

160-5-4-.18 BIDDING REQUIREMENTS FOR SCHOOL CAPITAL OUTLAY PROJECTS.

(1) DEFINITIONS.

(a) **Design/bid/build** - a construction delivery method that involves securing competitively bid lump sum construction. Contracts are based on complete and prescriptive contract documents prepared by architects and engineers and made up of drawings, specifications, and supporting information. The design-bid-build/lump sum (or stipulated sum) delivery system, uses competitive bidding among general contractors, with performance/payment bonds, and various other statutory requirements and State Board of Education rules being employed to protect the owner's investments. While bidders may be asked to prequalify, the procurement process must be a competitive sealed bid, with the price being the only factor, subject to the bidder showing it is both responsible and its bid is responsive to the solicitation.

(b) **Construction Manager/General Contractor at Risk** – a construction delivery method that allows the owner to (1) hire a construction manager at any time during the project pre-design phase. The construction manager and the architect/engineer work together to develop and estimate costs for the design. A guaranteed maximum price is provided by the construction manager at risk who then receives proposals and awards contracts to subcontractors; or (2) hire a general contractor after the completion of the design phase. The procurement process for the construction manager or general contractor must be a competitive qualifications selection. Following a procedure similar to that contained in O.C.G.A. § 36-91-20 *et seq.* is acceptable.

(c) **Design/Build** – a construction delivery method wherein the builder and the architect are one entity hired to deliver the project. A guaranteed maximum price is usually furnished in the beginning of the project based upon the design criteria prepared by the Client. The procurement process must be a competitive qualifications-based selection. Following a procedure similar to that contained in O.C.G.A. § 36-91-20 *et seq.* is acceptable.

(d) **Construction Management Services** – an individual, company, or firm that represents the governmental agency in an administrative and oversight capacity of a construction project. Construction Management Services are intended to cover the services of a Construction Manager Agent not at risk, Construction Manager, and Program Manager. The procurement process must be a competitive qualifications-based selection. Following a procedure similar to that contained in O.C.G.A. § 36-91-20 *et seq.* is acceptable.

(2) REQUIREMENTS.

(a) The requirements of this rule shall apply to all public school construction projects regardless of project funding source unless exempt by O.C.G.A. § 36-91-22.

(b) Local boards of education seeking bids or proposals on a school construction project shall comply with the provisions of O.C.G.A. § 36-91-1, and shall advertise for bids or proposals in accordance with O.C.G.A. § 36-91-20(b) and 36-80-26.

(c) Local boards of education shall not restrict open and competitive award requirements on construction projects. Any criteria or process adopted by a local board of education for the purpose of pre-qualifying prospective bidders shall be in compliance with O.C.G.A. § 36-91-20(f) and 36-91-23.

(d) Local boards of education shall make available complete sets of plans and specifications to all bidders on construction projects using a design/bid/build construction delivery method. Projects using any other construction delivery methods shall submit plans and specifications for approval as appropriate based on the delivery method used. For construction delivery methods where competitive sealed bids and/or proposals are appropriate, plans and specifications shall be available to all offerors as required by O.C.G.A. § 36-91-21(c).

(e) Local boards of education shall not restrict the competitive award requirements on construction projects on the basis of race, religion, sex, disability, age or national origin.

(f) Local boards of education shall submit to the department a certified tabulation of all bids/proposals received for construction projects.

(g) Local boards of education may use deductive alternates to reduce the base bid on state-funded projects using the design/bid/build construction delivery method; however, the deductive alternates shall be bid prioritized and exercised in numerical sequence as used in the bid documents. When the local school system determines that deductive alternatives must be selected, all bids will be recalculated removing the deductive alternates to be taken. The low bid shall then be determined on the base bid less any deductive alternates.

(h) The plans and specifications shall indicate if the project will be awarded by base bid or base bid plus selected alternates. Additive alternates may be exercised in any order. If the plans and specifications state that the contract will be awarded on base bid, then additive alternates are considered only after the low base bidder has been declared. If the plans and specifications state that the project will be awarded by base bid plus additive alternates, all bids will be recalculated adding the additive alternates to be taken. The low bid shall then be determined on the base bid plus the selected additive alternates.

(i) Local boards of education shall comply with all procedures contained in *Guidelines for Receiving State Capital Outlay Funds* when bidding state-funded Capital Outlay projects. Copies of this publication may be obtained from the department or downloaded directly from the web at <http://www.gadoe.org/Finance-and-Business-Operations/Facilities-Services/Documents/8.%20Guideline%20for%20Receiving%20State%20Capital%20Outlay%20Funds%20051012.pdf>.

Authority O.C.G.A. § 20-2-260; 36-80-26; 36-91-1; 36-91-20; 36-91-21; 36-91-23; 36-91-40; 36-91-41; 36-91-42; 36-91-43; 36-91-44; 36-91-45; 36-91-50; 36-91-52; 36-91-70; 36-91-71; 36-91-72; 36-91-73; 36-91-74; 36-91-75.

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