

**MEETING NOTES**  
Quality in Construction  
January 16, 2013

**Attendees**

Alan Robertson, Office of the State Architect  
Bob Oglesby, Office of the State Architect  
Chloe Shafer, State of Tennessee – STREAM  
Jami Miller, State of Tennessee – STREAM  
Jim Dixey, State of Tennessee – STREAM  
Lynelle Jensen, State of Tennessee – STREAM  
Peter Heimbach, State of Tennessee – STREAM  
Tami Robison, State of Tennessee – STREAM  
George Criss, University of Tennessee  
Tim McKeehan, University of Tennessee  
Allen Ray, Tennessee Board of Regents  
Carl Manka, Tennessee Board of Regents  
Dick Tracy, Tennessee Board of Regents  
Bill Young, AGC of Tennessee  
Bob Pitts, ABC  
Candy Toler, ACEC  
Connie Wallace, AIA Tennessee

Allan Cox, Bell & Associates Construction  
Page Inman, Inman-EMJ Construction  
Carl Munkel, Gresham Smith & Partners  
Bryan Hay, Hardaway Construction  
Stan Hardaway, Hardaway Construction  
Chris Remke, Hawkins Development  
Terry Self, Interstate Mechanical Contractors  
Johnny Stites, J&S Construction Company  
Chris Steigerwald, Messer Construction  
John Finch, Powell Building Group  
Don Freeman, Rentenbach Constructors  
Gary Cooper, Skanska USA Building  
Rob Barrick, Smith Seckman Reid  
Don Miller, Thomas Miller & Partners  
Larry Hart, Thomas Miller & Partners  
Wayne Johnson, Thomas Miller & Partners  
Ed Baldwin, Turner Construction Company  
Trey Wheeler, TWH Architects

Bob Oglesby welcomed everyone and thanked them for all the work they had done previously and agreeing to offer their personal time and expertise again.

Bob went over a few ground rules then asked Alan Robertson to review the original QIC goals, focus groups and “initial” challenges as listed below:

1. Define their particular procurement model including alternatives within the model.
2. Develop a procedure to determine when and when not to use the particular procurement model.
3. Establish a framework for the models to work within that could provide the foundation and basis for policy and procedures to be adopted by the State Building Commission.
4. Develop guidelines and model documents for State’s use for each model.
5. Recommend a pilot project for each model for the State to gain experience and knowledge of the procurement process.
6. Monitor each pilot project and provide feedback relative to the successes and failures of the pilot for refinements and improvements.
7. Develop SBC policy and procedures changes for SBC approval.

Bob then explained the next one and one half hour was to have an open forum interactive discussion and he asked for someone to start.

John Finch said he would like to see the industry more involved in:

- Deciding what delivery method is used
- Training how to evaluate scoring of proposals
- Being an advisor to the selection committees

John added he would like to see more consistency in scoring the same items by different evaluators of the same proposer on a single project.

John said he would like to understand if each Procurement Agency follows the RFP selection process verbatim or if they interpret it differently.

- Peter Heimbach commented all three Procurement Agencies do things related to the selection process very similarly except STREAM has a wider variety of project types and situations than Higher Education.
- Brian Hay added saying STREAM has improved its RFPs due to previous lessons learned experiences, so newer RFPs are more reflective of their current efforts and thinking than earlier versions.
- Dick Tracy said TBR does not put any weight on a proposer's State work experience but focuses on their experience in general and the team doing the work.
- Dick added they are interested in revising the template requirements of the RFP to better reflect the items they believe are more important in the selection process.
- Dick commented that inconsistencies in the presentation of individual proposer's content make it difficult to compare.
- TBR tries to take out the subjective personal opinions of each evaluator and focus on only the information presented in the proposal.

An industry representative asked, "Will the State allow a non-voting advisor from the private sector as discussed at previous QIC meetings?"

- George Criss said yes in determining the criteria for inclusion in the RFP but not clear if he would support their inclusion during the actual evaluation process and stated that he supports training of evaluators.
- Dick Tracy commented TBR has been using designers and consultants as advisors on contractor evaluations so no contractors are eliminated from competing.
- John Finch said ABC and AGC previously offered a panel of 24-40 human resources across the State who would volunteer and not compete on a particular project.

Bob Pitts commented ABC concurred with the main issues discussed by AGC members in this meeting.

Ed Baldwin said the previous QIC group kept coming back to the same issues which all had to do with how to handle the actual selection process and which delivery method to use.

- John Finch said he would add to that the issues of qualifications of and the training of evaluators, and criteria used in the selection process.

Bob Oglesby took a moment to summarize what he had identified so far as the items needing to be discussed in greater detail than time would allow. They included:

- Qualifications and training of evaluators
- Defining the selection criteria of proposers
- Delivery method selection criteria and process
- Use of advisors

Brian Hay commented, and others added in on, there are several issues related to qualifying and selecting sub-contractors on Best Value projects.

- The Owner disqualifying one or more from a proposing General Contractors pool of subcontractors and that impact on the GCs proposal and/or bid.

- The GC needing to select the cheapest sub to submit the lowest bid even if not the best qualified.
- Different pools of subs submitted by different GCs – so some GCs may not be as well known to the Owner.
- Does the Owner really want to be in the middle of deciding with whom (subs) the GC contracts?
- Dick Tracy said they do not want to be in the bidders business.

Lynelle Jensen gave a brief overview of the T3 scope of work and why the State chose to use Design Build – minimal design, driven by schedule.

John Finch commented that early Design Build T3 RFPs included requirements to provide examples of similar experience by the team and individuals during the last 5 years. This was very difficult for many companies given downsizing of contractors and designers due to the recession – maybe a longer time frame should have been offered.

- Lynelle replied saying they heard that also, and their more recent RFPs included the submittal of relevant Design-Build or CM experience.
- Peter Heimbach stated that the RFP asking for Design Build teams with experience working together for 5 years minimum was due to the need of the Design Build team not being allowed a “start-up” time due to a very tight schedule. This was not an RFP requirement but could be graded higher.

Chris Remke stated the State needs to provide Project Managers who are “enabled” to make decisions.

- Jim Dixey responded by describing their recently created PMO (Project Management Office) operation.
- Johnny Stites asked why the State is having their own people do what the construction experts should be doing.
- Jim Dixey replied he had not been clear in his previous comments, and added they are not trying to do the Contractor’s duties but to put project controls in place in regards to cost, schedules relative to the creation of STREAM’s entire portfolio master schedule, etc. and provide Owner level Project Management services as well.
- Johnny Stites asked if the PMO reps (PBA) are held accountable, and Jim replied yes.

While John Finch commented he did not like RFPs limiting submittals to certain qualified contractors and that they should be opened up so more can compete, Don Freeman said he liked them being more tightly defined so you know whether or not you have a chance before you put in a lot of effort on a proposal.

Don Freeman said they would want SPAs to be specific enough in the RFP about the project so contractors know more so they can determine if they have a “shot” at the project.

Don Freeman commented it appears some of the language used in the Design Build RFP was inappropriately taken from the Design Bid Build process and he advised reviewing the State’s standards to see if they would be appropriate for Design Build such as bid bonds.

Bob Oglesby confirmed with the group another item the entire QIC group needs to discuss to resolution is:

- Procurement of sub-contractor trades – for all delivery methods other than Design Bid Build

Bob brought that part of the meeting to a close then said the group had a few other items to address before breaking into small focus groups.

- Did the group want to target getting approval of some proposed revisions before this time next year so the State could utilize the new policies for that year's round of projects?
  - Yes, items to be identified as those targeted to be completed within this first year and those for future years.
- How often did the QIC group as a whole want to meet?
  - Every month from 10:00 AM – 2:00 PM.
- Did the group want the three Procurement Agencies to present their reasoning for using which delivery process for the FY 13-14 projects at the next February QIC meeting?
  - Yes, the State Architect's Office will compile and distribute ahead of the next meeting the entire list of projects and justification forms for those proposed to utilize an alternative delivery method for the QIC members to review and determine / prioritize which projects they want to discuss at the February meeting.
- State Architect's Office will send out a survey to identify the best date to meet in February.
- Did QIC want to create separate focus groups for CM/GC and Best Value?
  - No.

Bob then instructed the members to go to their assigned focus group spaces to:

- Reacquaint themselves with the other focus group members
- Select a chairperson who will serve as the point of contact with the Office of the State Architect for coordination and communication purposes
- Set a next meeting date(s) for their focus group and decide what they wanted to do at that next meeting

Groups broke up and left when they were individually finished.

### **Summary**

The QIC group tabled the following items for future discussion at length to resolution by the whole QIC group:

- Qualifications and training of evaluators
- Defining the selection criteria of proposers
- Delivery method selection criteria and process
- Use of advisors
- Procurement of sub-contractor trades – for all delivery methods other than Design Bid Build

### **Next Steps**

- Office of the State Architect (OSA) to prepare and send out meeting minutes and final listing of focus group members as well as post them on their website.
- OSA to confirm the chairperson for each focus group.
- OSA to ask each SPA if they want to and can assign a representative to participate in each focus group.
- OSA to ask each focus group to identify and prioritize the items they want to address this year and in future years, as well as identify any future items for the QIC group as a whole to address, and state their meeting schedule so they can be posted as well for those members who did not attend or want to participate in more than one focus group.
- OSA to survey the QIC group to identify a standing monthly meeting time for which the majority can agree.