



WVDE – Office of School Facilities

Updates



Introduction of WVDE Office of School Operations & Finance School Facilities

Located in Charleston

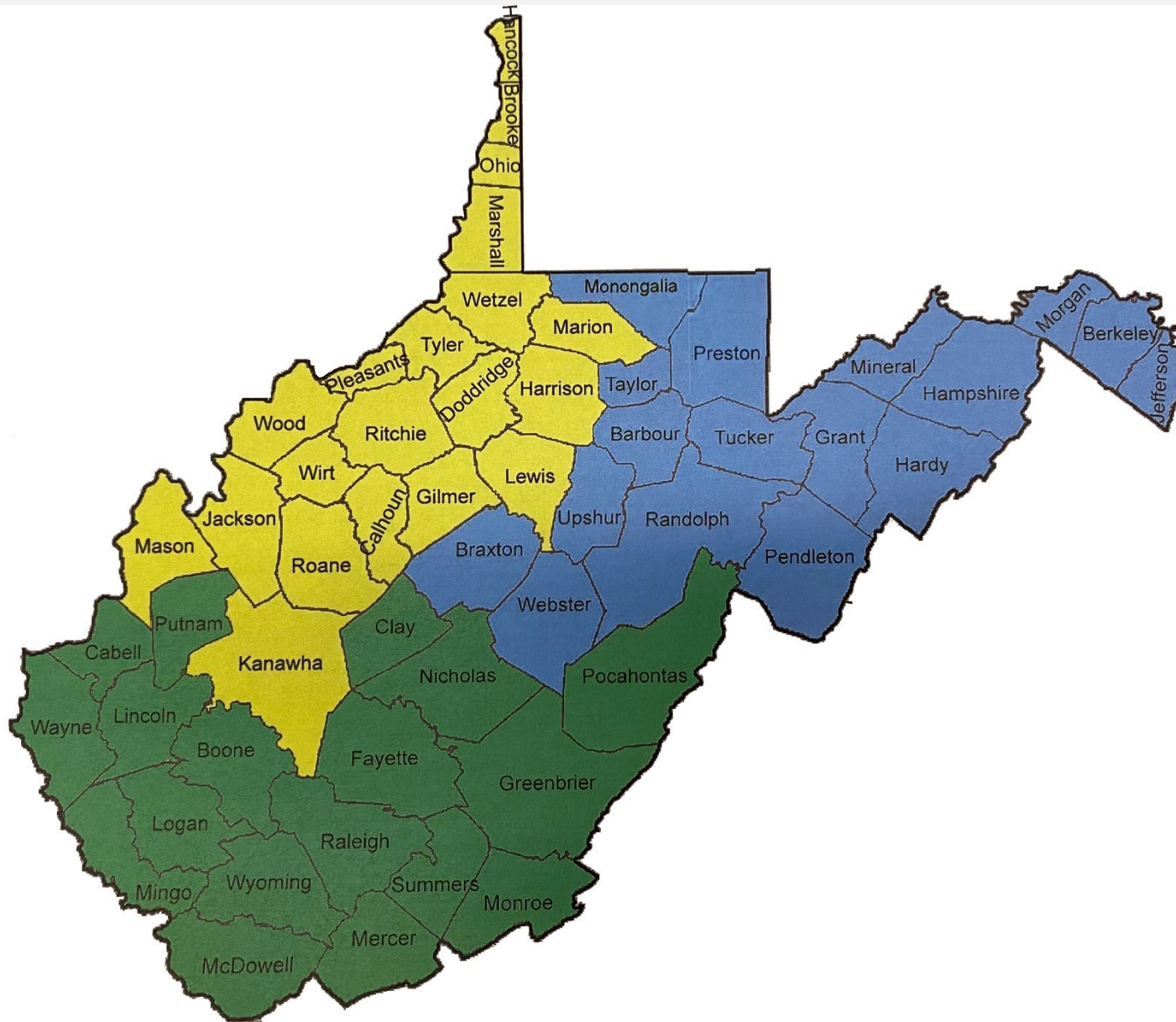
- Micah Whitlow – Facilities Director
- Jacob Bonar – Facilities Coordinator

County Assigned

- Emmit Allen – HVAC Tech
 - Ken Hughart – HVAC Tech
 - Preston Richmond – HVAC Tech
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- Emmitt Allen
- Ken Hughart
- Preston Richmond





Services and Support

- Indoor Air Quality (IAQ) reviews and diagnostics
 - SBA funded project annual reviews
 - Construction reviews
 - Drawing reviews
 - Sound level measuring
 - Controls assistance and training
 - HVAC Zone Maps
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Services and Support

- Technical assistance and system troubleshooting
 - Preventive maintenance training and assistance
 - Asbestos training
 - Technical assistance and review of CEFP Amendments
 - Technical assistance and review of school closure documents
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Government Construction Contracts W.Va. Code §5-22-1

- West Virginia Fairness in Competitive Bidding Act
 - Lowest Qualified Responsible Bidder: The bidder that bids the lowest price and meets, at a minimum, the following:
 - Ready, able, and willing to timely furnish labor and materials for contract
 - In compliance with all applicable laws of West Virginia
 - Supplied a valid bid bond or other surety approved by the county
 - Competitive bids for construction over \$50,000 (updated)
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W.Va. Code §5-22-1 Continued

- Alternates shall be listed numerically and in the order of preference, with a maximum of 5 alternates. (shall be taken in order)
 - Lowest qualified is the sum of the base bid and any accepted alternates
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W.Va. Code §5-22-4

Allowability to Negotiate

- Negotiation when all bids exceed the budget amount
 - Establish a maximum budget amount before bidding
 - A negotiated award may not proceed if more than 10% change from the base bid
 - A negotiation must occur within 60 calendar days of bid opening
 - Must negotiate with the apparent lowest qualified bidder based on the original specifications
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W.Va. Code §5-22-4

Allowability to Negotiate

- Negotiated contracts shall be made available for public inspection
 - Contract changes shall be memorialized (modified specifications or drawings)
 - Permissive and not mandatory at the county's discretion
 - Negotiation allowability expires after December 31, 2029
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W.Va. Code §5-22B

Construction Management At-Risk (CMaR) Contracts

- Optional and on projects valued over \$20 million
 - Allowability ends July 1, 2030
 - “Best value” where both pricing and performance may be evaluated
 - CMaR is assuming legal responsibility to deliver the project at the contracted price
 - CMaR is a construction consultant during the development of the project
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W.Va. Code §5-22B CMaR

- County policies shall be adopted prior to entering into these contracts, which define requirements and processes
 - Two-step request process: Qualifications (RFQ), Proposals (RFP)
 - Qualifications shall include competence, ability, past performance, financial ability, knowledge of the area, and relationships with local subcontractors
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W.Va. Code §5-22B CMaR

- Evaluation committee members
 - Shall not be a quorum of county board members
 - Architect/engineer can advise, but not be a member
 - Suggested members
 - Procurement officer
 - Technical or administrative personnel
 - End users
 - Specialist or knowledgeable people from the county
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W.Va. Code §5-22B CMaR RFQ Phase

- Prepare RFQ proposal with sufficient description of the project to allow CM to respond with details
 - RFQ provided by Class II legal AD and first-class mail by request
 - Answer questions in writing and make questions and answers available to all interested firms
 - Prequalify no fewer than 3 (unless not available) and meet to review
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W.Va. Code §5-22B CMaR RFP Phase

- Two portions: Pricing and Performance
 - Pricing criteria:
 - Preconstruction fee
 - Construction fee
 - General conditions
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W.Va. Code §5-22B CMaR RFP Phase

- Performance criteria:
 - Schedule
 - Approach to work
 - Sequencing
 - Performance history
 - Approach to performance specifications when used
 - Plan for anticipated procurement difficulties and additional considerations
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W.Va. Code §5-22B CMaR

- RFP shall be made available 30 days prior to the deadline for receiving and opening proposals (Class II Legal and first-class mail)
 - RFP shall contain at a minimum
 - Identity of county and general project information
 - Terms and conditions subject to further negotiation (standard for industry)
 - Required bonds and insurance
 - Criteria for proposal evaluation
 - Estimated project budget
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W.Va. Code §5-22B CMaR

- The evaluation committee shall evaluate each proposal based on established criteria
 - The evaluation committee shall rank the prequalified firms based on each proposal to determine the best value
 - The firm determined to be the best value shall be announced, and negotiations shall begin for the construction management contract
 - May proceed to next best value if no contract is agreed upon
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W.Va. Code §5-22B CMaR

- Maximum percentage of points for each criterion (public record)
 - Financial resources 10%
 - Ability to perform 20%
 - Character, integrity, reputation, judgement, experience 20%
 - Quality of previous performance projects 20%
 - Ability to perform within the time specified 10%
 - Experience with laws relating to contract 10%
 - Other information having a bearing on selection 10%
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W.Va. Code §5-22B CMaR

- Amendments to the contract may happen if the owner and CMaR agree
 - Changes must not exceed the scope of the project statement contained in the RFP
 - Project construction must be on contiguous property
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HB3166 School Mapping

- Procured according to law and policy
 - Accomplished by September 1, 2026
 - HB3166 established the minimum requirements
 - Anything above the minimum requirements is at the county's expense
 - County requirements for money:
 - Approved in coordination with the primary law enforcement agency
 - Proof of procurement and cost
 - Maximum of \$4,500 per school to the extent that appropriated funds are available
 - Statement on mapping access and storage
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Questions