4-OP-B-12  Design Build Selection Process---NEW

Purpose of Policy: To allow for the use of Design Build in University construction projects as allowed by Florida Statute 1013.45 and to establish procedures that ensure compliance with Florida Statute 287.055, commonly known as the “Consultants’ Competitive Negotiation Act”.

Reason for policy and what it should accomplish:

• The University has been given authority to employ procedures to contract for construction of new facilities, and for additions, remodeling, renovation, maintenance, or repairs to existing facilities in F.S. 1013.45.

  ◦ Establishes conditions and criteria to be used in determining the use of Design Build procedures for construction project administration.
  ◦ Describes the Design Build approach to be employed by FSU Facilities.

• The Consultants’ Competitive Negotiation Act establishes Florida law for the acquisition of professional consultants, including architectural, engineering, and landscape architectural, or general contractors for the performance of design build contracts. F.S. 287.055 establishes definitions, procedures, prohibitions, and penalties required for University compliance.

  ◦ Establishes procedures for formation of a selection committee, advertisement, shortlist development, presentations, recommendation/award, and notification of selection results.
4-OP-B-13 Construction Program Audits, Reviews, and Attestations---NEW

Purpose of Policy: To describe the procedures for attestations and auditing of the University construction program and to ensure accurate financial accounting and administration of construction contracts.

Reason for policy and what it should accomplish:

- Florida Statute 1010.30, state universities under the supervision of the Board of Governors are subject to the audit provisions of ss. 11.45 and 218.39. Compliance with this law ensures that appropriated, public funds, and other construction funds are utilized in compliance with Florida Law, appropriation language, donor/grant terms, and contract negotiations.
  - Establishes methods for selection of a third party (independent) reviewer to be utilized in the financial review of a construction contract.
  - Describes method for determining accurate salaries/rates for use in contract negotiations.
  - Suggests project milestones appropriate for audit/financial reviews.
Purpose of Policy: To allow for the use of Design-Build in University construction projects as allowed by Florida Statute 1013.45 and to establish procedures that ensure construction implementation is in compliance with Florida Law.

Reason for policy and what it should accomplish:

- F.S. 1013.45 defines contracting and construction approaches to be employed while constructing new or altering existing University facilities. Administration of Design-Build agreements requires coordination of both design and construction of the facility within one contract.
  - Establishes a requirement for Design Criteria or Facilities Program.
  - Describes procedures for establishment and negotiation of Design-Build fees and contracts for design services, preconstruction, and construction services.
  - Establishes procedures for administration of project design services.
  - Establishes procedures for changes to contract costs, implementation of additional services, change orders, and procedures for payment.
  - Defines insurance and bond requirements.
  - Provides for annual evaluation of Design-Build firms under contract.
4-OP-B-15 Management of Furniture and Equipment Budgets---NEW

Purpose of Policy: To describe development of fixed capital outlay project furnishings and equipment budgets and ensure funds are expended accordingly.

Reason for policy and what it should accomplish:

- Expenditures for moveable furniture and equipment to be housed within a fixed capital outlay project are subject to eligibility and record-keeping requirements.
  - Establishes criteria for eligible and ineligible F&E expenditures.
  - Defines procedures for budget development and approval.
  - Describes Facilities role in procurement and budget management.
4-OP-B-16 Guaranteed Energy, Water, and Wastewater Performance Savings Contracting---New

Purpose of Policy: To allow the University to implement energy saving facilities improvements by utilizing bond funds and employing an Energy Performance Contractor (EPC) as authorized by Florida Statutes 489.145 and 1013.23.

Reason for policy and what it should accomplish:

- Per Florida law, Performance Contracting allows for bond financing and guaranteed savings (by the EPC) to support the repayment of bond proceeds. The University’s ability to utilize Performance Contracting can provide for building systems replacement/maintenance, improve energy efficiency and occupants’ comfort in the absence of appropriated project funds.
  - Establishes procedures for the selection of an Energy Performance Contractor.
  - Describes the development of a Feasibility Report and Project Development Agreement should the University wish to implement the proposed scope of work.
  - Provides for processes and procedures necessary to ensure University standards of quality assurance, project and business management needs, changes to project scope, and terms of project completion and acceptance.
  - Provides for annual evaluation of the EPC.
OP-B-11-B    Receipt & Opening of Competitive Solicitations and Contract Award---REVISED

Purpose of Policy:   To describe the bidding process to be utilized in University construction projects employing General Contracting.

Summary of Changes:

● Revises language to provide for minor changes.

  ◦ Updates name of *Florida Administrative Weekly* to *Florida Administrative Register*.
  ◦ Updates location of notification of award to be Facilities Design & Construction Purchasing website.
OP-B-11-E Establishment of Construction Contract Time, Liquidated Damages and Administration of Construction Changes---REVISED

Purpose of Policy: To provide guidelines for management of changes to construction contracts; including establishment of reasonable construction contract time, liquidated damages for failure to complete a construction project on time, and administration of Construction Change Orders and Construction Change Directives.

Summary of Changes:

- Provides guidance pertaining to the negotiation of a change to the construction contract, including compliance with the approved facility program, funding availability, and the establishment of contract time. Adds the following statement recommended by University Office of Inspector General Services: “All changes to overall Project costs and time durations must be approved via an executed Change Order or a Construction Change Directive”.

- Aligns formula for daily assessment of liquidated damages to be more consistent with current market interest rate.
Purpose of Policy: To describe procedures for advertising for Architect/Engineers, Construction Managers, Design-Build Services, and for Calls for Bids.

Summary of Changes:

- Revises language to provide for minor updates.
  - Updates name of Florida Administrative Weekly to Florida Administrative Register.
  - Provides for electronic posting of advertisements on the Facilities Design & Construction website: www.facilities.fsu.edu/depts/designConstr/.
  - Replaces term Capital Outlay Implementation Plan (COIP) with Approved Planned Budget (APB).

- Provides for advertisement for Design-Build services.

- Removes outdated requirement for request of an encumberance authorization for professional fees from the Division of Colleges and Universities or the Department of Education.

- Deletes reference to call for bids published in the project specifications (Note: call for bids is not required in specifications for all projects).

- Ensures that 100% Construction Documents are submitted to University Building Code Administrator for compliance and approval, deleting reference to review by State Fire Marshal’s office.
Purpose of Policy: To describe the bidding process for University construction projections.

Summary of Changes:

- Revises language to provide for minor updates. Reformats layout to improve clarity of intent.
  - Replaces term “Capital Outlay Implementation Plan (COIP)” with Approved Planned Budget (APB) to reflect implementation of new project management system software titles.
  - Replaces language indicating that a notice of intended decision will be “publicly noticed”, in lieu of “posted to the Facilities website”. Intent is to cover posting of items which are bid on behalf of Facilities by others.
Purpose of Policy: To provide guidelines for the selection of Architects/Engineers (A/E) for Continuing Service Agreements and Individual Project Agreements.

Summary of Changes:

- Replaces the term “Campus Services” with the term “Continuing Services” and clarifies distinctions with individual projects exceeding $2,000,000.

- Updates construction cost limits from $1,000,000 to $2,000,000 to align with thresholds in Florida statutes, thereby stipulating that a continuing services project shall not exceed $2,000,000. Also, increases the limit to $200,000 for use of a campus services agreement when conducting studies to align with Florida statute.

- Increases the construction cost threshold to $2,000,000 for projects requiring a facilities program.

- Deletes procedure to consider only the top seven (7) scoring applicants during shortlist development and removes requirement to limit shortlist to five (5) firms.

- Clarifies licensing and other professional requirements for firms applying as a joint venture.
  - Firm must possess a Florida licensed qualifier at the time of application.

- Simplifies scoring the distance factor for a firm’s location from the project to reflect the positive impact of electronic document transmission while maintaining an advantage for Florida firms.
  - Distance is calculated as “1” if firm is a Florida based firm and “0” if located out of Florida, in lieu of, old 0-20 rating based on mileage.
OP-B-11-C2    Selection of Construction Managers---REVISED

Purpose of Policy:  To provide guidelines for the selection of Construction Managers, including describing the conditions for use of construction management, development of a Selection Committee, advertisement for services, development of a Shortlist, and the interview process.

Summary of Changes:

● Replaces *Florida Administrative Weekly (FAW)* with *Florida Administrative Register (FAR)*.

● Updates submission requirements to include electronic copies of the proposal and presentation summary.
OP-B-11-D1    Administration of Architect/Engineer Agreements---REVISED

Purpose of Policy: To establish procedures for the administration of Architect/Engineer Agreements, including negotiation, contracting, payments, Additional Service Authorizations and Amendments.

Summary of Changes:

- Replaces name of budget document, “COIP”, with Approved Budget Plan (ABP) to reflect project management software changes.

- Removes reference to a specific rate cap and replaces with “University maximums” to allow for improved contract negotiations.

- Provides for digital execution of the Agreement by the President and clarifies the date of execution as the date that the President affixes a signature.

- Increases paperless business practices and documentation.
  - Provides for digital distribution of the executed Agreement, Amendments, or Additional Services Authorizations.
  - Provides for digital invoicing submittals and electronically transmitted payments.
Purpose of Policy: To establish procedures for the administration of Construction Manager agreements for preconstruction services and for the Guaranteed Maximum Price; Amendments and Change Orders; approval of Pay Requests; subcontractor pre-qualification; and bidding.

Summary of Changes:

- Increases paperless business practices and documentation.
  - Provides for digital execution and transmission of all agreements, changes to the agreements, and applications for payment.

- Implements recommendations made by FSU Inspector General:
  - Adds requirement that Construction Manager provide independently attested multiplier rates to be utilized in all negotiations which include project staffing.
  - Clarifies requirements for subcontract recommendations for award and establishes that subcontracts should not be executed with the subcontractor prior to acceptance by the University Project Manager.
  - Clarifies the need for the University project manager’s approval for any change to the Construction Manager’s schedule of values.
Purpose of Policy: To establish procedures for the evaluation of Architects/Engineers (A/E) while under contract for a project at Florida State University. Ratings shall be performed annually and past performance ratings serve as a portion of the score on selections for future projects.

Summary of Changes:

- This policy has been significantly revised and updated to improve the rating system and provide more pertinent review of work completed on University projects.
  - Rating cycle is extended to occur annually, in lieu of, semi-annually.
  - Categories are revised to more accurately reflect current business practices and performance criteria determined to be critical in successful completion of University projects.
  - Clarifications are provided to assist reviewers in determination of accurate scoring and evaluation of a firm’s ability to respond to University requirements.
Purpose of Policy: To establish procedures for the evaluation of Construction Managers (CM) while under contract for a project at Florida State University. Ratings shall be performed annually and past performance ratings serve as a portion of the score on selections for future projects.

Summary of Changes:

- This policy has been significantly revised and updated to improve the rating system and provide more pertinent review of work completed on University projects.
  
  - Rating cycle is extended to occur annually, in lieu of, semi-annually.
  
  - Categories are revised to more accurately reflect current business practices and performance criteria determined to be critical in successful completion of University projects.
  
  - Clarifications are provided to assist reviewers in determination of accurate scoring and evaluation of a firm’s ability to respond to University requirements.
OP-B-11-H  Approved Project Budget (APB)---REVISED

**Purpose of Policy:** To provide guidelines and procedures for establishing and revising individual Fixed Capital Outlay Project Budgets. Budgets are established and approved prior to activating a Capital Project. The Approved Project Budget (APB) records the funds sources and amounts available and planned to be available for use in constructing the project. The APB is required to be revised when funds are added to or removed from an existing project.

**Summary of Changes:**

- Revises existing policy to provide for electronic processing of documents, including use of electronic project management software. Includes name change from COIP to Approved Planned Budget.

- Clarifies items to be included in the construction budget.

- Clarifies applicability of Art in State Buildings, Section 255.043 F.S.

- Revises language to provide for maintenance of an appropriate project contingency balance.

- Clarifies approving authority for major vs. minor projects.

- Clarifies special documentation required in project file based on funds source.
  - Grant funds require a copy of the grant agreement.
  - Private gifts or grants not on deposit in a University account require a custodial trust agreement.