

CAPITAL CONSTRUCTION ASSISTANCE BOARD MINUTES OF THE NOVEMBER 30, 2010 SUBCOMMITTEE MEETING

Meeting held at:
One Park Central
1515 Arapahoe Street, Tower 1 -Suite 400,
Denver, CO 80202
Tuesday, November 30, 2010

I. Call to Order

- 9:05 a.m. Mike Maloney called the meeting to order.

Attendees

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| Mike Maloney – CCAB Secretary | Ted Hughes – Staff (CDE) |
| Pete Jefferson – CCAB | Kevin Huber – Staff (CDE) |
| Dave Van Sant – CCAB | Cheryl Honigsberg – Staff (CDE) |
| Adele Willson – CCAB | |
| Tom Stone – CCAB | |

II. Discussion Item

- Discussion pertaining to vendor/consultant selection for BEST grant projects and master planning. Ted Hughes told the CCAB Subcommittee this arranged this meeting to discuss all consultants involved in the BEST Grant process. Ted Hughes clarified he is not trying to protect the larger vendor community in any way. Ted Hughes said he is trying to have a fair, transparent process and prefers a detailed RFQ process and narrowing the selection to 2-3 vendors.

Ted Hughes discussed the benefits of a “Qualification Based Selection” process, as opposed to using a “Low Bid” process, with the CCAB Subcommittee. Ted Hughes noted how this process emphasizes the need for good planning. Ted Hughes told the CCAB Subcommittee that other firms are using a similar process and have found it be successful. A CCAB member stated the Constitution is very clear; the local boards have the control. The CCAB member said if the CCAB makes the selection process mandatory, he will not support it. The CCAB member said he will only support the selection process if it is “highly recommended.”

A CCAB member said overall BEST is funding 70% of the total project costs, so he has no issue putting a stipulation in stating certain requirements for consultants. The CCAB Subcommittee discussed how the BEST Construction Guidelines and Rules must be followed and how they think a consultant selection process should be followed as well. A CCAB member disagreed. The CCAB member said he thinks the CCAB should only adopt a process and not dictate who is on the selection committee. The CCAB Subcommittee further discussed the topic and what is enforceable. Ted Hughes said the

process is currently “recommended” and that the Division is able to find people to help on the selection committee. A CCAB member mentioned, for transparency, the Division staff should be a non-voting resource.

Owner’s representative discussion. A CCAB member asked what happens if a grantee does want to follow the selection process. Ted Hughes discussed a situation where the superintendent of Swink School District did not want an owner’s representative and wanted to do the work himself. Ted Hughes said because of this, a lot of issues arose and the district ended getting an owner’s representative to fix the problems. A CCAB member said an owner’s representative is the only link to accountability. Another CCAB member said if the grantee does not want an owner’s rep, then they need to have someone in-house who is qualified. Ted Hughes told the CCAB Subcommittee how important it is to have an owner’s representative involved in the Lease-Purchase projects. A CCAB member suggested if the grantee does not want an owner’s representative, money needs to be set aside in case issues arise. The CCAB Subcommittee further discussed and suggested certain guidelines be put in place for having an owner’s representative.

The CCAB Subcommittee discussed if the selection process should be based on the vendor’s fee. A CCAB member said if the selection process is going to be fee based, let the consultants know up front. The CCAB Subcommittee reverted back to an early topic of mandating the process. A CCAB member said if the CCAB tells grantees how to do the process, then BEST needs to fund the project 100%. The CCAB Subcommittee further discussed mandating the process and noted how the BEST statute would need to be revised to say the process needs to be mandated.

A CCAB member asked if the assurances and certificates were included in the award letter. Ted Hughes said the insurances and certificates are in the actual grant application, but there is no information pertaining to procurement. Ted Hughes said a clause about owner’s representatives can be added to grant application that says the district must have an owner’s representative if applicable, or have a plan on who will provide those services and how they will provide them. The CCAB Subcommittee agreed. The CCAB Subcommittee discussed how owner’s representatives need to be reviewing the scope of services. Cheryl Honigsberg with the Division staff said the staff currently reviews project scopes and drawings in addition to owner’s representatives to ensure everything is on track.

The CCAB Subcommittee came to an agreement on whether the procurement process should be qualification based or fee based. The CCAB Subcommittee agreed that for Master Planners, Owners Representatives, Architects, Engineers and Design Builders, the process should be qualification based. The CCAB Subcommittee agreed the qualification based process should adhere to these steps: complete a request for qualifications (RFQ), shortlist the best qualified offerors, rank and select the most qualified, determine the scope of work, and last negotiate the fee. The CCAB Subcommittee also agreed that if the grantee does not want to follow the BEST recommended procurement process, an alternative plan/process could be submitted, which would need to be approved by the BEST Division and the CCAB. The CCAB Subcommittee agreed to review the language of the procurement process at the January meeting and make any necessary revisions.

III. Public Comment

- The CCAB Secretary asked if there was anyone who had questions or would like to speak from the public.

Kate Fields, with OZ Architecture asked that requests for qualifications not include previous BEST experience. Ted Hughes said the RFQ's do not include that information. Kate Fields said there is still a perception out there. Ted Hughes said it is not part of the process and he cannot stop a firm from putting it in their application

Mae Ann Saas, with Edios Architects, asked what I.F.B. stands for. A CCAB member said invitation for bid.

Meeting Adjourned.