
Board Action Required



No Action Required

To: Coppell ISD Board of Trustees

From: Sid Grant – Interim Chief Operations Officer

Date: May 22, 2023

cc: Dr. Brad Hunt, Diana Sircar, Josette Dobbins

Re: Approval of the Construction Manager-At-Risk Purchasing Method

In preparation for the bond construction and renovation projects that will be funded from the May, 2023 bond election, Coppell ISD administration recommends we utilize the “Construction Manager-At-Risk” purchasing method as allowed under Section 44.031 of the Texas Education Code for the procurement of construction related services. We recommend this method over the “Competitive Sealed Proposal” method as it gives the school district more negotiation ability and inclusion in the process of sub-contractor selection for renovation projects, as well, as for new construction.

We have utilized this purchasing method for over 12 years (e.g. the last four bond elections) and are very pleased with the results and control we maintain throughout the construction planning and actual construction process. The method also enables the awarded general contractor to be an integral participant in the visioning, design development, and cost estimation for any new construction projects, whereas they will become very familiar with projects before they place them out for formal bid.

Under Section 44.031 of the Texas Education Code, school districts are authorized to use the construction manager-at-risk method for contracting for the construction, rehabilitation, alteration, or repair of facilities. A construction manager-at-risk assumes the risk for construction, rehabilitation, alteration, or repair of a facility at the contracted price in the same manner as a general contractor; however, this method also provides the flexibility and benefit of consultation to the school district during and after the design of the facility. The school district must, before or concurrently with selecting a construction manager-at-risk, select or designate an architect or engineer who will be responsible for the preparation of the design and construction documents for the project. In our case, the Board of Trustees, at the May 15, 2023, Board meeting, selected and approved Corgan Associates, Inc. and WRA Associates, Inc. as our architects and engineers for these respective future bond projects. In selecting the construction manager-at-risk, the school district is required to utilize the Request for Qualifications (RFQ) process. The school district must, in a two-step process, prepare a Request for Qualifications (RFQ), or a Request for Competitive Sealed Proposals (RFCSP) in a one-step process. In using either the

RFQ or RFCSP, we will require offerors to submit information regarding the construction manager's proposed fee and the price for fulfilling the general conditions.

The selection criteria for evaluating the proposals and selecting the best offeror must be stated in the RFQ or RFCSP. The selection criteria may include the following:

- proposed fee and price for general conditions
- the offeror's experience
- past performance
- safety record
- proposed personnel and methodology
- any other factors demonstrating the capability of the construction manager (these factors will be specified in the RFQ).

Section 44.038(b) of the Texas Education Code provides that the construction manager-at-risk assumes the contractual risk for completion and delivery of the completed facility at the contracted price in the same manner as a general contractor; however, the construction manager-at-risk is initially responsible for performing only the general conditions and any minor work that may be included in the general conditions for the project. The "general conditions" for the project are defined in Section 44.0315(6) of the Education Code to mean on-site management, administrative personnel, insurance, bonds, equipment, utilities, and incidental work, including minor field labor and materials. Section 44.038(h) of the Education Code requires the construction manager-at-risk to publicly advertise and solicit either competitive bids or competitive sealed proposals from trade contractors or subcontractors for the performance of all major elements of the work on the project other than the general conditions. This entire process will be closely monitored by Corgan Associates, Inc. and/or WRA Architects, Inc. and CISD staff. The school district staff and the Board of Trustees have the final determination as to whether the construction manager-at-risk's bid or proposal provides the best value for the school district.

Recommendation: That the Coppell ISD Board of Trustees approve the use of the Construction Manager-At-Risk purchasing method as allowed under Sections 44.031 and 44.038 of the Texas Education Code for the bond funded construction and renovation projects that are a result of the May, 2023 bond election.