



## Operations

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### Staff Recommendation to Proceed with Award of RFP No. 22-752-020

DeKalb County School District Operations Staff recognize that RFP No. 22-752-020 solicited work which:

- A) Went beyond the Board approved scope for the projects involved in ways that were not necessary to complete the scope of work approved by the Board.<sup>1</sup>
- B) The additional scope of work (beyond what was Board approved) was expected to cost more than \$100,000, and
- C) The additional scope of work (beyond what was Board approved) was not included as an “add-alternate”, meaning that the additional scope could not be removed from the solicitation.

The solicitation of work on its own does not commit the District to any action and does not incur any financial obligation. However, any contract resulting from an RFP with an inappropriate scope of work will result in a financial obligation, and that financial obligation (based on inappropriate scope of work) could negatively impact the District.

In order to avoid committing the District to a financial obligation based on an inappropriate scope of work, the proper course of action when an RFP includes an inappropriate scope of work is to cancel the RFP (not award a contract) and to create a new RFP with an appropriate scope of work.

In the case of RFP No. 22-752-020, what made the scope of work inappropriate was that it included work which went beyond what the Board approved, and the additional scope of work was not included in a way that could be removed from any contracts resulting from the RFP (i.e. including the additional scope of work as an “add-alternate”).

The proper course of action is to cancel the current RFP and either:

1. Re-issue a new RFP which does not include any scope of work beyond what the Board approved or which includes any additional scope of work as an “add-alternate” which can be removed from any contract if the additional scope is not approved. Or
2. Wait until the Board approves the additional scope of work and then re-issue a new RFP with the now-appropriate larger scope of work.

If the Board does not approve the additional scope of work for these projects, than the only appropriate course of action will be to cancel the current RFP and re-issue a new RFP which does not include any scope of work beyond what the Board approved (#1 above).

However, contingent on the Board approving the additional scope of work for these projects, DCSD Operations Staff believe that it is in the District's best interest to continue with the current RFP and award a contract.

There are two primary reasons for this recommendation:

1. These projects have already been delayed waiting for an E-SPLOST V program adjustment, and re-issuing the RFP for GC services will result in at least three to four additional months of delay for these projects.
2. As construction prices continue to rise and construction materials continue to be hard to obtain in a timely manner, any additional delay for these projects could result in further significant cost increases.

Given the at-the-time inappropriate scope of RFP No. 22-752-020, it is entirely appropriate and understandable for the Board to decide not to award RFP No. 22-752-020 and instead direct staff to re-issue the RFP with an appropriate scope of work.

However, if the Board approves the additional scope of work for the affected projects, and for the reasons listed above, DCSD Operations Staff recommends awarding RFP No. 22-752-020 to Construction Works, Inc., the most responsive and responsible offeror.

*<sup>1</sup> There are often instances when the scope of work for a project must be extended beyond what was approved by the Board in order to achieve the Board approved scope. For example: Installation of fire sprinklers at a school not designed for them can result in needing to close-off wall vents between rooms and hallways to meet the fire-code requirements imposed when a building is updated to include sprinklers. Closing off these vents can in-turn require updates to the school's HVAC system to account for the resulting changes in airflow. Upgrading the school's HVAC system is beyond the Board approved scope of work of "fire sprinkler installation", but is necessary to complete the Board approved scope. In these cases, the additional scope of work is kept to the minimum required to complete the Board approved scope of work. Any additional cost (over \$100,000) associated with additional scope required to complete the Board approved scope of work must still be approved by the Board. Any work beyond the Board approved scope of work and not necessary to complete the project should still be presented to the Board for approval before any financial commitments are made.*