



STATE BOARD OF EDUCATION

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Vermont State Board of Education Manual of Rules and Practices

Series 6400 - Construction Management

6410 Statutory Authority 16 V.S.A. § 559(d)

6420 Policy And Purpose

To ensure that school construction projects using a construction management approach are bid through a fair and open process.

6430 Definitions

"Construction manager" means, for the purpose of these rules, a person or entity providing some or all of the following services for a fee to a school board throughout a school construction process:

- (a) general advice;
- (b) value engineering;
- (c) project scheduling;
- (d) cost estimating;
- (e) project management; and
- (f) document preparation, including bids and contracts.

"Construction management" means, for the purposes of these rules, the services provided by a construction manager.

6440 Bidding For Construction Management Contracts

Contracts for construction management, except as provided in rule 6441, are not subject to the terms of 16 V.S.A. § 559. However, nothing herein shall be construed to prohibit a school board from placing a contract for construction management out to bid.

6441 Construction Management/Constructor

When the school board wishes to offer a contract for construction management where the construction manager also serves as the constructor, a school board shall comply with the pre-qualification and bidding procedures contained in 16 V.S.A. § 559. For the purpose of these rules a "constructor" means a person or entity which assumes a contractual obligation in exchange for a guaranteed price for the labor and materials for a school construction project.

6450 Pre-qualification Procedures

Construction management contracts subject to Rule 6441 above, shall meet the pre-qualification requirements of Rules 6340.

6460 Request For Construction Management Proposals

Upon completion of the prequalification process pursuant to Rule 6340, the school board shall submit to the prequalified construction managers a request for proposals that requests the following information:

1. a list and description of services to be provided;
2. resumes of key personnel;
3. a fixed fee for construction management services with a list and detailed breakdown of each item;
4. a fixed fee for construction services to cover overhead and profit; and
5. a fixed fee for general conditions with a list and detailed description of each item

Nothing herein shall prohibit a school board from requesting proposals that include a percentage fee.

6470 Bid Process For Construction Manager

The school board shall adhere to the requirements of 16 V.S.A. § 559 when awarding a contract pursuant to Rule 6441 to a construction manager.

6471 Bid Openings

Opening and evaluation of all bids for construction management, shall be conducted at a warned school board meeting.

6480 Bid Process Under Construction Management

Where a school board has contracted with a construction manager, the board remains responsible for public bidding pursuant to 16 V.S.A., § 559 for all purchases or contracts

exceeding \$ 10,000 for school building construction, improvements, materials, supplies, and equipment. All bids shall be opened and reviewed at a warned school board meeting.

6490 Miscellaneous Provisions

6490.1 The school board and construction manager may enter into a preconstruction agreement which establishes a Guaranteed Maximum Price (GMP) at the time working drawings and specifications are sufficiently complete.

If the cumulative result of the bidding process for the total scope of the project plus general conditions, and fixed fees is less than the GMP, 100% of the savings will be returned to the local school board. If when bids are received and the project cost exceeds the GMP, the school board may:

1. reject any and all bids and solicit new bids for any portion of the work to be done unless otherwise provided by 16 V.S.A. § 559;
2. renegotiate the GMP; or
3. require performance under the GMP agreement.

6490.2 No labor or cost related to the services to be performed by the construction manager shall be included in the subcontractor or material suppliers bid packages. Statutory Authority: 16 VSA 559(d)

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