

Regulation
No. 415-1-6

14 November 2002

Construction
BIDDABILITY, CONSTRUCTIBILITY, OPERABILITY, AND
ENVIRONMENTAL REVIEW (BCOE)

1. **Purpose.** This regulation establishes District implementation plans for accomplishing the BCOE reviews required by ER 415-1-11.
2. **Applicability.** This regulation applies to all district elements responsible for the design, project management, awarding and administrating construction contracts.
3. **Reference.** ER 415-1-11, Biddability, Constructibility, Operability, and Environmental Review, dated 1 September 1994.
4. **General.** Biddability, constructibility, operability and the environment must be emphasized throughout the planning and design process to ensure efficient construction that is environmentally sound, to minimize cost and time growth, to avoid unnecessary changes and claims, as well as to ensure safe efficient operations by the user. Detailed district guidance to accomplish this task is contained herein.
5. **Guidance.**
 - a. District offices will coordinate project reviews by construction, cost engineering, engineering, planning, project management, operations, and contracting personnel to improve the BCOE process. A minimum of two specific reviews will be performed; the first will be made at the concept stage or at the on-board review when design process cannot be stopped (Military Programs) and after the design is sufficiently complete for substantive comment (Civil Works) (e.g., at completion of the DDR Design Documentation Report); the second will be made at final design stage with complete specifications including special clauses at least 30 days prior to advertisement. Project Managers (PM) will ensure coordination with external customers. In addition, the government may not award a contract with "known" changes merely to preserve a target award date for the purpose of meeting execution goals. However, should this be required under urgent and compelling circumstances, a determination and findings (D&F) will be prepared by the PM and should explicitly state the reasons why it is in the best interest of the government to award a contract with a known change. The D&F must be routed through Office of Counsel to the Contracting Officer.

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b. Reviewers will be allowed adequate time in which to conduct their reviews. This time will be negotiated with the Project Delivery Team (PDT) and included in the baseline budget and included in the Project Management Plan. A time frame of 30 days will normally be used. (Note: 30 days will also be used for review periods on Design/Build projects)

c. Each participating office (except the external customer) will prepare a BCOE fee proposal and provide it to the PM.

d. Once funding is available, the negotiated fee will be distributed by Programs and Project Management Division (PPMD) prior to the start of the review.

e. Upon completion of the 90% design, project documents will be forwarded to reviewers (and external customer) by PPMD with a cover memo establishing the required suspense date for comments and funding information. In addition, special contract clauses (section 0800) specific to the project will be included with this submission. It should be noted that the 90% design is in fact a 100% effort by the designer and should only lack minor corrections with respect to comments from reviewers.

f. Comments will be forwarded to the Design Coordinator (DC) by the indicated suspense date. If it appears that this is not possible, coordination should be made with the DC to extend the suspense date.

g. The environmental review for Construction General and Operation and Maintenance projects will be implemented by Planning, Environmental and Regulatory Division. For Military projects, the customer will provide an environmental statement (ES). The designer of record will ensure compliance of the design with the ES.

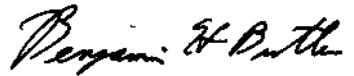
h. Received comments will be reviewed and necessary revisions to the project documents made. Difference of opinions on specific comments must be resolved between the respective parties. Annotated comments will be returned to all reviewers. The DC will ensure all appropriate comments have been incorporated in the bid documents or satisfactorily resolved and that feedback has been provided to reviewers for all comments. The Chief of Construction Branch may request additional reviews if the numbers of comments are excessive or major design changes were required.

i. The DC will prepare the BCOE certification and coordinate it through the Chief, Design Branch; Chief, Construction Branch; Chief, Programs and Project Management Division, to Chief, Contracting Division. Bid openings are not to be made without having the required BCOE certification in the contract file. A sample certification is at Appendix A.

j. An additional review by the PDT will be required when design has been completed and reviewed but release to prospective bidders has been held in abeyance for a period of time exceeding six months.

6. Responsibilities. Office chiefs and managers will ensure that their staffs fully understand the BCOE process, its importance to the District's mission and take active steps to implement these procedures.

1 Appendix
App A – Sample Certification


BENJAMIN H. BUTLER
Colonel, EN
Commanding

APPENDIX A
SAMPLE CERTIFICATION MEMORANDUM

CESWL EC-

MEMORANDUM THRU

Chief, Design Branch
Chief, Construction Branch
Chief, Programs & Project Management Division

FOR Chief, Contracting Division

SUBJECT: BCOE Certification, *JOHN SMITH PROJECT, PBA, DACWXX-XX-XXXX.*

1. Annotations to BCOE review comments have been forwarded previously to all reviewers for subject project. The necessary corrections to the plans and specifications have been made in accordance with these comments. All reviewers have been advised on the final disposition taken on their comments.
2. Contact *XXXXXXXXXX* if there are any questions.

XXXXXXXXXXXXXXXXXX
Chief, Architecture and
Support Section

I certify that all appropriate biddability, constructability, operability and environmental comments received and reviewed by this office have been incorporated into the bid documents. Feedback has been provided to reviewers for all comments.

Chief, Design Branch

DATE

Chief, Construction Branch

DATE