DESIGN-ASSIST AND DESIGN-BUILD SUBCONTRACTING
[Used in CM at Risk and Collaborative Design-Build Models]

Introduction

In design-assist and design-build subcontracting the general contractor (GC) brings trade subcontractors into the design phase of a project by contracting with them for preconstruction services, and subsequently construction--similar to the GC selection in the CM at Risk (CMR) or Collaborative Design-Build (CDB) project delivery methods. Advantages in doing this include:

- early bidding of portions of the construction cost,

- incorporating the expertise of the trade subcontractor into the design phase,

- design around specific products,

- early preparation of shop drawings,

- Design-assist: the engineer on the GC/AE's design team remains the engineer of record, and the subcontractor's engineer acts in a peer review capacity.

- Design-build: the subcontractor becomes the engineer of record for that portion of work, and the engineer on the GC/AE's design team is responsible for peer review and coordination of the subcontractor's work into the project.

Following are the processes for each subcontracting model.

Procurement of Design-Assist (DA) Trades

1. Use of DA trade contractors shall be project-specific.

2. Maximize the use of DA trade contractors, encouraging use for MEP trades, curtain walls, foundation, fire protection, fire alarms, security, IT, BMS, and other specialty trades.

3. The Project Team (GC, Campus, and Architect/Engineer) will make decisions regarding the best trades for DA, and jointly work through the prequalification and RFP processes. The GC shall propose on the DA trades, but not specific trade contractors, at the RFP phase and include fees for the proposed DA trades in their proposed fees.

    - The selection of the actual DA trade contractors shall occur after the preconstruction award as detailed herein.

    - Similar to the CSU selection process for the CMAR and CDB, the GC will utilize a DA trade contractor prequalification and RFP selection process and a two-contract award process (preconstruction and construction).

4. GC specifies DA scope at 50% Schematic or before, but may have to wait until Design Development to issue the contract.

5. GC initiates an enhanced trade contractor prequalification process for DA, including advertising the bid package. The advertisement and prequalification process shall include a description of the DA element and a scope of work description.

Design-Assist (DA) Trades (continued)

6. The Project Team shall jointly select a minimum of four qualified DA trade contractors from the prequalification process to go on to the RFP phase.

7. The GC will issue an RFP to the selected DA trade contractors. The GC's trade RFP for each DA trade contractor will contain a defined scope of work, publish the target budget, require the DA trade contractor to propose a fee for preconstruction services, and provide a target construction subcontract amount for the defined scope of work. GC shall require DA trade contractors to submit a schedule of values for their scope of work.

8. Interviews and RFP evaluations shall be done by the Project Team.

9. The DA trades proposed cost on the RFP should be scored at 25-30% of the total evaluation points, and the quality score, the remaining 70-75%.

10. The University will issue to the GC an amendment to the preconstruction services agreement authorizing the DA portion of the trade contractor's proposal. The GC then may issue a DA subcontract to the DA trade contractor(s) for preconstruction services.

11. During preconstruction, the trade contractor will work with the Architect to achieve the proposed target construction subcontract amount.

12. The Architect's engineer remains the Engineer of Record and may delegate detailing to the DA trade contractor.

13. The DA trade contractor will perform constructability and target budget management as a peer review.

14. Architect to review and approve the DA trade contractor's constructability comments, and incorporate them into the Contract Documents. DA input is critical to enable the trade contractor to meet the target budget.

15. DA trades shall be an integral part of the estimating for their scope of work, or scopes that they may affect.

16. When the construction documents are complete, or when the GC and trade contractor agree, the GC shall require the DA trade contractor(s) to propose a final construction subcontract amount. The GC may not award a construction subcontract if the DA trade contractor's proposed final construction subcontract amount exceeds its target construction subcontract amount, as amended and approved by the University during the preconstruction process.

17. If the Project Team deems that the DA trade contractor's proposed final subcontract amount is close enough to the target subcontract amount, and the GC is awarded a construction contract, the University will instruct the GC to award a construction subcontract

18. If the DA trade contractor's proposed final subcontract amount exceeds the target subcontract amount, the GC may put the work out to an open bid. The DA trade contractor may bid the work at that time. If the GC lets the trade scope of work out to bid, the GC shall award to the lowest responsive bidder.

Procurement of Design-Build (DB) Trades

1. Use of DB trade contractors shall be project-specific.

2. Maximize the use of DB trade contractors, encouraging use for MEP trades, curtain walls, foundation, fire protection, fire alarms, security, IT, BMS, and specialty trades.

3. The Project Team will make decisions regarding the best trades for DB, and jointly work through the Prequalification and RFP processes. In CDB, the GC shall propose on the DB trades at the RFP phase, but not the specific trade contractors, and include fees for the proposed DB trades in their proposed fees. The selection of the actual DB trade contractors shall occur after the preconstruction award as detailed herein.

4. GC specifies DB scope at 50% Schematic or before, but may have to wait until Design Development to contract.

5. Similar to the selection process for the CMAR or CDB, the GC shall utilize a DB trade contractor prequalification and RFP process and a two-contract award process (preconstruction and construction). Both contracts are held by the GC.

6. GC initiates an enhanced trade contractor prequalification process for DB, including advertising the bid package. The advertisement and prequalification process shall include a description of the DB element and a scope of work description.

7. The Project Team shall jointly select a minimum of four qualified DB trade contractors from the prequalification process to go on to the RFP phase.

8. The GC will issue an RFP to the selected DB trade contractors. The GC's RFP for each DB trade contractor will contain a defined scope of work, publish the target budget, require the DB trade contractor to propose a fee for preconstruction services, and provide a construction subcontract amount for the defined scope of work.

9. Interviews and evaluations as part of the RFP process shall be done by the Project Team.

10. During preconstruction, the DB trade contractor will work with the GC and Architect to achieve the target construction subcontract amount.

11. The DB trade contractor will propose on a GMP for his scope of work as described in the RFP or as modified during the preconstruction phase.

12. The GC's DB trade contract award will be based on an evaluation by the Project Team.

13. The Project Team will factor in quality points and total cost points to determine which proposer may be awarded a DB construction contract.

14. The DB trades proposed cost on the RFP should be scored at 25-30% of the total evaluation points, and the quality score, the remaining 70-75%.

15. The University will issue to the GC an amendment to the preconstruction services agreement authorizing the design portion of the DB trade contractor's proposal. The GC then contracts with the DB trade contractor(s) for the design phase. The contract is tied to the DB trade contractor's DB proposal and bid amount. The bid package must be a performance type DB scope. The GC's construction subcontract must be a DB type of

Design-Build (DB) Trades (continued)

contract and incorporate the design from the preconstruction phase. GC shall specify in the DB RFP that the DB construction contract is contingent upon the GC receiving a construction contract award.

16.   The DB trade contractor is contractually required to hold his proposed construction cost, as modified by change order.

17.   The Architect delegates detailing and design responsibility to the DB trade contractor, with the DB trade contractor's engineer becoming the engineer of record, and the Architect's consultant acting in a peer review capacity.

18.   The Architect will incorporate the DB trade contractor's drawings and details into the contract documents.

19.   DB trades shall be an integral part of the project estimating, cost controls, and constructability for any trades they may affect.

20.   The DB trade contractor is responsible for estimating, completion of the design, and constructability for its own scope of work to assure compliance to the DB contract construction award amount.

21.   The GC issues a subcontract to the DB trade contractor for preconstruction services.