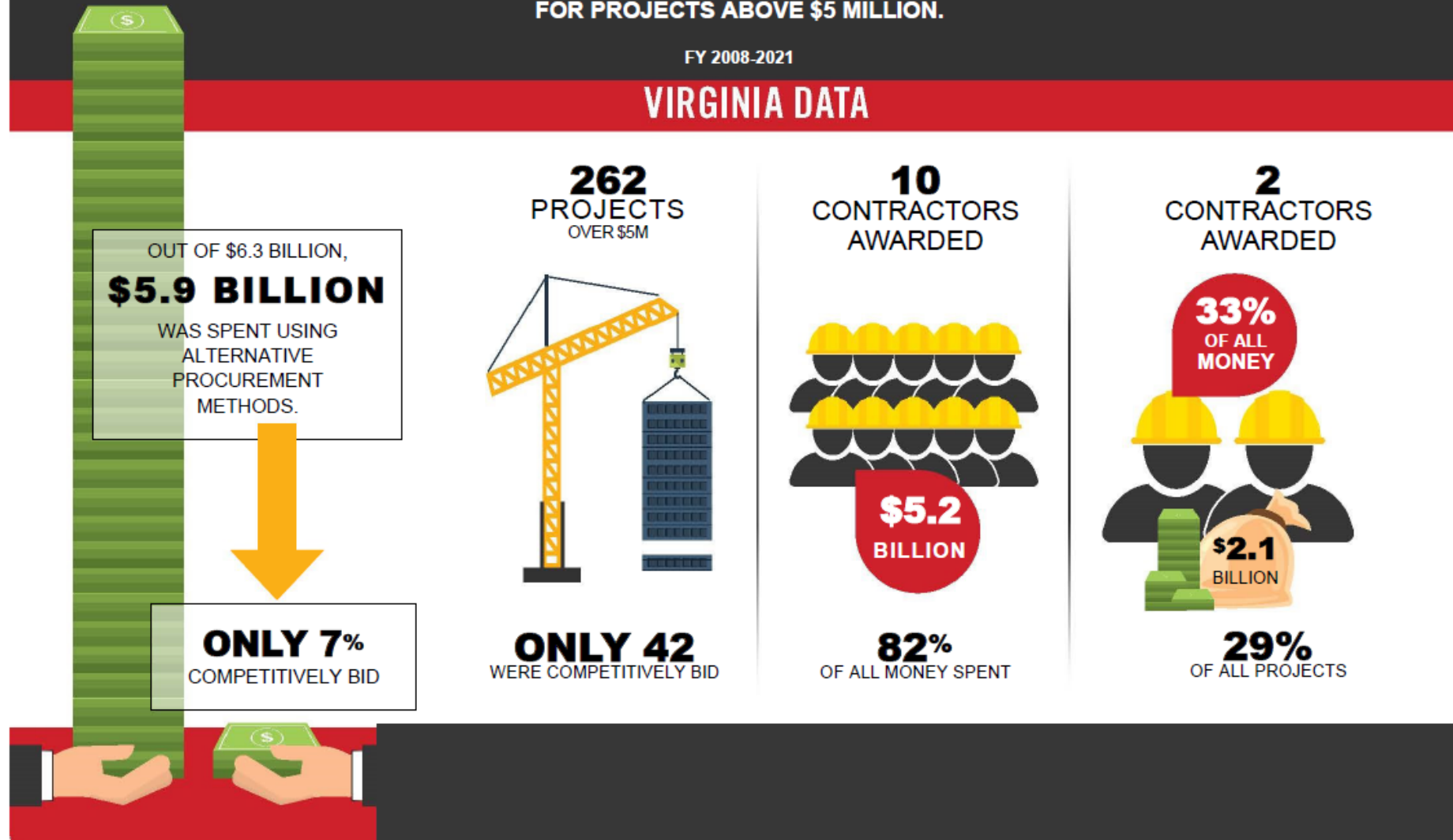




THE FOLLOWING REFLECTS 13 YEARS OF FOIA DATA
FROM ALL VIRGINIA FOUR YEAR UNIVERSITIES & NINE COMMUNITY COLLEGES
FOR PROJECTS ABOVE \$5 MILLION.

FY 2008-2021

VIRGINIA DATA



JAMES MADISON UNIVERSITY

\$789million
TOTAL SPEND ON CONSTRUCTION

ONLY **8.2%** (or \$64.6 million)
OF TOTAL SPEND WAS COMPETITIVELY BID

3 CONTRACTORS
ACCOUNTED FOR
57%
OF TOTAL MONEY SPENT

Contractor 1..... \$171.7 million
Contractor 2..... \$147.0 million
Contractor 3..... \$135.0 million

\$453.7 million
COMBINED

**All data stated on this page is compiled from 13 years of information provided directly by the specific university under the guidelines of the Freedom of Information Act (FOIA).

OLD DOMINION UNIVERSITY

\$327 million
TOTAL SPEND ON CONSTRUCTION

ONLY **4.8%** (or \$15.6 million)
OF TOTAL SPEND WAS COMPETITIVELY BID

2 CONTRACTORS
ACCOUNTED FOR
88%
OF TOTAL MONEY SPENT

Contractor 1..... \$168.0 million

Contractor 2..... \$121.2 million

\$289.2 million
COMBINED

**All data stated on this page is compiled from 13 years of information provided directly by the specific university under the guidelines of the Freedom of Information Act (FOIA).

\$656million
TOTAL SPEND ON CONSTRUCTION

ZERO%
OF TOTAL SPEND WAS COMPETITIVELY BID

23 OUT OF **23** PROJECTS
WERE NOT COMPETITIVELY BID

100%
OF TOTAL PROCUREMENT WAS NOT COMPETITIVELY BID

ZERO PROJECTS WERE
COMPETITIVELY BID

BUILDER RANKINGS

TOP 10 CONTRACTORS BY EARNED \$ (2008-2021)					
Rank	Company	Amount	# of Contracts	% of Total Projects	% of Total \$
1	Whiting-Turner Contracting Co	\$1,168,712,844	34	12.98%	18.49%
2	W.M. Jordan Company, Inc.	\$932,766,934	42	16.03%	14.76%
3	Skanska USA Building	\$596,417,401	16	6.11%	9.44%
4	S.B. Ballard Construction Company	\$589,345,019	16	6.11%	9.32%
5	Kjellstrom & Lee, Inc.	\$445,660,881	17	6.49%	7.05%
6	Donley's LLC.	\$364,610,936	15	5.73%	5.77%
7	Barton Malow Company	\$332,600,234	10	3.82%	5.26%
8	Gilbane Building Company	\$288,039,067	9	3.44%	4.56%
9	Branch & Associates, Inc.	\$246,279,492	15	5.73%	3.90%
10	Holder Construction Group, LLC.	\$203,276,732	4	1.53%	3.22%
Collective Totals		\$5,167,709,540	178		81.75%

CM Dorms - Actual Cost versus Virginia Building Construction Cost Database

University	Project Name	Project Cost	Year	Actual Cost/SF	Virginia Building Construction Cost Database Cost/SF	% over budgeted database cost	Cost over budgeted amount
JMU	Village Student Housing Phase 1	\$60,604,862	2023	418.33	336.00	24.50%	\$ 11,926,862.00
JMU	Paul Jennings Dorm/East Campus	\$49,503,463	2018	327.84	248.00	32.19%	\$ 12,055,463.00
ODU	Construct New Residence Hall - Owens House	\$47,095,425	2018	294.35	248.00	18.69%	\$ 7,415,425.00
Virginia Tech	Upper Quad Residential	\$69,704,066	2014	331.92	215.00	54.38%	\$ 24,554,066.00
Totals		\$226,907,816				24.66%	\$ 55,951,816.00

Recent Municipal CMAR Projects

Project	Owner	Date	Type	Budget
Downtown Renewal Program	City of Lynchburg	6/27/2023	RFP	\$ 8,000,000
Preston Park Elementary	Roanoke City Public Schools	5/16/2023	RFQ	\$ 33,800,000
Fay Towers	Richmond RHA	3/24/2023	RFP	\$ 15,000,000
New Brunswick County Elementary/Middle School	Brunswick County Public Schools	10/21/2022	RFQ	not noted
Administration Building on Campbell Ave.	Roanoke City Public Schools	6/28/2022	RFQ	not noted
New King George County Courthouse	King George County	11/1/2021	RFP	not noted
ACPS Middle School Capital Project	Augusta County Public Schools	7/14/2021	RFP	\$ 40,420,000
FCPS School Renovation Capital Project	Frederick County Public Schools	3/31/2021	RFQ	\$ 12,020,000
Courts Complex Additions and Renovations	County of Albemarle	3/15/2021	RFQ	\$ 35,000,000
Mason District Police Station	County of Fairfax	7/26/2019	RFQ	\$ 15,000,000



Considerations for DGS Public Procurement Workgroup on Alternative Delivery Methods in Public Procurement

The Associated General Contractors of Virginia (AGCVA) is the leading voice representing commercial construction in the Commonwealth. AGCVA proudly counts as its members a broad cross-section of the contracting community ranging from some of the largest general contractors and construction management firms in Virginia to some of the smallest local specialty contractors, and all contractor sizes in between. This broad base of membership allows AGCVA to bring together a wide range of ideas on important topics like alternative delivery methods in public procurement.

Recently, AGCVA convened a group of general contractors and construction managers to discuss the current public procurement landscape for construction, and what, if any, changes could be made to laws and regulations governing alternative delivery methods. This group represented a myriad of company sizes, markets, and preferred delivery methods. We recognize that while alternative delivery methods like construction management at risk (CMAR) and design-build (DB) have grown in use by some public owners, design-bid-build (DBB) remains the prominent delivery method in public procurement. As evidenced in the annual “Project Delivery Method Reviews” by the Department of General Services from 2018 – 2022, DBB projects outnumber alternative delivery method projects in both number of projects and total project cost.¹

AGCVA’s position remains that competition in public procurement should be fair and open. Accordingly, owners should select the delivery method based on the circumstances of the project. This past session, AGCVA opposed SB 954 because it created a strong statutory preference for one method and was opposed by a large group of stakeholders in public procurement. It did not represent any consensus or compromise ideas. Further, AGCVA’s position is that owners should select the contractor based on the contractor’s ability and experience in constructing similar types of projects. Consistent with the express requirement in Virginia law, disqualification should not be placed on a contractor’s prior experience with a specific delivery method. Finally, any decisions on delivery methods and the selection of contractors should be transparent.

Within these guidelines, AGCVA has considered the current statutes and regulations governing alternative delivery methods and recommends consideration of the following. It should be noted that these considerations, unless otherwise noted, apply equally to all categories of public owner, covered institutions, localities, and state agencies.

- **Procurement qualifications should be based on construction experience, not project delivery method.** Virginia law prohibits the use of prior CMAR or DB experience as prerequisite for award of a contract, but this often appears to be a significant factor for awards by agencies, institutions, and localities. AGCVA supports stricter adherence to existing law that only a contractor’s

¹ <https://rga.lis.virginia.gov/Published/2022/RD686>, <https://rga.lis.virginia.gov/Published/2021/RD657>, <https://rga.lis.virginia.gov/Published/2020/RD549>, <https://rga.lis.virginia.gov/Published/2019/RD551>, <https://rga.lis.virginia.gov/Published/2018/RD541>

experience with a similar project or building, not the procurement delivery method, should be considered for award of a project.

- **The complexity of a project should be the primary driving factor in determining eligibility for alternative delivery methods, and statute should clearly define what constitutes complexity.** As stated in the current statute, a complex project is a more suitable candidate for alternative delivery methods. While the cost of a project may sometimes relate to a project's complexity, that is not always the case. Small projects can be complex and large projects not very complex. Current regulations and statutes governing the selection of CMAR largely equate complexity with cost by setting a threshold above which CMAR is permitted without further consideration. There are instances where a very complex project is below the current threshold, or a non-complex project is above the current threshold. AGCVA would suggest the workgroup consider a clearer definition of a complex project as opposed to a monetary threshold set in code or regulation. AGCVA understands the difficulty in clearly defining a complex project in statute, and what may be complex for one owner may not be for another owner. Therefore, in lieu of a better definition of complex, AGCVA could suggest updating the threshold amount and having a clearly defined process for any projects seeking exemptions from the threshold. Regardless of the specific path, complexity should be the primary determining factor in the selection of an alternative project delivery method.
- **There should be increased transparency from public owners when choosing a delivery method and when selecting a contractor.** It is important in public procurement work for the public owner to be transparent and consistent in its selection criteria, especially in situations where alternative delivery methods are involved. Increased transparency both before and after contractor selection would encourage more consistent application of selection criteria. AGCVA is concerned about differing justifications or standards. AGCVA supports efforts that provide a consistent and level playing field for the contracting community across the Commonwealth.

As the DGS Public Procurement Workgroup considers changes to the statute regarding alternative delivery methods in public procurement, we submit that the above considerations represent a set of principles derived via a compromise among a group of contractors, though these ideas are not an official policy position of AGCVA. In contrast, the ideas considered in the original text of SB 954 do not represent any compromise. They seek to roll back years of progress and do not take into consideration the evolution of delivery methods in the market.

AGCVA appreciates the opportunity to submit these comments and looks forward to continuing to work collaboratively towards a compromise that respects both the current state of the market and addresses any current or future challenges.