

**DESIGN-BUILD (D-B) PROCEDURES AS ADOPTED BY  
THE SECRETARY OF ADMINISTRATION  
Effective December 17, 2024**

In accordance with the provision of Chapter 43.1 of the *Code of Virginia* (hereinafter referred to as the "Chapter"), I hereby adopt the following procedures for the procurement of Design-Build ("D-B") contracts, as defined in the Chapter which shall be followed by all departments, agencies, and institutions of the Commonwealth (each of which is hereinafter referred to as the "Agency"). These procedures shall be effective December 17, 2024.

- A. **LEGISLATIVE AUTHORITY:** Under authority of the Chapter, the Commonwealth may enter into a contract with a Design-Builder in accordance with these procedures.
- B. **CRITERIA AND APPROVAL FOR USE OF D-B:** The Agency shall follow all the criteria for the use of D-B as set forth in the Chapter and contained herein and shall submit an application for approval or denial of the use of D-B to the Department of General Services Division of Engineering and Buildings.
- C. **D-B SELECTION PROCEDURES:** The following procedures shall be used in selecting a Design-Builder and awarding a contract:
  - 1. The Agency shall appoint an Evaluation Committee ("Committee") which shall consist of at least three members from the Agency, including a licensed design professional, if possible. The Committee shall include a licensed professional engineer or architect provided by the Division of Engineering and Buildings. *The Agency may contact the Construction Unit of the Transportation and Construction Section in the Office of the Attorney General to request that a representative from the OAG provide legal counsel to the Committee as may be requested by it.*
  - 2. The basis of the award of the contract shall be in accordance with the Chapter and consistent with the criteria established in the D-B Request for Qualifications and D-B Request for Proposal. It is noted that cost is a critical component of the selection process. Guidance on methods for award can be found in the Construction and Professional Services Manual. The Agency shall utilize the templates on the Department of General Services Documents and Forms center.
  - 3. **Selection of Qualified Offerors (STEP I):** On projects approved for D-B, the Agency shall conduct a prequalification process as follows to determine which offerors are qualified to receive Request for Proposals (RFPs).
    - a) The Agency shall prepare a Request for Qualifications ("RFQ") containing the Agency's Facility Requirements, building and site criteria, site and survey data (if available), the criteria to be used to evaluate RFQ Responses and other relevant information, including any unique capabilities or qualifications that will be required of the contractor. All offerors shall have a licensed Class "A" contractor registered in the Commonwealth of Virginia and an Architect or Engineer registered in the Commonwealth of Virginia as part of the Project team.
    - b) The RFQ shall be posted in accordance with Chapter 43.1 and agencies shall

- (i)include in the RFQ if responses may be submitted electronically and/or via paper response; (ii)shall post all documents open to public inspection pursuant to § 2.2-4342 that are issued or received by the Department on the Department's central electronic procurement website known as eVA.
  - c) The Committee shall evaluate each responding firm's RFQ responses and any other relevant information and shall determine those deemed fully qualified and suitable with respect to the criteria established for the project.
  - d) The RFQ evaluation process shall result in a short list of three to five offerors to receive the RFP. If available, the short list shall include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. An offeror may be denied prequalification only as specified under the § 2.2-4317, but the short list shall also be based upon the RFQ criteria.
  - e) The RFQ evaluation process shall evaluate an offeror's experience for a period of ten prior years to determine whether the offeror has constructed, by any method of project delivery, at least three projects similar in program and size.
  - f) At least 30 days prior to the date established for the submission of proposals, the Agency shall advise in writing each offeror which sought prequalification whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.
4. Selection of a Design-Build Contractor (STEP II):
- a) The Agency shall send a Request for Proposal ("RFP") to the offerors on the short list and request submission of formal proposals from them. The criteria for award shall be included in the RFP.
  - b) Proposals as described in the RFP shall be submitted to the Committee. Agencies shall include in the RFP if responses may be submitted electronically and/or via paper response.
  - c) Sealed Technical Proposals as described in the RFP shall be submitted to the 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.
  - d) The Committee will evaluate and rank the Technical Proposal based upon the criteria contained in the RFP. It will inform each D-B 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 during the design development
  - e) 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.
  - f) The Committee shall evaluate (and rank if technical rankings are to be considered as a criterion for award) the technical proposals. Should the Agency determine, in writing and at 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 after approval of the Director. Otherwise, the Agency shall open the cost proposals and apply the criteria for award as specified in the RFP.

- g) The Committee shall make its recommendation on the selection of a design-builder to the Agency head 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.
- h) The Agency shall notify the Division of Engineering and Buildings of its selection of the Design-Builder and shall request authority to award a construction contract by processing the CO-8, *Approval to Award Construction Contract* and providing supporting documents to the Division.
- i) The Agency will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, the Agency may notify all offerors who submitted proposals of the Agency's intent to award the contract to a particular offeror at any time after the Agency head has selected the Design-Builder. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
- j) Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

D. DOCUMENTS: As required by the Chapter the Agency shall post all documents open to public inspection pursuant to § 2.2-4342 that are issued or received by the Department on the Department's central electronic procurement website known as eVA.

E. GUIDANCE: Guidance for the use of these procedures can be found in the Construction and Professional Services Manual.

*Lyn McDermid*

12/17/2024

---

Lyn McDermid, Secretary of Administration      Date