

RESOLUTION 2022 - 111

**A RESOLUTION TO ADOPT AN
ALTERNATIVE PROJECT DELIVERY CONTRACT 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 Alternative Project Delivery Contract Method Justification, attached as Exhibit A, clearly describes the manner in which the alternative project delivery contract award process will be conducted, and;

WHEREAS, the Alternative Project Delivery Contract Method Justification demonstrates that the process meets at least two of the sets of criteria described in Montana Code Annotated §§18-2-05 (2)(a) through (2)(c) and the provisions of subsection (3), and;

WHEREAS, the project has significant obstacles to effectively procuring proprietary goods and qualified technical services and using the alternative project delivery contract method is necessary to meet critical deadlines by shortening the duration of construction, and;

WHEREAS, using an alternative project delivery contract method will result in a shorter duration of disruption to the public facility, and;

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

WHEREAS, by using the process outlined in Exhibit A, the solicitation process will not encourage favoritism or bias in awarding the contract, and;

WHEREAS, by using the process outlined in Exhibit A, the solicitation process will not substantially diminish competition for the contract, and;

WHEREAS, the award of the contract for the Courthouse Pneumatic Controls Replacement project will be based upon criteria that would include, but is not limited to, experience, special capabilities, specific qualifications and certifications, proposed project team, methodology for cost estimation, value engineering, planning and scheduling of construction work, ability to manage construction projects in a restricted project site, project communication, project safety, and the ability to minimize significant technical complexities during construction.

NOW, THEREFORE, BE IT RESOLVED that Lewis and Clark County adopts the use of the design-build alternative project delivery contract method for the Courthouse Pneumatic Controls Replacement project.

DATED this 15th day of December, 2022.



LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair

ATTEST:

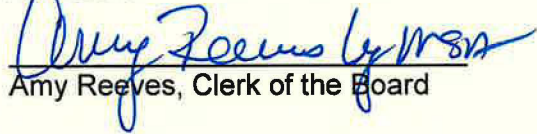

Amy Reeves, Clerk of the Board



EXHIBIT A

ALTERNATIVE PROJECT DELIVERY CONTRACT METHOD JUSTIFICATION

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

- I. Knowledgeable Staff or Consultants [§18-2-502(1)(a), MCA]
 - A. Public Works will conduct general oversight for the project and has over 50 years of combined experience in project management and construction administration. In addition, Lewis and Clark County has solicited and retained a professional project management consulting firm to act as the Owner's Representative with extensive experience in order to assist in managing an alternative project delivery contract.[CH1][DK2]

- II. Alternative Project Delivery Contract Award Process [§18-2-502(1)(b), MCA]
 - A. In accordance with Montana statutes, Lewis and Clark County will administer an open public procurement process separate from the alternative project delivery contract award process. This solicitation will be made available to all qualified contractors. The Request for Qualifications (RFQ) process will be used to create a pool of qualified contractors. A scoring system will be used to rate Statements of Qualifications (SOQ). The RFQ process will thereby provide an objective evaluation metric with which to grade contractor qualifications.

 - B. From the responders to the RFQ, the department shall prepare a short list of the responders that it believes are most qualified, not to exceed five responders on any single project. The department shall announce the short list and issue a Request for Proposals (RFP) to each of the prospective design-build contractors on the short list. Those contractors chosen to submit proposals shall have demonstrated appropriate experience and qualifications that would include, but are not 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 shall meet Lewis and Clark County insurance requirements and be a registered contractor with the Montana Department of Labor and Industry.

Those design-build contractors who were selected may then submit a proposal to the department. A proposal submitted in response to the RFP must contain detailed descriptions of the prospective design-build contractor's approach to designing, constructing, and managing the project in accordance with the design-build criteria package. The proposal must also include the prospective design-build contractor's

conceptual design and construction sequence and schedule and the lump-sum price to complete the project.

The department shall evaluate the proposals and make a written recommendation to the Board of County Commissioners regarding the department's selection of the design-build contractor to be awarded the contract. Proposals will be graded and ranked by a selection committee against the scoring criteria provided for in the RFP. Additionally, Lewis and Clark County may elect to interview top scoring design-build contractors to further inquire as to experience, clarify capabilities, address selection committee questions, and determine the ability to work with stakeholders and the overall project team.

The design-build contractor selected through the RFP process shall select subcontractors and suppliers through competitive bidding. [CH3][DK4]

The prospective design-build contractors who appeared on the short list, but are not awarded the contract may be paid a stipend, in an amount determined by the Board of County Commissioners, for costs incurred in submitting the response to the RFP. [CH5][DK6][JC7]

III. By using an alternative project delivery contract, the design process will contribute to significant schedule ramifications [§18-2-502(2)(a), MCA]

i. Current systems in the courthouse use parts that are obsolete and replacement parts are becoming increasingly difficult and more expensive to procure. Using the traditional process will delay replacement until the following construction season. A delay of this length could lead to system failures and significant delays in repairs.

ii. The public is best served by an efficient and orderly judiciary. The ability of the design-build team to coordinate the design and construction offers the opportunity to reduce construction time and thus impacts to the public.

iii. Each system is located within public spaces and must be replaced. The timing of the replacement is critical to the function of the public services and court proceedings in the building. A design build process will allow the most efficient and coordinated replacement with the least disruption to public services and court proceedings.

III. By using an alternative project delivery contract, the design process will contribute to significant cost savings [§18-2-502(2)(b), MCA] [DK8]

A. Value Engineering

1. The Public Works Department currently manages a complex system of a mixture of pneumatic and electro-mechanical controls. Maintaining two distinct types of systems is difficult, inefficient, and costly.

~~B. Building Systems Analysis~~

~~—There are no electro-mechanical systems available that are inter-compatible with this system. In building system controls, proprietary systems are the norm. Furthermore, companies building the systems complete the detailed engineering design to integrate the system. Therefore, a system designed by an independent engineer would be required to use a proprietary system and be based upon the existing system already in use.~~

~~1. Snyder Electric was selected for the Detention Center renovation project.~~

~~Therefore, because the Courthouse is serviced by the overall building system that exists in the Detention Center, the components for this project must be compatible with the legacy system.~~

~~B. Life Cycle Analysis~~

~~1. The building system currently in use was installed in 1984. Pneumatic controls are being phased out of all building systems and replaced with electro-mechanical controls. 40 percent of the Courthouse's controls have already been replaced with electro-mechanical controls.~~

~~C. Construction Planning (C19) — impacts to occupants of building, coordinate communication and schedule with occupants around court schedule. Cannot be done during winter season/heating season.~~

IV. Significant technical complexities [§18-2-502(2)(c), MCA]

A. Current systems within the Courthouse (i.e., air handling units, rooftop unit, day and night controls, heat register actuators, heating cabinet actuators, and all thermostats) use pneumatic actuators and control systems that were installed in 1984. These pneumatic actuators and control systems are obsolete and replacement parts are becoming increasingly difficult to procure. Additionally, training on these pneumatic systems is no longer available and finding technicians who are experienced and skilled with maintaining and repairing these out-of-date pneumatic systems is nearly impossible.

B. The Courthouse has existing controls that were installed as a component of the recently completed Detention Center renovation. The boilers located in the Detention Center serve as the primary heating plant for the Courthouse. During the Detention Center renovation, the boilers were upgraded to fully automated, electro-mechanical controls and actuators with Snyder Electric proprietary technology. As a result, a new air compressor system was installed in the Courthouse in order to keep the existing pneumatic system operational.

V. Will not encourage favoritism or bias in awarding contract [§18-2-502(3)(a), MCA]

A. The alternative project delivery contract methodology will use ~~both the Request for Qualifications (RFQ) and the~~ a Request for Proposals (RFP) processes to create a pool of qualified vendors who will be provided equal opportunity to offer a proposal.

~~The RFQ process will contain the selection criteria to be used in determining qualifications for the potential contractors. The RFQ process will thereby provide an objective evaluation metric with which to grade contractors that would qualify for the short list of potential design-build contractors.~~

~~C.B.~~ The RFP will define objective, quantified criteria for evaluation by a committee of reviewers that grade proposals independently from each other. This process will further refine the selection process and is guided by Montana's constitutional guarantees of the public's right to know and right to participate.

~~D.C.~~ 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. Will not substantially diminish competition for the contract [§18-2-502(3)(b), MCA]

A. The RFQ process used to obtain a pool of contractors will be publicly announced, published in the local newspaper of general circulation, and posted on the County's website. It will be available to all interested parties, thus providing the necessary competition for government contracts.

B. The RFQ will be advertised over at least a three week period; a longer advertising period than is required by statute. Lewis and Clark County has observed that this practice seems 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 offered the opportunity to submit proposals, there is no restriction on who may respond to the RFQ. The RFQ is open to all interested parties.

D. Through the RFP, offerors will be able to understand the project needs, the requirements for submitting a proposal, and criteria used for evaluation. [DK10]