

RESOLUTION 2018 - 19

**A RESOLUTION TO ADOPT AN ALTERNATIVE DELIVERY METHOD
PURSUANT TO §18-2-502, MCA.**

WHEREAS, Lewis and Clark County has knowledgeable staff and consultants who have the capacity to manage an alternative project delivery contract, and

WHEREAS, the Justification, attached as Exhibit A, clearly describes the manner in which the alternative project delivery contract award process will be conducted, and

WHEREAS, the Justification demonstrates that the process meets at least two of the sets of criteria described in subsections (2)(a) through (2)(c) and the provisions of subsection (3), and

WHEREAS, the project has significant schedule ramifications and using the alternative project delivery contract is necessary to meet critical deadlines by shortening the duration of construction, and

WHEREAS, demonstrable public benefits will result from less time for construction, and

WHEREAS, by using an alternative project delivery contract, less or a shorter duration of disruption to the public facility will result, and

WHEREAS, by using an alternative project delivery contract, the design process will contribute to significant cost savings, and

WHEREAS, the project presents significant technical complexities that necessitate the use of an alternative delivery project contract, and

WHEREAS, by utilizing the process laid out in Exhibit A, the request for proposal will not encourage favoritism or bias in awarding the contract, and

WHEREAS, by utilizing the process laid out in Exhibit A the request for proposal will not substantially diminish competition for the contract, and


WHEREAS, The award of the construction contract for the Detention Center Remodel project based on criteria that would include but is not limited to: background, special capabilities, specific experience, proposed project team, methodology for cost estimating, value engineering, planning and scheduling of construction work, ability to manage construction projects in a confined project site, project communication, project safety, and ability to minimize significant technical complexities during construction,



NOW, THEREFORE, BE IT RESOLVED that Lewis and Clark County adopts the use of the alternative delivery method General Contractor Construction Management (GCCM) for the construction of the Detention Center Remodel Project.

DATED this 19 day of April, 2018.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair

ATTEST:



Paulette DeHart, Clerk of the Board

Attachments: Exhibit "A"



EXHIBIT "A"

ALTERNATIVE DELIVERY METHOD JUSTIFICATION

The Lewis and Clark County Board of County Commissioners make the following detailed findings:

I. Lewis and Clark County has knowledgeable staff and Consultants who have the capacity to manage an alternative project delivery contract. [§18-2-502 (1)(a), MCA]

A. Public Works will act as general oversight for the project and has approximately 50 years in project management and construction administration experience. In addition, Lewis and Clark County has solicited and retained a professional project management consulting firm to act as the Owners Representative with extensive experience in order to assist in managing an alternative project delivery contract.

II. The Alternative Delivery Contract Award Process. [§18-2-502 (1)(b), MCA]

A. In accordance with Montana statutes, Lewis and Clark County will administer separately an open public procurement process available to all qualified contractors. Request for Qualifications (RFQ) will be used to shortlist qualified competitors using a scoring system to rate submitted Statement of Qualifications (SOQ). The RFQ/SOQ process will help evaluate each general contractor's qualifications to perform the proposed or required work.

The general contractor chosen to submit proposals will have demonstrated appropriate experience that would include but would not be limited to:

1. Proposed staff;
2. Relevant experience;
3. Construction cost estimating;
4. Bonding capacity; and
5. Safety.

In addition to the above qualifications, each contractor will have to meet Lewis and Clark County insurance requirements and be registered with the Montana Department of Labor & Industry as a Contractor.

B. The short-listed general contractors who meet the qualification requirements as submitted in their respective SOQ document will be issued a Request for Proposal (RFP). The RFP's will be judged and ranked by a selection committee against the scoring criteria provided for in the RFP.

In addition to a submitted response, the County may elect to interview top scoring firms to further inquire as to experience, clarify capabilities, address selection

committee questions, and determine an ability to work with stakeholders and the overall project team.

The successful general contractor will select subcontractors and suppliers through competitive bidding contracts and will be strongly encouraged to seek the most competitive, qualified subcontractors and local suppliers in order to provide the best overall value to the Owner.

III. This Project and its construction process has significant scheduling ramifications for a public facility and contains critical deadlines that requires the fastest delivery schedule. [§18-2-502(a), MCA]

- A. An alternative project delivery contract will provide public benefits that result from reduced construction time. [§18-2-502 (2)(a)(ii), MCA]
1. The average daily population of 102 inmates exceeds the current bed capacity of 80. This situation necessitates that the County board inmates in other facilities outside Lewis and Clark County. The implication of doing so is twofold; boarding inmates outside of Lewis and Clark Facilities requires payment to those outside facilities, and also necessitates transport of those inmates back into Lewis and Clark County. The cost of boarding inmates outside of Lewis and Clark County is approximately \$103 per inmate per day. The detention officers have utilized any available space to house as many inmates as possible within the facility. Because of this reality, inmates are sleeping in places, such as floors in the library and nurses' station. This situation is dangerous to inmates and detention officers alike as those spaces were not designed for the purposes they are currently being used for. Because the County has to transport inmates due to the current space issue, detention officers and inmates must travel Montana highways in, at times, inclement weather, reduce detention staff at the LEC in order to accompany inmates during transport, and this reality requires additional logistical planning to ensure inmates are present or available to be present for Court appearances. Additionally, per the Law Enforcement Center (LEC) Feasibility Study, "for the safety of the people incarcerated under the County's care, the safety of the public when decisions to arrest and detain are determined by the capacity of the detention center, and for the staff required to work in such an environment, the current Law Enforcement Center is no longer a viable solution."
 2. By engaging a General Contractor Construction Manager (GCCM) early, with the ability to work with the design firm, the GCCM will provide positive impact to maintain a stringent project schedule. This delivery method offers cost certainty and schedule adherence over the typical design-bid-build delivery method by combining the talents of the designers and GCCM firms, and focusing them on the best design and constructability solutions and within available funds and time frame.

3. It is in the best interest of Lewis and Clark County to pursue an alternative delivery process to shorten the duration inmates are boarded at other detention facilities and the use of spaces within the current facility not designed for those uses. By having a contractor on-board who can provide real-time estimates, constructability advisement, select materials, and provide hard-cost analysis during the design process, this will reduce scheduling impacts by having those decisions made at an earlier date than a traditional design/bid/build process. The more quickly the County can complete the Project the faster the County will have a safer and more cost effective facility in place.

B. An alternative project delivery contract will provide less or shorter duration of disruption to the public facility. [§18-2-502 (2)(a)(iii), MCA]

1. During the remodel process, the Helena Police Department and the Lewis and Clark County Sheriff's Office must continue to book and process inmates in the LEC. Utilizing the GCCM process will allow a reduced timeframe that these processes will be hindered.

2. The LEC is a public facility and as such is open to the public. Construction projects by their nature limit access to the site to those only necessary for the work. This process in and of itself restricts public access. By using the GCCM methodology, rather than the traditional design-bid-built methodology, construction time may be reduced by several months. Time savings is achieved by the GCCM identifying potential construction conflicts during the design phase and the design firm adjusting the design to eliminate the conflicts before construction begins.

IV. The Project presents significant technical complexities. [§18-2-502 (2)(c), MCA]

A. The LEC will have to remain operational during construction. Coordination of the construction processes and communication with all parties will be a large and necessary requirement. Maintaining a secure and operational detention center along with coordinating the remodel of the LEC presents a significant technical complexity.

B. The existing facility has had several mechanical systems upgrades since the original building was constructed in 1984. Collaboration during the design development phase is critical to ensure the contractor is aware of the complex nature of the facility before any construction and/or demolition process is initiated.

C. The complex nature of this project requires a contractor who has experience in detention facilities, accelerated project time frames, excellent communication skills, accurate estimating procedures, proven construction management expertise, the ability to work with a variety of stakeholders, and is financially sound. The traditional low-bid methodology does not guarantee that a contractor possesses the critical skills necessary to ensure the project would be successful or have the ability to bring on the necessary parties to see the project to fruition.

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V. Using an alternative project delivery contract will not encourage favoritism or bias in awarding contract. [§18-2-502 (3)(a), MCA]

- A. The RFQ for contractors will be publicly announced, published in the local newspaper, and posted on the County's website. It will be available to all interested parties thus providing the necessary competition for government contracts. The RFQ provides information on the scope of the project, points of contact, and how evaluations will be conducted.
- B. The RFQ will contain the selection criteria to be used for being qualified to submit a proposal.
- C. The RFP will define quantified criteria for evaluation of the proposals to ensure an unbiased determination and provide information on the how evaluations will be conducted. The RFP will describe the project needs, with respect to the project, the requirements for submitting a proposal, criteria that will be used to evaluate proposals, and any other factors, including any weighting that will be used to award the alternative project delivery contract.
- D. Criteria such as resident status, which may give advantage or show partiality or prejudice, will not be used pursuant to §18-1-102 MCA.

VI. Using an alternative project delivery contract will not substantially diminish competition for the contract. [§18-2-502 (3)(b), MCA]

- A. The procurement methodology employed by the County is specifically designed to encourage the broadest competition possible, and encourage aggressive pricing competition and scheduling throughout this process. The selection committee will be further instructed to carefully evaluate all submittals against the stated selection criteria and award the contracts based on the best overall value to the County.
- B. The RFQ for a GCCM will be advertised over at least a three week period, a longer advertisement period than is required by state statute. Lewis and Clark County has observed this practice to encourage more firms and companies to submit their qualifications for the project.
- C. While only those firms who meet the specified qualifications will be asked to submit proposals, there is no restriction on who may respond to the RFQ. The request is open to all interested parties.