Building Design and Construction Manual

State of Kansas
Department of Administration
Office of Facilities & Property Management
Design, Construction & Compliance

July 2022

FOREWORD

This manual and associated project forms have been developed and revised by the Office of Facilities and Property Management – Design Construction & Compliance to provide the reader, Project Architect, Project Engineer, or agency representatives, with the necessary information to complete a Capital Improvement construction project for the State of Kansas. It is the intent of this manual and forms to develop procedures in accordance with statutory requirements and the accepted practices of architecture and engineering.

Items changed from the previous edition of this manual will be marked in the right-hand margin with a gray line.

Any concerns or conflicts found in this manual should be brought to the attention of OFPM. Send comments in writing to professional.qualifications@ks.gov. In the subject line, please reference the Building Design and Construction Manual.

Each firm and agency is responsible for obtaining a copy of the current version of the manual. Visit http://admin.ks.gov/offices/ofpm/dcc/bdcm often for the current version of the manual and the current versions of each form.

Design Construction & Compliance

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Building Design and Construction Manual

State of Kansas
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PART A – Policy and Procedures

PART A – POLICY AND PROCEDURES

CHAPTER 1 - GLOSSARY

Additional Services are those required to augment the Basic services that are not customary on every project. The need for Additional services is dependent on the individual project and will change from project to project. Some of these services may not be identified until the project is underway.

Agency See Owner.

Agency Architect/Engineer is an employee of a state agency who possesses a valid Kansas license and serves as the Project Architect/Engineer for small Capital Improvement Projects. (K.S.A. 75-1254).

Alternate Bid is an amount listed on the bid form for the Contractor to add or deduct from the amount of the base bid.

Alternative Project Delivery is an integrated comprehensive design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general Contractor of building design-build team is selected based on a qualifications and best value approach. (K.S.A. 75-37,142)

Ancillary Technical Services are services such as surveying, geological/soils/subsurface investigation, acoustics, HVAC testing and balancing, hazardous materials survey and abatement, building commissioning and any other testing and consulting services. (K.S.A. 75-3784)

As-Built drawings are prepared by the contractor. They show in red ink, on-site changes to the original construction documents incorporated into the work and include all changes related to the bid specifications and related reports; and include addenda, field orders, change orders, construction change directives, and critical correspondence during construction.

Basic Services is the design work customary on a typical project to take an established building program, site and budget, and then develop the architectural design, engineer the building systems, produce construction documents, and perform construction administration for a single-phase project. Basic Services include the design services customary on every project such as architectural, structural, civil, mechanical, and electrical engineering services. Reference Form 103 – A/E Services Checklist

Bid Documents are the detailed drawings, specifications and reports, and addenda defining the scope of the work and issued during the bidding process.

Bidding Phase begins when the code footprint, if required, is approved by OFPM and the OSFM and the construction documents are completed and approved by the agency and OFPM for distribution to Contractors. The bidding phase is a period established for the publishing of “bid-ready” construction documents and addenda to interested bidders and for interested bidders to request additional information and tour the project site.

Capital Improvement Project is a construction project for new construction, building additions, remodeling, demolition of existing structures, or rehabilitation and repair.

Code Footprint is a building and life safety code compliance document that contains both graphic and narrative information and that meets the requirements of (K.A.R. 22-1-7).

Code Only services are provided to projects not bid through OFPM (i.e. in-house construction and on-call construction) and to projects funded without State Funds (i.e. endowment and private money).

Commissioners refers to the members of the State Building Advisory Commission.

Complexity Factor is one (1) of five (5) levels of difficulty or complexity to be assigned to a project based on the building type for architect/engineer fees. (See Part B – Chapter 3)

Complexity / Construction type Multiplier for OFPM fees

Architect Only Review – used if no engineering work is included in the scope of work.

Engineer Only Review – used if no architectural work is included in the scope of work.

Architecture and Engineering Review – used when both architectural and engineering work is included in the scope of work.

Complex Architecture and Engineering Review – used when both architectural and engineering work is included in the scope of work of a Complex project.

Construction Administration is oversight of construction by the Project Architect/Engineer for conformance with the plans and specifications, including resolution of problems and discrepancies.

Construction Budget is established by the agency and approved by the legislature and represents the amount of funding available for construction of a Capital Improvement Project.

Construction Documents are the detailed drawings, and specifications defining the scope of the work for the design of the project and shall include enough detail to ensure the project will be constructed in compliance with the building codes and accessibility standards.

Construction Management At-risk Services (CMAR) are the services provided by a firm, which has entered into a contract with the agency to be the construction manager or general Contractor for the value and schedule of the contract for a project. The firm is to hold the trade contracts and execute the work for a project in a manner similar to a general Contractor and is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefore. Construction Management at-risk services may include, but are not limited to scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination. (K.S.A. 75-37,142)

Construction Management Services may include detailed cost estimating; critical path method scheduling and monitoring; drafting contract documents for necessary phasing and grouping; drafting contracts and change orders; checking and approving shop drawings, color schedules, and materials; and full-time inspections. (K.S.A. 75-1265)

Construction Services refers to the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams, turnpikes or related structures, or stand-alone parking lots. (K.S.A. 75-37,142)

Consultant is an individual or firm that is contracted by the Project Architectural/Engineering firm to assist the Project Architect/Engineer in the delivery of professional services.

Contract Documents are the bid documents, construction contract, Notice to Proceed, change orders, all correspondence, substantial completion certificate, punch list, occupancy certificate, project completion certificate, and Contractor affidavit.

Department of Administration (D of A) shall have and exercise administrative functions of the state, in the manner as provided by law, in relation to various functions including but not limited to: accounting & fiscal matters, purchasing, personnel, maintaining records of state property, issuing warrants to be paid out of the state treasury, surplus property and building design and construction. (K.S.A. 75-3707)

Design-build (DB) refers to a building construction project for which the design and construction services are furnished under one contract.

Design-builder is any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether by itself or through subcontracts. (K.S.A. 75-37,142)

Design, Construction & Compliance (DCC) is a group within OFPM representing the Secretary of Administration in matters of code enforcement, building design and construction. This group is responsible for compiling and enforcing the Building Design and Construction Manual.

Design Criteria Consultant is a person, corporation, partnership, or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to (K.S.A. 74-7003), and amendments thereto, and who is employed by contract to the agency to provide professional design and administrative services in connection with the preparation of the design criteria package for alternate delivery projects. (K.S.A. 75-37,142)

Design Development consists of drawings and other documents to fix and describe the size and character of the projects as to architectural, structural, mechanical, and electrical systems.

Design Team is an architectural/engineering firm contracted with the State of Kansas and includes all consultants hired by the firm to provide design services for a state agency.

Electronic documents for OFPM review are to be in .PDF or .DOC/.DOCX format sent via a link included in an e-mail.

Evaluations are used to rate the contractor's or project architect's/engineer's performance to a minimum set of preset standards. The goal of evaluations is to improve the quality of work by the contractor or project architect/engineer.

Facility Conservation Improvement Program (FCIP) is a program administered by the Kansas Corporation Commission (www.kcc.state.ks.us/energy/fcip) to fund projects such as new lighting technologies, boilers, chillers, and energy management controls.

File Transfer Protocol (FTP) is a standard network protocol used to copy a file from one host to another over the Internet.

Firm is an individual, firm, partnership, corporation, association or other legal entity, which is permitted by law to practice the profession of architecture, engineering or land surveying. (K.S.A. 75-1251)

Full Services are services provided by OFPM that exceed the minimum compliance reviews and cover all phases of design and construction and may include quality control check, full document review, full site inspections, full compliance review, bid document coordination, attend construction meetings and assist in resolving project issues. Reference Part A – Chapter 2 for the complete list of services provided.

Joint Committee on State Building Construction (JCSBC) is composed of five members of the Senate and five members of the House of Representatives. JCSBC's duties are to study all five-year capital improvement and facilities plans and capital improvement budget estimates; make recommendations on these five year plans to the Senate Ways and Means Committee and the House Appropriations Committee; monitor the progress of all Capital Improvement Projects or major repairs; and review all change orders greater than $125,000. (K.S.A. 75-1264)

Kansas Licensure is a professional license issued by the Kansas State Board of Technical Professions required by professionals intending to procure state work and used for sealing the contract documents. (K.S.A. 74-7003)

Kansas Register is the **official** publication where all requests for architectural and engineering services for all state tax-funded building construction projects are announced.

The *Kansas Register* is published every Thursday by the Kansas Secretary of State. The *Kansas Register* is available for free on-line at http://www.kssos.org/pubs/pubs_kansas_register.asp and is available in many libraries throughout the state.

Paper subscriptions to the *Kansas Register* may be obtained by contacting the Kansas Secretary of State on the internet at http://www.kssos.org/, by e-mail at kansasregister@kssos.org, or by telephone at 785-296-3489.

Large Capital Improvement Projects are building construction projects whose total project funds exceed $1,000,000. (K.S.A. 75-1253)

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED provides building Owners and operators with the tools they need to have an immediate and measurable impact on their buildings' performance.

Limited Services are services provided by OFPM that include: review and inspection for code, accessibility and life safety compliance and bid document coordination.

Negotiating Committee is comprised of three individuals or their designees. 1) the head of the state agency for which the proposed project is planned, 2) the head of the institution for which the proposed project is planned, and 3) the secretary of administration, or a person designated by the secretary, who shall act as chairperson of the committee. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution. (K.S.A. 75-1251)

Occupancy is based on the compliance of all life safety, code and accessibility issues of the project outlined in Part A – Chapter 5.

Office of Facilities and Property Management (OFPM) is the Office in the Department of Administration responsible for assisting and supporting state agencies with building construction projects and with the operation and maintenance of Department of Administration owned buildings in the Capitol Complex.

Office of the Kansas State Fire Marshal (OSFM) shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from fire, explosion and hazardous materials. (K.S.A. 75-1510). Visit the OSFM website at http://www.ksfm.ks.gov/.

OFPM Architect/Engineer is an employee of the Office of Facilities and Property Management who provides planning, architectural or engineering services to agencies on funded/unfunded Capital Improvement Projects. (K.S.A. 75-1269)

OFPM Inspector is an OFPM employee who inspects Capital Improvement Projects, ensuring construction is in accordance with approved code footprints, building codes, and accessibility laws. (K.S.A. 75-1262) The OFPM Inspector also provides supplementary inspection services on negotiated and full service projects.

OFPM Project Number is a six-digit number prefixed by an "A-", used and issued by OFPM for each Capital Improvement Project, gift projects, ancillary services project, miscellaneous studies/reports and additional services provided by OFPM.

On-call Architectural or Engineering Services are provided by Project Architects or Project Engineers for state agencies with small capital improvement project whose total project costs **do not** exceed $1,000,000.

On-call (or small) Capital Improvement Projects are building construction projects whose total project funds **do not** exceed $1,000,000. (K.S.A. 75-1253)

Owner is the State Agency who is responsible for the project programming and funding.

Owner's Representative is authorized by the Owner to act on the Owner's behalf for the project**.**

Partial Occupancy is based on the compliance of all life safety, code and accessibility issues for a specific area of the project outlined in Part A – Chapter 5.

Permit to Build is required on every project built on State property. Permit to Build is issued by OFPM after the code footprint, if required, and construction documents have been accepted.

Program is a document from the Owner outlining the project's objectives, constraints, spaces, spatial relationships, activities, functions, projected costs and schedule for construction of the project. Information such as topography, subsurface, utilities, landscaping, existing facilities, future uses, flexibility, expandability, equipment, systems, maintenance, site requirements, vehicular traffic, parking, delivery and pedestrian circulation may also be included. (K.S.A. 75-1255)

Procurement and Contracts (formerly Purchases) is a group within the Department of Administration and is responsible for receiving and validating bids and initiating the construction contract for building construction projects.

Project Acceptance Record is an official notification issued at various junctures of the project by OFPM on behalf of the Department of Administration. It is issued when the code footprint is accepted, when the construction documents are accepted, when the fire alarm drawings are accepted, when the fire suppression shop drawings are accepted, when the occupancy certificate is approved, and when the permit to build is identified, as noted in Part A – Chapter 5, Code and Occupancy Requirements.

Project Architect is a firm contracted to provide professional architectural services for a specific Capital Improvement Project or for on-call architectural services, or is an individual employed by a state agency to provide architectural services on small projects. (K.S.A. 75-1251)

Project Architect/Engineer Fee Guidelines is a tool developed in a matrix format to assist the Negotiating Committee and the design team to define and quantify the project design services and to establish a point of beginning to negotiate a fee for a project using criteria for: Cost/Complexity/Type (See Part B – Chapter 3).

Project Completion is when the construction is in accordance with the contract documents and all final paperwork has been approved by OFPM.

Project Engineer is a firm contracted to provide professional engineering services for a specific Capital Improvement Project or for on-call engineering services, or is an individual employed by a state agency to provide engineering services on small projects.

Project Manager is an employee of any state agency, who possesses a Kansas license in the profession of either architecture or engineering and is responsible for facilitating building construction projects**.**

Project Team consists of the state agency representatives and the Project Architect/Engineer. On full or negotiated services, an OFPM Architect/Engineer will also be part of the project team.

Rebid refers to when a project is being bid a second time <u>without</u> any revisions to the original bid documents.

Record Documents are prepared by the project architect/engineer and reflect on-site changes the contractor noted on the as-built drawings and include all changes related to the bid specifications and attached reports; and include addenda, field orders, change orders, construction change directives, and critical correspondence during construction.

Rehabilitation and Repair (R & R) is defined as routine, major, or emergency maintenance; restoration; replacement of fixed equipment; energy conservation; requests related to compliance with Americans with

Disabilities Act (ADA); and code compliance projects, as well as projects needed to meet program requirements. Reference the definition of Capital Improvement Project.

Revised refers to when a project is being bid a second time with revisions to the original bid documents.

Revised Rebid refers to when a project is being bid a third time after the first bid was rejected and the second bid of revised documents was rejected. The revised bid documents from the second bid are re-issued as Revised Rebid.

Schematic Design is the preliminary design stage of a project where the Project Architect/Engineer shows the Owner several options for solving the project program.

Secretary of Administration is the head of the Department of Administration and oversees its organization and various functions as dictated by statute.

State Agency "includes any state institution". (K.S.A. 75-1251) See definition of Owner.

State Building Advisory Commission (SBAC) "shall be composed of seven members" . . ." and shall be a part of the department of administration". "The secretary of administration shall be a member and shall serve as chairperson". The next member shall alternate between the head of the architecture program of Kansas State University and the University of Kansas. "The five remaining persons shall be appointed by the Governor". "At no time shall more than 3 of the 5 members appointed by the governor be members of the same political party at the time of appointment." At least one of the appointed members shall be a member of a building trades union and at least one shall be a member of an association of building construction Contractors. (K.S.A. 75-3780)

Statement of Qualifications (SOQ) for professional services is OFPM Form 050 – Professional Qualifications.

Substantial Completion is the date when all life safety, code and accessibility issues comply with Part B – Chapter 5 requirements and the Owner can occupy specific area(s) for their intended purpose or use; **and/or** is the date when all project warranties commence; **and/or** is the date when liquidated damages are no longer assessed.

Successful Bid is any bid that is awarded to a construction Contractor.

Successful Bidder is the firm to whom a successful bid is awarded.

Technical Specifications are Divisions 1 through 49 instructing the Contractor of the specific construction materials, techniques and requirements required to meet the intent of the construction project.

Type of Construction is used as a factor in determining fees for Project Architects/Engineers. (see Part B – Chapter 3)

> **Combined Construction** includes projects that are comprised of more than ten percent (10%) increase of square footage or renovation / remodeling work.
>
> **New Construction** is the addition of square footage to a building or a new stand-alone building
>
> **Renovation/Remodeling** includes projects that do not increase the square footage of a building or area.

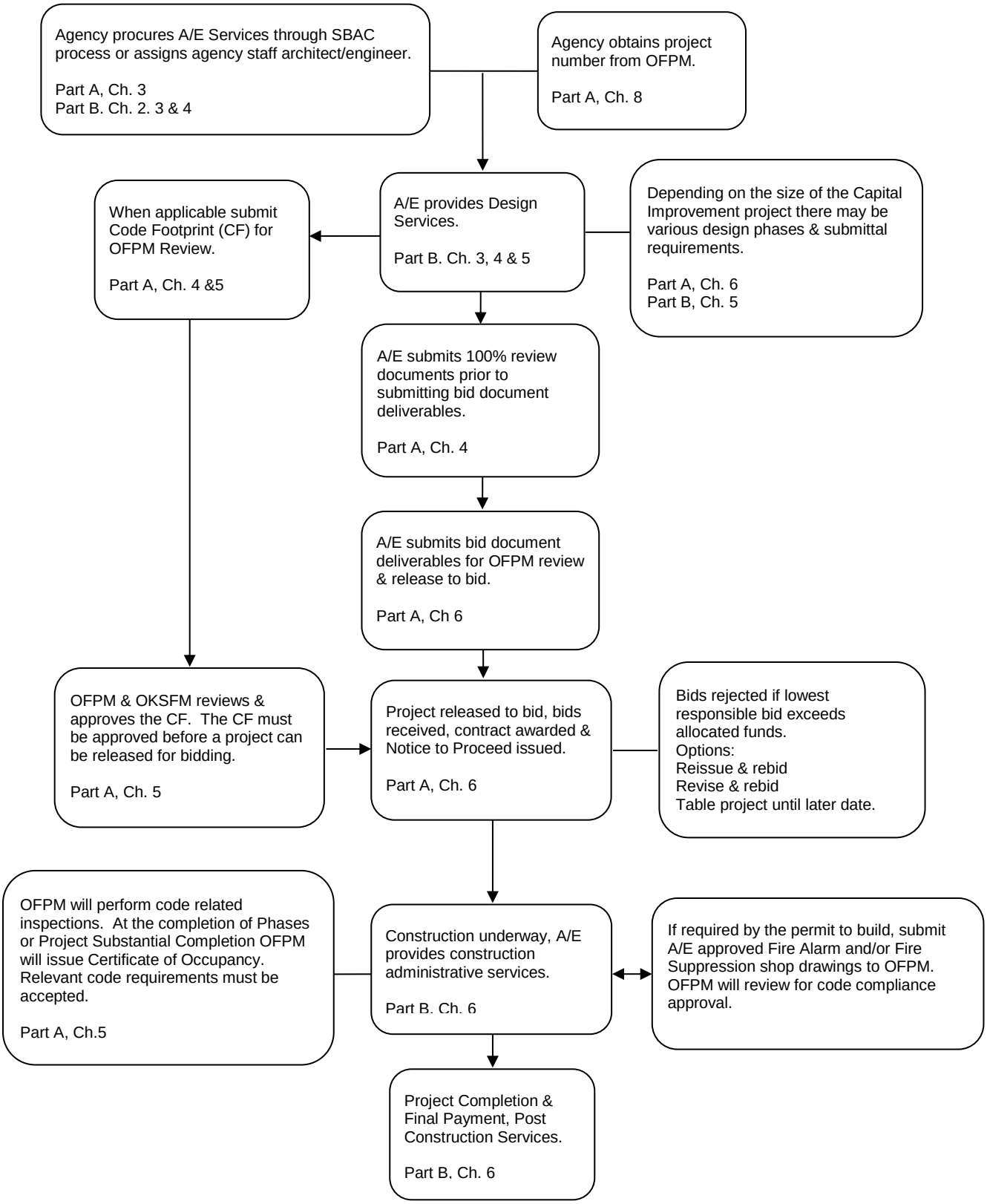
"Will" and "**Shall"** are used interchangeably in this manual, as defined in The American Heritage® Book of English Usage 1996.

ABBREVIATIONS

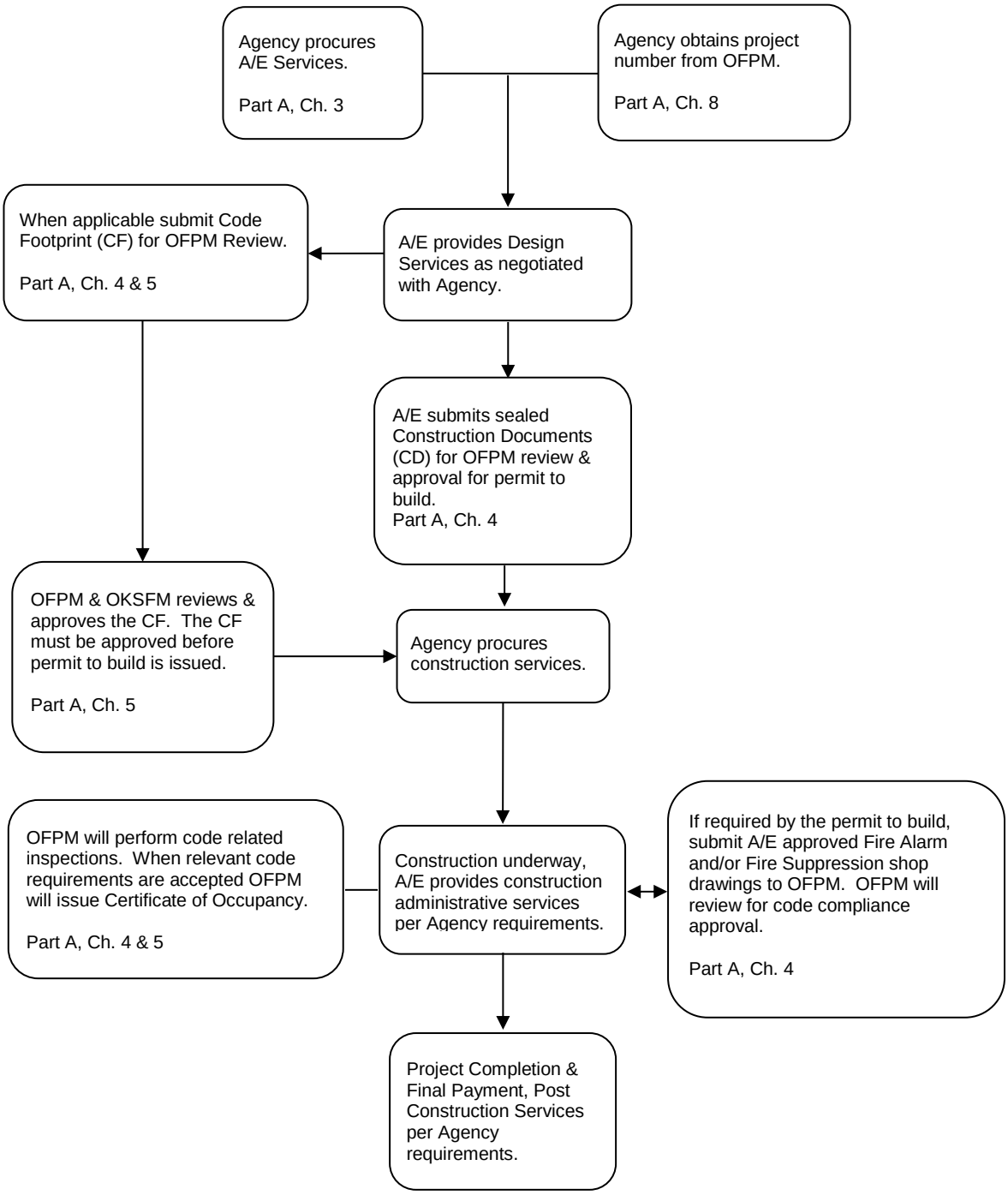
A/E	Architect/Engineer
BD	Bid Documents
CD	Construction Documents
CF	Code Footprint
CIP	Capital Improvement Project
CMAR	Construction Management at Risk
CS	Construction Separation
DB	Design-Build
DCC	Design Construction and Compliance section within OFPM
DD	Design Development
FA	Fire Alarm
FS	Fire Suppression
IR	Inspection Record
OFPM	Office of Facilities and Property Management
OSFM	Office of the State Fire Marshal
PA	Project Acceptance
PB	Permit to Build
SBAC	State Building Advisory Commission
SD	Schematic Design
TE	Temporary Egress
TUKHS	The University of Kansas Health System

END OF CHAPTER

FLOW CHART FOR CAPITAL IMPROVEMENT PROJECTS
(Required to bid through OFPM Plan Room)



FLOW CHART FOR CAPITAL IMPROVEMENT PROJECTS
(Not required to bid through OFPM Plan Room)



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 https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/dcc-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 $500). (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 =	$500.00
4.2.2	$50,000 to $99,999 =	$750.00
4.2.3	$100,000 to $149,999 =	$1,500.00
4.2.4	$150,000 to $249,999 =	$2,500.00

4.3 For projects $250,000 to $999,999 a 1% fee will be assessed.

4.4 For projects from $1,000,000 to $1,999,999 a fee of $10,000 will be assessed.

4.5 For projects $2,000,000 and over a series of multipliers are applied to the construction cost to determine our fee amount.

4.5.1 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.

4.5.1.1 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 = $2,000,000; g2 = $40,000,000

4.5.2 Review Complexity Multiplier (Reference Part A – Chapter 1 for definitions)

4.5.2.1	Architect Only	0.65
4.5.2.2	Engineer Only	0.70
4.5.2.3	Architect and Engineer Review	0.80
4.5.2.4	Complex Architect and Engineer Review	0.90

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

4.5.3.1	Code Only	0.75
4.5.3.2	Limited Services	0.80
4.5.3.3	Full Services	1.00

4.6 For projects over $40,000,000 the fees will be negotiated.

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

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

4.6.3 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.

4.6.4 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.

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 https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

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	**FY23**	**FY24**	**FY25**
Licensed Professionals			
Architects	$90	$120	$120
Engineers	$150	$150	$150

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 on form 935 at the inception of the project.

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 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 identified on Form 935. For projects under $1,000,000 that have had bids rejected, the agency will be billed 20% of the fee 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 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 OFPM fee on the Form 935.

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

PART A – POLICY AND PROCEDURE

CHAPTER 3 – CAPITAL IMPROVEMENT PROJECT PROCUREMENT REQUIREMENTS

1.0 General

1.1 Definitions

1.1.1 Capital Improvement Project – A construction project for new construction, building additions, remodeling, demolition of existing structures, or rehabilitation and repair.

1.1.2 Rehabilitation and repair is defined as routine, major, or emergency maintenance; restoration; replacement of fixed equipment; energy conservation; requests related to compliance with Americans with Disabilities Act (ADA); and code compliance projects as well as projects needed to meet program requirements.

1.1.3 State-Funded Capital Improvement Project – A project identified in a state agency's five-year capital budget plan and funded in part or whole by state funds or authorized bonds.

1.1.4 Non-State Funded Capital Improvement Project – Project is for The University of Kansas Health System, Kansas Correctional Industries or Regents Endowment/Private funds/research foundation funds

1.1.5 Regents – Refers to the state universities and includes: Emporia State University, Fort Hays State University, Kansas State University, Pittsburg State University, University of Kansas, University of Kansas Medical Center and Wichita State University.

1.2 When a project is planned by a state agency for legislative approval, it is submitted as a capital improvement and funding request in the agency's five-year Capital Improvement Program and facilities plan to the budget office, the State Building Advisory Commission (SBAC), and the Joint Committee on State Building Construction.

1.3 Procurement of design services and construction services of Capital Improvement Projects are identified in various state statutes. See below for the types of Capital Improvement Projects, procurement processes for architectural/engineering services and procurement process of construction services.

1.3.1 Types of Capital Improvement Projects:

State Funded
Fee Funded
Gift / Endowment / Private Funded
The University of Kansas Health System Funded
Kansas Correctional Industries

1.3.2 Procurement for architectural/engineering services for Capital Improvement Projects can include:

State Building Advisory Commission selection process
OFPM Design Section Architect/Engineer
Agency Project Architect/Engineer
University of Kansas Hospital Authority selection process (by TUKHS)
Regents Endowment/Private/Research Foundation funded selection process (by Regent Institution)

1.3.3 Procurement of construction for Capital Improvement Projects can include:

Bid through OFPM
Alternate Delivery (CMAR or DB) OFPM statute
On-call Contractor
In-house construction by Owner or OFPM
Regents procurement bid site
Regents Alternate Delivery Method (CMAR) (fully funded with non-state funds)
Kansas Correctional Industries

1.4 Requirements for Procurement for Architectural/Engineering Services for Capital Improvement Projects

1.4.1 State and Fee funded Capital Improvement Projects shall have architectural/engineering services obtained through the SBAC (unless allowed per 1.4.5). The Project Architect/Engineer shall follow all requirements listed in Parts A and B of this manual. This will apply to large and on-call projects referenced in Part B.

1.4.2 Jointly federally and state funded Capital Improvement Projects and federal grant funded projects shall have architectural/engineering services obtained through the SBAC (unless allowed per Section 1.4.5). The Project Architect/Engineer shall follow all requirements listed in Parts A and B of this manual. This will apply to large and on-call projects referenced in Part B.

1.4.3 Regents fee funded, endowment and wholly gift funded (no state funds) Capital Improvement Projects are exempted from architectural/engineering services being obtained through SBAC. Project Architect/Engineers shall follow all requirements in Part A of this manual except Part A – Chapter 6.

1.4.4 University of Kansas Hospital Authority funded Capital Improvement Projects are exempted from architectural/engineering services being obtained through SBAC. Project Architect/Engineer shall follow all requirements of Part A of this manual except Part A – Chapter 6.

1.4.5 Professional design services for Capital Improvement Projects under $1,000,000 may be provided by OFPM Design Section or agency Project Architect/Engineer and shall follow Part A of this manual.

1.5 Requirements for Procurement of Construction for Capital Improvement Projects

1.5.1 Procurement of building construction Capital Improvement Projects shall follow Part A of this manual, except as noted below.

1.5.2 The following types of funding for building construction Capital Improvement Projects are required to bid through OFPM Plan room unless allowed as noted by OFPM on Form 935 – OFPM Project Number / Data Request. (Reference flow chart at the end of this chapter regarding OFPM and Procurement bidding requirements)

State Funded
Fee Funded (except Regents, refer to Section 1.5.4)
Gift Funded (non-Regents)
Federal Funded

1.5.3 Projects noted on Form 935 – OFPM Project Number / Data Request as allowed to bid through Procurement are not subject to Part A – Chapter 6.

1.5.4 The following types of Capital Improvement Projects are not required to bid through OFPM plan room. These projects are not subject to Part A – Chapter 6.

Fee Funded (Regents)
Gift / Endowment / Private Funded (Regents)
The University of Kansas Health System Funded
Kansas Correctional Industries contracted per K.S.A. 75-5288(c)

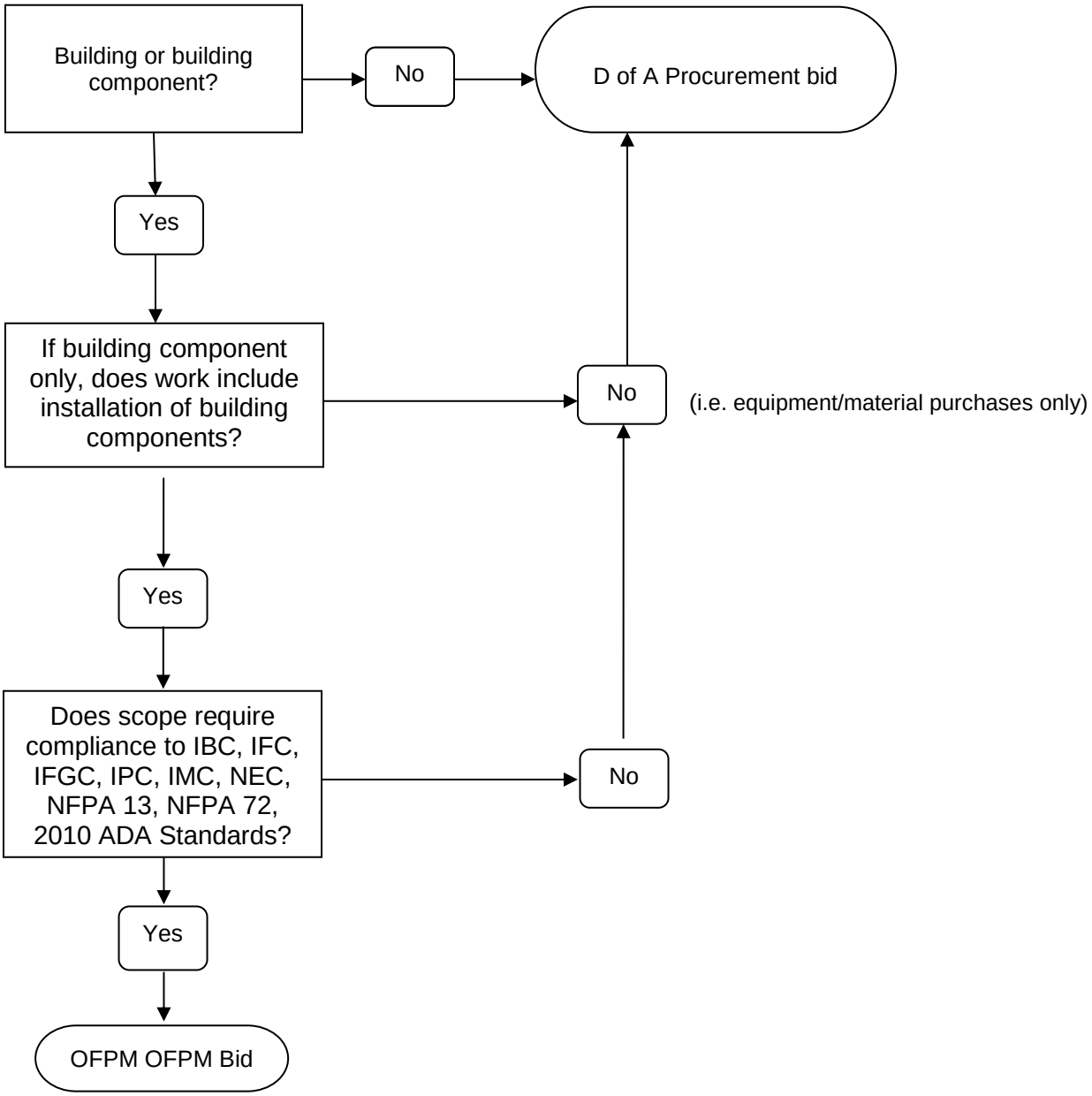
1.5.5 Building construction for Capital Improvement Projects can use alternative construction delivery method as outlined below:

State funded projects may use the CMAR or DB defined in K.S.A. 75-37,141 et seq. and as outlined in Part B – Chapter 7 of this manual.

Projects constructed wholly of non-state money for a Regents institution may use the alternate delivery method outlined in K.S.A. 76-7,125 et seq.

END OF CHAPTER

Office of Facilities & Property Management Bidding Requirements



<u>Definitions</u>

Building component – includes all building materials and their installation in a building as well as the following: parking lots, site lighting, campground utility hook-up, and any site feature or component (above and below grade) that is subject to IBC, IFC, IFGC, IPC, IMC, NEC or 2010 ADA Standards.

PART A – POLICY AND PROCEDURES

CHAPTER 4 – DOCUMENT SUBMITTAL REQUIREMENTS

1.0 General Requirements for OFPM Forms

1.1 Forms required for the Project Architect/Engineer to perform their duties are provided in DOC/DOCX, XLS/XLSX or fillable PDF formats at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents. Forms must be executed electronically, they shall be retained in the original format. (i.e. DOC forms are to remain as DOC forms.)

1.1.1 Handwritten forms will not be accepted.

1.2 Forms (No. 050 through 054) shall not be used for a project where procurement of design professional services is not obtained through SBAC.

1.3 Forms (112, 305, 307, 315, 320, 322, 430, 431, 450, 460, 461, 560, 570, 571, General Conditions of the Contract, Supplemental General Conditions) shall only be used for Capital Improvement Projects that bid through OFPM plan room or CMAR/DB per Part B – Chapter 7. These forms shall not be used for any other procurement method.

1.3.1 OFPM address and contact information shall only appear on documents that will bid through OFPM plan room. It shall not appear on documents that are issued for any other procurement method.

1.4 Forms should be downloaded from the OFPM website each time they are used. This will alleviate delay in the processing of paperwork, as documents submitted on outdated forms will be required to be resubmitted on the current version of the form.

1.5 Forms issued **by** OFPM are available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents and listed under OFPM Related are saved in PDF format and are for informational purposes only.

2.0 General Requirements for Submittals

2.1 This chapter outlines the types of document submittals required, when submittals should be provided, the submittal format and general processing information. Technical information required to be provided on the submittals is outlined in other chapters such as code and occupancy requirements in Part A – Chapter 5 and design submittal requirements in Part B – Chapter 5.

2.2 Processes for submittals are based upon how construction is being procured rather than the size of the project.

2.3 For projects bidding through OFPM plan room, all bid document submittal requirements are outlined in Part A – Chapter 6.

2.4 Each submittal shall include an estimate of all construction costs in as much detail as appropriate for the design phase.

2.5 All correspondence including e-mail, letters and shop drawings, shall be identified with OFPM project number, including submittals indicated in this chapter, as well as ancillary service projects, miscellaneous studies/reports or other provided professional design services. The OFPM project number shall be used on all correspondence, drawings, specifications, billings, shop drawings and

other documents transmitted to OFPM and shall be provided in the subject line of e-mails sent to OFPM.

2.5.1 The OFPM project number is a 6-digit number preceded by A-. All six numbers shall be included even if the first number is a zero. (Example: A-010254). The OFPM project number is required to file and properly track the project.

2.5.2 An OFPM project number is required on any project that is required to be sent to OFPM for review.

2.5.3 This number will be assigned by OFPM when the Owner submits a completed Form 935 – OFPM Project Number / Data Request to OFPM (Reference Part A – Chapter 8 for additional information.)

2.5.4 Submittals will not be reviewed if the OFPM project number has not been provided.

2.6 Form 120 – Request for Review is **required <u>each time a submittal is forwarded for action or review by OFPM</u>.** The form is required for building code questions/interpretations, code footprint reviews, temporary egress/construction separation reviews, construction document reviews, permit to build review, bid document deliverable reviews, fire alarm and fire suppression shop drawing reviews.

2.6.1 If submitting multiple items at one time for review, please send a separate Form 120 for each type of submittal.

2.6.2 If creating a master form for each project, please be sure to update the date in the upper left had corner of the form every time a submittal is sent and select only one type of submittal.

2.6.3 The second page of the form is only required to be completed and submitted with code footprint submittals. Other submittal types do not require the second page.

2.7 OFPM will issue comments or acceptance on all submittals. If the submittal is a preliminary or in-progress submittal, comments will be issued. If the submittal is for OFPM action, Form 125 – Project Acceptance will be issued upon acceptance of the submittal.

2.8 Electronic Deliverables

2.8.1 Documents for review shall be saved in PDF.

2.8.2 PDF documents should be flattened and condensed and saved as a PDF for each drawing sheet. Do not bundle the drawing sheets into one PDF document.

2.8.3 The title of the PDF document should reflect the order in which the drawings are to be displayed by using 3-digit number followed by the sheet number and abbreviated title. Reference Part A - Chapter 6, paragraph 7.3.6 of this manual.

2.8.4 Electronic documents shall be forwarded to OFPM via an e-mail with a link to a Drop-box, OneDrive or other third-party site. Be sure to include a 120 form for each type of submittal.

2.8.4.1 Documents are no longer required to be provided on flash drives.

2.8.5 CAD documents are not required to be sent to OFPM for the review process.

2.8.6 CAD files are required to be sent to the Owner as negotiated per the design services contract. All CAD file requirements and submittals must be coordinated with the Owner.

2.9 Professional Licensure

2.9.1 All professional licensure shall comply with the Kansas Board of Technical Professions requirements.

2.9.2 The Kansas State Board of Technical Professions recognizes electronic signatures. Specific regulations and standards are available at the KSBTP website at http://www.ksbtp.ks.gov/statutes-rules/seal-sig-faq.

2.9.3 Each professional in each discipline that seals original bid drawings for a state Capital Improvement Project shall seal each drawing related to their actual work, and sign and write the current date across each seal.

2.9.4 Each professional in each discipline shall also provide a sheet in the specification manual identifying the portions of the specification for which the professional is responsible This sheet shall include the professional seal and the signature of the professional and the current date across each seal.

2.9.5 If construction drawings are part of the specification manual, the Kansas State Board of Technical Professions allows the drawings to be sealed in the same manner of the specification manual by providing a drawing sheet (usually the cover sheet) that includes the sheet index to be sealed, signed and dated by each responsible professional.

2.10 Copyright and Ownership of Documents

2.10.1 The Agency shall become the owner of all documents prepared pursuant to the contract. The Owner shall also become the owner of the copyright to said documents.

2.10.2 The Owner may use the documents as reference material for subsequent projects within the building or facility without obtaining the consent of the Project Architect/Engineer. The Owner shall not hold the Project Architect/Engineer responsible for claims resulting from these subsequent projects.

3.0 General Processing Information on Submittals

3.1 OFPM will review submittals in the order they are received.

3.2 Written review comments will be issued from the OFPM A/E via e-mail to the individuals listed on Form 120 – Request for Review. The Project Architect/Engineer shall “Reply to All” and make the responses in red below the comments and each comment shall conclude with the date of the response and the initials of the person responding.

3.2.1 OFPM may issue their comments on a marked-up PDF of the documents if it is easier to convey the review comments graphically.

3.2.2 It is the responsibility of the Project Architect/Engineer to coordinate the responses and to verify that the comments are being forwarded to the appropriate individuals for response.

3.3 Form 125 – Project Acceptance will be issued when a submittal is fully accepted by OFPM. This will be issued electronically via e-mail to the individuals identified on the Form 120 – Request for Review.

3.3.1 On large projects with multiple bid packages or phased construction a Form 125 – Project Acceptance will be issued for each document or bid package.

3.4 A Permit to Build will be granted when the code footprint, (if applicable), temporary egress plans, (if applicable); have been accepted by OFPM or OSFM and construction documents have been accepted by OFPM. The Permit to Build is issued by OFPM on Form 125 – Project Acceptance.

3.4.1 On large projects with multiple bid packages or phased construction, a Permit to Build will be issued for each bid package. The Permit to Build on some packages may be issued at the discretion of OFPM, without an approved code footprint on file. These packages may include site utilities, footings and foundations.

4.0 Required Document Submittals

4.1 Reference Glossary pages 7 and 8 for flow charts that outline the design, construction administration, submittal and review process for projects bidding through OFPM plan room and for projects that do not bid through OFPM plan room.

4.2 The following submittals <u>may</u> be applicable for OFPM review and action:

Code Analysis / Code Footprint Submittal (See Section 5.0)

Construction Separation and Temporary Egress Submittal (See Section 6.0)

Accessibility Analysis Submittal (See Section 7.0)

Schematic Design Submittal (See Section 8.0)

Design Development Submittal (See Section 9.0)

In-Progress Construction Document Submittal (See Section 10.0 for projects bidding through OFPM plan room)

Final Construction Document / Permit to Build Submittal for projects not bidding through OFPM Plan Room) (See Section 11.0 for projects not bidding through OFPM plan room)

Bid Document Deliverables / Permit to Build Submittals for project bidding through OFPM plan room (See Part A – Chapter 6 and Section 12.0 of this chapter)

Construction Administration Submittals (See Section 13.0)

Fire Alarm and Fire Suppression Shop Drawings Submittal (See Section 14.0)

Limited Scope Fire Alarm and Fire Sprinkler (See Section 15.0)

Deferred Submittals (Includes elevator shop drawings) (See Section 16.0)

Submittals for Occupancy/Partial Occupancy (See Section 17.0)

Record Document Submittal (See Section 18.0)

5.0 Code Analysis / Code Footprint Submittal

5.1 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

5.2 Per K.A.R. 22-1-7 OSFM shall review, accept and sign code footprints, temporary egress/construction separation for construction projects for the following agencies:

5.2.1 Statehouse,
5.2.2 Kansas Board of Regents,
5.2.3 Kansas State Fair,
5.2.4 Department of Corrections,
5.2.5 Kansas State Schools for the Deaf and Blind,
5.2.6 Kansas Department of Disability and Aging,
5.2.7 Kansas Commission on Veteran's Affairs and
5.2.8 The University of Kansas Health Systems

5.3 Per KA.R. 22-1-7 OFPM shall review, accept and sign code footprints, temporary egress/construction separation for construction projects for the following agencies as OSFM is not required to review them:

5.3.1 Adjutant General's Department,
5.3.2 Department of Administration,
5.3.3 Kansas State Historical Society,
5.3.4 Department of Labor,
5.3.5 Department Transportation,
5.3.6 Department Wildlife and Parks,
5.3.7 Kansas Bureau of Investigation,
5.3.8 Kansas Highway Patrol,
5.3.9 Department of Commerce and
5.3.10 Kansas Insurance Department.

5.4 A code footprint is required to be submitted for all new construction, additions, and building renovation/remodeling affecting active or passive life safety systems or change in occupancy of buildings on State property. (K.A.R. 22-1-7) (See Part A – Chapter 5 Section 2.0)

5.4.1 If a Code Footprint has been prepared for a health care occupancy that is required to comply with Centers for Medicaid/Medicare (CMS), it shall comply with K.A.R. 28-34-32b & K.A.R. 22-1-7.

5.5 OFPM will make an initial determination of the code footprint requirement based on scope of work information provided on Form 935 – Project Number / Data Request. OFPM will indicate on this form if a code footprint is or is not required. A copy of this completed form can be obtained from the Owner.

5.5.1 If information is provided on the construction documents that indicate a code footprint is required after initially indicating a code footprint was not required, OFPM will notify the project architect/engineer.

5.6 All code footprints for buildings on state property shall be sent to OFPM via e-mail. Upon receipt, OFPM forwards the code footprint to OSFM for review and acceptance. The Project Architect/Engineer shall not send the code footprint directly to OSFM. Misdirected, incorrect and/or incomplete submittals may delay the review process.

5.6.1 If the submittal is required to be transmitted via e-mail in other portions of this chapter, the e-mail submission should be sent in a DOC/DOCX-or PDF format.

5.7 The code footprint submittal shall be routed separately from the construction documents.

5.8 Routing of code footprints shall follow Owner requirements as well as OFPM requirements. Coordinate with Owner regarding their requirements for their review and submittal processes.

Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

5.9 Preliminary Code Footprints - Code Footprints can be submitted at any time during design and construction document phases.

5.9.1 Preliminary submittals do not require design professional seal or Owner signature and should be submitted by e-mail. Preliminary code footprints will be reviewed only by OFPM. The Office of the State Fire Marshal does not review preliminary code footprints.

5.10 Final Code Footprint - The final code footprint shall be submitted when the Project Architect/Engineer has determined the code footprint is in a final form, preferably no later than the end of design development to 30% CD completion. The code footprint must have design professional seal and Owner signature prior to routing to OFPM. Unsealed or unsigned Code footprints will be returned to the agency for completion and not forwarded to OSFM.

5.10.1 OSFM reserves 45 days for code footprint review. It is recommended to submit the code footprint prior to completion of construction documents.

5.10.2 **Final code footprints** shall be submitted electronically via e-mail as a PDF document.

5.11 Code footprint submittals shall be formatted in an 11 x 17 inch, black and white format. Text shall be readable and legible when printed on 11" x 17" paper. The plans on the code footprint shall be scalable. Project Architect/Engineer shall review submission for legibility and completeness prior to submission.

5.12 The submittal may be multiple pages. The OFPM project number and building number must be part of the title block of the code footprint. OFPM preference is for the code footprint to utilize the standard title block. (Reference Form 112 – Standard Title Block)

5.13 Signature lines shall be included only on the front page for the Owner representative, either OFPM or OSFM and any other signatures required by the Owner.

5.14 All graphics shall conform to the standard included on Form 111 – Code Footprint Graphic Legend, available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

5.14.1 The code footprint graphic legend shall be provided on the code footprint and shall include the graphic symbol, the description, and the protection elements description. Graphic symbols not used on the code footprint can be omitted from the code footprint graphic legend provided on the code footprint.

5.14.2 If additional graphic symbols are needed to adequately present the building conditions on the code footprint, the Project Architect/Engineer may add symbols to the legend. Any additions must be shown on the graphic legend on the code footprint and the protection elements described.

5.15 Code Footprints shall provide the following code and facility information:

5.15.1 Code footprints and revised code footprints, shall include all requirements found in K.A.R. 22-1-7. The second page of Form 120 – Request for Review identifies these requirements.

5.15.2 Code footprints shall communicate the condition of the building or area at the completion of the project. If a code footprint is already on file at OSFM, a partial code footprint may be submitted to show only the floor where the work is being completed.

5.15.2.1 OSFM reserves the right to ask for an updated code footprint of the entire building.

5.15.3 Applicable codes are to be listed on the code footprint. This includes the codes and editions of the codes. If fire alarm or fire suppression system is installed or modified with the work on the code footprint, NFPA 72 and NFPA 13 and their edition is to be listed under applicable codes.

5.15.4 Known existing conditions that don't meet current building code requirements and not part of the scope of work shall be noted as existing non-conforming.

5.15.5 All new work shall be clearly identified.

5.15.6 All non-conforming conditions disrupted and readily accessible within the area of work shall be corrected as part of the project. Contact OFPM-DCC to determine if existing conditions within the work area must be corrected.

5.15.7 All hazards are to be identified on the code footprint. This is to include hazardous materials and their quantities, any hazardous uses, and any special features such as locking devices being proposed for egress doors (except for I-3 occupancies, where only the condition type need be identified in the code footprint narrative).

5.15.8 Any special agreement or compensatory measures on file with OSFM shall be noted on each code footprint issued for that building and the documentation shall be included in the submission or be made available for review.

5.15.9 Alternative materials, design and methods of construction and equipment should be reviewed with OFPM *or* OSFM prior to the submittal of the code footprint and shall be identified and justified on the code footprint. See the International Building Code for definition of alternative materials, design and methods of construction and equipment.

5.15.10 Identification of active life safety systems shall be listed as "required / not required" and "provided / not provided" and/or listed as existing non-conforming if applicable. Identify scope of systems provided i.e.: full coverage, partial systems (with locations), or compensatory systems.

5.16 Revised Code Footprint Submittal

5.16.1 If revisions to information on a previously accepted code footprint occur during construction, the code footprint shall be resubmitted with a revised date and all revisions shall be identified. The revised code footprint is to be accepted by OFPM or OSFM prior to issuance of Form 150 – Certificate of Occupancy.

6.0 Construction Separation and Temporary Egress Plan Submittal

6.1 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

6.2 If construction is occurring in an existing building when the building is occupied, construction separation and temporary egress plans will be required.

6.2.1 If the work occurs when the building is not occupied, construction separation and temporary egress plans will not be required. Provide a note on the Form 120 – Request for Review indicating the work will occur when the building is not occupied.

6.3 The construction separation and temporary egress plans shall identify the following:

6.3.1 Graphically illustrate the construction areas and occupied areas.

6.3.2 Graphically illustrate the separation provided. Indicate (graphically or labelled) all temporary walls. If existing walls are being utilized, describe the wall and indicate if openings are present and the type of protection at the openings.

6.3.3 Egress paths and travel distance shall be identified. Temporary exiting and/or access shall be identified if existing exits are impaired.

6.4 The temporary exiting or egress may be identified as part of the code footprint or as a separate plan submission. If a separate plan is submitted, the submission shall be in the same format (page size, title block, project number, building number, etc.) as the code footprint, shall bear the Project Architect/Engineer seal, shall list all applicable codes and saved or printed in an 11 x 17 inch, black and white format.

6.4.1 If sent as one PDF document with the code footprint, changes to either the code footprint or temporary egress will require both documents to be resubmitted.

6.4.2 If sent as a separate submission, signature lines shall be included on the front page of the temporary egress plan for the Owner representative, OFPM and OSFM and any other signatures required by the Owner.

6.4.3 Multiple temporary egress plans may be required due to construction phasing.

6.4.4 Revised plans may be required if accepted plan is modified during construction.

6.5 The temporary egress plan shall be submitted electronically as a PDF document. Send by e-mail along with Form 120 Request for Review as directed on the form.

6.5.1 The PDF shall be a first-generation PDF with a minimum 300 dpi resolution. Maximum size limit is 10MB.

7.0 Accessibility Analysis Submittal

7.1 Accessibility analyses, including completed path of travel forms for additions/renovations, are to be submitted for all new construction, new additions, and building renovation/remodeling (alterations). Accessibility information shall be shown on the code footprint.

8.0 Schematic Design Submittal

8.1 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

8.2 Schematic Design submission is not required to be supplied to OFPM.

8.3 For projects not subject to Part B, Owner may require schematic design submittal to be provided to OFPM.

8.4 OFPM encourages Project Architects/Engineers to submit a schematic design package if they have code questions regarding interpretation or code issues requiring resolution. Existing buildings

generally have non-conforming items that require discussions regarding compliance and application of the building and life safety codes.

9.0 Design Development Submittal

9.1 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

9.2 For projects subject to Part B, a design development submission shall be sent to OFPM only if a code footprint has been approved for this project.

9.3 For projects not subject to Part B, Owner may require design development submittal to be provided to OFPM.

9.4 Design development submission may be required for on-call projects subject to Part B – Chapter 4, as directed by the Owner.

9.5 OFPM encourages Project Architects/Engineers to submit a design development package if they have code questions regarding interpretation or code issues requiring resolution. Existing buildings generally have non-conforming items that require discussions regarding compliance and application of the building and life safety codes.

10.0 In-Progress Construction Document Submittal

10.1 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

10.2 In-Progress reviews are to be submitted for OFPM review for the following Capital Improvement Projects and phases. Progress reviews and may include 30%, 50% and 90% or 100% construction document submittals as described below.

10.2.1 If the project is a large project contracted through SBAC, in-progress reviews will be required.

10.2.2 If the project is bidding through OFPM plan room, final progress review sets are required when construction documents are 100% complete. The construction documents shall be forwarded per this chapter.

10.2.3 The bid document deliverables shall <u>not</u> be forwarded as the final review set.

10.3 In-progress construction documents to be submitted as follows:

10.3.1 Submit additional documents to Owner as directed.

10.3.2 Submit the PDF documents for OFPM review per Section 2.10 of this chapter. Submit additional documents to Owner as directed by Owner.

10.3.3 100% review documents are not considered Final Construction documents or Bid Documents.

11.0 Final Construction Document / Permit to Build Submittal (for projects **<u>not</u>** bidding through OFPM plan room)

11.1 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

11.2 To obtain a permit to build for a Capital Improvement building construction Project that is not bidding through OFPM plan room, the following shall be submitted:

11.2.1 Submit one full set of the construction documents to OFPM via an e-mail with a link to a Drop-box, OneDrive or other third-party site. Be sure to include a 120 form for each type of submittal.

11.2.2 Provide additional documents to Owner as directed by Owner.

11.2.3 OFPM reserves the right to request full sized documents for review if half-sized documents are difficult to read.

11.2.4 The specification manual submitted for final construction document / permit to build review shall be sealed, signed and dated by the Project Architect/Engineer.

11.2.5 Each drawing sheet submitted for final construction document / permit to build review shall be sealed, signed and dated by the Project Architect/Engineer.

11.3 Once the Permit to Build is issued, the Project Architect/Engineer shall forward to OFPM a complete set of the construction documents.

11.3.1 The electronic set should be transmitted via an e-mail with a link to a Drop-box, OneDrive or other third-party site. Be sure to include a 120 form for each type of submittal.

11.3.2 In addition to the electronic set of construction documents, for larger more complex projects, submit one (1) full-size paper copy of the drawings if the drawings sheets are 24'"x 36" and smaller or 2 half sized paper copies if drawing sheets are larger than 24'"x 36", The paper submission should include one copy of the specification manual, bound with a cover sheet. Contact OFPM project manager to determine if paper copies will be required.

12.0 Bid Document Deliverables / Permit to Build Submittals (for projects bidding through OFPM plan room)

12.1 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

12.2 For projects bidding through OFPM plan room refer to Part A – Chapter 6 for all bid document deliverables and bidding submittal requirements, including processing, formatting, addenda and construction contracts. See Part A – Chapter 3 for Capital Improvement building construction Projects required to bid through OFPM plan room.

12.3 If the bid documents are being sent along with the final review set, provide final review documents per Part A - Chapter 4, Section 11 along with the bid document deliverables as required in Part A – Chapter 6, Section 5.

12.4 Each drawing sheet of the bid documents shall be sealed, signed and dated by the project Architect/Engineer.

12.5 The specification manual of the bid documents shall be sealed, signed and dated by the project Architect/Engineer.

13.0 Construction Administration Submittals

13.1 All changes to construction documents that occur during construction shall be submitted for code and accessibility reviews. This would be any action during construction that would affect a building code item and may include but is not limited to: supplemental instructions (ASI) and revisions to

the contract documents (proposal requests and change orders). These submittals can be provided electronically via e-mail. Follow the general submittal requirements for electronic submittals per Section 2.0.

13.2 Contract Change Orders - For projects that bid through OFPM plan room, the Project Architect/Engineer shall follow the requirements outlined in Part B – Chapter 6.

13.3 Contractor's application for payment - For projects that bid through OFPM plan room, the Project Architect/Engineer shall follow the requirements outlined in Part B – Chapter 6.

13.4 Substantial and Final Completion - For projects that bid through OFPM plan room, the Project Architect/Engineer shall follow the requirements outlined in Part B – Chapter 6.

14.0 Fire Alarm and Fire Suppression Shop Drawings Submittal

14.1 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

14.2 OFPM, acting on behalf of OSFM will perform reviews of fire alarm and fire suppression shop drawings for all facilities.

14.2.1 In addition to OFPM review, OSFM will review fire alarm and fire suppression shop drawings for Healthcare occupancies that receive Federal Center for Medicare and Medicaid Services (CMS) funding. OFPM will forward Healthcare occupancy shop drawings to OSFM and will receive OSFMs approval prior to OFPM issuing a Project Acceptance for the shop drawings.

14.2.2 OSFM reserves 30 days for shop drawing reviews.

14.3 All Fire alarm and fire suppression systems modifications or installations will require shop drawings unless exempted under the Limited Scope criteria listed in section 15.0 in this Chapter.

14.4 Completed fire alarm and fire suppression shop drawings are to be reviewed and approved by the Project Engineer prior to submittal to OFPM. Submittals not approved by the project engineer and partial submittals will not be reviewed by OFPM.

14.4.1 When the complete shop drawing submittal is approved by the Project Engineer, the Project Architect / Engineer will forward via an e-mail with a link to a Drop-box, OneDrive or other third-party site. Be sure to include a 120 form for each type of submittal.

14.4.2 OFPM reserves the right to request paper copies of the shop drawings.

14.5 A complete **Fire Alarm** shop drawing submittal shall include drawings, battery calculations and product information. The drawing shall illustrate compliance with IBC & NFPA standards and editions. Shop drawings and battery calculations shall be sealed, signed and dated by a Kansas Licensed Engineer per the requirements of the Kansas Board of Technical Professions.

14.6 A complete **Fire Suppression** shop drawing submittal shall include drawings, hydraulic calculations and product information. The drawing shall illustrate compliance with IBC & NFPA standards and editions for the type of submission, i.e. fire sprinklers, standpipes, clean agent, kitchen hood suppression, etc. Shop drawings and hydraulic calculations shall be sealed, signed and dated by a Kansas Licensed Engineer per the requirements of the Kansas Board of Technical Professions.

14.7 Project Acceptance Form 125 will be issued after shop drawings have been reviewed and accepted by OFPM (and OSFM for Healthcare) Installation of the system shall not begin until the Project Acceptance has been issued.

15.0 Limited Scope Fire Alarm and Fire Suppression

15.1 Limited Scope Fire Alarm Modifications

15.1.1 Fire alarm shop drawings will not be required if the project is for an Owner who has an Agency Engineer or OSFM Commissioned Inspector and are as follows:

15.1.1.1 The Agency Engineer or OSFM Commissioned Inspector will be responsible to review construction documents, witness testing of the modified devices and receive and maintain as-built fire alarm drawings.

15.1.1.2 Scope of work limited to a maximum of 5 new notification devices (that do not appreciably affect the original design) and/or 20 relocated notification devices.

15.1.1.3 The existing layout of devices, relocated and new, must be shown on the Project Engineer's construction documents. All room names must be provided on the engineered construction documents.

15.1.1.4 Verification by the Project Engineer that the additional devices do not overload the existing fire alarm wiring or system capacity.

15.1.1.5 All modifications or additions are performed by or under the supervision of a NICET certified or factory trained installer.

15.1.1.6 As-Built drawings for the entire Fire Alarm system are maintained by the Owner and are updated to reflect the changes.

15.2 Limited Scope Fire Suppression Modifications

15.2.1 Suppression shop drawings will not be required if the project is for an Owner who has an Agency Engineer or OSFM Commissioned Inspector and are as follows:

15.2.1.1 The Agency Engineer or OSFM Commissioned Inspector will be responsible to review construction documents, witness testing of the system and receive and maintain as-built suppression drawings.

15.2.1.2 Scope of work limited to no more than 20 sprinkler heads relocated or added, the hydraulic design does not change and no branch piping modifications are required.

15.2.1.3 All new, existing and relocated heads must be shown on the Project Engineer's construction documents. All new sprinkler heads must match existing sprinkler heads. Existing heads shall not be reused when heads are relocated, new sprinkler heads shall be installed. Contact OFPM if existing heads cannot be matched.

15.2.1.4 Project Engineer must verify the modifications have no appreciable impact on the hydraulic design.

15.2.1.5 All installation work is performed by or under the supervision of a licensed sprinkler contractor.

15.2.1.6 As-built drawings are maintained by the Owner and are updated to reflect the changes.

16.0 Deferred Submittals

16.1 Deferred submittals are defined as those portions of the design that are not required to be submitted with the bid document deliverables submittal or the permit to build submittal. These submittals are required to confirm compliance with the code. Deferred submittals required to be provided to confirm compliance would include elevator shop drawings and any shop drawings required to be sealed by a design professional, such as a metal building or other structural component.

17.0 Submittals for Occupancy

17.1 For final inspection for occupancy the Owner (or his designee) must submit Form 120a – Request for Occupancy at least four weeks prior to construction completion or occupancy. Within 48 hours of receipt, OFPM will review status of required submittals and indicate if the final inspection can or cannot be scheduled. If a final inspection cannot be scheduled, the Owner will be informed of items required to be completed. If final inspection can be scheduled, Form 120a – Request for Occupancy will indicate personnel required to be contacted. The scheduling of OFPM inspector to be per Part A – Chapter 5 – Sections 8.0 and 9.0.

17.2 If occupying a portion of a project: The Project Architect/Engineer shall submit a plan to OFPM indicating area(s) to be occupied, the exiting (permanent or temporary from occupied areas), and indication of separation of occupied areas from construction areas. The Owner will provide this information with Form 120a – Request for Occupancy (See Part A – Chapter 5 – Section 9.0).

18.0 Record Document Submittals

18.1 Projects bid through OFPM plan room shall provide record documents to OFPM as outlined in this section and follow general requirements in Section 2.0 of this chapter. Owners may require submission of record documents if project is not bid through OFPM plan room.

18.2 The electronic copies shall each contain the same set of Record Documents, including but not limited to:

18.2.1 Each discipline's record drawings in PDF format.

18.2.2 A complete set of technical specifications revised to reflect significant changes and attached reports in PDF format and all other documents generated by the Project Architect/Engineer during the bidding and construction phases in PDF.

18.2.3 PDF files of Contractors submitted shop drawings, ASI and RFI documents.

18.2.4 PDF documents should be flattened and reduced in size.

18.2.5 Documents shall be forwarded to OFPM via an e-mail with a link to a Drop-box, OneDrive or other third-party site. Be sure to include a 120 form for <u>each type</u> of submittal.

18.3 Paper copies on vellum and Mylar® and documents saved as PDF's on flash drives are no longer required to be sent to OFPM.

18.3.1 Some Owners may still require paper copies of the record documents for their files. The project architect/engineer shall send paper copies per the Owner's requirements.

END OF CHAPTER

PART A – POLICY AND PROCEDURES

CHAPTER 5 - CODE AND OCCUPANCY REQUIREMENTS

1.0 General Information

1.1 OFPM, on behalf of the Secretary of Administration, is to develop and adopt standards for inspection and acceptance of projects for the construction of buildings and major repairs and improvements to buildings for state agencies. (K.S.A. 75-3783) The standards and processes developed for acceptance is outlined in this chapter. The processes include: review and acceptance of code footprints where applicable, acceptance of construction documents for building codes (building, fire and life safety, electrical, mechanical and plumbing) and accessibility, acceptance of fire alarm and fire suppression shop drawings, code inspections of construction and issuance of Form 150 – Certificate of Occupancy.

1.2 Office of the Kansas State Fire Marshal (OSFM) and OFPM have a memorandum of understanding. OFPM will act as the single point of contact and will coordinate with OSFM (as applicable in K.A.R. 22-1-7) the reviews and acceptance of code footprints and temporary egress plans for construction on State property. will sign code footprints and accept temporary exit plans. OFPM will perform reviews of fire alarm plans and fire suppression plans for all construction projects on State property and will perform necessary inspections during construction for code and code footprint compliance.

1.3 Effective dates of applicable building codes, accessibility laws and guidelines and energy codes for Capital Improvement Projects in State Buildings are available on Form 110 – List of Applicable Codes at http://admin.ks.gov/offices/ofpm/dcc/f-and-d. Project Architects/Engineers that contract with the Department of Administration shall follow the applicable codes and accessibility laws attached to their contract.

1.4 Information regarding document submittal requirements for OFPM review and OFPM processing of submittals can be found in Part A – Chapter 4 of this manual.

1.5 Questions regarding the building code, or requests for building code interpretations are to be e-mailed to OFPM on Form 120 – Request for Review. (See Part A – Chapter 4 for general requirements on use of OFPM forms and submittal requirements) Any drawings provided to illustrate the questions shall be identified with an OFPM project number and shall be in PDF format.

1.5.1 OFPM will provide a written response via e-mail to the individuals indicated on Form 120 – Request for Review.

1.6 Accessibility questions regarding new construction, additions, and/or renovations should be forwarded to OFPM. Accessibility questions regarding Title II program accessibility should be addressed to the State ADA Coordinator. (Contact information can be found at http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada.)

1.6.1 OFPM will provide a written response via e-mail to the individuals indicated on Form 120 – Request for Review.

1.7 A permit to build will be granted when the code footprint, if applicable, and the temporary egress plans, if applicable, has been accepted by OFPM / OSFM and construction documents have been accepted by OFPM. The permit to build is issued on the Form 125 – Project Acceptance.

1.8 OFPM, on behalf of Secretary of Administration, has authority to authorize / accept occupancy. (K.S.A. 75-1262 and K.S.A. 76-757). Form 150 – Certificate of Occupancy will be issued by OFPM prior to occupancy of any portion of a building that has been in construction or has a change in occupancy. For Healthcare and Childcare Occupancies and Capital Improvement Projects for the

Board of Regents, OSFM will also perform construction inspections prior to authorization/acceptance of occupancy.

2.0 Code Footprint

2.1 Submittal requirements and processing of code footprint can be found in Part A – Chapter 4.

2.2 Code Footprint is a building and life safety code compliance document that contains both graphic and narrative information and that meets the requirements of (K.A.R. 22-1-7). It is required to be submitted for all new construction, additions, and building renovation/remodeling affecting active or passive life safety systems or change in occupancy of buildings on State Property.

2.3 The code footprint must be acceptable to OFPM or OSFM and Form 125 – Project Acceptance issued to receive a permit to build or for documents to be released for bidding on OFPM plan room.

2.4 The construction shall comply with the accepted code footprint. If modifications occur during construction, the code footprint shall be revised and resubmitted for acceptance. (See Part A – Chapter 4).

3.0 Accessibility Laws and Guidelines

1.0 Accessibility Analysis Submittal

1.1 Accessibility analyses, including completed path of travel forms for additions/renovations, are to be submitted for all new construction, new additions, and building renovation/remodeling (alterations).

1.2 Accessibility analyses can be submitted at any time during the design and document phases.

1.3 When alterations to a primary function area are being made, the Project Architect/Engineer is responsible to identify what "path of travel requirements" is triggered. Form 115 – Path of Travel is to be submitted to OFPM. Refer to the form for more information.

1.4 When a design development submittal is required by the Project Architect/Engineer's contract or per Section 9 of this chapter, the accessibility analysis must be provided as part of the design development submittal.

1.5 Failure to provide compliant accessibility items in documents for Capital Improvement Projects will result in denial of release to bidders or permit to build.

1.6 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.

3.1 All buildings on State-Owned Property are subject to federal [28 CFR Part 35] and state accessibility laws, (K.S.A. 58-1301 et seq.), which mirror Title II of the Americans with Disabilities Act (ADA). 2010 ADA Standards for Accessible Design (2010 ADA Standards) are the effective federal and state accessibility requirements.

3.2 The Project Architect/Engineer is responsible for compliance with Section 3.2 where applicable on all new construction, additions and renovation projects. OFPM and the State ADA coordinator will review all projects for compliance with appropriate accessibility guidelines and applicable Title II requirements during all phases of a project. (K.S.A. 58-1304)

3.3 Any 2010 Design Standards or Title II issues, including program accessibility, will be resolved by the state ADA coordinator. (Contact information can be found at

http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada) Note: There appears to be stronger integration of program and policy requirements in areas such as higher education facilities in Part 35 policy regulations.

3.4 The following is a list of accessibility elements commonly omitted on projects. This list is provided for the benefit of the Project Architect/Engineer. This list is not all-inclusive and does not relieve the Project Architect/Engineer from the burden of complying with current accessibility standards required by the State of Kansas.

3.4.1 Multi-story governmental facilities are required to have at least one passenger elevator**.** Single story buildings with a code compliant mezzanine are not considered multi-story facilities.

3.4.2 Path of Travel requirements are triggered when alterations are being made to a primary function area of a facility, and up to 20% of the construction budget is required to make alterations to meet path of travel requirements. (See Part A – Chapter 4 and Form 115 – Path of Travel for submittal requirements.)

3.4.3 Accessibility improvements that are required to make a facility accessible to individuals with disabilities shall be provided in the base bid contract, except when the project is limited solely to accessibility improvements.

3.4.4 Dispersion of accessible seating in assembly areas.

3.4.5 Parking and drop-off areas.

3.4.6 Exterior accessible routes.

3.4.7 Required number of accessible entrances and exits.

3.4.8 Door opening forces.

3.4.9 Mounting height of control mechanisms, operable by the public, such as automatic door openers, elevator hall call buttons, door handles, light switches, etc.

3.4.10 Reception counters.

3.4.11 Areas of rescue assistance requirements.

3.4.12 Accessible means of egress (2010 ADA Standards – After consultation with State ADA Coordinator and OSFM, it has been determined the 2018 International Building Code will be the referenced code for this requirement.)

3.4.13 Fire alarm requirements.

4.0 Construction Separation and Temporary Egress Plans

4.1 IFC Chapter 33 and NFPA 241 Chapter 8 are applicable for construction occurring when a building is occupied. Per the IFC/NFPA documents, temporary separation walls are required and shall be identified on construction separation and temporary egress plans. (Reference current List of Applicable Codes – Form 110)

4.2 If construction separation or temporary egress plans are required, plans indicating construction separation and temporary egress for each phase of construction are required to be submitted and accepted by OFPM and OSFM prior to issuance of a Permit to Build or release of bid document deliverables to OFPM plan room.

4.2.1 If, during construction the construction separation and temporary egress changes, each change shall be submitted for approval prior to the changes taking place. Submittal of the revised construction separation and temporary egress changes shall follow the submittal process for the original with the notation that the document is being revised.

4.3 Submittal requirements and processing of construction separation plans can be found in Part A – Chapter 4.

5.0 Energy Code Compliance

5.1 All new buildings or additions and all buildings renovated, retrofitted or repaired shall comply with the International Energy Conservation Code (IECC) or ASHRAE 90.1 or as an alternative the Project Architect/Engineer may seek to comply with a functionally equivalent standard as provided in K.A.R. 1-67-2 and K.A.R. 1-67-3. (Reference current List of Applicable Codes – Form 110)

5.1.1 When the project is a renovation, retrofit or repair, compliance will only be required on systems or components being replaced or altered.

5.2 The Project Architect/Engineer shall attest compliance as follows:

5.2.1 Indicate as requested by OFPM in Permit to Build submittal or in bid document deliverables submittal.

5.2.2 If the project complies with ASHRAE or IECC, additional documentation is not required.

5.2.3 If the Project Architect/Engineer is seeking compliance with a functionally equivalent standard, a report will be required to be submitted. Information is received and filed by OFPM. OFPM will not review or certify acceptance of the information provided.

6.0 Construction Document Reviews

6.1 Submittal requirements and processing of construction documents can be found in Part A – Chapter 4.

6.2 Final construction documents sealed by a Project Architect/Engineer are to be submitted to receive a permit to build.

6.3 Construction documents are to contain adequate information so compliance with the approved code footprint, applicable building codes and accessibility laws and guidelines can be determined. Form 123 – Construction Documents Checklist, available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents, outlines required information to be provided.

6.4 A statement of special inspection shall be provided per applicable building codes. The Project Architect/Engineer may reference the project specifications in lieu of a separate statement.

7.0 Fire Alarm and/or Fire Suppression Shop Drawings

7.1 All fire alarm and fire suppression systems modifications or installations will require shop drawings unless exempted under the Limited Scope criteria listed in Part A – Chapter 4.

7.2 Submittal requirements and processing of fire alarm and fire suppression shop drawings can be found in Part A – Chapter 4.

7.3 Installation of the systems shall not begin until Form 125 – Project Acceptance Record has been issued.

8.0 Required OFPM Code Inspections

8.1 OFPM performs required code inspections during construction for the Secretary of Administration and on behalf of the OSFM except as noted. These inspections are required for Form 150 – Certificate of Occupancy to be issued. (K.S.A. 75-1262 and K.S.A. 76-757)

8.1.1 Healthcare occupancies (such as state hospitals and TUKH), childcare occupancies, Department of Corrections occupancies, and Capital Improvement Projects for the Board of Regents require joint inspection by OFPM and OSFM. OSFM is to be contacted for a 50% construction inspection and the final inspection. To schedule the inspections, contact OSFM at their main office at 785-296-3401. Refer to Section 8.6 for procedures for Final Inspection for Occupancy.

8.1.2 In Healthcare occupancies subject to KDHE regulations, the Owner or Project Architect/Engineer is responsible for contacting KDHE and coordinating with KDHE regarding KDHE requirements for licensing and occupancy.

8.2 It is the responsibility of the Owner to verify the scheduling of construction inspections with OFPM inspector and when required, with OSFM. (K.S.A. 75-3783)

8.2.1 For OFPM Design Section construction projects and projects receiving OFPM Full Services, OFPM Design Section and OFPM will, on the behalf of the Owner, verify the scheduling of construction inspections with the OFPM inspector and when required, with OSFM.

8.3 OFPM inspector shall be scheduled for the following required code inspections (if applicable to the project). Reference Form 130 – Required Inspections for Occupancy for descriptions:

8.3.1 Construction Separation and Temporary Egress if existing building is occupied
8.3.2 Footings and Foundations
8.3.3 Underfloor / Under slab
8.3.4 MEP Underground (not associated with underfloor / under slab)
8.3.5 Framing
8.3.6 In-wall
8.3.7 Fire-resistive assemblies and fire-resistant penetrations
8.3.8 Above ceiling
8.3.9 Fire Alarm (Including Acceptance Testing)
8.3.10 Fire Suppression (Including Acceptance Testing)
8.3.11 Emergency Lighting (Including Acceptance Testing)
8.3.12 Fire Pump (Including Acceptance Testing)
8.3.13 Elevator (witness load testing and verify accessibility)
8.3.14 Roof inspections, including tear-off, insulation, membrane placement, flashing
8.3.15 Emergency Power (Including Acceptance Testing)
8.3.16 Smoke Control systems (Including Acceptance Testing)
8.3.17 Pressure Testing of Piping
8.3.18 Locking systems
8.3.19 Final Inspection for Occupancy (Refer to Section 8.6 for procedures and Section 8.2.1 for required OFPM and OSFM joint inspections)

8.4 An OFPM Project Number and a Permit to Build (Form 125 – Project Acceptance) must be issued prior to scheduling a code inspection.

8.5 The fire alarm and fire suppression shop drawings must be accepted by OFPM prior to scheduling a code inspection for the fire alarm and/or fire suppression installation.

8.6 For Final Inspection for Occupancy the Owner (or his designee) must submit Form 120a – Request for Occupancy at least four weeks prior to construction completion or occupancy. Within 48 hours of receipt, OFPM will review status of required submittals and indicate if the final inspection can or cannot be scheduled. If a final inspection cannot be scheduled, the Owner will be informed of items required to be completed. If final inspection can be scheduled, Form 120a – Request for Occupancy will indicate personnel required to be contacted. The scheduling of OFPM inspector to be per Section 8.7.

8.6.1 If the construction project timeframe is less than 90 days, the submittal of Form 120a – Request for Occupancy can occur one week prior to construction completion or occupancy.

8.6.2 For OFPM Design Section construction projects and projects receiving OFPM Full Services, OFPM Design Section will, on the behalf of the Owner, submit Form 120a – Request for Occupancy.

8.7 The required code inspections listed above shall be coordinated with the OFPM inspector via individual cell telephones. Telephone contact is to be a minimum of 3 business days prior to anticipated inspection. OFPM inspectors do not have continual access to e-mail and therefore, e-mail contact does not constitute timely contact. Inspection confirmation may occur via e-mail.

8.8 If the OFPM inspector has available time within his work schedule, the inspection may not be subject to the minimum 3 business days.

8.9 It shall be the responsibility of the Project Architect/Engineer or Owner to assure the minimum 3 business day notice is being maintained.

8.10 OFPM inspectors can defer code inspections as follows:

8.10.1 OFPM inspector to review installation and set standard by which installation will be inspected. First inspection of a component is to be completed by the OFPM inspector.

8.10.2 Owner, Contractor or Project Architect/Engineer is to contact the OFPM inspector for all required code inspections.

8.10.3 Inspector will indicate availability to make an inspection. Inspector will determine if he, another OFPM employee, Project Architect/Engineer or Owner can perform inspection. Inspector will inform Contractor and agency representative regarding who will be performing inspection.

8.10.4 If Owner or Project Architect/Engineer personnel perform inspection, the installation will be documented with pictures. Personnel performing inspection shall forward pictures to the OFPM Inspector with a completed Form 140 – Deferred Inspection Record.

8.10.5 OFPM inspector (or other OFPM personnel) will not defer and shall be present at the following code required inspections: fire alarm system, fire suppression system, fire pump, standpipes, back-up power sources, emergency lighting, accessibility and final inspection for occupancy and/or partial occupancy.

8.11 OFPM inspector will complete Form 135 – Inspection Record for each inspection. A copy of this form will be e-mailed to the Owner. It is the responsibility of the Owner to forward to the Project Architect/Engineer and Contractor.

9.0 Certificate of Occupancy

9.1 Form 150 – Certificate of Occupancy will be issued electronically via e-mail when OFPM and OSFM inspectors or OSFM designee, when required, have performed the final inspection and as follows in this section.

9.1.1 A Certificate of Occupancy will not be issued to a project that does not have an OFPM project number.

9.2 Prior to requesting a final inspection for Occupancy, the Owner is to submit a Form 120a – Request for Occupancy per Section 8.0 of this chapter. Failure to submit the form and schedule OFPM and OSFM, when required, for an inspection will result in denial of occupancy.

9.3 Health care occupancies such as state nursing homes, state hospitals and KUMED Hospital; childcare occupancies (licensed by KDHE); Department of Corrections occupancies; and Capital Improvement Projects for the Board of Regents require inspection by OFPM and OSFM or OSFM designee. The inspection is to be scheduled as a joint inspection with OFPM and OSFM. Owner or his designee is responsible to contact OSFM to schedule the inspection.

9.3.1 In Healthcare occupancies subject to KDHE regulations, the Owner or Project Architect/Engineer is responsible for contacting KDHE and coordinating with KDHE regarding KDHE requirements for licensing and occupancy.

9.4 Form 150 – Certificate of Occupancy will be issued by OFPM when OFPM personnel and OSFM (as required in Section 9.3) have determined all applicable life safety systems and accessibility items have been verified acceptable and as outlined on the Form 145 – Occupancy Checklist and as follows:

9.4.1 Occupying a portion of a project (other portions of project still in construction):

9.4.1.1 Floor plan is submitted per Part A – Chapter 4.

9.4.1.2 If the project was not bid through OFPM plan room, the Contractor shall agree in writing to complete and correct all work for the project in accordance with contract documents within a time specified after the date of such occupancy.

9.4.1.3 If the project was bid through OFPM plan room, in addition to Section 9.4.1.2, Form 570 – Certificate of Substantial Completion (with the area to be occupied identified) along with Project Architect's/Engineer's punch list will need to be issued and signed by the Contractor and forwarded to OFPM.

9.4.2 Occupying a project that is substantially complete (Contractor has a list of items to complete):

9.4.2.1 If the project was not bid through OFPM plan room, the Contractor shall agree in writing to complete and correct all work for the project in accordance with contract documents within a time specified after the date of such occupancy.

9.4.2.2 If the project was bid through OFPM plan room, Form 570 – Certificate of Substantial Completion along with Project Architect/Engineers punch list will need to be issued and signed by the Contractor and forwarded to OFPM.

9.4.3 Occupying a project that is complete (Contractor has completed all contract document items):

9.4.3.1 This applies to projects bid through the OFPM plan room. The Project Architect/Engineer and Owner recommend by e-mail to OFPM the project is complete and the Project Architect/Engineer routes Form 571 – Certificate of Project Completion. (Reference Part B – Chapter 6)

END OF CHAPTER

PART A – POLICY AND PROCEDURE

CHAPTER 6 – BIDDING THROUGH OFPM PLAN ROOM

1.0 General Information

1.1 The requirements of this chapter shall apply to all projects bidding through OFPM Plan room. Reference Part A – Chapter 3 for Capital Improvement Projects required to bid through OFPM Plan room.

1.2 For a project to be released to bid through OFPM plan room, the following must be submitted and accepted:

1.2.1 Code footprint (if applicable) – Reference Part A – Chapter 4 for requirements accepted by OSFM or OFPM.

1.2.2 Construction Separation and temporary egress plans (if applicable) – Reference Part A – Chapter 4 for requirements accepted by OSFM or OFPM.

1.2.3 Bid Document Deliverables – Reference this chapter, Section 5.0 accepted by OFPM.

1.2.4 Form 305 – Front End Data Form, completely filled out, including estimate of probable cost.

1.3 A Project Acceptance issuing a Permit to Build must be received before a bid date will be set.

1.4 The bid date is established by OFPM in consultation with the agency.

1.5 The deadline for setting a bid date is noon on Wednesday for publication in the Kansas Register the following week on Thursday.

1.6 Bid documents received after Thursday are not guaranteed to be processed and have a bid date set by the following week on the Wednesday noon deadline.

1.7 Projects must be published in the Kansas Register a minimum of 10 days before the established bid date.

1.8 The bid date is advertised in the *Kansas Register* and on the on-line plan room at http://kansasdfm.contractorsplanroom.com/secure/.

1.9 Significant problems that arise less than ten (10) calendar days prior to the bid date shall be brought to the attention of the Owner and OFPM **and** may result in the postponing of the bid date.

1.10 OFPM contracts with an electronic plan room, for plan distribution on Capital Improvement Projects, unless otherwise designated. The link to the on-line plan room can be found under the Bid Solicitation section at http://admin.ks.gov/offices/ofpm/dcc by selecting the yellow On-Line Plan Room button.

1.10.1 Access to the plan room site is free if registration is completed from the OFPM link or at http://kansasdfm.contractorsplanroom.com/secure/. Enter an e-mail address in the space given on the right side of the screen and click on the “Sign Up!” tab.

1.10.2 At their expense, interested bidders may download the documents to their computer, print them on their printers or plotters, or may order prints from a printer.

1.10.3 Contractors, subcontractors and suppliers are responsible for understanding the scope of the work involved in these documents and for obtaining the appropriate drawing sheets and specification sections for their work.

2.0 Project Architect's/Engineer's Responsibilities

2.1 Submit bid document deliverables as outlined in Section 5.0 in this chapter.

2.2 Correct and re-send files that cannot be uploaded due to format, errors or file naming.

2.3 Complete the OFPM e-mail request for pre-bid conference information and document distribution. If pre-bid is required, the Project Architect/Engineer will coordinate with the Owner the date, time and location for the pre-bid and if the pre-bid conference is mandatory. The pre-bid conference will be at least 10 calendar days prior to the bid date.

2.4 The Project Architect/Engineer shall chair the pre-bid conference. Form 320 – Pre-Bid Agenda is available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

2.4.1 The Project Architect/Engineer shall include the relevant consultants at the pre-bid conference, present a description of work, answer questions, and participate in a walk-through of the project site, if necessitated by the project scope.

2.5 Prepare all technical addenda regarding interpretations, clarifications, and approved substitutions using Form 315 – Addenda.

2.6 Evaluate requests for substitutions following process outlined in specification Document D – General Conditions of the Contract.

2.6.1 Approved substitutions will only be made via addenda. The Project Architect/Engineer will notify the submitting firm of substitution requests that are not approved.

3.0 Design, Construction & Compliance Responsibilities

3.1 Will review construction documents and when documents are found acceptable issue a permit to build. The project will then be released to bid.

3.2 Will set the bid date in consultation with the Owner.

3.3 Will prepare specification cover(s), specification Documents A through I, Section 01 0000, will edit Project Architect's/Engineer's provided Table of Contents and combine with page(s) of each discipline's seal, the Project Architect's/Engineer's edited Division I sections and the Project Architect's/Engineer's technical specifications. Reference Section 5.0 of this chapter for additional submittal information.

3.4 Will upload (post) all the bid document files to the electronic plan room.

3.5 Will coordinate the printing and distribution of bid documents provided for the project team, OFPM and Owner.

3.6 Will provide the first addendum. The addendum will include standard OFPM information and pre-bid notification, if applicable.

3.7 Coordinate with Owner and Office of Procurement and Contracts to determine revised bid date, if applicable.

3.8 Will coordinate the printing and distribution of up to ten (10) sets of bid documents for the successful bidder.

4.0 Owner Responsibilities

4.1 Owner is to provide notification that the Capital Improvement Project is being submitted for bidding through OFPM plan room. The notification is to be in writing with bid document deliverables or by e-mail.

4.2 Owner shall identify and specify the procedures on a separate sheet and shall provide all documents, forms and information to be included in the specification manual, when a project's funding source (i.e. federal funds) requires additional or non-standard procedures and/or forms beyond State of Kansas requirements.

4.3 Owner will pay the cost to post documents to the electronic plan room.

4.4 The Owner will pay the costs to print and distribute bid documents, including addenda, for use by the Owner, design team and OFPM.

4.5 The Owner will pay for costs to print up to ten (10) sets of bid documents for use by the Contractor during construction.

4.5.1 Contractor shall either pick up these plans at the OFPM office or shall pay to have them shipped.

5.0 Bid Document Deliverables- General

5.1 OFPM will check the bid document deliverables for a complete submission. This document is provided to aid the project architect/engineer in providing a complete and accurate set of bid document deliverables.

5.2 General Bid Document Deliverables Items

5.2.1 OPFM does not require vellum or Mylar® copies of the bid documents. Documents for bidding will only be required electronically in PDF format.

5.2.1.1 Some agencies may wish to continue to receive vellum or Mylar® copies of the bid documents. The project architect/engineer shall confirm with the agency whether the agency wants these paper copies.

5.2.2 Documents for review shall be saved in PDF format and shall be flattened and condensed.

5.2.3 Documents shall be forwarded to OFPM via an e-mail with a link to a Drop-box, OneDrive or other third-party site. Be sure to include a 120 form for each type of submittal.

5.2.3.1 Documents are not required to be provided on flash drives.

5.2.4 A completed Form 305 – Front End Data shall be submitted along with the bid document deliverables.

5.2.4.1 Alternates and Unit Prices shall be summarized by the Project Architect/Engineer for use in Document C – Form of Bid. Descriptions for the alternates and unit prices on the bid form shall be an abbreviated description of what is provided by the Project Architect/Engineer in Division 1

5.2.4.2 When used, full descriptions of alternates, unit prices and allowances shall be included in the Project Architect's/Engineer's Division 1 section.

5.2.4.3 Alternates and unit prices shall be designated with whole numbers, without subsets. (Example: Alt. 1, Alt. 2, Alt. 3, etc.)

5.2.4.4 All unit prices shall be listed with a unit of measure.

5.2.4.5 When a project's funding source (i.e. federal funds) requires additional or non-standard procedures and/or forms beyond State of Kansas requirements, the agency or project architect/engineer shall provide the information and documents to OFPM for inclusion in the Construction Documents.

5.2.4.6 The final construction estimate is to be Base Bid only.

5.2.5 The project title shall be written in the following order: agency abbreviation, building name and a title of work and shall correspond with the title on the 935 form. (Example: KDOT Horton Subarea Shop HVAC Upgrade.)

6.0 Bid Document Deliverables - Drawings

6.1 Drawing space on each drawing sheet shall be used efficiently, limiting white or blank spaces.

6.2 Text fonts used on drawings should be "sans serif" for readability.

6.3 For drawings 24" x 36" or larger, the minimum plotted text size for general notes not associated with a drawing shall be minimum 1/8". All scalable text (text not part of an AutoCAD symbol) on these drawings shall be a minimum of 3/32" plotted at full size.

6.4 All text and line weights at full size shall be legible and readable at half size reduction. Lightweight fonts for dimensions are discouraged.

6.5 If utilized, photos inserted on the drawings shall be of appropriate contrast and resolution so that leaders, notes and details are clearly legible when printed in black and white.

6.6 All drawing sets with more than one drawing shall have a sheet index on the first sheet.

6.7 For projects utilizing large format drawings, all sheets in a drawing set shall be the same size.

6.8 If multiple volumes are provided, each volume shall have a cover sheet with the volume clearly identified and a drawing index. The drawing index shall list all volumes and sheets provided in those volumes. Each volume shall have a separate page number. Maximum number of pages in a volume shall be 170 pages.

6.9 All large projects, as defined in Part B – Chapter 3, shall have a cover sheet.

6.10 Each drawing sheet, including the cover sheet, will have a title block, as shown on OFPM Form 112–Standard Title Block, available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

6.10.1 The title block on the 24" x 36" sheet should be a minimum of 2" wide and contain the information indicated on the Graphic Sample.

6.10.2 The lower 12-inch section of the title block is reserved for the state's project information.

6.10.3 The upper half of the title block shall contain all firm and consultant information, logos and seals. No firm information should be outside the title block. Each drawing sheet shall contain the appropriate discipline's seal, signed and dated across the seal.

6.11 If the Project Architect/Engineer includes the code footprint in the bid document set of the drawings, the code footprint shall be included in the native, approved 11 x 17 format and inserted onto the larger format drawings.

6.12 All floor plans, including demolition, architectural, structural framing, mechanical and electrical plans shall be oriented the same direction, preferably oriented with a north arrow pointing to the top of the page, and shall have both a numeric scale and **a graphic scale.**

6.13 All building floor plans (i.e. architectural, reflected ceiling, roof, structural, mechanical, plumbing, electrical, lighting, fire suppression) shall be drawn to a scale of not less than one-eighth inch per foot. Floor plans of buildings less than 100 feet in length should be drawn at a scale of one-fourth inch per foot. Regardless of scale, all plans shall be the same scale, except site plans, enlarged plans and details.

6.14 Each plan, detail and drawing shown on the documents shall be drawn accurately, and have the appropriate title and scale indicated.

6.15 Each discipline shall provide a legend, using symbols and notations standard to the industry, indicating each symbol's meaning, and shall be located on the first sheet of each discipline's individual set of plans.

6.16 Electronic Format Items – Drawings

6.16.1 Final drawings shall be submitted with each drawing sheet as a separate PDF document. PDF files shall not be saved as portfolio or in layers and shall be condensed (flattened) or optimized and saved as "Page Only". Save drawings to display horizontally (no rotation required to view drawing).

6.16.2 Drawing file titles should have a 3-digit numerical prefix (beginning with 001), the sheet number and a brief description of the sheet content. Drawing files are to be titled in the numerical order that the Project Architect/Engineer intends the drawing set to be displayed.The following is an example of the titles for drawing files. (Do not provide underlines between words). Titles shall match the titles on the drawing page.

001-1.0 Cover Sheet
002-C.1 Civil Site Plan
003-A.1 Floor Plan
004-Etc.

6.16.3 A professional seal with signature and date shall be readable at the intended size of the drawing. Electronic signatures are recognized by the Kansas State Board of Technical Professions. Specific regulations and standards are available at http://www.ksbtp.ks.gov/statutes-rules/seal-sig-faq.

7.0 Bid Document Deliverables - Specifications

7.1 Technical specifications shall be project specific and edited from the current edition of a guide specification similar to Arcom's MasterSpec or BSD's SpecLink-E, using the CSI Master Format section, numbering and outline formats for the 49 Division, 6-digit section number format.

7.2 Technical specifications formatting shall be as follows and shall match OFPM format.

7.2.1 Technical specification shall be on 8 ½" x 11" paper and not provided on the drawings.

7.2.2 For spec sections with odd numbered pages, do not insert a blank page or a page listed as "Page intentionally left blank" at the end of the section.

7.2.3 Each page shall have a single column format with 0.75" margins on both the right and left sides. Top and bottom margins shall be 1/2" maximum.

7.2.4 Each page shall have the OFPM project number, project title (including agency abbreviation) and date (month and year) in the header and specification section title, specification section number and a page number in the footer.

7.2.5 Fonts shall be Arial or Helvetica at 10pt.

7.2.6 Project titles used in the Header/Footer shall match the project titles in the drawing title block.

7.2.7 Drawing sheet index, if provided in Division 1 specifications, shall be identical to the sheet index on drawing cover sheet and shall match the titles provided on the drawing title blocks.

7.2.8 Multiple volumes will be required if volume size exceeds 500 double-sided pages. OFPM will determine the break for the multiple volumes, will correct the table of contents accordingly and will create cover(s) for the additional volume(s).

7.3 Electronic Format Items – Specifications

7.3.1 OFPM will provide the following items in the specification manual:

7.3.1.1 Cover sheet (using information provided on Form 305).
7.3.1.2 Completed Table of Contents
7.3.1.3 Documents A through I (using information provided on Form 305)
7.3.1.4 Division 1 Section 01 0000 (using information provided on Form 305).

7.3.2 Project Architect/Engineer is responsible to provide the following specification items.

7.3.2.1 Table of contents
7.3.2.2 PDF page(s) of each discipline's seal
7.3.2.3 Project Architect's/Engineer's edited Division I additional sections
7.3.2.4 Project Architect's/Engineer's technical specifications
7.3.2.5 Technical reports, legal descriptions, documents, records and/or papers prepared by the design team for the project
7.3.2.6 Special/non-standard project procedures and forms required for funding or administrative recordkeeping

7.3.3 Each technical specification Division with applicable Sections shall be bundled as one (1) PDF file per specification Division except as follows:

7.3.3.1 Project Architect/Engineer Division 1 sections shall be submitted in PDF format and combined into one PDF document. OFPM will add OFPM Division 1 section into the Division 1 PDF provided by the Project Architect/Engineer.

7.3.3.2 The PDF for each Division shall be named according to the CSI Masterformat naming conventions.

7.3.3.3 All technical reports, legal descriptions, documents, records and/or papers prepared by the design team for the project shall be provided in PDF format and located in the table of contents.

7.3.4 Titles for each specification file and all other information files shall include a 3-digit numerical prefix and title.

7.3.5 Each specification file created by the Project Architect/Engineer shall be numbered in the order the Project Architect/Engineer intends the information to be displayed. 001 and 004 are reserved for OFPM use.

7.3.6 The following is an example of the titles for specification files.

001-Cover (reserved for OFPM & not provided by Project Architect/Engineer)
002-Professional Seal(s) (save as one PDF)
003-Table of Contents (DOC/DOCX format)
004-Front End Documents A-I (reserved for OFPM)
005-Division 01-General Requirement (Project Architect/Engineer Division 01 sections shall be submitted in PDF and combined into one PDF document)
006-Division XX- (Divisions as applicable to the project)
007-Etc.

7.3.7 If the electronic files need to be revised, e-mails containing the revised files will be accepted in the interest of time.

7.4 Provide a completed Table of Contents prepared in DOC/DOCX format, using Form 307 – Specification Table of Contents. This form is located at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents. This form template shall not be reformatted by the Project Architect/Engineer. The Project Architect/Engineer is to complete the following items on the template.

7.4.1 Project Architect/Engineer Division 1 additional sections.
7.4.2 Project Architect/Engineer technical specifications.
7.4.3 All technical reports, legal descriptions, documents, records per Section 5.4.2.2.
7.4.4 Page numbers formatted as shown on the template.
7.4.5 Any Specification Divisions not used shall be formatted as “DIVISION 6 & 7 NOT USED” or “DIVISION 35 THROUGH 49 NOT USED”.

8.0 Addenda

8.1 OFPM will review addenda for conformance to applicable codes and statutes. OFPM will edit addenda for standardized formatting. OFPM will not proof or provide quality control for addenda.

8.2 Except for the first addendum (which is prepared by OFPM), addenda shall be written by the Project Architect/Engineer in electronic DOC/DOCX format and e-mailed as directed on Form 315 – Addendum, found at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

8.3 Pre-bid conference shall be scheduled by Project Architect/Engineer and coordinated with the agency. Information shall be provided to OFPM for inclusion in the first addendum.

8.3.1 Pre-bid shall be scheduled for after the project advertisement appears in the Kansas Register and at least 10 days prior to bid opening.

8.3.2 Project architect/engineer is to chair the pre-bid conference. A Pre-bid Conference Agenda – Form 320 is available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

8.4 When a pre-bid conference is listed on the addenda as mandatory, Procurement and Contracts will not open the bids of anyone who did not attend the pre-bid.

8.5 Addenda for printed set of bid documents will be organized as follows:

8.5.1 Addendum form (printed in pink)

8.5.2 New bid form, if required (different color than the original bid form)

8.5.3 Specifications either white, green or yellow (depending on discipline)

8.5.4 Drawing sheets (white)

8.6 Submit applicable documents to OFPM for addenda via e-mail as follows:

8.6.1 The addendum shall be provided in DOC/DOCX format and all attachments shall be in PDF format.

8.6.2 Addenda with large format drawings shall be forwarded to OFPM via an e-mail with a link to a Drop-box, OneDrive or other third-party site. Be sure to include a 120 form for each type of submittal.

8.6.3 The sign-in sheet from the pre-bid conference will be reproduced in the original handwritten form. Typed versions of this document will not be published.

8.6.4 Attachments are arranged in the order they appear in the addendum text.

8.6.5 If multiple drawing sizes are issued in the addendum, the attachments shall be issued and numbered with like sizes together and smallest sized document attached first and the largest sized document last.

8.6.5.1 If a detail drawing needs to be revised by addendum, when possible, submit the drawing at the original scale on 8 ½" x 11" or 11" x 17" size paper rather than submitting the entire large format drawing sheet. Large format drawing sheets shall only be issued if the above requirements cannot be met. All drawing sheets, regardless of the sheet size shall be sealed, signed and dated by the project architect/engineer and shall reference the addenda number.

8.6.5.2 If an original contract document sheet must be replaced in its entirety, it shall be re-issued as the same size as the original.

8.6.6 Each drawing sheet must be properly sealed, signed and dated and properly identified by addendum number.

8.6.7 Some Owners may still require paper copies of the bid documents for their files. The project architect/engineer shall send paper copies per the Owner's requirements.

8.6.8 If an original specification Section is revised and reincorporated in its entirety by addendum, then the specification header shall identify the specification as "Revised Section by Addendum No.__ "

SECTION 052100 - STEEL JOIST FRAMING - Revised Section by Addendum No. 2

8.6.9 If a new specification Section is incorporated in its entirety by addendum, then the specification header shall identify the specification as "New Section by Addendum No.__ "

SECTION 052100 - STEEL JOIST FRAMING - New Section by Addendum No. 2

8.7 OFPM reserves the right to correct formatting and reorganize the addendum and any related attachments to allow ease of uploading and/or printing.

8.8 The Project Architect/Engineer is required to deliver the final addendum by 10:00 am, five (5) business days prior to the bid date for review, formatting, and uploading.

8.8.1 Any addendum received after the above deadline may require postponement of the bid date.

8.9 Addendum language for projects being **revised** for rebidding shall give a brief description of the changes with sufficient detail to inform the bidders what was revised. Revised bid document deliverables may be required. The OFPM project number will be modified to include REV after the project number (i.e. A-012001REV).

9.0 Opening and Review of Bids

9.1 Procurement and Contracts is responsible for opening and reviewing bids for each project.

9.2 The bid tabulations are uploaded to the on-line plan room which can be found at http://kansasdfm.contractorsplanroom.com/secure/ and forwarded to the Owner and the Project Architect/Engineer for their review.

9.3 If the bid is within the amount of funds allocated for the construction of the project, the Project Architect/Engineer will make a recommendation to the Owner regarding the lowest responsible bidder.

9.4 When the Owner accepts the lowest responsible bidder, OFPM will send an Advice of Award of contract to Procurement and Contracts for further processing.

9.5 If the Owner accepts alternates which change the lowest responsible bidder's subcontractor(s) listed on the bid form, the lowest responsible bidder is required to provide the name and address of the subcontractor(s) which are changed along with their bid submission.

9.6 If the Owner does **not** intend to award a construction contract, OFPM will announce the agency's decision on the on-line plan room, found at http://kansasdfm.contractorsplanroom.com/secure/.

9.7 If no bids are received for the project, OFPM will send a letter to the Owner requesting further comment from the agency.

9.8 If the state offices in Topeka/Shawnee County should be closed due to inclement weather or any other unforeseen condition and there is a project scheduled to bid, all bid openings will be canceled.

9.8.1 The revised bid date will be published when we return to the office and will be issued via an addendum.

9.8.2 To find information on state office closings, refer to local media sites. (www.wibw.com and www.kansasfirstnews.com)

10.0 Award and Signing of the Construction Contract

10.1 Procurement and Contracts will issue unsigned construction contracts for the project to the Contractor, the Owner, and OFPM, which are to be signed and returned to Procurement and Contracts.

10.1.1 The Contractor will return signed contracts to Procurement and Contracts along with the following:

10.1.1.1 Proof of workers' compensation insurance, comprehensive general liability and automobile liability in the required amounts

10.1.1.2 Builder's risk insurance for new construction (or an all-risk installation floater for renovations)

10.1.1.3 Performance bond (Specification Document G)

10.1.1.4 Public works bond (Specification Document H) in an amount equal to the contract price

10.1.1.5 County bond receipt

10.2 Procurement and Contracts works with the Owner to complete the purchase order and finalize the contract. The state agency and/or Procurement and Contracts forwards the final contract to the Contractor.

11.0 Notice to Proceed

11.1 When OFPM receives copies of the signed contracts from Procurement and Contracts, OFPM will write Form 440 – Notice to Proceed for contract time to start the next day in accordance with the construction contract stipulations.

END OF CHAPTER

PART A – POLICY AND PROCEDURES

CHAPTER 7 – CONTRACTOR PRE-QUALIFICATION

1.0 General Information

1.1 This applies to all projects bidding through OFPM and may apply to the other procurement processes as directed by Owner.

1.2 All forms for this process will be typed and submitted electronically. All correspondence will be via e-mail.

1.3 The State of Kansas has implemented a process to pre-qualify Contractors. This process is the state's method of further defining the term "responsible bidder" in statute K.S.A. 75-3740.

1.3.1 A taskforce was assembled with members from the Associated General Contractors (AGC), American Institute of Architects (AIA), Kansas Council of Engineers (KCE), and various state agencies along with representatives from OFPM. The taskforce has revised an existing procedure for Contractors interested in providing construction services for the State of Kansas.

1.3.2 Kansas Department of Transportation (KDOT) has a pre-qualification process for road and bridge work, which is substantially different from OFPM's prequalification process. Contractors who are pre-qualified with KDOT are not pre-qualified to bid on OFPM projects unless the Contractor has already completed the OFPM pre-qualification process. If a Contractor is pre-qualified with KDOT and wishes to complete the OFPM pre-qualification process, the approval letter from KDOT should be included in the application packet. Approval by one does not guarantee approval by the other.

1.3.3 The Procurement and Contracts has a vendor registration for RFP's not processed through OFPM. If bidding on a Procurement and Contracts RFP, their requirements can be found on their website at https://admin.ks.gov/offices/procurement-contracts/bidding--contracts. Click on Bidder Registration.

1.3.4 Beginning July 1, 2013 all roofing contracts will be required to be registered with the Kansas Attorney General's office. Proof of registration will be required when a roofing company applies for pre-qualification.

1.4 Any company intending to bid as a Prime Contractor and sign a construction contract with the State of Kansas is required to be pre-qualified with OFPM and will need to follow the requirements in this chapter.

1.5 If a Contractor submits a bid and the company is not pre-qualified, the bid will not be opened and will be returned to the company.

2.0 The Pre-qualification Process

2.1 To apply, companies should use the Form 840 – Contractor Pre-qualification Application found at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/contractor-pre-qualification.

2.2 Contractors will be notified by OFPM when their application has been received, at which time their status is noted as "pending".

2.3 After the initial review, the Contractor will either be notified that his application has been approved or that additional information is required.

2.4 A contractor must be “approved” to bid on a project.

2.5 Companies whose applications are pending more than 60 days and fail to provide all required documents will be given two weeks to comply with the request for additional information. If no information is received during that two-week period, the application will be discarded.

2.5.1 If the company wishes to bid on projects in the future, they will have to reapply.

2.6 Instructions for submittals and additional information about the pre-qualification process can be found on the Contractor Pre-qualification page at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/contractor-pre-qualification.

2.6.1 Questions about the process that cannot be answered on the website should be directed to 785-296-8899.

3.0 Submission of Bid When Not Pre-qualified

3.1 If a bid is submitted from a company has not been approved to bid, their bid will be returned to them unopened.

END OF CHAPTER

PART A – POLICY AND PROCEDURES

CHAPTER 8 – OWNER'S RESPONSIBILITIES

1.0 The Owner is the State Agency responsible for the programming and funding of each Capital Improvement Project.

2.0 The Owner will designate a representative who will be the single point of contact for OFPM. This individual will receive all project acceptances, invoices, inspection records and other correspondence from OFPM and will be responsible to distribute internally and to the Project Architect/Engineer and Contractor.

3.0 The Owner is responsible for completing and forwarding the Form 935 – OFPM Project Number / Data Request to OFPM for the assignment of an OFPM project number.

3.1 The form shall be submitted to the person identified on the form.

3.2 OFPM will not process the form if it is submitted on an outdated form.

3.3 OFPM will return this form with project number assigned to the single point of contact listed.

3.4 Owner will identify Project Architect/Engineer procurement and proposed construction procurement on the form. OFPM will confirm when reviewing the form.

3.5 If scope of work (cost or type of work) is modified, the original Form 935 – OFPM Project Number / Data Request shall be modified, the revised/altered submission box checked and the form shall be resubmitted to OFPM for re-evaluation and assignment of multipliers.

3.6 The OFPM project number shall be used on all paperwork associated with the project, including all document submittals, correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to OFPM and shall be provided in the subject line of e-mails sent to OFPM.

3.7 For projects bidding through OFPM, the Owner or Project Architect/Engineer project numbers shall not substitute for the OFPM Project number. Owner or Project Architect/Engineer project numbers can be provided on the documents but must be displayed after the OFPM project number.

3.8 The Owner will provide a completed copy of this form to the Project Architect/Engineer.

4.0 The Owner will inform the Project Architect/Engineer which level of service OFPM is providing (reference Part A – Chapter 2 for level of service definitions). This will determine the amount of participation for the OFPM architect/engineer and inspectors.

5.0 The Owner will provide approvals and decisions as expeditiously as necessary for the orderly progress of the Project Architect's/Engineer's services and provide prompt responses to questions and inquiries during the construction of a project.

6.0 Owner is responsible for bidding costs as outlined in Part A – Chapter 6.

7.0 The Owner is responsible to ensure the Project Architect/Engineer is providing submittals to OFPM per Part A – Chapter 4. This includes any changes/revisions that occur during construction.

8.0 The Owner is responsible for paying all OFPM and Architect/Engineer invoices and contractor payment applications in a prompt manner.

9.0 The Owner is responsible for ensuring that all paperwork is promptly processed during design and construction.

10.0 Owner is responsible to ensure code inspections required for occupancy per Part A – Chapter 5 are being scheduled with OFPM inspector.

11.0 The Owner will be the only recipient of OFPM Inspection reports and is responsible for distribution to all interested parties, i.e. the Project Architect/Engineer, Contractor, and Owner's project team members.

12.0 The Owner or his designee is responsible for submitting Form 120a – Request for Occupancy (and/or Partial Occupancy) as outlined in Part A – Chapter 5 – Sections 8.0 and 9.0.

13.0 The Owner is responsible for distributing all e-mailed paperwork to others not copied by OFPM. This includes Certificate of Substantial Completion, Certificate of Project Completion / Affidavit of Contractor, partial and final payments, Change Orders, Project Acceptance, and Certificate of Occupancy.

14.0 The Owner is responsible to ensure the Project Architect/Engineer forwards record documents to OFPM per Part A – Chapter 4.

14.1 Regent institutions (including Emporia State University, Fort Hays State University, Kansas State University, Pittsburg State University, University of Kansas, University of Kansas Medical Center and Wichita State University) are the custodians of the construction and record documents for OFPM.

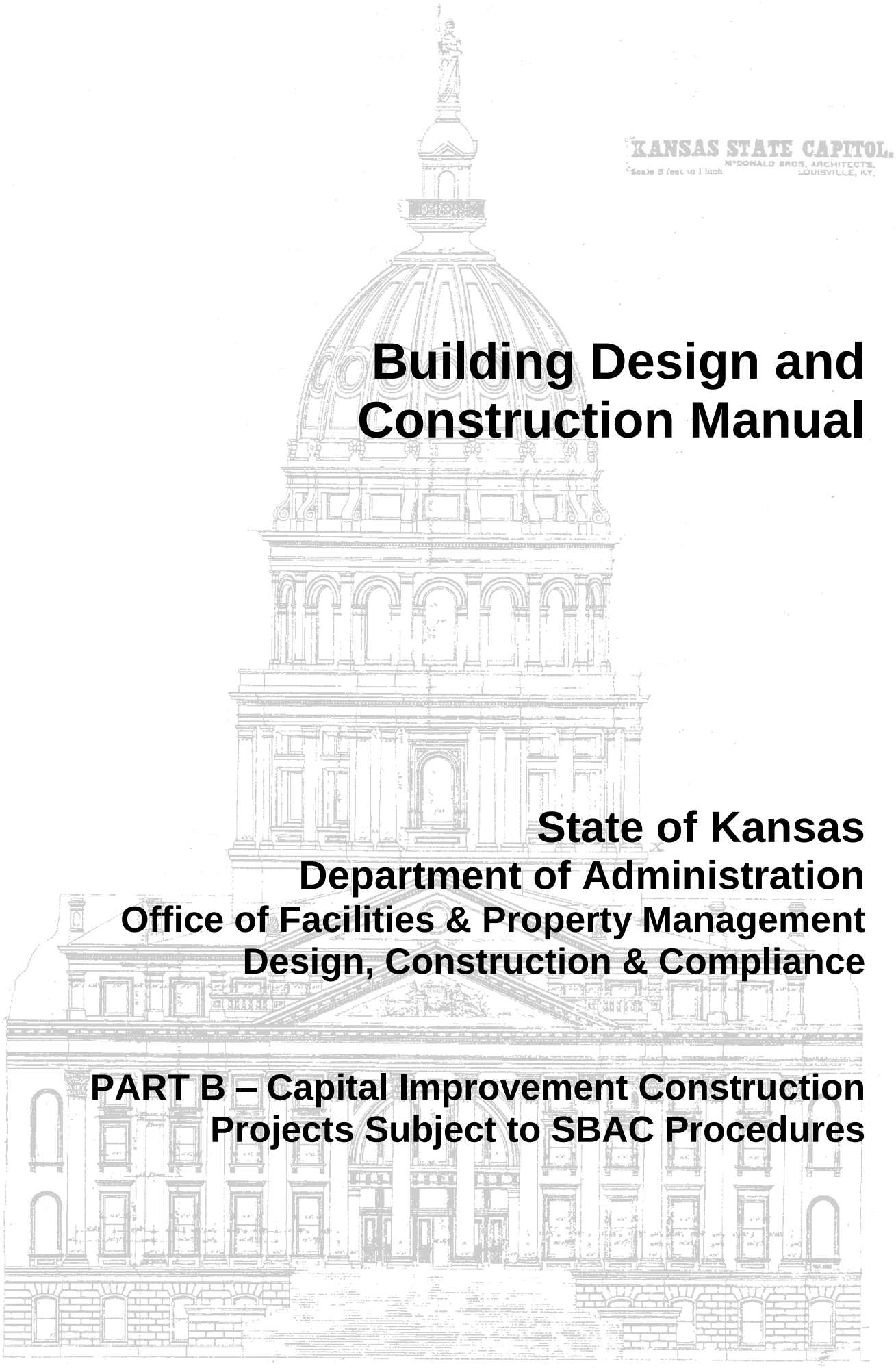
15.0 For projects that bid through OFPM plan room, the Owner shall complete Contractor Evaluation – OFPM Form 610 at the completion of construction.

15.1 The form shall be submitted as directed on the form.

15.2 The form will be forwarded to the firm for their records.

15.3 Contractor Evaluations are used as part of the contractor pre-qualification process.

END OF CHAPTER



Building Design and Construction Manual

State of Kansas
Department of Administration
Office of Facilities & Property Management
Design, Construction & Compliance

PART B – Capital Improvement Construction Projects Subject to SBAC Procedures

PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 1 – OWNER'S RESPONSIBILITIES SUPPLEMENTAL

1.0 This is a supplemental list of Owner's responsibilities and shall be used in conjunction with Part A – Chapter 8.

2.0 For any Capital Improvement Project for which architectural/engineering professional services are obtained through the State Building Advisory Commission (SBAC), the Owner will provide the following:

2.1 For large projects, submit Form 001 – Advertisements, Form103 – A/E Services Fee Checklist, Form 935 – OFPM Project Number / Data Request and the Program.

2.1.1 The program/scope of work is to include an overall project budget, itemized to include updated construction estimate, construction contingency, miscellaneous costs, line item costs (hazardous abatement, equipment, furniture, furnishings, telecommunications, demolition, etc.) and a design and construction schedule.

2.2 For on-call architectural or engineering services, respond to e-mail regarding the expiration of current service contracts or if this is a new contract, send e-mail to barb.schilling@ks.gov. When requesting services, the following must be provided:

2.2.1 Indicate discipline of the required on-call service.

2.2.2 Indicate the number of firms to be hired.

2.2.3 Indicate the location if the agency has multiple campuses.

2.3 The Owner is to provide the program for large projects that are subject to Part B – Chapter 3.

2.3.1 SBAC has defined programming services as a specialty service. If an Owner does not want to prepare the program for a large project in-house, the Owner shall advertise for firms interested in providing programming services per Part B – Chapter 2.

2.3.1.1 Firms hired for architectural or engineering on-call contracts may only provide programming for projects under the $1,000,000 construction cost limit.

2.4 Designate the Owner's Negotiating Committee members and indicate the Owner's representative who will be the sole point of contact for OFPM and the Project Architect/Engineer.

3.0 The Owner will participate in interviewing the nominated firms per K.S.A. 75-1256.

4.0 The Owner will participate in the negotiating of fees for the selected firm, providing answers to questions and updating information as needed. (Reference Part B – Chapter 3)

5.0 The Owner will apprise OFPM and the Project Architect/Engineer of changes in the project funding.

5.1 On large projects, should the project funding be reduced or increased, the Owner will notify OFPM and ask the Negotiating Committee for approval in the change in scope. Once approved, the Negotiating Committee will negotiate fair compensation for work completed to date and will negotiate a new fee in accordance with the reduced or increased budget **and** reduced or increased scope of work.

5.2 On small projects, should the project funding be reduced or increased, the Owner will notify the Project Architect/Engineer, compensate the Project Architect/Engineer for work completed to date

and negotiate a new fee in accordance with the reduced or increased budget **and** reduced or increased scope of work.

6.0 The Owner's representative will be responsible to coordinate the Owner's participation in the project.

7.0 The Owner will provide OFPM with applicable copies of studies, investigations, tests, and/or inspections for distribution to nominated firms prior to interviews.

7.1 Examples of such information are structural and/or mechanical investigations; chemical, air and water pollution, and/or environmental tests; and hazardous materials reports.

7.2 When information required for the project is not available, an appropriate firm will be selected by the Owner or by OFPM from the list of technical ancillary services providers during the project.

8.0 If required, the Owner will furnish OFPM and the Project Architect/Engineer with a current survey and geotechnical information describing physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site as required. If the Owner cannot provide a current survey of the property, a surveyor will be selected from the list of ancillary technical services providers, on file with OFPM. Such services will include, but are not limited to: test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials and ground contamination. See requirements for obtaining ancillary services.

9.0 Ancillary services are to be provided by the following: qualified Owner employees, by the Project Architect/Engineer or from OFPM Ancillary list. See Part B – Chapter 2 for definition of ancillary services.

9.1 If ancillary services are provided by the Project Architect/Engineer under contract for a large project, Owner is to request an additional fee proposal from the firm and forward to OFPM Negotiating chair. The proposal will be processed and contracted per Part B – Chapter 3, Section 8.

9.2 If ancillary services are provided by an on-call Architect/Engineer, the Owner may negotiate and contract directly with the firm. For Owners without licensed staff Architect/Engineer, the Owner may request OFPM to assist with defining the scope of work or fee negotiation.

9.3 If the ancillary services are provided by OFPM Ancillary list, the Owner is to contact OFPM for a list of available firms and their contact information.

9.3.1 For an Owner without a staff licensed architect or engineer, the Owner may request their project Architect/Engineer, on-call Architect/Engineer or OFPM Construction and Compliance Architect/Engineer to assist with defining the scope of work. Owner shall forward fee proposal to OFPM and OFPM will coordinate the contracting of the ancillary service.

9.3.2 For an Owner with a staff licensed architect or engineer, the Owner, may negotiate and contract directly with the firm.

10.0 If the project is a renovation or addition, the Owner will provide the Project Architect/Engineer with all available plans, specifications and other historical documentation. If the project is a renovation, the Owner will designate all items to be salvaged and the location(s) for storage of those items.

11.0 The Owner will provide the Project Architect/Engineer access to the premises as scheduled with the Owner.

12.0 The Owner will designate the Contractor's staging area to be used during construction.

13.0 The Owner will provide approvals and decisions as expeditiously as necessary for the orderly progress of the Project Architect/Engineer's services and provide prompt responses to questions and inquiries during the construction of a project.

14.0 The Owner will define all work to be done by in-house forces before and during the construction of any project.

15.0 Owner is responsible to ensure Project Architect/Engineer is providing submittals to OFPM.

16.0 The Owner will ensure that all back-up data for change orders is attached to the change order prior to distributing to OFPM.

17.0 On projects where OFPM is not providing full services, the Owner is responsible for reviewing the record documents for changes.

18.0 Within nine months after official acceptance of a project, the state agency for which the project was completed and OFPM shall conduct a full inspection of the completed project and shall promptly notify the appropriate Contractor of any claims resulting therefrom. (K.S.A. 75-1262(d))

19.0 The Owner shall complete an A/E Evaluation – OFPM Form 605 at the completion of construction, as outlined in Part A – Chapter 8.

19.1 The form shall be submitted as directed on the respective form.

19.2 The form will be forwarded to the firm for their records.

19.3 A/E Evaluations are used by the State Building Advisory Commission (SBAC) and Negotiating Committees.

20.0 If an Owner wants to obtain construction services for Alternate Delivery as outlined in Part B – Chapter 7, the following process will apply.

20.1 The Owner is to contact OFPM to request a Public Hearing in front of the SBAC.

20.2 The Owner shall submit written justification at least 10 days prior to the SBAC scheduled hearing date. OFPM will advise Owner of the hearing date and written justification deadline. The criteria used by SBAC in evaluating the justification are outlined in Part B – Chapter 7.

20.3 The Owner will be required to provide a presentation to the SBAC per Part B – Chapter 7 and be prepared to answer questions pertaining to their justification at the public hearing.

20.4 Upon SBAC Approval of Alternate Delivery Method, OFPM will prepare an advertisement for solicitation of qualifications from contractors. OFPM will use the description provided in the Form 001 submitted for solicitation of design services, unless directed otherwise by the Owner.

20.4.1 The qualifications will be forwarded to SBAC for their action on pre-qualified firms. OFPM will notify the Owner of the pre-qualified firms. This completes Phase I.

20.5 For Phase II of this process, the Owner is to prepare and provide to OFPM a request for proposal and a score sheet. The Owner is also responsible to identify the Contract to be used between the Owner and Contractor.

20.5.1 The request for proposal for Phase II shall request all proposers submit a more in-depth response, including (as required by statute) but not limited to, the following information:

20.5.1.1 Company overview;

20.5.1.2 Experience or references, or both, relative to the project under question;

20.5.1.3 Resumes of proposed project personnel;

20.5.1.4 Overview of preconstruction services;

20.5.1.5 Overview of construction planning;

20.5.1.6 Proposed safety plan;

20.5.1.7 Fees, including fees for pre-construction services, fees for general conditions, fees for overhead, and profit and fees for self-performed work, if any.

20.5.1.8 OFPM recommends including in the proposal, a date for pre-proposal conference and a draft of the contract between the Owner and contractor.

20.5.1.9 OFPM and Owner will coordinate the date of pre-proposal conference (if desired by Owner), the deadline for questions from the Contractors, the deadline for answers from the Owner to the questions, and the closing date.

20.5.1.10 The score sheet shall include the scoring criteria and weighing factors to be used during the Phase III selection process. The interview and the response to the request for proposal must be scored separately and additionally, the interview score shall not account for more than 50% of the total possible score by statute. OFPM recommends the Owner provide sub-categories for the interview and request for proposal response.

20.6 The Owner will participate in interviewing, selection and negotiation of the firms.

20.7 Once a firm is selected, the Owner shall prepare the contract between the Owner and Contractor.

20.8 Owner is to complete Contractor evaluation form per Part A – Chapter 8.

END OF CHAPTER

PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 2 –PROFESSIONAL DESIGN SERVICES – APPLICATION AND NOMINATIONS

1.0 Eligibility Requirements and Procedures for Architectural, Engineering and Land Surveying Services

1.1 To be eligible to perform architectural, engineering or land surveying services (K.S.A. 75-1251 and K.S.A. 75-1258) on state construction projects, the entity (firm) performing such services must meet the following conditions:

1.1.1 The entity, whether individual, firm, partnership, corporation, association or other legal entity is permitted by law to practice the profession of architecture, engineering or land surveying in accordance with Kansas State Board of Technical Professions regulations.

1.1.2 The entity has general professional liability insurance or specific professional liability insurance adequate for the project.

2.0 Annual Statement of Qualifications

2.1 The Secretary of Administration by statute (K.S.A. 75-5803) annually requests firms engaged in the lawful practice of architecture, engineering and land surveying to submit a statement of qualifications (SOQ) and performance data. A request for annual statements is published each December in the *Kansas Register.*

2.2 Form 050 – Professional Qualifications is to be used when completing annual SOQ. It is available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents. Supplemental information, including photographs and letters of reference related to each firm's architectural/engineering work may also accompany the form.

2.3 Each multi-office firm is required to fill out a Form 050 – Professional Qualifications for each office that will provide services to the State of Kansas.

2.4 A completed Form 050 – Professional Qualifications shall be sent to the e-mail address listed in the advertisement on or before the deadline. Annual statements of Qualifications are made available to the State Building Advisory Commission and Negotiating Committees.

2.5 This form should be updated whenever the firm submits a proposal for a specific project advertised in the *Kansas Register*.

2.6 Eligible firms, which have never sought State work, are encouraged to contact OFPM regarding the State's eligibility, qualification, nomination and selection procedures and policies.

3.0 Announcement of Architectural and Engineering Services

3.1 OFPM will prepare an advertisement to be published in the *Kansas Register* requesting proposals from architectural and engineering firms interested in providing design services for state-funded Capital Improvement Projects.

3.2 Proposals are due 15 days after the advertisement appears in the Kansas Register. If the 15th day is a state holiday, the proposals are due on the next business day.

4.0 SBAC Guidelines for Proposal Submittals

4.1 When requests for architectural and engineering services are advertised, all eligible firms may submit a proposal to the SBAC indicating their interest in being nominated for the advertised services.

4.1.1 Should there be any conflicts between the *Kansas Register* advertisement and requirements listed below or anywhere else, the requirements listed in the *Kansas Register* advertisement shall prevail.

4.2 Each proposal for advertised services shall contain the following information in the order provided below:

4.2.1 A cover sheet, if provided needs to reference the agency for which the notice has been published and name of the project as noted in the Kansas Register.

4.2.2 A letter of interest, of no more than two pages in length.

4.2.3 Completed Forms 051, 052, 053, and 054 – State of Kansas Capital Improvement Project Qualifications.

4.2.3.1 These forms may be altered to accommodate each firm's information but shall retain the basic format.

4.2.3.2 Proposals shall be a maximum of forty (40) 8½" x 11" pages of **readable** surfaces. Double-sided proposals do **not** increase the forty (40) page readable surfaces limit. Covers, separation tabs do not count toward the forty (40) page readable surface limit.

4.2.3.3 Documentation on forms 051, 052, 053 and 054 may include any photographs, information relevant to the advertised services and letters of reference related to the firm's architectural/engineering work.

4.2.4 An **updated** Form 050 – Professional Qualifications for each proposing firm and each consulting firm should be included at the end of each proposal.

4.3 Electronic Deliverables shall be submitted in the following format:

4.3.1 Proposals shall be saved in a single PDF document and shall be sent as an attachment to professional.qualifications@ks.gov.

4.3.2 PDF proposals should be flattened and condensed.

4.3.3 Documents are no longer required to be provided on flash drives.

4.3.4 The title of the electronic submission will contain, in this order, the following information: firm name or acronym, agency abbreviation, project title. (Exp. Joe Architect KU Haworth Hall Electrical Distribution Replacement.pdf)

4.4 Proposals should be delivered to OFPM on or before the deadline noted in the advertisement.

4.5 OFPM will receive and deliver to the commissioners all submittals that are received prior to the advertised deadline.

4.5.1 Proposals received by OFPM after the deadline, at professional.qualifications@ks.gov will not be delivered to the Commission for consideration.

4.5.2 Firms interested in tracking the delivery of their submittal should do so by requesting a delivery or read receipt.

5.0 SBAC Nomination of Qualified Firms

5.1 The State Building Advisory Commission shall nominate at least three (unless fewer proposals of interest are received) and not more than five firms per K.S.A. 75-1253. On any given project, the following factors may used by each commissioner individually or collectively as a group:

5.1.1 performance on prior state work;

5.1.2 prior experience with projects of similar type, size and cost to the project advertised;

5.1.3 design experience,

5.1.4 production quality, current workload for all clients, and ability to manage and meet deadlines;

5.1.5 experience and working relationships with clients, contractors, consultants, associates and/or joint venture partners;

5.1.6 capability of providing services at the location of the project;

5.1.7 ability to provide accurate and relevant cost estimates and control project costs within the given budget;

5.1.8 construction administration services;

5.1.9 factors required by specific project programs;

5.1.10 proper submission of proposals.

5.2 The list of nominated firms and their proposals shall be submitted to the negotiating committee established for each project, without any recommendations of preferences. (K.S.A. 75-1253)

5.3 Nominated firms will be notified of their nomination by e-mail and nominations will be announced on the OFPM website.

6.0 Ancillary Technical Services

6.1 Whenever **ancillary technical services** are needed for a state-funded Capital Improvement Project, the Secretary of Administration, through OFPM or the Owner, may contract with qualified firms to perform these services. Such ancillary technical services shall include but not be limited to: geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of air conditioning, ventilating, heating and other mechanical building systems, testing and consultant services. The project architect/engineer shall request the Owner or OFPM obtain the services from the firms on file with OFPM.

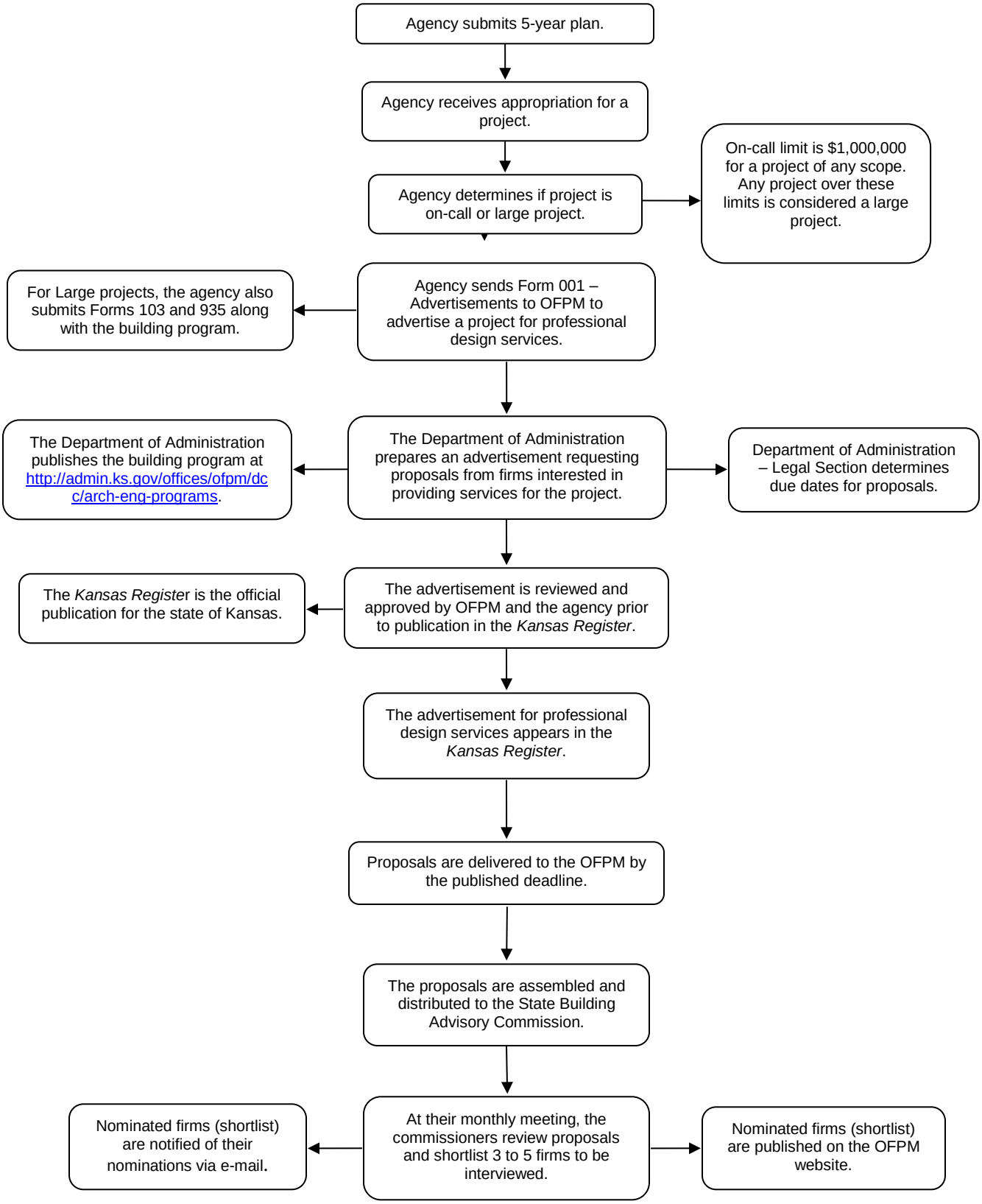
6.1.1 Ancillary services may be provided by qualified Owner employees or by the Project Architect or Engineer. If provided by the Project Architect or Engineer, this shall be negotiated as an additional service.

6.2 Firms available to provide ancillary services are on file at OFPM. This list is updated annually.

6.2.1 Each December, OFPM will advertise for firms interested in providing ancillary services in the *Kansas Register*. Interested firms shall submit a State of Kansas Professional Qualifications – Form 050.

END OF CHAPTER

SBAC ADVERTISEMENT AND NOMINATIONS (SHORTLIST)



PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 3 – PROFESSIONAL DESIGN SERVICES (LARGE PROJECTS) SELECTION AND FEES

1.0 General Information

1.1 This chapter is applicable to architectural and engineering construction projects whose total project costs exceed the statutory limit of $1,000,000. (K.S.A. 75-1253)

1.1.1 If there is a project with a budget under this limit, please reference Part B – Chapter 4.

1.1.2 If there is a project with a budget under this limit, but with a scope of work that is unique, or if the Owner's on-call firms are unable to complete the work, the Owner may request that the Project Architect/Engineer be hired using the process for larger projects as outlined in this Chapter.

1.2 When the legislature approves funding for a proposed project**,** the process for nominating firms for interviews is initiated at the Owner's request to OFPM to place an advertisement in the *Kansas Register*.

2.0 OFPM - Construction & Compliance Section

2.1 Each Project Architect/Engineer in fulfilling their contractual obligations to a state agency shall coordinate with an architect or engineer from OFPM Construction and Compliance section.

3.0 Negotiating Committee Responsibilities

3.1 A Negotiating Committee is established to interview the nominated architectural or engineering firms, and to select and negotiate fees with the chosen firm. Each Negotiating Committee shall consist of the following members (K.S.A. 75-1251):

3.1.1 The head of the state agency for which the proposed project is planned or of the state agency that controls and supervises the operation and management of the institution for which the proposed project is planned, if such is the case, or a person designated by the head of the agency;

3.1.2 The head of the institution for which the proposed project is planned, or a person designated by the head of the institution. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution; and

3.1.3 The Secretary of Administration, or a person designated by the Secretary, who shall act as chairperson of the committee.

3.2 Per K.S.A. 75-1255, the Negotiating Committee will:

3.2.1 Approve the description as submitted or may revise and amend or reject all or any part of such description.

3.2.2 The description in the form approved by the Negotiating Committee shall be used in the negotiations between the committee and qualified firms.

3.2.3 Such description shall be the basis for the project development and the project description shall not be altered without the prior approval of the Negotiating Committee.

3.3 After the Negotiating Committee is notified of the State Building Advisory Commission's (SBAC) firm nominations, an interview date is selected by the Negotiating Committee and forwarded to the nominated firms.

3.4 Each Negotiating Committee member will have the following:

3.4.1 Each firm's project proposal as delivered to OFPM in response to the project advertisement.

3.4.2 A written description of the scope of work or a program of the project, prepared by the head of the state agency for which the project is proposed.

3.5 The Negotiating Committee shall interview each of the firms regarding the anticipated project and select a single firm / design team.

4.0 Scheduling the interviews

4.1 Nominations (shortlist) are made on the second Wednesday of the month. See SBAC Meeting Schedule for meeting dates.

4.2 OFPM attempts to schedule the interviews at least two weeks from the date of the nominations. This allows the negotiating committee time to review the proposals and the firm's time to prepare for their interviews.

4.3 The interview date is coordinated only with the negotiating committee and the availability of a conference room. Firms being interviewed are not consulted when scheduling the interviews.

4.3.1 If a firm has a conflict with their interview time, they should contact the chairman of the negotiating committee to work out a solution.

4.4 The firms are interviewed in a random order.

4.5 The duration of the interviews is noted on the schedule and no firm is given any more time than any of the other firm. There will always be time allocated at the end of the scheduled time for questions by the negotiating committee. Please manage your time accordingly.

5.0 Interview Content

5.1 Firms nominated for a project will be notified via e-mail by OFPM of the interview date and their individual interview time.

5.2 OFPM's intent is for all interviews for a project to occur on the same date. Each firm will be allotted the same amount of time for their presentation.

5.2.1 Hand-outs, if supplied, shall be provided to the 3-person Negotiating Committee. Additional copies for distribution are optional.

5.2.2 Interviews consist of a presentation by the design team followed by a question and answer session from the Negotiating Committee.

5.2.3 Each firm will be given a specific amount of time for their presentation and a specific amount of time for questions by the Negotiating Committee.

5.2.4 Set-up and take down time is outside the set interview time. The firm's set-up and take-down should occur as quickly as possible to allow the following firm time for their set-up.

5.2.5 If firms are using electronic media for their presentation, they should bring the required equipment, regardless of the equipment available in the room.

5.3 The Owner may invite other agency personnel to attend the interviews. The additional personnel do not have a vote in selection but may be allowed to ask questions and comment on their impressions of the interviews.

5.4 Firms are not required to use any particular presentation method but should adapt their interview to the project scope.

5.5 In preparing for interviews the Negotiating Committee suggests the firms consider the following:

5.5.1 Call and discuss the project with the agency contact person identified in the advertisement;

5.5.2 Visit the site;

5.5.3 Bring to the interview the staff members that will be working directly with the agency on the project and allow them to speak about the project and their experience;

5.5.4 Bring consultants to the interview and allow them to speak about the project and their experience;

5.5.5 Include in your presentation, projects that are similar in scope and content to the project for which the interviews are being conducted.

5.5.6 If your staff assigned to the project changes between the proposal and the interview, please bring resumes for the added or changed staff;

5.5.7 Consider that the agency you are presenting to knows the work you have completed for them. Your presentation should include work you have completed for other clients.

6.0 Selection of the Design Team

6.1 Once the interviews are concluded, the negotiating committee meets to discuss the selection.

6.2 Each Negotiating Committee member evaluates the interviews in their own way.

6.3 Evaluation criteria may include but is not limited to any or all of the following: Quality of the presentation, site visits, relevant experience, understanding of project scope, design and technical ability, costs, problem solving, scheduling and responsiveness and the Owner's previous experience with the firm.

6.4 If possible, the Negotiating Committee discussion and selection will be the same day as the interviews.

6.5 The selected firm will be notified by telephone and a follow up e-mail identifying the next step in the process. Firms not selected will be notified by OFPM via e-mail of the Negotiating Committee's selection.

6.6 The SBAC will be notified of the selected firm.

6.7 The selected firm will also be announced at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/architectural--engineering-advertisements-nominations-and-selections.

7.0 Commencement of Fee Negotiations

7.1 By statute, the Secretary of Administration shall establish and publish guidelines for fees based on the projected cost of a project, the complexity of a project and the type of construction for the project as factors in establishing the rate or amount of such fees. (K.S.A. 75-1263) The Negotiating Committee will evaluate and negotiate fees based on these guidelines.

7.1.1 Reference Architect/Engineer Fee guidelines at the end of this chapter.

7.2 Prior to fee negotiations, the selected firm will be provided the following:

7.2.1 The program or written description of the scope of the project. This is the basis for project development.

7.2.2 Form 103 – A/E Services Fee Negotiating Checklist which identifies basic and additional services requested for the project. The complexity factor and type of construction will be identified on this form.

7.2.3 Construction budget to be used for negotiating the fee.

7.2.4 Additional information pertinent to the project.

7.2.5 A completed Form 935 – Project Number / Data Request including the assigned project number.

7.2.6 A deadline for submission of their initial fee proposal.

8.0 Fee Negotiation Procedures

8.1 Fee proposal shall include:

8.1.1 Amount for basic services. Reimbursable expenses are included in the basic fees and shall not be identified as a separate amount.

8.1.2 Each additional service is to be identified separately and shall include a construction amount, if applicable along with the proposed fee amount. The construction budget for each additional service shall be subtracted from the overall construction budget.

8.1.3 Tasks for basic services and each additional service will be identified.

8.1.4 Verification of liability insurance per Form 103 – A/E Services Fee Negotiating Checklist.

8.2 Contracts shall be negotiated with the selected firm for the type of professional services required at a fair and reasonable rate of compensation in accordance with (K.S.A. 75-1257)

8.3 The initial fee proposal will be provided by the Project Architect/Engineer to the chairman Negotiating Committee as directed.

8.4 The Negotiating Committee will evaluate the firms' proposal and schedule a time to negotiate the fee.

8.4.1 Negotiations will be a scheduled in-person meeting or may be via a conference or video call at the Negotiating Committees discretion.

8.4.2 If an in-person meeting is held, it is the intention of the negotiating committee to make a counter offer to the firm at that time, after a question and answer session with the firm and discussions amongst the negotiating committee.

8.5 Should the Negotiating Committee be unable to negotiate a contract with the firm considered to be the most qualified within the fee limits established, the committee shall then undertake negotiations with the second most qualified firm to negotiate a contract, and so forth with the third, fourth, and fifth firms, if necessary. Should the Negotiating Committee be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall re-evaluate the services and fee requirements and reopen negotiations with any of the nominated firms. (K.S.A. 75-1257)

8.6 Should the Negotiating Committee still be unable to enter into a contract with any of the nominated firms, it shall request the SBAC provide another list of nominees.

8.7 If the Project Architect/Engineer identifies a valid need to change consultants, the firm shall notify the Negotiating Committee in writing for their approval/disapproval.

9.0 Contracts

9.1 Contracts are written by the Department of Administration and use a standard contract developed by the department, with input from the Owner.

9.2 Each contract for professional services negotiated shall be between the Secretary of Administration or the Owner and the firm selected. (K.S.A. 75-1258)

9.3 Each contract is written as a lump sum not-to-exceed amount and will only be changed by contract addendum when negotiated between the firm and the Negotiating Committee.

9.4 Each firm shall be responsible for all negligent acts, errors or omissions in the performance of the contract and will be required to have professional liability insurance as determined by the fee negotiations. (K.S.A. 75-1258)

9.5 Contracts are routed for signatures by e-mail from Department of Administration Legal office. Once a contract is fully signed, it will be forwarded to the Project Architect/Engineer, the agency and OFPM by e-mail.

10.0 Contract Addenda

10.1 Whenever there is a change in scope or the Owner makes a request for additional services the Project Architect or Engineer submits a proposal for additional fee.

10.1.1 The Negotiating Committee must approve the change in scope prior to submittal of the additional fee request. (K.S.A. 75-1255)

10.2 When additional compensation is requested by the Project Architect/Engineer, the request will be forwarded to the Negotiating Committee Chair. The chair will forward to the negotiating members for their action. Additional services include but are not limited to:

10.2.1 Additional services from the Form 103 A/E Services – Fee Checklist.

10.2.2 Increase in scope of work.

10.2.3 Hiring of a consultant not originally identified by the Owner.

10.3 The negotiating of a contract addendum fee is the same as for the original. (See Section 8.0 above)

10.4 After successful negotiations, a contract addendum will be written and circulated for signature by e-mail in the same manner as the original contract. (See Section 8.0 above)

10.5 The Project Architect/Engineer shall proceed with additional services only after the signed contract amendment or written authorization from the chair of the Negotiating Committee is received.

11.0 Payment for Architectural / Engineering Services

11.1 Firms will be paid in proportion to the percentage of work completed within each phase of services described below. Project Architect/Engineer may fully invoice for each phase only after approval is given for that phase.

11.2 Fee breakdown shall be as follows:

11.2.1 **Concept and Schematic Design** - 15% of the total fee. If these two phases are separated, then a fee of 7½% is applicable to the concept development phase and 7½% is applicable to the schematic phase.

11.2.2 **Design Development** - 20% of the total fee

11.2.3 **Construction Documents** – 40% of the total fee.

11.2.4 **Bidding** – 2½% of the total fee. May only be invoiced after a successful bid.

11.2.5 **Construction Administration** – 20% of the total fee. May be invoiced based upon the percentage of completion approved on the construction Contractor's monthly pay applications.

11.2.6 **Closeout** – 2½% of the total fee. May only be invoiced after receipt and approval of the Record Documents.

11.3 The Negotiating Committee may approve alternative fee breakdowns for the construction document phases.

11.4 When requesting payment, the Project Architect/Engineer should submit an invoice to the Owner, except as noted in Section 9.4.1. The invoice shall be broken down based upon the project phases listed above. A Sample A/E Invoice is available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

11.4.1 Project Architect/Engineer is to submit invoices to OFPM for projects with agencies that do not have a staff architect/engineer or when OFPM is providing full services for an agency. OFPM and the agency will notify the firm if this occurs.

11.4.2 Each amendment shall be a separate line item on the Project Architect/Engineer invoice.

11.4.3 Final invoice should be submitted to Owner and a copy to OFPM.

11.5 The invoice should include all project information on the invoice, including the OFPM project number, full title of the project, the agency name and the agency project number.

11.6 When the firm's final invoice is submitted to OFPM, the OFPM architect/engineer will confirm that the Contractor's final paperwork has been processed and the firm's record documents are received and approved.

12.0 Termination of Architectural / Engineering Services

12.1 In the event of termination of a project for any reason, including lack of funding for the project, the State of Kansas will give the Project Architect/Engineer thirty (30) day notice.

12.2 An appropriate fee for services rendered will be negotiated between the Project Architect/Engineer and the Negotiating Committee.

12.3 One (1) copy of a flash drive with copies of all documents completed at the date of termination shall be distributed to the both the Owner and OFPM, unless otherwise directed by OFPM.

13.0 Architect/Engineer Fee Guidelines

13.1 The Secretary of Administration shall establish and publish guidelines for fees based on the projected cost of a project (construction budget), the complexity factor of a project and the type of construction for the project as factors in establishing the rate or amount of such fees. (K.S.A. 75-1263) The following information and charts are the guidelines established for the fee negotiations for architectural, engineering and combined projects.

13.2 The fees percentages indicated in the fee guideline charts below are for basic services. These percentages are the beginning point of fee negotiations. Fees for additional services shall be negotiated separately from basic services fees. Form 103 – A/E Services Fee Negotiating Checklist indicates the basic and additional services the Owner requires.

13.2.1 An ‘X’ in the left-hand column of the form indicates a service is required by the Owner.

13.3 The complexity factor and the type of construction are determined by the agency and OFPM. If there are concerns by the firms about these designations, please share your thoughts in your proposal letter. The negotiating committee will discuss these changes and notify the firm of their decision.

13.4 The cost multiplier for basic services is now calculated by interpolation vs a set range.

13.4.1 The formula for this interpolation is: d=d1+((g-g1)/(g2-g1))*(d2-d1), where:

d = fee percentage to solve for; d1 = fee % noted by the $1,000,000 budget for the corresponding complexity factor; d2 = the fee % noted by the $60,000,000 budget for the corresponding complexity factor

g = construction budget; g1 = $1,000,000; g2 = $60,000,000

13.4.2 Reference Form 104 A/E Fee Interpolation for calculating the fee % for the construction budget of the project.

13.5 Definitions on the type of construction are in Part A – Chapter 1 Glossary.

13.5.1 Complexity factor definitions are in the first row of the chart just below the category titles in the table at the end of this chapter. OFPM and the Owner work together to establish the complexity factor. The assigned factor may be found on the completed Form 935 – OFPM Project Number / Data Request for the specific project.

13.5.2 Projects with a construction budget between the listed cost values shall have fee percentage values interpolated within the corresponding fee ranges. The resultant fee percentage will be applied to the entire budget amount.

13.6 Fee percentages on projects with project costs under $1,000,000 over $60,000,000 will be evaluated on a case-by-case basis.

Fee Guidelines Charts Based Upon Construction Type

NEW CONSTRUCTION (Type of Construction)

Construction Budget	COMPLEXITY				
	Utilitarian	Conventional	Moderately Complex	Comparatively Complex	Complex
$1,000,000	7.50%	8.00%	8.75%	9.50%	10.25%
$60,000,000	5.00%	5.75%	6.50%	7.25%	8.00%

*Fee percentages on projects with project costs under $1,000,000 over $60,000,000 will be evaluated on a case-by-case basis.

RENOVATIONS (Type of Construction)

Construction Budget	COMPLEXITY				
	Utilitarian	Conventional	Moderately Complex	Comparatively Complex	Complex
$1,000,000	9.50%	10.25%	11.00%	11.75%	12.50%
$60,000,000	7.00%	7.75%	8.50%	9.25%	10.00%

*****Fee percentages on projects with project costs under $1,000,000 over $60,000,000 will be evaluated on a case-by-case basis.

COMBINED CONSTRUCTION (Type of Construction)

Construction Budget	COMPLEXITY				
	Utilitarian	Conventional	Moderately Complex	Comparatively Complex	Complex
$1,000,000	8.50%	9.25%	10.00%	10.75%	11.50%
$60,000,000	6.00%	6.75%	7.50%	8.25%	9.00%

*Fee percentages on projects with project costs under $1,000,000 over $60,000,000 will be evaluated on a case-by-case basis.

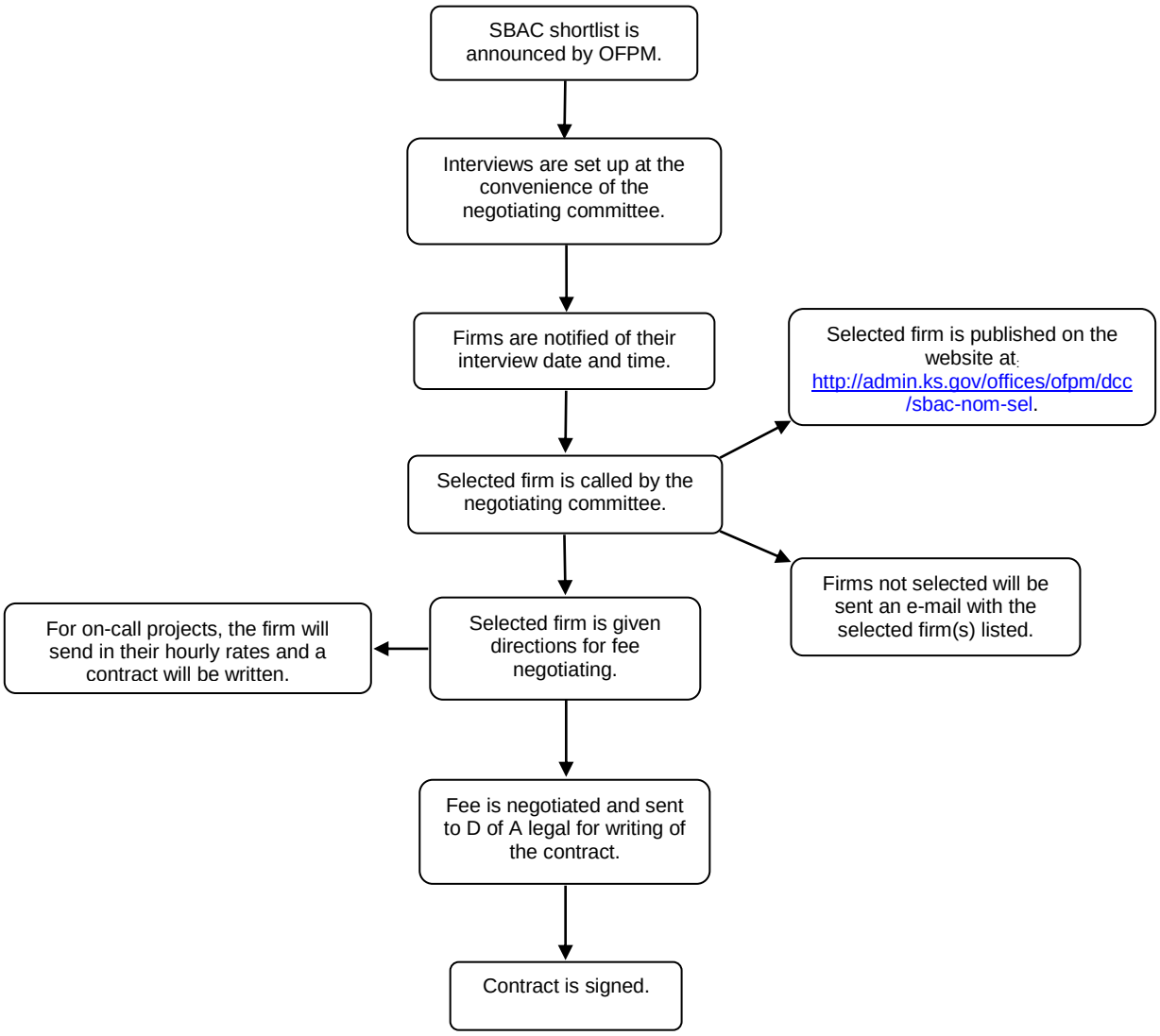
Complexity Factor Chart on Next Page

14.0 Complexity Factor Chart

COMPLEXITY FACTOR FOR ASSIGNED BUILDING TYPE				
Utilitarian (Considerably Less Than Ave.) Projects of simple, utilitarian character with a high degree of repetition.	**Conventional** (Less Than Average) Projects of simple character, design, detail, and/or with moderate repetition.	**Moderately Complex** (Average) Projects of conventional character, design and detail, with moderate repetition.	**Comparatively Complex** (More Than Average) Projects of specialized character, design, containing large amounts of complex scientific mechanical and electrical equipment.	**Complex** (Considerably More Than Ave.) Projects of detail character, elaborate planning and execution and devoid of repetition.
• Agricultural • Athletic Fields • Boat Ramps • Dam (Earthen) Construction • Dam (Earthen) Renovation • Exterior Work • Floating Docks • Hangars • Historical Monuments • Industrial Buildings • Park Shelters • Parking Lots • Perimeter Security Towers • Pre-engineered Structures • Prototype Facilities (replication of previously designed facilities) • Roofing • Shooting Range, Outdoor • Site Adaptations of • Existing Designs • Site Utilities • Site Work: Water, Sewers, Streets, Fences, Walks, Park Trails, Landscaping, Signage, Site Lighting • Storage Facilities • Utility Extensions • Warehouses	• Apartments • Armories • Bakeries • Bowling Alleys • Detention / Correctional Facilities – Minimum • Student Housing / Residence Halls • Fish Hatcheries • Grandstands • Greenhouses • Historical Facilities requiring only repairs • Laundry Facilities • Lagoons • Marinas • Offices Buildings without partitions • Parking Structures • Printing Plants • Residences • Restroom & Shower Buildings • Shop & Maintenance Facilities	• Archive Buildings • Auditoriums • Cellhouses • Central Utility Plants • Chapels • Child Care • Classrooms – General • Day Care Facilities • Detention / Correctional Facilities – Medium • Dietary Facilities Kitchens / Cafeterias • Fire & Police Stations • Heating Plants • High / Medium Voltage Electrical Service / Distribution • Laboratory non-Science • Libraries • Medical Office Facilities & Clinics • Mental institutions – Non- secure • Nursing Homes • Offices • Power Plant • Recreation Facilities • Schools: Sight / Hearing / Physically Impaired • Stadium/Arena/Fieldhouse • Student Union / Center • Student Housing / Residence Halls with Dining Centers • Swimming Pool Natatoriums • Visitors / Interpretive Centers	• Broadcast Studios • Classrooms Specialized • Computer Centers • Control Centers • Detention / Correctional Facilities – Maximum • Historical Facilities requiring complete restoration • Laboratory – Teaching (Wet) • Medical Clinical Mental Institutions Secure • Museums • Observatories • Theaters • Veterinary Hospitals • Labs, non-science	• Hospitals • Laboratory-BioSafety • Laboratory Research (Wet) • Medical Hospital Science & Medical Research Buildings

END OF CHAPTER

SBAC INTERVIEW, SELECTION AND FEE NEGOTIATION



PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 4 – PROFESSIONAL DESIGN SERVICES (ON-CALL PROJECTS) SELECTION AND FEES

1.0 General Information

1.1 The purpose of on-call Capital Improvement Projects is to provide state agencies with a means of assigning projects of smaller scope and budgets without advertising for each project. By statute, each on-call project's project cost cannot exceed $1,000,000. (K.S.A. 75-1253)

1.1.1 Architectural and/or engineering services on small projects can be provided by an agency project architect or engineer, an OFPM design project architect or engineer, or an on-call project architect or engineer.

1.2 A large Capital Improvement Project shall not be subdivided to create multiple separate projects that would allow the use of firms contracted to perform on-call services.

1.3 Advertisements for on-call contracts identify the specific professional services required for the on-call contract. Selection of a design professional will be based on the specific services advertised.

1.4 Advertisements will identify the number of firms being selected.

2.0 On-Call Contract Guidelines

2.1 Architectural and/or engineering service on-call contracts may be written for architects, engineers, and landscape architects that are governed by the Kansas Board of Technical Professions.

2.1.1 Architectural and mechanical, electrical, plumbing (MEP) engineering on-call contracts can provide supplemental services required for the project within the limitations outlined in Sections 2.3 and 2.4 of this chapter.

2.1.2 Landscape architects, structural, civil, fire protection, and similar engineer on-call contracts can provide only services of their specific discipline.

2.1.2.1. Those projects that require multiple disciplines must use an architectural or an MEP engineering on-call contract.

2.2 Non-architectural and/or non-engineering service on-call contracts **may** be written for interior designers, restoration designers, mapping consultants, environmental designers, and others not governed by the Kansas Board of Technical Professions.

2.2.1 The on-call contract will be written for only the non-architectural and/or non-engineering services advertised. No architectural and/or engineering services may be provided by an architect or engineer member of the firm under this contract and no consultants may be added to the contract.

2.3 On-call architectural design services

2.3.1 An on-call contract for architectural design services shall be written only to an architectural firm as the prime vendor, either to provide stand-alone architectural services or with consultants to provide integrated architectural and engineering services.

2.3.2 Only an architectural on-call contract shall be used for a project comprised of 50% or more of architectural services, regardless of the project cost up to the $1,000,000 project cost limit.

2.3.2.1. An architectural on-call contract may not be used for engineering-only services or to circumvent the use of an on-call engineer contracted by an agency.

2.3.3 Programming is a specialty service and Owners, if outsourcing this work, shall hire a firm to provide programming specifically for larger projects.

2.3.3.1. Firms hired for architectural on-call contracts may provide programming for projects under the $1,000,000 project cost limit.

2.4 On-call engineering design services

2.4.1 An on-call contract shall be written to an engineering firm as the prime vendor to provide stand-alone engineering services.

2.4.2 An MEP engineering on-call contract may add an architectural or non-MEP engineering consultant(s) to provide minor architectural or non-MEP engineering design services.

2.4.3 A civil engineering on-call contract may add an architectural consultant to provide minor architectural design services.

2.4.4 All non-MEP engineering on-call contracts are limited to their discipline design category.

2.4.5 Programming is a specialty service and Owners, if outsourcing this work, shall hire a firm to provide programming specifically for larger projects.

2.4.5.1. Firms hired for engineering on-call contracts may provide programming for projects under the $1,000,000 project cost limit.

2.4.6 Architectural design services prohibited by the Kansas Board of Technical Professions to be performed by engineers will not be performed using a stand-alone engineer on-call contract.

2.5 Statewide on-call contracts are available by request through OFPM for use by agencies that do not have an on-call contract and have infrequent need for such services.

2.6 Reference Part B – Chapter 2 for the application and nomination process for on-call Project Architect/Engineer.

2.7 Non-compliant use of an on-call contract may result in a delay of reviewing or issuing a project for bidding or construction.

2.7.1 Firms shall not accept work immediately prior to the expiration date of their 3-year contract without demonstrating to OFPM that substantial progress can be made.

2.7.2 Firms shall not accept partial work on a project that's total project estimate is greater than the on-call contract limit of $1,000,000.

2.8 On-call contracts will not be written for ancillary technical services such as surveying, geo-technical services, and various testing services incidental to the project design services. OFPM maintains a pool of firms selected to provide ancillary technical services. Reference Part A – Chapter 3.

3.0 Negotiating Committee Responsibilities

3.1 A Negotiating Committee is established to interview the nominated architectural or engineering firms, and to select and negotiate fees with the selected firm. Each Negotiating Committee shall consist of the following members (K.S.A. 75-1251(b)):

3.1.1 The head of the state agency for which the proposed project is planned or of the state agency that controls and supervises the operation and management of the institution for which the proposed project is planned, if such is the case, or a person designated by the head of the agency;

3.1.2 The head of the institution for which the proposed project is planned, or a person designated by the head of the institution. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution; and

3.1.3 The Secretary of Administration, or a person designated by the Secretary, who shall act as chairperson of the committee.

3.2 After the Negotiating Committee is notified of the State Building Advisory Commission's (SBAC) firm nominations, an interview date is selected by the negotiating committee and forwarded to the nominated firms. Each Negotiating Committee member will have the following:

3.2.1 Each firm's project proposal as delivered to OFPM in response to the project advertisement.

3.3 The Negotiating Committee shall interview each of the firms regarding the anticipated project(s) and select a firm(s).

4.0 Scheduling the interviews

4.1 Nominations (shortlist) are made on the second Wednesday of the month. See SBAC Meeting Schedule for meeting dates.

4.2 OFPM attempts to schedule the interviews at least two weeks from the date of the nominations. This allows the negotiating committee time to review the proposals and the firm's time to prepare for their interviews.

4.3 The interview date is coordinated only with the negotiating committee and the availability of a conference room. Firms being interviewed are not consulted when scheduling the interviews.

4.3.1 If a firm has a conflict with their interview time, they should contact the chairman of the negotiating committee to work out a solution.

4.4 The firms are interviewed in a random order.

4.5 The duration of the interviews noted on the schedule and no firm is given any more time than any of the other firms. There will always be time allocated at the end of the scheduled time for questions by the negotiating committee. Please manage your time accordingly.

5.0 Interview Content

5.1 Firms nominated for a project will be notified via e-mail by OFPM of the interview date and their individual interview time.

5.2 OFPM's intent is for all interviews for a project to occur on the same date. Each firm will be allotted the same amount of time for their presentation.

5.2.1 Hand-outs, if supplied, shall be provided to the 3-person Negotiating Committee. Additional copies for distribution are optional.

5.2.2 Each firm will be given a specific amount of time for their presentation and a specific amount of time for questions by the negotiating committee.

5.2.3 Interviews consist of a presentation by the design team followed by a question and answer session from the Negotiating Committee.

5.2.4 Set-up and take down time is outside the set interview time. The firm's set-up and take-down should occur as quickly as possible to allow the following firm time for their set-up.

5.2.5 If firms are using electronic media for their presentation, they should be prepared with all the required equipment, regardless of the set-up of the room in which the interviews will be held.

5.3 The Owner may invite other agency personnel to attend the interviews. The additional personnel do not have a vote in selection but may be allowed to ask questions and comment on their impressions of the interviews.

5.4 Firms are not required to use any particular presentation method but should adapt their interview to the project scope.

6.0 Selection of the Design Team

6.1 Once the interviews are concluded, the negotiating committee meets to discuss the selection.

6.2 Each Negotiating Committee member evaluates the interviews in their own way.

6.3 Evaluation criteria may include but is not limited to any or all of the following: Quality of the presentation, site visits, relevant experience, understanding of project scope, design and technical ability, costs, problem solving, scheduling and responsiveness and the Owner's previous experience with the firm.

6.4 If possible, the Negotiating Committee discussion and selection will be the same day as the interviews.

6.5 Firms will be notified by OFPM via e-mail of the Negotiating Committee's selection. The selected firm will be notified by telephone and a follow up e-mail identifying the next step in the process.

6.6 The SBAC will be notified of the selected firm.

6.7 The selected firm will also be announced at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

7.0 Project Architect/Engineer Fees

7.1 Upon selection, the Project Architect/Engineer is asked to send their firm's hourly rates for the current year. These become the basis for the calculation of fees for each project assigned. Firms can forward updated, hourly rates to OFPM annually.

8.0 Contracts

8.1 Contracts are written by the Department of Administration and use a standardized contract developed by the Department, with input from the Owner.

8.1.1 The date of the interview is the expiration date of the contract and shall be valid for three years.

8.2 Each contract for professional services negotiated shall be between the Secretary of Administration or the agency and the firm selected. (K.S.A. 75-1258)

8.3 Each firm shall be responsible for all negligent acts, errors or omissions in the performance of the contract and will be required to have professional liability insurance as determined by the fee negotiations. (K.S.A. 75-1258)

8.4 Contracts are routed for signatures by e-mail from Department of Administration Legal office. Once a contract is fully signed, it will be forwarded to the Project Architect/Engineer, the Owner and OFPM by e-mail.

8.5 Fees for on-call projects are negotiated between the Project Architect/Engineer and the Owner, on a project by project basis.

8.6 Contracts are written in one of two ways, depending on the state agency for which the work is being completed.

8.6.1 The agency may write the contract for a lump sum and as project fees are negotiated, the amount of the fee is reduced accordingly. If this process is used, the agency will issue an Authorization to Proceed for each individual project.

8.6.1.1. The agency may add money to this contract at any time during the 3-year term of the contract.

8.6.2 The agency may write a contract on a project by project basis as they are assigned and fees are negotiated. The first project becomes the original contract and each subsequent project fee agreement is written as a contract amendment.

9.0 Payments for Architectural/Engineering Services

9.1 The on-call Project Architect/Engineer shall submit all invoices to the agency with whom the firm is contracted.

9.1.1 For agencies that are receiving full services from OFPM, Architect/Engineer invoices are simultaneously sent to the agency and OFPM Planner.

END OF CHAPTER

PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 5 – DESIGN SERVICES

1.0 General Information

1.1. The policies and procedures contained in this section are for Capital Improvement Projects designed by a Project Architect/Engineer under contract with the Department of Administration. Not every item will apply to every capital improvement project and should be determined with the Negotiating Committee on large projects and with the agency on on-call projects.

1.2. When the Project Architect/Engineer's construction estimate exceeds the Owner's programmed construction budget, approved at the initial fee negotiation, it is the responsibility of the Owner to assist the firm in identifying options and means (including a decrease in scope, material selection, and/or alternates, etc.) to bring the firm's estimate within the programmed budget.

1.2.1 Should either the project budget or project scope increase or decrease, the revised program must be approved by the negotiating committee.

1.3. The Owner will inform the Project Architect/Engineer which level of service OFPM is providing. Reference Part A – Chapter 2 for definitions of level of service and table indicating OFPM services provided. This will determine the amount of participation by OFPM architect/engineer and inspectors.

2.0 Concept and Schematic Design

2.1. The Project Architect/Engineer shall involve all necessary consultants and develop at least three alternative solutions to the design of the Capital Improvement Project. The alternative solutions shall (when applicable) be within the structure of the agency's program and shall address, but not be limited to:

2.1.1 Code compliance and analysis for life safety issues, per Part A – Chapter 5.

2.1.2 Accessibility analysis and compliance, per Part A – Chapter 5.

2.1.3 Site limitations, including utilities.

2.1.4 Building location on site.

2.1.5 Vehicular and pedestrian circulation.

2.1.6 Number of floors.

2.1.7 Arrangement of programmed spaces

2.1.8 Itemized inventory of programmed space, indicating surplus or deficiency.

2.2. Concept and/or schematic design submittals shall include the items listed below and shall follow the submittal and review procedures listed in Part A – Chapter 4.

2.2.1 Code and accessibility analysis submittals per Part A – Chapter 4 and compliance with all other applicable codes, standards and laws, including accessibility.

2.2.2 Documents to illustrate the items listed above (Section 2.1) and as required by the Owner.

2.2.3 Concepts and studies of systems required by the program or fee negotiations.

2.2.4 Written statement giving the total gross area of the building and estimate of construction costs.

2.2.5 Special considerations.

2.2.6 Compliance with applicable federal regulations due to a federal agency's involvement in the project.

2.2.7 LEED Plan, if applicable.

3.0 Design Development

3.1. The design development submittal shall include the items listed below and shall follow the submittal and review procedures listed in Part A – Chapter 4. This submittal should demonstrate a complete understanding of the Owner's design requirements and should identify items of particular interest to the Owner.

3.1.1 Form 123 – Construction Document Checklist, which can be found at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents, is to be used throughout the entire design and construction document phases of the project. It is intended to assist the design team to provide a complete set of construction documents.

3.1.2 Code footprint per Part A – Chapter 4 and compliance with all other applicable codes, standards and laws, including accessibility.

3.1.3 Accessibility submittal per Part A – Chapter 4.

3.1.4 Energy Code Compliance. Reference Part A – Chapter 4.

3.1.5 Site plan showing the location of the building on the site, illustrating the practical use of the natural topography, expansion possibilities if required by the program, utility locations and potential connections, and vehicle and pedestrian circulation including, but not limited to streets, service drives, parking and sidewalks.

3.1.6 Knowledge and indication of problems of rock excavation or controlled backfill.

3.1.7 Floor plans showing room arrangement, overall dimensions of the building(s) and spaces room arrangement, door swings, casework, special equipment and features, furniture arrangement, designation, size and fixed equipment layout.

3.1.8 Elevations showing all exterior wall surfaces.

3.1.9 Building sections including longitudinal and transverse sections showing major structural components.

3.1.10 Wall sections showing typical and special wall construction.

3.1.11 Special interior wall sections.

3.1.12 Preliminary finish schedule.

3.1.13 Structural concept showing the location, type and tentative size of structural members.

3.1.14 Mechanical plans showing mechanical room layouts, locations of major equipment and preliminary two-line ductwork layouts. Mechanical room layouts must accommodate more than one manufacturer. Provide graphical indication of code required maintenance/access spaces.

3.1.15 Update the written description provided with the concept design to reflect any changes in the systems/equipment or approach to the design, including energy code compliance.

3.1.16 Provide a written description of the HVAC control systems with a general outline of function and sequence of operation.

3.1.17 Plumbing concept showing pipe chases and roof drainage system. Plumbing designs for laboratories or other special facilities, materials, and designs requiring pumping shall also be included.

3.1.18 Electrical concept showing the power source, service to the building, panel locations, types of fixtures, and the foot candle levels. Also included shall be primary and secondary voltages to be used and design criteria for unusual or special electrical requirements. Provide graphical indication of code required maintenance/access spaces.

3.1.19 Fire Alarm concept showing panel location(s) and a description of the system. Project Architect/Engineer will review minimum design requirements to be shown on construction documents.

3.1.20 Fire Suppression concept showing the service entry, including back flow preventer, the main drain/inspector test station and a description of the system. Project Architect/Engineer will review minimum design requirements to be indicated shown on construction documents.

3.1.21 Specifications outline shall include a brief yet concise description of all building systems including methods, materials and finishes. All building components shall be outlined in sufficient detail to afford judgment discussions concerning quality and performance. Include material cut sheets as required to convey a complete understanding of the materials used.

3.1.22 Compliance with applicable federal regulations due to a federal agency's involvement in the project.

3.1.23 Updated written statement giving the total gross area of the building and an estimate of all construction costs.

3.1.24 Rendering when negotiated as part of the firm's contract.

3.2. End of Design

3.2.1 Upon the approval of the design development submittal, a design freeze will occur. Significant changes necessary during subsequent phases will be re-submitted to Owner and OFPM for approval.

4.0 Construction Documents

4.1. Firms may use Form 123 – Construction Document Checklist, which can be found at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents, will be used to provide a complete set of construction documents.

4.2. Formatting information for drawings and specifications can be found in Part A – Chapter 6.

4.3. Construction document submittals to be provided per Part A – Chapter 4.

4.4. Final document submittal shall include an estimate of all construction costs in as much detail as possible.

4.5. End of construction document phase occurs when:

4.5.1 The Owner and OFPM concur that the construction documents can be posted for bidding.

4.5.2 The code footprint, if required has been approved by OFPM or OSFM.

4.5.3 The construction separation and temporary egress has been approved OFPM or OSFM.

4.5.4 A Form 125 - Project Acceptance is issued for the above items and the Permit to Build.

4.6. Submittals of bid document deliverables to follow requirements in Part A – Chapter 6.

END OF CHAPTER

PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 6 – BIDDING & CONSTRUCTION ADMINISTRATION SERVICES

1.0 Bidding Services

1.1. Bidding process will follow the guidelines set forth in Part A – Chapter 6.

2.0 When Bids Exceed Allocated Funds

2.1. Should the lowest qualified bid exceed the approved construction funding identified on the Form 305 – Front End Data, the Project Architect/Engineer shall consult with the Owner to determine how to proceed.

2.2. If the decision is made to modify and revise the bid documents for re-bidding, the Project Architect/Engineer shall modify and revise the bid documents as needed for re-bidding.

2.2.1. Compensation for these modifications is not guaranteed and the project architect/engineer may be asked to revise the documents without additional compensation. Any compensation given will be negotiated.

2.2.2. The revised bid documents shall be submitted as directed by the Owner and OFPM and shall follow the submittal requirements in Part A – Chapter 6 of this manual.

2.3. If a project is rebid or re-issued due to errors and omissions by the Project Architect/Engineer and/or the firm's consultants, the Project Architect/Engineer may be required to pay for the use of the on-line service, printing and shipping costs associated with the re-issuance of the bid documents.

3.0 Construction Administration - General Information

3.1. The Project Architect/Engineer shall have primary responsibility for the inspection of the project, conformance of construction to the construction documents, shall represent the Owner and advise and consult the project team in the administration of the construction contract or contracts. (K.S.A. 75-1260)

3.2. The project architect/engineer shall provide field reports to the project team for each visit to the site outlining and significant work on-going and issues noted.

3.3. The Project Architect/Engineer shall keep the project team informed and aware of all construction activity, requesting assistance when necessary.

3.4. OFPM encourages the Project Architect/Engineer to process all paperwork electronically, unless otherwise directed in Part A – Chapter 4. Electronic and digital signatures are acceptable on these documents.

4.0 Project Construction Meetings

4.1. The Project Architect/Engineer shall coordinate and chair scheduling a pre-construction conference with the Contractor and Owner representatives.

4.1.1. The pre-construction conference meeting shall not occur prior to having a fully executed contract.

4.1.2. The Contractor's major subcontractors, the Project Architect's/Engineer's consultants, and OFPM inspectors shall be invited to the pre-construction conference.

4.1.3. Use OFPM Form 430 – Pre-construction Conference Agenda, available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

4.2. The Project Architect/Engineer shall coordinate and conduct progress meetings to review the status, schedule and quality of work for compliance with contract documents.

4.2.1. The frequency of progress meetings is dependent upon project scope and the Owner's requirements. This is not to be confused with site inspections.

4.2.2. The Project Architect/Engineer may delegate the handling of the progress meeting to the Contractor when approved by the Owner representative.

4.2.3. The Project Architect/Engineer shall prepare and distribute meeting minutes for any meeting held for a project.

4.2.4. At no additional cost to the Owner, the Project Architect/Engineer shall attend other meetings as required by the Owner or OFPM, to resolve problems.

4.2.5. The Project Architect/Engineer shall coordinate any additional meetings with OFPM representatives prior to scheduling.

5.0 Shop Drawings

5.1. The Project Architect/Engineer shall, within 10 business days of receipt, review and approve shop drawings of fabricators and manufacturers, and samples of materials for conformance with the drawings and specifications and submit copies of approved shop drawings to the Contractor, the Owner and OFPM during construction.

5.2. Elevator, sprinkler, fire alarm shop drawings and deferred submittals are required to be submitted to OFPM for review and shall follow requirements found in Part A – Chapter 4.

5.3. All other **approved** shop drawings for large projects will be delivered to OFPM in PDF format for projects that bid through OFPM plan room.

5.4. During the shop drawing submittal phase, substitutions for only discontinued products may be submitted for approval. No other substitutions can be submitted for approval after the "request for substitution" period during the bidding phase has passed.

5.5. The Project Architect/Engineer shall ensure that all security related shop drawings are returned to the Owner.

6.0 Project Architect/Engineer Inspections

6.1. At a minimum, provide the following site inspection services:

6.1.1. as necessary to determine conformance with the contract documents.

6.1.1.1. This conformance includes verification of construction separation and temporary egress. If, during construction, the temporary egress is inadequate or not working as planned, the project architect/engineer shall revise the temporary egress plan to accommodate the actual conditions.

6.1.2. The Project Engineer inspect site utilities prior to any utility being buried.

6.1.3. Architect and Engineer of record to inspect above ceiling work and work in concealed spaces prior to the spaces being covered up.

6.1.4. Any rated wall, door, shaft or penetrations.

6.1.5. Verify accessibility components.

6.1.6. Inspection of each life safety item or system.

6.1.7. Architect and Engineer of record to attend site inspections during construction that include inspection/observation of work within their discipline.

6.1.8. Architect and Engineer of record to conduct final inspections for substantial and final completion.

6.2. At each payment application, review the Contractor's record documents to verify Contractor is tracking changes made during construction.

6.3. Prepare and distribute field reports.

6.4. The Project Architect/Engineer may request compensation for additional inspections when required by an adjustment to the completion time of the contract, requested by the Owner or required by unusual project requirements.

7.0 OFPM Code Inspections

7.1. OFPM performs specific code compliance inspections on all projects for the Secretary of Administration. Reference Part A – Chapter 5 of this manual for required inspections.

7.1.1. When a code problem is identified, the OFPM inspector will contact the Project Architect/Engineer and the OFPM architect/engineer for resolution. All code issues will be documented on the OFPM inspector's inspection report.

7.2. OFPM performs specific code compliance inspections and periodic project inspections on full service projects.

8.0 Duties of the Project Architect and Project Engineer During Construction

8.1. The Project Architect/Engineer are responsible for the minutes of each project meeting throughout construction and shall promptly forward typed copies of the minutes to the project team for review and approval.

8.2. The Project Architect and Project Engineer shall provide responsible Construction Administration. (K.S.A. 75-1260)

8.3. The Project Architect/Engineer shall determine the amount, quality, acceptability and fitness of the several kinds of work and materials which are provided under this Contract and shall decide all questions which may arise in relation to said Work and the construction thereof. In case any question shall arise between the parties hereto relative to said Contract or Specifications, the determination or decision of the Project Architect/Engineer shall be a condition precedent to the right of the Contractor to receive any money or payment for work under this Contract affected in any manner or to any extent by such question.

8.4. The Project Architect/Engineer shall decide the meaning and intent of any portion of the drawings and technical specifications, any addenda and ASI and RFI's where the same may be found obscure or be in dispute. Any differences or conflicts regarding their work which may arise

between the Contractor under this Contract and other Contractors performing work on this Project for the Owner shall be adjusted and determined by the Project Architect/Engineer.

8.4.1. The Project Architect/Engineer shall respond within 10 business days to requests from the Contractor for information and interpretations, so that the construction schedule is not adversely affected. All requests for information and interpretation from the Contractor shall be documented in writing and distributed to the Contractor, Owner representatives and OFPM.

8.4.2. The Project Architect/Engineer shall issue field orders to the Contractor for adjustments or changes in work. All field orders shall be documented in writing and distributed to the Contractor, Owner representatives and OFPM.

8.5. The Project Architect/Engineer is the interpreter of the conditions of the Contract and the judge of its performance; as such, he shall side neither with the Owner nor with the Contractor but shall use his powers under the Contract to enforce its faithful performance by both.

8.6. The Architect/Engineer shall, within a reasonable time, act on submittals and make decisions on all matters relating to the progress of the Work or the interpretation of the Contract Documents.

8.7. The Architect's/Engineer's decisions are subject to review by the Director of the Office of Facilities and Procurement Management.

8.7.1. All claims must be brought to the attention of the Director within ten (10) days of the Project Architect's/Engineer's decision which is being reviewed. The Director or his designee shall meet with the Contractor and Project Architect/Engineer to hear the positions of both parties. The director may designate alternative procedures to receive and review the positions of the parties. The director or his designee shall render a decision within thirty (30) days of the hearing.

9.0 Contractor Partial Payment Applications

9.1. The Project Architect/Engineer shall review the Contractor's partial application for payment for accuracy of the amount requested and the status of the on-site record documents. Undisputed requests for payment shall be approved and forwarded to the Owner within five (5) business days of receipt.

9.1.1. Contractors application for payment must be on current AIA form G702 and G703 or DCC Form 450 or other formal payment application forms that follow a similar format of the AIA documents.

9.1.2. The schedule of values submitted by the Contractor should include a line item for record documents.

9.1.3. When recommending the partial application for payment, the Project Architect or Project Engineer shall sign and forward the application to the Owner.

9.1.4. The Owner will submit all approved partial payment applications for payment and forward a copy to OFPM.

9.1.5. After verification of funds, a warrant will be printed and forwarded to the Contractor.

9.2. If the Project Architect or Project Engineer does not approve a partial payment, the Contractor shall be notified within five (5) days of receipt and given a choice of resubmitting the application with correct information or agreeing to hold the application until work is at the level indicated on the application.

9.3. All submittals shall be identified with the OFPM project number, including submittals indicated in this chapter, as well as ancillary service projects, miscellaneous studies/reports or other provided professional design services. The OFPM project number shall be used on all correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to OFPM and shall be provided in the subject line of e-mails sent to OFPM.

10.0 Construction Contract Change Orders

10.1. All submittals shall be identified with OFPM project number including submittals indicated in this chapter as well as ancillary service projects, miscellaneous studies/reports or other provided professional design services. The OFPM project number shall be used on all correspondence, drawings, specifications, billings, shop drawings and other documents transmitted to OFPM and shall be provided in the subject line of e-mails sent to OFPM.

10.2. The Project *Architect or Project Engineer* shall prepare and sign change orders with 10 business days from the date of acceptance by the Owner unless otherwise agreed to by the Contractor. Form 460 – Contract Change Order and Form 461 – Change Order Continuation Sheet are available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

10.3. Change order forms and back-up data shall be routed electronically for approval. Documents shall be scanned at a minimum of 300 dpi to retain legibility.

10.4. The Contractor is not obligated to complete work added by change order prior to the full approval of the change order.

10.5. The Project Architect or Project Engineer shall provide a PDF copy of the change order and all back up information for routing and signature by the designated parties via e-mail.

10.6. All change order items shall be related to the original scope of work (i.e. unforeseen conditions, errors, omissions, etc.) and have prior approval from the Owner.

10.7. Prior approval from OFPM is required for building code and accessibility issues.

10.8. Multiple items may be included on each change order.

10.9. All change orders greater than $125,000 shall be reported to the Joint Committee on State Building Construction (JCSBC) by OFPM on behalf of the Secretary of Administration. Please refer to the statute for the procedures. (K.S.A. 75-1264)

10.9.1. Failure to notify OFPM as soon as possible of a change order over $125,000 may result in a delay of change order approval.

10.9.2. Such change orders will be signed by OFPM after they have been reviewed by the JCSBC.

10.9.3. Attendance by the Owner representatives and the Project Architect/Engineer at the presentation of the change order to JCSBC may be required.

11.0 Substantial Completion

11.1. All forms mentioned below are available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

11.2. The Project Architect/Engineer shall determine substantial completion by conducting a joint inspection with the Contractor, Owner representatives and OFPM representatives. OFPM representative's action is only required on projects that bid through the OFPM plan room or the project is an alternate delivery method per Part B – Chapter 7.

11.3. When found substantially complete, the Project Architect/Engineer shall prepare a punch list of incomplete items or deficiencies and shall include a date for each item to be finished.

11.4. Within two (2) business days, the Project Architect/Engineer shall distribute one (1) signed copy of Form 570 – Certificate of Substantial Completion to the Contractor, Owner representatives and OFPM. A punch list must accompany this form when being routed for signatures.

11.4.1. When all signatures are affixed to this document, it will be scanned and distributed to each signee.

11.4.2. Issuance of the Substantial Completion Certificate shall not be construed to permit occupancy. Occupancy is permitted only when OFPM issues the Certificate of Occupancy as noted in Part A – Chapter 5.

11.5. It is the Project Architect's/Engineer's responsibility to ensure that punch list items are finished in a timely manner and to conduct an inspection with all parties to verify that all punch list items are finished.

11.6. When an Owner requests substantial completion for a portion of a construction or renovation project, the same procedures above will apply. When issuing the substantial completion form, the Project Architect/Engineer should note and describe on the form the area being inspected as "partial substantial completion".

12.0 Occupancy

12.1. Installation, testing, correction and retesting of all life safety systems included in the project must be approved by OFPM prior to the issuance of the Certificate of Occupancy by OFPM.

12.2. Reference Part A – Chapter 5 for additional information about the Certificate of Occupancy.

13.0 Project Completion and Final Payment

13.1. The project is complete when the Project Architect/Engineer determines the construction is in accordance with the contract documents and the following items are complete.

13.2. Reference the Form 560 – Project Closeout Checklist for the list of items required for Project Completion.

13.3. The Project Architect/Engineer prepares and forwards one (1) signed copy of Form 571 – Certificate of Project Completion / Affidavit of Contractor and Form 560 – Project Closeout Checklist to the Contractor.

13.4. The Contractor shall sign the Certificate / Affidavit and forward it with one (1) signed copy of the final payment application and closeout checklist Form 560 – Project Closeout Checklist to the Project Architect/Engineer.

13.4.1. It is the responsibility of the Project Architect/Engineer to forward to OFPM a copy of Form 571 – Certificate of Project Completion / Affidavit of Contractor for signature and the final application for payment.

13.5. The Project Architect/Engineer shall review the final payment application.

13.5.1. If approved, the Project Architect/Engineer will sign and forward the final payment application, along with Form 571 – Certificate of Project Completion / Affidavit of Contractor and Form 560 – Project Closeout Checklist to the Owner for processing.

13.5.2. If not approved, the Project Architect/Engineer will notify the Contractor to resubmit.

13.6. After signing the above documents, the Owner processes the payment electronically and forwards the documents to OFPM for signing and distribution.

13.7. The distribution of these documents will be via e-mail to the Contractor and the Owner representative. It is up to the Contractor and the Owner representative to forward the documents to others in their organizations that need copies.

13.8. When the Certificate of Project Completion is signed by all parties, the Owner assumes responsibility for maintenance, custodial care and utilities for the premises not previously accepted under prior Certificate(s) of Partial Occupancy.

14.0 Post-Construction Services

14.1. The Project Architect/Engineer shall complete a Contractor Evaluation – Form 610 on each project. The Form 610 is used by OFPM in the contractor pre-qualification process. The form is available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents.

14.2. The Project Architect/Engineer shall send all shop drawing submittals with a complete set of record documents to OFPM within three months of project completion and per Part A – Chapter 4.

14.3. The Project Architect/Engineer shall be available during the one-year expressed warranty period to assist the Owner and OFPM, should problems develop.

14.4. The Owner will schedule a 9-month inspection and the Project Architect/Engineer will attend this inspection.

END OF CHAPTER

PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 7 - PROCUREMENT OF ALTERNATIVE PROEJCT DELIVERY BUILIDNG CONSTRUCTION

1.0 General Information

1.1 The State of Kansas allows the use of Alternate Delivery Methods for building construction for state-funded projects on a case-by-case basis under the Kansas alternative project delivery building construction procurement act. (K.S.A. 75-37,141 et seq.)

2.0 Annual Statement of Qualifications

2.1 The Secretary of Administration, by statute, annually requests firms engaged in the lawful practice of construction management at-risk or design-build services to submit a statement of qualifications (SOQ) and performance data.

2.1.2 A request for annual qualification statements shall be published in the *Kansas Register* at the end of each year.

2.2 Form 050 – Professional Qualifications is to be used. It is available at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/forms-and-documents. The following information is required on the form:

2.2.1 The firm's capacity and overall experience, including specific roles on similar or related projects.

2.2.2 The capabilities and other qualifications of the firm's personnel.

2.2.3 Such other information related to qualifications and capability of firm to perform construction services for projects.

2.3 Each completed Form 050 – Professional Qualifications and supplemental information should be delivered to OFPM as described in the annual advertisement. By statute, SOQs are required to be filed and made available to the State Building Advisory Commission (SBAC) and to the Negotiating Committees.

2.4 Eligible firms, which have never sought State work, are encouraged to contact OFPM regarding the State's eligibility, qualification, nomination and selection procedures and policies.

3.0 Public Hearing

3.1 An Owner, after evaluating the type of project contemplated and the alternative project delivery method desired for building construction, shall request the State Building Advisory Commission (SBAC) schedule a public hearing. See Part B – Chapter 1 for owner requirements and action.

3.1.1 OFPM will notify the SBAC and schedule a date for a public hearing.

3.1.2 OFPM will publish a notice in the *Kansas Register* at least fifteen (15) days prior to the hearing.

3.2 The SBAC shall approve those projects for which the use of alternative project delivery procurement process is appropriate. The SBAC will consider the following factors:

3.2.1 The likelihood that the alternative project delivery method of procurement selected will serve the public interest by providing substantial savings of time or money over the traditional design-bid-build delivery process.

3.2.2 The cost savings should be presented as a dollar savings per month for every month of time that is saved by using the CMAR process.

3.2.3 The ability to overlap design and construction phases is required to meet the needs of the end-user.

3.2.4 The use of an accelerated schedule is required to make repairs resulting from an emergency.

3.2.5 The project presents significant phasing or technical complexities, or both, requiring the use of an integrated team of designers and constructors to solve project challenges during the design or pre-construction phase.

3.2.6 The use of an alternative project delivery method will not encourage favoritism in awarding the public contract or substantially diminish competition for the public contract.

3.2.7 The ability of the Owner to fund the stipend offered to qualified design-build proposers.

3.3 Eligibility requirements for construction management at-risk services are dependent upon the scope of the project.

3.4 If the SBAC determines the eligibility criteria for use of an alternative project delivery method is not met and the project does not qualify, the Owner will be notified to use the traditional design-bid-build delivery method.

3.5 If the SBAC determines the eligibility criteria for use of an alternative project delivery method is met, the Owner will be notified to proceed with the proposed alternative method of project delivery. (See Part B – Chapter 1 for further owner requirements and action.)

4.0 Announcement of Alternative Project Delivery Building Construction

4.1 Announcement of Alternative Project Delivery Building Construction will be announced in an advertisement published in the *Kansas Register* requesting proposals for the approved method from construction management at-risk or design-build firms interested in the project.

4.1.1 The *Kansas Register* is the **official** publication where all requests for alternative delivery methods for building construction projects funded by state tax dollars are announced.

4.1.2 Capital Improvement Projects funded by other means may also elect to use the above methods.

5.0 Construction Management At-Risk Project Delivery Procedures

5.1 General Information

5.1.1 OFPM, with the advice of the SBAC, shall determine the scope and level of detail required to permit qualified construction managers or general Contractors to submit construction management at-risk proposals in accordance with the agency's proposal.

5.1.2 Construction manager at-risk or general Contractor shall be selected as early as the schematic design phase and prior to completion of the construction documents phase.

5.1.3 The project design professional may be employed or retained by the agency to assist in the construction manager at-risk selection process. The design professional shall be selected and contracted separately (K.S.A. 75-1257).

5.2 OFPM shall solicit proposals on behalf of the Owner in a three-stage qualifications-based selection process.

5.2.1 Phase I shall be the solicitation of qualifications for consideration by the SBAC which will nominate a minimum of three but not more five firms to Phase II.

5.2.2 Phase II shall be the solicitation of a Request for Proposal (RFP) for the project from the SBAC nominated firms. Included in this phase are the technical proposal and the cost proposal.

5.2.3 Phase III shall include an interview with each proposer to present their qualifications and to answer questions.

5.3 Phase I Requirements. Submit proposals as outlined below.

5.3.1 When a request for an alternative project delivery service is advertised in the *Kansas Register*, all eligible firms may submit a proposal to the SBAC indicating their interest in being nominated by the SBAC for the advertised services.

5.3.1.1 Should there be any conflicts between the *Kansas Register* advertisement and the requirements listed below or anywhere else, firms shall follow the requirements listed in the *Kansas Register* advertisement.

5.3.2 Each proposal for advertised services shall contain the following information in the order proved below:

5.3.2.1 A letter of interest, of no more than two pages in length.

5.3.2.2 Forms 051, 052, 053, and 054 shall be a maximum of forty (40) 8 ½" x 11" pages of readable surfaces. Double sided pages do not increase the forty (40) page readable surfaces limit.

5.3.2.3 The following information shall be included on forms 051, 052, 053, and 054:

5.3.2.2.1 Similar project experience;

5.3.2.2.2 Experience in type of project delivery system;

5.3.2.2.3 Description of the construction manager or general contractor project management approach;

5.3.2.2.4 Bonding capacity, including the ability of providing a public works bond (K.S.A. 60-1111) and evidence of such bonding capacity. Failure to present such evidence will deem the firm as un-qualified for selection under Phase I.

5.3.2.2.5 References from design professionals and Owners from previous projects and financial statements not to exceed ten (10) readable surfaces. Double-sided pages do not increase the ten (10) page readable surfaces limit.

5.3.2.2.6 An updated Form 050 – Professional Qualifications for each proposing firm and each consulting firms should be included at the end of each proposal.

5.3.3 Each proposal shall be submitted in the following format:

5.3.3.1 One condensed or optimized PDF document less than 5 MB in size, delivered to OFPM on a ~~CD/DVD or~~ flash drive along with a paper transmittal. E-mail transmissions will not be accepted.

5.3.3.2 The title of the electronic submission will contain the following information in this order: firm name or acronym, agency abbreviation, project title. (Exp. Joe Architect KU Haworth Hall Electrical Distribution Replacement.pdf)

5.3.3.3 Paper copies, if requested, shall be an exact duplicate of the PDF proposal, submitted in a loose-leaf binder, bound together or stapled.

5.3.4 OFPM will receive and deliver to the commissioners all submittals that are received prior to the advertised deadline.

5.3.4.1 Late submissions will not be delivered to the commissioners.

5.3.4.2 If State of Kansas offices in Shawnee County are closed on the day proposals are due, the due date for proposals will be considered the next business day state offices resume operation.

5.3.4.3 Firms interested in tracking the delivery of their submittal should do so through their delivery service, not OFPM.

5.4 Phase II Requirements. Firms nominated by the SBAC in Phase I shall respond to a Request for Proposal (RFP) prepared by the Owner and forwarded by OFPM. Owner Requirements are outlined in Part B – Chapter 1.

5.4.1 The Owner determines what is included in the RFP, but items may be part of the RFP may include but are not limited to:

5.4.1.1 The pre-interview meeting date, time and location,

5.4.1.2 The date of the interviews and the potential schedule,

5.4.1.3 Project Budget,

5.4.1.4 Project Schedule,

5.4.1.5 Building Program,

5.4.1.6 Score Sheet,

5.4.1.7 Contract documents and

5.4.1.8 Site constraints and staging areas.

5.4.1.9 The cost proposal form provided by OFPM.

5.4.1.10 Other information the Owner identifies as beneficial to the understanding of the project.

5.4.2 The firm shall provide information outlined in the request for proposal.

5.4.3 The request for proposal will include a technical and cost proposal.

5.4.4 Each technical proposal shall be submitted in the following format:

5.4.4.1 One condensed or optimized PDF document less than 5 MB in size, delivered to OFPM on a flash drive along with a paper transmittal. E-mail transmissions will not be accepted.

5.4.4.2 The title of the electronic submission will contain, in this order, the following information: firm name or acronym, agency abbreviation, project title. (Exp. Joe Architect KU Haworth Hall Electrical Distribution Replacement.pdf)

5.4.4.3 Paper copies, if requested, shall be an exact duplicate of the PDF proposal, submitted in a loose-leaf binder, bound together or stapled.

5.4.5 OFPM will receive and deliver to the Negotiating Committee all technical proposals that are received on or before the closing date.

5.4.6 Cost proposals shall be submitted on the OFPM form provided by the Owner and shall be delivered to OFPM as directed on the form. The form may be found at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/alternate-delivery-forms.

5.4.6.1 Cost proposal forms will not be sent to the Owner.

5.4.7 Once the interviews are completed, the chairman of the negotiating committee shall notify OFPM via e-mail and the scoring information pertaining to the cost proposals will be transmitted to the negotiating committee via e-mail.

5.4.8 Proposals should be delivered to OFPM on or before the deadline noted in the advertisement.

5.5 Phase III Process

5.5.1 The Negotiating Committee shall interview all firms. The firms will present their proposed team members, qualifications, project plan, and answer questions.

5.5.2 The scoring process will include three separate criteria, the written documentation, the Interview and the cost proposal.

5.5.2.1 The interview shall not be more than 50% of the overall score.

5.5.2.2 The proposed fees shall not be more than 25% of the overall score.

5.5.3 The Negotiating Committee shall select the firm providing the best value based on the score sheet criteria identified by the Owner in the RFP.

5.5.4 The Negotiating Committee shall proceed to negotiate with and to enter into contract with the firm receiving the best total score.

5.5.4.1 Negotiations procedure shall be the same process undertaken to contract with design professionals. (K.S.A. 75-1250)

5.5.4.2 Should the Negotiating Committee be unable to negotiate a satisfactory contract with the firm with the best score, negotiations with that firm will

terminate and the committee will begin negotiations with the firm with next best score.

5.5.5 If the Negotiating Committee determines that it is not in the best interest of the Owner to proceed with the project pursuant to the proposals offered, the committee shall reject all proposals. If all proposals are rejected, OFPM may solicit new proposals using different design criteria, budget constraints, or qualifications.

5.5.6 The contract to perform construction management at-risk (CMAR) services shall be prepared by the Secretary of Administration and entered into between the Owner and the firm performing the services. A contract utilizing a cost-plus guaranteed maximum price shall return all savings under the guaranteed maximum to the Owner.

5.5.6.1 The draft contract, if not provided in the Phase II request for proposal package, will be provided prior to negotiations.

5.6 Record of Selection Process

5.6.1 The selection of the CMAR firm will be reported to the SBAC.

5.6.2 The list of nominated firms as well as the selected firm will be announced at https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance/construction-management-at-risk-projects.

5.7 Contract

5.7.1 The CMAR firm will receive a contract on AIA form(s) referenced in the RFP. The contract will be administered by the agency.

5.8 Construction Phase Process

5.8.1 Each bid package will be required to be reviewed and approved by OFPM. Some bid packages will be released without an approved code footprint on file with OFPM. These may include, but are not limited to: utilities, site clearing and grading, footings and foundations, superstructure.

5.8.2 A permit to build on the interior build-out package will be issued under the following conditions:

5.8.2.1 An approved code footprint for the entire project must be on file at OFPM.

5.8.2.2 If work is being performed on an occupied building, an approved temporary egress and construction separation document must be approved and on file at OFPM.

5.8.2.3 Construction documents, if not 100% complete, must show at a minimum conformance to the approved code footprint.

5.8.3 When the construction documents have been approved by OFPM, a permit to build has been issued for the package and construction manager is ready to release a portion of the project for bidding, the Contractor shall provide language for a construction services bid notice. OFPM will forward the notice for publishing in the *Kansas Register* and in such other appropriate manner for the construction manager as may be determined by the Owner.

5.8.3.1 Each bid notice shall include the request for bids and other bidding information prepared by the CMAR and the Owner with the assistance of OFPM.

5.8.3.2 Current statements of qualifications and performance data, along with all information and contractor evaluations, Form 610, shall be made available to the construction manager and the Owner. If a firm submitting a bid proposal fails to submit the requested information, such firm will be deemed unqualified for selection.

5.8.3.3 The Owner may allow the CMAR to self-perform construction services, provided the CMAR submits a bid proposal under the same format conditions as all other competing firms. The bids by the CMAR must be sent to the agency 24-hours prior to the bid opening deadline. The agency and OFPM will evaluate these bids and determine the awarded bidder.

5.8.3.4 The CMAR shall evaluate the bids to determine the lowest responsible bidder and make that recommendation to the agency. The agency has final approval of subcontractors.

5.8.3.5 In the case of CMAR self-performed work, the Owner and the Department of Administration shall determine the lowest responsible bidder.

5.8.3.6 The CMAR will enter into a contract with each firm performing construction services for the project and make a public announcement of each firm selected.

5.8.4 The CMAR will be required to provide appropriate bonds and insurance to OFPM after the award of each bid package when the construction contract amendment for the bid package is signed by all parties.

6.0 Design-Build Project Delivery Procedures

6.1 General Information

6.1.1 OFPM, with the advice of the SBAC, shall determine the scope and level of detail required to permit eligible firms to submit design-build proposals in accordance with the Owner's RFP.

6.1.2 OFPM, on behalf of the Owner, shall publish a notice to interested proposers announcing the required project services in the *Kansas Register* at least fifteen (15) days prior to the closing deadline.

6.1.3 The notice shall include a description of the project, the procedures for submittal, the selection criteria to be used, the time and place and other specific instructions for the receipt of the proposals.

6.1.3.1 Proposals not submitted in strict accordance with such instructions shall be subject to rejection.

6.1.4 Prior to the notice published in the Kansas Register, a RFP shall be prepared by the agency containing the following minimum information.

6.1.4.1 Procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight, and the procedures for making awards.

6.1.4.2 Proposed terms and conditions of the design-build contract.

6.1.4.3 Design criteria package.

6.1.4.4 Description of drawings, specifications, or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the submittal that will be acceptable.

6.1.4.5 Schedule for planned commencement and completion of the design-build contract.

6.1.4.6 Budget limits for the design-build contract.

6.1.4.7 Requirements, including any available ratings for security (bid) bonds, performance bonds, payment bonds, and insurance.

6.1.4.8 Other information the agency chooses to supply, such as surveys, soil reports, drawings of existing structures, environmental studies, photographs, or references to public records.

6.2 OFPM shall solicit proposals in a three-stage qualifications-based selection process.

6.2.1 Phase I shall be the solicitation of qualifications for consideration by the SBAC, which will nominate a minimum of three but not more than five design-build teams to advance to Phase II.

6.2.2 Phase II shall be the solicitation of a technical proposal, including a conceptual design for the project, from the SBAC nominated firms.

6.2.3 Phase III shall be the solicitation of a cost proposal from the SBAC nominated firms.

6.3 Phase I Requirements. Submit proposals as detailed in Section 5 of this chapter, including the following minimum information:

6.3.1 Demonstrate ability to perform projects comparable in design, scope, and complexity.

6.3.2 References from Owners for whom building-design projects have been performed.

6.3.3 Qualifications of personnel who will manage the design and the construction aspects of the project.

6.3.4 Names and qualifications of the primary design consultants and Contractors with whom the design-builder proposes to (sub) contract. Identified consultants or Contractors may not be replaced without the written approval of the Owner.

6.3.5 Bonding capacity, including providing a public works bond (K.S.A. 60-1111) and evidence of such bonding capacity. Failure to present such evidence will deem the firm as unqualified for selection under this subsection.

6.4 SBAC shall evaluate submitted proposals in accordance with the requirements of the notice and as follows.

6.4.1 Assign points to each proposal in accordance with the instructions of the RFP.

6.4.2 SBAC shall have discretion to disqualify any proposer that lacks the minimum qualifications required to perform the work.

6.4.3 Qualified proposers selected will proceed to Phase II of the selection process.

6.4.4 Proposers lacking the necessary qualifications shall not proceed to Phase II.

6.4.5 If three qualified proposers cannot be identified, the contracting process shall cease.

6.4.6 Price or fee shall not be considered as part of the Phase I pre-qualification criteria.

6.4.7 Designers shall be evaluated in accordance with the requirements of K.S.A. 74-7003.

6.4.8 Points assigned in the Phase I evaluation process shall not carry forward to Phase II of the process.

6.5 Proposers nominated by the SBAC shall advance to Phase II and be ranked on points given by the Negotiating Committee in Phases II and III only. The two-phase evaluation and scoring process shall be combined to determine the greatest value to the Owner.

6.6 Phase II Process. Pre-qualified firms selected in Phase I shall receive a RFP requiring their technical proposal and conceptual design for the project

6.6.1 Proposals for Phase II and Phase III (cost of construction) shall be submitted concurrently in separate submittals.

6.6.2 Proposers shall submit their design for the project to the level of detail required in the RFP.

6.6.3 Design submittal shall be evaluated and assigned points in accordance with the requirements of the RFP.

6.6.4 Maximum of 20% of the points awarded in Phase II may be based on proposer's qualifications and ability to design, construct, and deliver the project on time and within budget.

6.6.5 Design proposal shall not contain any reference to cost of the proposal. Cost proposals shall be opened only after the design proposals have been evaluated and assigned points.

6.7 Phase III Process.

6.7.1 Proposal for a firm fixed cost of construction shall be accompanied by bid security and any other submittals as required by the RFP.

6.7.2 Upon receipt of all proposals from firms nominated by the SBAC, the Negotiating Committee shall interview all proposers, allowing firms to present their proposed team members, qualifications and conceptual plan. The team members will also answer questions of the committee.

6.7.3 Proposed contract time, in calendar days, for completing the project as designed by the proposer shall be considered as an element of evaluation. The RFP shall establish any acceptable alternates to the design and corresponding contract time criteria. The RFP shall establish a user delay value for each calendar day.

6.7.4 Cost and schedule proposals shall be submitted in accordance with the RFP. Failure to submit a cost proposal on time shall be cause to reject the proposal.

6.7.5 Cost and schedule shall be opened and read aloud at the time and place specified in the RFP. Evaluation team shall make public its scoring of Phase II at the opening.

6.8 Selection Process

6.8.1 Cost proposals shall be evaluated in accordance with the RFP. Each proposer's adjusted score shall be determined by adding Phase III cost proposal to the product of the proposed contract time and the user delay cost and dividing that sum by the Phase II score.

6.8.2 Responsive proposer with the lowest total number of points shall be awarded the contract.

6.8.3 If OFPM determines that it is not in the best interest of the Owner to proceed with the project pursuant to the proposals offered by the proposer with the lowest total number of points, OFPM shall reject all proposals. If all proposals are rejected, all qualified proposers with higher point totals shall receive a stipend and the proposer with the lowest number of points shall receive an amount equal to two times such stipend.

6.8.4 If all proposals are rejected, OFPM may solicit new proposals using different design criteria, budget constraints, or qualifications.

6.9 Stipend

6.9.1 Owner shall pay a stipend as an inducement to qualified proposers for design-build proposals, to each proposer nominated by the SBAC whose proposal is responsive but not accepted.

6.9.2 Stipend amount shall be established in the RFP.

6.9.3 Upon payment of the stipend to an unsuccessful design-build proposer, the state shall acquire a nonexclusive right to use the design submitted by the proposer. The proposer shall have no further liability for its use by the state in any manner.

6.9.4 If proposer desires to retain all rights and interest in the design proposed, the proposer shall forfeit the stipend.

6.10 Record of Selection Process

6.10.1 Bids conforming to the terms of the advertisement for design-build services, together with the name of the bidders and with the successful bidder indicated, shall be recorded and made available to public inspection upon request after the letting of the bid.

6.10.2 OFPM shall, within five days after award of the contract, publish the name of the successful bidder. The public notice shall show the phase II and III scores and the adjusted final score.

6.10.3 OFPM shall, within five days after award of contract, have the names of all proposers whose bids were not selected, together with phase II and III scores and the final adjusted score for each, available for public review.

6.10.4 The selection of the design build firm will be reported to the SBAC.

7.0 Approval and Selection Process Outlines

7.1 Construction Management At-Risk

	Activity	Time Sequence / Requirements	Target Week	Days Allocated	Actual Project Time Example
	Annual Statement of Qualifications (submit annually or for specific project)	January of each year	-	-	
PRE-PHASE - Project Approval/Disapproval (5 weeks / 35 days)	**Agency** submits to OFPM written program and request to utilize Alt. Delivery Method	Minimum 1 week prior to SBAC meeting	-1	7	
	OFPM / Agency drafts advertisement for public hearing regarding using CM At-Risk	Complete prior to SBAC meeting	-	-	
	SBAC establishes a date/time for public hearing at next scheduled meeting	Once a month	**0**	**0**	
	OFPM submits advertisement to *Kansas Register*	No later than Wednesday of each week	-	-	
	Kansas Register published	Thursday following the Wednesday deadline	1	8	
	SBAC conducts public hearing (typically on date of and prior to next meeting)	Minimum 15 days after advertisement	4	20	
	SBAC determines if project meets criteria	Process continues - Yes/No	-	-	
PHASE I - SOQ & Nominations (6 weeks / 40 days)	**OFPM / Agency** drafts advertisement for SOQ from CM At-Risk firms	Complete prior to ad submittal date	5	7	
	OFPM / Agency drafts RFP for CM At-Risk firms	RFP can be written prior to SBAC nominations	-	-	
	OFPM submits advertisement to *Kansas Register* to request SOQ	NLT Wednesday of each week	-	-	
	Kansas Register published	Thursday following the Wednesday deadline	6	8	
	Firms submit SOQ	Minimum 15 days after advertisement	8	15	
	SBAC receives proposals for review and nominations at next meeting	Minimum 10 days before 2nd Wednesday of month	10	10	
	Firms notified of selection	After meeting	-	-	
PHASE II - RFP (4 weeks / 30 days)	**OFPM / Agency p**repares final RFP	RFP can be finalized earlier	-	-	
	OFPM distributes RFP to nominated firms	Approved RFP available	-	-	
	Firms submit RFP	Minimum 30 days after advertisement	14	30	
PHASE III - Selection, Negotiation & Contract (5 weeks / 35 days)	**Negotiating Committee** receives RFQ for review, interviews and selection	Time required depends on project complexity	15	7	
	Negotiating Committee establishes interview dates and conducts interviews	Time required depends on availability of Negotiating Committee & firms	16	7	
	Negotiating Committee selects best value proposal and negotiates final contract	Time required depends on project complexity	17	7	
	OFPM prepares contract		18	7	
	CM At-Risk & **Agency** sign contract	End of Process	19	7	
	CM At-Risk starts work		**(20)**	140	

7.2 Design Build

	Activity	Time Sequence / Requirements	Target Week	Days Allocated	Example Actual Project Time
	Annual Statement of Qualifications (submit annually or for specific project)	January of each year	-	-	
PRE-PHASE - Project Approval/Disapproval (5 weeks / 35 days)	**Agency** submits to OFPM written program and request to utilize Alt. Delivery Method	Minimum 1 week prior to SBAC meeting	-1	7	
	OFPM / Agency drafts advertisement for public hearing regarding using Design-Build	Complete prior to SBAC meeting	-	-	
	SBAC establishes a date / time for public hearing at next scheduled meeting	Meet once a month	**0**	**0**	
	OFPM submits advertisement to *Kansas Register*	No later than Wednesday of each week	-	-	
	Kansas Register published	Thursday following the Wednesday deadline	1	8	
	SBAC conducts public hearing (typically on date of and prior to next meeting)	Minimum 15 days after advertisement	4	20	
	SBAC determines if project meets criteria	Process continues - Yes/No	-	-	
PHASE I - SOQ & Nominations (6 weeks / 40 days)	**OFPM / Agency** drafts advertisement for SOQ from Design-Build firms	Complete prior to ad submittal date	5	7	
	OFPM / Agency drafts RFP for Design-Build firms	FRP can be written prior to SBAC nominations	-	-	
	OFPM submits advertisement to *Kansas Register* to request SOQ	NLT Wednesday of each week	-	-	
	Kansas Register published	Thursday following the Wednesday deadline	6	8	
	Firms submit SOQ	Minimum 15 days after advertisement	8	15	
	SBAC receives proposals for review and nominations at next meeting	Minimum 10 days before 2nd Wednesday of month	10	10	
	Firms notified of selection	After meeting	-	-	
PHASE II - RFP (6 weeks / 45 days)	**OFPM / Agency** prepare final RFP	RFP can be finalized earlier	-	-	
	OFPM distributes RFP to nominated firms	Approved RFP available	-	-	
	Firms submit RFP	Minimum 45 days after advertisement	16	45	
PHASE III - Selection, Negotiation & Contract (5 weeks / 35 days)	**Negotiating Committee** receive RFQ for interviews and selection	Time required depends on project complexity	17	7	
	Negotiating Committee establishes interview dates and conducts interviews	Time required depends on availability of Negotiating Committee & firms	18	7	
	Negotiating Committee selects best value proposal and negotiates final contract	Time required depends on project complexity	19	7	
	OFPM prepares contract		20	7	
	Design-Builder & Agency sign contract	End of Process	21	7	
	Design-Builder starts work	NTP issued	**(22)**	155	

END OF CHAPTER