

## **PART II – CSU FACILITIES PLANNING, DESIGN AND CONSTRUCTION STANDARDS**

### **CHAPTER 07 – CONSTRUCTION EVALUATION AND ADMINISTRATION**

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#### **700 – BID AND PROPOSAL EVALUATION**

##### **700.1 – General Requirements:**

- A. The following is applicable during Solicitations where awarded Vendor will directly contract with CSU.
- B. The Project-specific Solicitation is prepared by the University Procurement Representative. Complete sets of Bid Documents shall be available for distribution as determined by the University Procurement Representative and noted in the advertisement.
  - 1. The University Procurement Representative is responsible for posting Project-specific Solicitations and Bid Documents per Colorado Office of the State Architect (OSA) requirements.
- C. The A/E is responsible for producing electronic Bid Documents and delivering them to University Procurement Representative for posting electronically.
  - 1. Front end documents (Solicitation and Bid Forms) shall be developed by the University Procurement Representative in coordination with the Project Team.

##### **700.2 – Alternates:**

- A. In consideration of the Project Budget, Cost Estimate and bidding environment, the Project Team shall recommend discrete portions of the Work for bidding as alternates along with their order of precedence.
  - 1. The final scope and order of alternates shall be determined by the Project Representative and shall be coordinated with University Procurement Representative for inclusion in Division 00.
- B. The bid alternates shall equal approximately 10-20% of the total Fixed Limit of Construction. Base Bid shall represent approximately 80-90% of the Fixed Limit of Construction.
- C. Per OSA requirements, bid alternates must be either all additive or all deductive, but not mixed. Alternates are accepted in the order up to the Fixed Limit of Construction.
- D. The Project Team is responsible for and shall assure that the Scope of Work for combination of base bid and any number of alternates is fully coordinated and described by the Construction Documents.

##### **700.3 – Interpretation of Bid Documents:**

- A. During the bid period, Bidders may request, in writing, clarification or interpretation of any apparent inconsistencies between different provisions of the Construction Documents or any other point in the Bid Documents which the Bidder believes requires a decision or interpretation by the University.
  - 1. Any such request must be submitted in writing via the Project-specific process identified in the Project-specific Solicitation.
  - 2. University Procurement Representative shall coordinate all interpretation requests with Project Team.

##### **700.4 – Substitutions:**

- A. If alternatives to materials and equipment specified by a proprietary name or by the name of its manufacturer shall be considered for substitution, the specification shall be qualified by the phrase “OR EQUAL” or “OR EQUIVALENT”.

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- B. All Bidders desiring to substitute materials other than the specified material shall submit request through the Project–specific process identified in the Project–specific Solicitation and received written approval via addendum issued by University Procurement Lead.
- C. All requests for acceptance of equal or equivalent material shall follow the process identified in the Project–specific Solicitation.
  - 1. To obtain a copy of the Solicitation template, contact University Procurement Representative.
    - a. University Procurement Representative shall develop Project-specific Solicitation Documents for Bidding process.
  - 2. All requests for substitution shall contain complete technical data equivalent to the full specification on a point–by–point basis and be submitted on the standard form (as applicable) referenced in the Project–specific Solicitation.
  - 3. Requests containing inadequate or incomplete information shall not be considered.
- D. The Project Team shall advise the Project Representative in writing in a timely manner on the acceptability of substitutions of materials, software, equipment or construction methods suggested by prospective Bidders prior to bid or proposal opening, including the Project Team's detailed written reasons for recommending or denying substitutions.
- E. Acceptance of an "OR EQUAL" substitution by the A/E constitutes that the A/E has warranted the following:
  - 1. Project Representative has reviewed and approved.
  - 2. The use of the "OR EQUAL" substitute fulfills the specification requirements contained in the Construction Documents, and
  - 3. The installation of the "OR EQUAL" substitute shall not impact the spatial and functional requirements for the Work or the scheduling of Work performed by the University or other Project Teams.

#### **700.5 – Addenda:**

- A. The Project Team shall prepare at no additional cost any Addenda to the Construction and Bid Documents in CAD, PDF, Word etc. format as required during the bidding and procurement process and shall deliver such Addenda to the University Procurement Representative in a timely manner.
- B. The University Procurement Representative shall issue Addenda to prospective Bidders, Proposers and Plan Holders according to the schedule included in the Project–specific Solicitation.
- C. Information about any interpretation, clarification, or substitution made by the Project Representative or the Project Team shall be assembled as Addenda by the Project Team in the following manner:
  - 1. Written description of the change:
    - a. Each change is listed in order that it appears in the Bid Documents and described with reference to the Drawing or page number where the change is made. The description assists the Bidders; the actual change appears as modifications to the Bid Documents in re–issued Drawings or Specifications.
    - b. Description of a specification change shall cite the Specification Section, Issue Number, Page Number, Paragraph and Sub–Paragraph Number.

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- c. Description of Drawing change shall cite the Construction Document Sheet Number, Issue Number and Detail or Drawing Number.
- 2. Bid Document changes:
  - a. Specifications:
    - i. The Project Team shall prepare a complete Specification section noting the Addenda number and date in the footer.
  - b. Drawings:
    - i. The Project Team shall revise the entire Drawing and clouded the area affected by the change described above, numbering the cloud with the correlative Addenda Number. Enter the correlative Addenda Number in the title block of the Drawing.
- D. The Project Team shall prepare a matrix identifying all cost and schedule impacts of each Addenda item and notify the Project Representative of any item that shall impact the advertised Project or Period of Performance or established Budget for the Project.
- E. The Project Team shall forward completed Addenda to the Project Representative and University Procurement Representative in a timely manner and according to the schedule identified in the Project-specific Solicitation, so as to cause no delay in the scheduled duration of the bid period.
- F. The Project Representative and University Procurement Representative shall review the Addenda and may add items to the Addenda regarding administrative items.
  - 1. The University Procurement Representative shall post Addenda according to the process identified in the Project-specific Solicitation.

#### **700.6 – Pre-Bid/Proposal Meeting and Site Visits:**

- A. The A/E shall be represented at Pre-Submittal and Pre-Proposal Conference and site visits to respond to inquiries and requests for interpretations by prospective Bidders and Proposers unless directed otherwise by the Project Representative.
- B. The A/E shall record questions for further reference. All questions shall be submitted in writing consistent with Project-specific Solicitation requirements.
- C. The A/E shall also prepare written responses to questions and shall forward these responses to the University Procurement Representative for review and acceptance.

#### **700.7 – Bid Opening and Bid and Proposal Evaluation:**

- A. The University Procurement Representative must be present at all public bid openings. The A/E shall be present at all public bid openings, unless directed otherwise by the Project Representative.
- B. After public bid opening, bids are reviewed for completeness and discrepancies by the University Procurement Representative and the Project Representative. Bids shall be compared based on the Fixed Limit of Construction advertised in the Project-specific Solicitation.
- C. Selection shall be based on the lowest, responsive and responsible bidder as determined by the Project-specific bid form.
- D. If the low responsive and responsible bid received is more than the advertised Fixed Limit of Construction Budget for the Scope of Work, the A/E shall, upon request of the Project Representative, modify the Construction Documents and Specifications in a manner acceptable to the Project

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Representative, to bring the Scope of Work within the package Fixed Limit of Construction. Updated Construction Documents shall then be reissued and rebid.

1. If the Project is reissued for bid or proposal, the above paragraph shall continue to be applicable until the low responsive bid or proposal received is within the established Fixed Limit of Construction for the Scope of Work included in the reissued bidding or proposal documents.

#### **700.8 – Issued for Construction Documents:**

- A. As directed by the Project Representative, the A/E shall incorporate the Addenda into the Construction Documents. Only changes made in formally issued Addenda shall be incorporated into the documents.
  1. Specifications:
    - a. Cover sheet and footers of all Specifications shall be changed to “Issued for Construction – (Bid Opening Date)”.
  2. Drawings:
    - a. The most current Drawings shall be revised, removing the clouds and title block changes.
    - b. The issue block on the Drawings shall be changed to “00 Issued for Construction – (Bid Opening Date)”
  3. Issued for Construction Document Notice:
    - a. The A/E shall refer to Project-specific Agreement for requirements.
  4. The A/E shall prepare the electronic Issued for Construction Documents set required by the Project-specific Agreement for issuance to the Contractor.
    - a. The Issued for Construction Documents set shall bear the signature and seal of the Designer of Record for every Project.

#### **700.9 – Notice of Award – Execution of Agreement:**

- A. The Contractor who is the Apparent Low Bidder shall typically be given written notice of such status by the Project Representative on the Notice of Award form included in the Bid Documents within 30 days from the bid opening date.
  1. Such notice shall not create any rights of the Contractor who is the Apparent Low Bidder to any Agreement with the University.
- B. The Contractor who is the Apparent Low Bidder shall execute the Agreement and return it to the Project Representative along with the required bonds and insurance forms within ten calendar days after its receipt of the Notice of Award.
- C. When the executed Agreement and the required bonds and insurance certificates are received, acceptance for the Project Representative to Agreement with the Contractor who is the Apparent Low Bidder shall be sought in accordance with the Colorado Revised Statutes, State Buildings Program Policy and Colorado State University (CSU) Procedure.
- D. The Agreement shall be executed only after approval and signature by the required signatories based on threshold requirements. The duration required for these signatures and approvals is an average of two to four weeks.
- E. The Contractor shall be provided by the Project Representative an electronic copy of the executed Agreement.

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F. Notice to Proceed (NTP) is the initiation of the Construction Administration Phase of Work for the A/E.

1. The NTP shall be issued to the Contractor by the Project Representative after being executed by required signatories based on threshold requirements on the date selected by the University.
2. The A/E shall be advised of the NTP date.

#### **701 – CONSTRUCTION COST ESTIMATES**

##### **701.1 – General Requirements:**

- A. Prior to Professional Services Proposal, the Project Representative and the A/E or Consultant shall confer to determine the scope of cost estimating required for the Project.
- B. The A/E or Project Team shall submit verifiable Cost Estimates at each phase of design based on total area, unit prices or other appropriate units and alternate designs, in accordance with instructions received from the Project Representative and in a format as required by the Project-specific Agreement.
  1. Cost Estimates shall include but not be limited to the costs of permitting, mobilization, general conditions, Division 01 – General Requirements, Specifications and Drawings, bonding, and insurance.
  2. The A/E or Project Team shall include a comparison of the A/E or Project Team's Estimate with the Construction Budget for the Project and make detailed recommendations for conformance with the Construction Budget.
- C. The Project Team shall routinely notify the Project Representative when changes occur which have the potential of affecting the Project Budget.
  1. Cost trends are not official changes but reflect potential cost impacts if action is not taken.

##### **701.2 – Design Phase Estimates:**

- A. In general, detail of estimates shall correspond to the development of the design.
  1. Preliminary Cost Estimates shall compare the proposed Scope of Work to similar Projects of known recent construction cost by construction type, use and geographic location.
- B. Schematic Design Cost Estimates shall be allocated by CSI Division at minimum and calculated by gross square footage or unit cost.
- C. Design Development phase Cost Estimates shall be fully divided according to building assembly and/or CSI specification section, include separate line items for major project components, including but not limited to equipment in the mechanical and electrical divisions.

##### **701.3 – Construction Document Estimates:**

- A. The A/E or Project Team shall prepare a Final Cost Estimate which includes a complete list of bid, RFP and alternate items with accurate final quantities, estimated unit prices, construction labor man-hours, extensions and totals for each.
- B. If more than one Agreement is required to complete the Project, the Project Team shall prepare a separate Cost Estimate for each Agreement.

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- C. Final Cost Estimates shall include sufficient verifiable backup data to allow the Project Representative to perform a detailed review and verification of the A/E or Project Team's Estimate.

#### **701.4 – Change & Substitution Cost Estimates:**

- A. During the Bidding period and Evaluation and during the Construction Administration phases, the Project Team shall prepare Cost Estimates for changes and/or substitution requests initiated by the A/E, Project Representative, or Project Team.

#### **701.5 – Project Budget:**

- A. The Project Team shall confer with the Project Representative throughout the Project regarding the overall Project Budget and assist with cost data for categories that fall within the Scope of Services.

### **702 – CONSTRUCTION SCHEDULE**

#### **702.1 – General Requirements:**

- A. Prior to Professional Services Proposal, the Project Representative and the A/E or Consultant shall confer to determine the scope of schedule design required for the Project.
- B. The Project Team shall provide the Project Representative with a Construction Schedule for the Project at each phase of design.
1. Staging, sequencing, work constraints, and submittal requirements contained in the Specifications shall be coordinated and integrated into the Construction Schedule.
  2. In some cases, the Project Representative may require completion, sequencing, or work activities during given time frames.
  3. The A/E or Project Team is responsible for delivery of a design that can be sequenced and coordinated within given time frames in a cost and time efficient manner.

#### **702.2 – Schedule Requirements:**

- A. The Contractor shall prepare for the Project a detailed Construction Schedule in graphic, Critical Path Method (CPM) precedence diagram and bar chart format.
1. The schedule activities shall show labor by trade, major construction equipment by type and value of the Work.
  2. The Construction Schedule shall be submitted with a supporting narrative and overall progress curve.
- B. The Construction Schedule shall show construction phasing and sequencing, the number of days required to complete major construction activities.
1. Identify any Work that shall be performed by others which could affect the Project Team's ability to meet the Schedule in any way including Work items or milestones that affect or are affected by the University, other Project Team's Work, utilities, and other third parties, including but not limited to the Office of Telecommunications, Fire Systems, FFE, etc.
  2. Identify any important interrelationships or dependencies between major construction, design, procurement, and Owner furnished materials.

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3. Identify and show all significant Work tasks including planning, mobilization, shop submittals and acceptances, procurement, fabrication, construction, testing and inspection.
  4. List submittals for critical path items.
- C. Work items shall be identified in accordance with the anticipated Bid Form units, prices, tasks, and/or CSI Division classifications.
1. Show the order, sequence and interdependence of all significant Work items including construction, procurement, fabrication, testing, start up, inspection, commissioning, delivery of critical long-lead materials and equipment, processing for critical submittals and any other procedure that could have a schedule impact.
  2. The Work items shall be filtered by float, early start, Subcontractor, or others mutually agreed to.
    - a. The reports shall also show the logic ties of successor and predecessor Work items.

#### **703 – CONSTRUCTION ADMINISTRATION**

##### **703.1 – General Requirements:**

- A. The Construction Phase begins with the issuance of the NTP to the Contractor.
- B. The A/E shall provide as a minimum the following services during Construction Administration:
1. Attend construction meetings in accordance with Project Representative's instructions.
  2. Visit Project site at appropriate intervals and complete observation reports.
  3. Review and process submittals.
    - a. Adhere to standard procedures established by the Project Representative regarding stamping and filing submittals.
  4. Interpret, review and evaluate Construction Documents.
  5. Prepare and negotiate Change Orders.
  6. Assist Project Representative in testing, observation and final acceptance review.

##### **703.2 – Inconsistencies in Documents:**

- A. If the Contractor discovers any inconsistencies, improper cross references, omissions or ambiguities in the accepted Issued for Construction Documents, or Change Orders in the Construction Documents it shall promptly notify the Project Representative.
1. If the Project Representative agrees that errors or omissions in those documents exist and must be corrected, the A/E shall make the required revisions to the documents at no cost to the Project.

##### **703.3 – Construction Meetings:**

- A. Preconstruction Meetings:
1. The Project Team shall attend the preconstruction meeting set by the Project Representative.

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2. The Preconstruction Meeting is a general review with the Project Team of all the Agreement requirements.
3. A summary or flow chart for administrative communication shall be distributed, discussed and modified as necessary, subject to approval of the Project Representative.

#### **B. Pre–Work Meetings:**

1. The quality control requirements of the Construction Documents typically require the Project Team to set up Pre–Work Meetings on each phase of Work and sometimes on each trade prior to initiation of Work for that phase or trade.
2. The Project Team shall attend these meetings and ensure that its representatives are familiar with the Project Team's Scope of Work.
3. The Project Team's representatives shall also be completely familiar with actual construction materials, techniques, sequences of Work, etc.

#### **C. Owner, Architect and Contractor (OAC) Meetings:**

1. The Project Team shall attend weekly construction meetings and such other construction meetings that the Project Representative determines are needed to maintain construction schedules and quality.
2. The Project Team shall include its meeting notes in the Project Team Observation Report.

#### **D. General Communication:**

1. All parties must use every means to communicate clearly in a timely manner so as to expedite performance of the Work.
2. Verbal, email and written communication between the Project Representative, Project Team, and other interested parties is encouraged, so long as decisions and outcomes are documented in writing for approval and transmittal by the Project Representative as contractually binding communications.
3. Email communication must be confirmed with a return acknowledgement of receipt.
4. Verbal communication must be confirmed in writing and on–site discussions documented by the Project Team in the Project Team Observation Report.

#### **703.4 – Construction Observation:**

##### **A. Site Visits:**

1. The Project Team shall conduct site visits with the Project Representative and, prior to leaving the site, shall verbally discuss with the Project Representative any observed defects, deficiencies and other problems and possible solutions to those problems.
2. During these visits the Project Team shall review the quality of the Work, answer questions regarding the Project design and investigate the circumstances surrounding any defects or deficiencies in the Work and any other failure of the Work to comply with the Construction Documents observed and/or reported by the Project Team's personnel or the construction inspectors retained by the Project Representative.



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B. The Project Team shall also monitor any critical construction activities identified in the Construction Documents, including, but not limited to, field fabrication or forming of major Work components, mockups, testing and balancing of Systems, fixture installation, electrical wiring, and the installation of any corrosion control devices, waterproofing and other materials and Systems.

1. The Project Team's personnel shall have sufficient knowledge and experience to perceive construction issues and understand the design problems involved. The A/E Representative shall have authority to make design decisions on site.
2. If the Project Representative considers it necessary for the A/E Representative to have more experience, the A/E shall provide personnel with the requisite experience at no additional charge.

C. Fabrication and Assembly:

1. The A/E shall visit the Project sites and other sites where manufacturing, assembly, fabrication or similar activities are occurring at intervals appropriate to the progress of construction/manufacturing (weekly or more frequently as necessary or if requested by the Project Representative), and during critical construction and manufacturing processes.

#### **703.5 – Project Team/Manufacturer Inspection and Acceptance Reviews:**

A. Preliminary and Completion Inspections:

1. The A/E shall observe and document inspections to establish the completion status of the Project, including: initial inspection, completion inspection, pre-acceptance inspection and final inspection.
2. Observe and document other preliminary and completion inspections for mockups, testing and equipment startup as required by the Project Representative.
3. The A/E shall prepare and submit written observation reports to the Project Representative on the results of these inspections within 24 hours.

B. Punch Lists:

1. The A/E shall assist the Project Representative in the preparation of punch lists and subsequent walk-through verification that the A/E has completed the punch list Work in an acceptable manner.

C. Final Inspection and Certifications:

1. The A/E shall participate with the Project Representative in the preparation of any final inspection certificates and documents required to close out the Agreement and to facilitate final payment.
2. The Contractor shall coordinate with all government agencies, including but not limited to the State Buildings Program and Poudre Fire Authority (or local fire authority) and provide the needed information to these departments to assure the issuance of all permits and certificates of occupancy.

D. Warranties:

1. The A/E shall review and determine the acceptability of any written warranties and guaranties required by the Agreement prior to certifying the Contractor's application for final payment.

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#### **703.6 – Observation Reports:**

- A. Within 24 hours after a site visit, the A/E shall prepare and submit a written observation report to the Project Representative describing the extent of the visit and summarizing the A/E's observations, recommendations and answers given to questions raised by the Project Representative.
  - 1. This report shall describe construction progress and any observed defects in materials, furnishings, equipment and workmanship or other failure of the Contractor or its Subcontractors to perform the Work in full compliance with the Agreement.
  - 2. The Project Team shall immediately notify the Project Representative both verbally and in writing of any issues which have potential to delay a Project if not addressed immediately.
  - 3. The report shall include the Project Team's recommendations for correcting observed defects, non-conforming Work or performance failures.
- B. The Observation Report shall be a detailed written description and sketches of observed construction progress and performance.
  - 1. Photographs are encouraged as supporting illustration and for recording construction prior to covering, but photographs are not acceptable as a substitute for written description and annotated Drawings.
- C. The A/E shall examine the Contractor's logs, diaries, reports and annotation of the Agreement to verify compliance with Specifications regarding Project As-Built record-keeping.
  - 1. The Observation Report shall describe the condition, extent and timeliness of the Project record.
- D. The A/E shall endeavor to protect the University against defects and deficiencies in the Work performed by Contractors on the Project, including any failure of the Work to conform to Construction Drawings and Specifications.
- E. The A/E does not have control over and is not responsible for any of the Contractor's or manufacturer's construction means, methods, techniques, sequences, procedures or safety precautions and programs in connection with the construction of the Project, or for the failure of any of the Contractors to perform their Work in accordance with the Construction Documents.

#### **703.7– Review of Project Team Submittals:**

- A. In general, all documents described in the Construction Documents and any other written communications are submitted to the Project Representative unless otherwise specified in the Agreement or otherwise directed by the Project Representative in writing.
- B. The Project Team shall provide a submittal log listing the number of copies and parties to which the Project Team shall transmit submittals directly in order to expedite the submittal review.
- C. The Project Team shall be responsible for review and return of submittals to the Project Representative within fourteen calendar days unless notified in writing by the Project Representative.
- D. The Project Team shall prepare and keep current a log of submittals indicating status of submittals, date received, date submitted to Subconsultants, and date returned to CSU.
- E. The submittal log shall be available at each OAC meeting for review.

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1. The A/E shall review all Project Team submittals for conformance with the design concept of the Project and the Agreement including but not limited to: all Drawings, Specifications, samples, certificates, product data, mix designs, mockups, test data and results, test procedures and other Project Team/Procurement submittals required by the Construction Documents.
  2. All reviews and acceptances shall be completed and submittals returned to the Project Representative within fourteen calendar days after the Project Team receives them, unless the Project Representative has established a shorter review period for particular submittals in writing.
    - a. The returned submittal shall include the Project Team's comments and any corrections or revisions required to obtain its acceptance.
    - b. Comments shall be on the submittal, not on separate correspondence.
  3. The A/E shall not use shop Drawings or Project Team submittals to make changes to the Project Team's Scope or correction of design errors and omissions.
    - a. Completion of the design in the Shop Drawing Process is not acceptable. The design shall be complete at time of Bid Advertisement.
    - b. In the event the Project Team, during its review identifies deficiencies in Construction Documents, the Project Team shall immediately notify the Project Representative and review the issues for further direction.
- F. The Project Team shall mark, sign, and date the review; the Project Team and Subconsultant review stamp shall have the following or similar marks:
1. ACCEPTED means that the submittal appears to conform to the Construction Documents
  2. ACCEPTED AS NOTED means that the submittal appears to conform to the Construction Documents after changes according to the reviewer's comments. Resubmittal is not required.
  3. REVISE AND RESUBMIT means that the submittal is unacceptable and shall be revised and resubmitted.
  4. NOT ACCEPTED means that the submittal is not acceptable and that a new submittal in accordance with the Construction Documents shall be made.
  5. RECEIPT ACKNOWLEDGEMENT means an item is received by the Project Representative but no review was made.
    - a. This mark is for use in resubmitting items that were previously accepted as noted and the A/E has incorporated the notes and wants the Project Representatives' staff to have the same material that the Project Team's field staff is using.
- G. Review of a separate item shall not constitute review of an assembly in which the item functions. The Project Representative shall withhold acceptance of submittals that depend on other submittals not yet submitted.
1. Review and acceptance shall not relieve Project Team from responsibility for accuracy of submittals, for conformity of submittal document to requirements of Construction Drawings and Specifications, for compatibility of described product with contiguous products and the rest of the System, or for completion of the Agreement in accordance with the Construction Drawings and Specifications.

#### **703.8 – Interpretation of Construction Documents:**

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- A. The A/E shall provide interpretations of the Construction Documents in a timely manner, using sufficient supplementary Drawings, sketches, Specifications and instructions to provide direction to the affected Project Teams.
- B. Request for Information (RFI):
1. The Project Team shall submit any requests for information or clarification of Drawings and Specifications to the Project Representative.
  2. The Contractor shall forward the RFI to the A/E and/or Project Representative.
  3. The A/E shall provide written responses to Project Team RFI.
  4. The A/E response time to the RFI shall be no greater than seven calendar days from receipt of RFI.
  5. If more time is needed due to complexity, the A/E shall notify the Project Team/Project Representative with the schedule and justification for extended response time.
  6. The A/E shall forward the response to the Project Team.
- C. The A/E shall notify the Project Representative in a timely manner whether or not the answer to an RFI is a change to the Project Team's Scope of Work.
1. The answer to an RFI is not a vehicle or substitution for completion of the Construction Documents as required in Chapter 02 – Design Administration.
    - a. Design by RFI is not acceptable.
  2. If the answer to an RFI constitutes a change in scope, the A/E, as directed by the Project Representative, shall prepare a Change Request and the associated Drawings, Cost Estimates and Specifications.
- D. Responses to RFIs shall neither authorize nor constitute time extensions or changes in Contract Sum.
1. If the Project Team believes that the RFI response requires a change in Project Schedule and/or Contract Sum, it must submit a Change Order Proposal (Form SC-6.312) to the Project Representative in accordance with the General Conditions of the Agreement.

#### **703.9 – Changes in the Work – Administrative Vehicles:**

- A. Issuing Changes to the Work:
1. The Project Representative may, without notification to any Agreement surety, require the Project Team to perform additive or deductive changes to the Work without invalidating the Agreement or the surety bond.
  2. All changes shall be accomplished by a written Change Order (CO).
- B. Emergency Field Change Order:
1. When a threat to life or property exists or the time to process a normal Change Order shall result in substantial delay and/or cost increase, an Emergency Field Change Order (EFCO) shall be issued.

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2. This is a written Change Order that can allow the Work to proceed on a Not to Exceed basis for time and cost until the Project Representative and Project Team complete their negotiation and reach agreement on all the terms of a standard Change Order.
3. The EFCO must be accompanied by a written explanation of the reason for expediting the normal CO process.

#### **C. Project Team Change Proposal:**

1. The A/E shall give the Project Representative prompt written notice accompanied by a Change Order Proposal if the Project Team:
  - a. Receives any oral or written instructions, directives or interpretations of Construction Documents, or,
  - b. Identifies what it believes are design errors or omissions in the Construction Documents, or
  - c. Encounters a differing site condition; or,
  - d. Is delayed in the progress of the Work; or,
  - e. Becomes aware of other circumstances which it believes would require a change in Project Schedule or Contract Sum.
2. All Project Team Change Order Proposals shall be dated, numbered sequentially, and shall describe the action or event, which the Project Team believes, may require the issuance of a Change Order.
3. The Project Team shall also provide descriptions of possible actions or solutions to minimize the cost of the change and estimate the adjustment in Project Schedule and Contract Sum which it believes to be appropriate.

#### **703.10 – Changes in the Work – Project Team Requirements:**

- A. The Project Team shall assist the Project Representative in a timely manner to review, evaluate, negotiate, prepare and process all Changes to the Work.

#### **B. Change Order Bulletin (COB):**

1. A Change Order Bulletin is a set of documents (Form SC-6.311, Specifications, Drawings, and other documents) that describe a desired change to a Project.
2. The A/E shall issue a COB for all changes, including changes proposed by the Project Team.
3. The COB shall include, but is not limited to the following:
  - a. Cost Estimate consistent with Standard Cost Estimate format
  - b. Evaluation of Schedule impact stated in days of duration and Project Team activities impacted
  - c. Written statement that the COB and its documents are in compliance with all code and regulatory agency requirements
  - d. Prepare all revisions to the Construction Drawings and Specifications required by the change.
  - e. Provide copies as required in the Project Team's "Issue for Construction" submittal requirements.
  - f. Incorporate all accepted Change Orders into the CAD model as they are issued.
    - i. The Project Team shall continually update all CAD Drawings during the Construction Phase so all accepted changes are incorporated into the Construction Drawings and Specifications at completion of the Construction Phase.

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- ii. Place indication of the Change Order Bulletin number and the date in the title block and/or footer of the document.
  - iii. Cloud revisions shall be noted with the COB number.
- g. When the Change Order is issued, the COB cloud and annotations shall be removed from the documents. The annotation in the title block or footers shall remain the duration of the Project-specific Agreement until the Record Documents are issued.
- h. Change Order Bulletins shall be numbered sequentially.
  - i. For example, COB number one issued on the 12<sup>th</sup> of March 2010 would be labeled “COB-01 12MAR10”.
- i. Upon written acceptance by the Project Representative, interim changes to the Construction Documents shall be made electronically.

#### **C. Review and Negotiation of Changes:**

- 1. Assist the Project Representative in the review and negotiation of costs and durations associated with changes and recommend acceptance or rejection of such costs and durations.

#### **D. Design Alternatives:**

- 1. The Project Team shall prepare alternate designs and documentation to help maintain Project Schedule and Contract Sum when requested by the Project Representative.

#### **E. Code Agency Submittal:**

- 1. The A/E shall assure that all COB it develops comply with code requirements before issuing it to the Project Team.
- 2. The Project Team shall submit a stamped copy of each Change Order Bulletin to the code agency and to the Project Representative.

#### **F. Change Analysis:**

- 1. The A/E shall evaluate whether or not the Scope of Work described in a third party submittal of a change is complete, what impact the change may have on other portions of the Contractor's Work and on construction work by others (i.e. third party), the impact of the change on schedules and an estimate of the cost of the proposed change in the Work.

#### **G. Written Recommendations:**

- 1. Provide written recommendations to the Project Representative on the desirability of the proposed change.

#### **703.11 – Project Team Substitutions:**

- A. The A/E shall assure that all materials and items specified are available on the market at time of bid advertisement.
- B. The A/E shall review, evaluate and make written recommendations on all Contractor requests for the use of "or equals" and substitutions.
- C. Recommendation to deny a substitution must include specific and detailed reasons for denial.
- D. The Contractor may ask for substitution of specified material or equipment with equal or equivalent items only under the following circumstances:

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1. The Contractor provides evidence which in the Project Representative's opinion, establishes that an item of specified material is not available, or,
  2. The Contractor provides evidence to the Project Representative which, in the Project Representative's sole opinion, establishes that the specified item shall have an unreasonable delivery time due to no fault of the Project Team or,
  3. If the Special Conditions allow the use of equal or equivalent.
- E. The Contractor must submit a written request for substitution at least 30 days before the material or equipment must be ordered. The request shall describe all features of the substitution including:
1. Substitute materials or equipment size and capacity
  2. Interface with other elements of the construction including utilities and controls
  3. All differences from the product described in the Specifications
  4. Price of the specified item and the requested substitution
  5. Any advantages or disadvantages of the proposed substitution
- F. If the cost of the substitution varies from the specified material or equipment, the Contractor shall so state in its submittal and if the A/E and/or Project Representative accepts the proposed substitution it may issue a Change Order to adjust the Contract Sum in accordance with the General Conditions of the Agreement.

#### **703.12 – Miscellaneous Services:**

- A. The A/E agrees to perform the following services whenever they are requested by the Project Representative.
- B. Written Opinions:
1. The A/E shall provide a written opinion on whether any failures by a Contractor or manufacturer to perform in accordance with the Agreement are of sufficient magnitude to constitute a basis for terminating the Agreement.
- C. Contractor Claims:
1. The A/E shall provide assistance in the review and analysis of Change Order Proposals and Contractor claims for changes in Contract Sum and Project Schedule in a timely manner.
  2. This assistance shall include a written analysis of whether and to what extent a Change Order Proposal or claim has any basis, and if not, providing the reasons why it should be denied.
  3. The A/E when requested by the University, shall make its personnel available to serve as witnesses for the University in administrative or legal proceedings, which involve or relate to the design or construction of the Project.
- D. Product Records:

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1. The Project Team shall provide product and equipment record document information in electronic and hard copy format approved by the Project Representative that can be entered into the Facilities Management (FM) Project files.

#### **E. Utility Incentive Program Submittals:**

1. The A/E shall track Project Team progress with regard to ordering, delivery and installation of equipment and building components subject to Utility Incentive Programs, and take proactive measures to assure that the documentation submittals required by the utility are obtained from the Project Team in a timely manner.

#### **F. The A/E shall provide other assistance and advice reasonably related to the Work it is required to perform during the Construction Phase when requested by the University or Project Representative.**

1. This assistance shall include, but shall not be limited to, assisting Contractor's coordination for Work with interfacing Subcontractors and preparing design modifications required by the Project Representative to maintain the progress of the Work, design intent and quality of Work.
2. All existing, donated, third-party provided or new equipment related to the Project, shall be integrated into the Construction Documents by the A/E.

#### **703.13 – Project Closeout Requirements:**

- A. The Project Team shall review all Closeout deliverables in compliance with the Project-specific Agreement, OSA forms and the CSU Facilities Planning, Design and Construction Standards.
- B. The Project Team shall meet with the Project Representative to review the status of Work completed prior to Substantial Completion and Project Closeout.
- C. The Project Representative and authorized staff shall inspect to verify status of completion after receipt of certifications.
  1. If the Project Representative finds incomplete or defective Work, they shall notify the Project Team in writing.
  2. The Project Team shall take immediate steps to remedy stated deficiencies and send second written certification to the Project Representative when the Work is complete and ready for reinspection.

#### **703.14 – Substantial Completion and Occupancy:**

- A. The Contractor shall notify the Project Representative in writing when the Work is Substantially Complete in accordance with the Project-specific Agreement.
  1. Written notification shall be in the form of an official Notice. See Project Representative for example.
- B. When the Contractor considers the Work substantially complete and ready for acceptance, the Contractor shall submit notification to the A/E and Project Representative accompanied by a punch list of items to be completed and/or corrected.
  1. The A/E shall review the Contractor's punch list and examine the Project site with the Project Representative and Contractor to evaluate the Work.



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2. The A/E and Project Representative shall add items found to be missing from the Contractor's punch list.
  - a. If any item or quantity of items or the extent of incomplete Work is such that the A/E or the Project Representative determine the Work is not substantially complete, the Contractor shall complete those items before resubmitting its written Notice.
- C. When the punch list of incomplete Work is reduced to the point where the A/E determines the Work to be substantially complete, the Contractor shall issue the Substantial Completion Punch List, including the Contractor's schedule for completing the Work, and notify the Project Representative accordingly.
  1. Upon notification, the Project Representative initiates the routing and execution of State Form SBP-07, Notice of Substantial Completion.
- D. In order for the entire or a portion of the Project to be occupied, Notice of Substantial Completion must be issued (total or partial), and the following must be fully established and so noted by the A/E on State Form SBP-01, Notice of Approval of Occupancy/Use.
  1. Prior to any occupancy, the A/E shall participate with the Project Representative and the Contractor in an inspection of the Work to determine whether required conditions for occupancy have been met.
- E. The Project Representative has the right to take possession of and use any completed or partially completed portion of the Project, even if the time for completion has not expired and/or the Project has not been finally accepted.
  1. Such possession and use shall not constitute Final Acceptance of the occupied portions of the Project.
- F. Notice of Partial Substantial Completion and Notice of Approval of Partial Occupancy/Use shall be issued for a portion of the Work as an option in the sole discretion of the University Principal Representative when equivalent required conditions for completion and occupancy of that portion have been met.

#### **703.15 – Final Acceptance:**

- A. The University Principal Representative makes Final Acceptance of the Work based on written verification by the Contractor and A/E that:
  1. SBP-05 Pre-Acceptance Checklist has been completed.
  2. All damaged real, personal, public or private property has been repaired or replaced.
  3. All HVAC test and balance corrections have been completed. Updated TAB reports have been submitted, reviewed and accepted by the A/E for full compliance with Project Specifications.
    - a. Test and Verification of HVAC controls by the Project Team and accepted by FM Building Automation Systems (BAS) Shop has been completed and any mechanical, control and programming performance found to be out of compliance with Project Specifications have been corrected.
- B. The Principal Representative does not authorize final payment until all items on the punch list are complete, Notice of Acceptance issued, and Notice of Contractor's Settlement Date is published and a minimum of ten calendar days has passed.

#### **703.16 – Six and Eleven-Month Warranty Inspections:**

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- A. The Project Team and Project Representative shall make at least two complete inspections of the Work after the Work has been accepted.
  - 1. One such inspection shall be made approximately six months and another approximately eleven months after acceptance of the Work.
  - 2. The Project Team shall schedule and so notify all parties concerned.
- B. Written punch lists and reports of these inspections shall be made by the Project Team and provided to the Subcontractors, the Project Representative and all of the other participants within ten days after the completion of the inspections.
- C. The Project Team is required to correct any deficiencies in a timely manner satisfactory to the Project Representative.
- D. If verification of corrective measures requires professional observation, the Project Team shall re-inspect the Work at no additional cost to the Project.

**END OF CHAPTER**