

California Community Colleges Design-Build Guidelines

(As provided by AB1000)



CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE



SAN MATEO COUNTY
COMMUNITY COLLEGE DISTRICT



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California Community College District Design-Build Guidelines

(As authorized by AB 1000)

INTRODUCTION

Assembly Bill 1000 (which has been codified as Part 49 of the Education Code Section) was approved by the Governor on September 17, 2002 and filed with the Secretary of State on September 18, 2002. Effective upon its approval, AB 1000 authorizes the governing boards of the Los Angeles Community College District, The San Jose-Evergreen Community College District and The San Mateo Community College District the opportunity to utilize design build on construction projects at their respective campuses as defined in the bill. In addition, AB 1000 also allows Design-Build to be used on as many as 5 community college facility construction projects selected by the Chancellor of the California Community Colleges. Threshold requirements identified in AB 1000 include:

- That The Board of Governors of the California Community College District develops guidelines for Design-Build projects by June 30, 2003.
- That the design and construction cost of each project approved to utilize Design-Build exceeds \$10,000,000.

This bill is similar to AB 1402, which authorizes the use of Design-Build for construction of capital improvements for K-12 school districts. The threshold requirements in AB 1000 are also similar to those in AB 1402. Design-Build may be considered on projects where the design and construction cost exceeds ten million dollars. Similarly, AB 1000 requires that the Board of Governors of the California Community Colleges develop guidelines for implementing Design-Build projects in consultation with the Secretary for Education, the Department of General Services, the Energy Resources, Conservation and Development Commission, Seismic Safety Commission, community college district representatives, and industry representatives. In developing Design-Build guidelines for local school districts, the California Department of Education (CDE) brought together over thirty entities and held ten meetings over a seven-month period to develop the guidelines. Their Design-Build guidelines were a result of the efforts of the committee members as well as many contributors involved in school facility design and construction throughout the state.

With such a significant work effort completed by CDE, the Board of Governors of the California Community College District used the guidelines developed for AB 1402 as a basis for the development of the AB 1000 Design-Build guidelines.

Use of these Guidelines

These guidelines are intended to do three things: 1) inform community college districts of the Design-Build process as authorized under Assembly Bill 1000, 2) assist the governing boards of the three approved community college districts and the Chancellor's Office to determine if the Design-Build process is right for their projects, and 3) assist the three designated community college districts and the Chancellor's Office in complying with the statutory requirements of AB 1000 while minimizing potential problems that may occur during the projects.

These guidelines are not “regulations” and are not mandatory. Guidelines offer suggestions and recommendations that community college districts may choose to follow. Regulations are mandates that must be followed and must go through the formal Administrative Procedures Act regulatory adoption process. These guidelines are not a legal interpretation of any aspect of AB 1000 or any other regulation. They should not be considered a legal opinion or a substitute for experienced legal counsel. These guidelines are simply one tool available to community college districts addressing the prospect of using Design-Build and some potential problems that may occur in completing a Design-Build project. While the committee developing these guidelines has attempted to be inclusive and comprehensive in its approach, community college districts will undoubtedly have additional or different ideas and approaches to implementing Design-Build projects.

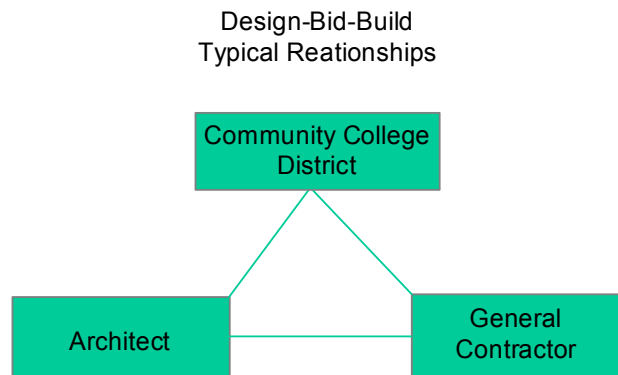
These guidelines should be read by all parties involved in deciding whether Design-Build is appropriate for a specific project, and by those persons who will play a role during the process. It is recommended that community college district board members, presidents, vice-presidents, project managers, facility managers and any persons assisting in the preparation of a Design-Build RFP become familiar with the provisions of AB 1000 and these guidelines.

It is recommended that the guidelines be read in their entirety. Individual chapters often refer to other chapters, so a greater understanding can be achieved by reading the guidelines as a whole.

Overview

Until the passage of AB 1000, community college districts were allowed to construct projects using traditional Design-Bid-Build (DBB) and lease-lease back (LLB). In addition, Government Code Section 5956 allows private development and financing of specific fee-producing infrastructure projects. AB 1000 broadened the existing methods of project delivery to include Design-Build for projects with design and construction costs exceeding \$10 million.

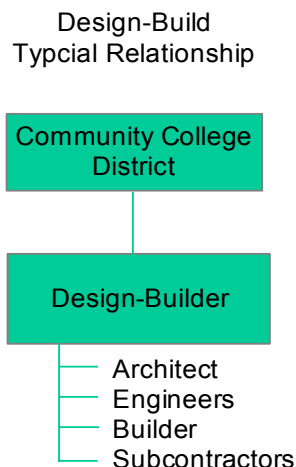
Traditional DBB is the most widely used method of project delivery system for public projects. Under DBB the community college district hires a design professional (typically an architect) to create documents from which general contractors will bid. The contractor selected to build the project is the responsible bidder who submits the lowest bid.



The LLB process (Education Code Section 81330) establishes a contract by which the district owns a piece of property, leases it for what is usually a nominal amount to an entity that is obligated to construct a building/facility on that site. That entity then leases the completed building/facility and site back to the district for a specified period of time at a specified rental amount. At the end of the lease, the building/facility and site become the property of the community college district. Adoption by the district of completed plans and specifications is a pre-requisite for entering into the lease agreement.

Design-Build is a method of project delivery that combines the design and construction functions and vests the responsibility for such functions with one entity – the Design-Builder. Under AB 1000, the community college district defines project scope, issues a request for proposals (RFP) to pre-qualified Design-Build entities and selects one of the proposing entities to design and build the project on district-owned property. One of the many distinctions between Design-Build and DBB is the level of design undertaken by the community college district prior to award of the construction contract and the level of specific, or prescriptive, criteria in the bid documents. Typically, under DBB, there is an on-going interaction between the district and architect during the development of the design thereby allowing community college districts to define and select many of the products and systems to be specified in the contract documents. Once the architect completes the design, contractors bid the project. With Design-Build, community college districts typically communicate their desires clearly in the RFP with performance criteria in lieu of brand names and model numbers, leaving some of the decision-making to the Design-Build Entity. While certain project components may be specified as district standards, like keyed locksets or heating and cooling equipment, Design-Build entities will be required to provide a completed project that performs at or above the minimum performance specifications set forth in the Design-Build contract. The selected Design-Build entity will complete the design documents to a level necessary to obtain required agency approvals and construct the project.

Design-Build changes some fundamental relationships between the community college district and the designers and builders. With traditional DBB, the district has two separate contracts: one with its architect and one with its contractor. A Design-Build entity includes an architect and contractor, so only one contract is needed between the district and the Design-Build entity. A DBB



construction contract includes the completed and DSA approved design documents, while a Design-Build contract will include performance criteria and possibly some design documents from which the Design-Build entity will create completed and DSA approved documents. It is also the responsibility of the Design-Build entity to obtain DSA approval for plans and specifications. This basic difference in contract components broadly identifies the roles of the community college district and the Design-Build entity: The district clearly defines its needs and expected level of performance, and the Design-Build entity designs and constructs a completed project that meets those requirements.

Design-Build Under Assembly Bill 1000 Is...

- An alternate project delivery method where community college districts may select a Design-Build entity to provide design and construction services under one contract.
- A method for community college districts to communicate performance criteria for the completed project as opposed to prescribing products and methods.
- A means to pre-qualify and select a Design-Build team based on factors other than price alone.
- An opportunity for community college districts to allocate risks to those parties most capable of handling those risks.
- A different method for completing a project that requires a different approach and level of involvement by community college districts in order to realize the possible benefits of the Design-Build process.

Design-Build Under Assembly Bill 1000 Is NOT...

- A “cure-all” for problems community college districts may have experienced during traditional Design-Bid-Build projects.
- A method to reduce or eliminate the amount of preparation required by a community college district to complete a project.
- The same process as Design-Build in the private sector. AB 1000 and California codes concerning community college design and construction make the Design-Build process unique for community colleges in this state.
- For community college districts that are uncomfortable with the responsibilities and requirements necessary to successfully complete a Design-Build project.
- A method to eliminate change orders or risk not properly allocated in the contract.

Pros and Cons

With another method of project delivery now available to community college districts, deciding which is the best method for a particular project becomes very important. Design-Build under AB 1000 is intended as an initial “prototype” effort for community colleges to test the viability and feasibility of utilizing Design-Build on a much broader basis. Community college districts should be familiar with all project delivery options as they relate to a specific project in order to make the best decision. Project goals should be clearly defined and the most appropriate project delivery model to achieve those goals should be selected. The following information is a generalization of the pros and cons of Design-Build, and may not apply to all projects.

Pro

- **Simplified Contracting and Contract Administration:** One contract with the Design-Build entity versus separate contracts with architect and contractor.
- **Cost Containment:** Design-Build entity is under contract to complete the project meeting the community college district’s published requirements.
- **Reduced Change Orders:** Errors in the design are the responsibility of the Design-Build entity. Proper allocation of risks under the Design-Build contract reduces change order potential.
- **Reduction in Adversarial Relationships:** Designer and builder are teamed together, working under a single contract. This teaming can significantly reduce traditional conflicts and “finger-pointing” between designer and contractor.
- **Cost Savings:** Innovative, cost effective solutions meeting performance criteria can be achieved.
- **Time Savings:** Design-Build entity is allowed the freedom to explore timesaving construction methods or systems while meeting the district’s stated criteria. Early communication between designer and builder can help prevent construction delays.
- **Early Cost Definition:** Project costs are determined much sooner than with traditional Design-Bid-Build.
- **Greater Risk Shifting and More Efficient Risk Allocation:** A Design-Build contract can be written to assign appropriate risks to the parties most capable of managing them. The vesting of design and construction functions in one entity allows for a much greater allocation of risk to the Design-Builder than in traditional DBB.
- **Alternative Selection Process:** Design-Build entities can be selected based on factors other than price alone; therefore, Design-Build entities seeking to do future work with a district have an incentive to perform well. It also provides community college districts with the flexibility to develop an evaluation and scoring process that reflects the goals and needs of a specific project.
- Involvement of the builder in the design process, enabling the team to make informed decisions on building systems, materials, phasing, scheduling, constructability and other issues that will optimize cost, time and value.

Con

- **Factors that cause a project to be successful are different in a Design Build Method:** The success of a traditional DBB project usually lies in the ability of an architect to place the user needs onto workable construction documents and the ability of the contractor and their subcontractors to interpret the construction documents and coordinate their work so that there are few delays. Community college districts unfamiliar with the Design-Build process may have a pre-conceived idea that this method automatically eliminates change orders, expedites project completion and saves money. As with any delivery system, what benefits can be achieved, if any, in a Design Build method are largely dependent on things that can be different from a traditional DBB method, including a high quality RFP, an informed district staff and a well qualified Design-Build entity.
- **Districts are not experienced with the Design Build Method:** Most community college districts are familiar with traditional Design-Bid-Build and the role played by the district. Design-Build requires different contracting and decision-making processes for community college districts. Community college districts lacking expert legal and design assistance may face significant problems unless they are already familiar with the Design-Build process. Greater technical expertise is required as well as the pace and intensity of the project is substantially higher due to the focus on time. More time and effort is required to properly develop an adequate program document, as well as to administer the Design-Build contract.
- **Districts have less control over the detailed design of the project:** The Design-Build entity is included in the process **before** plans are finalized. Community college districts entering into a contract with the Design-Builder must allow the Design-Build entity to make certain decisions that may have been made by the district on previous DBB projects.
- **A project incurs higher initial costs:** The design build method requires the development of performance criteria and the selection of a design-build entity. These initial efforts may be more expensive than the development of conceptual drawings. Once the design team is selected and the project begins to be developed, it is unclear as to whether Design-Build will be less expensive in total than DBB on a given project. Whereas Design-Build efficiencies, design flexibility and the ability to innovate that are afforded the Design-Builder frequently are reflected in reduced cost, increased risk allocation can result in a higher contract price that includes contingencies. Additionally, any savings the Design-Build entity can make may not be passed along to the district. However, a Design-Build project may provide an opportunity to complete a project in a much shorter time period than a DBB project, reducing debt-financing costs, reduce leasing costs if existing programs are utilizing leased facilities, or start new programs sooner.
- **Districts have increased responsibility:** Under AB 1000, community college districts are responsible for holding a public meeting to determine if Design-Build is appropriate, preparing a qualification process, establishing a labor compliance program or entering into a collective bargaining agreement, reporting to the Legislative Analyst's Office at project completion as well as complying with other duties outlined in AB 1000.
- **Districts must prepare Request for Proposals and Performance Criteria:** A significant amount of time, effort and expertise is needed to produce the RFP documents. Translating

the district's needs into clear performance criteria is a difficult task, and if done improperly, may negatively affect any potential benefits of the Design-Build process.

- **Potential for disagreement:** Because the Design-Build contract is based on performance criteria and incomplete design documents, the interpretation of these documents can be the subject of potential disagreement between the district and Design-Build entity. Additionally, the district architect's interpretation of the RFP plans and specifications may mean something completely different to the Design-Build entity's architect.
- **The Design Team may disagree on important aspects of the project :** As with any group of professionals making important decisions, there can be disagreements over critical aspects of development. Whether a design team can resolve those disagreements efficiently is a critical aspect to its relative effectiveness and the ultimate cost of the project.
- **Districts may often be expected to make decisions quickly:** After the Design-Build entity is selected; decisions required of the district must be made more quickly than may be anticipated. Because the Design-Build entity has a fixed schedule to meet for design and construction, little time may be allocated for input by the district, and delays can be costly or, in a worse case scenario, the project may move forward without complete input from the end user.

Key Points of Design-Build with a Properly Prepared RFP

Risk Shifting

Design-Build allows for greater shifting of risk to the Design-Builder, particularly in the areas of design defects, efficacy and warranties. For example, errors in design documents are the responsibility of the Design-Build entity. In developing the RFP and the Design-Build contract, community college districts should carefully assess project risks and determine whether they or the Design-Builder are best able to efficiently and cost effectively manage those risks. Shifting of inappropriate risks to the Design-Build entity that should, in a given instance, be borne by the community college district may increase the Design-Build contract amount accordingly.

Team Selection

Factors other than price alone may be utilized in selecting a Design-Build team. Community college districts should ensure that the evaluation process and criteria are adequately described in the RFP in order to minimize the potential for protests.

Schedule

Construction schedules may be shortened due to innovative systems and methods proposed by the Design-Build team.

Cost Certainty

Early cost determination may be obtained and the responsibility to deliver the project for the contract amount is borne by the Design-Build team.

Decision Making

Much of the decision making during design development and construction may be shifted from the district and its designers to the Design-Build team.

Creativity, Innovation and Efficiency

As the designer works with the builder, creative solutions, innovative approaches and efficient methods and systems can be realized.

Role of the Community College District

Community college districts must develop complete and clear RFPs and respond to issues raised during the design and construction phases in a timely manner. They must have the ability to communicate their needs in a manner that defines performance minimums while allowing for creative solutions to those requirements.

Performance Criteria Compliance

Because the designer and builder comprise a team that will be producing a completed project based on performance criteria established by the community college district, verifying compliance with the criteria may be a significant task or beyond the capabilities of the district staff.

Learning Curve

Design-Build is a new experience for community college districts. Creating a new qualification process, selection method, RFP and contract is a responsibility that requires a great deal of time and expertise in order to realize the benefits of Design-Build. A community college district undertaking more than one Design-Build project may need to develop different approaches to these processes and documents on a project-by-project basis.

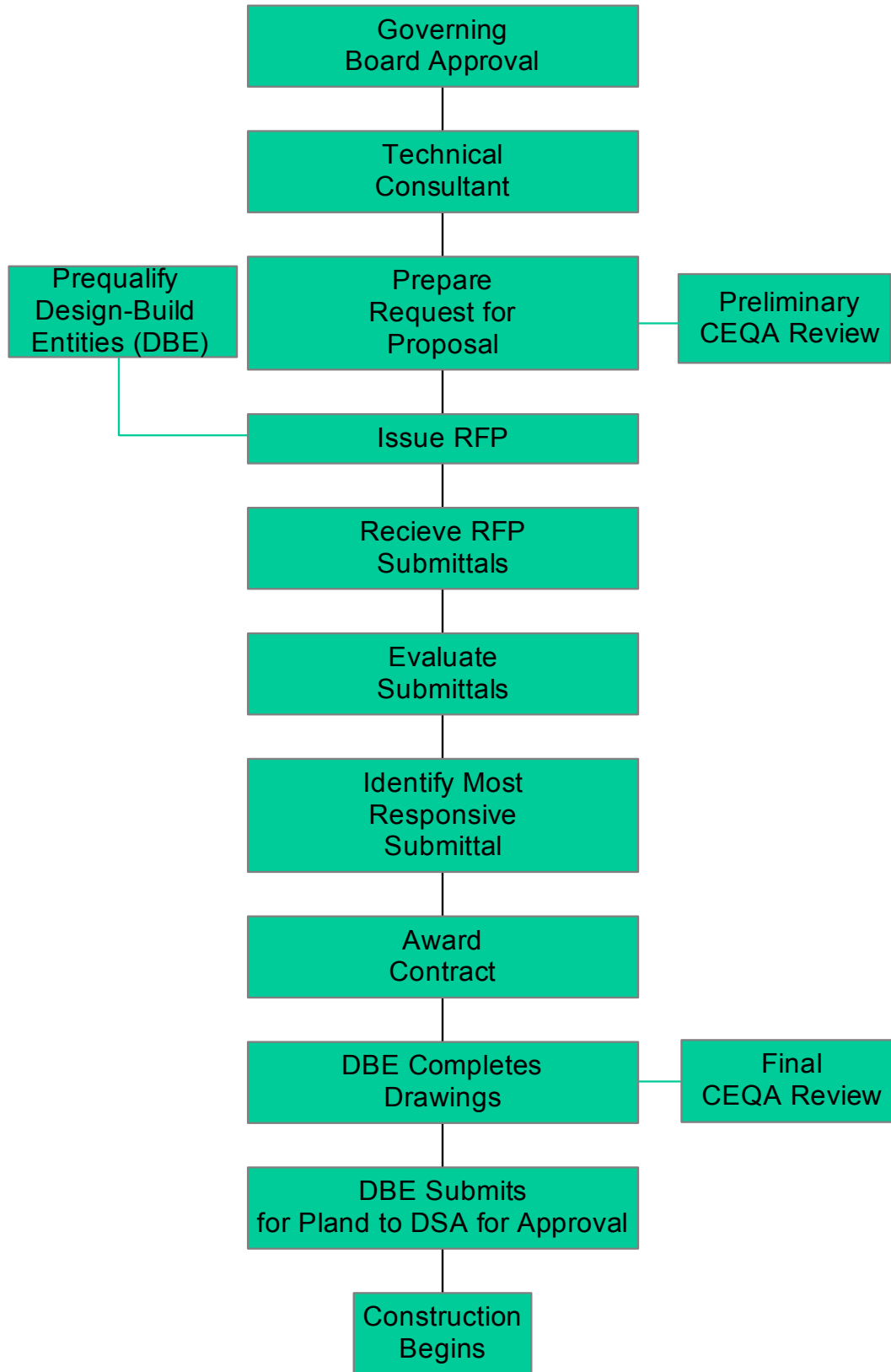
Section 1

The Design-Build Process A Road Map

Overview of the Process

The typical process for a Design-Build project includes the following:

- The Governing Board holds a public meeting to approve Design-Build
- The community college district prepares a Request for Proposal (RFP)
 - The district may need to hire a technical consultant to assist with the development of the RFP
- Concurrently, a preliminary CEQA checklist should be completed to identify any potential environmental impacts. Any constraints or mitigations need to be included in the RFP.
- Design-Build Entities should be pre-qualified through a well-defined and documented process that is fair, objective and measurable. The prequalification process should be well communicated to the local design and construction community in an initial solicitation of interest, industry forums or similar outreach efforts.
- The RFP is issued to prequalified Design-Build Entities
- Design-Build team submittals are received and evaluated
- Upon completion of the Design-Build proposals, a successful proposal is identified
- Local governing board approval is obtained and a contract award is made
- Final Design drawings are completed by the Design-Build Entity, and submitted for approval
- Final approvals include:
 - District approval for compliance with the RFP
 - Division of the State Architect (DSA) Approval
 - Final CEQA documents are completed
 - Any other required local approvals
- When all approvals are in place, construction begins



Section 2

Selecting a Project for Delivery Through Design-Build

When contemplating using Design-Build to deliver a project, several factors should be considered. Due to the many challenges that a Design-Build project entails, keeping issues as simple as possible will allow the district and its team of experts to focus on design and construction.

Key factors for consideration include:

New Construction

New construction projects are better suited for Design-Build than renovation of an existing building or construction within an occupied building. The likelihood of encountering unknown and discovered conditions as well as hazardous materials abatement in an existing building makes Design-Build problematic for renovation projects. In addition, construction in an occupied building with on-going teaching programs and limits on construction impacts may not realize the time and cost savings desired with this project delivery method.

District-funded Projects

Timely reviews and approvals is a critical factor for success. District-funded projects require fewer state approvals and are not dependent on the state budget cycle for funding. In addition, segmented appropriation of funds (P in FY1, W in FY2, C in FY3, etc.) in different fiscal years further complicates design build project delivery. Any project funded with State Capital Outlay funds (either entirely or partially) will be subject to SPWB/DOF review and approval procedures and the project calendar would need to consider the time taken for state approvals.

CEQA Mitigations

Projects that have an approved Environmental Impact Report or other approved environmental document or projects whose environmental documents have a high likelihood of being approved prior to the award of contract to a design team are more appropriate for delivery through Design-Build. Projects that are environmentally sensitive or have a high degree of environmental impacts may not be appropriate for delivery through Design-Build due to a lengthy and time-consuming entitlement and approval process

Project Program Goals and Objectives

A critical key for success of a Design-Build project is to ensure that the project's architectural program, goals and objectives are clearly identified and communicated. If program goals and objectives are not clear or may be subject to change, Design-Build delivery is probably not the most appropriate delivery method. Changes that occur late in the Design-Build process may be very costly.

Management Capabilities

Design-build projects require the same amount of effort as with other forms of project delivery, except that the work occurs in a substantially shorter amount of time, often with concurrent activities. The shorter amount of time along with concurrent activities substantially elevates the intensity of managing a design-build project. The district's ability to manage a design-build project is critical to project success.

Competitive Project Proposal

Projects that are seeking state capital outlay funds need to be highly competitive project proposals. These projects should have high cap ratios, clearly identify critical academic space needs and articulates how the project will address the academic needs of the institution.

State Chancellor's Office Selection of Design-Build Projects under AB1000

AB1000 enables the State Chancellor's office to select up to as many as five (5) individual community college district projects to utilize design-build. These projects are in addition to any design-build projects projects at the Los Angeles Community College District, San Jose-Evergreen or the San Mateo County Community College District. The general criteria that the State Chancellor's Office will utilize in selecting the five projects include:

- Well-studied site characteristics, including sub-surface conditions and earthquake faulting
- Projects that do not add more campus space in under utilized categories
- Projects that meet state eligibility requirements, including:
 - Projects that are at or about 100% of capacity load
 - Modernization of existing, under-utilized space
- Projects that have a high cap/load ratio
- A clearly articulated management plan for managing the design-build project
- California Environmental Quality Act (CEQA) issues are clearly identified and are being addressed

Section 3

The Project Approval/Notification Process for Design Build

Projects funded with State Capital Outlay Funds

Appropriations

The State funding and approval processes are inherently not structured to support design build projects. The concept of appropriating a project's funding in phases over separate fiscal years is an obstacle to timely review, approval and delivery of a Design-Build project. If a community college district were to seek construction of a project through design-build, funding appropriations would likely need to be as follows:

Design-Build	PWCE Appropriations in the same fiscal year under the California Community Colleges Facility "Ready Access Program" where a single appropriation is provided for all phases of a capital outlay project.
Modified Design-Build	PW Appropriation in FY1 CE Appropriation in FY2

It should be clearly recognized and acknowledged that projects which have any amount of State funds involved, will be required to go through the SPWB/DOF, State Chancellor's Office approval process.

Approval Process

If a district intends to deliver a state-funded project utilizing Design-Build, this should be declared in the Initial Project Proposal (IPP) so that the Chancellor's Office and the Department of Finance may be made aware of the need to structure state appropriations in a manner as outlined above. Once approved by the Chancellor's Office, the district is to proceed with the preparation of their Final Project Proposal (FPP) for approval and inclusion in the annual capital outlay plan.

SPWB/DOF/Chancellor's Office Approvals State-Funded Design-Build Project

The State approval process remains in effect for Design-Build projects. As such, Design-Build projects should strive to mirror the traditional project approval process as possible. Due to this constraint, utilizing Design-Build on any project that receives state capital outlay funds is problematic. Very few, if any, California Higher Education projects funded with State capital outlay funds have utilized Design-Build.

Approval of the Preliminary Planning Funding in the State Budget	CO and DOF encumber and release the Preliminary Planning funds. District prepares the Request for Proposal and the Performance Criteria (Note: the amount budgeted for P may be greater than the amount on a traditional DBB Method project.)
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Request for Proposal

District prepares the RFP with its performance criteria

Approval of Working Drawing, Construction and Equipment Funding in the State Budget.

District requests state approval to release RFP to bid.

CO reviews the RFP for conformance with the approved scope of work and cost and requests state approval of RFP from the State Public Works Board.

PWB approves the RFP and performance criteria and directs DOF to encumber the Working Drawing funds

DOF encumbers the Working Drawing funds

District conducts bid effort for Design team

Request to Proceed with Construction

District submits DSA approved plans and specifications to state with request to proceed with construction, and a request To release Construction funds.

CO reviews plans and specifications for conformance to approved scope and cost.

CO submits request to DOF for approval of plans and a Request to release Construction funds.

DOF approves release of Construction funds

CO forwards approval of plans and release of Construction funds to District

District issues Notice to Proceed with Construction to the Design Build Entity.

SPWB/DOF/Chancellor's Office Approvals State-Funded Modified Design-Build Project

Modified Design-Build (Bridging) allows a SPWB/DOF approval process that more closely aligns with the traditional state approval process.

P (Preliminary Plans)

Under Modified Design-Build, P documents are approximately Schematic Design level documents. As a percentage of the PWC budget, P can be budgeted in the range of 4% - 6%.

W (Working Drawings)	Under Modified Design-Build, the W set of documents involves the actual Request for Proposal. As a percentage of the PWC Budget, W can be budgeted in the range of 1% - 2%.
C (Construction)	Under Modified Design-Build, contract award has been made to the Design-Build Entity. As a percentage of PWC Budget, C can be budgeted in the range of 93% - 93%.

The traditional PWC submittals and requests would follow in a similar manner to the design-bid build approval process. “P documents” would be submitted to the State Chancellor’s Office for review and subsequent submittal to SPWB/DOF for review and approval.

“W documents” would be submitted to the State Chancellor’s Office with a formal “Request to Bid”. The State Chancellor’s will forward the W submittal to DOF for review and approval. The most significant change is that the time between P and W submittals can be as short as 1-2 months.

Upon receipt of proposals by the Design-Build Entities, a formal recommendation is to be made by the District to the State Chancellor’s Office for a recommendation to award a construction contract. The State Chancellor’s office will then forward the project to the Department of Finance for approval.

District-funded Projects

For projects funded entirely with local funds and no State Capital Outlay monies, the project approval involves the submittal of a project information letter by the Community College District to the State Chancellor’s Office. The project information letter should contain the following information (sample attached):

- Brief description of the project
- Space summary
- Project is a part of the District’s Five-Year Master Plan
- How the project will be managed
- Project delivery methodology

The only other time that the State Chancellor’s Office is involved is a final review of the W (Working Drawing) documents once the Division of the State Architect has approved the plans (Refer to the procedures presented in the next section). In addition, language in AB1000 requires DOF review and approval of the RFP prior to the publication of the RFP.

SPWB/DOF/Chancellor’s Office Approvals, Locally-Funded Design Build Project

Request for Proposal	District provides the CO with an information letter that explains the Design-Build project scope and cost of work District prepares the Request for Proposal and the Performance Criteria
Award of a contract to a Design-Build Entity	District conducts bid effort for Design-Build Entity District awards the Design-Build Entity a contract and issues to the Design-Build Entity a Notice to Proceed with Design Design-Build team completes project design and construction documents and obtains DSA approval of plans and specifications.
Request to Proceed with Construction	District submits DSA approved plans and specifications to the CO with a request for approval of plans CO reviews plans and specifications for conformance to approved scope and cost provided in the information letter above CO forwards approval of plans and release of Construction funds to District District issues Notice to Proceed with Construction to the Design Build Entity.

Sample Project Information Letter

February XX, 2003

(Name of CO Facility Specialist)
California Community Colleges
Facilities Planning & Utilization
1102 Q Street, 4th Floor
Sacramento, CA 95814

Subject: YYY College (College Name), ZZZ project (Project Name)
Design Build Scope Description (AB 1000)

Dear ,

Pursuant to AB 1000, the XXX Community College District is submitting for your review and approval the following project scope for the YYY College Student Support and Community Services Center / Science Annex:

Scope: Build a new approximate 29,505 ASF/42,110 GSF College Student Support and Community Services Center (Student Union) to replace the existing Student Center and Bookstore. The new facility will house the College's Bookstore, Food Services, Student Activities, Security, Student Health Services, Student Government, Student Activities, Multicultural Center, meeting rooms, and a community conference. Vacated Bookstore will be demolished. Additionally, the project consist of building an approximate 17,500 ASF / 25,000 GSF adjoining Science Annex to accommodate new Natural Science laboratory and support facilities, with a new Dental Hygiene program moving into renovated space vacated by the former Natural Sciences in Building 7. Existing 40 year old facilities are unsafe and in a state of rapid deterioration. This project follows implementation of the District's September 2001 Facility Master Plan, YYY's Educational Master Plan, YYY Colleges Strategic Planning Task Force goals, and the District's Five Year Construction Plan. This project was approved by the voters of CCC County under local Bond Measure C in November 2001.

Total Estimated Cost: \$23,600,000

Anticipated Source of Funds: Local. See attached JCAF 32

Type of Construction: New Construction - Design Build

Anticipated Schedule: PP/SD/WD 2003/2004 Construction: 2004/2005 Equipment 2005
Occupy: 2005

Regards,

(Name of District Facility Manager)
(Title of District Facility Manager)

Section 4

The Request for Proposal and Pre-qualification of Design-Build Entities

Helpful Hints:

Communicating facility requirements thoroughly enough to ensure compliance without limiting the Design-Builder's creativity is a significant task. Using performance based requirements and quality standards rooted in current construction practices establishes the Design-Builder's responsibilities while accommodating flexible solutions and innovation. Because the Design-Build Entity's cost proposal is not based on completed design documents, the RFP and Design-Build contract should clearly set forth the requirements, specifications and allocation of project risks in order to avoid disagreements with the community college district that may arise over what was implied in the RFP. It is important to note that the Design-Build process does not eliminate the possibility of change orders created by incomplete or inaccurate information in the RFP Package. Inclusion of all relevant and necessary information is a good prerequisite for effective and optimal risk allocation.

Responding to a Design-Build RFP can be a costly endeavor for Design-Build teams. Typical costs for a response to a traditional Design-Bid-Build proposal may be in the range of \$5,000 - \$10,000 (\$4,000 for the A/E Team to respond to a RFP, \$6,000 for the General Contractor to prepare a bid), the costs for responding to a Design-Build RFP can easily be in the range of \$50,000 - \$100,000, if not higher. Community college districts considering Design-Build should be cognizant of these costs and carefully limit the amount of time Design-Build teams have to prepare proposals and limit submittal requirements to those documents only necessary to determine program compliance, quality and scope of the proposal. In addition, as more public agencies are allowed to utilize Design-Build, design firms and contractors are becoming increasingly cognizant of the costs associated with responding to a Design-Build RFP. Community college districts should consider offering a stipend to the firms that respond to Design-Build RFP's to help offset some of the costs incurred by competing Design-Build entities. Higher quality Design-Build teams, greater interest and increased responsiveness is more likely to occur when pre-qualification efforts result in a smaller group of comparable Design-Build entities competing for a project, and there is a balance of submittal requirements, time to prepare submittals and a stipend.

By the time a Request for Proposal (RFP) is drafted, much information should be in place. It cannot be overstated that the most critical part of the Design-Build process is the preparation of the information describing the community college district's needs and requirements, as well as "due diligence" information about the project site. The success of the project will be a direct result of the amount of preparation and conveyance of information by the district. It is important to note that a community college district cannot expect specific elements or performance to be included in their project unless they are made a part of the contract.

- A Project Information Letter, if the project only uses local funds, or a state-approved Final Project Proposal, if the uses state funds, shall be approved by the Chancellor as one of the

projects to implement AB 1000 prior to the development of a RFP. If a community college district needs assistance in preparing some or all of the RFP, a competent, experienced consultant should be considered.

- As required by AB 1000, an RFP shall be prepared. Refer to the SELECTION chapter for information regarding the two methods of Design-Build Entity selection, and how each method affects the preparation of the RFP document.
- Performance specifications and any plans to be included in the RFP must "...be prepared by a design professional duly licensed or registered in this state." Community college districts should hire a licensed design team (technical consultant) to prepare the RFP, including those with mechanical and electrical expertise in college and university facility design. Optimally, the design team should be cognizant of the community college district's specific needs and desires. Once retained, the community college district should consider using the licensed design team to assist with evaluation of the Design-Build teams' proposals as well as acting in an "oversight" role on the community college district's behalf throughout the project development. As stipulated in Education Code 81703 (c) (2) (A), the licensed design team is ineligible to participate on a Design-Build team.

Determining the Most Appropriate Design-Build Entity Formulation Strategy

There are several methods of formulating a Design-Build team and delivering a Design-Build project. Each community college district needs to examine each project for its unique requirements and goals and select the Design-Build strategy that will provide the most successful outcome. The following are descriptions of several Design-Build delivery strategies. Equally important, the district should take into consideration the capabilities of the design and construction firms in the community in deciding on the most appropriate Design-Build team formulation strategy.

Traditional Design-Build

This delivery model enables the Design-Build Entity to formulate its own team, including architect and engineering consultants. The Design-Build Entity will tend to look to existing relationships with architects and engineers, past project experiences and other factors in determining who may be a part of their team. The choice of architect and engineering consultants is the decision of the Design-Build Entity. The Owner should pre-qualify Design-Build Entities based on comparable project experience and work together as a team and other criteria as determined by the district and as appropriate for the project type (e.g., library, science building, theatre, etc.). Design-Build Entities will typically respond to a Request for Proposal that is comprised of a project program, design parameters, and performance specifications.

Bridging (Modified Design-Build)

This design- build delivery model “bridges” the traditional Design-Bid-Build project delivery process and Design-Build. Bridging strives to achieve a balance between Owner control and innovation from a Design-Build team. The community college district selects and commissions an initial design team to develop a project program and preliminary design for a project. Documents developed typically include architectural and structural drawings (including specifications) to a design development level, and mechanical, electrical, plumbing, fire protection and other systems to a schematic design and performance specifications level. These documents are then issued for bid to a pool of prequalified Design-Build teams. The architect and engineers on the Design-Build team complete the construction documents and are the design professionals of record. The initial design team commissioned by the district is precluded by statute from being on a competing Design-Build team, but may be retained as the district’s consultants to assist with the review of the Design-Build team’s work, particularly with respect to monitoring design progress against original design intent. The Owner may retain the initial design team or other technical expertise to assist them in review of the design drawings to ensure that the program and other criteria established in the RFP is attained.

Assignment

This Design-Build Entity formulation strategy involves the district’s selection and commissioning of a design team to work on the early phase of a project’s design. At an appropriate time in the design work, general contractors that perform Design-Build work are prequalified. The design team that the district initially commissioned is assigned to the general contractor that successfully competes for the project, and the remainder of the project is carried out by the newly formed Design-Build Entity.

Prequalifying Pools

In this delivery model, the district prequalifies two distinct pools: one pool for design teams (architect and engineering consultants) and the other pool of general contractors that perform Design-Build work. Upon the establishment of these two pools, the district directs the general contractors to formulate their Design-Build team with one of the design teams from the prequalified list.

Pre-qualification Process

The community college district shall prepare a procedure to qualify candidates prior to the issuance of the RFP, and the procedure must include the following:

- A standard questionnaire developed by the Director of the State Department of Industrial Relations. (<http://www.dir.ca.gov>).
- Inclusion of the qualification criteria stated in the statute. The D.I.R. questionnaire includes many of the requirements listed in the statute in its standard questionnaire. Community college districts should compare the D.I.R. questionnaire with the requirements in the statute to avoid repeating information.

- Additional qualification criteria the community college district desires. The D.I.R. questionnaire is general in nature and does not address project specific questions; therefore, community college districts may want to add their own questions. This may include geographic location of Design-Build Entity, list of previous projects the members of the Design-Build Entity have worked on together (as Design-Build Entity or not), list of previous projects similar to this project, specific personnel assigned to the project, recent client list, etc. Community college districts should consider review of their additional criteria by legal counsel.

Determination of how submitted qualifications shall be evaluated. *Community college districts should determine whether qualifying a Design-Build Entity will allow it to submit a proposal or whether Design-Build Entities' qualifications will be ranked, allowing only a specified number to submit proposals (short listing). This decision will likely have significant impact on the level of information sought and how it is evaluated. If all qualified teams are allowed to submit proposals, the pre-qualification may simply seek information showing that the teams are qualified. If, however, a short listing is used, the district will need to solicit information that may be of a more comparative nature with other teams. In either case, the qualification process should be described in the request for qualifications document in much the same manner as the selection process is described in the RFP.*

Due to the cost and expense for Design-Build teams to respond to a Design-Build RFP, the smaller the group of pre-qualified teams, and the comparability of the teams will usually result in greater interest, participation and responsiveness to the district.

Key Elements of the Request for Proposal

The description of the project in the RFP should include:

1. Project Proposal and Chancellor's Office Requirements

- The RFP should include many of the key elements that the District communicated to the Chancellor's Office in their project proposal. These items include: project program, site analysis, and other elements as required. In addition, any required reports/documents required from the design (e.g., space inventory) for Chancellor's Office or Department of Finance approval should be clearly identified in the RFP.

2. Project Program

- Administrative obligations of the Design-Build Entity including:
 1. Compliance with applicable California Building Code Regulations, Title 5 Regulations.
 2. Compliance with the approved Initial Project Proposal (IPP) as approved by the Chancellor's Office. *This may include site diagrams, summary of the project site and space inventory for funding eligibility determination as well as DSA approval of plans and specifications as applicable, and conceptual cost estimates/budgets for the project.*
 3. Compliance with Division of the State Architect (DSA) Regulations. *This includes approval of the plans and specifications by DSA as well as certain requirements*

during construction by the Design-Build Entity (i.e. change order approval, final verified report submission, etc).

4. To promote the issue of life-cycle cost and proper selection of building materials and building systems, the community college district may wish to specify compliance with selected high performance guidelines from the Collaborative for High Performance Schools (CHPS <http://www.chps.net/>). *Following the CHPS guidelines can "...provide better learning environments for our children, cost less to operate, and help protect the environment."*
5. Identification of who is responsible for obtaining State and local approvals. *This is important, because any ambiguity may result in additional time and money to resolve the issue. Often both parties assume the other is responsible, only to realize nothing has been done. The entire project can be delayed if the responsibility is not clearly identified early in the process. Some critical approvals and early-recommended contacts include the state or local health department, utility companies and local fire department. Community college districts may also want to list their contacts at the City, County, Fire Department, Health Department, etc. so proposers may know what is required for their approval, if applicable.*

- Project Description including:

1. Building(s) type and size
2. Site elements (e.g, benches, athletic fields) and limits of work.
3. Parking and site access requirements.
4. Description of physical relationships between building spaces and between buildings and other site elements
5. Specific architectural style or concept, including:
 - Height and massing of the building(s)
 - Scale, and relationships to adjoining buildings
 - Materials (e.g., tile roof, etc.)
 - Color

Note: Many of these design elements may be influenced by CEQA requirements. Any limitations developed through preliminary CEQA analysis should be mentioned in the RFP to ensure that Design-Build teams do not develop a design that may require costly mitigations.

6. Performance Specifications and Prescriptive Specifications regarding materials, systems, performance criteria, energy efficiency, life cycle costs, environmental issues, etc. If the community college district has developed district standards (e.g., locks, fire alarm systems, energy management, etc.) they need to be included in the RFP.

7. Program requirements as they relate to facilities.
8. Drawings, including:
 - Site survey
 - Record drawings of the existing building (if a renovation)
 - Preliminary design drawings (if utilizing modified Design-Build)
 - Points of connection to existing site utilities (e.g., electricity, water, sewer, telephone) should be clearly identified, along with any special utility shutdown requirements/coordination.
 - Other drawings as available and appropriate
9. Reports, including:
 - Soils report
 - Hazardous Materials Report(s)
 - State Fire Marshal reports (if a renovation project)
 - Other reports as appropriate to inform the Design-Build teams competing for the project
10. Performance requirements of the structural system. Provide any site specific ground motion data if available,

3. Community College District Standards and Special Requirements

- Accommodation for future expansion. *Planning for future expansion by sizing equipment, electrical panels, data, water, gas & sewer lines etc. can reduce future costs and problems. Specific direction needs to be provided in the RFP to the Design-Build teams, e.g., “electrical service shall be designed to accommodate code-required service loads plus 20% extra capacity for future expansion.”*
- Will any part of the project require joint-use by the community (Parks, Library, Playfields, etc.)? *How this is accomplished, and what contractual requirements are included is critical. Legal counsel should be considered. Participating community organizations (park districts, etc.) should be involved very early in the Design-Build process.*
- Technology standards *Computer networking, telephone communication systems, security, mechanical and electrical systems, etc.*
- Does the community college district want to re-use an existing community college facility design? *Re-use of an existing design must be carefully handled in the Design-Build contract in order to effectively allocate design risk to the Design-Build entity. The community college district must also exercise caution in the re-use of an existing facility design to ensure that there are no copyright issues with the original design team.*

- Project quality. *In Design-Build, the owner generally has less direct control over product selection than in traditional methods of project delivery; therefore, community college districts should specify the expected quality and technical requirements (and inspect the construction) in the RFP through the use of performance specifications. Because the price submitted by a Design-Build Entity may be based on early design documents, there may be a discrepancy between the community college district's expected quality level and that perceived by the Design-Build Entity. Include very clear requirements for quality and performance in the RFP package. Quality can also be improved in Design-Build through the community college district's design review process, which should also be delineated in the RFP and contract.*
- Indicate that the Community College District owns all materials submitted by Design Build Entities in response to the District's RFP.
- Include any mitigation measures required by CEQA to be implemented during construction.
- Sustainability goals that the community college district is striving to achieve in the project.

4. Geotechnical reports, boundary and topographic surveys, utility location surveys and sizes, environmental issues and geo-hazards.

- Failure to provide this information may affect the ability of the community college district to shift risks to the Design-Build Entity. Where risk is shifted to the Design-Build Entity, contract costs will reflect the increased risk and contingencies. Omission of such items may also limit the community college district's ability to find qualified Design-Build teams that are willing to accept the allocation of risk desired by the community college district.
- The necessary "due diligence" information should be made available to the Design-Build teams. Information gaps can lead to procurement delays and increased Design-Build team pricing to allow for contingencies.
- Community college districts should be aware of the risks involved with proceeding with the RFP prior to obtaining local planning approval. *There may be significant costs and time expended due to litigation if approval is not subsequently obtained. A preliminary CEQA analysis should be completed prior to the issuance of the DB RFP. Any limiting parameters should be included in the RFP.*

5. Budget Parameters

- AB 1000 requires an expected cost range to be part of the RFP. *The community college district may want to list the source of funds and include contract language to mitigate the possibility of unguaranteed State funds when the Design-Build contract is signed. There may be significant costs and time expended including potential litigation if funding is not subsequently obtained in a timely manner. All funds necessary to award a contract to e DBE are required to be in place at the time the governing board approves award of the contract.*
- Include provisions for changes in the work, including eligibility, supervision, labor costs and allowable markup as well as changes to the schedule. *What are the implications for exceeding the schedule?*
- Identify a contingency allowance for unknown site conditions. *This information need not be made available to Design-Build Entities, but is important in planning for possible additional project costs. In some instances, use of allowances in the contract for specific risk areas (i.e. hazardous materials) may be an effective and mutually acceptable method to reduce or share risk and maintain competitive pricing.*

6. Schedule Requirements

- At a minimum, list date of site availability and date of desired occupancy.
- The schedule should also include the time needed for installing fixtures, furnishings and equipment (FF&E) and commissioning.
- Establishing milestones may be helpful, such as:
 1. Issuance of Notice to Proceed Date
 2. Dates for Design Submittals to the Community College District
 3. DSA Submittal and/or Approval Dates
 4. Local governing board approval as required
 5. Start and Completion of Construction Dates
 6. Date of Occupancy
 7. Final Project Close-out and Acceptance Dates
 8. Other
- Enforcement of schedule through liquidated damages or other means may be considered.

Who takes the responsibility and risk for DSA approval time? To minimize adverse cost implications to both the DB Team and the community college district, it may be appropriate to stipulate a time window for DSA approval that should be included in the DB Team's schedule, and to provide an allowance for any DSA time required beyond the window, provided that the DB Team is diligent in its efforts and submits "completed" plans and specifications for approval. An aggressive schedule could constrain the design or type of

construction. Requiring the DESIGN-BUILD Entity to submit a milestone schedule with its proposal should also be considered and may be necessary if the community college district desires a specific completion deadline.

7. Issuing the Request for Proposal (RFP)

The RFP should be issued to prequalified Design-Build teams with specific timelines and requirements for the proposal.

- **RFP Schedule Requirements**
The submittal of a Design-Build proposal is the same as receiving a bid. The location, exact time and date for the submittal of Design-Build should be specified in the RFP. Proposals should be time and date stamped upon receipt. Late submittals are to be returned, un-opened.
- **RFP Submittal Requirements**
Submittal requirements should be clearly defined and limited. A balance should be achieved between receiving sufficient information to evaluate the proposal and minimizing the amount of investment and effort put forth by the competing Design-Build teams. Typical submittal requirements should include:
 - Site plan
 - Architectural floor plans
 - Roof plan
 - Building elevations
 - Key architectural sections through the building
 - Perspective (optional)
 - Color/Materials Board (optional)
 - Written narrative describing building systems (e.g., structural, mechanical, electrical, communications, etc.)
 - Outline specifications
 - Finish schedule for all building spaces
- **Alternates**
To enable the community college district and the Design-Build team flexibility in balancing program, budget and schedule, the RFP should include provisions for alternates. These alternates should be clearly defined and prioritized in terms of “value added”. In addition, the community college district may consider allowing the Design-Build teams to use “voluntary alternates”. The use of voluntary alternates should not be used if the selection process will be “lowest responsible bid”.
- **Confidential Team Meetings**
During the time that the Design-Build team is preparing their design and proposal, the community college district may consider one or two confidential meetings with each competing Design-Build teams. The meeting should be

limited to a “core group” from the district, and the meeting is of the highest level of confidentiality. The Design-Build process is calling on Design-Build entities to bring forth their innovation and creativity. Each team’s design approach and direction is proprietary. The purpose of these meetings is to help validate each Design-Build’s team direction and philosophy, minimizing any errant design solutions. In the event that objective program, code or other information is needed, the district should issue an addendum to all teams.

8. Selection Process (See also the *SELECTION* Chapter of the Guidelines)

- The community college district must use one of the evaluation processes described in AB 1000 (Education Code Section 81703 (c)), which allows for a numeric or qualitative rating of proposals. The RFP shall identify all the factors, priorities and/or weighting that the community college district will consider in evaluating proposals including price and non-price factors. The community college district must decide whether to use a “lowest responsible bid” selection process or a “best value” selection.
- A “lowest responsible bid” selection process would determine the successful, pre-qualified Design-Build Entity based solely on price. Benefits of a lowest responsible bid selection include the ease and speed of the evaluation, a decreased likelihood of proposer protest and a determination which is based primarily, if not solely, on purely objective factors. Disadvantages of this method include its inflexibility, failure to take into account important and relevant non-price factors, failure to recognize that the least expensive proposal may not be the best (in terms of quality, utility and/or appearance) and its inability to reward innovation and creativity by Design-Build teams unless such innovation and creativity results in price savings. Because Design-Build Entities will be submitting bids based solely on documents provided by the community college district, the RFP should include drawings and specifications completed to a level that ensures that the program, and other critical criteria, will be met. Less complete documents will result in difficulty in evaluating proposals, and may result in an unsatisfactory project, or expensive and time-consuming change orders to achieve the desired result.
- The “Best Value” selection process allows community college districts to include non-price factors as part of the evaluation criteria and process. This can allow community college districts to prioritize the importance of features to be provided by the successful Design-Build entity. AB 1000 allows community college districts to establish a process that evaluates proposals based on factors such as: design approach, life cycle costs, project features and project functions. The Design-Build Institute of America’s *The Design-Build Process Utilizing Competitive Selection* is a helpful resource for community college districts considering this method (<http://www.dbia.org>).
- Per AB 1000, at least 50% of the total weight of selection criteria shall be based on: price, technical expertise, life cycle costs over 15 years or more, skilled labor force

availability, and an acceptable safety record. Community college districts should review AB 1000's requirements closely and seek legal counsel experienced in Design-Build to establish selection criteria.

- Other possible criteria may include: Ease of operations and maintenance, adherence and commitment to CHPS guidelines, schedule, quality, durability, innovation, experience of the Design-Build entity and the Design-Build entity's approach to design management, quality control, traffic management and safety. Community college districts may wish to list the items they will evaluate, and determine a maximum page limit for responses.
- Benefits of a best value selection include the ability of the community college district to use relevant and important factors other than price to select the successful Design-Build team, thereby enhancing the development and ultimate use of the project. Best value is a recognition that price is not the only important factor in a successful project. Disadvantages of "best value" include increased time and administrative resources required for the evaluation process, unfamiliarity by community college districts with a non-price evaluation, possible infusion of subjectivity into the evaluation process (i.e. "quality" to one person may not be "quality" to another) and possible increased potential for protest due to the nature of non-price evaluation. Development of, and compliance with, fair criteria and a fair evaluation process can significantly reduce the potential for protests.
- AB 1000 requires that community college districts disclose their selection criteria. The system established shall be objective and quantifiable. Purely subjective criteria should, where possible, be avoided in order to reduce challenges of the results by unsuccessful firms. Information necessary for the proposers to understand the selection process and what the community college district is looking for in terms of proposals and evaluation criteria should be included in the RFP and given to all proposers. *Note: Wherever possible, as much information as possible should be published in the RFP, including the evaluation process and the metrics that the community college district will be using to evaluate Design-Build submittals.*
- Community college districts should also include a provision in the event of a tie.

8. Industry Review

- If the procurement schedule permits, the community college district may consider undertaking an industry review process prior to issuing the final RFP. With an industry review process, drafts of the RFP and contract are circulated to interested parties (or pre-qualified Design-Build teams) to get their individual and/or collective input and comment prior to final issuance. This can assist in properly allocating risk between the community college district and the Design-Build team.

Section 5 Request for Proposal Checklist

Note: This is not intended to be an “all inclusive” checklist, but a general overview of items. Each project is different, and will have unique requirements that may not be listed.

Prior to Preparation of the RFP:

- Chancellor’s Office Approval of the Final Project Proposal (FPP) [State-funded projects only]
- Written Findings by the community college district’s Governing Board per AB 1000 Warranting Design-Build
- Governing Board Adopted Resolution Approving Design-Build
- Review of AB 1000 Design-Build Guidelines
- Identification of Funding Source and Initiation of Process Through the Chancellor’s Office of the Community College Districts if State Funds are to be Used
- Retain Design Team to Assist in Preparation of Any Plans and Specifications
- Consideration of Legal Counsel for Preparation of RFP

Preparation of RFP:

- Review of RFP Requirements Listed in AB 1000
- Preparation of RFP to Address AB 1000 Requirements and Review AB 1000 Design-Build Guidelines
- Establishment of Ranking System in Compliance with AB 1000
- Establishment of Procedure for Selection in Compliance with AB 1000
- Review of RFP for Completeness and Coordination with AB 1000 Design-Build Guidelines
- Consideration of Legal Counsel to Review RFP and Supporting Documents
- Invitation for Interested Design-Build Entities to Submit Standard Pre-Qualification Questionnaire Prepared by the Department of Industrial Relations and Other Qualification-Related Information Desired by the Community college District

Section 6

Selection of the Design-Build Entity

Helpful Hints:

Under AB 1000, Education Code Section 81703.3 (c) allows two options for selection: lowest responsible bid or best value selection of pre-qualified candidates based on a weighted scoring method. While the lowest responsible bid method is fairly well defined, best value selection can include anything from submission and ranking of proposal documents to a design competition requiring drawings, specifications and additional information for review and ranking. Community college districts should determine what is most important for a successful project, and choose a selection process that will help ensure the best results while complying with the statute.

The best value selection process must include price as one factor, but other factors must be considered as well.

Consideration of Lowest Responsible Bid Method

Awarding a project to the low bidder is one method of selecting a Design-Build Entity under AB 1000. Pre-qualified Design-Build Entities submit price proposals based on the RFP, and award is made to the lowest responsible bidder.

Community college districts asking contractors or Design-Build Entities to give them a price for products and services may already know the pitfalls of providing vague or incomplete documents. The end result is usually adversarial and leads to schedule delays and expensive change orders. As discussed in the RFP Chapter, the more specific, detailed information is given, the more accurately the price will reflect what is desired. However, materials that incur a lower initial cost may be proposed which could be inappropriate for high abuse/high traffic college facilities. Comprehensive drawings and performance specifications requiring products with good life cycle costs can help protect community college districts.

If the community college district is interested in providing a prescribed design, then the traditional method of Design-Bid-Build may be considered. Why consider a lump-sum Design-Build method over traditional Design-Bid-Build on a particular project? In addition to possible time savings, another intended benefit of Design-Build is to establish one point of responsibility for the completed project (*i.e. If the district hires a Design-Build Entity to design and build a college facility with compressed air in the science classroom, the community college district should not have to pay for a change order for a compressor that was overlooked by the design team.*)

As stated above, some responsibility for errors and omissions can be shifted from the district to the Design-Build Entity, but this only occurs if responsibilities are clearly defined. *Carrying forward the “compressed air” example, if the RFP package calls for compressed air in the science classroom, the district should expect one compressed air outlet in the room. If what they really*

wanted was compressed air at each desk, that requirement should have been clearly stated in the performance specifications.

Consideration of Performance or “Best Value” Method

The second method for selection of a Design-Build Entity is the “Best Value” method. This method gives the district flexibility in awarding a project based on factors other than price. The factors determined by the district, as well as price and others listed in the statute will determine the “best value” to the district. Price, technical expertise, life cycle costs over 15 years or more, skilled labor force availability and acceptable safety record must represent at least 50% of the total weight given to all criteria per AB 1000. *This requirement does not prevent a district from assigning more than 50% to these factors, or assigning the remaining 50% of the selection criteria weight to other specific factors (i.e. energy efficiency, use of recycled materials, flexibility of building spaces, appropriateness of architectural features, construction schedule, technology, etc.)*

While the lowest responsible bid method focuses on the cost of the final product, the best value method can focus on cost, design, the process and the ability of the Design-Build Entity to implement the project. Placing emphasis on certain criteria can alter the composition of the proposing Design-Build Entities. Requiring that a college facility have highly sophisticated data systems might cause some proposers to include a technology consultant as part of their Design-Build Entity. *Remember, per AB 1000, a subcontractor not listed by the Design-Build Entity shall be awarded through a bidding process. Community college districts should be aware of what tasks will be bid versus what tasks will be provided by the Design-Build Entity. Who the Design-Build Entity includes as part of their team should be a major factor during selection, as some of the best value selection criteria may be performance or qualifications based. Per AB 1000, a Design-Build Entity must be “...able to provide appropriately licensed contracting, architectural and engineering services as needed pursuant to a Design-Build contract.”*

Listed below are the required selection criteria and issues to consider for each one:

1. Price

- Consideration of price can be a simple confirmation that the Design-Build Entity will meet the requirements of the RFP within the budget, or it can evaluate the Design-Build Entity’s total lump sum cost of design and construction of the project, or the cost of developing plans, specifications and product information that will allow the district the ability to prioritize elements of the project while staying within the overall budget. This last alternative would create a process over several months where the district would work closely with the selected Design-Build Entity to refine the project’s components while constantly verifying these decisions with actual costs.

2. Technical Expertise

- Clearly define the expertise sought and what that expertise should include. *Resumes of the architect, engineers, construction project manager(s) and primary project manager is only the beginning. Specific experience in one or more of the selection criteria may be required. What are the qualifications of their mechanical engineer if you're requiring that they provide a school complying with the CHPS Guidelines? What experience does the contractor have in building projects similar to this one?*
- In order to avoid being challenged by unsuccessful proposers, community college districts should attempt to establish an objective method of rating technical expertise. Care should be taken to avoid rigid and inflexible rating systems as the community college district will undoubtedly not be able to think of all possible permutations and issues that may arise as it relates to expertise. *This information should be available to Design-Build Entities in your RFP package.*

3. Life Cycle Costs Over 15 Years or More

- Community college districts will need to become familiar with techniques and standards for determining life cycle costs or seek such expertise to assist in the development of the RFP and evaluation of responses. Providing clear, quantifiable methods for presenting and determining costs will help to ensure that Design-Build Entities are presenting information that can be compared with other competitors.
- Community college districts should consider Total Life Cycle Costs for major components of their projects. This includes both the initial cost and all future costs over a 15-year period or longer (operating costs, repair, maintenance and replacement). As an example, energy costs can vary over time, so community college districts may elect to establish an escalation rate or basis for energy costs to be used (which should be included in the RFP). Other factors related to energy are comfort level (indoor temperature) and lighting levels, which should be stated in order to compare one proposal to another.
- Analysis of life cycle costs can be very extensive and detailed. Community college districts should decide in advance which project elements will be used to evaluate proposals. An independent consultant should be considered for analyzing this area of the proposals.
- The Collaborative for High Performance Schools (CHPS) has additional information on operating costs, energy efficient programs, incentives and technical assistance. (<http://www.chps.net>)
- The U.S. Green Building Council has additional information on the LEED Program (Leadership in Energy and Environmental Design). (<http://www.usgbc.org/>)

4. Skilled Labor Force

- Section 81703.3 (c) (F) regarding a skilled labor force “...means that an agreement exists with a registered apprenticeship program, approved by the California Apprenticeship Council, which has graduated apprentices in the preceding five years.” Community college districts should be careful to verify that an agreement exists with the DESIGN-BUILD Entity when contributing labor on the project and that agreements exist for all of the listed trade contractors and their subcontractors. For trade contractors or subcontractors not identified at the time the proposal is submitted, community college districts should require certification of future confirmation of agreements for these subcontractors and any lower tier subcontractors.

5. Safety Record

- Two alternatives are listed in the statute: An “...experience modification rate for the most recent three-year period is an average of 1.00 or less, and it’s average recordable injury or illness rate and average lost work rate for the most recent three-year period does not exceed the applicable rate for it’s business category, or if the bidder is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code.” Some Design-Build entities may not directly employ workers who perform labor, so it is recommended that an analysis include trade contractor safety records, as well.

The following criteria are not required under AB 1000, but should be considered by community college districts when evaluating Design-Build Entities:

1. Design Approach

- The architecture of a college facility can be very important to a community’s identity as well as the pride students and staff feels for their facility. If a community college district decides to evaluate Design-Build teams on their design approach, it will need to determine and delineate how this factor can be quantified. This is probably the most subjective criterion to be evaluated; therefore, community college districts should define and prioritize their design objectives. The American Institute of Architects has additional information, including data on the best value selection process. (<http://www.aia.org/>) *This information should be available to Design-Build Entities in your RFP package.*

2. Project Approach

- How a Design-Build Entity plans to manage a project is very important. Proposers could present their approach to budget control, quality control and quality assurance,

value engineering, safety, staging and sequencing, interface between design team members and construction team members, strength of the team, team organization, local business involvement, project document control and team management.

3. Project Features

- One of the possible reasons mentioned in AB 1000 for selecting Design-Build over the traditional design-bid-build method is the ability to obtain project features that would not be possible with design-bid-build. The intent is to allow designers and contractors to work as a team, creating innovative solutions.
- How does a district establish an environment during the selection process that encourages creativity? One method is to present known problems to the proposing teams and allow them to submit solutions as part of their proposal. Examples of known problems may include:
 - A. **Specified Project Components vs. Performance Criteria.** *What methods will the Design-Build Entity implement to meet specified performance criteria without proposing something requiring unusual knowledge to maintain? Eg. How can a Design-Build Entity propose an energy efficient HVAC system to a district in order to reduce operating costs when the district's maintenance staff lacks proficiency in maintaining that type of equipment? Would the energy savings over a period of time offset the cost of a maintenance contract or training of maintenance staff?*
 - B. **Architectural Design vs. Construction Techniques.** *Often what an architect draws can be constructed at a reduced cost or more quickly using a different method or component without sacrificing aesthetics or quality. What procedures will the Design-Build Entity implement to create an attractive campus at a reasonable cost in a short period of time? Design-Build Entities should be asked to provide a format for integrating design and construction that best benefits the district.*
 - C. **Control of Subcontractors.** *With Design-Build, some trades may be bid. How will the Design-Build Entity ensure that the district's interests are protected? What input will the district have in dealing with members of the Design-Build team, whether they are listed or awarded by the Design-Build Entity? This is a two-edged sword and touches upon one of the potential benefits of Design-Build – shifting risk.*
 - D. **Substituted Materials.** *Materials that incur a lower initial cost may be proposed which could be inferior for high abuse/high traffic college facilities. Good performance specifications balanced by thorough life cycle cost analysis can help protect community college districts.*

4. Schedule

- Community college districts should provide competing Design-Build Entities with schedules illustrating significant funding, local and state approval, site availability and occupancy milestones. Design-Build Entities should include these milestones in a master schedule, which should include design and construction time. Schedules should be reviewed for realistic activity durations.
- Design time. *What methods can the Design-Build Entity propose to expedite the completion of construction documents and DSA approval? Is the reuse of existing plans viable? Could a site development package be developed and approved by DSA to expedite construction once final plans are approved?*
- Construction time. *What methods and materials can the Design-Build Entity propose that will expedite construction? Teams should be asked to provide itemized schedules illustrating the ways in which project delivery can be expedited.*

5. Value Engineering

- Although the Design-Build process provides for value engineering opportunities, community college districts may want to allow competing Design-Build Entities to include value engineering suggestions as part of their proposals. Objective ranking could be structured around both initial cost savings and maintenance and life cycle costs.

6. Warranty

- California law requires that a contractor provide a warranty on all work performed; however, community college districts may want to request extended warranties on some major elements of the project such as roofing, waterproofing, deck coatings, pre-finished metals, hardware and doors. Design-Build Entities should also allow community college districts to receive manufacturer's extended warranties. Other warranty evaluation considerations may include organizational processes, standard response and completion times and document control. *What level of response will be provided by the Design-Build Entity vs. the manufacturer only?*

Section 7

Selection Process Checklist

Note: This is not intended to be an “all inclusive” checklist, but a general overview of items. Each project is different, and will have unique requirements that may not be listed.

Prior to Selection of a Design-Build Entity:

- Review of AB 1000 Design-Build Guidelines
- Thorough Review of Pre-Qualification Submittals
- Notification to Proposing Design-Build Entities Who Do Not Meet Pre-Qualification Requirements
- Establishment of a Review Committee with a Diverse Group of Stakeholders if Using the “Best Value” Method
- Consideration of Legal Counsel for Review of Selection Method Criteria and Pre-Qualification Submittals
- Assurance That All Proposing Design-Build Entities are Informed of Selection Criteria per AB 1000 (Education Code Section 81703.3 (C))
- Pre-Proposal Conference to Answer Questions and Provide Clarifications

Selection of Design-Build Entity:

- Compilation of Design-Build Entities’ Scores, Ensuring Objectivity and Accuracy if Using “Best Value” Method
- Confirmation that the Party to Sign the Contract for Construction Holds a General Contractor’s License in Conformance with the Contractors State License Board
- Issuance of Written Decision by the community college district’s Governing Board Supporting it’s Contract Award, Stating in Detail the Basis for Award
- Issuance of Public Notification by the community college district’s Governing Board Announcing Award, Successful Candidate, Price and Score

Section 8

Implementation of the Design-Build Contract

Helpful Hints:

Because the contractual arrangement between the community college district, designer and builder is dramatically different with Design-Build versus Design-Bid-Build, community college districts should seek legal counsel experienced in the Design-Build process to help prepare the Design-Build contract. The AIA, AGC and DBIA have drafted sample Design-Build contracts with various differences between them. Community college districts should review available options and utilize a contract that best serves their project needs.

Once a Design-Build team is selected, the community college district will continue to play a key role in the development of the project. Review, input and critical decision-making are vital to ensuring success. Verification that decisions are supported by and project program and the RFP requirements should occur regularly.

AB 1000 does not specify requirements of the contract between the community college district and the Design-Build Entity. As stated above, several professional associations have developed model Design-Build contracts, though be advised that most of them are for private sector projects. Modifying a Design-Bid-Build owner-contractor agreement to fit Design-Build should be avoided, due to the significant changes required and potential risk of inappropriate language. Other than the inherent changes in the contract created by AB 1000, the agreement between the community college district and Design-Build Entity must conform to applicable codes including the Public Contract Code and Contractor State License Board requirements (<http://www.cslb.ca.gov>) Experienced legal counsel can assist in developing a suitable Design-Build contract and in ensuring compliance with AB 1000 and other relevant California Codes. The contract should also reference the RFP, since that is the basis of the Design-Build Entity's proposal. The following resources may help in the development of a contract:

- The Design-Build Institute of America's *Design-Build Manual of Practice Document Number 303*. (<http://www.dbia.org>).
- The American Institute of Architects' *Handbook on Project Delivery* and documents A191 and A491. (<http://www.aia.org>).
- The Associated General Contractors of America's *AGC Contract Documents at a Glance* and 400 Series Documents. (<http://www.agc.org>).

Section 9

The Community College District's Role during Design and Construction

As with traditional Design-Bid-Build, the community college district must be involved in decision-making during the design phase of the project. One significant difference; however, is the increased importance to make timely decisions. A Design-Build Entity will be under contract to deliver a complete and operational project by a pre-determined date. Every delay that is caused by the community college district has the potential to delay the completion, and increase the cost of the project. By providing timely, concise direction to the Design-Build Entity, the community college district will be playing a key role in meeting the schedule and controlling costs. Community college districts should seek to avoid district-directed changes. While Design-Build generally reduces the eligibility and incidence of change orders, community college districts that frequently or significantly change the Design-Build Entity's scope of work and/or the project definition can cause significant disruption to the design and construction process, resulting in increased cost and time delays.

As design documents develop, the community college district will have the opportunity to play a part in the selection and review of the project's components while being informed by the Design-Build Entity of cost impacts, if any. As situations arise that require decisions to be made, constant testing and verification of the decisions should be made. Testing should come in the form of questioning whether a decision conforms to the project program. By developing an RFP package that utilizes performance-based criteria rooted in sound construction practice, many component selections can be made with little or no input by the community college district; however, community college districts should always retain the right of design review and approval.

In addition to decision-making, community college districts will need to carefully monitor the work of the Design-Build Entity to determine if it complies with the RFP and project schedule. Per AB 1000 (Education Code Section 81705 (a)), "Any deviations from those standards may only be allowed by written consent of the community college district. The governing board may, and is strongly encouraged to, retain the services of an architect, structural engineer or construction professional throughout the course of the project in order to ensure compliance with this chapter." This person(s) should be experienced in all aspect of managing comparable projects, and able to effectively advise the community college district.

Possible responsibilities of the architect, structural engineer or construction professional advising the community college district:

1. Review of Design-Build Entity's proposed schedule throughout the project
2. Review of Design-Build Entity's design documents for compliance with community college district's requirements
3. Oversight of Design-Build entity's quality control program
4. Advise the community college district during selection of the Project Inspector
5. Review payment applications from Design-Build Entity
6. Review construction progress vs. schedule (and any recovery schedules)

7. Assist the community college district in resolving any disagreements
8. Advise the community college district when negotiating substitutions or changes to the work
9. Periodically report to governing board on progress of the work
10. Assist the community college district in creating the report to the Legislative Analyst within 60 days of project completion
11. Ensure final project closeout documentation is complete

During the design phase, changes may prompt negotiated modifications to the schedule, scope or cost of the project. During construction, changes in the work should be discouraged, if possible.

Retention Options

Retention of a portion of each payment is similar to current practices under California law. DESIGN-BUILD Entities are allowed to substitute securities in lieu of retention from progress payments. Additionally, the statute states in section 81704 (c) (2) (4), “In a contract between the Design-Build entity and a subcontractor, and in a contract between a subcontractor and any subcontractor there under, the percentage of the retention proceeds withheld may not exceed the percentage specified in the contract between the community college district and the Design-Build entity.”

Labor Compliance

AB 1000 (Education Code Section 81704.5 (d)) provides three options available in the statute for ensuring compliance:

1. “The community college district shall establish and enforce a labor compliance program containing the requirements outlined in Section 1771.5 of the labor Code...”
2. The community college district “...shall contract with a third party to operate a labor compliance program containing the requirements outlined in Section 1771.5 of the Labor Code.”
3. The “...community college district or the Design-Build entity has entered into a collective bargaining agreement that binds all of the contractors performing work on the project.”

Project Closeout

In addition to the project closeout procedures required by the Division of the State Architect for state funded projects, AB 1000 requires that the community college district governing board shall submit a report to the Legislative Analyst’s Office (LAO) within 60 days. A list of the minimum information to be included in the report is in Education Code Section 81707. A reporting form developed by the LAO is provided in the back of this document.

“A community college district shall not commence any additional Design-Build projects if 60 days has elapsed after completion of a Design-Build project without having filed the report to the Legislative Analyst’s Office required pursuant to Section 81707.”

Section 10

Implementation Process Checklist

Note: This is not intended to be an “all inclusive” checklist, but a general overview of items. Each project is different, and will have unique requirements that may not be listed.

Community College District/Design-Build Entity Contract:

- Review of AB 1000 Design-Build Guidelines
- Consideration of Legal Counsel in Developing Design-Build Contract
- Verification That Contract Follows AB 1000 for Retention and Labor Compliance
- Inclusion of or Reference to the RFP in the Design-Build Contract
- Retention of an Architect or Structural Engineer to Represent the District During the Project

Design and Construction Phases:

- Regular Verification and Updating of the Project Schedule
- Response to Issues Quickly and Concisely to Ensure Project Progress
- Verification of All Decisions with the Project Program
- Compliance with DSA Requirements for Project Closeout
- Submission of Report to Legislative Analyst’s Office Within 60 Days of Project Completion

Section 11

Design-Build Project Checklist

Note: This is not intended to be an “all inclusive” checklist, but a general overview of certain, critical items. Each project is different, and will have unique requirements that may not be listed.

Initiation of Design-Build Under AB 1000:

- Design & Construction Costs Greater than \$10,000,000
- Review of AB 1000 Design-Build Guidelines to Determine if Design-Build is right for the Project
- Review Education Code Sections 81700 through 81708 Which Defines the Procedure
- Hold Public Meeting to Evaluate Design-Build Versus Traditional Design-Bid-Build

Proceeding with Design-Build Under AB 1000:

- Governing Board Determination in Writing That Design-Build Delivery Will Either Reduce Project Costs, Expedite the Project’s Completion or Provide Features Not Achievable Through Design-Bid-Build
- Governing Board Review of AB 1000 Design-Build Guidelines and Adoption of Resolution Approving Design-Build

Preparation of the Request for Qualifications (RFQ):

- Establishment of Procedure to Pre-Qualify Design-Build Entities Including the Questionnaire Provided by the Department of Industrial Relations (<http://www.dir.ca.gov/>)
- Verification That the Pre-Qualification Procedure Includes Requirements Stated in Education Code Section 81703 (3) (b).

Preparation of the Request for Proposals (RFP):

- Utilization of a Qualified Design Professional Team to Assist in Preparation of the RFP
- Verification That the RFP Satisfies Education Code Sections 81703.3 (c) (2). which identifies requirements of the project description, evaluation criteria and selection process.

Award of the Design-Build Contract:

- Verification of All Bonding, Errors and Omissions & General Liability Insurance Coverage and Other Specified Requirements Provided by the Selected Team

- “Governing Board issues written decision supporting its contract award and stating in detail the basis of the award. The decision and the contract file must be sufficient to satisfy an external audit.”
- Public Announcement by the community college district’s Governing Board of its Decision in Accordance with Education Code Section 81703.3 (c) (2) (D)

Design and Construction Phases:

- Retention of a California Licensed Architect and/or Structural Engineer to Ensure Compliance with the Contract Documents
- Verification That Deviations from the Contract “...may only be allowed by written consent of the community college district.”
- Establishment and Enforcement by the community college district of a Labor Compliance Program or Options as Specified per Education Code Section 81703 (c) (2) (F)
- Obtain Plan Approval From the Division of the State Architect Prior to Any Building Construction
- Hiring of a DSA Certified Inspector Acceptable to the Architect of Record and Structural Engineer of Record

Post-Construction Phase:

- Submission by the Governing Board of Report to Legislative Analyst’s Office in Accordance with Education Code Section 81708
- Verification that the community college district cannot pursue additional Design-Build projects without submitting a report within 60 days of project completion per Education Code Section 81708

Section 12

Legislative Analyst's Office Reporting Requirements

The Legislative Analyst's Office (LAO) has been directed to prepare an analysis relative to the community college's design build program authorized by Assembly Bill 1000. In order to perform the analysis of the design build program proposed under this legislation, the LAO is asking for the following information to be reported by community college districts:

- **Design Build Project Information**

1. The type of facility constructed.
2. Number of students and served at the facility.
3. Gross square feet of this project (if project is adding square footage).
4. Name of Design-Build entity awarded contract.
5. Community college district's estimated project cost and schedule.
6. Actual project schedule.
7. Design build contract amount at contract signing.
8. Design-Build contract amount at project completion.
9. Description of any protests, lawsuits, arbitrations or court settlements.

- **Community College District Information**

1. Total enrollment range.
2. Number and type of programs and sites in district.
3. List of construction projects over last five years.

Project Name	Type of Project	Number of Students Served	Total Cost (Excluding Land)

- **General Questions**

1. Please provide a description of the relative merits of a project procured using this statute.
2. How did the district assure a fair selection of the design build entity?
3. Did the cost/schedule/quality of the project meet the Governing Boards expectations? Please attach copy of findings.
4. Would you consider using Design-Build again? Why or why not?
5. What would you do differently?

Section 13

Definition of Terms

Architect of Record

The architect whose stamp is affixed to the DSA-approved construction documents. This will be the architect on the Design-Build team.

Best Value*

A value determined by objective criteria and may include, but need not be limited to, price, features, functions, life-cycle costs, and other criteria deemed appropriate by the community college district.

Cost or Price

The agreed upon contract amount between the Design-Build entity and the community college district.

Design-Bid-Build (DBB)

A procurement process in which the community college district provides construction documents, prepared by an architect or engineer, from which contractors submit bids for completing the work described in the documents. Typically, the responsible bidder submitting the lowest price is selected to perform the work.

Design-Build *

A procurement process in which both the design and construction of a project are procured from a single entity.

Design-Build Entity*

A corporation, limited partnership, partnership, or other association that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a Design-Build contract.

Design Professional Duly Licensed or Registered in this State

A California licensed architect or engineer.

Educational Specification

Educational specifications are interrelated statements that communicate (or specify) to the architect, the public, and other interested parties what educators believe is required of a proposed educational facility to support a specific educational program. Educational specifications serve as the link between the educational program and the community college facilities. They translate the physical requirements of the educational program into words and enable the architect to visualize the educational activity to be conducted so that the architectural concepts and solutions support the stated educational program.

Labor Compliance Program

A means of ensuring payment of the general prevailing rate of per diem wages for public works construction projects. The community college district shall be responsible for establishing and enforcing this program following the requirements in Section 1771.5 of the Labor Code.

Performance Specifications

Written specifications identifying minimum performance requirements of components, systems or buildings without identifying product brands or models. This method does not disqualify any product, which meets the criteria identified. Per the Education Code, “The performance specifications and any plans shall be prepared by a design professional duly licensed or registered in this state.”

Pre-qualification

A process of determining if a Design-Build entity is eligible to submit a proposal on a particular project. Per AB 1000 (Education Code Section 81703 (b)), community college districts “...shall establish a procedure to prequalify Design-Build entities using a standard questionnaire developed by the Director of the Department of Industrial Relations. The statute lists additional criteria, which must be included in the qualification process.

Prescriptive Specifications

Written specifications identifying acceptable methods or manufacturers of project elements, often including model numbers. This method may eliminate an unlisted product or process that may be comparable to those listed.

Project Delivery

The procurement method by which a community college district completes a construction project. (E.g. Design-Bid-Build, Lease-Lease Back, Design-Build).

Project Inspector

The project inspector is a DSA certified and approved inspector who is hired by the community college district typically on a per-project basis. The architect of record and project structural engineer must approve the district’s choice for inspector.

Request for Proposal (RFP)*

As defined in the statute (Education Code Section 81703 (a) (1)), the RFP shall be prepared, “...setting forth the scope of the project that may include, but is not limited to, the size, type and desired design character of the buildings and site, performance specifications covering the quality of materials, equipment, and workmanship, preliminary plans or building layouts, or any other information deemed necessary to describe adequately the community college district’s needs.” The RFP “...shall do all of the following: (A) Identify the basic scope and needs of the project or contract, the expected cost range, and other information deemed necessary by the community college district to inform interested parties of the contracting opportunity. (B) Invite interested parties to submit competitive sealed proposals in the manner prescribed by the community college district. (C) Include a section identifying and describing the following: (i) All significant factors and subfactors that the community college district reasonably expects to consider in evaluating proposals, including cost or price and all nonprice related factors and subfactors. (ii) The methodology and rating or weighting scheme that will be used by the community college district governing board in evaluating competitive proposals and specifically whether proposals will be rated according to numeric or qualitative values. (iii) The relative importance or weight assigned to each of the factors identified in the request for proposal. (iv) As an alternative to clause (iii), the

governing board of a community college district shall specifically disclose whether all evaluation factors other than cost or price, when combined, are any of the following: (I) Significantly more important than cost or price. (II) Approximately equal in importance to cost or price. (III) Significantly less important than cost or price. (v) If the community college district governing board wishes to reserve the right to hold discussions or negotiations with responsive bidders, it shall so specify in the request for proposal and shall publish separately or incorporate into the request for proposal applicable rules and procedures to be observed by the community college district to ensure that any discussions or negotiations are conducted in a fair and impartial manner.

Safety Record*

Deemed “acceptable” if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury or illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category, or if the bidder is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code.

Skilled Labor Force Availability*

An agreement exists with a registered apprenticeship program, approved by the California Apprenticeship Council, which has graduated apprentices in the preceding five years. This graduation requirement shall not apply to programs providing apprenticeship training for any craft that has not been deemed by the Department of Labor and the Department of Industrial Relations to be an apprenticable craft in the two years prior to enactment of this act.

*As defined in the Education Code.

Section 14

Resources and Recommended Reading

American Institute of Architects, California Council

1303 J Street
Suite 200
Sacramento, CA 95814
<http://www.aia.org/>

Associated General Contractors of California

3095 Beacon Boulevard
West Sacramento CA 95691
<http://www.agc-ca.org>

California Energy Commission

1516 Ninth Street
Sacramento, CA 95814-5512
<http://www.energy.ca.gov/>

California Community Colleges Chancellor's Office

1102 Q Street
Sacramento, CA 95814-6511
<http://www.cccco.edu>

Collaborative for High Performance Schools

c/o Eley Associates
142 Minna Street
San Francisco, CA 94105
<http://www.chps.net/>

Construction Employer's Association

3800 Watt Avenue
Suite 215
Sacramento, CA 95821
<http://www.cea-ca.org/>

Department of Industrial Relations

770 L Street
Suite 1160
Sacramento, CA 95814
<http://www.dir.ca.gov/>

Design-Build Institute of America

1010 Massachusetts Avenue, NW

Suite 350

Washington, D.C. 20001

<http://www.dbia.org/>

Division of the State Architect

1130 K Street, Suite 101

Sacramento, CA 95814

<http://www.dsa.ca.gov>

Legislative Analyst's Office

925 L Street

Suite 1000

Sacramento, CA 95814

<http://www.lao.ca.gov/>

Reading

CHPS Best Practices Manual

The Collaborative for High Performance Schools

c/o Eley Associates

142 Minna Street

San Francisco, CA 94105

<http://www.chps.net/>

Design-Build Contracting Handbook

Robert F. Cushman and Michael C. Loulakis

Aspen Publishers, Inc.

ISBN: 0735521824

<http://www.aspenpublishers.com/>

Design-Build for the Design Professional

G. William Quatman

Aspen Publishers, Inc.

ISBN 0735517274

<http://www.aspenpublishers.com/>

Design-Build Manual of Practice, Volumes I and II

Design-Build Institute of America

1010 Massachusetts Avenue, NW

Suite 350

Washington, D.C. 20001

<http://www.dbia.org/>

Design-Build: Planning Through Development

Jeffrey L. Beard, Michael Loulakis, & Edward Wundram

Design-Build Institute of America

1010 Massachusetts Avenue, NW

Suite 350

Washington, D.C. 20001

<http://www.dbia.org/>

Handbook on Project Delivery

The American Institute of Architects, California Council

1303 J Street, Suite 200

Sacramento, CA 95814

<http://www.aia.org/>