Contracting Issues in the Construction of Facilities



Northwest Construction Consumer Council
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Overview of Facility Construction Market

- Enormous market
- Public and private sector
- Wide range of discrete industries
 - Multifamily housing
 - Hotels & casinos
 - Correctional facilities
 - Office buildings
 - Manufacturing & laboratories
 - Hospitals & healthcare

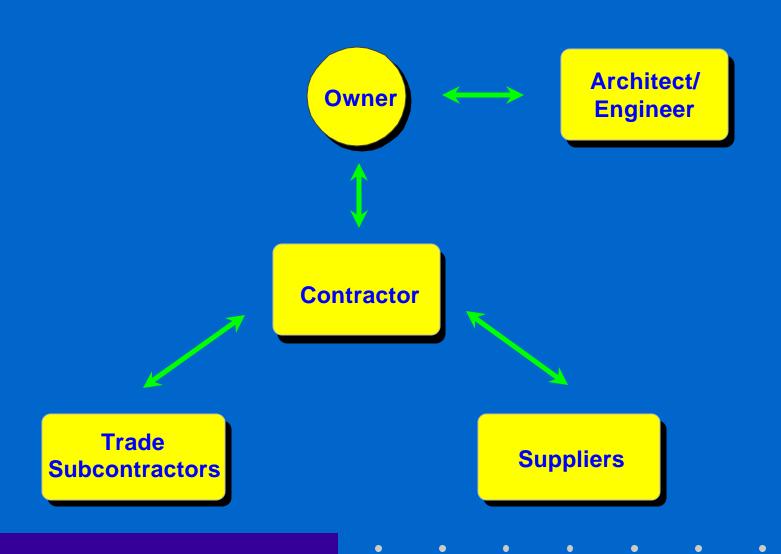
Contracting Issues: Facility vs. Process Markets

- Role of aesthetics
 - Architect's role
 - Creation of unique projects
- Measuring cost & time metrics
- Owner sophistication
- Use of standard form industry contracts
- Characteristics of prime contractor

Delivery Approaches: Facility Construction

- Traditional approach
 - Separation of design and construction
 - Low bid, lump sum
- Movement to team integration
 - Construction management
 - Design-build

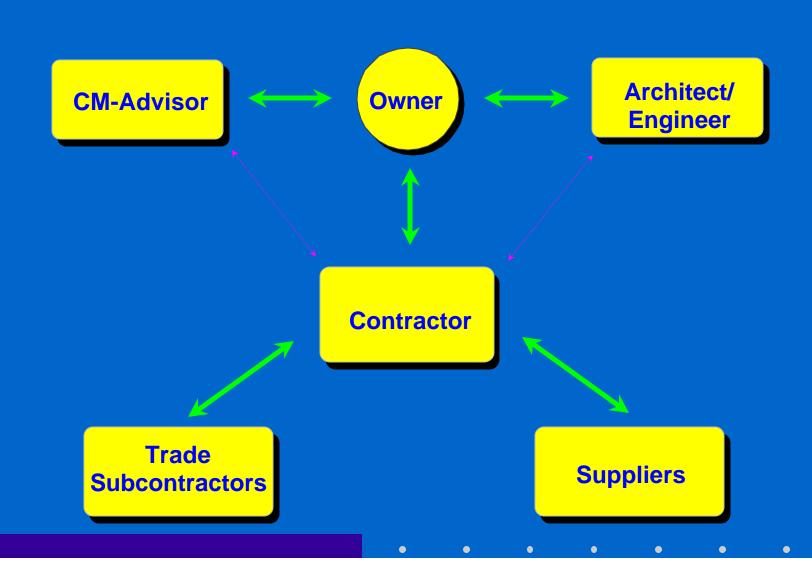
Traditional Approach



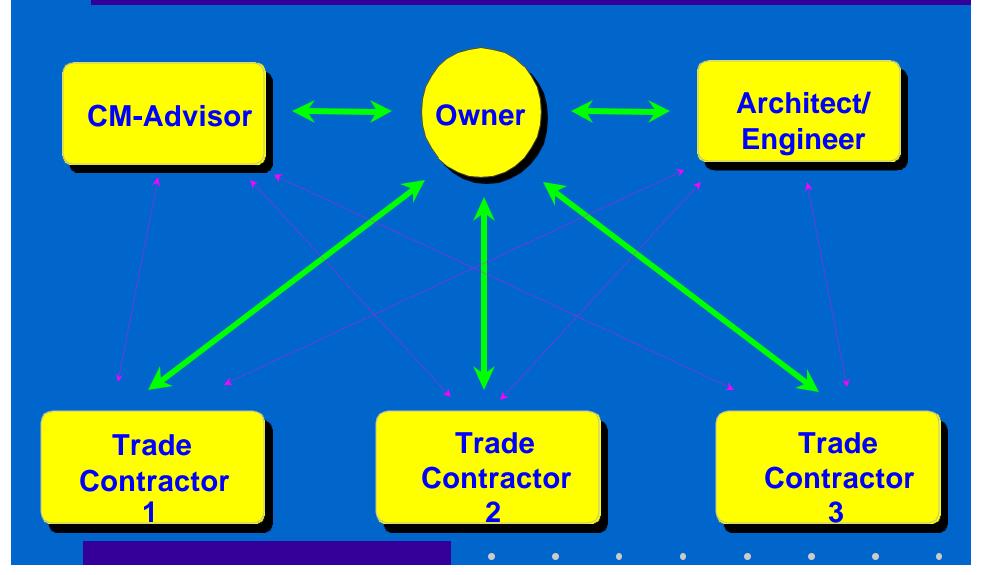
Problems with Traditional Approach

- Non-integration of team
- Qualifications secondary to price
- Lack of accountability
- Inability to fast-track
- Late contractor involvement
- Infighting among team

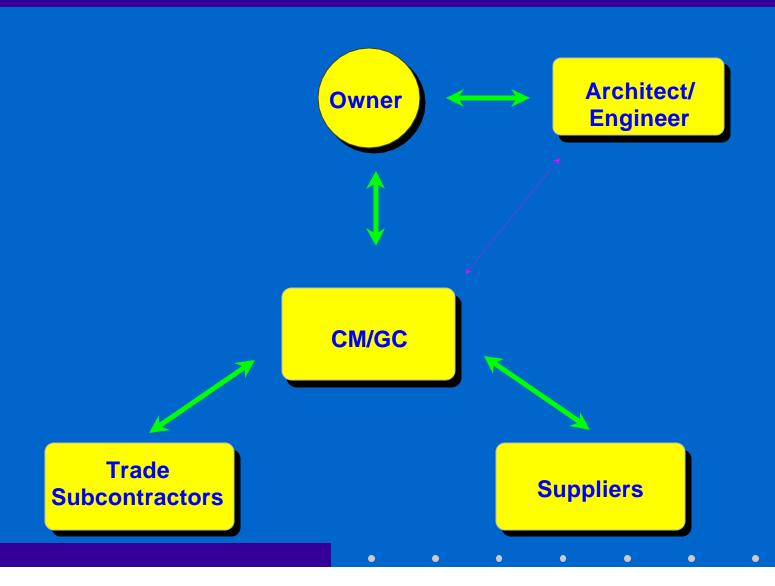
CM- Advisor (Type 1)



CM- Advisor (Type 2)



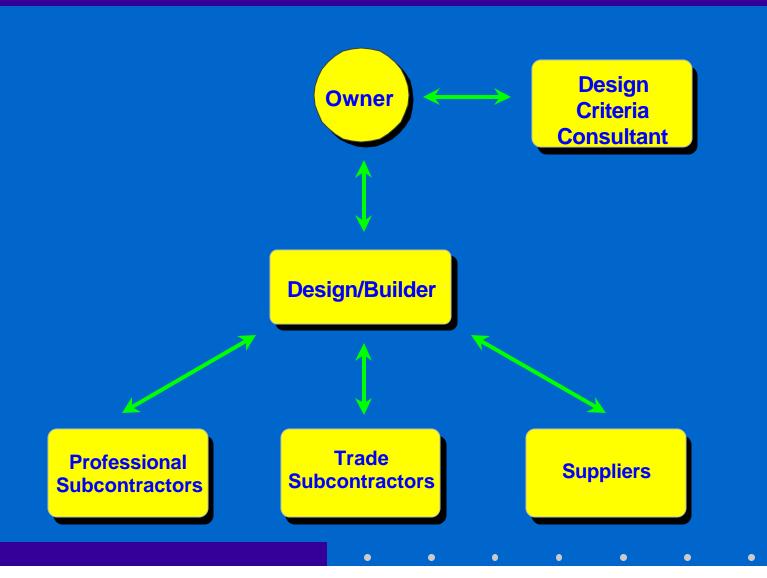
CM/GC



Construction Management: Partial Team Integration

- Professional management
- Negotiated procurement
- Early contractor involvement
- Cost-based (GMP) contracting
- General contractor as broker
- Owner's unrealistic expectations of perfection

Design-Build



Design-Build: Full Team Integration

- Single point of responsibility
- Early firm pricing
- Need for speed
- Lack of Owner resources to manage process
- Public sector endorsement

Team Integration: Reasons for Success

- Relationships enhanced
- Scope of project better defined
- Selection of qualified players
- Owner's drivers better understood

Studies of Facility Contracting Practices

- Sanvido/Konchar study for CII
- 351 facility projects
- Delivery systems considered:
 - traditional
 - at-risk CM
 - design-build

Attributes of Best Performing Projects

- Adequate to excellent ability of owner to make decisions
- Adequate to excellent scope definition
- Excellent team communications
- Qualified contractor pool
- High ability to restrain contractor pool through prequalification & shortlisting

Attributes of Worst Performing Projects

- Contractor engaged late in design process
- Limited or no prior team experience
- Onerous contract clauses
- Poor ability to make decisions
- Did not prequalify bidders

Facility Team Integration: Impact on Contracting Practices

- Product mentality of Owner
 - Pressure on A/E for perfection
 - Parties not used to pricing risk
- Move to performance specifications
- Determining when to set the price

Facility Team Integration: Impact on Contracting Practices (cont'd)

- Incentives
 - few early completion bonuses
 - lots of cost savings provisions
 - consideration of creative quality incentives
- Public sector procurement changes
- Teaming arrangements between A/Es and contractors

Conclusion: Contracting Strategies Make a Difference

- Delivery system facilitates, but does not ensure, success
- Balance procurement and delivery approaches
- Need reasonable allocation of risk
- Understand project and owner drivers
- Establish early integration of design and construction teams