

RCW 39.10.300 (3) & Pre-Engineered Metal Buildings—

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Issues & Recommendations

RCW 39.10.300 (3) & PRE-ENGINEERED METAL BUILDINGS

ISSUES

Use

- RCW 39.10.300 (3) allows the design-build procedure to be used for portables, prefabricated modular buildings and pre-engineered metal buildings (PEMB) without Project Review Committee approval.
 - The definition of a portable facility is provided by WAC 392-343-018.
 - The scope of prefabricated modulars is limited to ten per site.
 - There is no definition or limitation of scope for PEMBs.
- PEMB use has evolved since the RCW 39.10 went into effect in 2004. The industry builds for a range of uses from fire stations, schools, office buildings and science centers to recreational facilities. PEMB is used for complex projects and large structures.

Non-Compliant Solicitations

- Since 2017, four design-build solicitations for PEMB projects that did not comply with the requirements of RCW 39.10 have come to CPARB's attention, three since last September.
- It appears that the agencies do not have the required knowledge and/or experience with the design-build procedure.

RECOMMENDATION

- All pre-engineered metal building (PEMB) projects using the design-build procedure should be approved by the Project Review Committee or procured by a certified public agency.

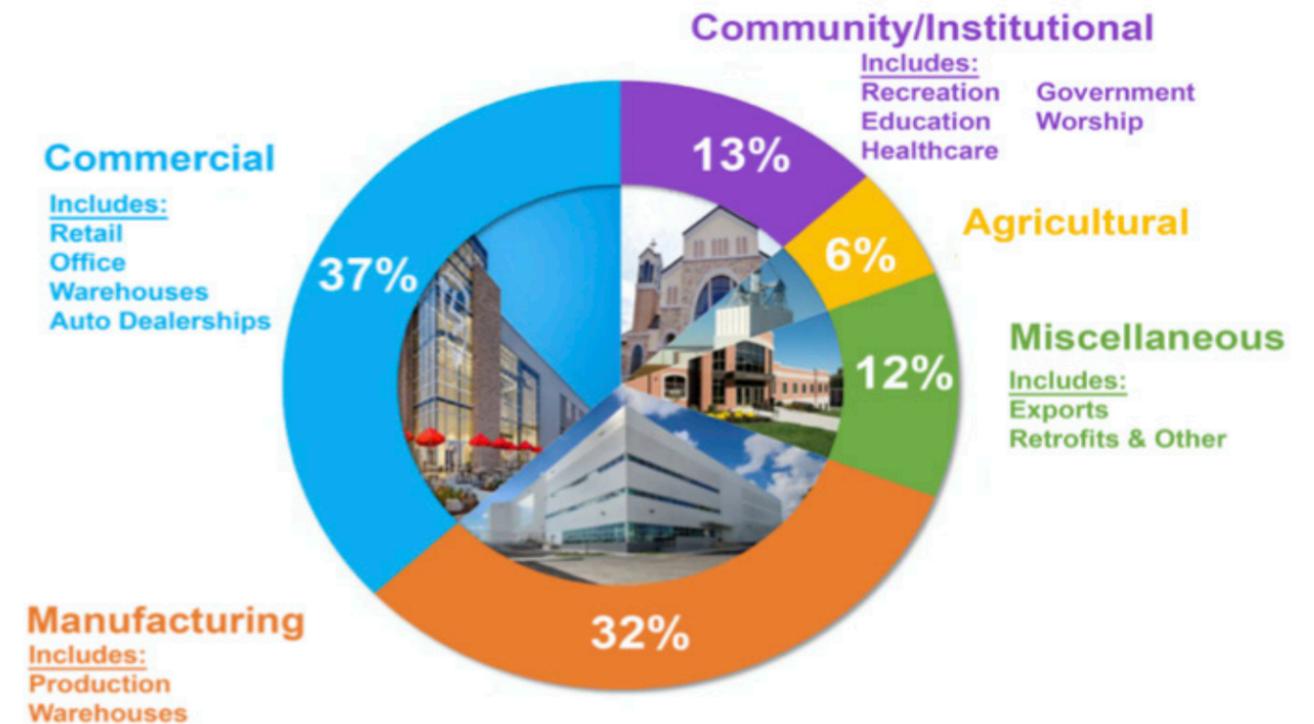
Pre-engineered Metal Buildings Today

AN EVOLVING INDUSTRY

METAL BUILDING MANUFACTURER ASSOCIATION WEBSITE

“Metal building systems have long been a standard in commercial and industrial market segments such as warehouses, distribution centers and industrial facilities.

They continue to make greater inroads into the low-rise building market. Commercial office buildings, retail, and governmental construction are all areas where metal building systems’ market share continues to grow. ”



PRE-ENGINEERED METAL BUILDINGS



Metal Building Manufacturers Association
Fire Station



Metal Building Manufacturers Association
Church

PRE-ENGINEERED METAL BUILDINGS



Varco Pruden
St. Thomas the Apostle Church



Varco Pruden
West Michigan Aviation Academy

PRE-ENGINEERED METAL BUILDINGS



Varco Pruden
West Michigan Aviation Academy



Varco Pruden
Walnut Street Office Building

PRE-ENGINEERED METAL BUILDINGS



Nucor
NHL Regulation Ice Arena

Examples of Non-Compliant Solicitations

PORT OF RIDGEFIELD

June 2020

SCOPE & BUDGET

- Two pre-engineered metal buildings, approximately 43,200 total square feet.
- Industrial warehouses.
- \$4.25 million budget.

NON-COMPLIANCE ISSUES

39.10.320(1)

- The RFQ did not indicate that the agency has a budget contingency of at least 5% of anticipated contract value
- The RFQ did not demonstrate that the agency's contract documents:
 - included alternative dispute resolution procedures, or
 - included required inclusion plans.

39.10.330 (1)

- The process, evaluation and weighting factors, and specific forms that will be used to evaluate finalists' proposals were not provided as required.
- The proposed contract was not provided as required. Although general terms and conditions were available separately from the Port, the contract should be included in RFQ.
- Required information for the procurement process was not provided as required. No dates are provided for announcing the finalists, the RFP submittal and review, and/or final selection.

39.10.330 (9)

- \$250 may not be adequate to recognize the level of effort required to meet the selection criteria.

CALTECH LIGO EXPLORATION CENTER

December 2019

SCOPE & BUDGET

- 13,000 sf pre-engineered metal building.
- STEM exploration center.
- \$7.9 million project budget.

NON-COMPLIANCE ISSUES

RCW 39.10.320 (1)

- The RFQ did not demonstrate that the agency's contract documents:
 - included alternative dispute resolution procedures,
 - required the design-builder to submit project information required by the board, or
 - required inclusion plans.

RCW 39.10.330 (1)

- The RFQ did not include the proposed contract as required.
- The RFQ required proposers to provide architectural schematics and certification that the proposed design could be provided for the owner's budget.
- The RFQ evaluation criteria did not include past performance in utilization of the office of minority and women's business enterprises as required.
- The RFQ did not provide specific evaluation factors or weighting for finalists' proposals as required.

PORT OF ROYAL SLOPE

September 2019

SCOPE & BUDGET

- 12,000 gsf pre-engineered building
- Equipment garage.
- No budget provided.

NON-COMPLIANCE ISSUES

39.10.320 (1)

- The RFQ did not provide a budget contingency.
- The RFQ did not provide contract documents that require the design-builder to submit inclusion plans.

RCW 39.10.330 (1)

- The RFQ did not organize the solicitation to include a two-phase selection process.
- The RFQ did not provide the estimated design-build contract value.

- The RFQ did not describe the process, evaluation factors and relative weight of factors to evaluate qualifications and proposals.
- The RFQ did not provide an honorarium.

CITY OF MONROE PUBLIC WORKS

March 2017

SCOPE & BUDGET

- Pre-engineered metal building.
- Public works shop.
- No budget provided.

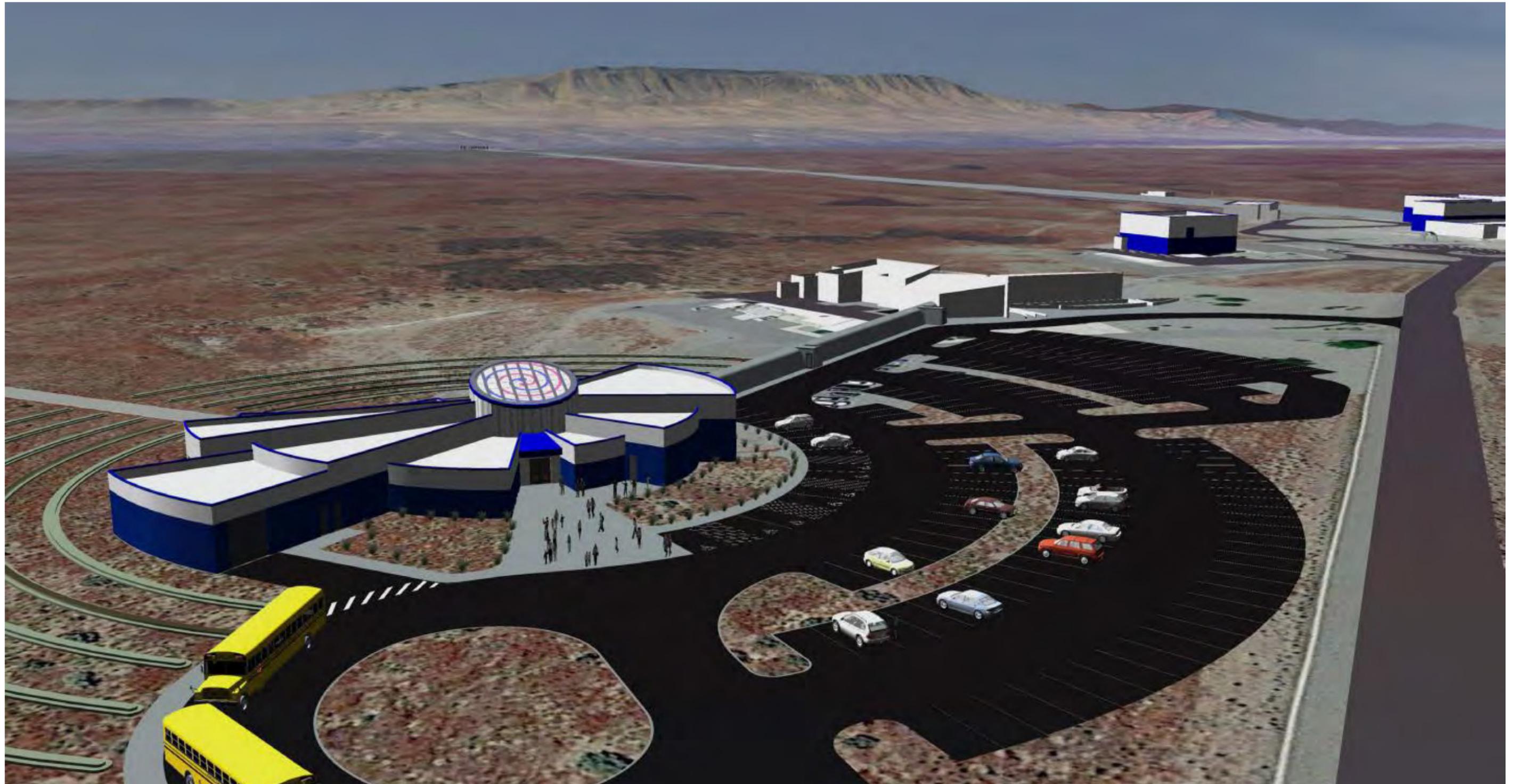
NON-COMPLIANCE ISSUES

RCW 39.10.330 (1)

- The RFQ did not provide the estimated design-build contract value.
- The RFQ did not provide the reasons for using the design-build procedure.
- The RFQ did not provide information regarding the process the public body would use to evaluate finalists' proposals. Evaluation factors, their relative weights and any specific forms were missing.

- The RFQ did not describe protest procedures as required.
- The RFQ did not provide the form of the contract to be awarded as required.
- The schedule for the procurement process and project was not complete, only the schedule for the RFQ submittal was provided.
- The RFQ did not provide an honorarium.

PRE-ENGINEERED METAL BUILDINGS



Caltech LIGO Exploration Center