

Design-Build Procedures of Rockingham County

In accordance with the provisions of §2.2-4382 of the *Code of Virginia* (1950), as amended. Supervisors of Rockingham County, by resolution, hereby adopts the following procedures for procurement via design-build contracts, as defined in §2.2-4382. These procedures shall be effective as of July 22, 2015.

Under authority of *Virginia Code* §2.2-4382 of the *Code of Virginia*, Rockingham County (the County) may contract to procure projects on a fixed price or a not-to-exceed price design-build basis in accordance with these procedures and the requirements of *Virginia Code* §2.2-4382.

The Board of Supervisors shall determine, for a specific construction project, in writing, that: (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the County by using a design-build contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous.

Design-build contracts are intended to minimize the project risk for an owner and to reduce the delivery schedule and cost by overlapping the design phase and construction phase of a project.

Once the Board of Supervisors has determined that a design-build contract is appropriate, the County shall use a two-step competitive negotiation process consistent with these procedures and with the standards established by the Division of Engineering and Buildings of the Department of General Services for state agencies when procuring a project by design-build.

The County Administrator shall appoint an Evaluation Committee (the Committee) which shall consist of at least three members from the County staff, including a licensed design professional, if possible. In addition to County staff members, the Committee may include a licensed professional engineer or architect with expertise in the specific area of the project, if deemed appropriate by the County Administrator. The County Attorney may also be included as a member of the Committee as needed.

The basis of the award of the contract shall be in accordance with §2.2-4302.2 of the *Code of Virginia*. Guidance on methods for award can be found in Virginia's Construction and Professional Services Manual (2012 Edition, as amended) Section 7.30.1.

The Committee shall evaluate the Technical Proposals based on the criteria contained in the RFP. It shall inform each design-build offeror of any adjustments necessary to

make its Technical Proposal fully comply with the requirements of the RFP. In addition, the County may require that offerors make design adjustments necessary to incorporate project improvements or to provide additional detailed information identified by the Committee during design development.

Based on the adjustments made to the Technical Proposals, the offeror may amend its Cost Proposal. In addition, an offeror may submit cost modifications to its original sealed Cost Proposal which are not based upon revisions to the Technical Proposals.

The Committee shall evaluate (and rank if technical rankings are to be considered as a criteria for award) the technical proposals. Should the County determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. Otherwise, the County shall open the cost proposals and apply the criteria for award as specified in the RFP.

The Committee shall make its recommendation for the selection of a design builder to the Board of Supervisors based on its evaluations of the technical and cost proposals and all amendments thereto. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.

The County shall notify all offerors who submitted proposals which offeror was selected for the project.

Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

Guidance for the use of these procedures can be found in Section 7.30.1 of Virginia's Construction and Professional Services Manual (2012 Edition, as amended) and all of its subsections.