

In this issue ...

- ◎ **2020 CPSM Issued July 1, 2020**
- ◎ **Job Order Contracting**
- ◎ **DEB Forms Update**



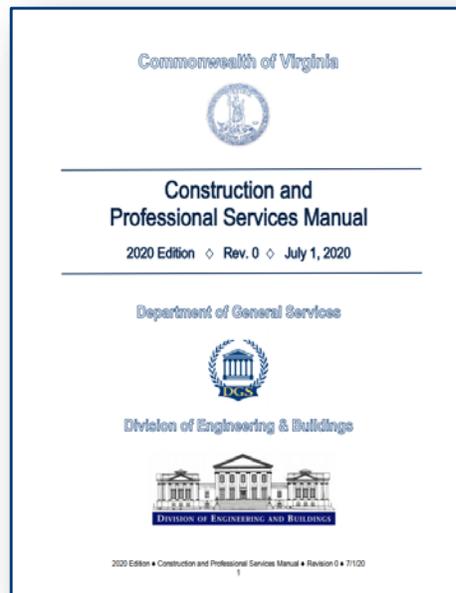
Commonwealth of Virginia
Department of General Services
Division of Engineering & Buildings

2020 CPSM issued July 1, 2020

The 2020 edition of the [Construction and Professional Services Manual](#) (Rev. 0) was issued on July 1, 2020. A PDF of the current CPSM edition along with [DEB Notice 070120](#) summarizing the significant changes from the prior Manual version are both available on the DEB website.

CPSM changes were made to reflect recent legislative changes, updated legal interpretations and administration initiatives, and to improve communication and business operations. Because some changes are a result of changes to the Code of Virginia, these changes require immediate compliance. Therefore, a CPSM revision is effective on the date issued for all projects that do not have an approved Form CO-6 or working drawings approved by DEB.

Some of the more notable changes to the CPSM will be summarized in this article. The utilization of Job Order Contracting (JOC) as a method of procuring construction will be introduced in a separate DEB Newsletter article.



High Risk Contract Review

As a result of legislative change, DGS review of High-risk Contracts is required. Agencies are required to determine if a project meets the Code of Virginia definition of a High-risk Contract. If the project is a High-risk Contract, the Agency shall make a submission to DGS in accord with the Division and Purchases and Supply procedures before issuing an RFP for professional services or awarding an A/E contract (Section 3.1.1.4) and before issuing an RFP for construction or awarding a construction contract (Section 7.0.1.2).

Renewals of A/E Term Contracts

As a result of an updated legal interpretation, the contract term of an A/E Term Contract (Section 3.1.8.4) shall begin no sooner than twelve (12) months following the execution of the contract resulting from the original solicitation or the Owner's previously exercised renewal. The Owner may no longer renew the A/E Term Contract prior to this twelve-month period, even if the aggregate limit of \$1,000,000 in A/E fees is reached. This renewal limitation for A/E Term Contracts is consistent with the renewal of JOC Term Contracts (Section 7.4).

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- [BITS](#)
- [Budget Development](#)
- [CPSM](#)
- [CPSM & VCCO Training](#)
- [DEB Contacts](#)
- [DEB Home Page](#)
- [DEB Notices](#)
- [Documents & Forms](#)
- [Electronic Document Review \(EDR\)](#)
- [Permits & Certificates](#)

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DEB NEWSLETTER



Issue No. 67

July 2020

Sheet 1 of 5

Providing Vertical Grab Bars

As a result of disability advocates and because vertical grab bars are advantageous to the disabled, vertical grab bars shall be provided in accord with ICC A117.1 as referenced by the 2015 Virginia Construction Code. Section 4.2.2.19 of the CPSM was revised to reflect this requirement, which was originally announced in DEB Notice 010720. Vertical grab bars may be omitted from buildings with anti-ligature requirements. Please refer to DEB Newsletter No. 62 (February 2020) for additional information and diagrams.



Providing Baby Changing Facilities

As a result of a study commissioned by the Secretary of Administration, the requirement to provide baby changing facilities in both existing and new state-owned or leased buildings was added as Section 4.4.3. The number of baby changing facilities required is based on the number of required toilet fixtures, with a minimum of one (1) baby changing facility in both the men's and women's restrooms and one (1) baby changing facility in all required family or assisted-use bathrooms. This requirement is to be incorporated into all building designs that do not have approved Working Drawings. For existing buildings and buildings under construction, the agency shall develop a comprehensive plan by 7/1/2021 to implement the requirement and execute the plan by 7/1/2023.

Recycled Materials

As a result of legislative change, the definition of Recycled was added to the revised General Conditions of the Construction Contract (Form CO-7), and CPSM Section 6.0.6.6 was added to clarify that the use of Recycled materials and equipment is permitted if deemed an equal in accord with Section 26.b of the General Conditions.



Posting of Approved Change Orders on eVA

As a result of legislative change, all approved A/E Change Orders and all approved construction Change Orders are now required to be posted on eVA. CPSM Sections 3.2.6 7.6.16, and 8.7.7 were updated accordingly.

Procurement Procedures for Construction Management @ Risk and Design Build

As a result of further study of the use of CM @ Risk, new Secretary of Administration (SOA) procedures for using CM @ Risk and Design Build procurement methodologies went into effect on January 1, 2020. DEB Notice 010120 announced these Alternative Construction Procurement Procedures. CPSM Sections 7.2 and 7.3 have been revised to incorporate the requirements of the SOA procedures and the revised capital outlay forms that were issued 7/2020. Please refer to DEB Newsletter No. 61 (January 2020) for a detailed comparison of the new SOA procedures with the superseded SOA procedures.

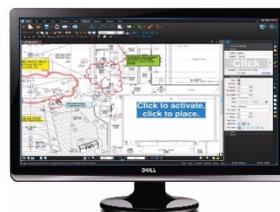
Early Release Building Permits

In order to clarify the requirements, Section C.1 "Code Compliance Documents" of Appendix C was simplified to require approval of Preliminary Design to demonstrate code compliance.

Projects with approval to use CM @ Risk or Design Build construction delivery methods have the option of requesting permission from the DEB Director to start construction before the complete building design has been finished. Examples of early release permits include sitework, grading, site utilities, and foundation. However, code compliance and budget compliance must be demonstrated prior to issuance of an early release permit.

Electronic Submissions of Documents

In order to improve efficiency, DEB has transitioned to requiring only electronic submittals for review, including the review of Shop Drawings. Appendix S and Section 5.11 were both revised to require electronic review submittals, (unless the Agency obtains prior approval from DEB to submit paper copies such as for projects that have sensitive or confidential information.) After the Working Drawings or Shop Drawings are approved by DEB, three paper copies of the documents shall be submitted to DEB for signature by the State Building Official.



DEB NEWSLETTER



Issue No. 67

July 2020

Sheet 2 of 5

Job Order Contracting

Job Order Contracting (JOC) is defined in Code of Virginia [§ 2.2-4301](#) as a method of procuring construction by establishing a book of unit prices and then obtaining a contractor to perform work as needed using the prices, quantities, and specifications in the book as the basis of its pricing. More simply stated, a job order contract is a term contract for construction work.

Job Order Contracting is best suited to small projects. Typical uses for JOC are for maintenance projects, small renovations, roofing repairs, accessibility improvements, or projects with elements that are difficult to quantify such as masonry repairs, replacement of rotting wood, etc.

A Job Order Contract is structured as a term contract for work within a specific geographic region. The Code of Virginia limits the term to 12 months, project orders are limited to \$500K, and no more than \$6M in work can be issued within a term. The key elements of the term contract are:

1. The contract (CO-9JOC) including the General Conditions (CO-7)
2. The Supplemental General Conditions for Job Order Contracting (DGS-30-520)
3. The Construction Task Catalog® published by Gordian, Inc.
4. Adjustment factors to be applied to the unit costs in the Construction Task Catalog®. These adjustment factors are established through competitive sealed bidding.

		Exterior Improvements		32	
		Bases, Ballasts, And Paving		32 10	
		Unit Paving		32 14	
MINOR	CSI	UOM	DESCRIPTION	TOTAL DIRECT UNIT COST	DEMOLITION UNIT COST
			Curbs, Gutters, Sidewalks, And Driveways <small>(32 16)</small>		
	32 16 13		Curbs And Gutters <small>(32 16)</small>		
			<small>Note: Includes transitions. Demolition Includes two saw cuts (each end) of curbs and gutters for lengths up to 100'. See CSI section 02 41 19 13-00-03 for additional saw cuts within the 100'.</small>		
	32 16 13 13		Cast-In-Place Concrete Curbs And Gutters <small>(32 16 13)</small>		
			<small>Note: Includes concrete, forms, rebar, chairs (where necessary), expansion joints.</small>		
	32 16 13 13-0001		Concrete Curb, Cast In Place <small>(32 16 13 13)</small>		
			<small>Note: Includes delivered concrete, forms, rebar, chairs (where necessary), expansion joints, finish and curing.</small>		
	32 16 13 13-0002	LF	6" X 12" Cast In Place Concrete Curb	7.18	3.23
			<i>For Up To 20, Add</i>	4.03	
			<i>For >20 To 50, Add</i>	2.27	
			<i>For >50 To 100, Add</i>	0.88	
			<i>For >500 To 1,000, Deduct</i>	-0.88	
			<i>For >1,000, Deduct</i>	-1.50	
	32 16 13 13-0003	LF	6" X 12" Cast In Place Concrete Curb - Radius	8.18	3.72
			<i>For Up To 20, Add</i>	4.63	
			<i>For >20 To 50, Add</i>	2.61	
			<i>For >50 To 100, Add</i>	1.01	
			<i>For >500 To 1,000, Deduct</i>	-1.01	
			<i>For >1,000, Deduct</i>	-1.72	

These key elements set the terms by which the work will be priced and executed, but no particular project scope has been established. The particular scope and specific lump sum price for each project is established in the individual Job Orders (CO-9bJOC). Note that the Job Order, Form CO-9bJOC (DGS-30-535) and the Job Order Proposal Request (DGS-30-525) are contained within the Gordian system, and are not available from the DGS Forms Center.

When an Owner has a project, the Owner, A/E (as applicable), and Contractor meet at the site to review the work to be completed and develop a Detailed Scope of Work. In this meeting with the work, project constraints such as work hours or access limitations, and various potential design solutions are discussed. Based upon the items discussed in that meeting, the Owner and A/E complete the Detailed Scope of Work for inclusion in the Job Order Proposal Request.

DEB NEWSLETTER



Issue No. 67

July 2020

Sheet 3 of 5



After the meeting the Owner issues a Job Order Proposal Request including the finalized Detailed Scope of Work to the Contractor. The Contractor then prepares a Job Order Proposal for review and approval by the Owner. This proposal includes a detailed estimate using the unit costs and adjustment factors agreed to in the term contract and a proposed schedule for the work.

Once the Owner and Contractor agree upon the proposal, the Owner issues a Job Order (CO-9bJOC) for the work. The Job Order establishes the scope, lump sum price, and time for completion of the contract, and references the term contract to incorporate the terms by which the work is to be executed.

Job Order Contracting complements A/E term Contracts in the procurement of small, maintenance, and renovation projects and provides an expeditious path for addressing emergencies or other urgent construction projects. However, there are limitations to Job Order Contracting. Due to the nature of the pricing methodology, Job Order Contracting is best suited to small, repair, maintenance, and renovation projects. For this reason, the Code of Virginia limits the size of any single Job Order to no more than \$500,000, including change orders. Splitting of projects into multiple Job Orders is prohibited. In addition, the total value of all Job Orders written against a term contract may not exceed \$6,000,000.

There are two primary paths for Public Bodies to utilize Job Order Contracting:

1. Utilize the Statewide Job Order Contracts (administered through DPS) – DGS has issued a Request for Qualifications. Once the responses have been evaluated, an Invitation for Bids will be issued for each region. These contracts and may be utilized by all Public Bodies. The advantage of these contracts is that the procurement of the term contract has been completed and the public body will be able to start their process at the development of the Detailed Scope of Work development and the Job Order Proposal stage. However, depending on usage in the region, the contract limits of these contracts could be reached quickly.
2. Create Public Body Specific JOC Term Contracts – DGS has procured a statewide contract with Gordian, Inc. to provide the Construction Task Catalog®, JOC program management services and web-based software, and if desired by the public body, project management. These services provide the basic infrastructure for a JOC contract. Utilizing these resources, the public body can complete the procurement for a term contract that is specific to that public body. This methodology has the advantage that the public body can make the region smaller and more specific to its needs such as a campus or a county, and the public body is the only user of the contract. This means that the full \$6,000,000 of contract capacity is available to the public body.



When agencies utilize Job Order Contracting, depending on the character of work, a Building Permit issued by the State Building Official or a Project Permit issued by an Agency with annual permit authority may be required. Review Appendix P, Building Permit Policy for Construction – State-Owned Buildings & Structures, and consult with the agency’s assigned Lead Reviewer with any questions concerning permitting requirements. Projects utilizing Job Order Contracting shall complete the Statement of Job Order Contract Use form (DGS-30-480) and include in the Project Manual in place of forms including the General Conditions, Instructions to Bidders, Standard Bid Form, and Notice of Invitation to Bid.

Incidental Professional A/E Services may be included in a Job Order. For additional information on the limitations on these Professional Services and other information regarding Job Order Contracting see CPSM Section 7.4. Before utilizing this procurement method it is recommended that the agency review this CPSM section, the Supplemental General Conditions for Job Order Contracting (DGS-30-520), and other forms to be utilized for JOC.

DEB NEWSLETTER	
	Issue No. 67
	July 2020
Sheet 4 of 5	



DEB Forms Update

In conjunction with July 1 issuance of the 2020 Edition of the Construction & Professional Services Manual (Rev 0), a significant number of forms were revised or newly added. 22 existing forms were revised, two forms were deleted, and nine new forms were added. The nine newly added forms are all related to Job Order Contracting as discussed in the previous article. Seven of the nine new JOC forms are available on the DGS Forms Center; the remaining two are available in the Gordian System.

The 22 revised forms are related to the other following types of contracts: Architect/Engineer, Design-Bid-Build, Design-Build, Construction Management, and Energy Performance-Based Contracts (ESCO). The specific types of documents that were revised, many significantly, include A/E Contract Terms & Conditions, various General Conditions and Supplemental General Conditions, Bonds, Change Orders, RFPs, and Contracts, proper. The Cost Review Questionnaire (CR-2) and the Building Cost Summary (BCS) forms were also modified.

DGS-30-000

(Rev. 07/20)

2. Recent DEB Form Changes

Forms which were recently added or revised are highlighted below in **bold red** font below.

Forms which were recently removed from the DGS Forms Center are highlighted in **bold black** font.

For a complete listing of all current form versions, refer to the "Current Forms" tab below.

Form Name	DGS Form #	Alternate ID #	Format	Rev Date mm-yy	Action	Remarks
DEB Forms Master List	DGS-30-000	(DEB Forms List)	Excel	06-20	Revised	Revised to highlight other form additions, revisions, and deletions.
Terms and Conditions of the A/E Contract	DGS-30-018	CO-3a	PDF	07-20	Revised	Revisions from OAG Review
A/E Term Contract	DGS-30-020	CO-3.1	Word	07-20	Revised	Revisions from OAG Review, Legislative Updates
General Conditions of the Construction Contract	DGS-30-054	CO-7	PDF	07-20	Revised	Revisions from OAG Review, Legislative Updates
Instructions to Bidders	DGS-30-055	CO-7a	PDF	07-20	Revised	Revisions from OAG Review
General Conditions of the Design Build Contract	DGS-30-056	CO-7DB	PDF	07-20	Revised	Revisions from OAG Review, Legislative Updates
General Conditions of the Construction Management Contract	DGS-30-057	CO-7CM	PDF	07-20	Revised	Revisions from OAG Review, Legislative Updates
Construction Contract	DGS-30-064	CO-9	Word	07-20	Revised	Revisions from OAG Review
Design Build Contract	DGS-30-065	CO-9DB	Word	07-20	Revised	Revisions from OAG Review
ESCO Contract	DGS-30-066	CO-9ESCO	Word	07-20	Revised	Revisions from OAG Review

With the exception of two JOC forms in the Gordian System, the 29 other new or revised forms are all available for viewing or download from the DGS Forms Center. To find the latest forms, refer to the [DEB Forms Master List \(DGS-30-000\)](#). Tab 2, "Recent DEB Form Changes", contains hyperlinks to easily access and download these 29 documents. For a complete list of all DEB Forms on the Forms Center, refer to Tab 3 of the DGS-30-000.

DEB NEWSLETTER



Issue No. 67

July 2020

Sheet 5 of 5