



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Wisconsin

The American Council of Engineering Companies of Wisconsin

3 S Pinckney Street, Suite 800 Madison, WI 53703
Tel: 608-257-9223 Fax: 608-257-0009 www.acecwi.org

the business voice of the Wisconsin consulting engineering industry

ACEC WI White Paper

PUBLIC DESIGN-BUILD PROCUREMENT IN WISCONSIN

Background

Design-build is a system of procuring the design and construction of a facility from a single source under one contract with the Owner. Design-build has long been used in the private sector as a method to construct new facilities. It has also been used on select public projects where the constraints of the traditional design-bid-build delivery system would not meet the demands of the project.

The Wisconsin statutes currently recognize only the design-bid-build method as a way for Public Owners to take a project from concept to completion. Increasingly, Public Owners are requesting that they be allowed to use design-build for delivering construction projects. At present, several pieces of legislation have been introduced that would grant municipalities this authority.

Position

The American Council of Engineering Companies of Wisconsin (ACEC WI) is committed to the health, safety, and welfare of the public. ACEC WI does not endorse any one project delivery method, but rather endorses the ability of Public Owners to make educated decisions when selecting a project delivery method.

Guiding Principles

- ACEC WI supports the right of Public Owners to choose from an array of project delivery methods, including the traditional design-bid-build as well as design-build, design-build-operate, construction management, and other variants.
- ACEC WI and its members, as trusted advisors, shall endeavor to educate Public Owners on the benefits and risks of each method of project delivery using the principles of Value Based Project Delivery as defined by the American Council of Engineering Companies (ACEC).
- The selected delivery system shall best meet the needs of the project and shall uphold the health, safety and welfare of the public.
- The selected delivery method shall not compromise the integrity of the design professional.
- Selection of all participants in a design-build project shall be based on their qualifications.

Detailed Guidelines

While the statutes provide a framework for design-bid-build, there are currently no requirements for any other delivery method. ACEC WI believes that the following set of guidelines needs to be followed when evaluating and selecting a delivery method other than design-bid-build.

The Public Owner shall select the project delivery system that best meets the needs of each project. Criteria that might be considered when determining the suitability of an alternative delivery system include:

- a) Time constraints for delivery of the project;
 - b) The capability of the Owner to manage the project;
 - c) The availability of qualified entities;
 - d) The ability of the Owner to adequately define the scope, schedule, level of quality and budget of the project;
 - e) The degree of control desired by the Owner;
 - f) The value of single source responsibility; and
 - g) The value of a guaranteed maximum price.
2. The Public Owner may be represented throughout the entire project by a design professional (either in-house or retained) as dictated by the scope of the project. The retained design professional shall be selected based on their qualifications and experience. The design professional shall provide technical guidance on behalf of the Owner.
 3. The Owner shall be responsible for preparing an outline of the project, which describes all project requirements. The outline shall include at a minimum the project's scope, design criteria, concept drawings and schedule, as well as all preliminary analyses, reports and cost estimates that have been prepared for the proposed project.
 4. The Owner shall solicit statements of qualifications from prospective design-build teams. A shortlist of no more than five design-build teams shall be identified based on an evaluation of the qualifications of the prospective bidders.
 5. Each prospective design-build team shall include a design professional, properly registered for the work involved, and a contractor properly licensed for the type of work required.
 6. The Owner shall invite the short listed firms to submit detailed specific technical concepts or solutions, costs, and scheduling information.
 - a) The Owner shall develop evaluation factors to be used in the evaluation of the proposals. The evaluation factors should be identified in the solicitation.
 - b) Until a proposal is accepted, the drawings, specifications, and other information contained in the proposal shall remain the property of the team making the proposal.
 - c) After evaluation of these submissions, the Owner shall accept the proposal it considers most advantageous.

ACEC WI believes that adherence to these guidelines will benefit the public by minimizing the risk undertaken by the Public Owner, as well as the design and construction community by bringing uniformity and consistency to the process of construction in the public sector.

Adopted September 22, 1999 (reflects ACEC name change from 2001 & ACEC WI name change in 2002)