

Statement of Work (SOW)

Construction/Project Manager (CM/PM) Blanket Purchase Agreement (BPA)

1.0 IDENTIFICATION OF AGENCY

The General Services Administration (GSA), Public Buildings Service (PBS), Office of Design and Construction (ODC), 1800 F Street, N.W. Room 3341, Washington, DC 20405 has a requirement to acquire a Construction Management (CM)/Project Management (PM) BPA that will provide all 11 GSA Regions a contracting vehicle to award individual task orders for a full range of CM/PM services to support the PBS capital and non-capital construction and renovation programs. This BPA will provide a qualified set of contractors with predetermined labor rates based on geographical area whereby regions can easily utilize for acquisition procurement.

2.0 OBJECTIVES

2.1 CM/PM is defined as a firm performing under this BPA to a building owner, in this case, the General Services Administration (GSA), to provide a variety of construction or project management services. These services will be procured using the GSA Professional Engineering Schedule 871, Special Item Number (SIN) 871-7 Construction Management. Such services can include, but are not limited to, pre-planning, programming, design management, design review, procurement support, construction management, commissioning, and post-construction support. Professional design services are not part of the CM/PM services.

2.2 CM/PM Services will be required primarily nationwide, on an as-needed basis, in support of specific projects or requirements for all 11 GSA Regional Offices and the GSA Central Office, however a few projects may be located overseas in Alaska, Guam, Hawaii, or Puerto Rico. Services will be performed on PBS owned buildings. There is a possibility some projects will also involve PBS leased buildings as well.

2.3 GSA intends to use the "Construction Management Standards of Practice" issued by the Construction Management Association of America (CMAA) in developing task order scopes of work. GSA also intends to use CMAA publications titled "Contract Administration Procedures", "Time Management Procedures", "Cost Management Procedures", and "Quality Management Guidelines" that supplement the "Construction Management Standards of Practice" in developing the task order scopes of work. These CMAA documents establish industry standards of service to define the full range of construction management services without limiting the methods and procedures by which those services will be provided for a particular project or program. The documents are intended as a guide to the level of services a CM could provide. The individual task orders will specify the services to be provided. Not every task order will require every service listed in these CMAA documents. Conversely, some task orders may require unique CM services not listed in these documents.

2.4 CM/PM firms are encouraged to provide staff certified as construction managers by the Construction Manager Certification Institute sponsored by the CMAA or Project Management Institute (PMI) as Project Management Professionals (PMP) with 10 years construction management experience on construction projects valued \$10 million or greater. Additionally, CM/PM firms with 5 years of experience with small and simultaneous multiple projects in the range of \$100,000 to \$2.6 million are also of interest. Ordering Agency Contracting Officers, at the task order level, will determine certification and experience requirements for specific projects.

2.5 A BPA will be awarded for the CM/PM services. Firm fixed price or Labor Hour with a Not to Exceed (NTE) task orders will be issued under the respective BPA(s) for project specific services.

2.6 GSA's goals for the CM/PM BPA(s) include:

- (a) To obtain sources for qualified professional and technical expertise required to support GSA projects nationwide.
- (b) To allow CM/PM services to be procured as needed on a project-by-project basis.
- (c) To provide GSA personnel with the flexibility to obtain management support services that meet the needs of individual projects.

3.0 BACKGROUND

GSA has a continuing program that involves a wide variety of design and construction projects nationwide and potentially, the overseas locations identified in paragraph 2.2. This program involves both new construction projects and renovations of existing buildings. Some of the existing buildings are historic properties. The building types include federal office buildings, federal courthouses, border stations, laboratories, warehouses, and other types of real property. Project sizes range from small remodeling or repair projects to multi-million dollar new buildings or renovations of major existing buildings. At any given time, the projects are in various stages of development from pre-planning through design, construction procurement, construction, and post-construction. The professional and technical services of CM/PM firms are required to support GSA in the management of these projects.

To provide the required support for all 11 GSA Regional Offices and the GSA Central Office, GSA plans to procure and award a BPA for CM/PM services. Firm Fixed price and Labor Hour task orders with a NTE, will then be issued under these BPA's as CM/PM support services are required on specific projects in each region. Each BPA will consist of a one year base period and four (4) option years to be exercised at the Government's prerogative. Contracting Teaming Arrangements (CTAs) are anticipated in support of paragraphs 4.3 (n) Miscellaneous Services and (o) Miscellaneous Items. Team members may be added or removed after award upon approval of the BPA Contracting Officer.

The task orders to be issued under each BPA will be based on scopes of work defining specific requirements. The BPA will include unit labor rates for various project/construction management related disciplines. Extensions of these unit prices times the associated man-hours determined to be fair and reasonable for the level of effort indicated by the scope of work will be used to determine the amount of each individual task order. Since multiple vendors are expected on the BPA, BPA holders will be considered for competition of task orders as established by BPA ordering procedures in accordance with FAR Part 8.405-3(b)(2). Factors such as price, past performance on prior task orders under the BPA (quality of deliverables/services, timeliness, and cost control), and potential impact on other orders placed with the contractor will be considered in determining award of individual task orders. Vendors should identify the States they are capable of performing the work identified in this SOW. Given the time constraints, only vendors currently awarded SIN 871-7 Construction Management, will initially be considered. Each BPA will identify if there are any ramp on/off provisions so vendors can be added or deleted after the first year.

4.0 REQUIREMENTS

4.1 General Requirements

- (a) The CM/PM shall provide GSA with sound management advice regarding all work performed on GSA projects via task orders issued under the BPA. For each project, the goal shall be to achieve the best value in the work being performed by controlling schedule and budget. The CM/PM shall also be proactive in helping to resolve problems and minimize claims taking all reasonable measures to anticipate problems and delays and to minimize or eliminate their adverse impact on project completion. Throughout performance under this BPA, the CM/PM must take the initiative and act to mitigate circumstances that could lead to

claims, resolve conflicts promptly, and keep the Government advised of any potential disputes. The CM/PM shall exercise all due diligence, utilizing competent personnel within authorized limitations, to make certain that work is performed in conformity with applicable requirements (codes, regulations, standards, construction contract plans and specifications).

(b) The CM/PM shall work to develop a good understanding of the principles of Federal Contracting and GSA contract administrative processes.

(c) The CM/PM shall endeavor to develop and maintain good working relationships with GSA personnel, client agency personnel, A/E personnel, and construction contractors involved with all work performed.

(d) The CM/PM shall maintain the expertise, capability, and resources to respond to GSA's requirements nationwide. Task orders issued during the life of the BPA are expected to principally require work involving new construction, building modernization, repair and alterations, and energy improvements. The following disciplines/trades are also anticipated in support of the task orders: architectural, civil, structural, mechanical, electrical, geotechnical, energy efficiency, elevators, roofing, landscaping, lighting, telecommunications, security systems, historic preservation, fire protection and life safety, hazardous material abatement, acoustics, cost estimating, interior design, space planning, courts planning, scheduling, plus concrete/soils/steel testing and inspection. The CM/PM is obligated to satisfy the requirements for professional and technical services that are ordered from time-to-time through the individual task orders and their modifications.

(e) The CM/PM **will not** be held responsible for design defects and does not assume any of the contractual responsibilities or duties of the architect-engineers. The architects-engineers are solely responsible for the project designs and shall perform all design related services in accordance with their contracts with the Government. The CM/PM also does not assume any of the contractual responsibilities or duties of the construction contractors. The construction contractors are solely responsible for construction means, methods, sequences and procedures used in the construction of the projects, and for related performance in accordance with their contracts with the Government.

(f) The CM/PM shall advise the CO/COR/PM immediately of any potential delays in completion of work associated with task orders and any problems that are outside the responsibilities of the CM/PM per the BPA and/or task orders issued.

(g) The CM/PM shall be responsible for the security of all project documents provided to them for work under task orders in accordance with the provisions of PBS Order No. 3490. Specifically, the order sets forth GSA's policy on dissemination of information regarding GSA controlled space in both new and existing Federally owned and leased buildings. The principles of this policy indicate that building/project information is to be given only to those with a need to know; that records be kept of who got the information; that good judgment, common sense, and reasonableness be used to safeguard the information during use, and that it be returned or properly destroyed after use.

(h) The CM/PM shall be responsible for obtaining all information required to successfully carryout the scope of work authorized under each task order. In cases where the CM/PM believes that available information is not adequate, or of such poor quality as to be unusable, the CM/PM shall immediately notify the CO/COR/PM and propose alternative data collection methods.

(i) The CM/PM shall take the initiative establishing and maintaining proper business relations with representatives of the construction contractor(s), with the GSA Buildings Manager(s) and through the COR, with client agencies at the work site.

- (j) The official dealings of the CM/PM shall be with prime contractors, but not with subcontractors.
- (k) CM/PM personnel shall not settle disputes or differences of opinion between prime contractors and their subcontractors, or between subcontractors.
- (l) Where differences of opinion exist between CM/PM personnel and Government personnel, the differences shall not be discussed in the presence of prime contractors or their subcontractors.
- (m) The CM/PM shall not disseminate any information concerning the project or any information that might be confidential, inflammatory, or derogatory. All requests for information must immediately be forwarded to the COR before being acted upon.
- (n) The CM/PM shall not issue oral instructions to, or make any agreements with, prime contractors or their representatives which affect the work in material ways, or which may result in disputes and claims.
- (o) The CM/PM shall not assume the responsibilities of the construction contractor(s), particularly in areas of coordination of work to be performed by subcontractors.
- (p) The CM/PM shall establish all necessary liaisons, coordination, and support with any project related agencies and representatives at the Federal, State, Regional, and Local levels as appropriate for each task order. The CM/PM shall also coordinate work with clients, A/E's, and construction contractors involved with work under each task order.
- (q) CM/PM personnel shall participate in partnering sessions. Requirements for formal partnering, including the CM/PM initiating the partnering effort, if required, will be identified in the individual task order scopes of work.
- (r) For each CM/PM employee located full time at a project site, the CM/PM shall provide its own computer equipment and software to fully satisfy all operational requirements of the BPA. All associated costs must be included in the established pricing for this BPA as no reimbursement is authorized for such items. The CM/PM's equipment and software must be compatible with the system and software used by the Government.

4.2 Specific Services

Scope of services shall include all professional and technical services related to the GSA PBS design and construction delivery process. The services are to be performed in cooperation with GSA (as the owner), building occupants (GSA client agencies), architect-engineers (GSA hired designers), and construction contractors (GSA hired constructors). All services shall also be performed in accordance with the latest edition of the Construction Management Association of America (CMAA) "Construction Management Standards of Practice plus the latest edition of supplemental manuals titled "Quality Control Procedures", "Cost Management Procedures", "Contract Administration Procedures", and "Time Management Procedures".

The scope of services includes, but is not necessarily limited to, the following:

- (a) **Project Preplanning/Programming Phase Services**. Such services may include: initial planning; feasibility studies; economic studies; site studies; environmental studies; site investigations; site surveys; preparation of budget and cost estimates; preparation of preliminary schedules; cost modeling and analysis; and cost control management.
- (b) **Project Design Phase Services**: These services may include: design management; design technical reviews; code compliance reviews; constructability reviews; conducting/participating in Value Engineering

workshops; analysis of Value Engineering proposals; preparation of cost estimates (including independent check estimates); cost analysis; cost control/monitoring; energy studies; utility studies; site investigations; site surveys; hazardous material surveys/analysis; scheduling (including preparation of schedules and schedule reviews); design problem resolution; review of design scope changes (including analysis of schedule impact); scheduling/conducting/documenting design related meetings; participation in Time of Performance meetings to establish construction durations; participation in all "Partnering" activities during design (workshops, meetings); energy performance analysis IAW Energy Independence and Security Act of 2007 (EISA); recommend, calculate and evaluate Leadership in Energy and Environmental Design LEED) credits; and performing market studies (material availability, contractor interest).

(c) **Project Procurement Phase Services:** These services may include: providing assistance to the Contracting Officer in contract procurement; providing technical expertise for the Government to prepare answers to bid/RFP questions; attending/participating in site visits; attending/participating in pre-bid conferences; providing assistance with the preparation of solicitation amendments; and performing cost/bid/proposal analysis.

(d) **Project Construction Phase Services.** These services may include: establishing temporary field offices; setting up job files, working folders, and record keeping systems; maintaining organized construction files; scheduling and conducting preconstruction meetings; handling/preparing project correspondence to respond to the parties involved with each project, confirm verbal discussions/directives, document actions taken and decisions made; preparing and maintaining daily dairies for project activities noting events affecting construction progress (weather, manpower, site equipment, work performed); monitoring the submittal review process including maintenance of submittal logs; review and monitoring of project schedules for construction progress with emphasis on milestone completion dates, phasing requirements, work flow, material deliveries, test dates, assisting in problem resolution and handling of disputed issues (including development of Government position, drafting final decision letter); maintaining marked up sets of project plans and specifications for future as-built drawings; performing routine inspections of construction as work proceeds, taking action to identify work to the CO/COR that does not conform to the contract requirements, and notifying the CO/COR when work is thought to require correction; compiling, through site inspections, lists of defects and omissions related to the work performed and providing these lists to the CO/COR for determination of the need for correction; review of construction contractor payment requests (including preparation of necessary forms for payment processing by GSA); monitoring project financial data and budgetary cost accounting (maintain spreadsheets indicating project fund allowances, obligations, payments, balances, planned expenditures); administration of construction contract change orders (preparing cost estimates, reviewing cost proposals at the request of the CO, assisting GSA in negotiations, preparing change order packages for processing); scheduling, conducting, and documenting regular progress meetings with all interested parties to review project status, discuss problems, and resolve issues; scheduling, conducting, and documenting (prepare minutes for distribution) construction related project meetings; monitoring construction contractor compliance with established safety standards (note and report unsafe working conditions, failures to adhere to safety plan required by construction contract); monitoring construction contractor's compliance with contract labor standards (including performing site labor interviews, collecting, reviewing, and maintaining weekly payrolls for all project contractors and subcontractors, reporting potential wage violations to GSA personnel); coordination of construction activities with Building Managers and occupying agency personnel; monitoring the design and construction clarification process and, when appropriate, reminding the A/E and other parties involved of the need for timely actions and notifying the CO of potential delays; participation in all "Partnering" activities during construction (workshops, meetings,); preparing special reports and regular project status reports; providing for progress and/or final photographs of project work; perform site surveys using a registered surveyor (establish building lines, elevations, approaches, utility locations); provide drafting services with CADD support (as-built drawings, survey layouts, utility plans); Building Information Modeling (BIM) support; provide assistance in obtaining

permits; perform hazardous material assessments and monitoring of hazardous material abatement work; and provide cost estimating assistance .

(e) **Commissioning Services**. These services shall include, but are not limited to, providing professional and technical expertise for start-up, calibration, and/or certification of a facility or operating systems within a facility. The CM/PM must be able to provide any level of commissioning need from total support to specialty services. Commissioning services may require start-up planning, forecasting start-up duration, estimating start-up costs, provide technical expertise in developing start-up objectives, organizing start-up teams and team assignments, testing building system components, conducting performance tests, obtaining O&M material, plus conducting, scheduling and/or supervising O&M training. Small business subcontracting must be used to the extent agreed upon in the approved CM/PM Subcontracting Plan and as otherwise practicable.

(f) **Testing Services**: The CM/PM shall be tasked to provide the services of an independent testing agency/laboratory to perform project specific quality control testing and inspection services. The services may include, but are not limited to, testing/inspection of soils, concrete, precast concrete connections, steel, steel decking, applied fireproofing, roofing, curtain walls/glazing, and elevator installations. All specific testing requirements will be established at the task order level.

- 1) Testing services shall be coordinated with on-going work at the individual project sites for efficient performance and so as not to delay work in progress.
- 2) The CM/PM shall monitor all independent testing services procured under this BPA, and immediately notify the COR/PM in writing of any inadequate processes and/or materials not meeting construction requirements.
- 3) Independent testing service agents, including testing laboratories, must be pre-qualified by the American Council of Independent Laboratories and be capable of demonstrating that they specialize in the types of inspections and tests to be performed.

(g) **Claims Services**. The CM/PM may be tasked to provide Claims Services when and as required by the Government for specific projects. For definition purposes, Claims Services apply to providing technical support (not legal assistance) in handling disputed matters once a contractor has made written demand for payment or other relief under the contract and submitted it to the Contracting Officer for decision in accordance with the Disputes Act of 1978. A claim does not arise solely upon the occurrence of a dispute or controversy. In relation to Claims Services, the CM/PM will review disputes and claims from the A-E and/or construction contractor(s) and render all assistance that the Government requires, including, but not limited to, the following:

- 1) Furnishing reports with supporting information necessary to resolve disputes or defend against the claims.
- 2) Preparation and assembly of appeal files.
- 3) Participation in meetings or negotiations with claimants.
- 4) Appearance in legal proceedings.
- 5) Preparation of cost estimates for use in claims negotiations.
- 6) Preparation of risk assessments/analyses relative to claim exposures.
- 7) Preparation of findings of fact and any other documentation required by the Government.

(h) **Post Construction Services**. At or near substantial completion of project construction, the CM/PM may be tasked to provide services such as:

- 1) Performing Post Occupancy Evaluations (POE's).
- 2) Assisting GSA in the formulation of lessons learned.

- 3) Providing occupancy planning including development of move schedules, cost estimates, inventory lists.
- 4) Providing move coordination, relocation assistance, and/or furniture coordination.
- 5) Providing telecommunication and computer coordination.

(i) **General Services.** During the life of the BPA, the CM/PM may be tasked to provide services not related to a specific project. Such work must be authorized in advance by the Government. Small business subcontracting must be used to the extent agreed upon in the approved CM/PM Subcontracting Plan and as otherwise practicable. These services may include, but are not limited to:

- 1) Developing, updating, and reviewing of GSA Public Buildings Service handbooks, guides, manuals, and/or policies. When required to support work being performed under any of the major Project Phases, the Government may authorize Additional Services such as those listed below.
- 2) Providing special consultant or special inspection services, such as assessments of hazardous materials, an Industrial Hygienist to monitor removal of hazardous material, a historic preservation consultant to review historically significant matters in existing buildings.
- 3) Performing special studies and/or updates to prior studies.
- 4) Performing other specialized services such as updates to master or environmental plans, interior space planning, existing site surveys, site models.
- 5) Providing tenant relocation and moving services at facilities other than those associated with a specific project.
- 6) Providing photographic records beyond the normal scope of presentation and inspection services required.
- 7) Providing expertise as required in unusual situations from specialty disciplines, such as expert testimony for hearings.
- 8) Providing certification services of trade societies, institutes, organizations.
- 9) Providing scheduling and/or estimating services for other GSA functions (leasing projects).
- 10) Performing market research studies.
- 11) Provide functional support/expertise in areas such as sustainability, fire safety, physical security, geotechnical stability, seismic safety, historic preservation, moisture control, accessibility, building automation, materials evaluation.

4.3 Definitions

- (a) **Blanket Purchase Agreement Contracting Officer (BPA CO).** The Contracting Officer is the final authority in all contractual matters relating to this BPA. The BPA CO has overall responsibility for administration of this BPA and is authorized to take action on behalf of the Government to amend, modify, or deviate from BPA terms, conditions, requirements, specifications, details, and/or delivery schedules.
- (b) **Task Order Contracting Officer (TO CO)** will have final authority as to any design, construction or other type of contract associated with this BPA as awarded via individual task orders. The TO CO may delegate certain responsibilities to authorized representatives during performance of individual task orders.
- (c) **Blanket Purchase Agreement Contracting Officer's Authorized Representative (BPA COR).** The award letter of the BPA will indicate who has been designated as the BPA COR to assist the BPA CO in the discharge of contract administration responsibilities. Under this BPA, the basic responsibilities of the COR include: acting as the Government representative for receiving and compiling quarterly reports; ensuring compliance with American Recovery and Reinvestment Act (ARRA) reporting; and advising the BPA CO on utilization of the BPA.
- (d) **Task Order Contracting Officer's Authorized Representative (TO COR).** The award letter of individual task orders will indicate who has been designated as the Task Order Contracting Officer's Representative (TO COR) to assist the CO in the discharge of contract administration responsibilities. Under this BPA, the basic responsibilities of the TO COR include: determining the adequacy of performance by the

CM/PM in accordance with the terms and conditions of this BPA; acting as the Government representative in charge of work at the respective sites; ensuring compliance with BPA requirements insofar as the work is concerned; approving assignments of CM/PM personnel; conducting prompt payment meetings; and advising the TO CO of any factors which may cause significant delays in performance of work. All services rendered under this BPA shall be provided to the TO COR, except for those services reserved to the TO CO and identified as reserved in this BPA or in the memorandum delegating authority to the COR.

(e) **Project Director (or Project Executive) (PD).** The designated GSA representative who has responsibility to plan and coordinate all primary and support activities to ensure all goals and objectives are met, with emphasis on project schedule and budget. In general the PD's role will not be directly involved with day-to-day administrative or technical issues, but will fill a role that is much broader in nature. The PD is a person that views the project on a long-term basis, and assumes a perspective that is management oriented. The PD will be involved from start to finish, will be responsible for adherence to schedule, and will be responsible for coordination. The PD, typically, supervises the GSA Project Manager(s).

(f) **Project Managers (PM's).** Project Managers are the GSA employees assigned to a specific project or projects as representatives of the GSA. The functions and authorities of the PM's may be defined in writing, but generally include providing advice and assistance to the primary/supervisory GSA Project Director or key personnel of the Government, to the A/E personnel, to the CM/PM personnel, and to the construction contractors, reviewing the status, technical adequacy, and quality of design/construction; and ensuring compliance with applicable contract documents, codes. Project Managers typically serve as the focal points of daily project management and operations for the Government. PM's may also be contractor personnel assigned to projects and also act as representatives of GSA, performing all of the above functions.

(g) **Architect-Engineer (A/E).** The professional services contractors responsible for designing the projects. The A/Es may perform other services during the construction phases that are not included in the contract vehicles for the CM's, the construction contractors, or other firms associated with the project.

(h) **Construction Manager(CM).** The CM is the Contractor selected to assist GSA by performing required work on specific projects nationwide in accordance with the scope of services for issued task orders. In providing the project management services described in the task orders, the CM shall act as GSA's designated agent and maintain a working relationship with GSA, its client agencies, plus the architect-engineers, construction contractors, and other contractors supporting the Government. Nothing in this BPA shall be construed to mean that the CM assumes any of the contractual responsibilities or duties of the architects-engineers or the construction contractors. The construction contractors are solely responsible for construction means, methods, sequences and procedures used in the construction of the projects, and for related performance in accordance with their contracts with the Government. The architects-engineers are solely responsible for the project designs and shall perform all design related services in accordance with their contracts with the Government.

(i) **Contract Executive (CEX).** The principal CM/PM employee who is responsible for overall administration of the CM/PM BPA/task orders, coordination of the CM/PM efforts, general direction, and accomplishment of CM/PM contractual functions on the projects. The CEX shall work closely and cooperatively with GSA, its client agencies, the A/Es, and the construction contractors throughout the BPA performance period. The Contract Executive shall be the principal point of contact between the CM/PM, and the Contracting Officer as well as the principal point of contact for task order proposal requests, contract correspondence.

(j) **Quality Control Superintendents (QCS).** The QCS is a CM/PM employee typically used on major new construction or renovation projects where a full time CM/PM staff is required. In such situations, the QCS is the designated lead for the CM/PM site team responsible for ensuring delivery of the day-to-day construction management services for the duration of construction on a given project. The QCS closely manages and administers all work for which the CM/PM is responsible through all phases of the designated project. Beginning about ten (10) working days in advance of the construction contract notice to proceed, the QCS must be engaged at the job site for performing contract administration, and providing other services

required with a view toward completion of all construction within schedule and as required by construction contract documents.

(k) **Project Architects / Project Engineers (PA/PEs).** The PA/PEs are persons employed by the CM/PM (may be consultants) responsible for professional reviews related to project management services required by the contract task orders. The PA/PEs shall possess and maintain current professional registration(s).

(l) **Testing Engineers/Technicians (TE/Ts).** The TE/Ts are responsible for the performance of testing work. TE/Ts can be employees of the CM/PM or of a testing laboratory, but in either case must be approved by the COR.

(m) **Inspectors.** The Inspectors are CM/PM employees responsible for scheduling, coordinating, and performing the actual specialized field inspection work commensurate with their designated adjectival discipline. Relative to their respective disciplines, Inspectors are required to physically inspect work at the site(s) for code compliance and adherence to construction contract requirements; recommend approvals or rejections of materials and workmanship as appropriate; monitor labor and safety requirements (review payrolls, perform labor standard interviews to determine that labor force is being paid prescribed wage rates; notify the construction contractor orally and in writing when unsafe working conditions are observed); complete written inspection reports for every inspection; process field reports through the QCS for the Government; maintain inspection logs and records of defects and/or omissions; and similar activities.

(n) **Miscellaneous Services.** This term refers to performance of services by Disciplines/Labor Categories that are not covered under the unit prices established per the BPA. These services may be required by GSA and ordered by task order modifications under FAR Part 52.212-4(c), Changes. These services could require use of Contractor Teaming Arrangements (CTAs), open market competition, or modification of the Schedule if Services are recurring in nature.

(o) **Miscellaneous Items.** This term refers to work or materials that may be required in support of the project services under task orders. Advance approval by GSA is required for these "Miscellaneous Items". Such work, when required by the Government, will be handled as contract modifications under FAR Part 52.212-4(c), Changes. "Miscellaneous Items" may include, but are not limited to, providing signs; safety barricades; cleaning services; preparation for ceremonies, including minor construction activities in connection therewith; temporary toilets and sanitation; fencing; security; obtaining special/multi-use equipment; temporary water, heat and electricity; temporary utility connections to buildings; temporary protective enclosures; field office facilities and related costs thereof such as equipment, furnishings and supplies; installation of Government furnished items; general maintenance; disposal of refuse and debris; blueprinting; pest control; providing for first aid; miscellaneous carpentry. These services or items could require use of Contractor Teaming Arrangements (CTAs), open market competition, or modification of the Schedule if services/items are recurring in nature.

(p) **Home Office Area.** This term means the cities/states/ counties in which the CM/PM's active office(s) is/are located. If the CM/PM's active office(s) is/are located in metropolitan areas consisting of more than one county, the metropolitan area shall be considered the Home Office Area. The CM/PM shall identify one lead office for this BPA. All management, communications, and control associated with this BPA shall be conducted through this office.

(q) **Level of Effort.** The CM/PM is totally responsible for its performance and deliverables required by the project specific task orders. The Government may require that work be accelerated at certain times to preserve its obligations for accomplishment of the projects. If necessary, this may include issuing task order modifications to the CM/PM to provide additional man-hours for specific disciplines/labor categories at the established rates.

4.4 References

(a) The following reference materials or appropriate portions thereof will be made available after award, as applicable to the BPA, upon written request by the CM/PM. Any additional references contained in task

order scopes of work will be provided as the need arises.

(b) The CM/PM must become familiar with and use the versions/ revisions in effect as of the effective date of each task order issued under this BPA, and the CM/PM is required to comply with the policies and procedures set forth in all such references.

- (1) PBS P 100 (2005), Facilities Standards for the Public Buildings Service.
- (2) PBS P-120 (2007), Project Cost Estimating Requirements.
- (3) PBS PQ250 (1992) and PQ251 (1993), Value Engineering Program Guide for Design and Construction.
- (4) Code of Federal Regulations (CFR) Federal Acquisition Regulation (FAR) Title 48, Volumes 1 and 2.
- (5) General Services Administration Acquisition Manual (GSAM) Title 48 Federal Acquisition Regulations (FAR) Chapter 5 General Services Administration.
- (6) Construction Management Association of America (CMAA) Construction Management Standards of Practice plus related manuals (Quality Control Procedures, Cost Management Procedures, Contract Administration Procedures, Time Management Procedures).
- (7) National Fire Protection Association (NFPA) handbooks including the National Electric Code.
- (8) Occupational Safety and Health Administration (OSHA) Standards.
- (9) The International Code Council (ICC) family of codes.
- (10) American National Standards Institute (ANSI) Publications.
- (12) National Electrical Manufacturer Association (NEMA) Publications.
- (13) Elevator Code - ANSI/ASME A17.1 Safety Code for Elevators and Escalators, & supplements.
- (14) Architectural Barriers Act Accessibility Standards.
- (15) United States Courts Design Guide.
- (16) United States Marshals Service Requirements and Specifications for Special Purpose and Support Space Manual, Sections 1 and 2.
- (17) Environmental Protection Agency regulations.
- (18) ASHRAE handbooks and ASHRAE Standard 90-75.
- (19) Energy Independence and Security Act of 2007 (EISA) (Pub.L. 110-140)
- (20) U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED)
- (21) Federal Information Processing Standards Publication (FIPS PUB 201-1) Personal Identity Verification (PIV) of Federal Employees and Contractors

4.5 Minimum Personnel Qualifications

Qualifications of personnel who may be assigned to work under this BPA are as follows:

(a) **Senior Professionals.** All senior professionals must be graduates of an accredited Architectural, Engineering or Construction Management college curriculum (four [4] year degree minimum), have a minimum of seven (7) years specialized experience in their disciplines (Professional registration in the project jurisdiction is not required, but is preferred), and possess the skills and abilities listed below:

- (1) Ability to communicate effectively both orally and in writing. Experience in preparing correspondence, written reports, and in briefing clients and management personnel.
- (2) Knowledge of applicable codes related to their disciplines.
- (3) Knowledge of construction methods and techniques.
- (4) Ability to perform and evaluate engineering economic analyses, and evaluate proper systems to meet scope requirements. Ability to verify the adequacy of building systems related to their respective disciplines.
- (5) Ability to interpret/coordinate Architectural/Engineering plans and specifications.
- (6) Familiarity with modern construction products (i.e., quality, uses, and applications).

(b) **Senior Professional Support Staff.** Senior architects, engineers, and construction management professionals (including other professional staff designated as “Senior”) shall have at least five (5) years specialized experience in the work they are to perform under this BPA, and possess the following minimum knowledge, skills and abilities:

- (1) Graduate of an Architectural, Engineering or Construction Management college curriculum (four (4) year degree minimum.
- (2) Ability to communicate orally and in writing.
 - i) Experience in preparing correspondence, written reports, and maintaining official project records.
 - ii) Experience in conducting meetings, and briefing clients and management personnel.
- (3) Knowledge of construction practices and techniques, e.g., proper applications of construction materials and methods of installation in the Architect's or Engineer's area of expertise.
- (4) Ability to interpret Architectural/Engineering plans and specifications.
- (5) Ability to accurately calculate construction costs for changes, price the value of needed work, and negotiate equitable adjustments.
- (6) Ability to inspect materials, workmanship, and construction and installation of various systems in the Architect's or Engineer's area of expertise.
- (7) Knowledge of safety practices in the construction industry, including specifically, a background that indicates familiarity with Occupational Safety and Health Administration (OSHA) safety requirements on construction projects.

Construction managers lacking a college curriculum, may substitute the education requirement with 10 years construction management experience on construction projects valued \$10 million or greater.

(c) **Contract Executive (CEx).**

- (1) The CEx, who will assume the lead management position to oversee all CM/PM activities on the task orders, must possess experience as the CEx on a similar contracting vehicle of at least 3 years duration with a total Maximum Order Level (MOL) of not less than \$7,500,000 or as the CEx on a major new construction project or renovation project with a project construction cost at award was not less than \$25 million.
- (2) The CEx must also possess the following minimum knowledge, skills, and abilities:
 - (i) Ability to communicate effectively, orally and in writing.
 - (ii) Experience in preparing correspondence, written reports, presentations, and in briefing clients and management personnel.
 - (iii) Experience in developing and maintaining complex, long term/multi-year project management activities, including but not limited to:
 - (a) Developing and controlling budgets and funding strategies.
 - (b) Scheduling and coordination of project interactions among existing and newly occupied facilities.
 - (c) Ability to manage inter-disciplinary teams of professionals and supporting labor categories.
 - (d) Ability to integrate competing and/or conflicting elements into the planning and execution processes so that project requirements flow smoothly.
- (3) Experience and familiarity with Federal and local government building projects, and with procedural, review, and approval requirements.

It is preferred, but not required, that the CEx be a graduate of an accredited college/university with a degree in architecture, engineering, or construction management and/or possess (or be able to obtain) professional registration as an Architect or Engineer in the project jurisdiction.

(4) It is preferred, but not required, that the CEx be certified as a construction manager through the Construction Management Certification Institute sponsored by the Construction Management Association of America (CMAA) or Project Management Institute (PMI) as Project Management Professionals (PMP) with 10 years construction management experience on construction projects valued \$10 million or greater.

(d) Quality Control Superintendents (QCS).

(1) The QCS position will typically occur on major new construction and/or renovation projects where a full time CM/PM staff is required. In such situations, the designated QCS will serve as the lead manager for the CM/PM site team and be responsible for the day-to-day project management activities of that team for the duration of a given project or projects. Persons proposed for QCS positions must possess experience in positions of equivalent responsibility on at least one similar project to that which is defined in the specific task order scope of services.

(2) Persons serving in the QCS position must also possess the following minimum knowledge, skills, and abilities:

(i) Ability to communicate effectively, orally and in writing.

(ii) Experience in preparing correspondence, written reports, presentations, and in briefing clients and management personnel.

(iii) Experience in developing and maintaining complex, long term/multi-year project management activities, including but not limited to:

(a) Developing and controlling budgets and funding strategies.

(b) Scheduling and coordination of project interactions among existing and newly occupied facilities.

(c) Ability to manage inter-disciplinary teams of professionals and supporting labor categories.

(d) Ability to integrate competing and/or conflicting elements into the planning and execution processes so that project requirements flow smoothly.

(iv) Experience and familiarity with Federal and local government building projects, and with procedural, review, and approval requirements.

(3) It is preferred, but not required, that persons proposed for QCS positions be graduates of an accredited college/university with a degree in architecture, engineering, or construction management and possess (or be able to obtain) professional registration as an Architect or Engineer in the project jurisdiction.

(4) It is preferred, but not required, that persons proposed for QCS positions be certified as construction managers through the Construction Management Certification Institute sponsored by the Construction Management Association of America (CMAA).

(e) Construction Inspection (Technician Level). (Architectural, structural, mechanical, electrical, and general) Inspectors must have at least five (5) years specialized experience in the work to be performed under task orders associated with this BPA, and possess the following minimum knowledge, skills and abilities:

(1) Ability to communicate effectively, orally and in writing.

(i) Experience in preparing correspondence, and maintaining official construction site records.

(ii) Experience in conducting meetings to resolve problems on construction projects, and briefing clients and management personnel.

(2) In-depth knowledge of construction practices and workmanship, including experience in proper uses of construction materials and installation methods.

- (3) In-depth experience in interpreting construction drawings and specifications on construction projects.
 - (4) Ability to accurately calculate construction costs for changes. Experience in making materials take-offs for construction work, pricing the value of needed work, and negotiating equitable contract adjustments.
 - (5) Ability and experience in the inspection of materials, workmanship, and construction and installation of various systems (such as fire alarm systems) within the inspector's area of expertise.
 - (6) Knowledge of safety practices in the construction industry, including a background of familiarity with OSHA safety requirements on construction projects.
- (f) **Testing Staff and/or Consultants.** Testing Engineers and Technicians must have at least three (3) years experience in the field of testing in which they are engaged. They must be able to accurately and correctly perform tests and interpret test results.
- (g) **Level of Expertise.** The level of expertise required for construction inspection (architect, engineer, technician, licensed inspector) and all other services to be provided shall be identified by the CM/PM in the proposals submitted in response to Government proposal requests and their associated scopes of work for planned task orders. The CM/PM shall use the proper level of expertise required for all contract services. All levels of expertise included in task order proposals are subject to approval by the TO CO/TO COR as part of finalizing the respective task order.
- (h) **CMAA Certification.** Although not a BPA requirement, it is desirable that, wherever possible, the CM/PM provide personnel who have been certified as construction managers through the Construction Management Certification Institute sponsored by the Construction Management Association of America (CMAA) or Project Management Institute (PMI) as Project Management Professionals (PMP) with 10 years construction management experience on construction projects valued \$10 million or greater. Ordering Agency Contracting Officers, at the task order level, will determine certification and experience requirements for specific projects.

5.0 PERIOD OF PERFORMANCE

The BPA is effective from the date of award for a period of one full year (365 calendar days, 366 calendar days if a leap year occurs) from the date of BPA award (e.g., if BPA award occurred on April 16, 2009, the full year extends through April 15, 2010). This is the **Base Year** of the BPA. The BPA also has provisions for 4 one year options to be exercised at the discretion of the BPA Contracting Officer making the potential total duration of the BPA a maximum of 5 years. Work on issued task orders may extend beyond this effective period (The effective period runs from the BPA award date to the end of the last exercised option year). However, no new task orders may be issued once the base year plus all exercised option periods have expired.

6.0 SUBMISSION SCHEDULE

6.1 Deliverables will be provided pursuant to the Task Orders

6.2 The contractor shall provide monthly technical status reports with the monthly invoice to the TO COR. Additionally reports, as mandated by Congress are stipulated in the BPA.

7.0 CONDITIONS

7.1 CM/PM Personnel Staffing and Assignments

- (a) The CM/PM is required to utilize the key personnel, specialists, and individual consultants named in their offer as accepted by the Government, for the contract task orders when they occur, and when an order requires those services.
- (b) In the event that any of the key personnel named in the CM/PM's offer, as accepted by the Government at task order award, are unable to perform because of death, illness, resignation from the CM/PM's employ, dissolution of agreement, or other reasons, the CM/PM shall promptly submit to the TO CO/TO COR detailed written explanations of the circumstances necessitating the proposed substitutions, complete resumes for the proposed substitutes, and any other information that the TO CO/TO COR deems pertinent to approve the substitution. No substitution is to be made without the prior written approval of the Government. No increases in BPA pricing will be allowed when substitutions are authorized by the Government.
- (c) Substitutions of subcontractors or consultant firms named in the CM/PM's offer, as accepted by the Government at contract award, are subject to the written approval of the TO CO/TO COR. When such substitutions are required, the award of the task order must be modified via a formal contract modification before a follow-on firm commences work. No increase in pricing will be allowed when such substitutions are approved. Changes in individuals employed by these firms will be approved administratively by letter between the TO CO/TO COR and the CM/PM.
- (d) The TO CO/TO COR will have the right to effect removals of any CM/PM employees working under any task order at any time during the life of this BPA, if those employees are deemed not to possess the proper level of competence or abilities, or otherwise found to be unsuitable for work required. In such cases, the CM/PM must promptly submit the names, complete resumes for the proposed substitutes, and any other information pertinent to approvals of substitutions.
- (e) Personnel possessing unique technical specialties may be required for certain services related to the task orders. Such personnel shall have qualifications as required and approved by the TO CO/TO COR, which are appropriate to the nature of the services that will be provided.
- (f) Repeated failure or excessive delays by the CM/PM in providing qualified personnel who meet the stated requirements of task orders, may be deemed sufficient reason by the TO COR to recommend termination for cause to the Contracting Officer for work under this BPA.
- (g) In relation to some task orders, the CM/PM may be required to send its assigned personnel to a GSA Regional Office for up to 2 working days of orientation in Government policies and procedures. When such orientation is required it will be noted in the task order scope of services for pricing. Overall, the CM/PM is responsible for providing instructions to all personnel working on individual task orders under this BPA making them aware of applicable Government regulations, policies, procedures, and uses of forms affecting the conduct of their work.
- (h) CM/PM personnel working in or on Government owned facilities will have access to work sites upon favorable completion of Homeland Security Presidential Directive 12 (HSPD-12). See section 7.2

7.2 Security Regulations.

- (a) Clearances: Project specific task orders will define any associated requirements for security clearances in accordance with Homeland Security Presidential Directive 12 (HSPD-12) and the Federal Information Processing Standards Publication (FIPS PUB 201-1) Personal Identity Verification (PIV) of Federal Employees and Contractors. HSPD-12 directs the implementation of a new standardized badging process, which is designed to enhance security, reduce identity fraud, and protect the personal privacy of those (federal employees and contractors) issued government identification. Failure to submit the required information, submission of unacceptable information, or non-compliance with respective

HSPD-12 security regulations will be grounds for removal of the respective CM/PM personnel. When security clearance information is required, the CM/PM's management and operating personnel to be assigned to the specific project defined in the task order, including subcontract personnel, will be required to furnish information for security clearances and comply with the security regulations as imposed by the Federal Government. For additional HSPD-12 requirements refer to internet website - <http://www.osec.doc.gov/ocy/HSPD12/HSPD-12Information.htm>

- (b) The Government retains the right to deny any CM/PM or subcontractor personnel access to the project for failure to obtain the proper security clearance. Further, the Government reserves the right to exclude or remove from the site or building any CM/PM or subcontractor employee whom the Government deems incompetent, careless, insubordinate, or otherwise objectionable or whose continued employment on the work is deemed by the Government to be contrary to the public interests.
- (c) All security clearances will be processed by the Government at no additional cost. All BPA work must be satisfactorily prosecuted as determined by the Government notwithstanding the prerequisites for security clearances.
- (d) The Government reserves the right to close down any project site or government facility where task order work is being performed and order contractor personnel off the premises in the event of a national emergency or a shut-down.

7.3 Progress Reports and Records.

A written quarterly report is provided to the BPA Contracting Officer and the BPA Contracting Office Representative beginning 3 months after award of task orders. The quarterly report shall summarize the status identifying pending and issued task orders for project under the management of the CM/PM. The report shall also provide a summary indicating the value of the pending and issued task orders with respect to the established Maximum Order Limitation amount. It shall be the responsibility of the CM/PM's designated Contract Executive to provide this report. Additionally reports, as mandated by Congress are stipulated in the BPA.

7.4 Subcontracting.

Small business subcontracting must be used to the extent agreed upon in the vendors Schedule contract Subcontracting Plan and as otherwise practicable.

7.5 Miscellaneous Services and Support Items

The Government may require the CM/PM to either perform Miscellaneous Services and/or Miscellaneous Items in support of services being performed through task orders.

7.6 Government Records

The CM and its subcontractors or consultants shall not disclose any information or data that is proprietary to the Government. All such information or data is reserved exclusively for use between the Government and the CM/PM Contractor, including employees of the CM/PM's firm. When deemed appropriate, the Government may authorize the release of certain information or data necessary for use by the CM/PM in performance of BPA work, and in such cases specific written authorization must be given in advance. Such data so released shall not be further disseminated and shall not be considered released into the public domain. The CM/PM must ensure that this is included in all tiers of subcontracts.

7.7 Proprietary Information

In the event that performance of any work under this BPA causes the CM/PM to gain access to proprietary and/or confidential information of other firms/contractors, the CM/PM is required to immediately execute Technology Exchange Agreements with those firms/contractors, in order to protect the information from

unauthorized use. The CM/PM is required to refrain from using any such information for any purposes other than for which it was furnished. The CM/PM must immediately provide the Contracting Officer with a copy of any such agreements with original signatures affixed.

7.8 Protection and Control of Government Records and Proprietary Information

The CM/PM is required to develop and utilize procedures for custody, use/handling, reproduction, preservation, storage, safeguarding, and disposition of all documents and information of this nature. These procedures must be designed and carried out so that there is no unauthorized disclosure of such documents and information throughout the course of BPA performance.

7.9 Technical Instructions

The performance of all BPA work is subject to the technical instructions given by the GSA Project Director and/or Project Manager. These instructions will consist of available design assumptions, general guidance, supplemental details affecting projects, coordination issues/requirements, and liaison matters involving GSA's client agencies. Cooperation with the GSA personnel is of paramount importance in performing BPA work.

7.10 Restrictions on Other Work

The CM/PM, its employees, and subcontractors/consultants are not authorized to accept any instructions, interpretations, or requests for work; honor any changes or revisions which may incur expenditures or affect price; or take actions which affect the terms of performance or any other requirements of the BPA and associated task orders without written notification signed by the TO Contracting Officer or TO COR, as appropriate.

7.11 Organizational Conflict of Interest

A. In accordance with FAR Part 9.5, a contractor that has been awarded a Construction Management task order for a project is prohibited from bidding and receiving an award for the construction of said project. Contractors may bid on construction projects in which they are not the construction manager.

B. Access to Use of Information:

- (i) If the contractor, in the performance of this contract, obtains access to information, such as Department plans, policies, reports, studies, financial plans, internal data protected by the Privacy Act of 1974 (5 U.S.C. 522a), or data which has not been released or otherwise made public, the contractor agrees that without prior written approval of the Contracting Officer it shall not:
 - (a) use such information for any private purpose unless the information has been released or otherwise made available to the public;
 - (b) release such information unless the information has previously been released or otherwise made available to the public by the Department.
- (ii) The contractor agrees that to the extent it receives or is given access to proprietary data, data protected by the Privacy Act of 1974 (5 U.S.C. 522a), or other confidential or privileged technical, business, or financial information under this contract, it shall treat such information in accordance with any restrictions imposed on such information.

8.0 GOVERNMENT FURNISHED MATERIALS AND MISC OTHER

8.1 GSA will be available to participate in the required technical meetings, to discuss user and technical issues, as GSA schedules permit.

8.2. GSA will provide the contractor with original and/or electronic copies of GSA authored materials as needed to accomplish the work.

8.3 GSA Will:

(a) Issue individual task orders specifying the scope of the professional/technical services required for the various projects.

(b) Furnish to the CM/PM, as required, copies of applicable GSA Public Buildings Service handbooks, design data, and other pertinent reference material.

(c) Provide the CM/PM with complete information on projects when related task orders are issued including drawings, specifications, and other available project documents.

(d) Arrange authorization to allow CM/PM personnel to enter required work sites upon favorable completion of Homeland Security Presidential Directive 12 (HSPD-12) and the Federal Information Processing Standards Publication (FIPS PUB 201-1) Personal Identity Verification (PIV) of Federal Employees and Contractors. HSPD-12 directs the implementation of a new standardized badging process, which is designed to enhance security, reduce identity fraud, and protect the personal privacy of those (federal employees and contractors) issued government identification.

(e) Advise the CM/PM of all formal meetings, presentations, at which their attendance is required, providing at least 3 calendar days advance notice whenever possible.

(f) Provide the CM/PM with necessary direction, including any required approvals, in a timely manner to facilitate resolution of contract or project specific problems. Timely resolution of project specific problems is essential to complete the respective projects within their established schedule and budget.

(g) Provide the CM/PM with timely payment for services rendered upon submission of acceptable invoices.

9.0 ADMINISTRATION

On behalf of the TO CO, the TO COR is responsible for the general administration of individual task orders, review/acceptance of all deliverables, and technical direction required under said task order. The TO COR will serve as the Government point of contact concerning information exchange, submission review, and payment. Nothing said by the TO COR shall be construed to change contract requirements unless supported in writing by the TO CO.

COR and CO will be inserted here by the Service Acquisition Center. Per comment from the field, should differentiate between the .CO and COR at BPA and task order level. See para 4.3 (a), (b), (c) and (d)

10.0 PAYMENTS

Payments shall be made upon receipt invoice and acceptance of materials and services. Final payment will be made upon receipt of final invoice and acceptance of materials and a Contractor's Release of Claims (GSA Form 1142).