Design-Build and Army Military Construction

Mark Grammer, P.E.
Design-Build Requires Letting Go of Some Things We’ve Always Held
Presentation Outline

- Overview of Design-Build
- Design-Build Pitfalls
- Procurement Strategy
- Contract Management Strategy
- RFP Content and Format
- Managing for Success
Overview

• Drivers
  - Accelerated Project Delivery
  - Reduced Funding (Build to Budget)
  - Industry Stds. (Private Sector Models)

• Methods of Design-Build
  - Single Project Contract (2-Phase DB)
  - Multiple Award Task Order Contract (MATOC)
Pitfalls

• Using D-B when you Shouldn’t
  - Wrong Project
  - Wrong Reason

• Providing Too Much Design in RFP

• Requiring Too Much in Proposal

• Failure to Clearly Define Roles/Responsibilities in Contract
Pitfalls

• Over Involvement by Owner/COE
  - Not “Letting Go” of Design Responsibility
  - Feel The Need to “Approve” Everything
  - Late Involvement in Design by Owner
  - Late Decisions Delay D-B Ability to Fast Track

• Failure to Partner During Execution
Key Items for Design Review

- Design is Contractor’s Responsibility
- Government Reviews for Conformance Not Approval
- Design Can Use Proprietary Items
- Design Can Change During Contract Life Without Requiring Contract Mod
- 100% Design is Not Required to Construct
Procurement Strategy

• Best Value Considering Price and Quality
  - Specialized Experience/Technical Competence
  - Capability to Perform
  - Past Performance of Team Members
  - Technical Proposal Solution
  - Price Proposal

• Standardized RFP Using Performance Oriented Criteria
Contract Management Strategy

- Enhanced Fast Tracking Goals
- Streamlined Govt. QA Process to Facilitate Accelerated Delivery
  - Reviews for Conformance not Approval
  - Corps in “Building Inspector” Role
  - Reliance on Design-Builder for End Product
Design-Build
Contract Requirements

THE CONTRACT

RFP Requirements
Final Revised Proposal

Plans

Specs

Shop Drawings
Construction
As-Builts

~ Our Army at War – Relevant and Ready ~
Multiple Award Task Order
Contract Requirements

MATOC
RFP

MATOC
PROPOSAL

T/O
RFP

T/O
PROPOSAL

THE CONTRACT

Plans

Specs

Shop Drawings

Construction

As-Bults

~ Our Army at War – Relevant and Ready ~
**RFP Format for DB (UFC 1-300-7A)**

- Proposal Requirements, Contract Forms, and Conditions
  - 0010 Solicitation, Offer & Award - SF 1442
  - 00100 Instructions, Conditions & Notices to Offerors
  - 00110 Proposal Submission Requirements
  - 00120 Proposal Evaluation and Contract Award
  - 00600 Representations and Certifications
  - 00700 Contract Clauses
  - 00800 Special Contract Requirements

- Division 01
  - 01010 The Program and General Requirements (for MATOC - “Statement of Work”)
  - 01011 Design Criteria
  - 01012 Design After Award
  - 01320 Project Schedule
  - 01330 Submittal Procedures
  - 01355 Environment Protection
  - 01451 Contractor Quality Control
  - 01500 Temporary Construction Facilities
  - 01780 Closeout Submittals

- Appendices
  - Existing Site Conditions (Site/Topo/Soil Borings/Etc.)
  - Utility Tie-ins/Flow Tests/etc.
  - Haul Routes, etc.
Design-Build Challenges

- Non Traditional Roles for Designer/Constructor/Owner
- No Inherent Roles and Responsibilities
- No Standard FAR Clauses for Design-Build
SCR’s and Important Clauses

- **Proposal Requirements. Contract Forms, and Conditions**
  - 00010 Solicitation, Offer & Award - SF 1442
  - 00100 Instructions, Conditions & Notices to Offerors
  - 00110 Proposal Submission Requirements
  - 00120 Proposal Evaluation and Contract Award
  - 00600 Representations and Certifications
  - 00700 Contract Clauses
  - 00800 Special Contract Requirements
Cost Limitation Sollicitation Provisions

Use one of the Following Cost Limitation Provisions in 0100:

-Cost Limitation - Target

-Cost Limitation - Ceiling
SCR’s and Important Clauses

- **Proposal Requirements, Contract Forms, and Conditions**
  - 00010 Solicitation, Offer & Award - SF 1442
  - 00100 Instructions, Conditions & Notices to Offerors
  - 00110 Proposal Submission Requirements
  - 00120 Proposal Evaluation and Contract Award
  - 00600 Representations and Certifications
    - 00700 Contract Clauses
    - 00800 Special Contract Requirements
SCR (0800): D-B Contract
Order of Precedence

The Contract

“Betterments”

(RFP)
Request for Proposal

Accepted Proposal
“Betterments”

Design Products “Deliverables” Plans & Specs.

~ Our Army at War – Relevant and Ready ~
SCR’s for Design-Build Adapted from Standard Clauses (- 0800)

- Key Personnel, Subcontractors and Outside Associates or Consultants

- Government Furnished RFP Drawings, Surveys and Specifications

- Government Furnished Specifications and Drawings for Construction
SCR’s for Design-Build Adapted from Standard Clauses (- 0800)

- Warranty of Construction Work (Design-Build)

- Responsibility of the Contractor for Design
SCR’s Developed for Design-Build Contracts (0800)

- Warranty of Design

- Fast Track Design-Construction Sequence
  - This might be placed in Section 01012 - Design After award
SCR's Developed for Design-Build Contracts (0800)

- Deviating From the Accepted Design
  - Requires Designer of Record Approval
  - Requires Government Concurrence
  - Contract Change Requires “Mod”
  - Revisions Must be Tracked and Documented

- Constructor's Role During Design Process

- Value Engineering After Award
Existing Special Contract Requirements (0800)

- Partnering
Important Standard Clauses (0700)

- Performance of Work by the Contractor
- Limitations on Subcontracting (Set-Asides)
- Commencement, Prosecution and Completion of Work
Important Standard Clauses (0700)

• Requirements for Registration of Designers

• Government Rights (Unlimited) - DFARS

• Rights in Shop Drawings - DFARS
MATOC Standard Clauses (0700)

- Ordering
- Order Limitations
- Indefinite Quantity
RFP Format for D-B (UFC)

- Proposal Requirements, Contract Forms, and Conditions
  - 0010 Solicitation, Offer & Award - SF 1442
  - 00100 Instructions, Conditions & Notices to Offerors
  - 00110 Proposal Submission Requirements
  - 00120 Proposal Evaluation and Contract Award
  - 00600 Representations and Certifications
  - 00700 Contract Clauses
  - 00800 Special Contract Requirements

Division 01
- 01010 The Program and General Requirements (for MATOC - “Statement of Work”)
- 01011 Design Criteria
- 01012 Design After Award
- 01320 Project Schedule
- 01330 Submittal Procedures
- 01355 Environment Protection
- 01451 Contractor Quality Control
- 01500 Temporary Construction Facilities
- 01780 Closeout Submittals

Appendices
- Existing Site Conditions (Site/Topo/Soil Borings/Etc.)
- Utility Tie-ins/Flow Tests/etc.
- Haul Routes, etc.
The Program and Design Criteria

- Division 01
  - 01010 - The Program and General Requirements
  - 01011 - Design Criteria

- 01012 - Design After Award
- 01320 - Project Schedule
- 01330 - Submittal Procedures
- 01410 - Environmental Protection
- 01355 - Contractor Quality Control
- 01500 - Temporary Construction Facilities
- 01780 - Closeout Submittals

- Appendices
The Program and The Design Criteria

01010 - The Program and General Requirements
01011 - Design Criteria

These Sections are the Heart and Soul of the RFP!

- Convey Government’s Design Intent
- Convey Project Design Criteria
Other Requirements

Division 01
- 01010 The Program and General Requirements
- 01011 Design Criteria

- 01012 Design After Award
- 01320 Project Schedule
- 01330 Submittal Procedures
- 01355 Environmental Protection
- 01451 Contractor Quality Control
- 01500 Temporary Construction Facilities
- 01780 Closeout Submittals

Appendices
Design After Award
Section 01012

- Designer of Record Requirements
- Initial Design Conference
- Design Submittal Format
- Content of Design Submittal
- Stages of Design Submittal
Design After Award
Section 01012

- Government Review Requirements
- Design Review Conferences
- Describe Release for Construction
Guide Specs for Design-Build

- The following guide specifications tailored for design-build are available in SpecsIntact and are currently being updated.
  - 01320 - Project Schedule
  - 01330 - Submittal Procedures
  - 01451 - Contractor Quality Control
Manage for Success

- Clear Lines of Authority; One COR
- Employ Fast-Tracking & Manage Schedule in Total; One Schedule and One NTP
- Streamline Submittal Process
  - Reduced Submittals (Design and Construction)
  - Shorter Review Periods
  - Review for Conformance not Approval
- Employ Configuration Control System for Effective Change Management
- Enforce Functional QA/QC System
Design-Build Requires Letting Go of Some Things We've Always Held
Mark Grammer, CECW-SAD

mark.grammer@usace.army.mil

202-761-4108