

160-5-4-.15 PROCESSING OF PLANS AND SPECIFICATIONS FOR PUBLIC SCHOOL CONSTRUCTION.

(1) DEFINITIONS.

(a) **Planning and construction documents** - all architectural and engineering drawings, project manual, technical specifications, addenda, change orders, and other documents as requested that are employed in the design, bidding, and construction of a public school facility.

(b) **Project manual** - the bound document containing the Invitation for Bid or Proposal, Instruction to Bidders or Offerors, Proposal Form, General Conditions of the Contract, Supplementary Conditions, Special Conditions, Sample Forms, and other documents as required, as well as all technical specifications for the project.

(c) **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.

(d) **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.

(e) **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 selection. Following a procedure similar to that contained in O.C.G.A. § 36-91-20 *et seq.* is acceptable.

(f) **Construction Management Services** – an individual, company, or firm that represent 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 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) The local board of education shall submit to the department for approval all planning and construction documents for the design and/or modification of any facility or structure that will house public school children or that will be utilized to provide services for public school children. Approval will be in accordance with the current department publications as listed in Rule 160-5-4-.16. Copies of the publications named in Rule 160-5-4-.16 may be obtained from the Department or printed directly from the Facilities Services website located at www.doe.k12.ga.us/facilities/rulesandguidebooks.html.

(c) Final drawings and the project manual for any public school construction project using the design/bid/build construction delivery method shall be submitted to the department in accordance with paragraph (2)(b) above and approved prior to advertisement for bids. Projects using any other construction delivery method shall submit plans and specifications for approval as appropriate based on the delivery method used. If final plans are not approved in accordance with this rule, any state funds allocated to the project shall be withheld. Plans and specifications for all projects without regard for the fund source or construction delivery method must be approved by the department in compliance with O.C.G.A. § 20-2-260(c)(7), 20-2-260(d)(6), and 20-2-261.

1. The local board of education shall be responsible for having all final drawings and the project manual approved by the state and local Fire Marshal, Department of Human Resources, and local government agencies and any required permits issued prior to the start of construction.

(d) The local board of education shall procure the services for the construction activities defined and set forth in (1) (d), (e), and (f) through a Qualification-Based Selection via Request for Proposal, or may use a similar statutory or industry-recognized model that does not restrict competition. Prior to issuing the Request For Proposal, the local board of education shall obtain a letter from legal counsel that the proposal has been reviewed and meets all of the criteria required in O.C.G.A. § 36-91-20 and 36-91-21. This process must have a documented method of evaluation for

selecting firms and such information shall be made available to all participants of the process, As a minimum, the local board shall advertise for such services for a period of four weeks, using the criteria set forth in O.C.G.A. § 36-91-20.

Authority O.C.G.A. § 20-2-260; 20-2-261; 36-91-20; 36-91-21; 36-91-22.

Adopted: October 9, 2008

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