







The Team

- ▶ The following groups/individuals should be included early on in the design discussions:
 - ▶ Owner
 - ▶ Architect(s) (along with specialized engineers/consultants if needed)
 - ▶ Appropriate internal staff such as curriculum, construction, finance, maintenance, etc.
 - ▶ Outside stakeholders such as city and community leaders

Role of the Department of Construction Management

- ▶ Regulatory Agency
 - ▶ Building codes
 - ▶ Compliance with building codes
 - ▶ Compliance with ADA
 - ▶ Compliance with Energy Code
 - ▶ Compliance with State Law
 - ▶ Compliance with Manual of Procedures
 - ▶ Bidding
 - ▶ General Conditions – termination, change orders, delays, dispute resolution
 - ▶ Standard Articles – extra services, billing/invoicing for services

Role of the Department of Construction Management

- ▶ Review and approval of preliminary and final plans for compliance
- ▶ Conduct pre-construction conference
- ▶ Conduct above-ceiling inspections
- ▶ Final inspection
 - ▶ To issue Certificate of Substantial Completion
 - ▶ Allow occupancy by owner
- ▶ Year-end Inspection

Roles of the Architect/Engineer

- ▶ Perform work in responsible manner
 - ▶ Design to budget
 - ▶ Design to applicable building codes
 - ▶ Coordinate the design team
 - ▶ Inspections for compliance with design
- ▶ Be familiar with Department of Construction Management's (old ABC) procedures
- ▶ Make recommendations to Owner
- ▶ Administer the construction contract

Role of the Owner

- ▶ Awarding Authority
- ▶ Selection of the Architect/Engineer
- ▶ Negotiating Agreements
- ▶ Determination of low bidder and award of the contract
- ▶ Funding (allocated, award notification from other source or agreement with 3rd party)
- ▶ Identify program/project requirements

Role of the Contractor

- ▶ Be familiar with Department of Construction's procedures
- ▶ Understand the bid requirements and prepare the bid submission
- ▶ Construction in accordance with plans and contract requirements
- ▶ Coordinate sub-contractors work
- ▶ Communication
 - ▶ Delays
 - ▶ Differing site conditions (above those already identified)
 - ▶ Any other construction issues

Public Works – Advertising Requirements

- ▶ Projects over \$50K must be publicly advertised (Title 39-2-2)
 - ▶ Once a week for three consecutive weeks in newspaper of general circulation in the county
 - ▶ If over \$500K, once in three (additional) newspapers of statewide circulation
- ▶ Sealed bids taken, opened and read at the place, time and date in the advertisement
 - ▶ If over \$50K, Alabama General Contractors License should be on the outside of the bid or it cannot be accepted (Title 34-8-8)

Architect/Engineer Agreements

- ▶ Selection of an Architect/Engineer
 - ▶ Experience with school construction a must
 - ▶ Experienced # of staff to design timely and to the budget
 - ▶ Experience with unique requirements needed for schools
- ▶ Fees for normal projects (Type III construction) are set at a maximum
 - ▶ Can be negotiated (for multiple projects, duplication etc.)
 - ▶ Based on Estimated Budget (can go up or down depending on final)

The O/A Contract



The Construction Contract

- ▶ All Requirements for advertising, prequalification, bid receipt, bid opening required by Public Works Law have been followed.
- ▶ All plans, specifications and addendums have been approved and recognized by the contractor
- ▶ The Board has taken action to award the project to the contractor
- ▶ All requirements have been met by the contractor.
 - ▶ Payment and Performance Bonds
 - ▶ Proof of Insurance in amounts required by the Department of Construction Management (including alternates accepted, change orders)

The Construction Contract



Payment and Performance Bonds

- ▶ Bonds Should be in the forms available on the Dept. of Construction Management website
 - ▶ Dates on both should be the same as the date of the Construction Contract
 - ▶ Dollar amounts should be the same as those of the base bid and any alternates awarded.
 - ▶ Should be issued by someone licensed in Alabama

Miscellaneous Contract Related

- ▶ Immediately upon review and signature of the Construction Contract a Sales Tax Exemption Certificate should be applied for.
- ▶ You will need the following to apply:
 - ▶ Name of Project
 - ▶ Copy of the Executed Contract
 - ▶ Sales tax rate applicable to project location
 - ▶ Dollar amount of Material Cost
 - ▶ Estimated dollar savings

Contract Performance

- ▶ Obtain ADEM Permit (over 1 acre) (usually done by Civil Engineer)
- ▶ Comply with BMP plan
- ▶ Assure that inspections are performed as required
- ▶ Assure corrective action is taken when required
- ▶ Assure that the proper reporting with ADEM is done in a timely manner before, during and after construction

Payment

- ▶ Act No 2014-404 – the Prompt Payment Act
- ▶ If pay request is accepted (not disputed by owner) by owner, payment to contractor to be made within 35 days or interest could be due.
- ▶ Hold Contractor's Retainage until all work is performed as required
- ▶ Document delays, inferior work and work not performed as required in the plans and specifications

Contract Performance

- ▶ Monitor progress throughout construction
- ▶ Means and methods of construction are contractor responsibility
- ▶ Be cautious when approving change orders

Questions

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