

STANDARD ADMINISTRATIVE PROCEDURE

51.04.01.M0.01 Procurement of Design and Construction Services for Minor Projects

Approved: March 26, 2024

Next scheduled review: March 26, 2029

SAP Statement

The current Building Maintenance Contract between The Texas A&M University System and Southeast Service Corporation (SSC) allows member universities to authorize SSC to perform construction projects on their behalf in compliance with applicable statutory requirements, System policies and regulations, and University rules and SAPs. This procedure establishes guidelines for the procurement of design and construction services by SSC for these projects as directed by Texas A&M University.

Applicability

This procedure pertains only to “Minor Construction Projects” as defined by [System Policy 51.04, General Requirements and Delegation of Authority on Construction Projects](#). Minor Construction Projects are defined as projects for the construction of new buildings, facilities or other permanent improvements and additions to buildings, facilities or other permanent improvements that are less than \$4,000,000 in cost, and projects for the repair, renovation or rehabilitation of existing buildings, facilities, or other permanent improvements that are less than \$4,000,000 in cost. (Note: [System Policy 51.02, Selection of Architect/Engineer Design Team and Construction Contractor](#) governs the selection process for design and construction services on member-managed capital projects that are greater than or equal to \$4,000,000 and less than \$10,000,000 in cost.)

“Minor Construction Projects” may also be referred to as “Special Projects” as identified in the current Building Maintenance Contract between The Texas A&M University System and Southeast Service Corporation (SSC). At such time that the Building Maintenance Contract Vendor changes through expiration and contract renewal, this procedure shall apply to projects managed by the subsequent selected vendor as well.

Procurement at Texas A&M University is governed by a number of statutory requirements, System policies and regulations, and University rules and SAPs, which may be revised from time to time. Where conflicts may exist or arise in the future between this procedure and the aforementioned requirements, the following order of precedence shall be followed: applicable statutes, System policies and regulations, then University rules and SAPs, in that order.

Definitions

Building Maintenance Contract Vendor shall mean Southeast Service Corporation (SSC), or other vendor as may be awarded the Building Maintenance Contract in the future.

Competitive Bidding shall have the meaning as defined by Texas Education Code, Section 51.778. Within the context of this document, competitive bidding is further differentiated from competitive sealed proposals (CSPs) in that the proposed scope of work may not require design services by a licensed architect/engineer as defined by Texas Occupations Code, Chapters 1001 and 1051, and contractor award is made to the lowest responsible bidder.

Competitive Sealed Proposals (CSPs) shall have the meaning as defined by Texas Education Code, Section 51.783.

Construction Manager at Risk (CMAR) shall have the meaning as defined by Texas Education Code, Section 51.782.

Cost of Construction (COC) shall mean the direct cost of work, exclusive of any soft costs, which may include but not be limited to: architect/engineer fees, contingencies, surveys/studies/reports, and contractually permitted management fees under the then current Building Maintenance Contract.

Design-Build Contractor shall have the meaning as defined by Texas Education Code, Section 51.780.

Job Order Contractor (JOC) shall have the meaning as defined by Texas Education Code, Section 51.784. The Building Maintenance Contract Vendor may utilize Job Order Contracts currently in place at the University with prior written approval from TAMU Procurement Services or may secure Job Order Contracts utilizing the procurement process outlined in Texas Education Code, Section 51.784.

Master Service Agreement (MSA) shall mean a company under continuing services contract with the University or the Building Maintenance Contract Vendor as a specific trade, self-performing vendor. MSAs may be considered equivalent to a single-trade JOC. The Building Maintenance Contract Vendor may utilize MSAs currently in place at the University with prior written approval from TAMU Procurement Services or may procure MSAs in the same manner as outlined in Texas Education Code, Section 51.784.

TAMU User Representative shall mean the designated representative from TAMU Facilities & Energy Services, Division of Operations.

Official Procedure and Responsibilities

1. PROCUREMENT OF DESIGN SERVICES

- 1.1 If the scope of a Minor Construction Project requires professional design services by a licensed architect and/or engineer as defined by Texas Occupations Code, Chapter 1051 and/or Chapter 1001, the Building Maintenance Contract Vendor shall engage the services of a licensed design professional(s) as indicated in items 1.2 - 1.6 below. Except for the design-build delivery method, the architect/engineer firm shall be contracted separately from the general contractor, MSA, JOC, or CMAR.
- 1.2 The Building Maintenance Contract Vendor, in consultation with the TAMU User Representative, shall select, based on qualifications, and place under continuing services agreements, a pool of architect/engineer firms to provide design services for Minor Construction Projects with a total project cost less than \$4,000,000. All selections shall be consistent with the procurement process outlined in the Texas Government Code, Chapter 2254.004.
- 1.3 Selection of the architect/engineer firm for each discrete Minor Construction Project (if required) from the aforementioned list shall be made by the Building Maintenance Contract Vendor in consultation with the TAMU User Representative.
- 1.4 If no architect/engineer firms on the continuing service agreement list possess the specific or unique expertise required for the project, or if the TAMU User Representative determines that it would be in the best interest of the University to solicit project-specific qualifications, the Building Maintenance Contract Vendor shall issue a Request for Qualifications (RFQ) to interested architect/engineer firms for that specific project. Selection of the architect/engineer firm shall be consistent with Texas Government Code, Chapter 2254.004.
- 1.5 In performing the evaluation of architect/engineer firms for selection in accordance with either item 1.2 or 1.4 above, the selection committee shall consist of no less than two (2) representatives from the Building Maintenance Contract Vendor and no less than two (2) representatives from the TAMU User Representative. Additional selection committee members may be added on a case-by-case basis at the sole discretion of the TAMU User Representative.
- 1.6 The Building Maintenance Contract Vendor shall require all architect/engineer firms to comply with requirements of both System and University policies regarding the Historically Underutilized Business (HUB) Program in effect at the time of proposal submission. Project specific HUB Participation Plans (HPPs) and HUB Subcontracting Plans (HSPs) are required for all design services contracts with a value greater than or equal to \$100,000.

2. PROCUREMENT OF CONSTRUCTION SERVICES

2.1 Procurement method for construction services for Minor Construction Projects shall be selected from one of the approved methods in the table below based on the Cost of Construction (COC), either estimated or known. Selection of procurement method shall be made by the Building Maintenance Contract Vendor in consultation with the TAMU User Representative.

Cost of Construction (COC)	Competitive Bidding	MSA	JOC	CSP	CMAR	Design-Build
< \$25,000	See Note ¹					
≥\$25,000 and <\$100,000	Allowed	Allowed	Allowed	See Note ²	See Note ²	See Note ²
≥\$100,000 and <\$250,000	See Note ³	Allowed	Allowed	Allowed	See Note ²	See Note ²
≥\$250,000 and <\$4,000,000	See Note ³	See Note ⁴	Allowed	Allowed	Allowed	Allowed

Notes:

¹ TAMU Procurement Services has delegated authority to departments to make purchases of goods and services [without competitive bid for \\$25,000 or less](#). The Building Maintenance Contract Vendor may solicit one or more informal proposals and is encouraged to obtain multiple bids whenever possible. Projects may not be separated into smaller scopes of work to remain below the delegated dollar limit.

² While there is neither a legal nor policy prohibition on the use of CSP, CMAR, or Design-Build for projects under \$250,000, these delivery methods are generally considered to be better suited for projects with a COC greater than \$250,000.

³ Competitive Bidding (in lieu of other allowable procurement methods) may be utilized for projects with COC greater than \$100,000 only with prior written approval from the TAMU User Representative.

⁴ MSAs may be utilized for re-roofing projects associated with the deferred maintenance and/or hail damage roof program only up to a COC of \$750,000 with prior approval of the TAMU User Representative. Use of MSAs for any other projects with COC greater than \$250,000 shall only be allowed with prior written approval from the TAMU Office of Procurement Services.

2.2 The competitive bidding method may be utilized for projects that do not require design services by a licensed architect and/or engineer where a written scope of work and/or specifications are prepared directly by the Building Maintenance Contract Vendor with input from the TAMU User Representative. When this method is chosen, the Building Maintenance Contract Vendor shall advertise as indicated in Section 3 below and obtain a minimum of three (3) responsive proposals prior to award. If the Building Maintenance Contract Vendor is unable to obtain a minimum of three (3) responsive proposals due to lack of contractor interest or market availability, the Building Maintenance Contract Vendor shall provide written documentation of good faith effort to the TAMU User Representative and TAMU Procurement Services for review and approval prior to award.

- 2.3 For projects with a total COC less than \$250,000, the Building Maintenance Contract Vendor shall be permitted to utilize up to three (3) separate MSA vendors to accomplish the proposed scope of work when determined by the TAMU User Representative that doing so would be in the best interest of the University. The total contract value of all MSAs engaged in the project shall not exceed the \$250,000 threshold. This provision applies only to MSAs performing services for the direct cost of the work (COC) and excludes MSAs which may perform services identified to be “soft costs” (i.e. hazardous materials surveys, abatement, air monitoring, HVAC testing and balancing, etc.). Each MSA shall comply with HUB and bonding requirements, as applicable, indicated in items 2.6 and 2.7 below.
- 2.4 Contracts shall not be awarded utilizing a sole source without prior written approval from the TAMU Office of Procurement Services.
- 2.5 In performing the evaluation of firms for selection when utilizing the CSP, CMAR or design-build delivery method, the selection committee shall consist of no less than two (2) representatives from the Building Maintenance Contract Vendor and no less than two (2) representatives from the TAMU User Representative. Additional selection committee members may be added on a case-by-case basis at the sole discretion of the TAMU User Representative.
- 2.6 The Building Maintenance Contract Vendor shall require all contractors, regardless of the selected delivery method, to comply with requirements of both System policies and regulations, and University rules and SAPs regarding the Historically Underutilized Business (HUB) Program in effect at the time of proposal submission. Project specific HUB Participation Plans (HPPs) and HUB Subcontracting Plans (HSPs) are required for all construction contracts with a value greater than or equal to \$100,000.
- 2.7 The Building Maintenance Contract Vendor shall require all contractors upon award to provide a payment bond for contracts with a value greater than or equal to \$25,000 and a performance bond for contracts with a value greater than or equal to \$100,000, consistent with the requirements of Texas Government Code, Chapter 2253.

3. ADVERTISING AND RECEIPT OF PROPOSALS

- 3.1 Projects utilizing the competitive bidding, CSP, CMAR or design-build delivery method shall follow the process below for advertising and receipt of proposals.
- 3.2 The Building Maintenance Contract Vendor shall develop a written Notice of Project (NOP) that includes the following information at a minimum:
 - a) Project number
 - b) Project name/location
 - c) Brief description of the project scope
 - d) Time, date, and location to submit proposals

- e) Location and/or means to acquire bidding documents
 - f) Time, date, and location of a pre-proposal meeting (if applicable)
 - g) Name(s) and contact information for questions
 - h) A statement indicating that the project is “Posted on behalf of the Building Maintenance Contract Vendor by Texas A&M University.”
- 3.3 The Building Maintenance Contract Vendor shall deliver the NOP to the designated HUB Coordinator with the TAMU Office of Procurement Services for posting to the Electronic State Business Daily (ESBD) website for a minimum of fourteen (14) calendar days.
- 3.4 As an additional means of good faith effort, the Building Maintenance Contract Vendor may post the NOP in local plan rooms and news/print media as well as direct notification to potential vendors via traditional communication methods including phone, mail, email, etc.
- 3.5 On the time and date specified in the NOP (or subsequent addenda), the Building Maintenance Contract Vendor shall convene a public proposal opening for the purpose of formally accepting proposals and reading aloud applicable information from responsive proposers. The Building Maintenance Contract Vendor shall coordinate with the designated TAMU HUB Program Coordinator to oversee the HUB Subcontracting Plan opening, review, and approval prior to award (if applicable).

Related Statutes, Policies, or Requirements

[Texas Education Code, Chapter 51](#)

[Texas Government Code, Chapter 2253](#)

[Texas Government Code, Chapter 2254](#)

[Texas Occupations Code, Chapter 1001 \(Texas Board of Professional Engineers and Land Surveyors\)](#)

[Texas Occupations Code, Chapter 1051 \(Texas Board of Architectural Examiners; General Provisions Affecting Architects, Landscape Architects, and Interior Designers; Provisions Affecting Only Architects\)](#)

[System Policy 25.06, *Participation by Historically Underutilized Business*](#)

[System Policy 25.07, *Contract Administration*](#)

[System Regulation 25.07.01, *Contract Administration, Delegations and Reporting*](#)

[System Policy 51.02, *Selection of Architect/Engineer Design Team and Construction Contractor*](#)

[System Policy 51.04, General Requirements and Delegations of Authority on Construction Projects](#)

[System Regulation 51.04.01, Chancellor's Delegation of Authority on Construction Projects](#)

[University Rule 25.06.01.M1, Historically Underutilized Business \(HUB\) Program](#)

[University SAP 25.06.01.M1.01, Historically Underutilized Business](#)

[University SAP 25.07.01.M1.01, President's Delegation of Authority for Contract Administration](#)

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