



BOARD OF SCHOOL TRUSTEES

KELLER INDEPENDENT SCHOOL DISTRICT

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2F. Action

TO: BOARD OF SCHOOL TRUSTEES

DATE: May 10, 2004

SUBJECT: RESOLUTION REGARDING CONSULTANT GUIDELINES FOR KELLER ISD CONSTRUCTION PROJECTS

In order to ensure that the Board is adequately informed during the bidding and construction process, and that specific guidelines are followed anytime a consultant is employed to advise the district regarding construction projects, the Board of Trustees hereby resolves to follow the following guidelines:

- I. The District shall employ only independent consultants.
- II. Before the District retains any consultant for use on construction projects, the District shall carefully research the background and references of the consultant, and should obtain appropriate resumes or references for each such consultant.
- III. When the District hires a consultant on construction issues, a written agreement specifying the scope of the expected duties shall be entered into prior to the beginning of any consulting activities. This agreement shall specify the following, as appropriate to the specific consulting task: what the consultant is hired to do, the extent of the consultant's authority, who within the District can direct the consultant's services, how consultant recommendations should be communicated to the District or to others, the type(s) of documentation required for work performed by the consultant, and billing requirements, such as detail billing, timeliness of billing, and any other information or requirement the Board deems necessary to enable the District to stay abreast of charges incurred by the consultant.
- IV. Consultants employed by and for the District shall enter into an agreement with the District, not a third party. If the District wishes the consultant to be hired by its architect, engineer, contractor or construction manager, it must discuss and resolve that with the architect, engineer, contractor or construction manager.

V. Any construction consultant used by the District shall maintain appropriate Errors and Omissions or liability insurance. The amount of insurance required shall be determined by the Board on a case by case basis depending on the scope of the work to be performed.

VI. The Board should periodically or upon Board request be provided with workshops or other training regarding the operation of the construction process. These sessions shall be conducted by an architect, a representative of a construction manager at risk, a representative of the District's Construction Department, and/or any other party the Board deems appropriate (such as the Superintendent, the Board's attorney, or others).

VII. In order for the Board to perform its statutory duties related to determination of what constitutes "best value" for the District in the construction process, the Board shall be informed on any issues which cause significant disagreement or controversy within the construction team. Information that may be requested by the Board may include, but is not limited to: a list of each contractor or subcontractor which submits a bid or a sealed proposal on a construction project and the amount of that bid or proposal, and which bidder or proposer is being recommended by the construction team. (note: the "list of each contractor" to be presented to the board and the right to use others than those recommended by the Construction Manager at Risk is state law already, and that if using other contractors or subs is required, the CMAR can obtain a price increase if using another raises the CMAR's costs)

The District may require that a construction manager at risk use another bid or proposal other than that which has been recommended by the construction manager at risk.

The Board should carefully consider any demand that an alternate bidder or proposer be used and should not routinely overrule its construction team without good cause.

VIII. The Board shall authorize expenditures from owner betterment for amounts greater than \$10,000 before the expenditures are made. For lesser amounts, the construction team in combination with the Superintendent or designee shall provide authorization and will communicate this authorization to the Board at the next possible regular Board of Trustees Meeting.

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The administration recommends that the Board of School Trustees adopt the above described resolution regarding bidding/construction consultant guidelines as presented.

Respectfully submitted,

Bill Newton Ed.D.
Acting Superintendent