

FACILITIES DIVISION
Standard Operating Procedures

DATE: December 7, 2006
SUBJECT: CONTRACTING OFFICER AND ENGINEERING PROJECT MANAGER RESPONSIBILITIES UNDER CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS
NUMBER: FDSOP-07-001
EFFECTIVE DATE: Immediately Until Replaced or Superseded

1. Purpose

The intent of this Standard Operating Procedure is to identify the various responsibilities of the Contracting Officer (CO) and the Engineering Project Manager (EPM) and the assistance they should provide each other during the course of construction and architect-engineer (A-E) contracts.

2. References

ARS Manual 242.4, Major Facilities Construction

3. Background

The Agricultural Research Services (ARS) utilizes a team concept to accomplish its design and construction contracts. Members of the team include program management staff at the National Program Staff, Area and location levels, as well as contracting and engineering staff in the Facilities Division (FD). Together, this team strives for the construction of the highest quality facilities that best meet the Agency's needs within established scope and budget constraints. ARS Manual 242.4, Major Facilities Construction, provides greater detail on the roles and responsibilities of all the parties involved, as well as the activities and phases involved, in the design and major construction or modernization of ARS research laboratories.

The A-E and construction contracts awarded and administered by FD require a great deal of team work between the CO and EPM to ensure a successful conclusion. The CO is responsible for ensuring that the terms and conditions of the contract are fulfilled and all applicable procurement laws and regulations are observed. The EPM is responsible for ensuring that the design meets the Agency's needs and that the resultant facilities are constructed within the project's scope and budget and in accordance with the specifications and drawings. Because FD's projects originate from Congressional mandates and are highly visible, it is paramount that the CO and EPM work together and fully understand their responsibilities to facilitate successful completion of each facility.

4. Procedures

Enclosed is an outline of the activities involved in FD's contracts and the associated responsibilities of the CO and EPM under construction and A-E contracts.

5. Point of Contact

For further information, please contact the Office of the Director, FD, on 301-504-1151.

/s/ Patrick G. Barry

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Enclosure

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CO AND EPM RESPONSIBILITIES UNDER CONSTRUCTION AND A-E CONTRACTS

	<u>ACTION</u>	<u>Engineering</u>	<u>Contracting</u>	<u>REMARKS</u>
1.	Overall Project Management.	Responsible	Responsible	The primary project team members consists of the Research Program Representative (RPR), CO, and EPM. There are three distinct areas of project management <u>Program Management</u> is to ensure all program requirements are articulated and included in the project. <u>Contract Management</u> (CM) is responsible for enforcing terms and conditions of the contract. <u>Engineering Project Management</u> ensures all technical and program management issues are addressed and incorporated into the project. The EPM is the lead point of contact.
2.	Orientation.	Responsible	Responsible	EPM and CO are responsible for coordinating and conducting orientation sessions with the RPR, after consulting with the project team.
3.	Prepare Statement of Work and schedule of submittals.	Responsible	Assist	EPM should coordinate this action with the CO and RPR, to ensure adequate lead time will be available to solicit bids and award a contract.
4.	Prepare independent Government estimate of A-E fee, CM fee, and construction cost estimate, when appropriate.	Responsible	Assist	EPM should prepare a cost estimate and SOW (see Step 3 above). Coordinate with CO to ensure level of detail is adequate.

	<u>ACTION</u>	<u>Engineering</u>	<u>Contracting</u>	<u>REMARKS</u>
5.	A-E Selection.	Responsible	Responsible	EPM shall provide CO with proposed technical evaluation factors, sub-factors, scoring method, and scoring sheets. EPM shall act as the A-E Evaluation Board chairperson and provide recommendations to the CO in writing, with all supporting documentation regarding A-E capability, based on project scope and rating criteria. The CO shall make a recommendation to the selection authority for final selection (usually the FCB Chief).
6.	Conduct Design pre-start conference.	Assist	Responsible	The CO and EPM coordinate the preparation for this conference. The CO, EPM, RPR, and A-E meet and review scope, role, and administrative details. The CO usually leads; technical info/direction provided by EPM.
7.	Perform a review of specifications and drawings.	Responsible	Responsible	Both CO and EPM should review plans and specs to the extent required to fulfill their respective responsibilities. CO to ensure no conflicts with contract, FAR or other special clauses, or potentially restrictive features are present. EPM to ensure no ambiguities and that quality control, closeout, and commissioning requirements are identified, as well as technical sufficiency (use Design Review and Architect-Engineer for detail review).
8.	Define any additive bid or optional line items needed to keep project within funding limits.	Responsible	Assist	Coordinate with project team to ensure that the complexity and cost of alternates are compatible with base bid. This should occur at 50 percent submittal. (Reference PGM 03-001.)

	<u>ACTION</u>	<u>Engineering</u>	<u>Contracting</u>	<u>REMARKS</u>
9.	Design Review Board.	Responsible	Responsible	The CO/EPM team will jointly prepare a one or two page project synopsis on all aspects of the project budget. In addition, the team will present their report and obtain the Board's approval prior to implementing the next phase.
10.	Determine if liquidated damages (LD) are required.	Assist	Responsible	Coordinate with project team to determine validity of damages and impact on bidding. (EPM to complete LD estimate and determination worksheet.)
11.	Conduct Market Research.	Assist	Responsible	Coordinate with EPM to assess the availability and size status of potential sources. Determine the feasibility of setting the project aside for a particular socio-economic group or conducting a full and open competition.
12.	Furnish completed design criteria, specs/drawings, cost estimate, time schedule, evaluation criteria to CO.	Responsible	N/A	EPM to transmit to CO using Construction Project Transmittal Form. If RFP, EPM shall provide CO with proposed technical evaluation factors, sub-factors, scoring method, and scoring sheets, etc.
13.	Develop advanced procurement plan.	Assist	Responsible	Coordinate with project team to provide for compatibility with program/project requirements.
14.	Initiate appropriate pre-solicitation notice (FedBizOps, solicit bids/proposals).	Assist	Responsible	CO coordinates with EPM to determine proper requirements, descriptions, and time schedules. CO prepares FedBizOps notice and solicits bids/proposals in cooperation with the EPM.
15.	Conduct pre-bid/pre-proposal conference.	Assist	Responsible	CO leads conference with technical support from EPM. CO to develop agenda in cooperation with EPM and ensure the A-E prepares minutes and distributes to all attendees and interested parties.

	<u>ACTION</u>	<u>Engineering</u>	<u>Contracting</u>	<u>REMARKS</u>
16.	Issue amendments to solicitations to change specs, performance times, or bid/proposal due dates.	Assist	Responsible	EPM to furnish description of change, schedule, and the cost impacts. CO decides on need to issue amendment and extend bid/proposal due date.
17.	Receive and open bids/proposals.	N/A	Responsible	CO responsible for establishing time and place to receive and open bids/proposals.
18.	On IFB - review bids.	Assist	Responsible	Award is based on lowest price and price-related factors. CO to review bids and make determination of responsiveness, responsibility, and whether price is fair and reasonable.
19.	RFP - evaluate proposals and prospective contractor's qualifications.	Responsible	Responsible	EPM responsible for evaluating technical factors; CO for cost and price analysis. EPM/Chairperson submits written evaluation report addressing strengths and weaknesses of each offeror and makes recommendation on A-E short list and final selection for negotiation and award, as well as for construction contract award. CO should normally accept EPM's recommendations in technical areas such as level of effort, subcontracts, consultants, material quantities, rental items, etc., but CO makes independent recommendation to selection official for final determination.
20.	RFP - conduct discussion/negotiations with contractors.	Responsible	Responsible	Overall responsibility belongs to CO, but from a practical standpoint, EPM and CO will share responsibility for their respective areas of expertise.
21.	Award contract.	Assist	Responsible	CO to coordinate with EPM, but CO makes final decision after evaluating all alternatives and potential program, legal, and contractual consequences.

	<u>ACTION</u>	<u>Engineering</u>	<u>Contracting</u>	<u>REMARKS</u>
22.	RFP - de-brief unsuccessful offerors.	Assist	Responsible	CO should lead, but this should be a team effort by EPM and CO in all cases. Exceptions would include rejection of offers based solely on contractual/legal issues.
23.	Conduct pre-construction/post award conference.	Assist	Responsible	CO prepares agenda in coordination with EPM and other team members. The CO conducts this meeting with technical support provided by EPM. CO ensures A-E prepares minutes and distributes to all attendees and interested parties. (Reference FDSOP 05-001.)
24.	Contract monitoring.	Responsible	Responsible	Overall legal responsibility belongs to CO. EPM monitors contractors effort to determine if progress is commensurate with contract requirements. Advises CO of any unusual problems affecting the progress or cost of the project. All contractors and program personnel shall be advised of EPM's authority and limitations.
25.	Negotiations.	Responsible	Responsible	CO conducts negotiations. EPM leads technical discussion.
26.	Formal contract change.	Assist	Responsible	CO executes formal document against contract reflecting appropriate equitable adjustment. EPM should provide adequate specification, Government cost estimate, time impact, and recommendation on contractor's proposal relative to level of effort, material types, and quantities.
27.	Issue stop-work (A-E)/suspension of work (Construction).	Assist	Responsible	CO has overall legal responsibility.
28.	Issue show cause/cure notices and terminate contracts.	Assist	Responsible	CO makes final decision after close coordination with Office of General Counsel and EPM.

	<u>ACTION</u>	<u>Engineering</u>	<u>Contracting</u>	<u>REMARKS</u>
29.	Final inspection.	Responsible	Responsible	CO responsible for timeliness in accordance with contract period of performance. EPM should participate and coordinate development of punch list with A-E and RPR. CO provides punch list to contractor with due date for completion.
30.	Acceptance/Closeout.	Assist	Responsible	EPM coordinates verification with A-E and RPR that all work is complete and sends written recommendations to CO that project be accepted. CO accepts and closes out per FAR and FD policy.
31.	Warranty Phase.	Assist	Responsible	CO informs RPR of warranty contacts and obligations. CO involvement only when RPR/location unable to get appropriate response from contractor.
32.	Protests/Disputes.	Assist	Responsible	EPM provides technical advice and assistance to CO. Only CO communicates with Protestor.

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