



ConsensusDocs™
BUILDING A BETTER WAY

How One Owner Revamped a Public Construction Program Through Better Contracts, Better Technology, and Better Project Delivery



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What happened?
When?
Highlights?

- Modernized the State's construction program.
- Changes occurred during 2011 following the election of Governor Branstad and appointment of Director Mike Carroll.
- ConsensusDocs. Privatization. Technology. Sophistication.



Why me?

- Named general counsel to DAS in April 2011.
- Private practice with a firm in Des Moines, IA, known for its construction law practice. Mentored by one of the premier construction lawyers in the Midwest.
- Civil engineer (P.E.) before and during law school.
- Represented an AGC affiliate in a lawsuit aimed at increasing the number of jobs that go to Iowa contractors as opposed to out-of-state contractors.



What is DAS?

- State department.
- Four divisions: 1) Accounting, 2) Information Technology, 3) Human Resources, and 4) General Services.
- Created in 2003 to provide “world class customer service” to its agency “customers.”
- Construction and Central Purchasing (Procurement) in General Services.



DAS Construction pre-2011

- 125 projects valued at \$300 million.
- 68 projects completed/year.
- \$40,664,000 of completed projects/year.
- Traditional project delivery method.
- Construction projects managed by State employees.
- AIA contract documents with modified general conditions.
- Limited technology.



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Change Orders



Exhibit A Accountable Government Act Requirements & Fees

June 27, 2011

Project: DAS Project No. 5661.01 IVH Master Plan Implementation
Phase 1 – Construction Management Consultation &
Related Services
Iowa Veterans Home, Marshalltown, Iowa

Consultant: DCI Group, Inc.
2500 West 2nd Avenue
Indianola, IA 50125

Accountable Government Act Requirements

Item to be Measured and Monitored	Person Responsible
<p>Services provided shall be evaluated by the Owner to determine that they are performed in a timely manner and deliverables are provided in accordance with requirements of the Owner.</p> <p>Construction Management Consultation and Related Services are to be provided on an as-needed basis in connection with the completion of construction of the IVH Master Plan Implementation - Phase 1 project. Consulting Services shall be as described in the DAS informal RFQ dated June 22, 2011 and the DCI Group proposal response dated June 24, 2011 as the Hourly Rate Schedule was revised June 26, 2011.</p> <ol style="list-style-type: none">1. Time is of the essence. Consultant is authorized to commence with services upon the Owner's acceptance of the Consultant's proposal of June 24, 2011, including the June 26, 2011 revised Hourly Rate Schedule, to which this Exhibit A is attached, and the Owner's issuance of a Purchase Order to the Consultant.2. Consultant shall review and evaluate the construction contractor's current schedule for completion of the project. Meet with DAS representatives to identify issues and concerns with current schedule and make recommendations for course of action when schedule requirements do not meet contractor's contractual obligations.3. Review current change order status and identify steps needed to move them through the contractual process. Assist Owner in establishing timelines and sequences for implementing remaining change order work and incorporating in overall project schedule.4. Attend scheduling meetings with Owner and construction contractor as required to assist in determining phasing, sequencing and coordination of remaining work with ongoing operations.5. Conduct site visits on at least a weekly basis to analyze construction operations being performed to confirm they are consistent with project schedule. Identify and report potential variances between scheduled and probable completion dates. Review schedule for work not started or incomplete, and make recommendation of adjustments in schedule to meet established completion dates.6. Provide assistance in the steps required to achieve substantial completion and close-out.	<p>Paul Carlson, Administrator of Architectural & Engineering Services</p>

Payment Clause	Person Responsible
<p>Payment amounts against individual invoices may be adjusted so as to be commensurate with the extent and progress of services performed. Payments may be reduced if invoice amounts do not correspond with services rendered or if services are determined to be unsatisfactory to the Owner. If payments are reduced, full payment will be made when required services have been delivered to the satisfaction of the Owner.</p> <p>Consultant to be paid in progress payments for services provided on a time and material basis at the hourly billing rates stated in the 6/26/2011 email from Kevin Kain to Paul Carlson (attached to the DCI Group's 6/24/2011 proposal response to the 6/22/2011 DAS informal Request for Proposal), in which the hourly billing rates shall include the cost of such materials and DCI staff recoverables, including office overhead, travel costs, reimbursable expenses, project administration, and profit.</p> <p>Total Compensation: The total amount paid under the Agreement, to which this Exhibit A is attached and made a part of, shall not exceed \$50,000.</p>	<p>Paul Carlson, Administrator of Architectural & Engineering Services</p>

Fees

Overall compensation for the described services is limited to the amount identified above, to include reimbursable expenses incurred in the course of the Consultant's providing the described services, unless an amendment to this Purchase Order is agreed to by the Owner and executed authorizing such additional Compensation.

This Exhibit A is an attachment and a part of the Consultant's proposal dated June 24, 2011.

OWNER

(Signature)

Director or Director's Designee
Iowa Department of Administrative Services

(Printed name and title)

CONSULTANT

(Signature)

Kevin C. Kain, President
DCI Group, Inc.

(Printed name and title)



DAS Construction post-2011

- 321 projects valued at \$495 million.
- 98 projects completed/year.
- \$80,300,000 of projects completed/year.
- CMA project delivery method.
- Construction projects managed by private construction management companies.
- Technology—project management software, critical path method scheduling, BIM.
- ConsensusDocs.



How did we change to ConsensusDocs?

- Identify the need.
- Propose a reasonable solution.
- Collaboration with industry groups.
- Collaboration with AG and DOM.
- Collaboration with our customers.
- Communicate the advantage to taxpayers.
- Statutory authority.



Perceived benefits of privatization and ConsensusDocs?

- Progressive.
- Owner-focused.
- No disputes.
- Potential for the expedient resolution of disputes.
 - Insurance.



Perceived benefits of privatization and ConsensusDocs?

- Better designers.
- Better management.
 - Timely.
- Controlled outcomes.
 - Cost effective.
- High quality results.
- Satisfied customers.



Keys to success?

- Know more about the subject matter than those who oppose it.
- Build support.
- Leadership endorsement.
- Have a problem that you need to fix.
- Teamwork.



Conclusion

- More than willing to consult with you on facilitating this process.
- Brian Perlberg was instrumental.



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Questions?



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