

Madera Unified School District
1902 Howard Road
Madera, California 93637

RFP No. 042919
Request for Sealed Fee Proposals and Qualifications
For Lease-Leaseback Construction Services

Concurrent Enrollment Middle School Project

RFP Issued:	April 29, 2019
Mandatory Project Meeting:	May 6, 2019, at 2:00 PM
Deadline for Submittal of Questions:	May 8, 2019, at 4:00 PM
Responses to the Questions Submitted:	May 10, 2019
Sealed Proposals Due:	May 17, 2019, at 2:00 PM
Interview Date:	May 28, 2019
Selection by Governing Board:	June 11, 2019, at 6:30 PM

Request for Sealed Fee Proposals and Qualifications
For Lease-Leaseback Construction Services

Concurrent Enrollment Middle School Project

The Governing Board (the “Board”) of the Madera Unified School District (the “District” or “Owner”) is seeking qualifications and proposals from qualified providers of lease-leaseback construction services (“Contractors”) for the construction of the Concurrent Enrollment Middle School project (“Project”) within the District. Contracts will be awarded by the Board under the provisions of Education Code 17406 *et seq.*

I. Critical Dates

A. Prequalification:

All Contractors submitting proposals must have been previously prequalified by the District pursuant to Education Code section 17406 and Public Contract Code section 20111.6. A proposal submitted by a Contractor that has not been prequalified will not be accepted and will not be considered by the District.

B. Mandatory Project Meeting:

A mandatory project meeting will be held on May 6, 2019, at 2:00 PM at 1205 S. Madera Avenue, Second Floor, Madera, California. Contractors who do not attend will be disqualified.

C. Questions

All questions, requests for explanation or clarifications of any kind with regard to this RFP or the Project must be made in written form, and submitted via email to rosalindcox@maderausd.org by no later than May 8, 2019 at 4:00 PM. A response will not be provided to any late questions, or requests for explanation or clarifications.

All addenda and clarifications will be posted on the District’s website and provided to those Contractors that have requested a copy of the RFP no later than May 10, 2019.

D. Sealed Proposals Due Date:

An original + six (6) copies of each Contractor’s sealed proposal for the Project shall be delivered to the following address **no later than May 17, 2019, at 2:00 PM** on the clock designated by the District or its representative as the governing clock:

**Madera Unified School District
Facilities Planning and Construction Management Department
Attention: Rosalind Cox, Director of Facilities
1205 South Madera Avenue
Madera, CA 93637**

Contractors must also submit one (1) electronic copy on a flash drive. Proposals not received by the deadline or in the proper format will be returned unopened.

E. Interview Date

On May 28, 2019, the District will interview three (3) Contractors who receive the highest scores based on the District's preliminary best value analysis as outlined below. The District will contact the selected Contractors to schedule a specific time for the interview.

F. Selection Date:

The Governing Board of the Madera Unified School District is planning to select a Contractor for the Project at its regular Board meeting on June 11, 2019. The Board reserves the right to postpone or cancel this selection. The meeting will be held at 6:30 PM in the District Office Board Room, 1902 Howard Road, Madera, California.

The Contractor whose proposal is determined to offer the best value to the District pursuant to this RFP must promptly execute the Lease-Leaseback Agreement, the Site Lease, and the Sublease no later than ten (10) business days following selection.

II. Project Description, Plans, and Specifications

The District plans to construct the Concurrent Enrollment Middle School in the City of Madera, Madera County, California, and the District is soliciting proposals for the construction of the Project.

The District has retained SIM/PBK as its architect for the Project ("Architect"). DSA approval of the plans and specifications for the Project is anticipated June 1, 2019.

III. Contract Parameters

A. Proposed Budget

The District will require an open book policy with the successful Contractor and its construction team on the entire Project, meaning that all costs included in the Contractor's Total Sublease Payment and each monthly Sublease Payment shall be clearly set forth to the District's satisfaction, including soft costs, site improvements, and the construction of the buildings. The District shall be entitled to have access to subcontractor bids, value engineering back-up, contingency breakdown and tracking, general conditions breakdown and tracking, documentation of Contractor's fees, and all other information necessary to verify construction costs.

The Project is subject to the payment of prevailing wages under the California Labor Code and applicable regulations, and the Project will be subject to compliance monitoring and enforcement by the California Department of Industrial Relations.

B. Cost Estimate

The District estimates that the total cost of the Project will be twenty million dollars (\$ 20,000,000). This estimate is based solely on the Architect's most recent estimate of the total Project costs and is subject to change.

C. Scope of the Fee Proposal

1. General Conditions Fee

The first component of the fee proposal shall include general conditions and general requirements, including but not limited to temporary facilities, general requirements, supervision, and equipment as more fully set forth in **Exhibit B** ("General Conditions Fee"). The General Conditions Fee shall be calculated as a monthly fee for each month beginning from the District's issuance of a notice to proceed through substantial completion of the Project. For purpose of this RFP, the General Conditions Fee will be evaluated based on the District's estimated time of completion of 12 months.

As set forth in the Lease-Leaseback Agreement, each Contractor shall provide the District with objectively verifiable information of its costs to perform the Work and a written rationale for the General Conditions Fee for the Project, including documentation sufficient to support the calculation.

2. Construction Fee

The second component of the fee proposal shall be in the form of a percentage to be applied to the District's estimated construction cost of the Project as determined in accordance with Education Code section 17406(a)(3) ("Construction Fee"). The Construction Fee is not to be applied to the General Conditions Fee. The Construction Fee is intended to cover all of the main office labor costs, including but not limited to, Principals, Executives, Operations Managers, Estimating, Purchasing, Accounting, Administration, Clerical, fringe benefits, bonds, insurance, builder's risk insurance, overhead and profit, and all other expenses the Contractor will incur in providing the Work.

For purpose of this RFP, the Construction Fee will be evaluated based on the District's estimated construction costs for the Project. Once the construction cost is determined, the successful Contractor's Construction Fee will be applied to the actual base construction cost to determine the dollar amount Contractor will be paid as its fee for the Project.

IV. Scope of Work

A. Scope

The Concurrent Enrollment Middle School is a two-story building which will house (6) vocational labs, (1) vocational shop, (1) lecture hall, administrative areas, Second Floor conference room, multiple classrooms, and parking. Approximate total square footage is 42,809. Site acreage is approximately 2.5 acres.

B. Project Schedule

It is anticipated that construction will start on or about July 22, 2019. The Work must be completed by July 17, 2020. *See* the Lease-Leaseback Agreement and other Contract Documents for additional details.

C. Construction and Post-Construction Services

The Contractor shall perform all Work and obligations described in the Contract Documents, including the following construction and post-construction services:

1. Construction of the Project in accordance with the plans and specifications.
2. Coordinate and expedite record drawings and specifications to be provided to the District.
3. Compile operations and maintenance manuals, warranties/guarantees, and certificates.
4. Prepare final accounting and close-out reports.
5. Other responsibilities necessary for the completion of the Work of the Project in accordance with the plans and specifications.

E. Subcontractors

Contractor shall establish reasonable qualification criteria and standards for subcontractors and shall provide public notice of availability of work to be subcontracted in accordance with the publication date applicable to the District's competitive bidding process, including a fixed date and time on which qualifications statements, bids, or proposals will be due. All subcontractors who will perform more than 0.5% of the construction Work must be selected by a competitive bidding process or best value process as described in Education Code section 17406(a)(4). All subcontractors shall be afforded the protections of the Subletting and Subcontracting Fair Practices Act (commencing with Public Contract Code section 4100).

V. Format of Proposal

The proposal should be clear, concise, complete, well organized, and demonstrate Contractor's qualifications, ideas, and ability to follow instructions.

An original + six (6) copies and one (1) electric version of the proposal must be provided, with no more than 30 single-sided pages in total length. The cover letter and the certifications and acknowledgments described in Section H will not count against the 30 page limit.

All Contractors submitting a proposal are required to follow the order and format specified below. Failure to follow the specified order and format may result in rejection of a proposal. Please tab each section of the submittal to correspond to the numbers/headers shown below.

A. Proposal Cover

The proposal shall include a cover page, which cover page shall set forth the RFP's title and submittal due date, the name, address, fax number, and the telephone number of responding firm (or firms if there is a joint venture or association).

B. Project Team

1. Identify key team members for the Project and provide their qualifications.
2. Describe how the Project would be staffed.
3. Provide an organizational chart for the Project.

C. Client Satisfaction/References

Provide a list of at least five educational client references for which the responding firm has performed construction services similar to those required by this RFP. References must include:

1. Name, address, telephone number, and a contact person of the project owner.
2. Name, address, telephone number and a contact person for the architect working on the project(s).
3. Describe the project(s) on which your organization provided services, including costs.

D. Recent Construction Projects Completed

Contractors must provide information about all current projects, all public works projects completed in the last two years, all DSA-approved California K-12 or community college public projects completed in the last three years, and all public projects completed in the last five years using the lease-leaseback delivery method.

E. Fee Proposal

Provide a fee proposal in accordance with Section III(C) using the District's fee proposal form. The fee proposal shall also include objectively verifiable information of the responding firm's costs to perform the Work and a written rationale for the fee proposal.

F. Local Outreach Plan

Provide a local outreach plan to afford opportunities for local contractors, suppliers, and workers to participate in the Project to benefit the local economy and workforce. For the purpose of this

RFP, the term “local” refers to a business or individual with a fixed office or place of residence located in Madera County.

G. Certifications and Acknowledgements

Each of the following forms must be included in the proposal in the order listed:

1. Worker’s Compensation Certification.
2. Iran Contracting Act Certification
3. Non-collusion Declaration.
4. Sufficient Funds Declaration.
5. Fingerprinting Notice and Acknowledgement.
6. Drug-free Workplace Certification.
7. Proof of registration with the DIR to perform public work under Labor Code section 1725.5.

Following selection of subcontractors, the successful subcontractor shall be required to submit a Subcontractor Designation form and DVBE Certification.

VI. Selection Procedures and Guidelines

The purpose of this RFP is to enable the District to select the Contractor that submitted the proposal that is the best value to the District for the Project as required by Education Code section 17406. The term “best value” as used in this RFP is defined in Education Code section 17400, and is inclusive of a competitive procurement process whereby the Contractor is selected on the basis of objective criteria for evaluating qualifications with the resulting selection representing the best combination of price and qualifications.

The District will use the selection process outlined below, which conforms to Education Code section 17406 and ensures that the best value selection by the District is conducted in a fair and impartial manner. A review and selection committee composed of key District officials and consultants will review and evaluate all proposals.

Proposals will be opened privately to assure confidentiality and to avoid disclosure of the contents to competing Contractors prior to and during the review and evaluation process. Following selection of a Contractor pursuant to this RFP, proposals may be subject to disclosure in accordance with applicable law.

Selection Process

Experience Portion (100 points)

For the experience portion of the best value analysis, the District will consider the responses provided in the Contractor’s proposal and prequalification application. The District will evaluate

the amount of Contractor's experience and each Contractor's experience will be scored on a one hundred (100) point scale. The criteria and their corresponding point values are as follows:

- Contractors will receive up to ten (10) points based on factors such as prior CAL and Federal OSHA violations, EPA, Air Quality or RWQCB citations, Experience Modification Rate, and Workers' comp lapse in last three years.
- Contractors will receive up to ten (10) points based on factors such as liquidated damages paid, disbarred/disqualified from bidding on public project, denied bid on grounds of non-responsibility, claims against firm in court or arbitration, and claims made against owner in court or arbitration.
- Contractors will receive five (5) points for each large project (over \$10,000,000), subject to DSA approval, successfully completed on schedule, on budget, and without claims, in the last three years, up to a total of twenty-five (25) points.
- Contractors will receive five (5) points for each lease-leaseback project over \$10,000,000 successfully completed on schedule, on budget, and without claims, for any district in the last five (5) years, up to a total of Twenty (20) points.
- Contractors will receive up to fifteen (15) points for the Contractor's ability to provide local support (as defined in the prequalification application), local outreach plan, and experience working with local contractors with offices or workers located in Madera County.
- Contractors will receive up to twenty (20) points based on the proposed timeline for completion.

Fee Proposal Portion (100 points)

For the fee proposal portion of the best value analysis, the District will evaluate the amount of the General Conditions Fee and Construction Fee. The fee proposal portion of the best value analysis will be scored on a one hundred (100) point scale. Contractors shall complete the District's fee proposal form identifying the General Conditions Fee and Construction Fee.

The District will award points proportionally on the basis of the lowest to highest proposals submitted. The Contractor with the lowest fee proposal will receive the maximum score of 100 points, and proportionally lower points will be awarded to the higher fee proposals by dividing the lowest fee proposal by each remaining respective fee proposal and multiplying by 100 points. The General Conditions Fee will be evaluated by applying the Contractor's monthly fee over the District's estimated time of completion of 12 months. The Construction Fee will be evaluated by applying the proposed percentage to the District's estimated construction cost for the Project.

Example:

Proposer A's total fee proposal \$1,700,000 = 100 points

Proposer B's total fee proposal \$1,800,000 = 94 points

Proposer C's total fee proposal \$2,000,000 = 85 points

Interim Scoring & Interview Portion (15 points)

After the District has allocated points to Contractors for both the experience and fee proposal portions of the best value analysis, the District will combine the points to create each Contractor's interim score. District will then rank all Contractors based on Contractor's interim score. The Contractor with the highest interim score (highest combined point total from the qualifications and fee proposal analysis) shall be ranked highest, and all remaining Contractors shall be ranked in descending order based on the Contractor's interim score, such that the Contractor receiving the lowest interim score receives the lowest ranking.

On May 28, 2019, the District will interview three (3) Contractors who receive the highest interim scores. All of the Contractors selected for interviews will be asked the same questions. The questions will address the Contractor's fee proposal, local outreach plan, proposed staffing, and proposed schedule for completing the Project. Up to five (5) points will be awarded for the local outreach plan and up to ten (10) points will be awarded for the proposed staffing and project schedule for a maximum potential award of fifteen (15) points.

Best Value Score

After the Interviews are completed, District will combine each Contractor's interim score with the Contractor's interview score, if any, to create the final "best value score." District will then rank all Contractors based on each Contractor's best value score.

The District expects to complete and announce its best value analysis, and ranking of proposals from highest best value score to lowest best value score, within thirty (30) days of the deadline for submittal of the proposals. It will announce its analysis and ranking to all proposing Contractors at the same time.

VII. Award

The District reserves the right to reject any or all proposals, or waive any irregularities in any of the proposals submitted pursuant to this RFP. The Lease-Leaseback Agreement shall be awarded to the responsive Contractor with the highest best value score. In the event of a tie (more than one Contractor have the same highest best value score), District may award the Lease-Leaseback Project to the Contractor of its choice.

The Board is expected to make its selection at its regular meeting on June 11, 2019. The meeting will be held at 6:30 PM in the District Office Board Room, 1902 Howard Road, Madera, California. The District will issue a statement regarding the basis of the award.

If the Contractor to which the Board awards the Lease-Leaseback Contract refuses to execute the Lease-Leaseback Agreement and submit a payment bond, performance bond, proof of required insurance, and other required documents within ten (10) business days following approval of the Total Sublease Amount by the Board, the Board may revoke the award to that Contractor and

award to the Contractor that submitted the next highest ranked proposal. Alternatively, the Board may reject all proposals.

VIII. General Information

A. Amendments

The District reserves the right to cancel or revise this RFP in part or in its entirety. If the District cancels or revises the RFP, all Contractors will be so notified by addenda. The District also reserves the right to extend the date on which responses are due, the date on which it announces the results of its best value analysis, or the date on which the award will be made.

B. Non-Discrimination

The District does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability, or gender in consideration for an award of contract.

C. Costs

Costs of preparing a proposal in response to this RFP are solely the responsibility of the responding Contractor.

D. Prevailing Wages

Respondents are advised that this Project is a public work for purposes of the California Labor Code, which requires payment of prevailing per diem wages, as well as wages for legal holidays and overtime. These rates are set forth in a schedule, which may be found on the California Department of Industrial Relations website at www.dir.ca.gov. Any Contractor to which a contract is awarded must pay the prevailing rates, post copies thereof at the job site, provide payroll records when required, and otherwise comply with applicable provisions of state law.

E. State Registration

The proposing Contractors and any proposed subcontractors shall not be qualified to submit a proposal, or to be listed in a proposal, for the Project, and shall not be qualified to enter into, or engage in the performance of, the Lease-Leaseback Agreement, unless currently registered and qualified under Labor Code section 1725.5 to perform public work as defined by Division 2, Part 7, Chapter 1 (§§1720 et seq.) of the Labor Code.

F. Limitations

This RFP does not commit the District to award a contract, to defray any costs incurred in the preparation of a proposal pursuant to the RFP, or to procure or contract for work. The District reserves the right to waive any irregularities in the proposals received pursuant to this RFP, or in the process outlined herein for selection of a Contractor for the Project.

G. Validity of Proposals

All proposals will be considered valid and each Contractor's preconstruction fee, General Conditions Fee and Construction Fee will be considered fixed for a period of sixty (60) days following submission.

EXHIBIT A

Contractor Scoring Sheet

SECTION I – CONTRACTOR EXPERIENCE

A. Safety (Maximum Possible Score 10)

District will consider factors such as prior CAL and Federal OSHA violations, EPA, Air Quality or RWQCB citations, Experience Modification Rate, and Workers' comp lapse in last three years.

	CONTRACTOR	SCORE
1.		
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11.		

B. Disputes (Maximum Possible Score 10)

District will consider factors such as liquidated damages paid, disbarred/disqualified from bidding on public project, denied bid on grounds of non-responsibility, claims against firm in court or arbitration, and claims made against owner in court or arbitration.

	CONTRACTOR	SCORE
1.		
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11.		

C. Large Project Experience (Maximum Possible Score 25)

Contractors will receive five (5) points for each large project (over \$10,000,000), subject to DSA approval, successfully completed in the last three years, up to a total of twenty-five (25) points.

	CONTRACTOR	SCORE
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D. Lease-Leaseback Experience (Maximum Possible Score 20)

Contractors will receive five (5) points for each lease-leaseback project over \$10,000,000 successfully completed for any district in the last five (5) years, up to a total of ten (20) points.

	CONTRACTOR	SCORE
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E. Local Outreach Plan (Maximum Possible Score 15)

Contractors will receive up to fifteen (15) points for the Contractor's ability to provide local support (as defined in the prequalification application), local outreach plan and experience working with local contractors with offices or workers located in Madera County.

	CONTRACTOR	SCORE
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F. Proposed Timeline (Maximum Possible Score 20)

Contractors will receive up to twenty (20) points based on the proposed timeline for completion.

	CONTRACTOR	SCORE
1.		
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3.		
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11.		

G. Total Experience Score (Sum of A – F) (Maximum Possible Score 100)

	CONTRACTOR	QUALIFICATIONS SCORE
1.		
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SECTION II – FEE PROPOSALS

In the following table, enter all proposing Contractors and the total points received from the fee proposal evaluation (Maximum points available per Contractor is 100). The Contractor with the lowest fee proposal will receive the maximum score of 100 points, and proportionally lower points will be awarded to the higher fee proposals by dividing the lowest fee proposal by each remaining respective fee proposal and multiplying by 100 points.

CONTRACTOR	FEE PROPOSAL	POINTS AWARDED

SECTION III – INTERIM SCORE

In the following table, enter all proposing Contractor, their scores from the qualifications and fee proposal evaluations, and their total combined score. The total combined score is the Contractor's "interim score."

CONTRACTOR	SECTION I POINT TOTAL	SECTION II POINT TOTAL	SECTION I & SECTION II COMBINED TOTAL

SECTION IV – INTERVIEW AND PRESENTATION SCORE

In the following table, enter all proposing Contractors qualified for the interview phase, their scores, and their combined score. The total combined score is the “interview score.”

CONTRACTOR	LOCAL OUTREACH POINT TOTAL	STAFFING PLAN & PROJECT SCHEDULE POINT TOTAL	COMBINED POINT TOTAL

SECTION V – BEST VALUE SCORE

In the following table, enter all proposing Contractors, their scores from the qualifications and fee proposal evaluations, and their total combined score. The total combined score is the Contractor’s final “best value score.”

CONTRACTOR	INTERIM SCORE	INTERVIEW SCORE	COMBINED TOTAL

SECTION VI – BEST VALUE RANK

In the following table, enter all proposing Contractors and best value score in order from the highest best value score to the lowest best value score. The Contractor with the highest best value score shall be ranked No. 1 overall.

CONTRACTOR	BEST VALUE SCORE (highest to lowest)	RANK
		1
		2
		3
		4
		5
		6
		7

EXHIBIT B

General Conditions and General Requirements

<u>General Requirements</u>	<u>Quantity / Units / Unit Cost / Total</u>
Traffic Control	
Weather Protection	
Protection for Stored Materials	
Temp Fencing	
Temp Bull Pen / Staging	
First Aid Equip	
Dust Control	
Temporary Fire Protection	
Safety Maintenance	
Job Office Trailer (Minimum 2-Office & 1 Common Area)	
Storage Container	
Drop Boxes / Dumpsters	
Temp Toilet	
Office Furnishings	
Office Supplies	
Computer/Data Setup	
Job Sign	
Freight & Drayage	
Pre-Job Conference	
Scheduling	
Move On / Off Job	
Job Photographs	
Shop Drawings	
As Builts	
Blue Prints	
Electrical Service /Temp. Lines	
Temporary Lighting	
Water Service	
Temp Water Lines	
Temp Water Usage	
Drinking Water & Ice	
Storm Water Control	
SWPPP Plan, Compliance, Monitoring, and BMP Implementation	
Phone Service / Hook-up	
Temp Phone Usage	
Material Handling	
Continuous Clean-up	
Final Cleanup (Sub)	
O & M Manuals	

Close-Out Admin.
Jobsite Security
Copy, Fax, Printer machines
Personal Computers w/ data com connection/ service
Software Licenses
Background Checks and Badging
Permit Fees

On-Site Project Management / Supervision

Superintendent(s)
Project Manager
Project Engineer(s)
Project Administrator
Quality Control Manager (if role performed by other than a staff position noted above)
Safety Officer (if role performed by other than a staff position noted above)
Scheduler (if role performed by other than a staff position noted above)

Equipment

Pick-up Allowance
Forklifts