



## COUNTY COMMISSIONERS

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COUNTY MANAGER: Dan LaMontagne

**Title:** Establishment of Criteria for the use of the Design-Build method of construction contracts for projects within Chatham County.

**Explanation:** On August 23, 2013, the Governor signed into law Session Law 2013-401, House Bill 857, authorizing governmental entities to utilize the Design-Build delivery method for construction contracts. To pursue using this method, Chatham County needs to establish, in writing, the criteria to be used in determining the proper and appropriate projects for the use of the Design-Build method.

Pursuant to the guidelines within GS 143-128.1A (b), Chatham County establishes the following criteria to be used when considering the use of the Design-Build Contract Delivery Method

- 1. *The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.*** The Design-Build method may be used if it is determined that the County employs professional personnel that are qualified and experienced to define the project requirements prior to the issuance of the request for qualifications. Project staff will include personnel from the Facilities & Construction, Finance and Legal departments and any/all departments directly affiliated with the specific projects in the development of the request for qualifications.
- 2. *Time constraints for the delivery of the project.*** The Design-Build method may be considered for projects where there are time sensitive completion constraints that may be more difficult to meet with the other typical delivery methods (RFQ, Study, Design, Bid and Construct / CMaTR).
- 3. *The ability to ensure a quality project can be delivered.*** The Design-Build method may be considered once it has been determined that the County has proper and experienced personnel that can ensure that the Design-Build firm can and will deliver a quality project within any time and/or budget requirements for the project. Facilities & Construction personnel will be considered for the project management.
- 4. *The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the Design-Build method of delivery.*** The County must either employ personnel that are qualified and knowledgeable of the Design-Build method or secure an experienced consultant to perform construction management of the Design-Build contract.
- 5. *A good faith effort to comply with GS 143-128.2, GS 143-128.4 and to recruit and select small business entities. The County shall not limit nor otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work.*** The Design-Build method may be considered as long as the project requirements can be imposed to ensure that the County's HUB participation outreach program can be adhered to for the project.
- 6. *The criteria utilized by the County, including a comparison of the advantages and disadvantages of using the Design-Build method for a given project in lieu of other identified delivery methods.*** Items to be contemplated when the County is considering using the Design-Build method shall include, but not be limited to:

- Are there characteristics that make the Design-Build delivery method more appropriate?
- Is the project schedule constrained in a manner that will require a shorter time frame?
- Will other portions of the facility need to remain operational throughout the project?
- Is there a maximum budget to be adhered to that would allow negotiations and flexibility to make decisions on scope as the project progresses?
- Does the Design-Build method ultimately meet the goals established for the overall project including budget, schedule and anticipated final product as a result of a more fluid and flexible form of delivery?

**Recommendation:** Approve the criteria and allow the use of the Design-Build method of construction contract delivery for Chatham County.