

<i>Vendor Selection – Transit Design Build Procurement</i>	POLICY	
	Document Number:	FRS-PL-035
	Version Number:	2

1.0 Purpose:

To establish the authority within VTA to select vendors using the Design Build (DB) procurement process. The DB process is defined as a procurement process in which the design and construction of a transit project are procured from a single entity.

2.0 Scope:

This Policy applies to all VTA departments and all vendors participating in the established VTA procurement process.

3.0 Responsibilities:

It is the responsibility of the Purchasing and Materials Manager to draft and obtain approval of this Policy and to assure organizational understanding and compliance with this Policy.

4.0 Policy:

It is the policy of VTA that when services specified in California Public Contract Code (PCC) Section 20209.5 et seq. are needed for a transit capital project, a DB process may be used in compliance with those PCC sections. This policy does not apply to a design and build contract for projects under PCC Section 20301.5 or design build projects authorized by any other law.

4.1 The DB process may be used when:

4.1.1 Evaluations of both the traditional Design-Bid-Build (DBB) process and the DB process have been completed and a determination has been made that the DB process will accomplish at least one of the following objectives:

- Reduce project costs;
- Expedite the project's completion;
- Provide design features not achievable through the DBB method.

4.1.2 A written finding of the determination referenced in Sec. 4.1.1 has been developed and approved by the VTA Board of Directors prior to entering into a DB contract.

4.2 Procurement procedures will be discussed in greater detail in Procedure FRS-PR-035 but in general the DB process will have the following requirements:

4.2.1 A two step procurement process may be used, to include a Prequalification step and a Request for Proposals (RFP) step. Alternately the Prequalification requirement may be accomplished as an integral part of the RFP process.

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- 4.2.2 In the case of a two step process, the Prequalification of proposers will be accomplished using a Request for Qualifications (RFQ) process. It will be the responsibility of Contracts and Materials Management (Procurement & Contracts) to establish a procedure to prequalify Design Build Entities in compliance with PCC Section 20209.7.
- 4.2.3 An RFP process will be used to select the Design Build Entity using the following general process.
- The Project Manager will prepare a set of documents setting forth the scope of the project;
 - Any architectural or engineering firm or individual retained to assist in the development of the scope of the project or the preparation of the RFP is not eligible to participate in the competition for the Design Build Entity;
 - The criteria that are to be used in selecting the Design Build Entity must be identified in the RFP document and award shall be made to the responsible Design Build Entity whose proposal is determined to be the best value to VTA;
 - Prior to award a price analysis shall be prepared finding that the final negotiated price is fair and reasonable.
- 4.2.4 If a preponderance of the work is to be Design in nature, the requirements of the Brooks act, 40 U.S.C. Sections 1101 through 1104 and California Government Code Sections 4526 et seq. must be used.

5.0 Definitions:

Best Value: A value determined by objective criteria and may include, but is not limited to, price, features, functions, life-cycle costs and other criteria deemed appropriate by VTA.

Design Build Entity: A partnership, corporation or other legal entity that is able to provide appropriately licensed contracting, architectural and engineering services as needed pursuant to a design build contract.

RFP: Request for Proposals.

RFQ: Request for Qualifications.

Contract: A contract can be:

- A formal contract document that contains all of the terms, conditions and specifications of the agreement;
- A standard VTA Purchase Order.




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Project Manager: The person who submitted the requisition for the product or service and is (or will be) the responsible party for the contract once executed.

6.0 Summary of Changes:

Update wording to include reference to incorporate the requirement of the Brooks Act if Design is the predominant factor in selection.

7.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Thomas B. Smith Purchasing and Materials Manager	 Bill Lopez Director of Business Services	 Nuria I. Fernandez General Manager

1/20/15
Date Signed

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12/30/10	11/10/14	