

Guide to Alternative Methods of Construction Delivery



S.C. Department of Environmental Services

I. REQUEST FOR PROPOSALS (RFP) INFORMATION

The method of construction contracting shall be the method most advantageous and will result in the most timely, economical and successful completion of the project. The Request for Proposals (RFP) process, upon S.C. Department of Environmental Services (SCDES) concurrence, may be used if:

1. Alternative methods of construction delivery, such as Construction Management at Risk (CMAR), would be advantageous, OR
2. The Architect/Engineer services and construction services are to be awarded in the same contract, such as in a Design/Build contract.

Note: There must be selection criteria in addition to price.

II. PRIOR TO ADVERTISING

The Project Sponsor shall:

1. Submit a written request to use the Request for Proposals (RFP) process. The request must clearly state the facts and considerations which led to the selection of the RFP process instead of the competitive sealed bidding process to procure a contractor. The Project Sponsor should obtain SCDES approval prior to proceeding with the RFP method and advertising the project.
2. Designate a selection team to develop an RFP Selection Plan which will be used to request and evaluate the proposals received from prospective offerors. Essentially, the RFP Selection Plan is an "in-house" document and must not be part of the RFP issued to prospective offerors. The RFP Selection Plan should be approved by SCDES prior to advertising the project. At a minimum, the RFP Selection Plan should include:
 - a. A list of the members of the RFP Selection Team along with each member's qualification for being selected and an explanation of their role in this process.
 - b. A proposed list of evaluation factors along with a detailed explanation/description of each evaluation factor. Also, include the weighting or relative importance of each factor. Cost must be an evaluation factor. If applicable, one of the evaluation factors must address the potential contractor's past and/or present level of effort in complying with mandated Disadvantaged Business Enterprise (DBE) requirements.

- c. A list of the evaluation standards defining the minimum acceptable requirements for each factor. The evaluation standards serve as a measurement guide for the RFP Selection Team to determine whether or not an offeror meets the minimum requirements.
- d. A schedule of significant milestones.

NOTE: Appendix A – Mandatory Supplemental Conditions for the South Carolina State Revolving Fund Program (cross-cutting provisions) must be included in the RFP documents.

3. Develop an RFP file to document the entire RFP process. This file must be available for review by SCDES and/or external auditors. The RFP file must be retained for a minimum of three (3) years after the project is complete. (See this document's item number 3 under *Tentative Award* for a complete list of the information that must be included in the RFP file.)

III. ADVERTISING

NOTE: If the Project Sponsor previously implemented a Request for Prequalification process, then skip to *The RFP* section

The Project Sponsor shall:

1. Advertise the project, for a minimum of thirty (30) days in advance of the deadline to submit proposals, using at least one of the following methods:
 - a. local newspapers of general circulation,
 - b. publications targeting minority or women owned businesses,
 - c. statewide or regional newspapers of general circulation, or
 - d. the South Carolina Business Opportunities (SCBO).

The ad should include the following information:

- a. A complete statement of the work to be performed.
- b. A statement explaining that contract award will be based on a "Request for Proposals" (RFP) process and that award will be made to the offeror whose proposal is determined in writing to be the most advantageous, using the evaluation factors set forth in the RFP.
- c. A statement explaining how and where to obtain the RFP documents.
- d. Ad should clearly state the deadline and place to submit proposals.
- e. A statement that the project is being funded by a loan from the State Revolving Fund and that offerors must comply with all applicable state and federal requirements identified in the RFP.
- f. If applicable, a statement that prospective offerors must implement procedures that ensure that DBE firms are given opportunities for meaningful participation if subcontracts are awarded.
- g. If applicable, a statement informing the prospective offerors of the project's DBE goals.

2. RFPs shall be solicited from at least three (3) qualified sources, when such sources are available.
3. Proposals shall be opened publicly and only the names of the offerors disclosed at the proposal opening. Contents of competing proposals shall not be disclosed. A tabulation of proposals shall be prepared and shall be open for public inspection after contract award.
4. If local or other funding sources have stricter bidding requirements than outlined herein, use the stricter requirements.

IV. THE RFP

At a minimum, the RFP document should:

1. Include *Appendix A – Mandatory Supplemental Conditions for the South Carolina State Revolving Fund Program* (cross-cutting provisions).
2. Advise prospective offerors on how to arrange and organize their proposals.
3. List all evaluation criteria along with a detailed explanation/description of each evaluation factor. Cost **must** be an evaluation factor. If applicable, one of the evaluation factors must address the potential contractor's past and/or present level of effort in complying with mandated DBE requirements.
4. List the relative importance of each of the evaluation factors. Numerical weightings for each factor are not required to be included in the RFP.
5. State that a one hundred percent (100%) payment bond and performance bond are required. Offerors must provide a letter from their bonding company verifying their bonding limit and certifying they can obtain the required bonds once the final cost is established. It is the responsibility of the Project Sponsor's attorney to review the payment and performance bonds for accuracy and completeness.
6. Require the contractor to provide fire, extended coverage, vandalism and malicious mischief insurance equal to the actual value of the insured property during construction. It is the responsibility of the Project Sponsor's attorney to review the insurance documents for accuracy and completeness.
7. If applicable, the RFP documents should require the contractor to comply with the DBE provisions outlined in the *Disadvantaged Business Enterprise (DBE) Program* section of *Appendix A – Mandatory Supplemental Conditions for the South Carolina State Revolving Fund Program*.

8. Allow a minimum of thirty (30) days for prospective offerors to prepare and submit their proposals.

NOTE: Do **not** include the RFP Selection Plan in the actual RFP document.

V. EVALUATION AND SELECTION

The RFP Selection Team shall assure the following:

1. The proposals will be evaluated using only the evaluation standards outlined in the RFP. No other factors or criteria may be used in the evaluation and there must be strict adherence to any weighting specified for each factor.
2. There must be no disclosure of any information derived from the proposals submitted by competing offerors. Proprietary or confidential information marked as such in each of the proposals shall not be disclosed without written permission of the offeror.
3. All responsive offerors must be ranked in writing from most advantageous to least advantageous.
4. Once the proposals have been evaluated and ranked, the Project Sponsor **must** notify unsuccessful offerors in writing that they are no longer being considered for award. If possible, the notification should include the reasons why their proposals will not be considered further. Notice should be given by first class mail to the name and address on the proposal.
5. The RFP Selection Team's written evaluation and selection documentation (including each individual member's and RFP Selection Team's rating and narrative sheets) must be retained in the RFP file.

VI. TENTATIVE AWARD

1. Award must be made to the offeror whose proposal is determined in writing to be most advantageous, using the evaluation factors set forth in the RFP. The RFP Selection Team shall prepare a written statement explaining the basis of contract award along with the name of the proposed contractor and contract amount, a copy of which must be submitted to the SRF Project Manager (see below).
2. The Project Sponsor must issue a Notice of Intent to Award listing the name of the proposed contractor and contract amount.
3. The Project Sponsor is required to retain the RFP file created during the RFP process for a minimum of three (3) years after the project is complete. This file must be available for review by SCDES and/or external auditors. At a minimum, the RFP file should contain:

- a. Written justification for selection of the RFP procurement method to include SCDES's written approval letter for using the RFP method
- b. A list of the members of the RFP Selection Team along with each member's qualification for being selected and an explanation of their role in the RFP process
- c. The list of evaluation factors along with the weightings, detailed explanation/description of each factor and evaluation standard for each evaluation factor
- d. Schedule of significant milestones
- e. Summary of proceedings of presolicitation and preproposal conferences along with attendance sheets
- f. A copy of the RFP and any associated documents and addenda
- g. Copy of all proposals received including any modifications
- h. Any and all documents related to the evaluation, negotiation, and selection processes to include individual members' and RFP Selection Team's ratings, and narrative sheets
- i. Basis for contract award
- j. Written justification for rejecting proposals
- k. Notice of Intent to Award a Contract
- l. Any other documentation related to this RFP process

VII. PRIOR TO EXECUTION OF CONTRACT FOR PRE-CONSTRUCTION SERVICES

SCDES must concur in the Project Sponsor's contract award for pre-construction services. It is recommended that the Project Sponsor receive written SCDES approval prior to executing a pre-construction contract to prevent any disqualification towards SRF eligibility. The Project Sponsor shall provide SCDES with a package consisting of the following items:

1. *Project Construction Summary* ([DES 1295](#) for projects with general requirements or [DES 3589](#) for projects with equivalency requirements, whichever is applicable), signed by the Project Sponsor's representative.
2. A certified copy of the advertisement with date of publication.
3. A copy of the detailed RFP tabulation certified by the Project Sponsor's engineer.
4. Proposal of the successful offeror.
5. The RFP Selection Team's written statement explaining the basis of the contract award along with the name of the proposed contractor and proposed contract amount.
6. Certified copy of the Project Sponsor's Notice of Intent to Award a Contract listing the proposed contractor and contract amount.

7. If applicable, the *Prime Contractor's Subagreement Certification* ([DES 3591](#)). (See the Disadvantaged Business Enterprise (DBE) Compliance section in the *Guide to Federal Requirements—Equivalency*).
8. If applicable, evidence that the offeror complied with the DBE requirements listed in the RFP documents. DBE approval must precede SCDES RFP concurrence. (See the Disadvantaged Business Enterprise (DBE) Compliance section of the *Guide to Federal Requirements—Equivalency*).
9. If applicable, the prime contractor's certification ([DES 3590](#)) that they are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participating in a contract using federal funds. (See the Parties Excluded from Federal Procurement and Nonprocurement Programs section in the *Guide to Federal Requirements—Equivalency*).
10. If applicable, the subcontractor's certification ([DES 3590](#)) that they are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participating in a contract using federal funds if their contract amount is expected to equal or exceed \$25,000. (See the Parties Excluded from Federal Procurement and Nonprocurement Programs section in the *Guide to Federal Requirements—Equivalency*).
11. The *Project Inspection Designation Form* ([DES 2324](#)), along with the required supporting documentation, identifying the continuous inspection method selected by the Project Sponsor to provide mandatory inspection services during the construction period.

VIII. PRIOR TO EXECUTION OF CONSTRUCTION CONTRACT

SCDES must concur in the Project Sponsor's construction contract award. It is recommended that the Project Sponsor receive written SCDES approval prior to executing a construction contract to prevent any disqualification towards SRF eligibility.

The Project Sponsor should coordinate with its designated SRF Project Manager to ensure all required documents have been submitted and approved by SRF, to include such documents as:

- Detailed line-item cost breakdown.
- Copy of the Davis-Bacon wage decision(s) to be used during construction.
- Copy of the engineer's award recommendation to move forward with the construction contract to the project sponsor listing the proposed contract amount.
- Certified copy of the project sponsor's tentative award resolution listing the proposed contractor(s) and contract amount(s), not to include contingency. The resolution may be board meeting minutes, a certified board resolution, or a letter from a Project Sponsor employee authorized to make financial commitments for the Project Sponsor. A "Notice of Award" form, if used, must be accompanied by Board Minutes or letter identifying the Project Sponsor's representative executing the Notice.

- Copy of the proposed prime contractor's Bidder's American Iron and Steel Certification ([DES 2556](#)) or Bidder's Build America, Buy America Certification ([DES 4360](#)), whichever is applicable.
- Updates to any forms listed in Section VII, if applicable.
- Any other SRF forms or documents required by your SRF Project Manager specific to the project.

More information? Contact your SCDES SRF project manager.



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