

Attachment F-8 Construction Manager at Risk (CMAR)

A construction manager-at-risk (CMAR) assumes the risk for construction, rehabilitation, alteration or repair of a facility at the contracted price in the same manner as a general contractor, but also provides consultation to the Library regarding construction during and after the design of the facility.

A. Selecting a CMAR

A CMAR may be hired by the Library in either case by a one-step or two-step process that is outlined below:

- Prior to or concurrently with selecting a CMAR, the Library must select or designate an architect or engineer who will be responsible for preparing the design and construction documents for the project.
- This architect or engineer, if not a full-time employee of the Library, must be selected according to section 2254.004 of the Government Code.
- The Library's architect or engineer, or an entity related to the Library's architect or engineer, may not serve, either alone or in combination with another, as the CMAR.

B. One-step Process

In the one-step selection process, the Library issues a request for proposals (RFP). This RFP should include general information on the project site, scope, schedule, selection criteria, the weighted value of selection criteria, estimated budget, time/place for receipt of the proposal, whether a one or two step selection process will be used, and any other information that would assist the Library in its selection of a CMAR.

In the one-step process, the Library may request, as part of the requested proposals, information regarding proposed fees and prices for the fulfillment of the general field conditions. In other words, both qualifications and pricing are evaluated in one process.

C. Two-step Process

In the two-step selection process the Library first produces a Request for Qualifications (RFQ), which is identical to the RFP as described above, except that no cost or price information may be requested of offerors in the initial RFQ. In the second step, the Library selects a maximum of five offerors who responded to the RFQ to provide additional information. That information may

include proposed fees and prices for the completion of the CMAR's general field conditions. The two-step CMAR process is similar to the two-step method for selecting a design-build firm.

D. Proposal Evaluations and Negotiations

In both the one and two-step processes all proposals must be publicly opened and read aloud in their entirety, including pricing information included in the proposal at the appropriate step.

The Library must evaluate and rank the offers according to its published selection criteria within 45 days of the responses having been opened.

The Library then selects the proposal that offers the best value for the Library according to the published selection criteria and the ranking evaluation.

Following the selection of the offeror that offers the best value for the Library, the contract negotiation process begins. The Library negotiates first with the selected offeror. If the two parties cannot reach an agreement, the Library must give formal written notice to that offeror that negotiations are ended. The Library may then negotiate with the next ranked offeror. This process continues until the Library and an offeror reach an agreement on a contract or negotiations with all ranked offerors end.