

**UNIVERSITY OF NEBRASKA**

**DESIGN/BUILD AND CONSTRUCTION MANAGEMENT SERVICES SELECTION**

Attachment 1

**REQUEST FOR PROPOSALS  
CONSTRUCTION MANAGEMENT SERVICES**

**Project Name** Project Number **TBD** Invitation Number:

**I. INVITATION TO SUBMIT PROPOSALS.** By this Request for Proposals (RFP), the Board of Regents of the University of Nebraska, with offices at 3835 Holdrege Street, Lincoln, Nebraska 68583-0745, a governmental corporation, for and on behalf of the University of Nebraska at Lincoln (the "University"), is hereby requesting proposals from firms that have expressed an interest in submitting proposals for the award of the contract for renovation of the proposed Project Name.

The Construction Management firm will provide preconstruction and construction services necessary to renovate the facility in accordance with the guidelines, standards and limitations contained in this proposal. This project must be completed within a defined budget and schedule. Participation in this selection process by interested construction management firms shall be at no cost or obligation to the University.

The University reserves the right (a) to terminate this selection process at any time, (b) to reject any or all proposals, and (c) to waive formalities and minor irregularities in the proposals received.

The University further reserves the right to conduct a pre-award survey of any firm under consideration to confirm any of the information furnished by the firm, or to require other evidence of managerial, financial, technical and other capabilities, the positive establishment of which is determined by the University to be necessary for the successful performance of the contract.

**II. PROJECT DESCRIPTION AND INFORMATION.** The general description of the project and general project information include the following:

1. The project includes construction management services for
2. The architect for the project is **TBA**
3. The proposed date of substantial completion for the project is **TBD**.

**III. REQUIREMENTS FOR PROPOSAL.** The selection committee will select firms to be interviewed using the attached Evaluation Criteria Form. Proposals submitted by interested firms must include the following elements in the order listed:

1. **Description of Project Team and Organizational Chart**

Provide a proposed Contractor organizational structure to manage the project, including identification of individuals to fill key roles. As a minimum, the project executive, project manager/director, and superintendent shall be identified. Include a project organization chart with reporting relationships and resumes of key individuals to be specifically assigned to the project. Describe in detail each key individual's most recent project experience of a similar nature. Define the roles of any additional management and/or supervisory personnel to be assigned to the project.

2. **Fee Proposal and Description of Services**

- A. Provide a fee proposal, expressed as a percentage of the Cost of the Work.
- B. Provide a fixed fee expressed in a lump sum amount in the event the project is terminated by the University at the conclusion of the Pre-construction Phase as hereinafter explained in paragraph IV.15 of this RFP. The fee is compensation to the Contractor for overhead and profit. Included in the Contractor's overhead are those services and facilities furnished by the Contractor without charge other than the Contractor's fee.

The firm shall describe those services, facilities, supplies and other expenses that are included in overhead as part of the proposal. The project will be done on an open-book, cost plus a fee basis, to a Guaranteed Maximum Price (GMP). The establishment of the GMP is not a part of the proposal, but will be accomplished after the Contractor is selected and Design documents are completed. The form of agreements will be TBD. Any savings to the GMP will be returned 100% to the University. No shared savings clause will be included in the agreement.

3. **General Conditions Fee Proposal**

Provide a fee proposal for General Conditions, on an actual cost basis to a Guaranteed Maximum Price. General Conditions are the Cost of the Work necessarily incurred by the Contractor in the proper performance of the Work on the project that will be reimbursed by the University as Owner. The firm shall define items to be included as general conditions, including costs and expenses that are necessary and incidental to the Work, but not included in the direct labor, material and equipment required for the Work. The firm shall also identify any mark-ups on general condition items, and shall fix a maximum price for general conditions as part of this proposal.

4. **Rates for Work Contemplated to be Self-performed**

Provide a labor rate schedule, by trade and classification, including all applicable labor burden, material mark-ups, if any, and overhead and profit, for work contemplated to be self-performed, other than general condition items.

5. **Proposal Regarding Change Orders**

Provide a proposed method of pricing and managing Change Orders after a Guaranteed Maximum Price is established. This shall include changes (a) before work is

subcontracted, (b) after work is subcontracted, but before any of the subcontracted work is fabricated, purchased or delivered, and (c) after subcontracted work is underway. Identify any Contractor charges for Change Orders in a similar manner. Identify in writing the philosophy of the firm in managing changes under this contractual method, and identify references of completed projects, performed under similar contractual arrangement, and the Change Order history.

6. **Critical Analysis of the Estimated Construction Cost of the Project**

Provide a critical analysis of the estimated construction cost of the project, based upon the Program Statement included in this RFP. This analysis shall address the estimated Cost of the Work, general conditions and fee, and shall include identified contingencies to reflect that the analysis is based upon the Program Statement, and that the project is not being "bid" at this time. See attached proposal form for required format.

7. **Preliminary Project Schedule**

Provide a preliminary project schedule, based upon award of contract in approximately **TBD**, completion of Design documents by approximately **TBD**, site preparations by approximately **TBD**, project construction beginning not later than **TBD**, with substantial completion and occupancy by **TBD**. The substantial completion date is not a "not later than" date, and the firm is encouraged to include any improvements in these schedules it believes it may realistically be able to accomplish.

8. **Narrative of Firm's Philosophy**

Provide a brief narrative of the firm's philosophy in doing projects of this scope and schedule, under contractual arrangements defined herein.

9. **List of Major Subcontracted Work**

Provide a list of proposed major construction elements that would be subcontracted.

10. **Attachment No. 1**

Complete and submit Attachment No. 1 as part of the proposal.

**IV. PRECONSTRUCTION PHASE.** Pre-construction services required from the selected Contractor are described in the Construction Management Agreement and include, but are not limited to the following:

1. Consult with the University's project director regarding site and use improvements, and the selection of materials, building systems and equipment. Provide recommendations on construction feasibility; actions designed to minimize adverse effects of labor and material shortages; time requirements for procurement, installation and construction completion; and factors related to construction cost, including estimates of alternative designs or materials, preliminary budgets and possible economies. Provide recommendations on phasing and fast track strategies for both buildings.

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2. Provide all project scheduling, including the development of a master schedule for all significant activities during the pre-construction period. Also, prepare a master construction schedule for inclusion in the construction contract documents.
3. Prepare detailed construction cost estimates and value engineering assessments at each phase of design, (schematic, design development, construction documents) addressing constructability, materials and construction techniques, sequencing of construction, separation of contracts, etc. Recommend action, if required, to maintain project budgets.
4. Participate in Schematic, Design Development and Construction Document progress review sessions to provide input with respect to constructability, contractability, value engineering, scheduling and document development.
5. Upon completion of the Schematic Design Documents for the project, work with the University's project team to formally prepare a preliminary working GMP by proposed subcontractor breakdown. The University's project team will be made up of designated University staff members and the project architect. Specific items to be addressed in this process are building systems evaluations for cost effectiveness, identification of potential cost saving items for evaluation by the University's project team, assumptions made to prepare the estimate, and detailed review of the preliminary GMP.
6. Identify any elements/systems of the project that should be ordered before completion of the Construction Documents for either fixing costs or delivery schedules on critical elements, or schedule date improvement. Include identification of separate bid packages, fast tracking and phasing.
7. Provide cost control advice to the University's project team during preparation of the construction documents.
8. During preparation of the Design Development documents and upon completion thereof, conduct a review with the University's project team for errors, omissions, and constructability.
9. Upon completion of the Design Development Documents for the project, work with the University's project team to formally prepare a Guaranteed Maximum Price by proposed subcontractor breakdown.
10. Provide Special Conditions for inclusion in bidding and contract documents.
11. Identify and recommend the most cost effective work categories, and provide the methods and means to clearly identify and define cost effective work categories, and responsibilities included in the specifications and drawings.
12. Identify, qualify, and recommend selection of contractors to the University for inclusion

on subcontractors' bid lists. Incorporate additional bidders, if so directed by the University. Manage the subcontractor bidding process, evaluate subcontract bids, and recommend to the University the lowest responsible bidder on each subcontract. Following University approval of the lowest responsible bidder for each subcontract, award and administer the subcontract and materials purchases. Unless otherwise directed by the University, all subcontracted work shall be competitively bid.

13. For major elements of the work that the Contractor would normally self-perform, secure qualified competitive bids coincident with preparing the Contractor's proposal for these elements of the work. The University shall participate in opening, evaluating and award of these elements of the work.
14. Complete a quality/coordination review of the completed construction documents.
15. Execution of this project in any form beyond the Pre-construction Phase is contingent upon the issuance of privately donated funds to finance the construction work, and in the event sufficient funding is available to complete the project, the final scope of the project and the manner in which the construction work is completed shall be at the sole discretion of the University. Accordingly, the contract with the firm selected as Construction Manager shall provide that the University shall have an absolute unilateral right upon written notice to the Contractor to suspend work on the project at the conclusion of the Pre-construction Phase for the period not to exceed one hundred eighty (180) days. The contract shall further provide that in the event of such suspension of the work by the University, the University shall further have an absolute unilateral right at any time during such suspension of the work to terminate the contract with the Construction Manager. Such termination of the contract shall be effective upon delivery of written notice of termination to the Construction Manager, and the Construction Manager shall be entitled to payment for its services through completion of the Pre-construction Phase in accordance with the fee for such services as provide in the contract.

**V. CONSTRUCTION PHASE.** Construction Phase services required from the selected Firm are described in the Construction Management Agreement and include, but are not limited to the following:

1. Assume the primary responsibility for the overall administration of construction contracts on behalf of the Owner.
2. Provide full-time field staff throughout construction, for the purpose of managing, inspecting, scheduling, and coordinating the subcontractors. Monitor the progress, performance, quality and contract compliance of the subcontractors' activities.
3. Schedule and conduct meetings, as necessary.
4. Develop and maintain a detailed master construction schedule.

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5. Request pricing, review and negotiate costs, and make recommendations on all necessary changes to the contracts.
6. Coordinate construction interfaces, methods, techniques, and sequences.
7. Institute and administer requirements and procedures for the review and approvals of all submittals.
8. Prepare and administer all cost control procedures, including monthly pay requests, change order logs, etc. Prepare Budget Cost Summary Reports as required.
9. Coordinate all requirements of project commissioning and close-out procedures including but not limited to: inspections, owner's orientation and familiarization, and collection of all close-out documents. Develop with Owner an occupancy schedule.
10. Moderate, seek solutions, make recommendations or take other appropriate actions in matters relating in disputes between subcontractors, work stoppages, labor disputes, or other disruptions that may occur during the construction of this project.
11. Develop and maintain systems for reporting and retrieval of project information.

**VI. CRITERIA FOR EVALUATION OF PROPOSALS.** The Construction Manager for the project will be selected based upon the University's evaluation using the Evaluation Criteria Form included with this RFP.

**VII. PROPOSAL DUE DATE.** Proposals shall be due in the Office of Facility Management & Planning, **Campus, Street, City, State, Zip Code**, Attn: **TBD, TBD**, by **Time P.M. CST or CDT**, and shall be considered proprietary and confidential information provided by the firms submitting proposals until completion of the Contract Negotiation Phase of the Contractor Selection Procedure provided in paragraph VIII of this RFP. Upon completion of the Contract Negotiation Phase of the Selection Procedure, the written proposals submitted by all interested firms shall be considered public records available for examination by the public under the public records laws of the State of Nebraska.

**VIII. SELECTION PROCEDURE.** The selection of a Contractor for the project shall be based upon a careful and objective consideration of the ability of each firm submitting a proposal to perform the services described in this RFP and the requirements of any federal, state and local laws and regulations that are applicable to the project. The following procedure shall be observed in the selection of a Contractor for the project:

1. **Interview Phase.** Interested firms submitting proposals will be invited to interview with the University's Construction Management selection team in TBD. Each firm to be interviewed will be provided with the time and place of interview as well as instructions as to what is expected at the interview. Questions during the interview will be relative to each firm's written proposal, technical capability, approach and planned execution of the

project, and ability to furnish the required services.

2. **Evaluation Phase.** After interviews, the University's Construction Management selection team will evaluate the firms interviewed. Evaluation of each firm will be based upon its written proposal, presentation during the interview and answers to questions asked during the interview. Firms will be ranked by the University's Construction Management selection team and the firm receiving the highest evaluation will be considered the firm that has submitted the best proposal for award of a contract for the project.
3. **Contract Negotiation Phase.** The Representatives of the University shall attempt to negotiate a proposed contract with the first ranked firm. Should the University be unable to negotiate a satisfactory contract with the first ranked firm at a price the University determines to be fair and reasonable, negotiations with that firm shall be formally terminated. The Campus Vice Chancellor for Business and Finance will forward a letter to the first ranked firm formally terminating the negotiations.

The University will then undertake negotiations with the second ranked firm. In the event of failure to negotiate a satisfactory proposed contract with the second ranked firm, the Vice Chancellor for Business and Finance will again forward a letter to that firm notifying it of formal termination of negotiations.

Thereafter, the University will undertake negotiations with the third ranked firm following the same procedure as above. Should the University be unable to negotiate a satisfactory proposed contract with any of the top three evaluated and ranked firms, the University shall either select additional firms in order of their evaluation ranking and continue negotiations as outlined above until a proposed contract is negotiated. If no contract is successfully negotiated, the University reserves the right to begin anew the contractor selection process.

4. **Contract Award.** Upon successful negotiation of a proposed contract with a firm for the project, the proposed contract will be recommended to the President of the University for review and approval. There shall be no binding contract with the University until the contract documents with the Contractor for the project have been approved by the Vice President for Business and Finance and signed by the President of the University on behalf of the Board of Regents.

**IX. REJECTION OF PROPOSALS.** The University reserves the right to reject any and all proposals in response to this RFP that are deemed not to be in the University's best interest. The University further reserves the right to cancel or amend this RFP at any time and will notify all recipients accordingly.

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**X. PROPOSAL DOCUMENTS.** The documents included in this RFP are the following:

1. This Request for Proposals (RFP) dated **TBD**.
2. The Board of Regents of the University of Nebraska Construction Management Services Selection Qualifications Supplement.
3. Construction Management Services Selection Evaluation Criteria Form.
4. Program Statement for Project.
5. A sample copy of the form of agreement **TBD**.

Reference: Design-Build and Construction Management Services Selection Procedures  
Construction Management Services Selection Qualifications Supplement  
Construction Management Services Selection Evaluation Criteria Form  
Design and Construction Agreement – Fixed Price – OCIP

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*Facilities Planning & Management, Central Administration*  
*File: Facilities Procedures & Forms/Design-Build and Construction Management Services Selection Att. 1 – RFP Construction Management*  
*Date: January 2001*