

SOUTHERN OREGON UNIVERSITY

REQUEST FOR PROPOSALS

2015-0518

SOU McNEAL PAVILION & STUDENT RECREATION CENTER CM/GC RFP

CONTRACT ADMINISTRATOR:

Southern Oregon University
Facilities Management & Planning
Attention: Drew Gilliland
351 Walker Avenue
Ashland, Oregon 97520
Phone: (541) 552-6233
Email: gilliland@sou.edu

ISSUE DATE: May 18, 2015
RFP CLOSING (DUE) DATE: May 28, 4:00 PM, Local Time

NO LATE RESPONSES WILL BE ACCEPTED

SUBMITTAL LOCATION

Southern Oregon University
Facilities Management & Planning
Attention: Drew Gilliland
351 Walker Avenue
Ashland, Oregon 97520

TABLE OF CONTENTS

- I. INTRODUCTION
- II. PROJECT DESCRIPTION
- III. DESIGN TEAM
- IV. BUDGET
- V. SELECTION PROCEDURE AND TIMETABLE
- VI. INSTRUCTIONS TO PROPOSERS
- VII. RESPONSE REQUIREMENTS/EVALUATION CRITERIA
- VIII. PROPOSAL EVALUATION
- IX. FINANCIAL RESPONSIBILITY
- X. SUBMISSION
- XI. QUESTIONS
- XII. SOLICITATION PROTESTS
- XIII. CHANGE OR MODIFICATION
- XIV. SELECTION PROTESTS
- XV. PROPRIETARY INFORMATION
- XVI. PROJECT TERMINATION
- XVII. CERTIFICATION OF COMPLIANCE WITH TAX LAWS
- XVIII. ENCLOSURES

I. INTRODUCTION

The Oregon State Board of Higher Education, on behalf of Southern Oregon University (“**SOU**”) is seeking Proposals from firms interested in providing Construction Manager/General Contractor (CM/GC) services to SOU by submitting a response to this Request for Proposals (“**RFP**”) for the McNeal Pavilion and Student Recreation Center Project described below. This Project has two funding sources, one for McNeal and one for the Student Recreation Center. The CM/GC will be required to track the costs for McNeal and the Student Recreation Center separately.

The attached Sample CM/GC Contract contains contract terms and conditions, as well as the General Conditions applicable to the Work, and will form the basis of the final CM/GC Contract.

The BOLI Prevailing Wage Rates applicable to these Projects will be identified at the time the initial set of construction specifications are made available and are incorporated into the CM/GCs sub-bidding efforts for the first Early Work Amendment, or, if no Early Work Amendment occurs, then at the time of the GMP Amendment. Those rates will then apply throughout the Project. See OUS General Conditions, Sections C.1 and C.2, regarding wage rate compliance and payroll certification.

All Proposers must be registered and licensed with the Oregon Construction Contractors Board and have on file with the Construction Contractors Board the required Public Works Bond prior to submitting Proposals. Failure to be licensed and have the bond in place will be sufficient cause to reject Proposals as non-responsive.

When selected, the CM/GC firm will be a part of a construction team composed of SOU, the Architect and other Project consultants through the completion of the Project. The CM/GC firm shall be skilled in actual construction, developing schedules, preparing construction estimates, performing value engineering, analyzing the constructability of alternative designs, studying labor conditions, understanding construction methods and techniques, selecting subcontractors, coordinating gift-in-kind work and materials, coordinating construction processes, and be capable of providing assistance to the Owner in procuring long lead equipment. The CM/GC must be able to communicate the construction-related aspects of the Project to all team members throughout the design and construction phases. The CM/GC is expected to take the lead role in the formal partnering process for the Project. In addition, the CM/GC must be familiar with the local labor and sub-contracting market and be capable of working and contracting directly with sub-contractors to generate viable pricing.

Southern Oregon University will require the successful CM/GC to comply with Oregon University System and Southern Oregon University rules and procedures requiring good faith efforts in subcontracting with emerging small businesses, and minority and women owned businesses in the Project.

Compensation shall be based upon certain fees and reimbursable costs, as set forth in the Sample CM/GC Contract attached (Exhibit A), including use of a Guaranteed Maximum Price (GMP) and the form of GMP Amendment included with the Sample CM/GC Contract. The successful CM/GC

will provide Preconstruction Services. Preconstruction Services include, but are not necessarily limited to, constructability review at the end of the (DD) Design Development Phase, value engineering, develop a cost estimate at the end of the Design Development Phase, reconciliation of the CM/GC cost estimate with the Design development Phase cost estimate from RLB, development of phasing programs (if required) and development of the GMP. Related contracting provisions are contained in **Exhibits A through H**, as detailed in **Part XVIII** of this RFP entitled "Enclosures".

The sample contract may contain certain notes or alternative provisions. Those alternative provisions will be included at the sole discretion of the University. In addition to the Sample CM/GC Contract, SOU will use the July 1, 2012 Oregon University System General Conditions for Public Improvement Contracts (the "**OUS General Conditions**") as the basis for the final agreement (attached to this RFP as **Exhibit B**). The OUS General Conditions, and the Supplemental General Conditions attached to this RFP as Exhibit C, shall apply to the work of all subcontractors and to the work of the CM/GC to the extent that they do not conflict with the CM/GC Contract.

If SOU is unable to successfully agree upon a GMP or contract terms or conditions for the Project with the highest ranked Proposer, SOU may terminate discussions and enter into discussions with the next highest ranked Proposer. If for any reason the parties are not able to reach agreement on a GMP, the Owner shall be entitled to obtain Construction Phase Services from any other source available to it under the State's public contracting laws and administrative rules including negotiating with the next highest ranked proposer to enter into a CM/GC Contract specifying a mutually agreed upon GMP.

If SOU chooses not to continue the CM/GC Contract beyond the completion of Preconstruction Phase Services, the CM/GC's compensation shall be limited to the costs of the Preconstruction Phase Services, not exceeding the maximum not-to-exceed fee stated in the Contract.

The prospective CM/GC should note that SOU will also require as a part of CM/GC Preconstruction Services a full description of items that will be contained in the proposed GMP and the activities that make up the proposed GMP. After preparation, a complete copy of the GMP estimate, including all details within the GMP Supporting Documents, shall be provided to SOU.

SOU will monitor the competitive processes used to award subcontracts by the CM/GC in accordance with **Article 11** of the Sample CM/GC Contract. SOU will be present when all subcontractor, vendor and supplier bids are opened. Cm/GC will prepare and deliver a spreadsheet of all subcontractor, vendor and supplier bids within three days of the bid opening(s) to SOU. The following minimum requirements shall be used:

- a. The CM/GC shall solicit sealed bids or quotes from subcontractors in a manner consistent with industry practice, and make award decisions based on cost or, if not cost, on another identified alternative competitive basis as approved in advance by SOU. When there are single fabricators of materials or special packaging requirements for subcontractor work other than low price, advance approval of the alternative selection criteria by SOU is

required.

- b. The CM/GC shall use its best efforts to obtain at least three bids or quotes for the particular work to be subcontracted. SOU may make exceptions to this practice in advance of the procurement.
- c. The CM/GC shall structure subcontractor and supplier bid packages to maximize participation by M/W/ESB businesses.
- d. The solicitation of subcontractors shall be made pursuant to **Article 11** in the Sample CM/GC Contract.

II. PROJECT DESCRIPTION

See Exhibit G – Project Description, Schematic Design – Revised Mar 12, 2015.

III. DESIGN TEAM

SinkCombsDethlefs Architecture, Architect of Record
Straus & Siebert Architects, Associate Architect
ZCS Engineering, Civil and Structural Engineers
Covey Pardee, Landscape Architects
The Ballard Group, Lead Mechanical/Plumbing Engineers
Portland Engineering, Energy Modeling, Associate Mechanical Engineer
Innovative Energy Systems, Inc. Lead Electrical Engineer
Paradigm Engineering, Associate Electrical Engineer,
WHJW, Inc., Acoustical and Audio Visual Design

IV. BUDGET

The total direct construction budget range for is estimated at \$ 27,600,000.00. This includes the Preconstruction Fee for Preconstruction Services, Cost of the Work (including specialty building permit(s) and associated site improvements, as well the CM/GC's Contingency), and the CM/GC Fee. This does not include other "soft" costs; i.e. Owner's labor costs, plan review fees, building permit, special testing services, consultant's fees, furniture and portable equipment, and other indirect development costs. Demolition and hazardous materials removal will be bid separately from this Project.

V. SELECTION PROCEDURE AND TIMETABLE

Beginning with responses to this RFP, the selection procedure will be used to evaluate the capabilities of interested CM/GC firms to provide CM/GC services to SOU for this Project. The responses to this RFP will be evaluated by the selection committee, which will be comprised of representatives from SOU. Interviews of short-listed finalists and further investigation of references will occur following the receipt and review of the Proposals. The selection committee will meet and

rank finalists after receipt and evaluation of all relevant information.

Drew Gilliland, SOU Facilities Director, will make the award and present the agreement to the selected CM/GC firm for its signature.

Selection timetable is approximately as follows (Calendar year 2015):

May 18, 4:00 p.m.	Issue CM/GC RFP
May 21, 4:00 p.m.	Deadline for written questions from Proposers
May 25, 4:00 p.m.	SOU to issue addendum to RFP (if required)
May 28, 4:00 p.m.	RFP Closing Date and Time
June 11 – 18	Anticipated start of CM/GC interviews (if necessary)
June 19, 4:00 p.m.	Notification of Intent-to-Award
June 26	CM/GC Contract Execution
June 29	Commence pre-construction service
Nov. 1	Commence on-site Work
Fall 2017	Project completion

VI. INSTRUCTIONS TO PROPOSERS

Your response must be contained in a document **not to exceed twenty five (25) single sided pages** including pictures, charts, graphs, tables and text the firm deems appropriate to be part of the review of the firm's response. Resumes of key individuals proposed to be involved in this project are exempted from the 25-page limit and should be **appended to the end of your response**. No supplemental information to the 25 page Proposal will be allowed. Appended resumes of the proposed key individuals, along with a transmittal letter, table of contents, front and back covers, and blank section/numerical dividers, etc., will not be counted in the 25 page limit.

Information should **be presented in the same order as the following evaluation criteria**. Your response should follow the format outlined below and be signed by an officer of your firm with the authority to commit the firm. **The response should be submitted in a soft-bound** (comb or spiral, spiral preferred – no three-ring binders) format with page size of 8 ½ x 11 inches with no fold-outs except one fold out project schedule and one site logistics plan (should not exceed 11 x 17 inches each). The basic text information of the response should be presented in 10 point (minimum) font size, and reasonable margins.

SOU may reject any submittal not in compliance with all prescribed public bidding procedures and requirements, and may cancel this solicitation or reject for good cause, all responses upon a finding by SOU that it is in the public interest to do so.

Please note that throughout this procurement, SOU will not accept responses or queries that require SOU to pay the cost of production or delivery. SOU is an AA/EEO employer.

Telephone, facsimile, or electronically transmitted submittals will not be accepted.

Responses received after the closing date and time will not be considered.

VII. RESPONSE REQUIREMENTS/EVALUATION CRITERIA

The following questions constitute the evaluation criteria for the Selection Committee to score responses. **You must respond to each criterion in numerical order.** For ease in scoring the responses, please provide tabs keyed to each of the following criteria numbers. Indicate in writing the following information about your firm's ability and desire to perform this work.

1. Firm Information

Provide a brief description of your firm. List the projects your firm is currently contracted for, the "key personnel" assigned to those projects, and what stage you are in terms of completion. (Weight: 15)

2. Key Personnel

Identify the personnel in your firm who would be assigned to this project and describe their specific experience on projects of similar size, complexity, and scope as the Project subject to this RFP. For all project management personnel, identify the length of their employment with your firm, their responsibilities on this Project, and their primary office location during project execution. Indicate their time commitment for this Project during the pre-construction and construction phases. Indicate whether the proposed team has worked together on previous projects. *Clearly identify any and all time commitments the proposed project manager and project superintendent will have to projects other than SOU McNeal Pavilion and Student Recreation Center between November 1, 2015 and August 1, 2017.* Provide contact information (including email) for all proposed personnel.

Provide the names and **current** phone numbers of references for each of the key personnel you proposed for this Project in your RFP response. The references should represent at least one of each of the following: owners, subcontractors, and architects. These references should be from projects of a size, scope and/or complexity comparable to the Project subject to this RFP. Verify that the references identified had direct contact with your team member. Results obtained in reference checks may be used to score all evaluation criteria. (Weight: 25).

3. CM/GC Role

Describe the proposed role(s) and responsibilities of your firm in the Project. Identify your firm's expectations of the role of SOU and the Architect. Describe your firm's role to ensure that the Project is completed safely, on schedule and within the contract amount and quality requirements. Describe your firm's relevant experience with negotiated and Guaranteed Maximum Price (GMP) work. Describe your firm's relevant experience with public Construction Management (CM) and Construction Manager/General Contractor (CM/GC) work. (Weight: 15)

4. Project Management

Describe your firm's process for managing this specific Project. Describe the pre-construction services you would provide and how information would be shared with the design team and the Owner. Describe specific technologies and systems used to manage construction. Describe how and where BIM modeling would be used in this project. Describe how you have applied new technologies on other similar projects and how those will be applied to this project. (Weight: 15).

5. Cost Control

Describe your firm's process for managing cost throughout the project. Describe in detail the pre-construction services you would provide. Discuss your cost estimating processes and describe in detail how estimates are developed and the name the personnel who do the estimating. Describe your proposed level of cost estimating efforts throughout the Project.

Provide a description of your process for managing changes in construction, including efforts made to minimize change orders and claims. Discuss in detail, your process for evaluating change order pricing presented by subcontractors. (Weight: 15).

6. Workforce Diversity Plan

Provide a description and identification of Minority Business Enterprise (MBE), Women Business Enterprise (WBE) or Emerging Small Business (ESB) certifications for the Proposer and a description of the Proposer's nondiscrimination practices. Provide any historical information on MBE, WBE or ESB Joint Ventures, subcontracting or mentoring plan, and utilization history for projects completed within the past three (3) years.

Provide a narrative description of the Proposer's current workforce diversity program/plan, and the plan for obtaining subcontracting, consulting, and supplier diversity for this project. Include a description of the outreach program or plan, including a schedule of events and specific steps that will be taken to maximize broad based and inclusive participation and the plan to provide mentoring, technical or other business development services to subcontractors needing or requesting such services.

The Proposer shall perform the Work and the CM/GC Contract with respect to diversity according to the means and methods described in Proposer's workforce plan described in the Proposal, unless changes are requested and approved in writing in advance by SOU or are required by applicable laws, ordinances, codes, regulations, rules or standards. (Weight: 15)

7. Proposed Site Coordination/Logistics Plan

Describe your firm's approach to the management and administration of on-site construction activities for this Project. Include a site plan or diagram depicting your approach. Address mobilization, construction staging, site access, vehicular circulation, pedestrian circulation, noise, material storage, onsite offices, trash/recycling, security, temporary toilet facilities and utilities and other related factors. Describe how your firm will work with the University to maintain work areas and to continue to use adjacent buildings, streets and parking areas

concurrent with construction activity. Identify construction activity required to maintain safe user access to continued operation of the adjacent buildings. See Exhibit H – Available Site Areas for Construction Team. (Weight: 20).

8. Fee Proposal

CM/GC Fee

Provide your firm's CM/GC Fee as a percentage of the Estimated Cost of the Work for this project.

This fee shall cover, at a minimum, the Construction Management elements and Costs Excluded from Cost of the Work, as specified in the CM/GC Contract and specifically identified in the *Direct Costs/ General Conditions Costs Matrix* at Exhibit C (“Matrix”). Items identified in the Matrix as applicable to the CM/GC Fee shall not be reimbursed as General Conditions Work (“GC Work”). GC Work shall mean (i) that portion of the Work required supporting construction operations that is not included within overhead or general expense but is called out as GC Work as identified in the Matrix, and (ii) any other specific categories of Work approved in writing by the Owner’s Authorized Representative as forming a part of the GC Work. See the attached Sample CM/GC Contract for details. (Weight: 10)

General Conditions Estimated Cost

Based on the “General Conditions” line items listed in the Matrix and taking into account the project description, the project timeline and the schematic design drawings, provide an estimate for the total cost of General Conditions for this project. (Weight: 10)

Performance/Payment Bond Rate

Provide your bond rate for this project using the direct construction budget in Section IV. (Weight: 5)

Preconstruction Fee

Provide a fee proposal for Preconstruction Services on a cost reimbursement basis up to a maximum not-to-exceed amount. Reimbursable costs are subject to published OUS limitations on travel and per diem expenses. (Weight: 5)

9. References

In addition, please provide the names, addresses and phone numbers of three Owners, three sub-consultants, and three contractors to be used as references for this Project. Please verify that the individuals identified have had direct contact with the referenced project, and the phone number is current. Please do not include references from any firms/individuals included in your “team” for this project. SOU may check with these references and/or may check with other references associated with any past work of your firm. Although no points are awarded, negative references could disqualify your firm from consideration. (0)

VIII. PROPOSAL EVALUATION

This Request for Proposals (RFP) is the first step in a two-step process in the selection of a Construction Manager/General Contractor for this Project. The responses to this RFP will be evaluated by the selection committee, which will be comprised of representatives from Southern Oregon University. SOU will utilize this RFP process to obtain information to enable selection of the most qualified Proposer through evaluation of:

- a. The Proposers' responses to questions contained in this document;
- b. Information obtained during an interview of the Proposers by the Selection Committee;
and
- c. The results of discussions with the Proposers' references and others.

Each criterion has been assigned a weight between 0 and 25. Each member of the evaluation committee will rate each firm in each criterion between 0 and 10 (ten being the highest), and multiply that number by the weight assigned to the criterion. The evaluation committee members will then total the weighted score from all of the criteria to obtain the total score. The result of this total score will be used to rank all respondents.

The RFP also requires reference information for your firm. SOU will utilize this information and any other independently obtained references that can provide background on your firm. This information will not be separately scored, but results obtained from these and/or other reference checks will be utilized in evaluating and scoring in the other criteria and in the final ranking.

In addition, the RFP response will be used in preparation for interviews of the finalists. Firms chosen to participate in the interviews may be asked to respond to additional questions designed to clarify and/or expand on their Proposals. Interviews will include a presentation period for the Proposers to highlight their original Proposal as well as respond to additional questions or information requested in advance by the evaluation committee, and then a separate Q&A session. After all of the interviews/discussions are completed, the evaluation committee will select the Apparent Successful Proposer by ranking the interviewed Proposers based on all information received, presented, found and heard.

IX. FINANCIAL RESPONSIBILITY

SOU reserves the right to investigate and evaluate, at any time prior to award and execution of the contract, the submitting firm's financial responsibility to perform the anticipated contract. Submission of a signed response shall constitute approval for SOU to obtain any credit report information SOU deems necessary to conduct the evaluation. SOU shall notify the firms, in writing, of any other documentation required, which may include, but need not be limited to: recent profit-and-loss history; current balance statements; assets-to-liabilities ratio, including number and amount of secured versus unsecured creditor claims; availability of short and long-term financing; bonding capacity and credit information; etc. Failure to promptly provide this information shall result in rejection of the submission.

SOU may postpone the award or execution of a contract or selection of finalists in order to

complete its investigation and evaluation. Failure of a firm to demonstrate financial responsibility shall render them non-responsible and shall constitute grounds for response rejection.

X. SUBMISSION

Submit **seven (7)** copies of your written response, along with an electronic version on CD, to be received by the closing date and time listed in this document to:

Drew Gilliland
Southern Oregon University
Director, Facilities Management & Planning
351 Walker Avenue
Ashland, Oregon 97520

Phone: 541-552-6233 FAX : 541-552-6235
email: soubid@sou.edu

Telephone, facsimile, or electronically transmitted submittals will not be accepted.

Responses received after the closing date and time will not be considered.

XI. QUESTIONS

All questions and contacts with SOU regarding any information in this RFP must be addressed either in writing, fax, or email to Bruce Abeloe, Project Manager at bruce_abeloe@abeloe.com. If you are unclear about any information contained in this document (Project, scope, response format, etc.), you are urged to submit those questions for formal clarification.

XII. SOLICITATION PROTESTS

Respondents may submit a written request for change or protest of particular solicitation provisions and specifications and contract terms and conditions (including comments on any specifications that a firm believes limits competition) to Drew Gilliland at the address, email or fax listed in this document. Such requests for change and protests shall be received no later than **4:00 p.m., May 21, 2015**. Such requests for change and protests shall include the reasons for the request and any proposed changes to the solicitation provisions and specifications and contract terms and conditions.

XIII. CHANGE OR MODIFICATION

Any change or modification to the specifications or the procurement process will be in the form of an addendum to the RFP and will be emailed to all finalists. It is the responsibility of each firm to visit the website and download any addendums to this RFP. **Failure to do so may render the firm's submission non-responsive.** No information received in any manner different than as

described herein shall serve to change the RFP in any way, regardless of the source of the information.

XIV. SELECTION PROTESTS

Any respondent to this RFP who claims to have been adversely affected or aggrieved by the selection of a competing respondent shall have three days after notification of that selection to submit a written protest of the selection to Craig Morris, V.P. Admin, at 1250 Siskiyou Blvd, Ashland, OR 97520. Any such protests must be received by Mr. Morris no later than *three days* after the selection has been made.

XV. PROPRIETARY INFORMATION

The University shall retain this RFP and one copy of each original response received, together with copies of all documents pertaining to the award of a contract. These documents will be made a part of a file or record, which shall be open to public inspection after responder selection and award, is announced. If a response contains any information that is considered a trade secret under ORS 192.501(2), mark each sheet of such information with the following legend: **“This data constitutes a trade secret under ORS 192.501(2), and shall not be disclosed except in accordance with the Oregon Public Records Law, ORS Chapter 192.”**

The Oregon Public Records Law exempts from disclosure only bona fide trade secrets, and the exemption from disclosure applies only “unless the public interest requires disclosure in the particular instance”.

Therefore, non-disclosure of documents or any portion of a document submitted as part of a response may depend upon official or judicial determination made pursuant to the Public Records Law.

In order to facilitate public inspection of the non-confidential portion of the response, material designated as confidential shall accompany the response, but shall be readily separable from it. Prices, makes, model or catalog numbers of items offered, scheduled delivery dates, and terms of payment shall be publicly available regardless of any designation to the contrary. Any response marked as a trade secret in its entirety shall be considered non-responsive and shall be rejected.

XVI. PROJECT TERMINATION

SOU is seeking to award a contract to a Construction Manager/General Contractor for the Preconstruction and all construction phases; however, SOU reserves the right to terminate the Project or contract during any phase in the Project.

XVII. CERTIFICATION OF NONDISCRIMINATION AND COMPLIANCE WITH TAX LAWS

By submission of the Proposal, the undersigned hereby certifies under penalty of perjury that the undersigned is authorized to act on behalf of CM/GC, that CM/GC, as part of its Proposal, has not discriminated against minority, women or emerging small business enterprises in obtaining any required subcontracts, and that CM/GC is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means a state tax imposed by ORS 320.005 to 320.150 and 403.200 to 403.250, ORS chapters 118, 314, 316, 317, 318, 321 and 323; the elderly rental assistance program under ORS 310.630 to 310.706; and local taxes administered by the Department of Revenue under ORS 305.620.

XVIII. ENCLOSURES*

Exhibit A – Sample CM/GC Agreement Form

Exhibit B – OUS General Conditions

Exhibit C – OUS Supplemental General Conditions

Exhibit D – Direct Costs/General Conditions Work Costs Matrix

Exhibit E – Sample Performance Bond

Exhibit F – Sample Payment Bond

Exhibit G – Project Description – Schematic design – Revised Mar 12, 2015

Exhibit H – Available Site Areas for the Construction Team.

END OF RFP