

DGS Policy for Design-Build (DB)

June 2017

In accordance with the provisions of §2.2-4378 through §2.2-4381 of the Code of Virginia, DGS has adopted the following Policy for the use of Design-Build (DB).

1. Criteria for the Use of DB:
 - a. The Agency shall provide a written determination that competitive sealed bidding is not practicable or fiscally advantageous. (COV Sections: §2.2-4380.B.1, §2.2-4381.C.1)
 - b. The written determination shall include the basis of the determination which shall include one or more of the following:
 - i. Construction Cost (COV Sections: §2.2-4381.B.1, §2.2-4380.C.3, §2.2-4381.D.3)
 - ii. Project Complexity (COV Sections: §2.2-4381.B.1, §2.2-4380.C.4, §2.2-4381.D.4)
 - iii. Building Use (COV Sections: §2.2-4381.B.1, §2.2-4380.C.3, §2.2-4381.D.3)
 - iv. Project Timeline (COV Sections: §2.2-4381.B.1, §2.2-4380.C.3, §2.2-4381.D.3)
 - v. Need for Single Point of Contact (COV Sections: §2.2-4380.C.5, §2.2-4381.D.5)
 - c. A licensed architect or engineer shall be employed or under contract to advise in use of DB (COV Sections: §2.2-4380.B.2, §2.2-4381.C.2)
2. DGS Review of Procurement Method (COV Sections 2.2-4380.C through 2.2-4380.E, 2.2-4381.D through 2.2-4381.F):
 - a. For all projects where the Agency has selected DB as the proposed project procurement method, the Agency shall submit the following to DGS for review:
 - i. The Agency's written determination that competitive sealed bidding is not practicable or advantageous.
 - ii. A completed Design-Build Procurement Review Submittal Form identifying the project characteristics relevant to DB procurement.
 - b. Upon receipt of DGS Recommendation, the Agency shall:
 - i. Address DGS comments as necessary.
 - ii. Document Agency action in project file and submit to DGS.
3. DB Procurement Procedures:
 - a. The Agency shall appoint an Evaluation Committee which shall consist of at least three members from the Agency, including a licensed design professional, if possible. In addition to the Agency members, for State Public Bodies, the committee shall include:
 - i. A licensed professional engineer or architect from the Division of Engineering and Buildings (COV Sections: §2.2-4380.A, §2.2-4381.A).
 - ii. A representative from the Office of the Attorney General as determined by the OAG Section representing the Division of Engineering and Buildings (COV Sections: §2.2-4380.A, §2.2-4381.A).
 - b. A two-step Request for Qualifications/Request for Proposals (RFQ/RFP) process shall be utilized. (COV Sections: §2.2-4380.B.7, §2.2-4381.C.7)

- c. The Agency shall prepare a RFQ containing the Agency's Facility Requirements, building and site criteria, site and survey data (if available). All offerors shall have a licensed Class "A" contractor and an Architect or Engineer registered in the Commonwealth of Virginia as part of the Project team. (COV Sections: §2.2-4380.A, §2.2-4381.A) The Agency's justification for the use of DB shall be included in the RFQ. (COV Sections: §2.2-4380.B.1, §2.2-4381.C.1)
- d. The criteria for evaluation shall be included in RFQ (COV Sections: §2.2-4380.B.1, §2.2-4381.C.1), including any unique capabilities and qualifications, and the RFQ shall be posted in accordance with the current standards in the Code of Virginia for a minimum of 30 days. (COV Sections: §2.2-4380.B.3, §2.2-4381.C.3)
- e. The Evaluation Committee shall evaluate the firms' RFQ responses and any other relevant information and shall determine those deemed most qualified with respect to the criteria established for the project in the RFQ. Prior DB or BCOM Experience shall not be a Prerequisite for award. (COV Sections: §2.2-4380.B.5, §2.2-4381.C.5)
- f. The RFQ process shall result in a short list of 2-5 offerors to receive an RFP. (COV Sections: §2.2-4380.C.5, §2.2-4381.D.5) An offeror may be denied prequalification only as specified under the Code of Virginia §2.2-4317, but the short list shall consist of those deemed best qualified.
- g. The criteria for evaluation shall be included in RFP (COV Sections: §2.2-4380.B.1, §2.2-4381.C.1) and the RFP shall be posted in accordance with the current standards in the Code of Virginia for a minimum of 30 days. (COV Sections: §2.2-4380.B.1, §2.2-4381.C.1) Prior DB or BCOM Experience shall not be a Prerequisite for award. (COV Sections: §2.2-4380.B.5, §2.2-4381.C.5) Cost shall be a critical component of the selection process.
- h. In addition, at least 30 days prior to the date for RFP response submission, those offerors who were not selected for the short list shall be provided written notification and the reasons for such decision. In the event that an offeror is denied prequalification, the written notification shall state the reasons for such denial of prequalification and the factual basis of such reasons. (COV Sections: §2.2-4380.A, §2.2-4381.A)
- i. Sealed Technical Proposals as described in the RFP shall be submitted to the Evaluation Committee. Separately sealed Cost Proposals shall be submitted to the Agency's Virginia Construction Contracting Officer (VCCO), and shall be secured and kept sealed until evaluation of the Technical Proposals and the design adjustments are completed. (COV Sections: §2.2-4380.A, §2.2-4381.A)
- j. The Evaluation Committee shall evaluate the firms' Technical Proposals based upon the criteria contained in the RFP. It shall inform each DB offeror of any adjustments necessary to make its Technical Proposal fully comply with the requirements of the RFP. In addition, the Agency may require that offerors make design adjustments necessary to incorporate project improvements and/or additional detailed information identified by the Evaluation Committee during design development. (COV Sections: §2.2-4380.A, §2.2-4381.A)

- k. Based upon the adjustments requested by the Evaluation Committee, the offeror shall provide a revised Technical Proposal and Cost Proposal as necessary. In addition, an offeror may submit cost modifications to its original sealed Cost Proposal which are not based upon revisions to the Technical Proposals. (COV Sections: §2.2-4380.A, §2.2-4381.A)
 - l. The Evaluation Committee shall evaluate (and rank if technical rankings are to be considered as a criteria for award) the firms' Technical Proposals and open the cost proposals and apply the criteria for award as specified in the RFP. (COV Sections: §2.2-4380.A, §2.2-4381.A)
 - m. After evaluation and ranking, the Committee shall conduct negotiations with two or more offerors submitting the highest ranked proposals. (COV Sections: §2.2-4380.A, §2.2-4381.A)
 - n. The contract shall be awarded to the offeror who is deemed fully qualified and has been determined to have provided the best value in response to the RFP. The Agency shall notify all offerors who submitted proposals, which offeror was selected for the project. When so provided in the RFP, awards may be made to more than one offeror. (COV Sections: §2.2-4380.A, §2.2-4381.A)
 - o. Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers. (COV Sections: §2.2-4380.A, §2.2-4381.A)
4. Guidance for the application of this policy can be found in Section 7.3 of the Construction and Professional Services Manual.