ACEC New York

American Council of Engineering Companies of New York

DESIGN BUILD POSITION STATEMENT

ACEC New York believes in the value of a delivery system that guides the design of public and private facilities, is in the best interest of the owner, utilizes a Qualifications-Based Selection (QBS) procedure for the design professionals, provides unbiased protection for the present and future infrastructure, and protects the health, welfare and life safety of the public.

ACEC New York recognizes that the traditional design/bid/build project delivery system is utilized for the majority of constructed projects. This system provides the owner and the public a great degree of assurance that the constructed facilities are the most appropriate solution for the project requirements.

ACEC New York also acknowledges design/build as an alternative project delivery system that is used in certain circumstances for private and public projects. This system provides the owner with a single source of project responsibility. Design professionals may engage in a variety of roles in design/build execution agreements, as the lead entity, in a joint venture relationship with a contractor, as lead designer in a sub-contract role to a contractor, or as a sub-consultant to the lead designer.

As a public policy issue, when design/build is utilized, ACEC New York endorses a two step procedure and implementation process sometimes referred as a bridging as the one that best protects the interests of the owner, design professional, contractor, and the public, as follows:

Step 1: Selection of Owner's Design Professional

a) A registered design professional (either in-house or retained) should represent the owner throughout the entire project. The design professional should be assigned or selected based on their qualifications and experience. A retained design professional should be fairly compensated by negotiating a mutually agreeable contract with the owner.

b) The design professional should prepare design criteria, analyses, reports and opinions of probable cost for the proposed project. ACEC New York recommends that the design professional should develop the project design requirements (including any alternative analyses) to approximately the 35% design level. This 35% design level provides sufficient design concepts such that the design build team can properly scope and price the project to meet the owner's requirements.

1) The following, at a minimum, should be included in the 35% design level. Note that this list should be tailored to different types of projects, i.e., transportation, environmental and infrastructure projects, buildings or industrial process facilities.

- Baseline site data including topographical wetlands, utility and property surveys, geotechnical reports and borings, environmental/haz-mat documentation, and availability of drawings of existing facilities.
- Site plan locating the facility and utilities and should include estimated loading and soil data for foundation design.

- Architectural plans, elevations and specifications for minimum quality level of materials and equipment.
- Architectural program for interior space arrangement including schematic floor plans.
- Site access and right-of-way requirements.
- Temporary and permanent utility requirements, construction protection, storm water management.
- Temporary and permanent permit requirements for emissions, discharges, treatment, etc.
- Site health and safety, site control/protection/security, asbestos/lead paint/hazardous material requirements.
- Owner or regulatory oversight requirements such as meetings, progress reports, schedule/cost reports and public hearings
- Criteria/codes to be followed for design.
- Loading criteria for structures.
- Criteria concept and schematics for heating and cooling system, energy consumption objectives.
- Proposed equipment location and arrangement.
- Electrical system conceptual design with one-line diagram and service size.
- Schematic diagrams of fire alarm, public address systems, etc.
- Performance specifications indicating level of quality and design life of materials and equipment.
- Information and requirements regarding other agencies and parties that will be involved in the work.
- Permit and approval requirements, and status/documentation of permitting/regulatory agency contacts, such as environmental studies, statements and pre-determined criteria/conditions.

c) The design professional should be responsible for assembling a design/build package that the owner can use to solicit proposals from design/build teams.

d) Throughout design procurement and construction, the design professional should be retained by the owner to provide technical advice, construction review services and professional expertise on behalf of the owner.

Step 2: Selection of Design/Build Team

e) The design/build team should include a registered design professional(s). This design professional(s) should be independent from the owner's and should be selected based on qualifications and expertise. The design/build design professional(s) should be named in the proposal and retained for the duration of the design/build project to provide design

services, documentation, and review. The design professional should expand the 35% design to the level needed by the contractor to construct the project to meet the owner's requirements.

f) The owner should select the design/build team on the basis of solicited proposals based on criteria (the 35% design level) developed by the owner's design professional. A two-phase Qualification Based Selection process should be utilized as follows:

Phase I: A request for Qualifications (RFQ) as prepared in accordance with Step 1, paragraph c) is issued by the owner and Design Build teams are shortlisted on the basis of qualifications and experience criteria listed in the RFQ. A short list of three to five teams is recommended.

Phase II: Shortlisted teams are requested to submit a project scope, approach and cost proposal (RFP) for the project upon which a final selection is made considering the best value to the owner.

As Phase II services performed by the designer may be relied upon by the contractor in preparation of his proposal, the designer should be compensated for these services, by the lead entity. To offset the cost of preparing detailed proposals in Phase II, a financial stipend should be specified in the RFQ and paid by the owner to those shortlisted teams who are not selected for the project.

g) The design/build team should coordinate all design and construction efforts so as to preserve and enhance the quality of the project and to ensure that the original design intent is achieved. The design/build team should be made aware of the scope and authority of the design professional retained by the owner as the owner's representative for providing technical advice, construction review and for determining that the project is consistent with the conceptual design intent.

h) Open channels for communication between the design professional(s) representing the owner and the design/builder should be provided for as a part of the working relationships. ACEC New York also recommends that provisions and procedures be implemented for communication among all parties, including the design/build team design professional and the owner of the design/build project.

The American Council of Engineering Companies of New York
ACEC New York is the leading advocate for New York State's consulting engineering community, striving to enhance the business practices of professional engineering companies in the planning, design and construction industry. Founded in 1921, ACEC New York presently consists of over 240 private engineering firms employing more than 100,000 people worldwide.

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