

THE CITY OF HAMPTON, VIRGINIA

GUIDELINES FOR THE SELECTION,
EVALUATION, AND AWARD OF DESIGN-
BUILD AND CONSTRUCTION MANAGEMENT
CONTRACTS

May 13, 2026

I. Introduction

While the design-bid-build project delivery method that utilizes competitive sealed bidding remains the preferred method of construction procurement, a fixed price or not-to-exceed price design-build or construction management contract may serve the public interest given the particular facts and circumstances. Virginia Code Section 2.2-4382 grants the City of Hampton (the City), the authority to enter into a design-build or construction management contract on a fixed price or not-to-exceed price basis, provided that the City complies with certain requirements including adoption of procedures governing the selection, evaluation, and award of design-build and construction management contracts.

The procedures provided in these Guidelines for the Selection, Evaluation, and Award of Design-Build and Construction Management Contracts (Guidelines) may be only amended by act of the City Council or by contrary, mandatory provisions of state or federal law; however, the City Manager (or designee) is authorized to the fullest extent permitted by law to implement these Guidelines and take action on behalf of the City with respect to any matter or instance in which the Guidelines reference "City." Nothing in these Guidelines will affect the duty of the City to comply with all applicable local, state, and federal laws and regulations.

II. Key Terms

Terms used in these Guidelines have the meanings provided below:

Complex project. A construction project that includes one or more of the following significant components: difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation, or intricate phasing or some other aspect that makes the design-bid-build project delivery method not practical.

Construction management contract. A contract in which a party is retained by the City to coordinate and administer contracts for construction services for the benefit of the City, and may also include, if provided in the contract, the furnishing of construction services to the City.

Design-bid-build. A project delivery method in which a public body sequentially awards two separate contracts, the first for professional services to design the project and the second utilizing competitive sealed bidding for construction of the project according to the design.

Design-build contract. A "design-build contract" is a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure or other item specified in the contract.

III. Supervision of Licensed Architect or Engineer

Prior to making a determination as to the use of design-build or construction management for a specific construction project, the City will have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who will advise the City regarding the use of design-build or construction management for that project and assist the City with the preparation of the Request for Qualifications (RFQ) and the Request for Proposal (RFP) and the evaluation of such proposals.

IV. Finding of Public Interest

Construction management or design-build may be utilized provided that the project is a “complex project”, and the City Council adopts a resolution approving the procurement method for the project prior to issuing a request for qualifications for that specific project. The resolution shall include a written determination that the design-bid-build project delivery method is not practicable or fiscally advantageous and shall document the basis for the determination to utilize construction management or design-build, including the determination of the project’s complexity. The resolution will be included in the request for qualifications and be maintained in the procurement file.

V. Terms and Conditions Applicable to Both Design-Build and Construction Management Contract Selection Processes

The following additional terms and conditions apply to the submission of any proposals to the City pursuant to these Guidelines, and by submitting any proposal to the City, the private entity submitting the proposal agrees also to them.

1. Neither these Guidelines, nor any request or solicitation, nor the City's receipt or consideration of any proposal will create any contract, express or implied, any contractual obligation by the City to any offeror, or any other obligation by the City to any offeror. The City makes no promise, express or implied, regarding whether it will enter into a contract with any offeror.
2. The City will not be responsible for any expenses incurred by an offeror in preparing and submitting a proposal or in engaging in oral presentations, discussions, or negotiations.
3. Offerors may be required to make an oral presentation or presentations of their proposal in the City at their own expense. The City Manager (or designee) may request the presence of offerors' representatives from their development, financial, architectural, engineering and construction teams at these presentations. The City Manager (or designee) will schedule the time and location for these presentations.
4. The City reserves the right of the City Manager (or designee) to waive any informality with respect to any proposal submitted.
5. The City reserves the right to accept or reject any and all proposals received, in whole or in part, and to negotiate separately in any manner necessary to serve the best interests of the City.

VI. Design-Build Selection Procedures

Design-build construction contracts will be procured by a two-step competitive negotiation process. The following procedures will be used in selecting a Design-Builder and awarding a contract:

1. The City Council must adopt a resolution in accordance with Section IV prior to issuing a request for qualifications.
2. The City Manager or designee will appoint an Evaluation Committee, which will include an architect or engineer.
3. Selection of Qualified Offerors (Step I)
 - a. The City will publish notice of its invitation for Design-Builders to submit qualifications (RFQ). The notice will be published on the state's electronic procurement website known as eVa, or on the City's electronic procurement website, or both, at least 30 days prior to the date set for receipt of qualification proposals. The Evaluation Committee will evaluate each responding firm's submittals and any other relevant information and will select those offerors deemed fully qualified and most suitable for the project.
 - b. Prior design-build experience shall not be considered a prerequisite for selection of a contractor at this stage.
4. Selection of Design-Build Contractor (Step II)
 - a. The City and/or its architectural or engineering consultant will prepare a request for proposals (RFP) containing the City's construction requirements, building and site criteria, site and survey data, the criteria to be used to evaluate submittals, and other relevant information.
 - b. The City will invite the offerors selected by the Evaluation Committee to submit technical and separately sealed cost proposals with a guaranteed maximum price.
 - c. The Evaluation Committee will evaluate the proposals based on the criteria contained in the RFP, and negotiate with two or more offerors. It may request that the offerors make design adjustments necessary to incorporate project improvements, changes in scope, and/or additional detail identified by the Evaluation Committee during design development.
 - d. Based on the requested revisions made to the proposals during negotiations or other considerations, an offeror may submit sealed additive and deductive amendments to its cost proposal.
 - e. Price shall be a critical basis for award of the contract. The Evaluation Committee at this stage may consider the experience of each contractor on comparable design-build contracts.
 - f. The Evaluation Committee will make its recommendation on the selection of a Design-Builder to the City Manager based on its evaluation of the technical and cost proposals and amendments thereto. The award shall be made by the City Council.

- g. The contract shall be awarded to the offeror who made the best proposal, based on the criteria in the RFP.
- h. The City may post on its website or eVA when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate.

VII. Construction Management Selection Procedures

Construction management contracts will be procured by a two-step competitive negotiation process according to the following procedures:

1. The City Council must adopt a resolution in accordance with Section IV prior to issuing a request for qualifications.
2. The City Manager or designee will appoint an Evaluation Committee, including an architect or engineer.
3. Selection of Qualified Offerors (Step I). The City shall conduct a prequalification process in accordance with the following to determine which offerors are qualified to receive a Request for Proposals:
 - a. The City will issue an RFQ.
 - b. The RFQ will contain the project requirements, building and site criteria, site and survey data (if available), the criteria used to evaluate RFQ responses and other relevant information.
 - c. The City will publish notice of the RFQ. The notice will be published on the state's electronic procurement website known as eVa or the City's electronic procurement website, or both, at least 30 days prior to the date set for receipt of qualification proposals.
 - d. The Evaluation Committee will evaluate each responding firm's submittals and any other relevant information and will select those offerors deemed fully qualified and most suitable for the project to be eligible to submit proposals. Prior construction management experience shall not be considered a prerequisite for prequalification at this stage.
4. Selection of a Construction Manager (Step II).
 - a. The City will prepare an RFP containing the City's requirements and request formal proposals from those firms chosen in Step I.
 - b. Proposals shall include a technical proposal and a separate sealed proposal with a guaranteed maximum price. Price shall be a critical basis for award of the contract. At this stage the committee may consider the experience of each contractor on comparable construction management projects.

- c. The Evaluation Committee will evaluate the proposals and conduct negotiations with two or more of the firms submitting proposals.
- d. The contract will be awarded to the offeror who has been determined to offer the best value for its total guaranteed maximum price in response to the RFP. The Evaluation Committee will make its recommendation of a Construction Manager to the City Manager based on its evaluations and negotiations. The City Council will make the final award.
- e. Any resultant contract will be entered into no later than the completion of the schematic phase of design. Other than infrastructure projects, no more than 10% of the construction work (measured by cost of the work) will be performed by the Construction Manager with its own forces, and the remaining 90% of the construction work, as measured by the cost of the work, will be performed by subcontractors of the Construction Manager, which the Construction Manager must procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. The City may post on the state's central electronic procurement website known as eVa or the City's website, or both, when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate.