A8.280

Construction Procurement

1. General

   a. Construction is the process of building, altering, repairing, improving or demolishing any University structure, building or improvement to real property, including painting and decorating. The term includes the routine operation, repair or maintenance of existing University structures, buildings, or real property. Such construction may be accomplished by use of a design-bid-build, design-build, design-assist, or other generally accepted construction process.

   b. Construction may be procured through any of the applicable source selection methods provided in these procedures, including this section.

2. Public Notice for Procurement of Construction

   a. As often as may be necessary, the University may give public notice to invite persons engaged in performing designated construction to submit current statements of qualifications and expressions of interest for construction which the University anticipates needing in the performance of its operations. The statements shall include:

      1) The name of the firm or person, the principal place of business, and location of all of its offices;

      2) The age of the firm and its average number of employees over the past five years;
3) The education, training, contractor licenses held in Hawaii and elsewhere, and other qualifications of the firm;

4) The names and phone number of up to five clients who may be contacted, including at least two for whom services were rendered during the preceding year; and

5) Any promotional or descriptive literature which the firm desires to submit.

Firms or persons may amend statements of qualifications at any time by filing a new statement and shall immediately inform the University of any change in their submission that could disqualify the firm or person from being considered for a contract award.

b. Additional public notices inviting persons engaged in performing construction may be made if the response to the initial notice is not adequate, if the response to the initial notice does not result in an adequate representation of available sources, or if previously unanticipated needs for construction arise.

3. Review of Submitted Statements of Qualifications

A review committee shall be designated to evaluate statements of qualifications and related information submitted for the purpose of compiling a list of qualified persons or firms to provide particular types of construction. The review committee shall consist of at least three persons with sufficient education, training, and credentials for each type of construction which may be required. The review committee shall evaluate all submissions and other pertinent information and compile a list of qualified persons or firms to provide particular types of construction. The names of the members of the review committee shall be maintained with the qualified list.
4. **Procedure for the Acquisition of Construction**

a. If a University program identifies a need to procure construction, the following procedures shall apply:

1) A selection committee shall be established which shall include at least three University employees with sufficient education, training, and credentials in the area of the construction required from the Office of Capital Improvements and/or the Facilities Management Office that will be involved in the management of the construction to be procured. The names of the members of the selection committee shall be placed in the contract file.

2) The selection criteria to be employed in descending order of importance shall be:

   a) Experience and qualifications relevant to project type;

   b) Past performance on projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies;

   c) Capacity to accomplish the work in the required time; and

   d) Any additional criteria determined in writing by the selection committee to be relevant to the University's needs or necessary and appropriate to ensure full, open, and fair competition, such as the following:

      1) Specialized experience, equipment and technical competence to be applied;

      2) Quality control practices, techniques and methods used;
3) Ability to work effectively with University and user program staff; and

4) Familiarity with and knowledge of all applicable laws, codes and ordinances.

3) The selection committee shall evaluate the submissions of the list of qualified persons or firms against the selection criteria. Committee members may use OPRPM Form 156, Individual Evaluation Form for Construction, (Attachment 280.1), or similar form, for evaluation purposes. The committee may conduct confidential discussions with any person or firm on the qualified list regarding the construction which is required and which they are able to provide. In conducting discussions, there shall be no disclosure of any information derived from competing offerors.

4) The selection committee shall provide the University's designated officer overseeing the particular procurement of construction with the ranking of a minimum of three persons or firms based on the selection criteria, together with a summary of their qualifications for the ranking of each person or firm on OPRPM Form 157, Construction Evaluation Summary Abstract, (Attachment 280.2), or similar form, for the contract file.

5) The University's designated officer shall thereafter seek to negotiate a contract with the first-ranked individual or firm, which is fair and reasonable, established in writing, and based upon the estimated value, scope, complexity, and nature of the construction to be performed. If a satisfactory contract cannot be negotiated with the first-ranked individual or firm, such negotiations shall be terminated and negotiations with the other individuals or firms in order of their rankings shall commence. Negotiations shall be conducted confidentially.
6) If a contract at a fair and reasonable price cannot be negotiated, the selection committee may be asked to submit the ranking of three (3) additional individuals or firms to the University's designated officer, and the University's designated officer may resume negotiations in the same manner provided in these procedures.

7) Upon completion of negotiations, the University program shall forward the following documents to the OPRPM for processing:
   a) Original cost proposal from selected individual/firm, if applicable;
   b) Completed OPRPM Form 95, Determination of Cost or Price Reasonableness (Attachment 285.1);
   c) UH FMIS-41, Contract Encumbrance and Payment Form (Attachment 275.1a); and
   d) A draft of the proposed contract terms and conditions including the technical specifications and plans, time of performance, and the compensation and payment schedule.

b. All contracts processed under these construction procurement procedures shall be submitted to the OPRPM for review, regardless of the dollar amount of the contract.

5. **Posting of Awards**

All contracts awarded under this section shall be posted electronically within seven days of the contract award by the OPRPM and shall remain posted for at least one year. Information to be posted shall include, but not be limited to:

a. The names of the persons or firms ranked by the selection committee;
b. The name of the person or firm receiving the award;

c. The dollar amount of the contract;

d. The name of the University officer making the award; and

e. Any relationship of the principals to the officer making the award.

6. **Public Inspection**

After the contract is awarded, the following information shall be open to public inspection, including but not limited to: the contract; the list of qualified persons; the selection committee's criteria for selection; and the statements of qualifications and related information submitted by the qualified persons, except those portions for which a written request for confidentiality has been made.

7. **Debriefing**

a. The purpose of a debriefing is to inform the providers of construction of the basis for nonselection.

b. A written request for a debriefing by a non-selected provider shall be made within three working days after the posting of the award of the contract.

c. Debriefing shall be held by the procurement officer or designee, to the maximum extent practicable, within seven working days; provided the procurement officer or designee may determine whether or not to conduct individual or combined debriefings.