

Construction Management Implementation Guide
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The Professional Engineering Services (PES) Schedule 871 was approved to add a new Special Item Number (SIN) 871-7 Construction Management (CM).

The new SIN was created for Construction Management, in order to better define its scope and to make it easier for an agency to find contractors capable of performing CM services. In order not to conflict with the FAR Part 36, this guide establishes what is meant by Construction Management and clarifies the role of the Construction Manager as well as what services are authorized under the schedule.

Construction Management (CM) – There are basically two types of Construction Management (CM) Services. One is the CM as an owner’s agent/consultant. In this role the CM does not take entrepreneurial risk for costs, timeliness, or quality of construction. Contractors deal directly with the owner. The second type is CMs that offer their services during both the design phase and also as the general contractor during the construction phase. **The only type of services acceptable under this Schedule are those of a CM as an owners agent/consultant** and comply the American Institute of Architects, the Associated General Contractors, and the National Society of Professional Engineers Standard Form of Agreements for Construction Management.

Customer agencies shall utilize construction managers as its principal agent to advise on or manage the process over the project regardless of the project delivery method used. The Construction Manager assumes the position of professional adviser or extension of staff to the customer agency. The Construction Manager frequently helps the customer agency identify which delivery method is the best for the project. The construction management approach utilizes a firm (or team of firms) with construction, design and management expertise to temporarily expand the customer agency’s capabilities so that the customer agency can successfully accomplish its program or project. The Construction Manager also provides expert advice in support of the customer agency’s decisions in the implementation of the project.

- CM Services can be performed under PES as long as the following are considered:
 - The CM is acting **solely as the Agency (Owner’s) Agent**. The CM functions as an **advisor or consultant** to the owner/Agency to assist with the execution of the project, to help the owner achieve a project that is properly constructed, on time and on budget. The CM is **not involved with the designing the project or performing the construction of real property**. He is the CM but **not the constructor**, and will not construct the project, **nor is the CM a party to the construction contract**.
 - The CM is **not contractually responsible** for, and does not assume the risk of delivering the project on time and within budget since it **doesn’t hold trade contracts** and has no means of holding the trade contractors responsible for

the quality of their performance, delay or cost overruns. The CM does not have control over or charge of the construction means, methods, techniques, sequences or procedures, which are solely the Contractor's responsibility.

- **CM takes no entrepreneurial risk** for costs, timeliness, or quality of construction.
- The CM is not responsible for the Contractor's failure to carry out the Work in accordance with the contract documents. Instead the CM endeavors to obtain satisfactory performance from each of the contractors.
- The CM is to determine in general the Work is being performed in accordance with the Contract Documents, endeavoring to guard the Owner against defects and deficiencies in the work. This level of review does not guarantee the performance of the Contractors or serve to transfer responsibility to the CM for the Contractors' failure to perform the work in accordance with the contract documents.
- The certification of payment by the CM is specified to not constitute acceptance of the work, or otherwise make the CM responsible for the work.
- The CM may recommend Courses of Action to the owner/Agency.
- The CM will endeavor to guard the Owner against defects and deficiencies in the Work.
- CM shall not have control over or charge of acts or omissions of the Contractors, Subcontractors, or their agents for employees.
- CM makes no warranties relating to schedules or completion dates, budgets, cost of Work or Project.
- CM has no liability for any errors or omissions in the Construction Documents or any defects in the services attributable to the CM's use of and/or good faith reliance upon the Construction Documents
- Visits and observations by the CM's Engineer and the Resident Project Representative are not intended to be exhaustive or to extend to every aspect of the Contractor's Work in progress or to involve detailed inspections of Contractors Work.
- The Engineers role is limited to spot checking, selective sampling, and similar methods of general observation of the work based on Engineer's exercise of professional judgment.
- Engineer shall not supervise, direct, or have control over Contractor's Work, nor have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected by the Contractor.
- Review all certificates of inspections, test, and approvals required by Laws and Regulations or Contract Documents.
- Engineer's review will be for the purpose of determining the results certified indicate compliance with the contract documents and will not constitute an independent evaluation that the content or procedures of such inspections, test, or approvals comply with requirements of the Contract Documents.
- PES Services in general do not necessarily require a licensed engineer to perform the services of studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction

phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals and other related services (FAR Part 36.601-4(a)(3)). However in the role as a CM it is often desired in order to be in a position to better communicate with the Design Architect and Construction contractor.

- The CM is expected to 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.
- In providing project management services, the CM acts as the Agency's designated agent and maintains a coordinating relationship with the Agency, its clients, as well as with the architect-engineers, construction contractors and other contractors supporting 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
- 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 CM may provide a Quality Control Superintendent (QCS) to ensure delivery of the day-to day construction management services throughout all phases of construction.
- The CM may provide inspectors and physically inspect work for code compliance and adherence to construction contract requirements, recommend approvals or rejections of materials and workmanship and monitor labor and safety requirements. The CM should notify the construction contractor orally and in writing when unsafe working conditions are observed.
- The CM should attempt to resolve problems, minimize claims, act to mitigate circumstances that could lead to claims, and advise the Government of any potential disputes.
- The CM should exercise due diligence to ensure that work is performed in conformity with applicable requirements (codes, regulations, standards, construction contract plans, and specifications, etc.)

○ The following services are allowed under the Construction Management SIN 871-7

- **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.
- **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, etc.);and performing market studies (material availability, contractor interest, etc.).

- **Project Procurement Phase Services:** These services may include: providing assistance to the Contracting Officer in contract procurement; answering bid/RFP questions; attending/participating in site visits; attending/participating in pre-bid conferences; preparing and issuing solicitation amendments; and performing cost/bid/proposal analysis.
- **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, etc.; preparing and maintaining daily dairies for project activities noting events affecting construction progress (weather, manpower, site equipment, work performed, etc.); 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, etc.; assisting in problem resolution and handling of disputed issues (including development of Government position, drafting final decision letter, etc.); 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 that does not conform to the contract requirements, and notifying the contractors when work requires correction; compiling, through site inspections, lists of defects and omissions related to the work performed and providing these lists to the contractor for correction; review of construction contractor payment requests (including preparation of necessary forms for payment processing); monitoring project financial data and budgetary cost accounting (Maintain spread sheets indicating project fund allowances, obligations, payments, balances, planned expenditures, etc.); administration of construction contract change orders (issuing proposal requests, preparing cost estimates, reviewing cost proposals, assisting agency 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, etc. 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 Agency personnel); coordination of construction activities with customer 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; participation in all "Partnering" activities during construction (workshops, meetings, etc.); preparing special reports and regular project status reports; providing for progress and/or final photographs of project work; perform site surveys; provide assistance in obtaining permits; perform hazardous material assessments and monitoring of hazardous material abatement work; and provide cost estimating assistance.

- **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 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, determining 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. All 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 Subcontracting Plan and as otherwise practicable. When appropriate, such work will be required under the "Changes" Clause of this contract (new disciplines and work which are not itemized and priced in Section-B).

- **Testing Services:** The CM may 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.

- **Claims Services.** The CM may be tasked to provide Claims Services when and as required by the Government for specific projects. The CM will review disputes and claims from the A-E and/or construction contractor(s) and render all assistance that the Government may require, including, but not limited to, the following:
 - Furnishing reports with supporting information necessary to resolve disputes or defend against the claims.
 - Preparation and assembly of appeal files.
 - Participation in meetings or negotiations with claimants.

- Appearance in legal proceedings.
 - Preparation of cost estimates for use in claims negotiations.
 - Preparation of risk assessments/analyses relative to claim exposures.
 - Preparation of findings of fact and any other documentation required by the Government.
- **Post Construction Services.** At or near substantial completion of project construction, the CM may be tasked to provide services such as:
- Performing Post Occupancy Evaluations (POE's)
 - Assisting Agency in the formulation of lessons learned
 - Providing occupancy planning including development of move schedules, cost estimates, inventory lists, etc.
 - Providing move coordination, relocation assistance, and/or furniture coordination
 - Providing telecommunication and computer coordination
 - Post Construction services will be obtained using the extended contract Man Hour Rates (Section B) where applicable. Services for which pricing has not been established will be procured under the "Changes" clause.
- **General Services.** During the life of the contract, the CM may be tasked to provide services not related to a specific project. Such work must be authorized in advance by the Government. These services may include, but are not limited to:
- 1) Developing, updating, and reviewing Agency 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, etc.
 - 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, etc.
 - 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, etc.

- 8) Providing certification services of trade societies, institutes, organizations, etc.
- 9) Providing scheduling and/or estimating services for other AGENCY functions (leasing projects, etc.)
- 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, etc.