Florida Gulf Coast University Board of Trustees  
September 17, 2013

**SUBJECT:** Regulation FGCU-PR6.022 Acquisition of Architectural, Engineering, Construction Management, and Design-Build Services

**PROPOSED BOARD ACTION**

Approve amendment to regulation FGCU-PR6.022, Acquisition of Architectural, Engineering, Construction Management, and Design-Build Services

**BACKGROUND INFORMATION**

The wording changes are necessary for the regulation to be consistent with the Board of Governors Regulation BOG 14.004 Public Announcement and Qualification Procedure.

**Supporting Documentation Included:** Notice and Text for Regulation FGCU-PR6.022 Acquisition of Architectural, Engineering and Construction Management Services

**Prepared by:** Director of Facilities Planning Thomas Mayo

**Legal Review by:** Vice President and General Counsel Vee Leonard (August 16, 2013)

**Submitted by:** Vice President for Administrative Services and Finance Steve Magiera
FLORIDA GULF COAST UNIVERSITY
NOTICE OF REGULATORY ACTION
AUGUST 16, 2013

REGULATION TITLE:
Acquisition of Architectural, Engineering and Construction Management or Design-Build Services

REGULATION NO.:
FGCU-PR6.022

SUMMARY:
This Regulation is being amended to revise the membership of a construction management services selection committee to be consistent with the Board of Governors Regulations.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

LAW IMPLEMENTED:
Board of Governors Regulations 1.001, 14.005 and 14.0055; §1013.45, Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Thomas Mayo, Director, Facilities Planning

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Steve Magiera, Vice President for Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Executive Assistant, dstjohn@fgcu.edu; 239.590.7466 (Phone), 239.590.7470 (Facsimile); 10501 FGCU Blvd. S, Fort Myers, FL 33965-6565.

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE SEPTEMBER 3, 2013 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: AUGUST 16, 2013
REGULATION: FGCU-PR6.022

Acquisition of Architectural, Engineering, Construction Management, or Design-Build Services

Effective Date of Regulation: 06/18/13

A. Announcement of Intent to Acquire Architectural, Engineering, Construction Management or Design-Build Services

The University will announce its intent to acquire the following services:

1. Professional services for a project with estimated construction costs exceeding $250,000. **However, the University may use a continuing contract for this activity;**

2. Continuing contracts for professional services, or continuing contracts for construction management services, for projects with estimated construction costs which do not exceed $2,000,000;

3. Professional services for development of design criteria for design-build projects;

4. Construction management services;

5. Design-build services;

6. Professional services for planning or study activity when the fee will exceed $50,000. **However, the University may use a continuing contract for this activity;** or

7. Continuing contracts for professional services for planning or study activity which does not exceed $200,000.

B. Selection of Professional Services

Selection of architectural and engineering firms shall be done by a Selection Committee consisting of at least three persons of which two will have demonstrable experience in the selection of professional architectural or engineering services or education in construction, engineering, architecture or other related discipline. The Committee shall consider the following for each firm: the experience of professional personnel; past performance; ability to meet time and budget requirements; location; and recent, current and projected workloads of the firms. The Selection Committee shall consider the results of any evaluation completed in accordance with Regulation 6.023 when selecting a professional firm.
When acquiring professional architectural or engineering services, a Selection Committee shall use a form approved by the Vice President for Administrative Services and Finance or designee for the purpose of evaluating an architectural or engineering firm.

C. **Selection of Construction Management Services**

When the University has determined that the use of construction management services are in its best interest, a Selection Committee shall be convened to select the construction management firm. The Selection Committee will consist of at least three members, two of which must have demonstrable experience in the selection of construction management and/or professional architectural or engineering services or education in construction, engineering, architecture or other related discipline. The committee shall include at least one facilities professional from the University Office of Facilities Planning or Physical Plant, one facilities professional who is not required to be a current University Office of Facilities Planning or Physical Plant employee and one or more additional members, based on the special needs of the project, if required. The committee may also include one student as a non-voting member.

The Committee shall include at least one architectural or engineering professional from the Facilities Planning Office and one architectural or engineering professional who is not a current University employee. The Selection Committee shall conduct discussions with the construction management firms regarding their qualifications, approach to the project, and ability to furnish the required services. The Selection Committee shall also consider the results of any evaluation completed in accordance with Regulation 6.023 when selecting a construction management firm. When acquiring construction management services, the Selection Committee shall use a form, approved by the Vice President for Administrative Services and Finance or designee, created for the purpose of evaluating a construction management firm.

D. **Selection of Design-Build Services**

Design-build entities shall be selected either on the basis of qualifications or on the basis of formal design-build proposals. For qualifications-based selections, the Committee shall consider the criteria for selection of architects and engineers and the criteria for selecting a construction manager and shall follow the selection process described for construction managers. For proposal-based selections, the Committee shall review all design-build proposals and shall rate each firm on the basis of the point scale identified in the solicitation. When acquiring design-build services, the Selection Committee shall use a form, approved by the Vice President for Administrative Services and Finance or designee, created for the purpose of evaluating design-build entity.
E. Special Requirements for the Project

If special requirements are necessary for the project, the University will establish additional criteria to review in determining whether the applicant possesses the expertise and experience necessary to perform the services being solicited and include those special requirements in the announcement of intent to acquire services for the project.

Approved by the Florida Gulf Coast University Board of Trustees
Approved: 06/18/13

Law Implemented:
Board of Governors Regulations 1.001, 14.004, 14.005 and 14.0055; Section 1013.45, Florida Statutes

History of Regulation:
New 06/18/13; Amended

Effective Date of Regulation:
06/18/13