March 2, 2009

SUBJECT: Selection of Delivery Method and Delegation of Authority to Enter into Contracts for Miscellaneous Campus Improvements Construction Projects.

RECOMMENDATION
That the Board of Trustees, for each item and by separate vote, select the delivery method and delegate authority to the President to enter into contracts for the following miscellaneous campus improvements construction projects.

Item 1. Riverside Building G Building Exterior Improvements – Interlocal Delivery Method and Delegation of Authority to the President to Enter into a Contract.

Item 2. Riverside Building G Roofing System Improvements – Interlocal Delivery Method and Delegation of Authority to the President to Enter into a Contract.

RELATED BOARD POLICY OR PLANNING PRIORITY
This item is consistent with Board Policy E-2, Provision of College Facilities, and G-2, Purchasing.

RATIONALE
The items listed above are renovation and construction projects approved in the ACC Master Plan and budget. Texas Education Code Chapter 44.035(a) requires that the Board, in considering a construction contract, must select the purchase method that provides the best value for the district.

BUDGETARY CONSIDERATION
Funding is provided in the FY 2009 Facilities Improvement Budget.

RESOURCE PERSONNEL
Ben Ferrell, Executive Vice President, Finance and Administration
Bill Mullane, Executive Director, Facilities and Construction

ATTACHMENTS
- **A)** Summary Descriptions of Projects
- **B)** Summary of Construction Methods

Respectfully Submitted By:

Ben Ferrell, Executive Vice President, Finance and Administration

Stephen B. Kinslow, President/CEO

Summary Description of Projects

Riverside Building G Building Exterior Improvements
Staff evaluated the exterior envelope of Building G at the Riverside Campus, and noted certain deficiencies in the exterior masonry and windows. This project will correct these deficiencies. The scope of the work includes:

Expansion joints

- Remove existing sealant from all exterior expansion joints.
- Install primer in all joints for maximum adhesion.
- Install closed cell backer rod under compression to ensure an even depth and avoid three sided adhesion.
- Install sealer in expansion joints.

Window seals

- Remove existing window seal materials.
- Cut neoprene gasket assemblies flush with windowpane leaving a part of the neoprene gasket to act as a shim and wedge to ensure window tightness.
- Clean glass and frame for maximum adhesion.
- Install silicone sealant to seal the window.

This work is expected to cost $42,000, which is available from the Facilities Improvement Budget. Staff recommend the Interlocal method of delivery for this renovation project. Staff also request that Trustees delegate to the Administration the authority to enter into a contract for this work.

Riverside Building G Roofing System Improvements
The roofing system on Building G Riverside has several deficiencies. This project will address all known problems with the roofing system. The scope of the work includes:

- Replacing all prefinished metal coping on all radius parapet locations.
- Installing cover plates at all ridge cap locations.
- Repair and reseal sidewall flashing.
- Replace a small amount of single ply membrane on the north end.
- Install Wall-Tite coating at inside wall stucco parapets.
- Replace 10 feet of facia.

This work is expected to cost $43,000, which is available from the Facilities Improvement Budget. Staff recommend the Interlocal method of delivery for this renovation project. Staff also request that Trustees delegate to the Administration the authority to enter into a contract for this work.

Construction Delivery Methods

The following is a summary of the construction delivery methods permitted by the Texas Education Code Section 44.031(a), applicable to community colleges.

Competitive Bidding (Design/Bid/Build)
Often referred to as the "traditional method," it is used when the project is simple (i.e. parking) and can be designed with relative certainty as to construction cost. As the name implies, the owner selects an architect/engineer who designs the project. The project is then put out for construction bids and built. This method is appropriate for projects where little cost benefit can be added through alternative delivery methods that team a general contractor with architects/engineers during the design phase in order to estimate and control project costs, such as the CM at Risk methods described below.

Competitive Sealed Proposals
Similar to Competitive Bidding, pricing is not obtained and the builder is not selected until after construction documents are complete. However, instead of selecting the builder based on price alone, bidding documents must include other selection criteria in addition to price. The Owner selects the proposal offering the best value, based on all selection criteria, then negotiates a contract with the builder, based on the proposals submitted. Typically used for projects for which an early GMP is not required, and where estimates and constructability review during design are not deemed necessary.

Interlocal Contract
Selection of a builder through the use of a purchasing agreement negotiated through an Interlocal Contract with one or more other governmental entities. In this method, the cooperative or other entity administering the selection of vendors for participants in the Interlocal Contract follows the selection criteria appropriate for the purchasing method used. Currently, certain qualifying builders have been selected using the Job Order Contract (JOC) Construction delivery method by various cooperatives administering the selection of vendors for participants in the Interlocal Agreement. If a JOC or other contractor is to be selected through an Interlocal Agreement, the Interlocal Method is selected rather than the JOC method.

Design Build
Defined in the Education Code as single contract with a Design Build firm to design and construct a facility. Typically used when speed of project completion is important, and fairly standardized design is acceptable, such as for parking garages.

Construction Manager Agent
Historically the Construction Manager Agent was a construction management option when governments were still required to use a sealed bid method of selecting individual contractors, rather than a single negotiated Guaranteed Maximum Price for the project with the CM. Subsequent changes in the law relieved governmental entities from lowest bid requirements, allowing a "best value" approach, resulting in the Construction Manager at Risk method.

Construction Manager at Risk
Similar to CM Agent, and seen as an evolution of the CM Agent method, where the CM at Risk provides the owner with a Guaranteed Maximum Price (GMP), and accepts the financial risk for the project budget. Used in more complex projects where the owner obtains construction management expertise, usually from a general contractor, in advising the owner, working with the architects/engineers in the design phase, letting subcontracts, and managing construction on behalf of the owner. Perceived benefits of this method are in providing a team approach during design and construction between the owner, architect/engineers, and contractor.

Job Order Contracts (JOC)
Typically used for quick response times on small projects with minimal design requirements where a lengthy selection and bidding process is not cost effective. JOC contractors use a standard price list, and typically handle all construction and project management duties. If a JOC is to be selected through a purchasing agreement negotiated through an Interlocal Contract, the Interlocal Contract method must be selected rather than the JOC delivery method.