



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
DIVISION OF PURCHASES
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CONTRACT USER GUIDE
OWNER'S REPRESENTATIVE SERVICES FOR ARCHITECTURAL/ENGINEERING
AND/OR CONSTRUCTION PROJECTS

MASTER PRICE AGREEMENT #430
CONTRACT TERM: 8/14/13 - 7/31/18

The Division of Purchases issued RFP #7461230 for Owner's Representative Services on February 27, 2013. Seventeen proposals were received on March 25, 2013, of which 15 were recommended for inclusion on MPA-430.

CONTRACT SUMMARY

This Master Price Agreement includes qualified firms to provide Owner's Representative Services on an "as needed" basis for one or more Capital Projects, Architectural/ Engineering (A/E) and/or Construction projects.

WHAT IS AN OWNER'S REPRESENTATIVE VS. PROGRAM MANAGER

An Owner's Representative is the person designated by the Owner on a particular project who has the authority to give binding consents or approvals required by the contract documents. When the Owner designates an Owner's Representative in the Contract Documents, the Owner is holding that person out to the Contractor as someone authorized to bind the Owner, and the Contractor can rely on the statements of the Owner's Representative. If the Contractor seeks consent from someone who is an employee of the Owner but the Owner has not designated that employee in the Contract Documents as the Owner's Representative, then any reliance by the Contractor on what that person says is misplaced.

If there is a construction project, for example, to repair a building used by the Department of Human Services, the Owner's Representative could be the project manager assigned to manage the project from the staff of DHS, or perhaps someone from capital projects.

A program usually involves multiple projects but can also involve just one. A Program Manager is someone hired by the Owner to assist the Owner in an advisory capacity, on matters that impact the program, during design and construction. Basic services of the program manager primarily relate to overseeing the development and implementation of the program and include creating a program management plan to describe the scope of the program and its requirements,

managing program related information across the multiple projects in the program, developing a program-wide budget and schedule, and establishing quality control guidelines. The program manager can help with economies of scale and coordinate and prioritize resources across projects, and reduce coordination costs and risks across several projects in a program.

HOW TO REQUEST OWNER'S REPRESENTATIVE SERVICES

The Owner's Representative method may be selected for a project when it is determined that the following criteria will be met:

- The State cannot manage or supervise the work of specialty trade contractors and will not contract directly with such specialty trade contractors;
- It is in the State's best interest to retain an Owner's Representative to supervise and or monitor the activities of a general contractor; and/or
- It is in the State's best interest to retain an Owner's Representative to supervise and or monitor the engineering and architectural services for a project;

WHO CAN USE THIS CONTRACT

This is a Master Price Agreement and, as such, has Statewide Applicability. Political Subdivisions (cities, towns, schools, quasi-public agencies), as authorized by law, may participate in this Agreement. All ordering and billing shall be between the vendor and the political subdivision (only).

INSTRUCTIONS FOR USE BY STATE AGENCIES

1. **The state agency will obtain a minimum of three quotes from MPA-430 vendors for a lump sum fixed-fee for a specific project.** At least one Certified Minority Business Enterprise should be solicited whenever possible. The MPA Award Webpage reports the MPA Purchase Orders and identifies Vendors that are a Certified Minority Business Enterprise at the time of award (Ref: Purchases Business Processes <http://www.purchasing.ri.gov/StateAgencyInfoCenter/AgencyLogin.aspx>).
2. **When obtaining three quotes, if a state agency does not wish to select the vendor offering the lowest quote, the agency must provide justification to the Division of Purchases before issuing a notification letter.**
3. **There is a \$50,000 ceiling for any specific project. Projects estimated to be more than \$50,000 and not to exceed \$250,000 are subject to prior-written approval by the Division of Purchases. Projects expected to exceed \$250,000 must be solicited as a Request For Proposal (RFP).**
4. The state agency will send a notification letter (sample attached) to the recommended vendor in which the following information is requested:
 - An agreement outlining the scope and special terms & conditions covering the work, executed by both the Agency Chief Executive and the vendor's authorized agent (Sample Standard Form of Agreement is Attached).
 - A completed Minority Business Enterprise Plan.
 - Certificates of Insurance showing minimum limits of coverage as follows:

Commercial General Liability Insurance: covering bodily injury, and property damage in a form and with coverage that are satisfactory to the State. Including personal and advertising injury liability,

independent contractors, products completed operations, contractual liability and broad form property damage coverage. Coverage shall be written on an occurrence basis. A combined single limit of \$1,000,000 per occurrence and aggregate is required.

Errors and Omissions Insurance: covering any damages caused by an error, omission or any negligent acts of contractor, its subcontractors, agents, officers or employees under this Contract. Combined single limit per occurrence shall not be less than \$1,000,000. Annual aggregate limit shall not be less than \$1,000,000.

Auto Liability Insurance: covering all owned, non-owned, or hired vehicles. A combined single limit per occurrence of \$1,000,000 will be obtained.

Workers Compensation and Employers Liability: in compliance with the compensation laws of the State of Rhode Island. Coverage shall include Employers Liability Insurance with minimum limits of \$100,000 each accident, \$500,000 disease or policy limit, \$100,000 each employee.

The Owner shall be defended, indemnified and held harmless to the full extent of any coverage actually secured by the contractor in excess of the minimum requirements set forth above. Independent contractors who are neither eligible for, nor entitled to workers compensation must file with the Department of Labor and Training, Division of Workers Compensation a "Notice of Designation as Independent Contractor" pursuant to R.I. Gen. laws § 28-29-17.1 naming the State of Rhode Island Department of Administration as the hiring entity.

The liability insurance coverage, except professional liability, errors and omissions, or workers compensation required for the performance of the contract shall include the State of Rhode Island, the Department of Administration, and its divisions, officers and employees as additional insured, but only with respect to the contractor's activities under any contract issued pursuant to MPA-430.

The insurance required under any contract issued pursuant to MPA-430, through a policy or endorsement shall include: A) a waiver of subrogation waiving any right to recover the insurance company may have against the State. B) a provision that the contractor's insurance coverage shall be primary as respects any insurance, self insurance or self retention maintained by the State and that any insurance, self-insurance or self-retention maintained by the State shall be in excess of the contractor's insurance and shall not contribute.

There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal without thirty days (30) written notice from the contractor or its insurer(s). Failure to comply with the reporting provisions of this clause shall be grounds for immediate termination of any contract issued pursuant to MPA-430.

Successful MPA-430 contractors shall furnish Certificate(s) of Insurance to the state agency at least 48 hours prior to the commencement of work. A copy of additional insured wording from the commercial liability insurance policy will be sent along with the insurance certificate. Failure to comply with this provision shall result in cancellation of any contract issued pursuant to MPA-430.

Insurance coverage shall be obtained from insurance companies authorized by the Department of Business Regulation to transact business in Rhode Island.

MPA-430 contractors shall pay for all deductibles, self-insured retentions and/or self- insurance included hereunder.

The Purchasing Agent reserves the right to consider and accept alternative forms and plans of insurance or to require additional or more extensive coverage for any individual requirement.

When the above information has been obtained, the state agency will send the following documentation to the Division of Purchases and request that a purchase order be issued:

- A Zero Dollar Requisition to Include Project Amount
- Scope of Work
- Quotes Received
- Memorandum Signed by Agency Summarizing Responses and Recommending Vendor
- Copy of notification letter*
- Copy of signed agreement (A standard form of agreement is being finalized and will be posted in Agency Information Center – Division of Purchases website)
- MBE Compliance*
- Certificates of Insurance as detailed above

*These documents are posted in Agency Information Center – Division of Purchases website.

STATE AGENCIES PLEASE TAKE NOTE:

No Vendor shall provide services or begin work unless and until a valid Purchase Order approved by the Agency has been issued and received by Vendor. In no event shall a Vendor deliver goods or provide services until such time as a duly authorized release document is certified by the ordering Agency. A Vendor will not be entitled to any payment for services rendered or work completed outside of this policy.

- In accordance with R.I. Gen. Laws § 37-2-54(c), “No purchase or contract shall be binding on the state or any agency thereof unless approved by the department [of Administration] or made under general regulations which the Chief Purchasing Officer may prescribe.”
- Under State Purchasing Regulation 8.2.1.1.2, “Any alleged oral agreement or arrangements made by a bidder or contractor with any agency or an employee of the Office of Purchases may be disregarded and shall not be binding on the state.”
- State Purchasing Regulation 8.7.1 – “All agreements and changes to scope of work, price, or other terms shall be incorporated into purchase orders via “change order” documents incorporating contract amendments.”
- State Purchasing Regulation 8.7.2 – “Change Orders issued by the Office of Purchases shall be the only binding documents which may create a change in a purchase order.”
- State Purchasing Regulation 8.7.3 – “Personnel shall not commit the state to technical / contractual changes to purchase orders without first securing all necessary approvals.”

Division of Purchases Contact: Thomas Bovis
Interdepartmental Project Manager (401) 574-8119
Thomas.Bovis@purchasing.ri.gov



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INSERT DEPARTMENT HERE
INSERT DIVISION HERE
INSERT ADDRESS HERE
PHONE FAX
TDD

Request for Quote "RFQ" – Owner's Representative Services For Architectural/Engineering And/Or Construction Projects, PROJECT NAME- LOCATION, RI

Solicited under State of Rhode Island Master Price Agreement # 430

DATE OF REQUEST FOR QUOTE
INSERT DATE OF REQUEST FOR QUOTE

PROPERTY DESCRIPTION
INSERT PROPERTY DESCRIPTION

HISTORY/BACKGROUND
INSERT HISTORY AND BACKGROUND

INTENT
INSERT THE INTENT

A SELECT mandatory/non-mandatory site walkthrough will be conducted at INSERT LOCATION.
INSERT DATE->

Questions regarding this Request for Quote are due to the INSERT AGENCY no later than
INSERT DATE->

Vendor Submissions are due via email or hardcopy to the INSERT AGENCY no later than
INSERT DATE->

Division contact:
NAME, TITLE 401-XXX-XXXX email: email.address@XXX.ri.gov

The following Owner's Representative Services For Architectural/Engineering And/Or Construction Projects services will be required:

1. INSERT REQUIRED XXX SERVICES

Anticipated Project Phases:

1. INSERT DESIGN PHASES

Example phases include:
Schematic Design Phase
Design Development Phase
Construction Documentation Phase
Bid Phase
Construction Administration Phase

Preliminary Schedule:

1. LIST SCHEDULE AND DURATIONS

Pricing:

Vendors are requested to provide pricing in the following format:

1. Provide a lump-sum fixed fee for the work described above \$_____
2. Provide an hourly breakdown of the above lump-sum fixed fee for all personnel roles associated with the project (including primary and secondary).

Personnel	Hourly Rate	Number of Hours
_____	_____	_____
_____	_____	_____

Attachments:

1. INSERT ATTACHMENT LIST IF APPLICABLE _____

AGENCY LETTERHEAD

Date

Vendor Contact.
Vendor Company.
Street (PO).
City., State. ZipCode.

Vendor Email.

SAMPLE

Re: 1) MPA# ### , MPA Title : Agency Project Name
2) Amount: Buyer insert the type of Quote/Estimate – ex. "lump-sum fixed-fee" \$Dollar Amount

Dear Mr./Ms. Vendor Contact.:

This letter is to notify you that the Agency/Division "Agency" is authorized to begin contract negotiations with Vendor Company Name for the above referenced project. This tentative selection may be revoked by the "Agency" if your company fails to satisfy any of the requirements of this letter or the solicitation.

No work may commence until your company has received a Purchase Order issued by the Division of Purchases and, in addition, an authorization from the user Agency. Prior to issuance of a purchase order by the Division of Purchases, your company must provide the documentation listed below to the Agency by Calendar Date stated as "Week Day", "Month", "Date", "YYYY" – requirement is 21 calendar days from date of letter.. Submit all documentation, to: Agency Staff Name, Agency Mailing Address, Email: Agency Staff Email. Failure to timely provide the required documentation may result in the revocation of this notification by the Agency.

Please provide the following documents indicated by a :

- 1) Agreement outlining the scope and special terms and conditions covering the work, *executed by both the Agency Chief Executive and an authorized representative of your firm .*
- 2) Vendor Awards of \$10,000 or more are required to submit a completed Minority Business Enterprise Plan. Submit Plan to Division of Purchases, Minority Business Office, One Capitol Hill, 2nd Floor, Providence, Rhode Island 02908. For further information, contact Dorinda Keene at (401) 574-8253 or dorinda.keene@doa.ri.gov .
- 3) Certificates of insurance in accordance with the MPA Bid Solicitation. When commercial general liability is required, ensure that the Agency is the Certificate Holder and Both the Agency and the State of Rhode Island are Additional Insured.

Please contact me if you have any questions regarding this letter.

Sincerely,

Agency Contact Name
Agency Contact Title
Telephone Number

cc: Dorinda Keene – MBE
RI Division of Purchases MPA Buyer