



## **Project and Facilities Management Department Best Value Construction Contract Procurement Procedures and Criteria**

### **Purpose:**

To establish procedural roles and responsibilities for Best Value procurement of contracts for construction projects, in excess, of one million dollars (\$1,000,000), and unit price Job Order Contracting (JOC) for contracts with a maximum value of three million (\$3,000,000), adjusted annually to reflect the percentage change in the California Consumer Price Index (CPI), with the option for two subsequent one-year terms not to exceed six million (\$6,000,000) over the two extended terms of the contract and adjusted annually for the percentage change in the CPI, and conducted in accordance with Public Contract Code Section 20155, et seq. San Bernardino County (County) shall use the following procedures and criteria to award a contract on the basis of best value.

### **Procedure:**

- 1) The Department requiring the award of a construction contract shall obtain Board of Supervisors (Board) approval to solicit and award a construction contract on the basis of best value. This Board approval must include a written finding that awarding the contract on the basis of best value, for the specific project under consideration or for Job Order Contracts, will accomplish one or more of the following objectives:
  - a) Reduce project costs.
  - b) Expedite completion of the project.
  - c) Provide features not achievable through contract award on the basis of the lowest bid price.
- 2) Upon approval from the Board, the County may publish a Request for Qualifications (RFQ) to pre-qualify bidders pursuant to Public Contracting Code (PCC) Section 20101.
- 3) Upon the completion of a Request for Qualifications and pre-qualification of firms eligible to compete in a Request for Best Value Bid (RFBVB), the County may prepare a RFBVB solicitation. Notice shall be given pursuant to PCC Section 20125.
  - a) Each RFBVB shall include:
    - i) Sections identifying and describing the following:
      - (1) Criteria the County will use to evaluate bids.
      - (2) The methodology and rating or weighting system used to evaluate bids.
      - (3) The relative importance or weight assigned to each criteria identified in the RFBVB.
    - ii) Instructions for bidders to submit a technical/qualifications exhibit and a separate sealed cost/price exhibit.
  - b) Evaluation shall to the extent possible, use quantifiable measurements and shall include, but not be limited to, the following evaluation criteria:
    - i) Bidder's demonstrated management competency including experience, capability, and capacity of the proposed management staff to complete projects of similar size, scope, or complexity.

- ii) Bidder's relevant experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity.
  - iii) Bidder's financial condition including having the resources needed to perform the contract. The criteria used to evaluate a bidder's financial condition shall include, at a minimum, capacity to obtain all required payment bonds, performance bonds, and liability insurance.
  - iv) Bidder's labor compliance and ability to comply with statutory requirements for the payment of wages and qualifications of the workforce. The criteria used to evaluate a bidder's labor compliance shall include, as a minimum, the bidder's ability to comply with apprenticeship requirements of the California Apprenticeship Council and the Department of Industrial Relations, its past conformance with those requirements, and its past conformance with requirements to pay prevailing wages on public works projects.
  - v) Bidder's safety record and prior history on construction contracts. The criteria used to evaluate a bidder's safety record shall include, at a minimum, its
  - vi) experience modification rate, average total recordable injury or illness rate, and average lost work rate for the most recent three-year period.
  - vii) The evaluation of some or all of the preceding qualifications for subcontractors proposed to be used by the bidder for designated portions of the work.
  - viii) Minimum requirements may be included in a solicitation to evaluate essential prerequisites such as certifications, licenses, bonding, insurance, labor compliance and eligibility to work on public works projects.
- c) An evaluation committee shall be appointed by the bid facilitator to evaluate the qualifications of the bidders.
- i) Each evaluation committee member shall receive a copy of the technical/qualifications exhibit, excluding the price proposal, from each responsive bidder.
  - ii) Each evaluation committee member shall evaluate and score the qualifications of the bidders based solely upon the criteria set forth in the solicitation documents.
  - iii) The evaluation committee shall collectively assign a qualification/technical score to each responsive and responsible proposal.
  - iv) Evaluation of the best value contractor shall be done in a manner that prevents price information from being revealed to the committee members evaluating bidder qualifications prior to completion of the interim report.
  - v) The facilitator shall draft an interim report, containing qualification scores, which shall be reviewed and approved by the Department Director or designee.
  - vi) To determine the best value contractor, the County shall divide each bidder's price by its qualifications score. The lowest resulting cost per quality point will represent the best value bid. A report, containing the final cost per quality point scores of all responsive and responsible bidders and the contract award recommendation, shall be submitted by the Department Director to the Board for award.
- d) Upon completion of the final report, if the County intends to award a contract, the County shall publish a notice of intent to award specifying the apparent best value bidder.
- i) A contract shall not be awarded if the solicitation resulted in the submission of fewer than three responsive proposals.
  - ii) Upon the refusal or failure of a successful bidder to execute a tendered contract, the Board, if deemed to be in the best interest of the County, may award to the bidder with the second lowest best value score. If the second bidder fails or refuses to execute the contract, the Board may likewise award to the bidder with the third lowest best value score.
  - iii) Upon contract award, the County shall publicly announce its award identifying the best value contractor, the project, the project price, and the selected best value contractor's

score based on the evaluation criteria listed in the BVB. The notice of award shall be made public and include the score of the selected best value contractor in relation to all other responsive bidders and their respective best value scores.

- e) Any protests received shall be processed in accordance with the procedures set forth in San Bernardino County Policy 11-04.