

## **First Amendment to Polk County Purchasing Procedures Manual**

**WHEREAS**, Polk County Ordinance No. 06-24, as amended, provides in Section 3.C. that the County Manager shall prepare and promulgate procedures for purchasing, procurement and the sale and conveyance of real or personal property as necessary for the implementation of said ordinance; and

**WHEREAS**, in accordance with the above-referenced authority, the County Manager approved and adopted a revised Purchasing Procedures Manual on March 22, 2013 (the "Manual"), which serves as the basis for purchasing procedures for the County; and

**WHEREAS**, Section 3.C. of Ordinance No. 06-24, as amended, further provides that the County Manager may authorize changes to the Manual upon recommendation by the Procurement Director; and

**WHEREAS**, the Procurement Director has recommended, and the County Manager has approved, a revision to the Manual which would provide selection procedures for construction managers at risk with continuing contracts, as further set forth below.

**NOW, THEREFORE**, the Manual is hereby amended as follows:

**Section 1:** The following provision is hereby added to the Manual:

### **Selection Procedures for Construction Managers at Risk with Continuing Contracts**

To select a construction manager at risk ("CM at Risk") that has an existing continuing contract with the County, the Division Director may use the following process, in the order listed:

1. Verify that the proposed project is consistent with the scope of services in the Request For Proposal (the "RFP") from which the CM's at Risk were selected. If the answer is affirmative, proceed to Step 2. If the answer is negative, contact the Procurement Director for further assistance.
2. Review the current list of CM's at Risk procured under the RFP to determine whether or not any of these firms have the expertise, experience, and personnel required for the project being proposed. Elevate those firms that meet these criteria to the next step.
3. Review this list to determine whether the past projects have been satisfactory or not. Elevate those firms with a minimum of satisfactory past performance to the next step.
4. Review the firm(s) selected from Step 3 to determine whether the firm meets the needs of the proposed project as further outlined in this Step 4. Some of the qualifying factors for the firms(s) to meet the needs of the County might be: Project Manager that will be assigned to the project; location of this person and other key personnel that will work on the project; and/or, for phased projects, whether a particular CM at Risk has performed previous phases, pre-construction services, or significant portions of the project. Special needs of the proposed project and scope of work should be addressed during this review. Consideration may be given to proposed sub-consultants or subcontractors. Greater consideration may also be given to firms with higher past performance evaluation scores

than the minimum requirement set forth in Step 3, so long as supporting documentation is submitted in accordance with the requirement below.

5. If multiple firms remain after Step 4, review the total amount of money the County has contracted, under the RFP, with each of the remaining firms during the last 24-month period. (A report of these contracts can be obtained from the Procurement Division.) Select the firm with the lowest dollar volume during the last 24-month period.

If another selection is required, go back to the process outlined in Step 2 and repeat the process. Continue this process until a firm is selected that meets the requirements and needs of the project.

Documentation: Documentation of the justification to elevate the selected firm and eliminate the non-selected firms from consideration during Steps 2 through 4 (as well as Step 5, if applicable) should be sent to the Procurement Director along with the Construction Manager at Risk Authorization Form that is being submitted for approval. When a firm has been eliminated from consideration under this process based on a deficiency (e.g., a prior unsatisfactory performance evaluation resulting in a firm's failure to be elevated past Step 4), documentation of the deficiency must be submitted. Similarly, if one firm is elevated over another based upon a higher past performance evaluation score, copies of the evaluations considered should be submitted to Procurement for review. These evaluations will be attached to each CM at Risk's record in the Procurement Division. This documentation will provide a central area of records to provide evidence that the County is in compliance with its purchasing procedures.

This effort and the process outlined above is not intended to supersede or negate qualifications required for the proposed project and corresponding scope of services requested.

**Section 2:** The Purchasing Procedures Manual, as amended by this First Amendment, remains in full force and effect.

Authorized by:   
Jim Freeman,  
County Manager  
Date: 12/31/13

  
Fran McAskill,  
Budget and Procurement Director  
Date: 12/11/12

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Authorized by:

  
\_\_\_\_\_  
Jim Freeman,  
County Manager

Date: 12/31/13

  
\_\_\_\_\_  
Fran McAskill,  
Budget and Procurement Director

Date: 12/11/13

**Selection Procedure for Construction Managers (CM) at Risk with Continuing Contracts**

Division: \_\_\_\_\_

Division Director: \_\_\_\_\_

Date Analysis Performed: \_\_\_\_\_

Project Number:  (CMAR-Master Agreement Number-Next Number in Log)

Project Name: \_\_\_\_\_

Scope: \_\_\_\_\_

Step 1:

Is the the Project is consistent with the scope of servces in the original RFP from which the CM's at Risk were selected?

NO: \_\_\_\_\_. Contact Procurement

YES: \_\_\_\_\_. Proceed to Step 2

Step 2:

Review current list of CM's at Risk for appropriate Expertise, Experience, and Personnel				
Construction Manager at Risk	Expertise	Experience	Personnel	Elevated for Consideration

State justification for each CM at Risk not elevated by Step 2:

State justification for each CM at Risk that is elevated by Step 2:

Step 3:

Past Performance on Similar Projects Satisfactory		
Construction Manager at Risk	Past Performance on Similar Projects Satisfactory	Elevated for Consideration

State justification for each CM at Risk not elevated by Step 3:

Step 4:

<b>Meets needs of Project: Project Manager (PM); Location of PM and Key Personnel; Special Needs of Project and Scope; Performed Previous Phases or Significant Portions; Pre-Construction Services; Sub-Contractor/Consultant; Higher Past Performance Evaluation Scores than the minimum requirement in Step 3 above, and other criteria as outlined in the Selection Procedures for CM at Risk with Continuing Contracts as described in the Procurement Procedures Manual.</b>	
<b>Construction Manager at Risk</b>	<b>Elevated for Consideration</b>

State justification for each CM at Risk not elevated in Step 4 utilizing the above criteria and further criteria as outlined in the Selection Procedures for CM at Risk with continuing contracts as described in the Procurement Procedures Manual:

State justification for each CM that is elevated utilizing the above criteria and further criteria as outlined in the Selection Procedures for CM at Risk with continuing contracts as described in the Procurement Procedures Manual:

Step 5:

<b>If more than 1 CM is elevated after Step 4, Step 5 will be used to determine the selected CM. 24 Month Total Contract Value under the original RFP (If multiple CM's at Risk remain after Step 4 above)</b>		
<b>Construction Manager at Risk</b>	<b>Contract Value</b>	<b>Selected CM</b>

State justification describing special needs if selected CM is not the lowest dollar contract value identified in Step 5.

**Recommendation:**