



**RAPIDAN SERVICE AUTHORITY
BOARD OF MEMBERS AGENDA
17-Jul-25**

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**NOTE: MEETING TO BE HELD AT THE ORANGE COUNTY PUBLIC SAFETY BUILDING AT 2:00 PM.
11282 GOVERNMENT CENTER DRIVE, ORANGE, VA 22960**

**TO VIEW THE MEETING VIRTUALLY, VISIT
<https://youtube.com/live/7RYUx2jiW1k?feature=share>**

A regular meeting of the Board of Members of Rapidan Service Authority was held on June 18, 2025, at the Madison County Administration Building, Madison, VA.

A quorum was present, and the meeting was called to order at 2:00 p.m., followed by the Pledge of Allegiance.

Present:	Members:	Coppage, Johnson, Marshall, Voorhees
	Staff:	G.M. Clemons, D.O. Jarrell, D.A. Gaskins
	Attorney:	Stefan Calos (via Zoom)
	Guests:	Matthew McLearen, RFC

After the addition of a second item to the Customer Requests section of the agenda, the agenda for the meeting was adopted on a motion by Coppage, seconded by Voorhees, and passed on a unanimous voice vote.

The minutes of the May 15, 2025 meeting were then approved on a motion by Coppage, seconded by Voorhees, and passed unanimously on a voice vote.

There was no old business or public comment.

D.A. Gaskins then presented a request from a Locust Grove customer asking for relief on a high-water bill. Excessive consumption occurred over a three-day period in February, and the customer did not know what caused it. D.A. Gaskins stated that any penalties incurred as a result of the high use would be reversed, and on a motion by Coppage, seconded by Marshall, the Board unanimously voted to uphold its policy of charging for all water that passes through the meter. G.M. Clemons then presented a letter from a customer regarding sewage back-up during the severe flooding that occurred the previous weekend. She requested that RSA submit her request for a claim to its insurance provider, and GM Clemons agreed to do so.

During the opportunity for comments from the Board, Mr. Voorhees thanked RSA staff for their quick response in getting pump stations up and running again after the flooding of the previous weekend. Mr. Coppage remarked that it seemed that RSA had done everything that could be done.

Matthew McLearen of Robertson, Farmer, Cox Associates then presented the audit report for the year ending December 31, 2024. He briefly went through the formal letter from the firm to the RSA Board of Directors and then through the report itself. He pointed out that there was an additional section of the report this year which was required by RSA's receiving of federal grant funds. There were no deficiencies or problems reported, and Mr. McLearen concluded his presentation by giving an opportunity for questions from the Board. GM Clemons thanked him and RFC for their work on the audit.

G.M. Clemons then presented an addendum to the Route 20 Addendum to Water Purchase Contract. The language of subsection (d) of section 2 was changed slightly to clarify where the Porter Road tank level data would be transmitted, and, more significantly, Section 6 was amended to show that RSA would own

and be responsible for all infrastructure to the east of a dividing line in the vault rather than the vault and its contents being entirely owned by the Town of Orange. On a motion by Voorhees, seconded by Marshall, the proposed changes were approved unanimously on a roll call vote.

G.M. Clemons and D.A. Gaskins then presented a request to the Board to raise the cost of bulk water hauling from \$15.00 to \$20.00 per thousand gallons. The last time that this cost was raised was 2017. Spotsylvania County is charging water haulers \$19.46 per thousand gallons if the water is metered and a minimum fee of \$44.32 plus \$19.46 per thousand gallons if the water is not metered. The Town of Culpeper charges a minimum of \$42.57 plus \$7.26 per thousand gallons over 2000. On a motion by Copping, seconded by Marshall, the Board voted to approve the rate increase on a unanimous roll call vote.

G.M. Clemons then gave his report. He begin with a brief update on the flooding of the previous weekend in Lake of the Woods. The pump station was not damaged as badly as initially feared, and RSA staff worked over the weekend to get the situation under control. The second quarter testing for disinfection by-products is now complete, and all water systems are in compliance. The Madison sewer plant replacement project is out to bid. Six contractors attended the pre-bid conference, and G.M. Clemons hopes for competitive results when bids are opened on June 26. RSA remains in decent financial shape, although the rains have hurt water sales a bit. In response to a question from Mr. Copping, D.A. Gaskins gave a brief update on the new office construction in Locust Grove. Things are progressing well in spite of the rain, and construction should be completed on time in September.

Attorney Calos then gave an update on the PFAS mass lawsuit settlement that RSA voted to participate in. During the course of that participation, various tests were performed, and RSA's water does not contain PFAS. RSA will be receiving a check for just over \$17,000 to cover costs and may possibly receive future payment as well, but Mr. Calos does not anticipate a large payout.

Mr. Voorhees then commented that some at the DEQ and in the state legislature are concerned about the possibility of transferring PFAS contamination from one area to another through farm applications of biosolids and that there may be upcoming regulation concerning this.

G.M. Clemons then thanked Attorney Calos for his hard work on the PFAS issue and stated that any check that RSA received should be credited to his efforts.

With no further business to discuss, on a motion by Voorhees, the meeting was adjourned at 2:31 p.m. on a unanimous voice vote.

Chairman

June 17, 2025

Mr. Tim Clemons
General Manager, Rapidan Service Authority
2445 S. Seminole Trail
Madison, VA 22727

RE: Rt. 20 Meter Vault Project

Rapidan Service Authority opened sealed bids for the above referenced project on June 12, 2025. The project scope entails constructing, furnishing and installation of components in accordance with the Contract documents for a new metering vault, piping, valves and fire hydrant(s) as shown, specialty pressure reducing valves, flow meter and instruments, new electrical service, SCADA panel, misc. mechanical items, demolition and removal of existing vaults and all required elements to provide a complete and functional system.

The table below presents the bid tabulation for this project.

Rt. 20 Meter Vault Project Bid Tabulation Bid Opening: June 12, 2025 @ 1:30 PM	
Patterson Construction Co. Inc.	\$497,844 (1)
Walter C. Via Enterprises, Inc.	\$940,732

Notes:

1. Responsive and Responsible Low Bidder.

Patterson Construction, Inc. submitted the low bid and it was deemed to be the low responsive responsible bid. Mangrum Consulting recommends project award to Patterson Construction Co. Inc. for the bid amount of \$497,844.

Please do not hesitate to contact me (Rob@mangrumconsulting.com; (434) 665-1515) should you have any questions or require additional information. And thank you for this opportunity to work again with Rapidan Service Authority.

With Regards,



Rob Mangrum, P.E., BCEE

Consultant / Process Engineer

*Board Certified by the American Academy of Environmental Engineers
Water Supply and Wastewater Treatment*

**DESIGN-BUILD
CONSTRUCTION CONTRACT PROCEDURES
AS ADOPTED BY
RAPIDAN SERVICE AUTHORITY**

The Rapidan Service Authority (RSA) provides water, sewer, and solid waste services to Madison and Orange Counties. The RSA Board of Members (Board) is vested with the exercise of the authority of the RSA. The Board recognizes that a design-bid-build project delivery method utilizing competitive sealed bidding is the default method of procurement for construction contracts. However, competitive sealed bidding is not always practicable nor fiscally advantageous for complex construction projects. Design-Build contracts, formed with a firm that provides both professional design and construction services, are intended to minimize the project risk and to reduce the delivery schedule by overlapping the design phase and construction phase of a project.

Pursuant to the Virginia Public Procurement Act, Virginia Code §§ 2.2-4300, *et seq.* (VPPA), Virginia Code §§ 2.2-4378, *et seq.* (Construction Management and Design-Build), and consistent with the procedures adopted by the Board for utilizing design-build contracts, the Board, an authorized public body as defined by Virginia Code § 2.2-4301, has, by resolution, adopted the following procedures (Procedures) that are consistent with the procedures adopted by the Virginia Secretary of Administration for utilizing design-build contracts for construction projects.

The provisions of the Virginia Public Procurement Act (§ 2.2-4300 *et seq.*) shall remain applicable. In the event of any conflict between Chapter 43.1 pursuant to which these procedures are adopted and the Virginia Public Procurement Act (§ 2.2-4300 *et seq.*), Chapter 43.1 shall control.

Definitions

“Complex project” means a construction project that includes one or more of the following significant components: difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation, or intricate phasing or some other aspect that makes the design-bid-build project delivery method not practical.

"Design-bid-build" means a project delivery method in which a public body sequentially awards two separate contracts, the first for professional services to design the project and the second utilizing competitive sealed bidding for construction of the project according to the design.

“Design-build contract” means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, or other item specified in the contract.

Procedures for Use of Design-Build Contracting

I. Criteria for Use of Design-Build as a Construction Delivery Method.

- A. Design-build contracts shall be awarded on a fixed price or not-to-exceed price basis.
- B. Design-build contracts may be utilized on projects where the project (i) is a complex project; and (ii) the project procurement method is approved by the Board.
- C. Prior to making a determination as to the use of design-build for a specific construction project, RSA shall have in its employ or under contract a Virginia-licensed architect or engineer with professional competence appropriate to the project to advise RSA regarding use of design-build for the project. Such licensed architect or engineer shall also assist RSA with preparation of the Request for Qualifications (RFQ), Request for Proposal (RFP), and evaluation of proposals received in response to the RFQ and RFP.
- D. In advance of initiating a design-build procurement, the General Manager of RSA, or his or her designee, shall request approval from the Board to use design-build contracts for procuring non-professional services through competitive negotiation for a construction project rather than competitive sealed bidding. The request for approval shall be in writing and shall include an explanation for why:
 - 1. A design-bid-build project delivery method is not practicable or fiscally advantageous; and
 - 2. The basis for the General Manager's recommendation to utilize design-build, including the determination of the project's complexity.
- E. If the Board accepts the General Manager's recommendation, it shall make a determination in writing that the design-bid-build project delivery method is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize design-build, including the determination of the project's complexity. The determination shall be included in the RFQ and be maintained in the procurement file.

II. Selection Procedures.

- A. The procurement shall include a two-step competitive negotiation process consistent with Chapter 43.1 and the Design-Build Procedures As Adopted by the Secretary of Administration (effective December 17, 2024) for state public bodies.
- B. The General Manager shall appoint an Evaluation Committee ("Committee") which shall consist of at least three staff members of the RSA, including a licensed

professional engineer or architect. If possible, the Committee shall include a licensed design professional. RSA shall consult with its attorney to determine whether legal counsel should be involved.

- C. The criteria for selection shall be included in the RFQ and RFP.
- D. The RFQ and RFP shall include notice to prospective offerors that they may submit comments regarding RFQs, RFPs and specifications in writing to the contact person identified in the RFQ or RFP. Responses to these questions which are relevant to the work will be documented and addenda will be issued to all proposers who have requested a copy of the RFQ. Comments and questions submitted to any individual at RSA that is not the identified contact person shall not receive a response.
- E. Selection of Qualified Offerors. (Step 1)

RSA shall conduct a prequalification process as follows to determine which offerors are qualified to receive the RFP.

1. RSA shall prepare an RFQ containing the Board's facility requirements, building and site criteria, site and survey data (if applicable), the criteria to be used to evaluate RFQ responses, any specific requirements for the particular project, and other relevant information, including any unique capabilities or qualifications that will be required of the contractor.
2. RSA will include in the RFQ if responses may be submitted electronically and/or via paper response.
3. All offerors shall have a licensed Class "A" contractor registered in the Commonwealth of Virginia as part of the Project team.
4. All offerors shall have an Architect or Engineer registered in the Commonwealth of Virginia as part of the Project team.
5. Public notice of the RFQ will be posted on RSA's website and/or the Virginia Department of General Services central electronic procurement website, known as eVA ("eVA"), at least 30 days prior to the date set for receipt of qualification proposals.
6. The Committee shall evaluate each responding firm's RFQ responses and any other relevant information and shall determine those deemed qualified with respect to the criteria established for the project.
7. The RFQ evaluation process shall result in a short list of three to five offerors to receive the RFP. If available, the short list shall include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. The short list may have less than three

offerors to receive the RFP if there are less than three responses to the RFQ.

8. An offeror may be denied prequalification only as specified under Virginia Code § 2.2-4317, but the short list shall also be based upon the RFQ criteria.
9. Prior design-build experience or previous experience with RSA shall not be considered as a prerequisite or factor considered for prequalification of a contract.
10. At least 30 days prior to the date established for the submission of proposals, RSA shall advise in writing each offeror which sought prequalification whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

F. Selection of a Design-Builder. (Step 2)

1. RSA shall send a Request for Proposal ("RFP") to the offerors on the short list and request submission of formal proposals from them. The criteria for award shall be included in the RFP.
2. The RFP shall provide further details not described in the RFQ and shall list the factors to use in evaluating each proposal including the criteria for the award, the details regarding the cost and the pre-design, design, bid and construction phase services required.
3. RSA shall include in the RFP if responses may be submitted electronically and/or via paper response.
4. In selecting the contractor, RSA may consider the experience of each contractor on comparable design-build projects.
5. Proposals as described in the RFP shall be submitted to the Committee.
6. Sealed Technical Proposals as described in the RFP shall be submitted to the Committee. Separately-sealed Cost Proposals shall be submitted to RSA's Director of Administration and shall be secured by and kept sealed until evaluation of the Technical Proposals and the design adjustments are completed.

7. The Committee will evaluate and rank the Technical Proposals based on the criteria contained in the RFP. It will inform each design-build offeror of any adjustments necessary to make its Technical Proposal fully comply with the requirements of the RFP. In addition, the RSA may require that offerors make design adjustments necessary to incorporate project improvements and/or additional detailed information identified by the Committee during design development.
8. Based on the adjustments made to the Technical Proposals, the offeror may amend its Cost Proposal. In addition, an offeror may submit modifications to its original sealed Cost Proposal which are not based upon revisions to the Technical Proposals. Amendments or modifications to the offeror's Cost Proposal shall be sealed and submitted to RSA's Director of Administration who shall secure the proposals and maintain the seal until evaluation of the Technical Proposals and the design adjustments are completed.
9. The Committee shall evaluate (and rank if technical rankings are to be considered as a criterion for award) the technical proposals. Should RSA determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror after approval of the Board. Otherwise, RSA shall open the Cost Proposals and apply the criteria for award as specified in the RFP and approved by the Board.
10. The Committee shall make its recommendation on the selection of a design-builder to the Board based on its evaluations of the Technical and Cost Proposals and all amendments thereto. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the RFP.
11. Price is a critical basis for award of the contract.
12. RSA will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, RSA may notify all offerors who submitted proposals of RSA's intent to award the contract to a particular offeror at any time after the Board has selected the Design-Builder. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
13. Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

III. Notification by RSA of Advertisement of Subcontractor Bid Packages.

RSA may post on eVA or RSA's website when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate.

IV. Posting Documents Open to Public Inspection.

All records, subject to public disclosure under the Virginia Freedom of Information Act, shall be open to public inspection only after award of the contract. As required by Chapter 43.1, RSA shall post all documents open to public inspection pursuant to Virginia Code § 2.2-4342 that are issued or received by the RSA on RSA's website or eVA. Any offeror may inspect the proposal documents after opening of the price proposals but prior to award of the contract.

V. Trade Secrets and Proprietary Information.

Offerors shall be allowed to clearly designate portions of their submissions as trade secrets or proprietary information pursuant to Virginia Code § 2.2-4342. RSA will take reasonable measures to safeguard from unauthorized disclosure such information properly designated as such, to the extent permitted by law.

VI. Exceptions to this Policy.

The request for any exception to the procedures outlined in this Policy shall be reviewed by RSA's attorney prior to submission to the Board.

VII. Reporting requirements.

- A. RSA shall report no later than November 1 of each year to the Director of the Commonwealth's Department of General Services on all completed capital projects in excess of \$2 million.
- B. The report shall include at a minimum (i) the procurement method utilized, (ii) the project budget, (iii) the actual project cost, (iv) the expected timeline, (v) the actual completion time, (vi) if such project was a construction management or design-build project, the qualifications that made the project complex, and (vii) any post-project issues.

Adopted: July 17, 2025

Leg Refs: Code of Virginia §§ 2.2-4300 - 2.2-4383; Design-Build Procedures Adopted by the Secretary of Administration (effective December 17, 2024), attached as Exhibit A.

**DESIGN-BUILD (D-B) PROCEDURES AS ADOPTED BY
THE SECRETARY OF ADMINISTRATION
Effective December 17, 2024**

In accordance with the provision of Chapter 43.1 of the *Code of Virginia* (hereinafter referred to as the “Chapter”), I hereby adopt the following procedures for the procurement of Design-Build (“D-B”) contracts, as defined in the Chapter which shall be followed by all departments, agencies, and institutions of the Commonwealth (each of which is hereinafter referred to as the "Agency"). These procedures shall be effective December 17, 2024.

- A. **LEGISLATIVE AUTHORITY:** Under authority of the Chapter, the Commonwealth may enter into a contract with a Design-Builder in accordance with these procedures.
- B. **CRITERIA AND APPROVAL FOR USE OF D-B:** The Agency shall follow all the criteria for the use of D-B as set forth in the Chapter and contained herein and shall submit an application for approval or denial of the use of D-B to the Department of General Services Division of Engineering and Buildings.
- C. **D-B SELECTION PROCEDURES:** The following procedures shall be used in selecting a Design-Builder and awarding a contract:
 - 1. The Agency shall appoint an Evaluation Committee (“Committee”) which shall consist of at least three members from the Agency, including a licensed design professional, if possible. The Committee shall include a licensed professional engineer or architect provided by the Division of Engineering and Buildings. *The Agency may contact the Construction Unit of the Transportation and Construction Section in the Office of the Attorney General to request that a representative from the OAG provide legal counsel to the Committee as may be requested by it.*
 - 2. The basis of the award of the contract shall be in accordance with the Chapter and consistent with the criteria established in the D-B Request for Qualifications and D-B Request for Proposal. It is noted that cost is a critical component of the selection process. Guidance on methods for award can be found in the Construction and Professional Services Manual. The Agency shall utilize the templates on the Department of General Services Documents and Forms center.
 - 3. **Selection of Qualified Offerors (STEP I):** On projects approved for D-B, the Agency shall conduct a prequalification process as follows to determine which offerors are qualified to receive Request for Proposals (RFPs).
 - a) The Agency shall prepare a Request for Qualifications (“RFQ”) containing the Agency's Facility Requirements, building and site criteria, site and survey data (if available), the criteria to be used to evaluate RFQ Responses and other relevant information, including any unique capabilities or qualifications that will be required of the contractor. All offerors shall have a licensed Class “A” contractor registered in the Commonwealth of Virginia and an Architect or Engineer registered in the Commonwealth of Virginia as part of the Project team.
 - b) The RFQ shall be posted in accordance with Chapter 43.1 and agencies shall

- (i)include in the RFQ if responses may be submitted electronically and/or via paper response; (ii)shall post all documents open to public inspection pursuant to § 2.2-4342 that are issued or received by the Department on the Department's central electronic procurement website known as eVA.
 - c) The Committee shall evaluate each responding firm's RFQ responses and any other relevant information and shall determine those deemed fully qualified and suitable with respect to the criteria established for the project.
 - d) The RFQ evaluation process shall result in a short list of three to five offerors to receive the RFP. If available, the short list shall include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. An offeror may be denied prequalification only as specified under the § 2.2-4317, but the short list shall also be based upon the RFQ criteria.
 - e) The RFQ evaluation process shall evaluate an offeror's experience for a period of ten prior years to determine whether the offeror has constructed, by any method of project delivery, at least three projects similar in program and size.
 - f) At least 30 days prior to the date established for the submission of proposals, the Agency shall advise in writing each offeror which sought prequalification whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.
4. Selection of a Design-Build Contractor (STEP II):
- a) The Agency shall send a Request for Proposal ("RFP") to the offerors on the short list and request submission of formal proposals from them. The criteria for award shall be included in the RFP.
 - b) Proposals as described in the RFP shall be submitted to the Committee. Agencies shall include in the RFP if responses may be submitted electronically and/or via paper response.
 - c) Sealed Technical Proposals as described in the RFP shall be submitted to the Committee. Separately sealed Cost Proposals shall be submitted to the Agency's Virginia Construction Contracting Officer ("VCCO"), and shall be secured and kept sealed until evaluation of the Technical Proposals and the design adjustments are completed.
 - d) The Committee will evaluate and rank the Technical Proposal based upon the criteria contained in the RFP. It will inform each D-B offeror of any adjustments necessary to make its Technical Proposal fully comply with the requirements of the RFP. In addition, the Agency may require that offerors make design adjustments necessary to incorporate project improvements and/or additional detailed information during the design development
 - e) Based on the adjustments made to the Technical Proposals, the offeror may amend its Cost Proposal. In addition, an offeror may submit cost modifications to its original sealed Cost Proposal which are not based upon revisions to the Technical Proposals.
 - f) The Committee shall evaluate (and rank if technical rankings are to be considered as a criterion for award) the technical proposals. Should the Agency determine, in writing and at its sole discretion, that only one offeror is fully qualified or that one

offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror after approval of the Director. Otherwise, the Agency shall open the cost proposals and apply the criteria for award as specified in the RFP.

- g) The Committee shall make its recommendation on the selection of a design-builder to the Agency head based on its evaluations of the Technical and Cost Proposals and all amendments thereto. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.
- h) The Agency shall notify the Division of Engineering and Buildings of its selection of the Design-Builder and shall request authority to award a construction contract by processing the CO-8, *Approval to Award Construction Contract* and providing supporting documents to the Division.
- i) The Agency will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, the Agency may notify all offerors who submitted proposals of the Agency's intent to award the contract to a particular offeror at any time after the Agency head has selected the Design-Builder. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
- j) Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

D. DOCUMENTS: As required by the Chapter the Agency shall post all documents open to public inspection pursuant to § 2.2-4342 that are issued or received by the Department on the Department's central electronic procurement website known as eVA.

E. GUIDANCE: Guidance for the use of these procedures can be found in the Construction and Professional Services Manual.

Lyn McDermid

12/17/2024

Lyn McDermid, Secretary of Administration Date

RESOLUTION

RESOLVED, that pursuant to the Virginia Public Procurement Act, Virginia Code §§ 2.2–4300, *et seq.* (VPPA) and Virginia Code §§ 2.2-4378, *et seq.* (Construction Management and Design-Build), the Board of Members of the Rapidan Services Authority, an authorized public body as defined by Virginia Code § 2.2-4301, adopts the attached “Design-Build Construction Contract Procedures” that are consistent with the procedures adopted by the Virginia Secretary of Administration for utilizing design-build contracts for construction projects.

Adopted this _____ day of July 2025.

Mark Johnson, Chairman

Timothy L. Clemons, Secretary

CONSTRUCTION MANAGEMENT CONSTRUCTION CONTRACT PROCEDURES

AS ADOPTED BY

RAPIDAN SERVICE AUTHORITY

The Rapidan Service Authority (RSA) provides water, sewer, and solid waste services to Madison and Orange Counties. The RSA Board of Members (Board) is vested with the exercise of the authority of the RSA. The Board recognizes that a design-bid-build project delivery method utilizing competitive sealed bidding is the default method of procurement for construction contracts. However, competitive sealed bidding is not always practicable nor fiscally advantageous for complex construction projects. In these cases, the construction management contracting method may better meet the needs of RSA because it permits the early selection of a construction manager or because value engineering and/or constructability analysis is desired.

Pursuant to the Virginia Public Procurement Act, Virginia Code §§ 2.2-4300, *et seq.* (VPPA), Virginia Code §§ 2.2-4378, *et seq.* (Construction Management and Design-Build), and consistent with the procedures adopted by the Board for utilizing construction management contracts, the Board, an authorized public body as defined by Virginia Code § 2.2-4301, has, by resolution, adopted the following procedures (Procedures) that are consistent with the procedures adopted by the Virginia Secretary of Administration for utilizing construction management contracts for construction projects.

The provisions of the Virginia Public Procurement Act (§ 2.2-4300 *et seq.*) shall remain applicable. In the event of any conflict between Chapter 43.1 pursuant to which these procedures are adopted and the Virginia Public Procurement Act (§ 2.2-4300 *et seq.*), Chapter 43.1 shall control.

Definitions

“Complex project” means a construction project that includes one or more of the following significant components: difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation, or intricate phasing or some other aspect that makes the design-bid-build project delivery method not practical.

“Construction management contract” means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner and may also include, if provided in the contract, the furnishing of construction services to the owner.

"Design-bid-build" means a project delivery method in which a public body sequentially awards two separate contracts, the first for professional services to design the project and the second utilizing competitive sealed bidding for construction of the project according to the design.

Procedures for Use of Construction Management Contracting

I. Criteria for Use of Construction Management as a Construction Delivery Method.

- A. Construction management contracts shall be awarded on a fixed price or not-to-exceed price basis.
- B. Construction management contracts may be utilized on projects where the project (i) is a complex project; and (ii) the project procurement method is approved by the Board.
- C. Prior to making a determination as to the use of construction management for a specific construction project, RSA shall have in its employ or under contract a Virginia-licensed architect or engineer with professional competence appropriate to the project to advise RSA regarding use of construction management for the project. Such licensed architect or engineer shall also assist RSA with preparation of the Request for Qualifications (RFQ), Request for Proposal (RFP), and evaluation of proposals received in response to the RFQ and RFP.
- D. In advance of initiating a construction management procurement, the General Manager of RSA, or his or her designee, shall request approval from the Board to use construction management contracts for procuring non-professional services through competitive negotiation for a construction project rather than competitive sealed bidding. The request for approval shall be in writing and shall include an explanation for why:
 - 1. A design-bid-build project delivery method is not practicable or fiscally advantageous; and
 - 2. The basis for the General Manager's recommendation to utilize construction management, including the determination of the project's complexity.
- E. If the Board accepts the General Manager's recommendation, it shall make a determination in writing that the design-bid-build project delivery method is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management, including the determination of the project's complexity. The determination shall be included in the RFQ and be maintained in the procurement file.

II. Selection Procedures.

- A. The procurement shall include a two-step competitive negotiation process consistent with Chapter 43.1 and the Construction Management Procedures As

Adopted by the Secretary of Administration (effective December 17, 2024) for state public bodies.

- B. The General Manager shall appoint an Evaluation Committee (“Committee”) which shall consist of at least three staff members of the RSA, including a licensed professional engineer or architect. If possible, the Committee shall include a licensed design professional. RSA shall consult with its attorney to determine whether legal counsel should be involved.
- C. The criteria for selection shall be included in the RFQ and RFP.
- D. The RFQ and RFP shall include notice to prospective offerors that they may submit comments regarding RFQs, RFPs and specifications in writing to the contact person identified in the RFQ or RFP. Responses to these questions which are relevant to the work will be documented and addenda will be issued to all proposers who have requested a copy of the RFQ. Comments and questions submitted to any individual at RSA that is not the identified contact person shall not receive a response.
- E. Selection of Qualified Offerors. (Step 1)

RSA shall conduct a prequalification process as follows to determine which offerors are qualified to receive the RFP.

1. RSA shall prepare an RFQ containing the Board’s facility requirements, building and site criteria, site and survey data (if applicable), the criteria to be used to evaluate RFQ responses, any specific requirements for the particular project, and other relevant information, including any unique capabilities or qualifications that will be required of the contractor.
2. RSA will include in the RFQ if responses may be submitted electronically and/or via paper response.
3. All offerors shall have a licensed Class “A” contractor registered in the Commonwealth of Virginia as part of the Project team.
4. Public notice of the RFQ will be posted on RSA’s website and/or the Virginia Department of General Services central electronic procurement website, known as eVA (“eVA”), at least 30 days prior to the date set for receipt of qualification proposals.
5. The Committee shall evaluate each responding firm’s RFQ responses and any other relevant information and shall determine those deemed qualified with respect to the criteria established for the project.

6. The RFQ evaluation process shall result in a short list of three to five offerors to receive the RFP. If available, the short list shall include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. The short list may have less than three offerors to receive the RFP if there are less than three responses to the RFQ.
7. An offeror may be denied prequalification only as specified under Virginia Code § 2.2-4317, but the short list shall also be based upon the RFQ criteria.
8. Prior construction management experience or previous experience with RSA shall not be considered as a prerequisite or factor considered for prequalification of a contract.
9. At least 30 days prior to the date established for the submission of proposals, RSA shall advise in writing each offeror which sought prequalification whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

F. Selection of a Construction Manager. (Step 2)

1. RSA shall send a Request for Proposal ("RFP") to the offerors on the short list and request submission of formal proposals from them. The criteria for award shall be included in the RFP.
2. The RFP shall provide further details not described in the RFQ and shall list the factors to use in evaluating each proposal including: the criteria for the award, the allowable level of direct construction involvement by the proposer (the contractor may provide no more than 10% of the construction work as measured by the cost of work), details regarding the cost, and the pre-design, design, bid and construction phase services required.
3. RSA shall include in the RFP if responses may be submitted electronically and/or via paper response.
4. In selecting the contractor, the Committee may consider the experience of each contractor on comparable construction management projects.
5. Proposals as described in the RFP shall be submitted to the Committee.

6. The Committee will evaluate and rank the proposals. After evaluation and ranking of the proposals, the Committee shall:
 - a. Conduct negotiations with two or more offerors submitting the highest ranked proposals; or
 - b. Should RSA determine, in writing and at its sole discretion, that only one offeror is fully qualified or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.
7. The Committee shall make its recommendation for the selection of a construction manager to the Board based on its evaluations of the proposals and any amendments thereto. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the RFP.
8. Price is a critical basis for award of the contract.
9. RSA will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, RSA may notify all offerors who submitted proposals of RSA's intent to award the contract to a particular offeror at any time after the Board has selected the construction manager. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
10. Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

III. Construction Management Contracts.

A. Time Requirements for Entry into Construction Management Contract.

Construction management contracts shall be entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions.

B. Required Construction Management Contract Provisions.

The following provisions must be included in a construction management contract.

1. Percentage of Work Performed by Construction Manager.

- a. Not more than 10% of the construction work (measured by cost of the work) will be performed by the construction manager with its own forces.
- b. The remaining 90% of the construction work as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable.

The provisions of this subdivision B.1 shall not apply to construction management contracts involving infrastructure projects.

2. Public Advertising of Subcontractor Procurement.

The construction manager must announce on RSA's website or eVA when and where the contractor plans to advertise bid packages and procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. The construction manager shall provide documentation detailing the reasons any work is not procured by publicly advertised competitive sealed bidding. Such documentation shall be placed in contract file.

3. Guaranteed Maximum Price.

That the Guaranteed Maximum Price shall be established at the completion of working drawings unless a waiver has been granted to this requirement by the Board.

IV. Notification by RSA of Advertisement of Subcontractor Bid Packages.

RSA may post on eVA or RSA's website when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate.

V. Posting Documents Open to Public Inspection.

All records, subject to public disclosure under the Virginia Freedom of Information Act, shall be open to public inspection only after award of the contract. As required by Chapter 43.1, RSA shall post all documents open to public inspection pursuant to Virginia Code § 2.2-4342 that are issued or received by the RSA on RSA's website or eVA. Any offeror may inspect the proposal documents after opening of the price proposals but prior to award of the contract.

VI. Trade Secrets and Proprietary Information.

Offerors shall be allowed to clearly designate portions of their submissions as trade secrets or proprietary information pursuant to Virginia Code § 2.2-4342. RSA will take reasonable measures to safeguard from unauthorized disclosure such information properly designated as such, to the extent permitted by law.

VII. Exceptions to this Policy.

The request for any exception to the procedures outlined in this Policy shall be reviewed by RSA's attorney prior to submission to the Board.

VIII. Reporting requirements.

- A. RSA shall report no later than November 1 of each year to the Director of the Commonwealth's Department of General Services on all completed capital projects in excess of \$2 million.
- B. The report shall include at a minimum (i) the procurement method utilized, (ii) the project budget, (iii) the actual project cost, (iv) the expected timeline, (v) the actual completion time, (vi) if such project was a construction management or design-build project, the qualifications that made the project complex, and (vii) any post-project issues.

Adopted: July 17, 2025

Leg Refs: Code of Virginia §§ 2.2-4300 - 2.2-4383; Construction Management Procedures Adopted by the Secretary of Administration (effective December 17, 2024), attached as Exhibit A.

**CONSTRUCTION MANAGEMENT (CM) PROCEDURES AS ADOPTED BY
THE SECRETARY OF ADMINISTRATION
Effective December 17, 2024**

In accordance with the provision of Chapter 43.1 of the *Code of Virginia* (hereinafter referred to as the “Chapter”), I hereby adopt the following procedures for the procurement of Construction Management (“CM”) contracts, as defined in the Chapter which shall be followed by all departments, agencies, and institutions of the Commonwealth (each of which is hereinafter referred to as the "Agency"). These procedures shall be effective December 17, 2024.

- A. **LEGISLATIVE AUTHORITY:** Under authority of the Chapter, the Commonwealth may enter into a contract with a Construction Manager in accordance with these procedures.
- B. **CRITERIA AND APPROVAL FOR USE OF CM:** The Agency shall follow all the criteria for the use of CM as set forth in the Chapter and contained herein and shall submit an application for approval or denial of the use of CM to the Department of General Services Division of Engineering and Buildings.
- C. **CM SELECTION PROCEDURES:** The following procedures shall be used in selecting a CM and awarding a contract:
 - 1. The Agency shall appoint an Evaluation Committee (“Committee”) which shall consist of at least three members from the Agency, including a licensed design professional, if possible. The Committee shall include a licensed professional engineer or architect provided by the Division of Engineering and Buildings. *The Agency may contact the Construction Unit of the Transportation and Construction Section in the Office of the Attorney General to request that a representative from the OAG provide legal counsel to the Committee as may be requested by it.*
 - 2. The basis of the award of the contract shall be in accordance with the Chapter and consistent with the criteria established in the CM Request for Qualifications and CM Request for Proposal. The Agency shall utilize the templates on the Department of General Services Documents and Forms center.
 - 3. Selection of Qualified Offerors (STEP I): On projects approved for CM, the Agency shall conduct a prequalification process as follows to determine which offerors are qualified to receive Request for Proposals (RFPs).
 - a) The Agency shall prepare a Request for Qualifications (“RFQ”) containing the Agency's Facility Requirements, building and site criteria, site and survey data (if available), the criteria to be used to evaluate RFQ Responses and other relevant information, including any unique capabilities or qualifications that will be required of the contractor. All offerors shall have a licensed Class “A” contractor registered in the Commonwealth of Virginia as part of the Project team.

- b) The RFQ shall be posted in accordance with Chapter 43.1 and agencies shall
 - (i) include in the RFQ if responses may be submitted electronically and/or via paper response; (ii) shall post all documents open to public inspection pursuant to § 2.2-4342 that are issued or received by the Department on the Department's central electronic procurement website known as eVA.
 - c) The Committee shall evaluate each responding firm's RFQ responses and any other relevant information and shall determine those deemed qualified with respect to the criteria established for the project.
 - d) The RFQ evaluation process shall result in a short list of three to five offerors to receive the RFP. If available, the short list shall include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. An offeror may be denied prequalification only as specified under the § 2.2-4317, but the short list shall also be based upon the RFQ criteria.
 - e) The RFQ evaluation process shall evaluate an offeror's experience for a period of ten prior years to determine whether the offeror has constructed, by any method of project delivery, at least three projects similar in program and size.
 - f) At least 30 days prior to the date established for the submission of proposals, the Agency shall advise in writing each offeror which sought prequalification whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.
4. Selection of a Construction Manager (STEP II):
- a) The Agency shall send a Request for Proposal ("RFP") to the offerors on the short list and request submission of formal proposals from them. The criteria for award shall be included in the RFP.
 - b) Proposals as described in the RFP shall be submitted to the Committee. Agencies shall include in the RFP if responses may be submitted electronically and/or via paper response.
 - c) The Committee will evaluate and rank the proposals. After evaluation and ranking of the proposals, the Committee shall:
 - i. Conduct negotiations with two or more offerors submitting the highest ranked proposals. (or)
 - ii. Should the Agency determine, in writing and at its sole discretion, that only one offeror is fully qualified or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.
 - d) The Committee shall make its recommendation on the selection of a construction manager to the Agency head based on its evaluations and negotiations. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.
 - e) The Agency shall notify the Division of Engineering and Buildings of the its selection of the Construction Manager upon execution of the preconstruction services contract and shall request authority to award a construction contract by processing the CO-8, *Approval to Award Construction Contract* and providing

supporting documents to the Division.

- f) The Agency will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, the Agency may notify all offerors who submitted proposals of the Agency's intent to award the contract to a particular offeror at any time after the Agency head has selected the Construction Manager. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
- g) Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

D. **REQUIRED CONSTRUCTION MANAGEMENT CONTRACT TERMS:** As required by the Chapter any construction management contract shall contain provisions requiring that (1) not more than 10% of the construction work (measured by cost of the work) will be performed by the CM with its own forces and (2) that the remaining 90% of the construction work will be performed by subcontractors of the CM which the CM must announce on the Department's central electronic website eVA when and where the contractor plans to advertise bid packages and procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. The CM shall provide documentation detailing the reasons any work is not procured by publicly advertised competitive sealed bidding, such documentation shall be placed in contract file.

E. **DOCUMENTS:** As required by the Chapter the Agency shall post all documents open to public inspection pursuant to § 2.2-4342 that are issued or received by the Department on the Department's central electronic procurement website known as eVA.

F. **GUARANTEED MAXIMUM PRICE:** The Guaranteed Maximum Price shall be established at the completion of working drawings unless a waiver has been granted to this requirement by the Director.

G. **GUIDANCE:** Guidance for the use of these procedures can be found in the Construction and Professional Services Manual.

Lyn McDermid

12/17/2024

Lyn McDermid, Secretary of Administration Date

RESOLUTION

RESOLVED, that pursuant to the Virginia Public Procurement Act, Virginia Code §§ 2.2–4300, *et seq.* (VPPA) and Virginia Code §§ 2.2-4378, *et seq.* (Construction Management and Design-Build), the Board of Members of the Rapidan Services Authority, an authorized public body as defined by Virginia Code § 2.2-4301, adopts the attached “Construction Management Construction Contract Procedures” that are consistent with the procedures adopted by the Virginia Secretary of Administration for utilizing construction management contracts for construction projects.

Adopted this _____ day of July 2025.

Mark Johnson, Chairman

Timothy L. Clemons, Secretary

RESOLUTION

A RESOLUTION OF RAPIDAN SERVICE AUTHORITY REGARDING POLICIES AND PROCEDURES FOR DISCONNECTION OF WATER AND SEWER SERVICES FOR UNPAID RATES, FEES, AND CHARGES

Whereas, Rapidan Service Authority ("**RSA**") is a service authority created in 1969 under what is now the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 of the Code of Virginia (the "**Act**");

Whereas, RSA provides water and sewer services to Orange County and Madison County;

Whereas, RSA has issued and may issue revenue bonds under the Act to finance water and sewer systems; and

Whereas, Virginia Code § 15.2-5138 (*Enforcement of charges*) provides that revenue bond resolutions and trust agreements may require authorities created under the Act to adopt resolutions for the enforcement of rates, fees, and charges, including by disconnecting premises from the water or sewer system or otherwise suspending services and proceeding to recover the amount of rates, fees, or charges not paid within thirty days, with interest, in a civil action;

Now, therefore, be it resolved that the RSA Board of Members hereby:

1. Authorizes and ratifies RSA's policies and procedures for collection of delinquent rates, fees, and charges and disconnection and suspension of services pursuant to Virginia Code § 15.2-5138 and any RSA revenue bond resolutions or trust agreements of the Authority.
2. Authorizes the RSA General Manager to maintain and update such policies and procedures consistent with this Resolution and requirements of law.

Adopted: July 17, 2025

R. Mark Johnson, Chair

Attest: _____
Timothy L. Clemons, Secretary

RAPIDAN SERVICE AUTHORITY

June-2025

Operating Income	PTD Act	PTD Bud	Variance	YTD Act	YTD Bud	Variance
Water & Sewer Revenue - Madison Co.	51,068	56,283	(5,215)	326,628	337,700	(11,072)
Water & Sewer Revenue - Orange Co.	793,655	804,808	(11,153)	4,260,156	4,828,850	(568,694)
Sale of Materials & Supplies	1,532	1,667	(135)	8,022	10,000	(1,978)
Engr & Maint Revenue	340	1,750	(1,410)	1,420	10,500	(9,080)
Service Fees	-	1,667	(1,667)	5,906	10,000	(4,095)
Misc. Income	81,448	29,817	51,631	151,455	178,900	(27,445)
Service Installations Revenue	17,300	16,667	633	126,600	100,000	26,600
Total Operating Income	945,343	912,658	32,684	4,880,186	5,475,950	(595,764)
Operating Expenses	PTD Act	PTD Bud	Variance	YTD Act	YTD Bud	Variance
Purchased Water	56,500	49,817	(6,683)	348,813	298,900	(49,913)
Operating Labor	167,565	217,250	49,685	1,019,497	1,303,500	284,003
New Service Installations	7,279	11,808	4,529	55,120	70,850	15,730
Locations-Miss Utility	15,984	6,533	(9,451)	46,561	39,200	(7,361)
Engineering & Maintenance	238,541	140,983	(97,558)	1,288,122	845,900	(442,222)
Water Treatment Supp.	61,236	67,217	5,981	346,193	403,300	57,107
Utilities	76,136	79,625	3,489	487,932	477,750	(10,182)
Vehicle Expense	7,394	12,858	5,464	96,243	77,150	(19,093)
Testing	14,289	7,167	(7,122)	48,377	43,000	(5,377)
Biosolids Waste Mgmt	103	3,042	2,939	10,739	18,250	7,511
Miscellaneous	248	-	(248)	1,026	-	(1,026)
Total Operating Expenses	645,275	596,300	(48,975)	3,748,622	3,577,800	(170,822)
Gross Margin	300,067	316,358	(16,291)	1,131,564	1,898,150	(766,586)
General & Admin Expenses	PTD Act	PTD Bud	Variance	YTD Act	YTD Bud	Variance
Billing & Collection Exp	8,871	10,683	1,813	63,030	64,100	1,070
G & A Labor	73,643	86,750	13,107	436,403	520,500	84,097
Comp. Board of Members	-	667	667	2,978	4,000	1,022
Insurance Premiums	40,988	12,625	(28,363)	79,097	75,750	(3,347)
Bank & Credit Card Fees	676	750	74	3,810	4,500	690
Offices Expenses	9,064	17,171	8,107	151,508	103,025	(48,483)
Legal/Bond Fees	25,019	5,333	(19,685)	79,965	32,000	(47,965)
Water Regulatory Fees	4,110	3,558	(552)	13,120	21,350	8,230
Audit & Other Consulting	-	3,083	3,083	4,499	18,500	14,001
Total General & Admin Expenses	162,370	140,621	(21,749)	834,410	843,725	9,315
Net Operating Income	137,697	175,737	(38,041)	297,154	1,054,425	(757,271)
Non-Operating Income	PTD Act	PTD Bud	Variance	YTD Act	YTD Bud	Variance
Avail. - Water & Sewer - Madison Co.	10,000	-	10,000	10,000	-	10,000
Avail. - Water & Sewer - Orange Co.	250,000	-	250,000	1,670,000	-	1,670,000
Interest Earned	44,304	25,000	19,304	211,496	150,000	61,496
Gain Loss on Disposals of Property	4,863	-	4,863	4,863	-	4,863
Non Operating Revenue Cap Contr.	-	-	-	255,835	-	255,835
Insurance Recoveries	-	-	-	-	-	-
Total Non-Operating Income	309,166	25,000	284,166	2,152,194	150,000	2,002,194
Net Income Before Debt Service	446,863	200,737	246,126	2,449,348	1,204,425	1,244,923
Debt Service	PTD Act	PTD Bud	Variance	YTD Act	YTD Bud	Variance
Debt Service	-	70,525	70,525	39,877	423,150	383,273
Net Income	446,863	130,212	316,651	2,409,471	781,275	1,628,196