PART A – POLICY AND PROCEDURES

CHAPTER 2 – DESIGN, CONSTRUCTION & COMPLIANCE (OFPM) ORGANIZATION, SERVICES AND FEES

1.0 Overview

1.1 OFPM provides professional design and construction related services to state agencies and the primary objective is to assist state agencies in the delivery of safe, high-quality facilities within established programs, budgets, and schedules. The following services are provided:

1.1.1 Coordination of the nomination and selection of Project Architects and Engineers (K.S.A. 75-1253),

1.1.2 architectural and engineering design services on designated projects (K.S.A. 75-1254),

1.1.3 assistance in the "administration of contracts for professional services and contracts for construction" (K.S.A. 75-1259 and K.S.A. 75-1262),

1.1.4 contracts for ancillary services (K.S.A. 75-3784),

1.1.5 interpretation and enforcement of building codes, accessibility laws and construction standards for the protection of health and safety in buildings (K.S.A. 75-3783, K.S.A. 76-757 and K.S.A. 58-1304),

1.1.6 prepare and send to the Joint Committee on State Building Construction, monthly change order and construction status reports (K.S.A. 75-1264),

1.1.7 consistent and equitable bidding phase services,

1.1.8 accept Capital Improvement Projects and authorize occupancy (K.S.A. 75-1262),

1.1.9 maintenance of archival records of state buildings (K.S.A. 75-1267),

1.1.10 technical and administrative support for the State Building Advisory Commission (SBAC), (K.S.A. 75-3780),

1.1.11 technical studies and reports as requested.

2.0 Design, Construction & Compliance Sections

2.1 The Construction & Compliance Section assists in the design and construction management of projects. This section participates in the hiring of architects and engineers, conducts plan and building code and life safety reviews, accessibility (2010 ADA Standard) reviews, issues project acceptance, permit to build inspects projects under construction for code compliance, and issues the Certificate of Occupancy.

2.2 The Design Section consists of architectural and engineering designers, who serve under a licensed Architect/Engineer and complete design work for small (on-call sized) projects for agencies statewide as well as the Capitol Complex. This section also coordinates and manages the OFPM on-call Architect/Engineer contracts used by OFPM and other agencies who do not contract with their own on-call Architects/Engineers. Services include but are not limited to: design, code compliance, accessibility analysis, construction documents, bid analysis, construction administration, space planning and leasing of space in the Capitol Complex, Cedar Crest.

2.3 The Document Management Section posts bid documents, provides standardized front end specifications including general conditions, manages the on-line plan room including issuing of

addendums, provides bid tabulations to agencies and maintains the agency archives and the state's historical archive of construction documents (K.S.A. 75-1267).

2.4 OFPM contact information can be found at http://admin.ks.gov/offices/ofpm/OFPM/OFPM-staff-contact-list.

3.0 Construction & Compliance Services for Capital Improvement Projects (K.S.A. 75-1269)

3.1 The Construction & Compliance section provides three (3) levels of service to state agencies for all Capital Improvement Projects. (Part A – Chapter 3 outlines when a Capital Improvement Project must bid through OFPM plan room.) See table below.

3.1.1 Full Services, as selected from the table below, will be provided to agencies that do not have a staff Architect or Engineer. OFPM services are available for all phases of design and construction, and may include project management assistance, document reviews, quality control inspections, code compliance review and inspections, and bid document coordination. Full service projects maybe bid projects, CM at Risk projects or Design Build projects

3.1.2 Limited Service projects are provided to agencies that have a staff Architect or Engineer or On-call Architect or On-call Engineer and must process through OFPM for bidding. OFPM services include review and inspection for building codes, accessibility and life safety, and bid document coordination.

3.1.3 Code Only Service projects do not process through OFPM for bidding. Services provided by OFPM are limited to review and inspection for building codes, accessibility and life safety.

Available OFPM Services ** NOTE: Available Full Services are to be selected from the services below and the fee for OFPM services will be calculated based on the services selected.*	**Full***	**Limited**	**Code Only**
Retrieve existing documents from OFPM archives	X	X	X
Familiarize with project by visiting construction site or existing facility	X		
Attend initial meeting with project team	X		
Select ancillary firms and coordinate ancillary service contracts if requested by the agency	X	X	X
Coordinate and facilitate the orderly progress of the project during design and construction documents	X		
Review concept and/or schematic design documents	X		
Review schematic design documents	X		
Attend schematic review meeting	X		
Review design development documents	X	X	
Attend design development review meeting	X		
Review code analysis and/or code footprint for code compliance (agency or Project Architect/Engineer may request one meeting)	X	X	X
Verify project A/E has indicated energy regulation compliance per K.A.R. 1-67-2 and K.A.R. 1-67-3.	X	X	X
Review 50% construction documents (clarity & constructability review)	X		
Attend 50% construction documents review meeting	X		
Review final construction documents for code compliance for projects bidding through OFPM	X	X	

Available OFPM Services	Full*	Limited	Code Only
Review final construction documents (clarity & constructability review)	X		
Attend final construction document review meeting	X		
Review code footprint per Part A – Chapters 4 and 5 (2 reviews allowed for base fee. Agency or Project Architect/Engineer may request one meeting)	X	X	X
Provide accessibility review	X	X	X
Review “bid document deliverables” for posting requirements	X	X	
Review “permit to build” construction documents for code compliance, and accessibility compliance	X	X	X
Coordinate bidding phase (includes preparing general conditions, preparing bid form, setting bid date, posting to on-line plan room and shipping plans)	X	X	
Attend pre-bid conference	X		
Review and coordinate the distribution of addenda	X	X	
Attend bid opening	X		
Prepare advice of award on behalf of the agency and send to Procurement and Contracts	X	X	
Issue Notice to Proceed	X	X	
Attend pre-construction meeting	X		
Facilitate orderly progress of project during construction and project closeout	X		
Review A/E approved shop drawings for fire suppression systems, fire alarms, deferred submittals (including elevators)	X	X	X
Observe construction and provide documentation	X		
Attend construction progress meetings periodically	X		
Review changes in construction that affect code compliance	X	X	X
Review change order proposals	X		
Process change orders and final construction payments	X	X	
Perform building code and accessibility inspections per Part A – Chapter 5	X	X	X
Assist in resolving project issues	X		
Review and assist in resolution of contract conflicts	X		
Issue the Certificate of Occupancy per Part A – Chapter 5	X	X	X
Attend final punch list walk-through	X		
Receive record documents for archives (including shop drawings)	X	X	
Review record documents	X		
Approve final completion documentation	X	~~X~~	
Attend warranty inspection	X	~~X~~	
Archive project documents	X	X	

4.0 Construction & Compliance Section Fees

4.1 Fees for the Construction and Compliance section’s Full, Limited and Code Only services are calculated by multiplying the construction contract amount by the multiplier from each of the categories listed below (minimum fee is $250). (See Part A - Chapter 1 for definitions of type of construction / complexity factors.

4.2 For projects under $250,000 a flat fee based upon construction costs is applied.

4.2.1	$49,999 and less =	$250.00
4.2.2	$50,000 to $99,999 =	$750.00
4.2.3	$100,000 to $149,999 =	$1,000.00
4.2.4	$150,000 to $249,999 =	$1,500.00

4.2.5 For projects bidding through the OFPM plan room a posting fee of $200 is added to the flat fee noted above.

4.3 For projects $250,000 to $60,000,000 a series of multipliers are applied to the construction cost to determine our fee amount

4.3.1 The cost multiplier is now calculated by interpolation vs a set range. The multiplier range being 1.15 for the smaller projects up to 0.3 for the larger projects.

4.3.1.1 The formula for this interpolation is: d=d1+((g-g1)/(g2-g1))*(d2-d1), where
d = multiplier; d1 = 1.15; d2 = 0.3;
g = award amount; g1 = $250,000; g2 = $60,000,000

4.3.2 Complexity / Construction type Multiplier (Reference Part A – Chapter 1 for definitions)

4.3.2.1	Site / Utilities / Utilitarian / Equipment Replacement	0.5
4.3.2.2	New Construction	0.65
4.3.2.3	Renovations or Additions	0.75
4.3.2.4	Complex New or Renovation	0.90

4.3.3 The level of service (Reference the OFPM Services Chart in this chapter)

4.3.3.1	Full Service	1.0
4.3.3.2	OFPM Bid	0.80
4.3.3.3	Code / CMAR / DB	0.75

4.4 For projects over $60,000,000 the fees will be negotiated.

4.4.1 The multipliers will be assigned by OFPM on the Form 935 – OFPM Project Number / Data Request.

4.4.2 Formula: OFPM fee = Construction costs (contract amount) x cost multiplier x Complexity / Construction Type multiplier x Level of Service multiplier / 100

4.4.3 Change orders required to go before the Joint Building Committee will be billed on a case by case basis and will be based upon the additional work required to review and process the change order.

4.4.4 If review by OFPM is required for contract conflicts, fee for OFPM services will be assessed on a case by case basis and billed as necessary.

4.4.5 OFPM fees will be provided in a breakdown related to the services provided.

5.0 Design Section Fees

5.1 All requests for services must be made in writing and include a scope of work, project budget and construction schedule. Each project for design services will be required to have an OFPM project number assigned using Form 935 – OFPM Project Number / Data Request.

5.2 Services for small Capital Improvement Projects include complete design and construction services including warranty inspections.

5.3 Fees for design services are negotiated on a project specific basis, using estimated time based upon time expenditures in the following areas of work:

5.3.1 Initial investigation and administrative time (fee negotiations, archive search, scope review, etc.)
5.3.2 Plans and Specifications
5.3.3 Design travel
5.3.4 Design site
5.3.5 Construction administration office
5.3.6 Construction administration travel
5.3.7 Construction administration site
5.3.8 Code review and inspection by Construction & Compliance section
5.3.9 Warranty inspections
5.3.10 Construction & Compliance section review and inspection fees

5.4 Costs for travel expenses and miscellaneous direct cost expenses will be estimated and included in the total fee amount for design services.

5.5 Fees for such services noted above can be calculated hourly, by lump sum or by a percentage of the construction costs.

5.6 Design fees will be proposed via a letter from the design staff to the agency verifying the scope of work, a tentative project schedule, along with the proposed fee.

5.7 When an agreement is reached on proposed fees, both the state agency and the design section representative will sign the proposal.

5.8 If, while working on a project, a service is needed on that project that the design section is not able to provide, OFPM will negotiate with an on-call firm to provide that service and will pass that fee along to the agency along with the design section's fee.

6.0 Additional Services

6.1 Additional services are available from either the Construction and Compliance or Design sections. These services include but are not limited to:

Programming	Building code evaluation	Energy conservation
Like-facilities inspection	Accessibility evaluation	Data rooms
Facility evaluations	Procurement assistance	Back-up power
Cost estimates	Regulatory reviews	Life-safety systems
Project justification	Building environmental evaluation	Security systems
Troubleshooting	Project management	Travel

6.2 To request these services from OFPM, complete and submit Form 905 – Additional Services Request, found at http://admin.ks.gov/offices/ofpm/OFPM/f-and-d.

6.3 Fees for such services noted above are negotiated on an individual project basis, calculated using one of the methods listed below:

6.3.1 Lump sum
6.3.2 Hourly
6.3.3 Percentage of actual construction costs.

7.0 OFPM Hourly Rates

Position	FY20	FY21	FY22
Licensed Professionals			
Architects	$80	$80	$80
Engineers	$90	$90	$90
Unlicensed Professionals			
Architectural Designers	$50	$50	$50
Engineering Designers	$60	$60	$60
Inspectors	$50	$50	$50
Support Staff	$38	$38	$38

8.0 Payment of Fees

8.1 For projects bidding through OFPM: Projects will be billed the total amount of Construction and Compliance or Design fee after the project bids.

8.2 For projects not bid through OFPM, the Agency will be billed the Construction and Compliance fee at the time of Permit to Build issuance on the Project Acceptance form. The fee calculations will be based on the construction cost provided and confirmed.

8.2.1 Agencies are to send the initial award amount to OFPM as soon as a contract is signed.

8.3 If a project is placed on hold or cancelled after construction document reviews and Permit to Build is issued, the agency will be billed 40% of the fee calculated using the estimated construction cost identified on Form 935. (Per Section 4.1.6)

8.4 For projects over $1,000,000 that have had bids rejected, the agency will be billed 10% of the fee calculated using the estimated construction cost identified on Form 935. For projects under $1,000,000 that have had bids rejected, the agency will be billed 20% of the fee calculated using the estimated construction cost identified on Form 935.

8.5 Change order fees, if required by Section 4.5.4, will be billed the month following execution of the change order.

8.6 If a project is cancelled before the bid phase, the agency will be billed in proportion to the amount of work completed by the OFPM Design Section Project Architect/Engineer.

8.7 If a project is cancelled after the bid phase, 80% of the full Design Section fee, or 40% of the fee calculated using the estimated construction cost identified on Form 935 (Per Section 4.1.6) will be billed to the agency.

8.8 For projects that bid through OFPM and receive no bids, then bid under another procurement method, fee will be based upon 20% of the original budget amount.

8.9 Minimum adjustment fees for all OFPM billings, either increased or decreased, will be $500.

9.0 Kansas Open Records Act

9.1 Requests for copies of public records should be addressed in writing to the Director of Office of Facilities and Property Management, 700 SW Harrison, Suite 1200, Topeka, Kansas 66603, in accordance with the Kansas Open Records Act. (K.S.A. 45-215 et seq.)

9.1.1 Copies of the Project Architect/Engineer or CMAR/DB proposals can be obtained after a contract with the selected firm is signed by all parties. These open records will only be provided electronically on flash drive.

9.2 Advance payment of a fee is required to receive copies of public records.

END OF CHAPTER