CONTRACTING PUBLIC WORKS VS CONSTRUCTION

AND

BEST PRACTICES FOR PREVENTATIVE MAINTENANCE AND DISASTER SERVICES

PRESENTED BY:

TERESA HIGGINS, DIRECTOR OF CONTRACTS & SERVICES, USG BOARD OF REGENTS

JIM BARNABY, STRATEGIC SOURCING DIRECTOR, USG BOARD OF REGENTS

DAVID SIMS, ASSISTANT VICE PRESIDENT OF FACILITIES, MIDDLE GEORGIA STATE UNIVERSITY
Public Works Contract

Any contract, to be performed on public property of the state involving a fixed asset.

Public Works Construction Contract

Involves a supply of labor or materials by ANY subcontractors or suppliers to a project, whether supplied to the contractor or to a subcontractor.

Reference: D. Carson, Assistant Attorney General, Georgia Department of Law, April 25, 2017.
Question: There are concerns regarding hazardous materials on the construction site at State University campus and a groundwater monitoring well is suggested.
Question: There are concerns regarding hazardous materials on the construction site at the University of North Georgia and a groundwater monitoring well is suggested.
Question: Facilities Management wishes to commence the campus master plan. Phase 1 includes replacing the landscaping and signage at the South end of campus. This project will include sod, shrubs, trees, some demolition, electrical, and masonry.
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Question: An older building on campus needs significant renovation however funds are not currently available to make these large improvements. The department finds funds to clean and refinish the floors which is desperately needed.
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PUBLIC WORKS CONTRACTS AS IT RELATES TO PREVENTIVE MAINTENANCE CONTRACTS

- Elevators
- Chillers
- Boilers
- Split Systems
- Fire Suppression System
- Fire Extinguishers
- Pest Control
- Water Treatment
- Building & Ground Maintenance
HOW SHOULD PREVENTIVE MAINTENANCE CONTRACTS BE TREATED???
### COMPETITIVE BIDS

- **Direct Award**
- **Invitation to Bid**
- **Competitive sealed bids**
- **Posted to the GPR**

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#### Bid & Advertising Requirements

**Bond Requirements**

**for**

Procurement of Public Works Construction Contracts (Design Bid Build – “Hard Bid” – Delivery Method)

<table>
<thead>
<tr>
<th>Construction Cost*</th>
<th>Bid Bond / Performance &amp; Payment Bond Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $50,000</td>
<td>• Public Advertisement not required.</td>
</tr>
<tr>
<td></td>
<td>• Competitive bidding not required.</td>
</tr>
<tr>
<td></td>
<td>• Bid Bond at the campuses discretion.</td>
</tr>
<tr>
<td></td>
<td>• Performance and Payment Bond at the campuses discretion.</td>
</tr>
<tr>
<td>Equal to/Greater Than $50,000 &amp; less than $100,000</td>
<td>• Public Advertisement not required.</td>
</tr>
<tr>
<td></td>
<td>• Competitive sealed bids should be obtained from at least a minimum of three contractors with award to the lowest responsive bidder.</td>
</tr>
<tr>
<td></td>
<td>• Bid Bond at the campuses discretion.</td>
</tr>
<tr>
<td></td>
<td>• Performance and Payment Bond at the campuses discretion.</td>
</tr>
<tr>
<td>Equal to/Greater Than $100,000 &amp; less than $250,000</td>
<td>• Public advertisement required on the Georgia Procurement Registry (GPR).</td>
</tr>
<tr>
<td></td>
<td>o Additional means of advertising (i.e. newspapers, plazamors) at the campuses discretion.</td>
</tr>
<tr>
<td></td>
<td>• Bid opening shall be no sooner than 15 calendar days after the date of GPR advertising.</td>
</tr>
<tr>
<td></td>
<td>• Public bid opening required.</td>
</tr>
<tr>
<td></td>
<td>• Bid Bond required.</td>
</tr>
<tr>
<td></td>
<td>• Performance and Payment Bonds required.</td>
</tr>
<tr>
<td>Equal to/Greater Than $250,000 &amp; above.</td>
<td>• Public advertisement required on the Georgia Procurement Registry (GPR).</td>
</tr>
<tr>
<td></td>
<td>o Additional means of advertising (i.e. newspapers, plazamors) at the campuses discretion.</td>
</tr>
<tr>
<td></td>
<td>• Bid opening shall be no sooner than 30 calendar days after the date of GPR advertising.</td>
</tr>
<tr>
<td></td>
<td>• Public bid opening required.</td>
</tr>
<tr>
<td></td>
<td>• Bid Bond required.</td>
</tr>
<tr>
<td></td>
<td>• Performance and Payment Bonds required.</td>
</tr>
</tbody>
</table>

* *The Bid and Advertising Requirements, and Bond Requirements, are driven by the Construction Cost as estimated at the time the procurement of said construction services begins.*

**This policy does not apply to emergency repairs.**
COMPETITIVE BIDS (BEST PRACTICE)

- Conduct through your Procurement Team as a Request for Proposal (RFP) to allow flexibility.
- Key Performance Indicators (KPIs)
- Program Requirement Document (PRD)
- Cost Worksheet

** Procurement Team should be certified on the RFP process and very familiar with evaluating contract performance and renewals.
PM CONTRACT BENEFITS

✓ Renewable Annual Contracts
✓ Minimizes Risks to Institution
✓ Clear Terms & Conditions
✓ Locked in Rates
✓ Clear Understanding on Trip Charges
✓ Licensed and Insured
✓ Service, Payment and Invoicing validation
✓ Key Performance Indicators to Monitor Performance
✓ Annual Performance Reviews
✓ The Ability to monitor and control spend
PAYMENT BONDS

Landscape Maintenance and Cleaning Services: Routine landscape maintenance and cleaning services contracts would not be subject to the payment bond requirement under O.C.G.A. § 13-10-60. However, if the work could be considered significant enough not to be "routine," there is a valid legal argument the contract is a "public works construction" contract and therefore would be subject to payment bond requirements. While there are no additional cases decided under
PROTEST PROCEDURES-PWC

- Protest must be in writing and signed by a company officer authorized to execute agreements on behalf of the bidder or offeror or provided by an authorized legal representative of the protestor. The protest must include, at a minimum, the following information:
  - name and address of the protestor;
  - identification of the solicitation or contract by the project name and/or project number;
  - Concise statement of the reasons(s) for the protest;
  - Any supporting exhibits, evidence or documents to substantiate the claim(s); and desired remedy.

- The protest shall be filed with the Director of Contracts & Services via any of the following means: Mail: Board of Regents of the University System of Georgia Office of Real Estate & Facilities Attention: Director of Contracts & Services 270 Washington Street, SW Atlanta, GA 30333
  - Email: pwcprotest@usg.edu
DISASTER RECOVERY AT
MACON STATE COLLEGE

LESSONS LEARNED
MAY 11, 2008 TORNADO
MACON CAMPUS

- 16 buildings
- 471,049 gsf
- 170 acres
- 2008 Student enrollment – 6,261
WADDELL BARNES BOTANICAL GARDENS

- Created in 2003 by Board of Regents
- Named for the chair of the MSC Foundation’s Board of Trustees and the driving force behind the development of this unique horticultural resource.
  - Initial plantings in 1968.
  - Master Plan by Robert & Company.
MASTER PLAN BY ROBERT & COMPANY, COMPLETED IN 2000

DIVIDED INTO 16 GARDENS:

• Southern Traditional
• Fruit Trees
• Shrubs and Vines
• Medicinal
• Natives
• Showy Fruit
• Showy Flowers
• Fragrant

• Wet Environment
• Touch & Feel
• Fall Colors
• European
• Asian
• Urban Environment
• Industry
• Xeriscape
MASTER PLAN BY HGOR, COMPLETED IN 2010
Award of Excellence
2005

The award, represented by a crystal vase, is sponsored by Georgia’s Board of Regents and is the highest honor given for "efforts that embody the Regents’ commitment to the concept that a campus is more than the sum of its buildings."

Members of MGA's plant operations crew along with various officials. From L-R are James Hinson, Mance Graves, Jason Williams, Eric Bois, Tommy Thomas, Derrick Catlett, Dr. Waddell Barnes, David Sims, Linda Daniels, James Harden, Dr. David A. Bell, Alvin Banks, and Derrick Taylor.
The Entire Campus

All who visit Morehead State experience the beauty that surrounds them. Long-term plans include new, public, green areas, and buildings, with the entire 80-acre facility being designed to enhance the landscape for years to come. The heart of campus is the natural Botanical Gardens, located at 1200 College Dr. This 80-acre campus includes some of the most stunning greenery in the Southeast. The gardens feature a variety of native and exotic plants, including annuals, perennials, and woody plants. The gardens are open to the public and are managed by a team of dedicated gardeners who work tirelessly to maintain the beauty of the grounds.

Counsellor Gardens

The Counsellor Gardens are a beautiful addition to the Morehead State campus. The gardens feature a variety of plants and flowers, including roses, irises, lilies, and tulips. The gardens are open to the public and are located on the south side of the campus. Visitors can enjoy the beauty of the flowers and the serenity of the gardens, making it a perfect spot for a relaxing afternoon.

Put to Good Use

With the beauty of the Counsellor Gardens, there is no reason why you should not take advantage of the amazing natural beauty that surrounds you. Whether you are a student, employee, or visitor to the Morehead State campus, you can enjoy the beauty of nature and the tranquility of the gardens. So, why not stop by and take a walk through the gardens today? You won't be disappointed.

For more information, please visit moreheadstate.edu/landscape or call 859-474-7198.
Arts Complex/Theater
Curtain wall

Tennis Courts
Gymnasium
Fencing
Handrails
Irrigation
Signage
Site
Furnishings:
• Picnic Benches
• Trash Cans
• Path Benches
OUR RESPONSE

CONTACTED BOARD OF REGENTS
Bruce Holmes, Director of Safety & Security

STRUCTURAL ASSESSMENTS:
Retained Structural Engineer to verify buildings were approved to occupy

Used BOR Disaster Recovery Contract to engage Parker Young
BOR Contracted with Alcon Disaster Services, and Parker Young in 2003 to provide disaster recovery services.

Macon State College pre-selected Parker Young and had their phone numbers programmed into cell phones.

Small planning steps like this made a significant difference.
EXHIBIT A
NON-EXCLUSIVE DISASTER RESTORATION AND RECOVERY SERVICES CONTRACT

WHEREAS, the University of Georgia System (UGS), through its Board of Regents, has recognized the need for the services of qualified contractors to provide disaster restoration and recovery services, and has determined that the services of Parker Young Construction, as identified in the attached schedule, are necessary and desirable;

WHEREAS, UGS desires to contract for disaster restoration and recovery services, on a non-exclusive basis, with Parker Young Construction, for the period specified in the attached schedule;

NOW, THEREFORE, the parties agree as follows:

DEFINITIONS

1. The term “Contractor” means Parker Young Construction, Inc.

2. The term “Disaster Restoration” means the activities performed by Parker Young Construction, Inc. to restore the facilities of the University of Georgia System to their pre-disaster condition.

3. The term “Restoration” means the activities performed by Parker Young Construction, Inc. to restore the facilities of the University of Georgia System to their pre-disaster condition.

4. The term “Recovery” means the activities performed by Parker Young Construction, Inc. to restore the facilities of the University of Georgia System to their pre-disaster condition.

5. The term “Schedule” means the schedule attached hereto.

This Exhibit A is executed this day of , 2003 by the University of Georgia System, through the Board of Regents, and Parker Young Construction, Inc., for the period specified in the Schedule attached hereto.
• UTILITY ASSESSMENTS:
  • Electricity - Generators
  • Phones

• DAMAGE ASSESSMENTS:
  • Roofs
  • Room by Room Assessment – use of floor plans/estimated cost to cure
  • Carpet – using floor plans

• ASSESSMENT OF IMPACT TO ACADEMICS:
  • Maymester began on 5/12/09. Classes were cancelled for that Monday, but resumed Tuesday, 5/13/09.
  • Consolidated all Maymester classes to the Student Life Center, which was run off generator power, for one week. Restricted vehicular traffic to one specific parking area, and restricted pedestrian traffic to one entry and exit point. Utilized additional security personnel.
Coastal Georgia Community College
Dr. Dorothy L. Lord, President
C. Tom Saunders, VP for Business Affairs
Greg Adams, Director of Facilities & Plant Operations
Chipper

Gordon College
Dr. Lawrence V. Weill, President
Jerry Turner, VP for Business Affairs
Richard Vereen, Director of Plant Ops
Work Crew
Georgia College & State University
Dr. Dorothy Leland, President
Peter W. Shields, VP for Business & Finance
Kevin Murner, Interim Co-Plant Manager
Rick Ruark, Interim Co-Plant Manager
Work Crew & Equipment

Georgia Southern University
Dr. Bruce Grube, President
Joseph W. Franklin, VP for Business & Finance
Ron Dennis, Director of Plant Administration
Work Crew & Equipment
Georgia Southwestern State University
Dr. Kendall Blanchard – President
W. Cody King, Vice President for Business & Finance
George L. Smith, Director of Plant Operations
Work Crew & Equipment

Columbus State University
Frank Brown, President
Tom Helton, Vice President for Business & Finance
Mr. Eddie Woodhouse, Assistant VP of Facilities, Director of Plant Operations
Work Crew & Equipment
LESSONS LEARNED

• PURCHASING/BIDDING (2008)
  
  • Emergency Repairs are not held to same bid requirements; however, where possible, purchasing guidelines are to be followed. (i.e., irrigation, fencing, debris removal, etc.)
EVERYTHING IN WRITING!!

Capture ALL man hours and equipment hours, in-house, contract and sister institution.

USES:

- Insurance Company
- FEMA
- Reimbursement for Sister Institutions
<table>
<thead>
<tr>
<th>Company</th>
<th>Director</th>
<th>Description</th>
<th>Type of Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excel</td>
<td>Custom</td>
<td>Fieldwork</td>
<td>Field notes</td>
</tr>
<tr>
<td>Service</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**EXCEL SPREADSHEET USED TO CAPTURE INFORMATION**
FEMA (2008)

- Must have a Disaster Resistant University-Hazard Mitigation Plan, approved by GEMA.
- Must have Debris Removal Plan as part of the DRU.
- Complete Project Worksheets for each property/loss.
- Provide labor/material/invoice backup documentation.
- Covers debris removal up to 10' from path.
INSURANCE

- DOAS Self-Insures for up $3,000,000 per occurrence.
- In our case, there were a number of excess carriers.
  - We also worked with excess carriers’ consultants.
- Trees, stump removal, mulch/debris – We were told by the insurance excess insurance carriers that this was only covered if you can prove you planted them; later, this proved to be false.
- Vehicles – Covered by DOAS
- Utility Carts – Must be covered by DOAS with special rider
- BLLIP data base – make sure buildings are not under-insured. If structure is not on BLLIP database, it is not covered
• For emergency purchases, get 3 quotes from vendors. Where possible, advertise and bid project following DOAS procedures.
• Submit quotes or low bid to consultant for approval (by email)
  • Receive letter from consultant “approving” expense
  • Have work performed and pay contractor
  • Submit invoices to DOAS for reimbursement
  • DOAS to work with insurance company for payment
• Involved early in the process.
• Invited to all meetings with insurance companies.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by MGA</td>
<td>$3,744,977.59</td>
</tr>
<tr>
<td>Reimbursed by DOAS</td>
<td>$2,960,844.39</td>
</tr>
<tr>
<td>Reimbursed by FEMA</td>
<td>$0</td>
</tr>
<tr>
<td>Difference</td>
<td>$784,133.20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exterior</th>
<th>Buildings/Interior</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,156,623.33</td>
<td>$1,588,354.26</td>
</tr>
</tbody>
</table>

This does not include stump removal or reforestation.
PRE-DISASTER PLANNING

• MSC A.L.E.R.T.
  Macon State College Agency Law Enforcement Response Team

Table Top Drills

Functional Exercises
MSC A.L.E.R.T.

MSC President’s Cabinet
• David Bell, President
  ○ John Cole, VP Institutional Affairs
  ○ Albert Abrams, VP External Affairs
  ○ Levy Youmans, VP Fiscal Affairs
• Ann Loyd, Counseling Center Director
• Barbara Frizzell, VP Academic Affairs
• Bill Weaver, Director of Communications
  ○ Carl Dudley, Chief of Security
• David Sims, Director of Plant Operations
• Drew Shugart, Asst Dir., Plant Operations, WRC
• KC Harris, Asst Dir., Plant Operations, Macon
  ○ Lynn McCraney, Dean of Students
  ○ Mike Hale, Executive Director, WRC
• Sue Chipman, Director of Development
• Roger Dixon, Chief Information Officer

Emergency Management Agency
• Latravius Smith, Macon/Bibb EMA
  ○ Ed Helms, Macon/Bibb EMA
  ○ Glenn Pope, Macon/Bibb EMA
• Johnny Wingers, Macon/Bibb EMA
  ○ Jeff Morrison, GEMA
  ○ Sandra Stone, EMA/ARC
• Vickie Thompson, OHS-GEMA

Bibb County Sherriff’s Office
• B.E. Peterson, SWAT
  ○ Lt. Chip Wagner
  ○ Lt. Mike Scarbary
  ○ Lt. Chris Patterson, SWAT
  ○ Harry Colbert, SWAT
  ○ Charlie Gunnels
  ○ David Davis
• George Meadows, Information Officer

Other Emergency Responders
• Sabrina Jones, GBI ME Office
  ○ Melissa Sims, GBI ME Office
  ○ Martin Riggins, Macon Bibb Fire Dept.
  ○ Demetrius Ellison, Macon Bibb Fire Dept
  ○ Charles Seymour, WR Red Cross
  ○ Ginny Hogan, Macon Red Cross

Coroners’ Offices
Leon Jones, Bibb County
Ronnie Miley, Bibb County
Lonnie Miley, Bibb County
Harold Reece, Jr., Twiggs County

Hospital/Medical Personnel
Daniel Strandburg, MCCG
Lee Olivier, MCCG
Kelly Joiner, MCCG EMS
Susan Downing, Coliseum Northside
Jody Mitchell, Mid Ga. Ambulance
Dennis Hogg, Mid Ga. Ambulance
Tony Hester, Macon/Bibb Health Dept
Donna Cadwell, Macon/Bibb Health Dept
Karen Thyssen-dorf, Macon/Bibb Health Dept
MOST VALUABLE LESSON - PLANNING

• Before an emergency arises, know who to contact, when to contact them, and what they can do for you
  • Pre-selection of disaster recovery firm
    • Correct valuation of property
  • MSC A.L.E.R.T. – conduct exercises
  • Good relationships with local vendors
    • Good relationships with sister institutions
  • Completion of Pre-Disaster Hazard Mitigation Plan
    • Get familiar with NIMS and Incident Command