

## **SELECTION OF A CONSTRUCTION MANAGER AT RISK**

The Board may, at its discretion and in accordance with law, use the construction manager at risk method for construction of civil works projects in excess of \$2,000,000 and noncivil works projects in excess of \$3,000,000.

### **Definitions**

*Civil Works Projects* B Construction projects such as roads, streets, bridges, utilities, storm drainage and flood control projects that are in excess of \$2,000,000 and commonly designed by professional engineers.

*Construction Manager at Risk (CMAR)* B For the purposes of this policy, a construction manager at risk is a sole proprietorship, partnership, corporation or other legal entity that assumes the risk for the construction, rehabilitation, alteration or repair of a project at the contracted price as a general contractor and provides consultation to a political subdivision regarding construction during and after the design of the project.

*Noncivil Works Projects* B Construction projects, such as buildings, site improvements and other structures, in excess of \$3,000,000 and commonly designed by architects.

### **Process**

In accordance with law, a CMAR will be selected using the following process:

1. Unless the district employs an engineer or architect, the district will select an engineer or architect using the process outlined in policy FEB to prepare the construction documents for the project. The engineer or architect for a project may not serve as the CMAR alone or in combination with others.
2. At least one week prior to publishing the request for qualifications, the Board will publicly disclose at a regular meeting its intent to use the construction management at risk method and the criteria it will use to select a CMAR.
3. The superintendent or designee will prepare a request for proposals or qualifications for a CMAR that includes:
  - < General information on the project site, scope and schedule.
  - < Selection criteria. The selection criteria may include the CMAR's experience, past performance, safety record, proposed personnel and methodology, and other

appropriate factors that demonstrate the capability of the construction manager at risk.

- < The time and place for receipt of proposals or qualifications.
- < Other information that may assist the district in its selection of a CMAR.

The district will not request fees or prices in the initial request for proposals or qualifications.

4. Prior to opening the proposals or qualifications, the district will publish the request for proposals or qualifications once a week for two consecutive weeks in a newspaper of general circulation published in a county where the district is located. Alternatively, the district will publish the request for proposals or qualifications by a virtual notice procedure. In accordance with law, the district will use the virtual notice procedure only if the district uses virtual notice for at least 20 various purchases, design contracts, construction contracts or other contracts each year.
5. The superintendent or designee will publicly open and read aloud the names of the CMARs from whom the district received a response.
6. Within 45 days of opening the proposals or qualification submissions, the superintendent or designee will evaluate and rank each proposal or qualification submitted. The Board, superintendent or designee will select, based solely on qualifications, five or fewer CMARs to submit additional information, including the proposed fee and price for fulfilling the general conditions.
7. The superintendent or designee will publicly open the submissions from the CMARs regarding fees. A CMAR's qualifications will account for a minimum of 40 percent of the evaluation, and cost will account for a maximum of 60 percent of the evaluation. The Board shall interview, in open session, at least two of the top-qualified offerors as part of the final selection.
8. The Board will select the CMAR that submits the proposal offering the best value for the district based on the published selection criteria and on its ranking evaluation.
9. The superintendent or designee will negotiate a contract with the selected CMAR. If the superintendent or designee is unable to negotiate a satisfactory contract, the superintendent or designee shall end negotiations by sending a written notice to the CMAR. The superintendent or designee will then proceed to negotiate with the next CMAR in order of ranking. The Board must approve the final contract with a vote of the majority of the whole Board.

## **Bidding and Selecting Contractors and Subcontractors**

The district's CMAR will publicly advertise and receive bids or proposals from contractors or subcontractors for the performance of all major elements of the work, other than the minor work that may be included in the general conditions.

CMARs may seek to perform portions of the work themselves if they submit sealed bids or sealed proposals for those portions of the work in the same manner as other contractors or subcontractors. However, the district has the authority to restrict CMARs from submitting bids. A CMAR will be selected only if the CMAR's bid or proposal offers the best value for the district.

All sealed bids or proposals shall be submitted at the time and location specified in the advertisement for bids or proposals and shall be opened publicly. The identity of each bidder and the bid amount will be read aloud.

The CMAR and the Board, superintendent or designee will review all bids or proposals received in a manner that discloses the bid or proposal contents only to persons employed by the district, CMAR, engineer or architect. After all proposals have been evaluated and clarified, the award of all subcontracts shall be made public.

If the district accepts a bid or proposal against the recommendation of the CMAR, the district will compensate the CMAR by a change in price, time or guaranteed maximum cost for any additional cost and risk that the CMAR may incur.

If a contractor or subcontractor materially defaults in the performance of its work or fails to execute a contract, the CMAR may fulfill the contract requirements or select a replacement contractor or subcontractor without advertising.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted: August 19, 2019

Revised:

Cross Refs: DGA, Authorized Signatures  
DJF, Purchasing

FILE: FED  
Critical

Legal Refs: ' ' 8.675 - .687, 67.5050, RSMo.

Miami R-I Elem. School District, Miami, Missouri