

**Yellowstone County Administrative Building Renovation  
Yellowstone County, Montana**

The following excerpt is from the Montana Code Annotated, and must be followed when utilizing the ALTERNATIVE PROJECT DELIVERY CONTRACT method for construction contracts:

**18-2-502. Alternative project delivery contract -- authority -- criteria.** (1) Subject to the provisions of this part, a state agency or a governing body may use an alternative project delivery contract. A state agency or governing body that uses an alternative project delivery contract shall:

(a) demonstrate that the state agency or the governing body has or will have knowledgeable staff or consultants who have the capacity to manage an alternative project delivery contract;

(b) clearly describe the manner in which:

(i) the alternative project delivery contract award process will be conducted; and

(ii) subcontractors and suppliers will be selected.

(2) Prior to awarding an alternative project delivery contract, the state agency or the governing body shall determine that the proposal meets at least two of the sets of criteria described in subsections (2)(a) through (2)(c) and the provisions of subsection (3). To make the determination, the state agency or the governing body shall make a detailed written finding that:

(a) the project has significant schedule ramifications and using the alternative project delivery contract is necessary to meet critical deadlines by shortening the duration of construction. Factors that the state agency or the governing body may consider in making its findings include, but are not limited to:

(i) operational and financial data that show significant savings or increased opportunities for generating revenue as a result of early project completion;

(ii) demonstrable public benefits that result from less time for construction; or

(iii) less or a shorter duration of disruption to the public facility.

(b) by using an alternative project delivery contract, the design process will contribute to significant cost savings. Significant cost savings that may justify an alternative project delivery contract may derive from but are not limited to value engineering, building systems analysis, life cycle analysis, and construction planning.

(c) the project presents significant technical complexities that necessitate the use of an alternative delivery project contract.

(3) The state agency or the governing body shall make a detailed written finding that using an alternative project delivery contract will not:

(a) encourage favoritism or bias in awarding the contract; or

(b) substantially diminish competition for the contract.

**PER THE MCA 18-2-502**

**Code Provision (1) (a)**—*A state agency or governing body that uses an alternative project delivery contract shall: demonstrate...that (it) has or will have knowledgeable staff or consultants...to manage an alternative delivery contract;*

**Response:** The County has current services agreements with a professional project management consulting firm with extensive alternative project delivery experience to manage the projects in collaboration with Yellowstone County.

**Code Provision (1) (b)**—*A state agency or governing body that uses an alternative project delivery contract shall: clearly describe the manner in which: the alternative project delivery contract award process will be conducted; and subcontractors and suppliers will be selected.*

**Response:** Procurement of all services shall be done following open public procurement processes available to all qualified contractors following Montana statute. Following the required two-stage approach, a Request for Qualifications will be used to short-list qualified competitors using a scoring system to rate: 1) Relevant Experience, 2) Proposed Staff, 3) Safety and 4) Bonding Capacity. The Owner-selected Selection Committee will score and rank Statements of Qualifications against scoring criteria stated in the RFQ.

Short-listed competitors will then prepare a response to a subsequent detailed Request for Proposal. The RFP's will then be judged and ranked by the Selection Committee against scoring criteria which will be stated in the RFP. Formal presentations by the competitors may be held to further clarify capabilities and address Selection Committee questions. The most highly ranked respondent will be awarded the contract.

Competitors will be strongly encouraged to seek the most competitive, qualified subcontractors and local providers in order to provide the best overall value to the Owner.

**Code Provision (2)** *Prior to awarding an alternative delivery contract, the state agency or governing body shall determine that the proposal meets at least two of the sets of criteria described in subsections (2)(a) through (2)(c) and ...subsection (3)...the governing body shall make a detailed written finding that:*  
*(a) the project has significant schedule ramifications and the alternative project contract is necessary..*  
*(c) the project presents significant technical complexities that necessitate the use of an alternative project contract.*

**Response:**

Schedule Ramifications/:

The Alternative Project Delivery offers the fastest delivery schedule by allowing design, materials procurement and permitting to occur in a fast-track manner speeding overall delivery to meet obligations. This project has significant schedule ramifications for a public facility. The project is to have substantial completion and occupancy by November of 2025. This delivery option will ensure that the project schedule is adhered to.

Less or a shorter duration of disruption of a public facility:

By engaging a GC/CM firm(s) early, with ability to work with the A/E firm, it is anticipated that the GC/CM will provide positive impact to maintaining a stringent project schedule. This delivery offers cost certainty and schedule adherence over Design-Bid-Build by combining the talents of the designers and GC/CM firms, and focusing them on the best design and constructability solutions, and within available funds and time frame. Within weeks of being selected the GC/CM will validate the Owner's schedule as adequate, or recommend budget/schedule adjustments if needed. Further, value engineering will be implemented during the design phases, wherein the GC/CM will work with the design team to propose alternate solutions with favorable cost and schedule results. This relationship will promote and foster a strong working relationship between the design firm, GC/CM and Owner team.

The project presents significant technical complexities that necessitate the use of an alternative delivery project contract. The project is significant to the community as a detention facility with all the specialized security to ensure the public safety.

**Code Provision (3)** *The state agency or governing body shall make a detailed written finding that use of an alternative delivery project contract will not: Encourage favoritism or bias...or diminish competition...*

**Response:** The procurement methodology employed by the Owner is specifically designed to encourage the broadest competition possible, and encourage aggressive pricing competition and scheduling throughout this process. The Selection Committee will be further instructed to carefully evaluate all submittals against stated selection criteria and award the contracts based on the best overall value to the Owner.

Yellowstone County Commissioners

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