meeting to discuss, review, and to provide a final preliminary score for each applicant's submission to the RFP Facilitator. The meeting can be in-person or virtual at the RFP Facilitator's discretion.
- b. The RFP Facilitator records each Committee Member's scores to a tabulation that is formatted to calculate each applicant's final scores/ranks. These final scores/ranks are used to identify the Short-List Applicants, which are then publicly posted and distributed as a "Notice of Short-List Applicants."
 - i. Per [NRS 338.1693\(3\)](#), applicants are to receive a 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 a Project AND a signed affidavit that meets the requirements of the State of Nevada in the firm's submission (the District requires both documents to receive weight/points); and
 - ii. Per [NRS 338.1693\(4\)](#), there are to be at least two (2), but not more than five (5), Short-List Applicants whose proposals received the highest scores invited for formal interviews and presentations.

9. Evaluation and Scoring of Short-List Applicants

- a. The RFP Facilitator will coordinate with each Short-List Applicant on scheduling their respective timeframes for their formal interviews and presentations.
- b. During the interview and presentation process, the District requires the Short-List Applicants to submit a proposed amount of compensation for managing the pre-construction and construction of the project, including, without limitation, the cost of general overhead and profit.
 - i. Per [NRS 338.1693\(6\)](#), 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.

- c. All presentations made at any interview are to be made only by key personnel of the firm, as determined by the Short-List Applicant, and the key personnel of the firm who will be directly responsible for managing the pre-construction and construction of the project.
- d. After conducting the interviews and presentations, the Committee will individually score each Short-List Applicant using a separate scoring method from the method 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.
 - 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.
 - v. Pursuant to [NRS 338.1693\(7\)](#) and as required by the District, after conducting the interviews the applicant shall 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 a Project AND a signed affidavit that meets the requirements of the State of Nevada to the RFP Facilitator no later than the date and time of their scheduled interview/presentation.
- e. The RFP Facilitator records each Committee Member's scores on a separate tabulation from the one that was used for proposals that is formatted to calculate final scores. These final scores/ranks are used to identify the CMAR that is to be recommended for award for the RFP.

10. Letter of Intent (Recommendation of Award)

- a. Once the Short-List Applicants' tabulation has been completed, the CMAR recommended for award has been identified, and before formal award has been obtained by the District's Board, the RFP Facilitator will post and

distribute the "Letter of Intent" that formally announces who the District is recommending for CMAR award accordingly.

11. Notice of Protest/Appeal to a Recommendation of Award

- a. Any applicant who submits a response to the RFP may submit a formal protest/appeal regarding the awarding of the CMAR.
- b. For additional information on the process of filing a formal protest/appeal notice, refer to the District's [Administrative Procedure \(PUR-314\) Notice of Protest/Appeal to a Recommendation of Award for Public Works \(Capital\) and Non-Capital Solicitation Contracts](#).

12. Negotiations and Execution of Pre-Construction Services Contract and Notice of Award

- a. The proposed amount of compensation for pre-construction services submitted by the applicant must be the same amount offered for the pre-construction services contract.
- b. Per [NRS 338.1693\(9\)](#), the following applies:
 - i. If the District is unable to negotiate a contract with the highest scoring applicant for the amount of compensation offered by the firm recommended for award, then the District shall terminate negotiations with that firm.
 - ii. If negotiations are terminated with the highest scoring firm, the District may then undertake negotiations with the next highest scoring firm in sequence until an agreement is reached.
 - iii. If all subsequent negotiations fail, the District may make the determination to reject all proposals.
- b. Following the successful negotiation of the pre-construction services contract with the firm recommended for award, the RFP Facilitator coordinates with the firm for the full execution of the contract.
- c. After the Board has approved the recommendation of award of the CMAR and the pre-construction services contract, the contract is countersigned by the District's Superintendent.
- d. The awarded firm is provided with one (1) copy of the fully executed agreement and a District Purchase Order in the contracted amount.
- e. The RFP Facilitator posts and distributes the "Notice of Award" accordingly.

- f. Upon request of any unsuccessful firm, the District may provide a debrief of the reasons why the firm was unsuccessful in the award of a CMAR.

13. Request for Public Records

- a. If the District receives a request for public records under the Nevada Public Records Act, the District may 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 scores/ranks 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.

14. Record Retention of Public Works Solicitation Documentation

- a. Although [NRS 338](#) does not mandate a specific retention period for RFP for CMAR documents, the District's Purchasing Department maintains a copy of all related documents for no less than ten (10) years.
- b. An electronic file and a hard copy file are maintained throughout the RFP process for CMARs.

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 7100 – Capital Projects and Facilities Management](#)
 - b. [Board Policy 3320 – Procurement](#)
 - c. [Board Policy 3321 – Contract Review and Approval](#)
 - d. [Administrative Regulation 3322 – Contract Review and Approval](#)
 - e. [Administrative Regulation 7611 – Requests for Public Records](#)
- 2. This Administrative Procedure aligns with Nevada Revised Statutes, to include:
 - a. [NRS Chapter 338 – Public Works](#)
 - b. [NRS Chapter 238 – Legal Notices and Advertisements](#)
 - c. [NRS Chapter 624 – Contractors](#)

REVISION HISTORY

Date	Revision	Modification
01/01/2022	1.0	Adopted
01/17/2025	2.0	Added hyperlinks to NRS chapter references; simplified references to the solicitation and its processes to "RFP"; corrected grammar, spelling, punctuation, clarity, and conciseness in various sections to read more clearly; revised various sections of procedure to match those listed in the standard RFP solicitation document including proposal requirements, general qualifications, and licensing; added reference to procedure for the Notice of Protest/Appeal process to section 11; added clause regarding including external Committee members; added Board Policy 7100 and Administrative Regulation 7611 for reference.