

Provo City School District
Policy Series 6000 Finances and Operations



Policy No. 6212

Procurement for Construction

Purpose

This policy is intended to outline construction procurement guidelines in an efficient, cost effective manner which:

- Assists the district in achieving its mission and goals
- Protects the integrity of district employees
- Protects the integrity of Provo City School District
- Protects the assets of the district

The Provo City School District will also follow procurement procedures required by law and set forth in the Utah State Procurement Code.

Policy 6212 applies to govern procurement of construction by the District. To the extent that this policy may differ from Policy 6210, this policy shall govern. The District's remaining procurement policies otherwise govern procurement of construction.

School Construction Bidding

Any project for construction of any district building or alteration of any existing district building where the total estimated accumulated building project cost exceeds \$80,000 shall adhere to the following requirements:

- Request for Proposal shall be posted on the district website or state procurement website and in a local newspaper.
- Opening and acceptance of bids and awarding of contract shall be done in an open public meeting.
- If none of the proposals are satisfactory, all shall be rejected and the district shall again advertise in the manner provided in this policy. If, after advertising a second time no satisfactory bid is received, district administration and the Board of Education may proceed under its own direction with the required project.
- The district may require a security deposit from the bidder awarded the contract.
- The District may require in the proposed contract that up to 5% of the contract price be withheld until the project is completed and accepted by the Board of Education

- All contractors awarded a contract must provide performance bonds.

If the District determines to use a construction manager/general contractor, including a design/build provider, as its method of construction contracting management on projects where the total estimated accumulative cost exceeds \$80,000, it shall select the construction manager/general contractor in accordance with the requirements of the Utah Procurement Code.

Prohibition of Board Member Interest in School Construction

Board members may not have a direct or indirect financial interest in the construction project contract.

Limitation on Change Orders

A “change order” is a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual agreement of the parties to the contract.

Under a construction contract, a change order that increases the contract amount may not be made without prior written certification that the change order is within the determined project or contract budget by either the Business Administrator or another designated administrator who is responsible for monitoring and reporting upon the status of the costs of the total project or contract budget. Any change orders above Board procurement authorization thresholds must be approved by the Board of Education.

A change order which will result in an increase in the total project or contract budget may not be made, unless either:

1. sufficient funds are added to the project contract or budget, or
2. the scope of the project or contract is adjusted to permit the degree of completion feasible within the total project or contract budget as it existed before the change order under consideration

District May Require Drug and Alcohol Testing for Construction Contracts

The district may determine to require contractors on construction contracts to implement drug and alcohol testing. In determining whether to include a drug and alcohol testing requirement in a construction contract, the District may consider any relevant considerations, including whether imposing the requirement would jeopardize the receipt of federal funds, cause the construction contract to be a sole source contract, cause the state construction contract to be an emergency procurement, or impose an undue burden on contractors in light of the size of the project and the composition of the contractors likely to bid on the project.

If a testing requirement is imposed and a contractor or subcontractor meets that requirement, this policy does not prevent a contractor or subcontractor from imposing or implementing any other lawful provision as part of a drug and alcohol testing policy. Drug and alcohol testing by

contractors and subcontractors shall comply with the requirements of Title 34, Chapter 38 of the Utah Code.

If a contractor or subcontractor fails to comply with a testing requirement imposed under this policy, the contractor or subcontractor may be suspended or debarred in accordance with the Utah Procurement Code and the District's procurement policies.

The failure of a contractor or subcontractor to comply with a testing requirement imposed under this policy may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor or any appeal pursuant to the District's procurement policies. In addition such failure may not be used by the District, a prospective bidder, an offeror, a contractor, or a subcontractor as a basis for an action that would suspend, disrupt, or terminate the design or construction under a District construction contract.

If the District enters into a construction contract which contains a testing requirement, the District is not required to audit, monitor, or take any other action to ensure compliance with such requirement. In addition, the District is not liable in any action related to this policy.

Procurement of Architect-Engineer Services

The District shall publicly announce all requirements for architect-engineer services through a request for statement of qualifications and shall negotiate contracts for architect-engineer services on the basis of demonstrated competence and qualification for the type of services required and at fair and reasonable prices. Such services shall be procured as provided in this policy except as otherwise provided in Policy 6210.

School District Building Official

The Board shall appoint a School District Building Official (SDBO) who has direct administrative and operational control of all construction, renovation, and inspection of the District's facilities and shall provide in writing the name of the SDBO to the Utah State Office of Education. The SDBO and other District personnel shall act consistent with the Utah State Office of Education Resource Manual on school building construction and inspections.

Legal References:

Utah Code § 63G-6a
Utah Code § 10-9a-305

Utah Code § 53E-3-703

Utah Code § 63G-6a-103

Synopsis:

Utah Procurement Code
School District Subject to Municipality's Land Use Ordinances
School Construction and Alteration, Advertising for Bids, Payment and Performance Bonds.
Proposals Received by Board of Education
Direct or Indirect Financial Interest of Board Member Prohibited
Definitions

Utah Code § 17-27a-305

Utah Admin. Rules R277-471

Approved by Board of Education:

Submission of Development Plan &
Schedule
Construction Oversight, Inspections,
Training & Reporting

November 18, 2014