



City of Everett - Everett Municipal Court

**State of Washington
Capital Projects Advisory Review Board (CPARB)
Project Review Committee (PRC)**

Application for Project Approval

**Submitted by
City of Everett
June 30, 2010**

State of Washington
Capital Projects Advisory Review Board (CPARB)
Project Review Committee (PRC)

APPLICATION FOR PROJECT APPROVAL
TO USE THE
DESIGN-BUILD (D-B) ALTERNATIVE CONTRACTING PROCEDURE

The CPARB PRC will only consider complete applications: Incomplete applications may result in delay of action on your application. Responses to Questions 1-8 and 10 should not exceed 20 pages (font size 11 or larger). Provide no more than six sketches, diagrams or drawings under Question 9. *(Note: A **Public Body** that is certified to use the GC/CM procedure and is seeking approval to use this procedure on a GC/CM project with a total project cost of less than \$10 million is not required to submit information for Questions 7 or 8.)*

1. Identification of Applicant

(a) Legal name of Public Body (your organization):

City of Everett

(b) Address:

**2930 Wetmore, Suite 10-B
Everett, WA 98201**

(c) Contact Person Name:

Carlton Gipson

Title:

**Director
Facilities/Property Management**

(d) Phone Number: **425-257-8981**

Fax: **425-257-8916**

E-mail: **cgipson@cit.everett.wa.us**

2. Brief Description of Proposed Project

Please describe the project in no more than two short paragraphs.

The new LEED Silver, Everett Municipal Court Building is conceived as approximately 16,000 sf with two courtrooms, judge's chambers, probation and court offices, and support space. The project will include a combination of structured and surface parking as well as expansion potential for a future courtroom set and associated support space.

Built on city-owned land adjacent to the existing, outdated Municipal Court facility at 3024 Wetmore Avenue between Pacific and Wall Streets in Everett, Washington, this site was chosen based on its proximity to support services.

3. Projected Total Cost for the Project:

Note: By law, the D-B contracting procedure cannot be used unless the total cost of the project is over \$10 million. Although there is no total project cost requirement for using the GC/CM contracting procedure, every applicant must provide the information requested in Question 3.

Projected Total Cost for the Everett Municipal Court Building is \$6,000,000. This application to use the Design-Build procedure is under RCW 39.10.300 (5) for projects between two million and ten million dollars.

A. Project Budget

Design and Construction (\$288/sf)	\$4,600,000
Contract Administration (CM, Legal, Owner)	\$300,000
FF & E, Technology, Relocation	\$300,000
Taxes, Permits, Contingencies	\$800,000
Total Project (\$375/sf)	\$6,000,000

B. Funding Status

Please describe the funding status for the whole project.

(If funding is not available, please explain how and when funding is anticipated)

The project was fully funded on May 5, 2010 via City Council Ordinance #3181-10 using City of Everett financing resources.

4. Anticipated Project Design and Construction Schedule

Please provide:

- The anticipated project design and construction schedule, including (1) procurement; (2) hiring consultants if not already hired; and (3) employing staff or hiring consultants to manage the project if not already employed or hired. *(See Attachment B for an example schedule.)*
- If your project is already beyond completion of 30% drawings or schematic design, please list compelling reasons for using the GC/CM or D-B contracting procedure.

Preliminary Project Milestones (see Attachment A for more detail)

Select Project Manager (OAC)	10 Jun 2010
Select Programming Architect (DLR)	22 Jun 2010
Project Review Committee Process	Jun-Jul 2010
Issue Design-Build RFQ	30 Jul 2010
Complete Programming, Performance Specs	1 Sep 2010
Short-list, Issue RFP	1 Sep 2010
Short-listed Teams Prep Proposals	Sep-Oct 2010

Interview and Select Design-Builder	1 Nov 2010
Complete Design, Obtain Permits	1 Jun 2011
Construction	Jun 2011-Jul 2012
Move-in	Jul 2012
Demo Existing, Complete Sitework	Jul-Sep 2012

5. Why the GC/CM or D-B Contracting Procedure is Appropriate for this Project
Please provide a detailed explanation of why use of the contracting procedure is appropriate for the proposed project. Please address the following, as appropriate:

For D-B projects:

- If the design and construction activities, technologies, or schedule to be used are highly specialized and a D-B approach is critical in developing the construction methodology or implementing the proposed technology, (1) What are these highly specialized activities, technologies or schedule, and (2) Why is D-B critical in the development of the methodology or the implementation of the proposed technology?
- If the project design is repetitive in nature and an incidental part of the installation or construction, why is the design repetitive and incidental to the installation or construction?
- If regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design, why is regular interaction and feedback not critical?

Complex Technologies Integration Best Suited to Design Build

The City’s ambition is to deliver a LEED Silver building with low life-cycle cost and appropriate security features, within a two year time frame. Considerable integration of design and construction disciplines, particularly in security, mechanical, electrical, and building enclosure systems, is essential to achieve cost-effective energy efficiency. The design and construction teams are integrated most effectively when merged at the very start of the design process. Traditional design-bid-build delivery does not support the high level of integration available in Design-Build delivery.

Fast Schedule Supported by Design Build

The City of Everett has outgrown the capacity of the present Municipal Court building. Multiple studies completed over the past ten years support building a new facility.

The fastest procurement route for the new Municipal Court is to build on City property using a design-build proposal solicitation process. This “fast-track” advantage happens when design and construction activities overlap during design-build delivery. Also, the ability to get final cost commitment early through design-build allows construction work to start much earlier in the design process than is typically possible with design-bid-build.

Facility Users Feedback Addressed

Users of the Municipal Court building will be served very well, with their feedback sought extensively during the programming prior to issuance of the RFP and during design refinement. OAC's design-build process includes meetings with users during the design refinement to confirm and/or adjust final design details prior to construction. The Design-Builder's responsibility to meet with users during detailed design phases will be clearly spelled out in the RFP documents.

6. Public Benefit

In addition to the above information, please provide information on how use of the GC/CM or D-B contracting procedure will serve the public interest. For example, your description must address, but is not limited to:

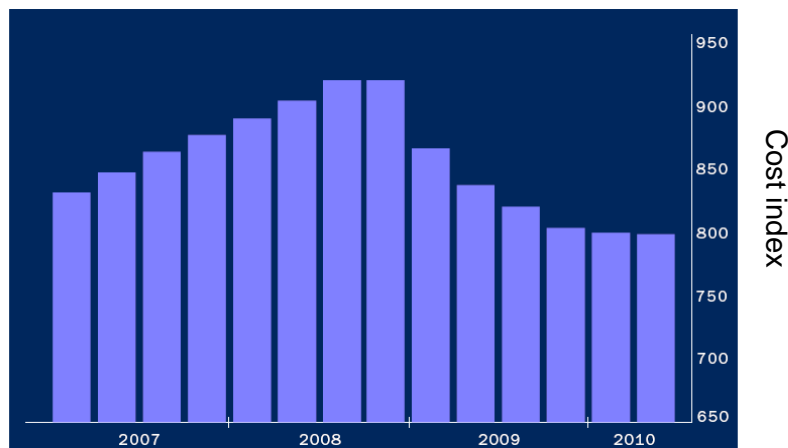
- How this contracting method provides a substantial fiscal benefit; or
- How the use of the traditional method of awarding contracts in a lump sum (the "design-bid-build method") is not practical for meeting desired quality standards or delivery schedules.

Design-Build Captures the Current Buyer's Market Quickly

A substantial fiscal benefit of design-build is to lock in contractor pricing earlier in the development process than design-bid-build. Our current schedule will have a signed, fixed-price contract by November 15, 2010 versus October, 2011 under a design-bid-build approach.

The current construction market is very favorable to owners and likely to hold through our procurement period. We expect 10-15 design-build teams to submit SOQ's with at least three outstanding teams to short-list for formal proposals. The chart below from Turner Construction illustrates the steep decline in construction purchase pricing throughout 2009 and a flattening out trend in 2010.

Procuring construction services quickly will provide a substantial fiscal benefit in securing favorable contractor pricing as quickly as possible. Design-Build delivery does this.



Turner Construction Company Second Quarter 2010 Cost Report

Design Build Provides Highly Predictable Cost Control

Our detailed RFP will require that three short-listed proposers provide a design and firm fixed price that is within the City's \$4,600,000 budget and meets the program and technical requirements. Our cost research indicates that we have a reasonable budget that will provide proposers with the opportunity for creative solutions and associate pricing for the City to choose from.

Despite the use of qualified cost estimators, design-bid-build is a highly unpredictable delivery method in terms of final pricing. This is especially true in the volatile pricing environments experienced over the last four years. The City would like to obtain the highest quality building possible within the available funds—design-build delivery supports this approach by tapping into the creativity and cost control structure available when the designer and contractor are a single entity.

GSA has Chosen Design-Build for Recovery Act Projects

In support the American Reinvestment and Recovery Act (ARRA) the U.S. General Services Administration (GSA) has chosen Design Build as the preferred method of project delivery for many of their projects. GSA recognizes the benefits of design-build to deliver projects faster, take advantage of the current marketplace, and provide a high level of accountability to taxpayers.

Significant GSA ARRA projects now underway using Design-Build includes:

- U.S. Federal Courthouse, Billings MT—\$67M
- U.S. Federal Courthouse, Bakersfield, CA—\$31M
- Federal Center South, Seattle, WA—\$65M
- Thomas Foley US Federal Courthouse, Spokane, WA—\$33M
- U.S. Customs House, Denver, CO—\$20M
- Jackson Federal Building Modernization, Seattle, WA—\$35M

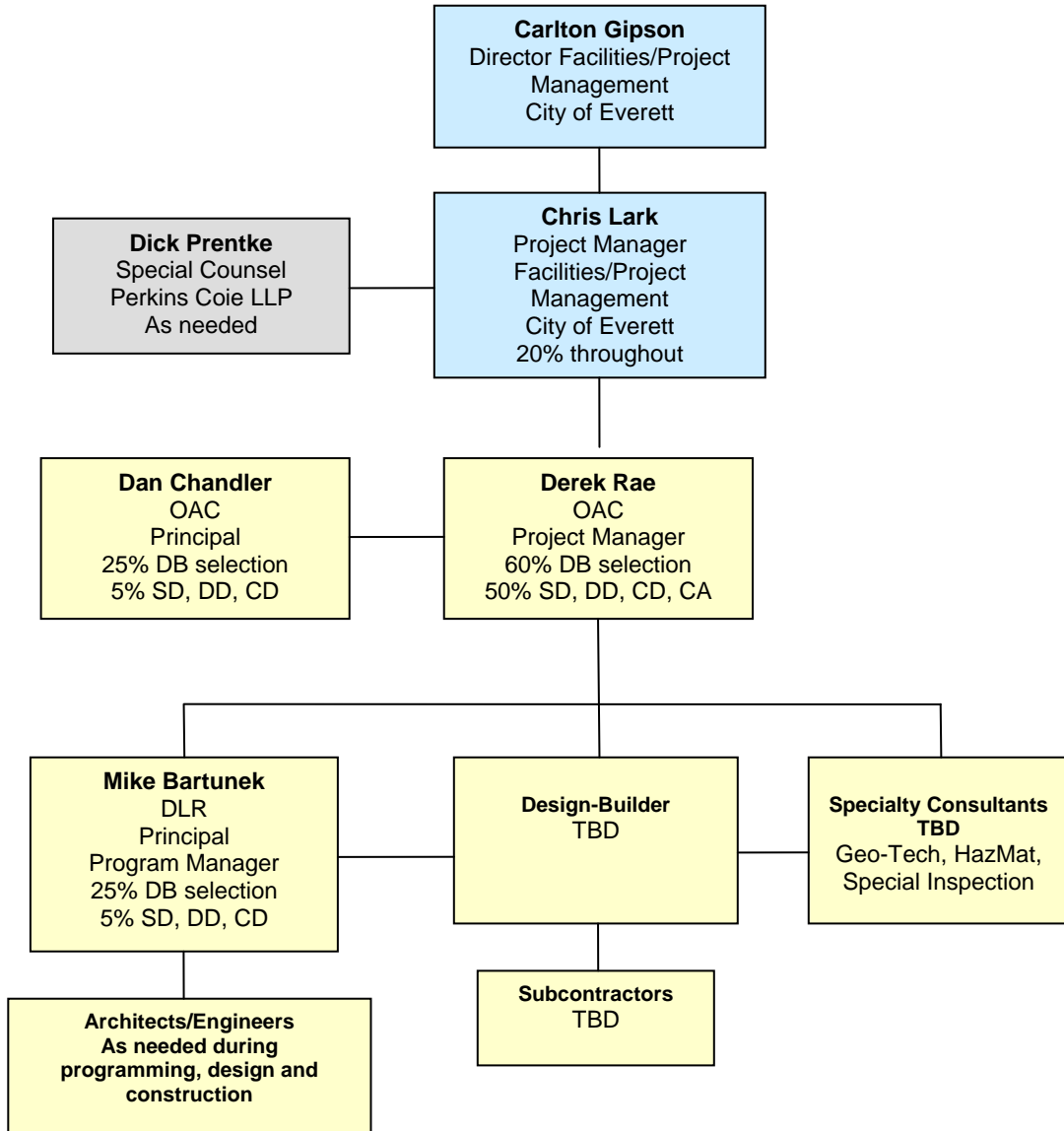
7. Public Body Qualifications

Please provide:

- A description of your organization's qualifications to use the GC/CM or D-B contracting procedure.
- A **Project** organizational chart, showing all existing or planned staff and consultant roles. *Note: The organizational chart must show the level of involvement and main responsibilities anticipated for each position throughout the project (for example, full-time project manager). If acronyms are used, a key should be provided. (See Attachment C for an example.)*
- Staff and consultant short biographies (not complete résumés).
- Provide the **experience and role on previous GC/CM or D-B projects** for each staff member or consultant in key positions on the proposed project. (See Attachment D for an example.)
- The qualifications of existing or planned for project manager and consultants. *Note: For design-build projects, you must have personnel who are independent of the design-build team, knowledgeable in the design-build process, and able to oversee and administer the contract.*
- The qualifications of an interim project manager until your organization has employed staff or hired a consultant as the project manager. Also indicate whether sufficient funds are available for this purpose and how long it is anticipated the interim project manager will serve. *Note: This information is required only if your organization has yet to select a project manager at the time of application.*
- A brief summary of the construction experience of your organization's project management team that is relevant to the project.
- A description of the controls your organization will have in place to ensure that the project is adequately managed.
- A brief description of your planned GC/CM or D-B procurement process.
- Verification that your organization has already developed (or provide your plan to develop) specific GC/CM or D-B contract terms.

The City of Everett has assembled an outstanding, experienced team of consultants and legal experts to manage all aspects of the Design-Build delivery process including the procurement process, negotiating change orders and closing out the project. For additional detail on team experience, see **Attachment B**.

Project Organization Chart



The Project Team

Chris Lark

City of Everett, Project Manager

As the City of Everett's project manager, Chris will provide the primary contact with all city staff including municipal court judges, court staff, city legal and administration. Chris will work closely with OAC to expedite decision making, project communications and project approvals.

Chris has 25 years of industry experience including 19 years with the City of Everett.

Derek Rae,

OAC, Project Manager

Derek will serve as the overall project manager for the Everett Municipal Court project. He will lead the Design-Build selection, pre-construction services, and oversight during construction.

Derek has over 13 years construction experience including extensive public and private projects and alternative project delivery.

Dan Chandler

OAC, Managing Principal

Dan will support Derek and the project during Design-Build selection, contract negotiations, and execution. He will serve as the principal in charge for the project management firm representing the City of Everett.

Dan has 30 years of construction experience including extensive courts, Design-Build and public works experience.

Mike Bartunek, AIA

DLR, Principal Architect—Programming and Performance Spec

Mike has 35 years experience in the planning, design and project management of courthouses and other public buildings. His projects include providing programming and bridging documents for design-build projects as well as complete design services. Mike has experience in all delivery methods in use today.

Mike will take the lead role for the programming architect preparing the detailed program of requirements and performance specifications. Mike will oversee DLR's in-house staff of engineers in the specialty disciplines.

Richard Prentke

Attorney

Dick is a partner in the Seattle office of Perkins Coie and chair of its national construction practice. He has practiced with the firm for three decades. He and his colleagues have represented public entities in hundreds of Washington projects. He has been involved with two of the largest “Alternative Public Works” projects in the state, serving as construction counsel to the Seattle Symphony for its design/build concert hall project in downtown Seattle and to the Seattle Mariners for their GC/CM stadium project.

Dick is a frequent collaborator with OAC on projects throughout the Puget Sound region. The Susie Stephens Memorial Design-Build Pedestrian Bridge is a recent collaboration where Dick prepared the Design-Build contract for use in the RFP and eventual execution by the contractor and the Town of Winthrop.

Organizational Controls

OAC has established project controls and reporting systems to effectively manage, the scope, schedule and budget for the project. Derek will utilize OAC's standard project budgeting tools and project management websites to manage communications and monitor progress. Budget tracking tools will establish the overall detailed budget to be approved by the City Council and then track actual expenses and forecast future costs. Schedule progress will be tracked against the master schedule.

Planned DB Process

OAC and the City are planning on utilizing a customized design-build contract agreement and general conditions developed in close coordination with legal counsel. The City's legal counsel has successfully used a similar form on multiple design-build projects in the public and private sectors.

Preparation of the two-stage design-build selection process will be based on OAC standard forms modified with the latest lessons learned. This will include:

1. Request for Qualifications
 - a. Approach
 - b. Relevant Experience/Past Performance
 - c. Proposed Team
 - d. References
2. Request for Proposals
 - a. Detailed Program of Requirements
 - b. Performance Standards for all Systems
 - c. Schematic Design Document Requirements
 - d. Price Proposal
 - e. Proposed Schedule
 - f. Oral Presentation

The selection process, scoring criteria, selection committee make up and other details will be fully detailed in the initial RFQ and followed carefully throughout procurement.

Completing the Design

Once awarded at the completion of the schematic design phase, project documents will be completed in an organized manner with specific approvals by OAC, DLR and the City of Everett at each phase. The goals of this effort are to make sure the user's needs are met along with the specific performance requirements detailed in the RFP.

8. Public Body (your organization) Construction History:

Provide a matrix summary of your organization's construction activity for the past six years outlining project data in content and format per the attached sample provided: *(labeled Att. 'E')*

- Project Number, Name, and Description
- Contracting method used
- Planned start and finish dates
- Actual start and finish dates
- Planned and actual budget amounts
- Reasons for budget or schedule overruns

Please refer to Attachment C.

9. Preliminary Concepts, sketches or plans depicting the project

To assist the PRC with understanding your proposed project, please provide a combination of up to six concepts, drawings, sketches, diagrams, or plan/section documents which best depict your project. In electronic submissions these documents must be provided in a PDF or JPEG format for easy distribution. Some examples are included in attachments E1 thru E6. At a minimum, please try to include the following:

- A overview site plan (indicating existing structure and new structures)
- Plan or section views which show existing vs. renovation plans particularly for areas that will remain occupied during construction.

Note: applicant may utilize photos to further depict project issues during their presentation to the PRC

Please refer to Attachment D.

10. Resolution of Audit Findings on Previous Public Works Projects

Following are relevant audit findings and associated Corrective Actions.

<h3>Corrective Action Plan for Findings Reported Under OMB Circular A-133</h3>
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**CITY OF EVERETT
SNOHOMISH COUNTY
January 1st, 2008 through December 31, 2008**

This schedule presents the corrective action planned by the auditee for findings reported in this report in accordance with OMB Circular A-133. The information in this schedule is the representation of the City of Everett. The State Auditor's Office has reviewed the information as presented by the City.

Finding ref number: 1	Finding caption: The City lacked adequate internal controls and was not in compliance with federal suspension and debarment requirements.
Name, address, and telephone of auditee contact person: Andy Lee, Accounting Supervisor 2930 Wetmore Ave. Everett, WA 98201 (425) 257-8604	
Corrective action the auditee plans to take in response to the finding: To ensure that the City comply with Federal Suspension and Debarment requirements, the City will implement contract language that authorizes the City to verify all Burlington Northern Santa Fe Railroad (BNSF) contractors and subcontractors against the Excluded Parties List System prior to authorizing work to begin.	

Finding ref number: 2	Finding caption: The City's internal controls were inadequate to ensure compliance with requirements of the Davis-Bacon (prevailing wage) Act.
Name, address, and telephone of auditee contact person: Andy Lee, Accounting Supervisor 2930 Wetmore Ave. Everett, WA 98201 (425) 257-8604	
Corrective action the auditee plans to take in response to the finding: To ensure that the City comply with the Davis-Bacon Act, the Transit project managers will use check lists and procedures designed to assure compliance in managing federally-funded construction projects. In addition, Davis-Bacon requirement language will be added to City of Everett standard construction contracts.	

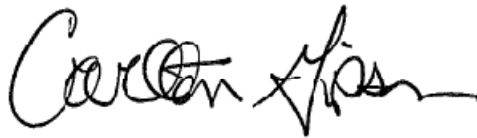
Caution to Applicants

The definition of the project is at the applicant's discretion. The entire project, including all components, must meet the criteria to be approved.

Signature of Authorized Representative

In submitting this application, you, as the authorized representative of your organization, understand that: (1) the PRC may request additional information about your organization, its construction history, and the proposed project; and (2) your organization is required to submit the information requested by the PRC. . You agree to submit this information in a timely manner and understand that failure to do so shall render your application incomplete.

Should the PRC approve your request to use the GC/CM or D-B contracting procedure, you also understand that: (1) your organization is required to participate in brief, state-sponsored surveys at the beginning and the end of your approved project; and (2) the data collected in these surveys will be used in a study by the state to evaluate the effectiveness of the GC/CM or D-B process. You also agree that your organization will complete these surveys within the time required by CPARB



Signature _____

Name (please print): **Carlton Gipson**

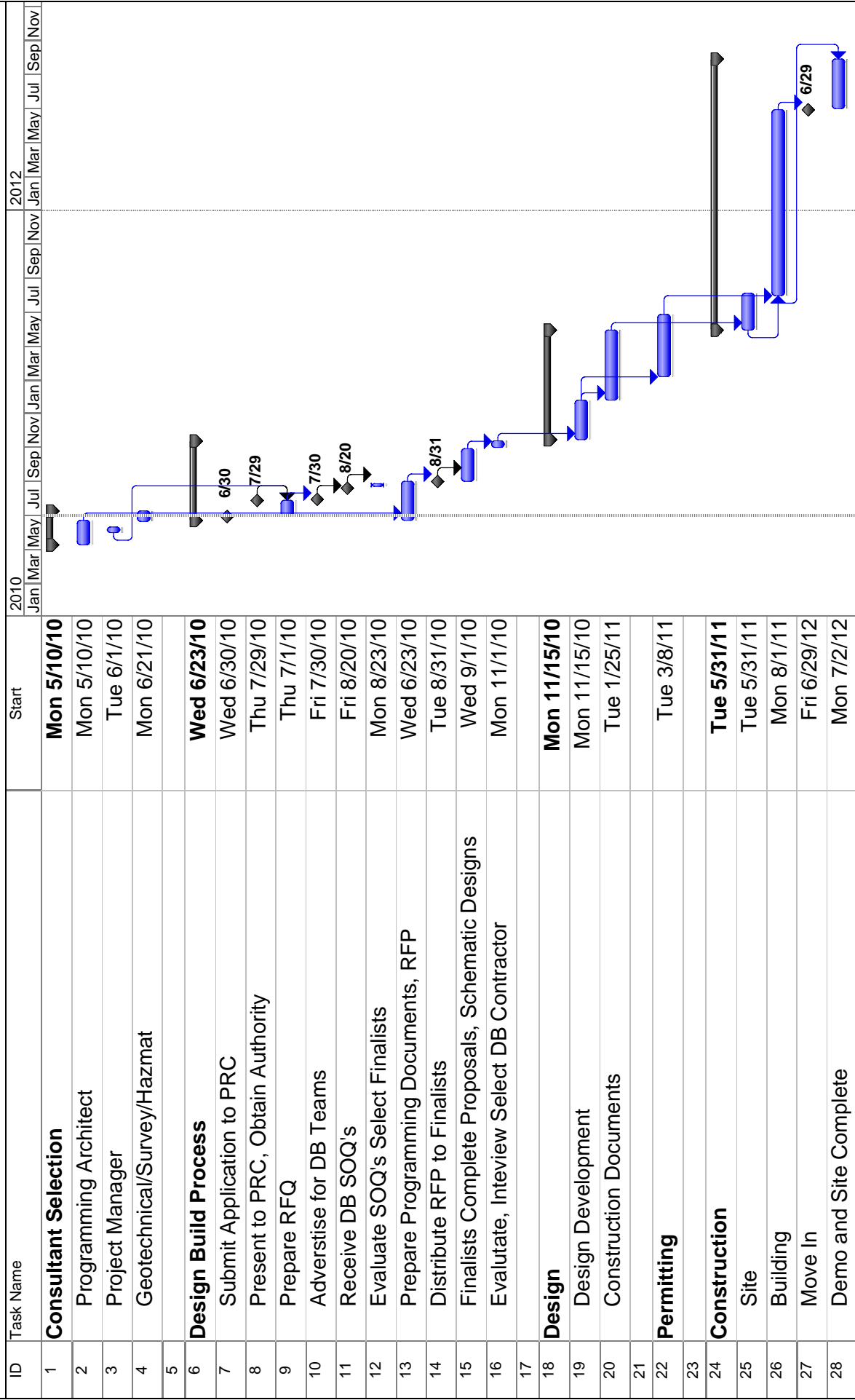
Title: **Director Project/Facility Management, City of Everett**

Date: **June, 30, 2010**

ATTACHMENT “A”

Schedule

Attachment A



Prepared by: OAC

Wed 6/30/10

**Everett Municipal Court
Preliminary Development Schedule**

ATTACHMENT “B”

Team Experience

Name	Summary of Experience	Project Names	Construction Budge Procurement Type	Role During Project Phases		
				Pre-Design	Design	Construction
Dan Chandler, PE, AIA	Managing Principal, OAC 50 person project management and specialty AE firm.	WPUDA Headquarters Susie Stephens Pedestrian Bridge Olympia City Hall, Olympia, WA US Federal Courthouse, Billings MT	\$4.5M \$2.5M \$40M \$59M	D/B D/B D/B D/B	PIC PIC PIC PIC	PIC PIC PIC PIC
Derek Rae	Associate, OAC	Virginia Mason Medical Center Sustaining Work Benaroya Research Institute Mason General Hospital Campus Renewal Seattle Asian Art Museum	\$31M \$27M \$21M \$24M	GMP GMP GC/CM TBD	PM - PM PM	PM PM PM -
Carlton Gipson	Director Facilities/Property Management	Key Bank Shell Improvements Senior Center Additions Animal Shelter Fire Station No.5	\$9M \$.8M \$5.2M \$2.5M	D/B/B D/B/B D/B/B D/B/B	Dir. Dir. Dir. Dir.	Dir. Dir. Dir. Dir.
Chris Lark	Project Manager Facilities/Property Management	Animal Shelter Wall Street Building 5th & 6th Floor TI Fire Station No.5 South Police Precinct	\$5.2M \$.5M \$2.5M \$2.8M	D/B/B D/B/B D/B/B D/B/B	PM PM PM PM	PM PM PM PM
Bill Buurisma Programming Architect	Principal in Charge DLR Group	Chillicothe Corrections Center Ada County Jail Special Needs Addition Deer Ridge Correctional Institution Coffee Creek Correctional Facility WSP Expansion Bridging Documents	\$100M \$6M \$143M \$100M \$100M	D/B D/B CM at Risk CM at Risk D/B	Planner PIC PIC/Planner PIC/Planner PIC/Planner	Designer PIC PIC/Designer PIC/Designer PIC/Design
Mike Bartunek Programming Architect	Principal DLR Group	Boeing 40-87 / 40-88 Office Buildings Boeing 9-101 & 9-98 Office Renovation ULA United Launch Alliance Tenant Improvements Boeing Future Factories Amenities Cheney Stadium Renovation Bridging Documents	\$180M Confidential \$30M Confidential \$25M	GC/CM GC/CM GC/CM GC/CM D/B	Designer Designer Designer Designer Designer	- - - - -
Vern Wigen Programming Architect	Senior Associate DLR Group	WSP Expansion Bridging Documents Canyon County Future Jail Bridging Documents Mat-Su Prison Bridging Documents Marysville Getchell High School 5 Hotel, Office, Retail Projects- Bellevue	\$100M \$50M \$300M \$68M \$500M	D/B D/B D/B GC/CM GC/CM	Specs Specs - - -	Specs Specs Specs Specs CA -
Richard O. Prentke	Attorney, Perkins Cole	Susie Stephens Pedestrian Bridge Puget Sound ESD Greenbridge Early Learning Center Corporate Headquarters Building Downtown Seattle 5 Hotel, Office, Retail Projects- Bellevue	\$2.5M \$18.5M \$200M \$500M	D/B GC/CM GC/CM GC/CM	- - - -	- - - -

ATTACHMENT “C”

Public Project Experience

City of Everett - Construction History (10 years)

Project #	Project Name	Project Description	Contracting Method		Planned Start		Planned Finish		Actual Start	Actual Finish	Planned Budget	Actual Budget	Reason for Budget or schedule overrun
			Method	Start	Start	Finish	Start	Finish					
1	Key Bank	Shell Improvements	D/B/B	N/A	N/A	N/A	N/A	May-10	ongoing	\$1.9M	\$1.3M		
2	Senior Center	2,800 SF Addition	D/B/B	N/A	N/A	N/A	N/A	Feb-10	ongoing	\$1.0M	\$1.25M	fire sprinkler additions	
3	Animal Shelter	New 18,800 SF Shelter	D/B/B	N/A	N/A	N/A	N/A	Apr-08	Aug-09	\$8.4M	\$6.2M		
4	Fire Station No.4	Exterior Renovations	D/B/B	N/A	N/A	N/A	N/A	Jul-09	Mar-10	\$850K	\$430K		
5	Wall Street 5 & 6	Tenant Improvement	D/B/B	N/A	N/A	N/A	N/A	Mar-08	Aug-08	\$750K	\$749K		
6	Council Chambers	Interior Remodel	D/B/B	N/A	N/A	N/A	N/A	Oct-04	Nov-05	\$543K	\$360K		
7	Fire Station No.5	New 12,100 SF Station	D/B/B	N/A	N/A	N/A	N/A	Jun-02	Sep-03	\$2.65M	\$3.3M	original project scope changed	
8	Fire Station No.6	2,100 SF Addition	D/B/B	N/A	N/A	N/A	N/A	Nov-01	Feb-02	\$830K	\$877K	unforseen soil conditions	
9	South Precinct	20,000 SF Remodel	D/B/B	N/A	N/A	N/A	N/A	Sep-00	May-02	\$3.8M	\$4.3M	original project scope changed	
10	Police HQ Bsmt.	11,000 SF interior Remodel	D/B/B	N/A	N/A	N/A	N/A	Dec-01	Jun-02	\$620K	\$673K	unforseen structural conditions	

ATTACHMENT "D"

Site Plan and Preliminary Drawing

