

United States Department of Agriculture
Marketing and Regulatory Programs
Agricultural Marketing Service
Animal and Plant Health Inspection Service
Grain Inspection, Packers and Stockyards Administration

Directive

MRP 5036.1

9/4/03

MRP CONSTRUCTION MANAGEMENT POLICY

1. PURPOSE

This Directive states the Marketing and Regulatory Programs (MRP) policy for planning, designing, and constructing major facilities modernization or construction programs (current or planned) sets out the responsibilities of those involved and defines the process for managing construction projects.

2. AUTHORITIES

- a. Title 7, United States Code 2250, USDA Construction Authorization.
- b. Federal Acquisition Regulations (FAR) 48 CFR Part 36, Construction and Architect-Engineer Contracts.
- c. Agriculture Acquisition Regulations, Part 436, Construction and Architect Engineer Contracts.
- d. Agriculture Property Management Regulations, Part 104-19, Construction and Alterations of Federal Buildings.
- e. 41 CFR Part 101- 19, Construction and Alterations of Federal Buildings.
- f. Public Law 100-678, Public Buildings Act, Compliance with Building Codes and State and Local Zoning Laws.
- g. 40 CFR Chapter 1, Part 6, National Environmental Policy Act.
- h. USDA Department Regulation (DR) 5001-1, Acquisition Workforce, Training, Delegation, and Tracking System.

3. POLICY

It is MRP policy to effectively develop, coordinate, design, and construct fully functional and usable facilities to fulfill the agency's mission. To meet this objective, this Directive establishes roles, responsibilities, authorities, and accountability for management of facilities construction projects.

4. ACRONYMS

Project Team Titles:

A-E	Architect-Engineer
CC	Construction Contractor
CO	Contracting Officer
COR	Contracting Officer’s Representative
EPM	Engineering Project Manager
PM	Program Manager
POR	Program of Requirement
PPM	Program Project Manager
PR	Peer Reviewer
NSPS	National Security Program Staff
SOW	Statement of Work
TT	Telecommunications Team

5. PROJECT MANAGEMENT PROCESS

a. The Project Team is a diverse group of MRP professionals contributing their skills, talent, and knowledge of planning, design, and construction to construct a facility in support of the agency's mission within a specified budget and schedule. The Project Team is generally established at the time the project requirements are determined. The priority of each member of the Project Team is the accomplishment of the group's common goal--to plan, design, and construct the best facility possible within the time and monetary resources available. In this team relationship, individual members:

- (1) Perform different tasks and responsibilities as needed by the group,
- (2) Jointly share responsibility for ensuring team results,
- (3) Develop clear strategies and approaches for achieving their team goal,
- (4) Help each other in achieving their common purpose, and

This approach needs to be followed by all team members on a consistent and effective basis through all phases of an MRP facilities construction project.

b. There are three distinct areas of project management accomplished by the Project Team:

- (1) Program Management. This ensures that all program requirements are articulated and included in the project.

- (2) Contract Management. This ensures that contract terms and conditions are contractually enforceable, and the contractor performs to the quality, timeliness, and other provisions of the contract.
 - (3) Engineering Project Management. This ensures that all technical and program management issues are addressed and incorporated into the project.
- c. Under each phase of this process, specific responsibilities of the Project Team members are discussed. The members of the Project Team are essential for the successful planning and completion of major facilities construction projects. Each member of the Project Team is accountable for the successful and timely execution of the project.

6. RESPONSIBILITIES

- a. The Architect Engineer (A-E) is a private contractor who:
- (1) Provides professional services of an architectural-engineering nature with primary emphasis on the design of facilities. The design is performed under the supervision of a registered or licensed professional architect or engineer as required in the State where the project is located.
 - (2) Provides investigative studies.
 - (3) Assists in quality assurance of the construction project.
 - (4) Assists in project management.
 - (5) Reviews submittals during construction.
 - (6) Provides consultative services as needed.
 - (7) Contacts the Engineering Project Manager (EPM) for day-to-day business, working within the terms of the contract. Adjustments to the contract will remain under the authority of the Contracting Officer (CO).
 - (8) During the planning phase, finalizes the Program of Requirement (POR), prepares the Environmental Assessment (EA), and other investigative reports as required.
 - (9) During the design phase, develops conceptual drawings and provides a preliminary cost estimate.
 - (a) After approval of the conceptual plans, the A-E is tasked with preparation of the final design and working drawings in a manner

which incorporates the various adjustments approved through the design review process.

- (b) Upon approval, various submittals of plans, specifications, and cost estimates are submitted for program, technical, and budget review through completion of final design.
 - (c) The A-E may conduct formal presentations at the various stages of design development and will provide complete documentation of all such meetings.
 - (d) The A-E keeps the EPM and the CO advised of the status and progress of the project during design.
- (10) During the post-design and construction phase of the project, the A-E may be required to:
- (a) Participate in the pre-bid, pre-construction, and other meetings.
 - (b) Review and approve shop drawings and material submittals.
 - (c) Review and comment on construction contract modifications, and other related activities as directed by the Government. The Government may confirm construction compliance with design intent through a separate inspection contract (with an independent A-E firm), or may contract for these services through the design A-E firm.
- b. The Construction Contractor (CC) is an independent firm, hired under a Government contract, to provide those professional construction services defined by the FAR, Part 36, in addition to other applicable FAR clauses which will be incorporated under the terms and conditions of the specific contractual document (i.e., contract, purchase order, etc.). The specific work to be performed by the CC will be set forth in writing in the specific contract document. The CC's team may consist of the Prime Contractor, who has a direct contractual relationship with the Government, and various subcontractors and suppliers. No contract exists between the subcontractors, suppliers and the Government. The CC:
- (1) Has full responsibility for the CC Project Team including:
 - (a) Coordination of work,
 - (b) Performance,
 - (c) Material delivery and storage,

- (d) Permits,
 - (e) Licenses,
 - (f) Protection of property, and all other elements of construction.
- (2) Maintains a competent superintendent at the work site at all times during performance of the contract.
 - (3) Contacts the CO directly on all matters of the contract affecting changes to the contract provisions, contract scope performance time or cost. The CO is the legal Government representative authorized to enter, administer, and terminate contracts, and is the only member of the Project Team with the authority to obligate Government funds or change the contract. The COR is usually the primary point of contact for the CC for day-to-day business, working within the terms of the contract.
 - (4) Prepares and maintains a suitable Quality Control Plan.
 - (5) Develops a progress schedule for approval by the CO and adheres to this schedule throughout the contract. In accordance with OSHA regulations, the CC ensures that safety is maintained on the job site at all times.
 - (6) Coordinates proposed change orders with the CO and COR.
 - (7) Maintains as built documents on the job site to show the construction of a particular structure or work as actually completed under contract.
 - (8) Submits shop drawings as required by the contract documents.
 - (9) Attends all scheduled progress meetings and reports the progress of the project as required.
 - (10) During the close out and warranty phase of the contract, in accordance with the contract:
 - (a) Prepares operation and maintenance manuals,
 - (b) Ensures systems are fully functioning,
 - (c) Provides system demonstration to the Program Project Manager (PPM), COR, and other individuals as designated by the CO.
 - (11) Responds promptly to requests for warranty service, and coordinates corrective actions as necessary to address Government concerns.

- c. The CO is an APHIS Contract Specialist and the only Government representative to the contractors, authorized to enter, administer, modify, and terminate contracts on behalf of the Government. The CO:
- (1) May delegate certain contractual authority not affecting the contract scope, performance time, or cost.
 - (2) Is assigned to the project early in its conception and will continue with this role through planning, design, construction, and close out of the project.
 - (3) Assists other members of the Project Team in meeting project goals and objectives.
 - (4) Ensures that all planned or existing contractual activities or instruments comply with all applicable laws and regulations, and that all Government activities are conducted in a fair, impartial, and equitable environment.
 - (5) Ensures that sufficient funds are identified by the fund holder for obligation.
 - (6) Assists/participates with the Project Team in developing the Action Plan and Fact Sheet.
 - (7) Officially designates the A-E Evaluation Board and provides regulatory and procedural guidance to ensure appropriate selection activities and reports.
 - (8) Makes final selection approval recommendations.
 - (9) Guides the Project Team through the contractual and business management aspects of the project.
 - (10) Ensures that contract performance complies with all contractual provisions including, but not limited to, scope, quality, budget, and schedule.
 - (11) Ensures adequate contract performance and contract management.
 - (12) Monitors contract performance and budgetary events.
 - (13) Conducts and participates in project meetings.
 - (14) Conducts negotiations and other actions necessary to assure adequate progression and protection of the Government's interest.

- (15) Requests and considers the advice of specialists in audit, law, engineering, and other fields as appropriate, and the advice of the Project Team members. This advice will cover technical, legal, budgetary, reporting, and reprogramming activities.
 - (16) Informs Project Team members of all communications concerning the project.
- d. The COR is designated and authorized by the CO to monitor performance of A/E contractors and/or CCs. The COR may approve minor changes that do not affect contract scope, requirements, price, or time. His/Her duties are outlined in a letter from the CO and may include:
- (1) Evaluation of change order requests.
 - (2) Recommendations for payment.
 - (3) Final inspection.
 - (4) The completion of mandatory training requirements in DR 5001-1.

The COR is **not** authorized to obligate funds, issue time extensions, suspensions of work, terminations, or any other action changing the terms of the contract.

- e. The EPM is the project team leader. He/She is an APHIS architect or engineer whose primary responsibility, with other Project Team members, is to ensure that agency needs are met within the approved scope, budget, and schedule. The EPM's role will continue throughout the planning, design, and construction phases of the project. The EPM:
- (1) Provides technical oversight and direction and is assigned to the project early in its conception during the time of establishing the project scope and budget.
 - (2) Serves as the lead point of contact and disseminates information to the appropriate Project Team members for their action or involvement.
 - (3) Keeps all Project Team members advised of the actions, plans, and progress of the project. All Project Team members will keep the EPM advised of their needs and concerns.
 - (4) Is the lead point of contact between the Project Team and contractors for day-to-day business, working within the terms of the contracts.

- (5) During the planning phase, will work closely with the PPM in the development of the preliminary POR for the project. After consulting with other Project Team members, the EPM will:
 - (a) Prepare a design Statement of Work (SOW) for the project, and a cost estimate for all professional services.
 - (b) Chair the A-E Evaluation Board to evaluate and recommend the A-E selection for a particular project.
- (6) During the predesign and design phases, will:
 - (a) Act as the principal liaison with the A-E firm.
 - (b) Coordinate A-E visits with the members of the Project Team.
 - (c) Conduct design progress meetings and design reviews.
 - (d) Review all A-E submittals and make recommendations to the CO for approval of payment.
 - (e) During the development of the POR, ensure that the project complies with the approved Action Plan and Fact Sheet. Should PORs change during the course of design, the EPM will ensure, after consultation with the Project Team, that the Action Plan and Fact Sheet are revised and resubmitted for approval by the Program Manager (PM).
 - (f) Ensure that all Project Team members incorporate all project requirements of the POR and that documents are in compliance with applicable codes and safety standards.
 - (g) Provide evaluations of A-E performance at the end of the design.
- (7) During the construction phase, may act as the COR. If it is necessary to have a COR onsite during construction, the COR may be the design A-E, Facility Engineer, or an independent A-E firm. The EPM is still responsible for general project management and will work closely with the Project Team to provide such information as needed to support the roles of the other team members.

f. The Employee Services Division, National Security Program Staff (NSPS), serves as the security focal point for all MRP offices. The NSPS:

- (1) Ensures that the project complies with agency criteria regarding physical security.
 - (2) Develops internal agency policies and procedures to ensure the agency's compliance with minimum security standards developed by the Department of Justice.
 - (3) Assists in the implementation of minimum security standards in all MRP offices.
 - (4) Provides educational material as it relates to security and building emergencies.
 - (5) Provides technical assistance in the implementation and installation of security systems in MRP occupied spaces (leased or owned).
 - (6) Researches, plans, develops, and implements security strategies and budgets from a program and/or agency level.
- g. The Peer Reviewer (PR) is an independent contractor who provides professional services to review the design submittals prepared by the design A-E. The design reviewer is required to perform services under the supervision of a registered or licensed professional architect or engineer. The PR:
- (1) Provides assurance to the Government that the A-E's design complies with the project requirements.
 - (2) Reviews the major design submittals including cost estimates, referencing project requirements cited in the design A-E contract, (i.e., final POR), geo-technical study, applicable codes and industry standards, and generally accepted practices of design.
 - (3) Ensures that all project requirements are being satisfied.
 - (4) May be tasked to perform value engineering studies for major construction projects, when required. Value engineering is the systematic application of recognized techniques by a multi-disciplined team to eliminate, without impairing essential functions or characteristics, anything that increases acquisition, operation, or support costs.
 - (5) May be tasked to perform the services of a COR for major construction contracts, when warranted.
- h. The PM establishes the program requirements and selects the PPM. The PM:

- (1) Retains final authority for decisions on program issues associated with the project, but this authority can be delegated to the PPM.
 - (2) Relies upon various Project Team members for technical engineering and contracting support during the planning, design, and construction process.
 - (3) Approves the Functional Statement developed by the PPM. Any deviations from the Functional Statement must have the approval of the PM and be communicated to the Project Team for appropriate action that will ensure that such deviations are reflected in the final contract documents.
 - (4) Has final approval authority of the POR, ensuring that it is consistent with the Functional Statement.
 - (5) Together with the PPM, ensures that the POR associated with the facility satisfies program criteria.
 - (6) Along with the PPM and the Administrative Services Division, approves the final POR and the final design, ensuring that they are consistent with the approved Functional Statement and SOW.
 - (7) Will be directly involved in the orientation meeting; provide guidance during development of the POR, concept, and design reviews; as well as major issues related to program changes such as project scope, budget, and schedule.
- i. The PPM represents the PM. The PPM:
- (1) Is selected by the PM and is usually the Location Coordinator, Research Leader, or Laboratory Director.
 - (2) Prepares the Functional Statement for PM approval.
 - (3) Prepares and coordinates the project's program requirements with the EPM to formulate a specific statement for the preliminary PORs.
 - (4) Serves as the primary source of program criteria information, including any special location criteria.
 - (5) Works closely with APHIS Engineering in their preparation of the Action Plan and Fact Sheet.
 - (6) Recommends POR approval to the PM.

- (7) During the design phase, is a member of the A-E Evaluation Board for selection of the A-E and:
- (a) Ensures, along with the EPM and PR, that the final design prepared by the A-E complies with the POR and confirms this with the CO for final acceptance of the contract.
 - (b) Coordinates the review of designs among the other researchers and any cooperators involved in the requirements and provides consolidated review comments on the proposed design to the EPM.
 - (c) Reviews and approves, with other Project Team members, all design submissions with primary emphasis on function, program, and special local issues/interest.
 - (d) Provides written concurrence with the final design documents. Implementation of research program needs is the major objective of the project.
- (8) During the construction phase:
- (a) Participates in regular construction progress meetings.
 - (b) Clarifies established program criteria information.
 - (c) Is consulted for concurrence on construction changes that relate to research program requirements, and is informed of all other changes.
 - (d) Serves as a resource to the Project Team and maintains a liaison with the COR during the construction process. All written correspondence with the COR and contractors must be coordinated with the EPM and the CO.
 - (e) Is expected to notify the COR, EPM, or the CO if he/she becomes aware of unusual or important circumstances pertinent to the construction project.
 - (f) Has no responsibility for construction inspection or supervision, and is not expected to evaluate contractor performance.
 - (g) May, however, provide observation comments to the appropriate team members to assist in maintaining a quality, timely project. As part of the final inspection, closeout, and acceptance procedures of the contract, the PPM, EPM, and COR will:

- 1 Verify that the CC has provided key personnel with demonstrations and training on operation of new equipment;
 - 2 Participate in the final inspection; and
 - 3 Recommend acceptance/rejection of the project.
- (9) With the facility engineer/manager:
- (a) Establishes a comprehensive facility maintenance program to maintain facility systems and equipment.
 - (b) Ensures that the required contracts are issued to install telephone systems, moveable equipment, and other similar systems.
 - (c) Coordinates occupancy of the facility and, if applicable, any ceremonial activities.
- (10) Is provided with assistance from the team members in solving any contractual and/or construction problem that may arise during the warranty period following completion of the project.
- (11) Informs the Project Team members of all communications concerning the project.

j. The Information Technology Division, Telecommunications Team, ensures that the project complies with agency criteria regarding telecommunications.

7. INQUIRIES

- a. Direct inquiries about this Directive to MRP Business Services Administrative Services Division, Engineering Services Branch, on 301-734-8263.
- b. This Directive can be accessed on the [APHIS/AMS](#) Administrative Issuances homepage.

/s/

Joanne Munno *for*
Deputy Administrator
MRP Business Services