

SBA Policy and Procedures
APPENDIX G

School Building Authority of West Virginia
PROCESS FOR DEVELOPMENT OF A DESIGN-BUILD PROJECT
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SBA grant recipients may use the Design-Build project delivery method. Grant recipients desiring to use the Design-Build method of project delivery must first familiarize themselves with the Design-Build Procurement Act, Article 22A, and Section 5-22A-1 through 16 of the West Virginia Code, Legislative Rules Title 148-CSR-11, and the submission requirements of the Design-Build Board of West Virginia and the School Building Authority (SBA) Process for Development of a Design-Build project. This process will involve significant pre-project submission planning and coordination with the SBA office and should begin six-eight months prior to the annual “Needs” project submission deadline established by the SBA. The following represents the general process for developing a Design-Build project, procurement of design and construction professionals to assist with the project and the submission requirements of the Design-Build Board of West Virginia.

1. Before projects are brought to the SBA for preliminary review, the county board must first determine if the project is appropriate as a Design-Build project. The Design-Build Board and SBA have established the following as the basis for determining if Design-Build is the appropriate project delivery method for projects.

The county must have the appropriate legal authority to enter into a Design Build contract (the Design-Build Procurement Act allows local boards of education to enter into Design-Build contracts). Additionally the State of West Virginia Design Building Board and the SBA must approve the project as a Design-Build project. The following criteria will be considered:

- a. The county requires a project design and construction time-line that is faster than the traditional Design-Bid-Build process would allow;
 - b. The project requires close coordination of design and construction expertise or an extreme amount of coordination;
 - c. The county requires early cost commitments;
 - d. The county provides a written plan for funding the project including, but not limited to, the funding necessary to pay for design services and construction costs; and,
 - e. The county has performed sufficient site studies and has selected an appropriate site for the construction of the school.
2. County Superintendent consults with the SBA staff regarding their intent to submit a project for funding consideration using the Design-Build project delivery method.
 3. SBA staff and county review the Design-Build criteria and discuss project with the coordinator of the Design-Build Board to determine if the project qualifies as a Design-Build project and to solicit interim approval. Final approval will be provided by the Design-Build Board based on the project submission information provided by the county board during the formal submission phase of the project.

4. Assuming the project meets the Design-Build criteria, the local board submits the project for SBA funding consideration requesting the project use of the Design-Build project delivery method.
5. SBA approves projects and designates those projects where the Design-Build process may be considered. At this time, the SBA Board will provide a contractual commitment for the SBA portion of the finance plan to the completion of the project. The SBA may consider providing a reserve grant in order to proceed with conceptual planning, project criteria development and Design-Build Board approval process. The finance plan would then be completed as funding is required.
6. The county submits an application for project approval to the Design-Build Board, including a finance plan and timeline. The application for project consideration must be completed and all supporting documentation attached in accordance with West Virginia Code 5-22A-2 and Legislature Rules, 148-CSR-11.
7. Design-Build Board reviews and approves project and notifies county to proceed with the project based on the requirements of the Design-Build Board and West Virginia Code.
8. SBA/county develops procedure(s) to hire a performance criteria developer. The county board will solicit proposals from qualified performance criteria developers based on the requirements of West Virginia Code and Legislative Rule 148-CSR-11.
9. County solicits proposals from, and evaluates qualifications of, qualified performance criteria developers (licensed architects or engineers). The performance criteria developer will provide technical assistance to the local board and prepare the performance criteria document.
10. The county solicits proposals from, evaluates qualifications of, and contracts with an educational facilities planner who will prepare educational specifications for the specific project. Based on SBA requirements and the SBE Policy 6200, Handbook on Planning School Facilities, the county will coordinate the hiring of the educational facilities planner with the SBA office and obtain approval of the SBA before contracting with the educational facilities planner. The educational facilities planner must be qualified to assist the county in the preparation of the plan. The educational facilities planner will work cooperatively with the performance criteria developer to combine the educational specifications and the building component criteria into the performance criteria specification used to obtain Design-Build proposals. The educational specifications and the performance criteria must be submitted to the SBA for approval.
11. In cooperation with the SBA, the county hires the performance criteria developer and the educational planner to assist the county in the development of the project.
12. The county and the performance criteria developer prepare an advertisement and Invitation for Qualification (IFQ) along with the evaluation criteria for Design-Build

teams. The IFQ and evaluation criteria must be compatible to assure a fair evaluation of each design builder's qualification.

13. The performance criteria developer and educational planner complete the educational specification, performance criteria and concept drawing building footprint. Pertinent SBA Supplemental General Conditions must be included in the performance criteria along with the selection evaluation criteria for selecting the Design-Build team. This information is incorporated into the IFQ and the Request for Proposal and provided to Design-Build teams.
14. The county board establishes a selection committee in accordance with Legislative Rule 148-11-4 to review and evaluate the Design-Build teams' qualifications and proceeds with a formal advertisement of the IFQ for Design-Build teams. Design-Build teams submit qualifications using Design-Build Board and SBA approved submission requirements. The IFQ will be issued to all qualified design builders.
15. The Selection Committee reviews the qualifications and interviews the Design-Build teams. Based on the submitted information and interview scores and the evaluation of each team, a short list of not fewer than three nor greater than five Design-Build teams will then be requested to respond to an Invitation for Proposal (IFP). If fewer than three proposals are received, the county will contact the Design-Build Board to determine whether the county may proceed with the Design-Build process.
16. The short listed Design-Build teams are sent IFP including educational specifications and the project performance criteria and are allowed sufficient time to provide a qualitative proposal and a separate guaranteed maximum cost proposal for the project based on the project criteria provided to each team.
17. The county board receives the technical and cost proposals from each Design-Build team and segments all cost proposals. A "technical review" committee evaluates and scores the proposals submitted for the project. The committee will have, at a minimum, a technical representative of the county, the performance criteria developer as a non-voting member, a representative of the school, the Secretary of Administration and a member of the SBA staff. The performance criteria developer will provide technical assistance to the local board with regard to the development of the process for evaluating the qualitative proposal and the cost proposals submitted by the perspective Design-Builders.
18. The scores of each proposal are made public and a cost proposal opening date is established. The cost proposals are publicly opened, evaluated and scored. The scores of the cost proposals shall also be made public. See Leg. Rules 148-11-10 through 12.
19. The technical review committee selects a Design-Build team in accordance with West Virginia Code 5-22A-6, Legislative Rule 148-CSR-11 and the SBA requirements for the selection of a Design-Build team.

20. The Design-Build Board will determine if the technical submissions comply with the requirements of the Design-Build Procurement Act prior to the execution of a contract and, if so, will notify the SBA/county of their approval.
21. The county board and the SBA staff will approve the budget, finance plan and contractual agreement based on the proposals from the Design-Build team prior to execution of a contract for services.
22. The final schematic design will be prepared by the Design-Build team that incorporates the program of spaces and building performance criteria. The final schematic shall be approved by the county board of education and the SBA prior to proceeding to the final design and/or construction.
23. Contractual agreements are executed using the standard AIA form of agreement between the county board and Design-Build team. If an optional contract is used, SBA approval must be provided prior to its execution.
24. At intervals determined by the SBA, the Design-Builder submits project development documents for review and approval to the owner and SBA for performance criteria development, review and approval.
25. The county board hires an SBA approved clerk-of-the-works in accordance with SBA policy to represent the county and SBA during the construction of the project.
26. The county clerk-of-the-works, the SBA and the Design-Build team will cooperate throughout the construction phase in order to construct the project in accordance with county and SBA requirements.
27. SBA contractual obligations must be met and the SBA project close-out requirements must be incorporated into the performance criteria document. The Design-Builder shall comply with SBA requirements incorporated into the performance criteria.

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