

Port Arthur
Independent School District
Purchasing Department

Request For Qualifications
Construction Manager-At-Risk
April 17, 2008

Section 1

General

1. Port Arthur Independent School District (PAISD) is soliciting request for qualifications for **Construction Manager-At-Risk**.

It is the intention of Port Arthur Independent School District to award the contract to the company or companies that appears most advantageous to the district.

2. Contact Persons: Russell F. Betts, Project Manager (409) 460-0898 cell
3. **Proposals will be received NO LATER THAN 2:00 p.m. on Thursday, April 17, 2008 in the Purchasing Department of the Port Arthur Independent School District Administration Building, 733 5th Street, P.O. Box 1388, Port Arthur, Texas 77640.**
4. **FAXED PROPOSALS WILL NOT BE ACCEPTED.**

Section 2 - Terms and Conditions

2.1 The terms of this agreement will be mutually agreed upon.

2.2 PAISD reserves the right to accept or reject all or any part of any bid, waive minor technicalities, and award the proposal to serve the best interest of the PAISD.

2.3 In evaluating qualified proposals, the following considerations will be taken into account for award recommendations: overall quality and value to the district, suitability for the intended purpose and overall cost to the district.

2.4 PAISD reserves the right to cancel this contract without pecuniary risk or penalty upon written notice of the intent. The board reserves the right to cancel this contract upon written notice of the intent.

2.5 If at any time the vendor fails to fulfill or abide by the terms, conditions, or specifications of this contract, PAISD reserves the right to cancel upon thirty days written notification of the intent.

Section 3 - Insurance

3.1 Vendor MUST provide evidence of liability and workers comp insurance with this proposal. PAISD retains the right of approval for insurance coverage.

A BID BOND MUST BE SUBMITTED IF THIS PROPOSAL IS OVER \$25,000.00 OR A CASHIER'S CHECK OF 5% OF THE BID PRICE

3.2 The vendor shall agree to waive all right of subrogation against the district, its officials, employees and volunteers for losses arising from work performed by the engineer for the district.

3.3 The vendor agrees to indemnify and hold harmless owner, its Board of Trustees, individually and in their capacities, and all employees and agents of owner, from any and all claims, actions, demands, suits, causes or otherwise, for personal injury, death or property damage, arising out of or related directly or indirectly to the project, brought by or on behalf of any person, group of persons, or legal entity.

SUBMISSION OF PROPOSALS: Proposals shall be submitted no later than 2:00 p.m. on Thursday, April 17, 2008 at the Port Arthur Independent School District Administration Building in the Purchasing Department, 733 5th Street, Port Arthur, Texas where they will be opened and read aloud publicly.

If sent by mail or couriers please mark your proposal "CONSTRUCTION MANAGER-AT-RISK".

Proposals may be modified or withdrawn prior to the opening of the proposals.

Section 4 - Non-Collusive Bidding Certificate

NON-COLLUSIVE BIDDING CERTIFICATE

By submission of this proposal, the bidder certifies that:

- a) This bid or proposal has been independently arrived at without collusion with another bidder or with any competitor;
- b) This bid or proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids, or proposals for this project, to any other bidder, competitor or potential competitor;
- c) No attempt has been or will be made to induce any other person, partnership or corporation to submit or not to submit a proposal;
- d) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties being applicable to the bidder as well as to the person signing in its behalf.
- e) **THE FAILURE TO SIGN THIS CERTIFICATE MAY BE CAUSE FOR YOUR BID TO BE REJECTED.**

Company Name

Authorized Signature

Title

Section 5 - Criminal Notification

FELONY CONVICTION NOTIFICATION

State of Texas Legislative Senate Bill No. 1, Section 44.034, Notification of Criminal History, Subsection (a), states "a person or business entity that enters into a contract with a school district must give advanced notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

Subsection (b) states "a school district may terminate a contract with a person or business only if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in a conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

I, the undersigned agent for the firm named below, certify that the information concerning Notification of felony convictions has been reviewed by me and the following information furnished is true to the best of my knowledge.

Vendor's Name: _____

Authorized Company Official's Name (Printed): _____

A. My firm is a publicly-held corporation; therefore, this reporting requirement is not applicable.

Signature of Company Official: _____

B. My firm is not owned nor operated by anyone who has been convicted of a felony:

Signature of Company Official: _____

C. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): _____

Details of Conviction(s): _____

Signature of Company Official: _____

Section 6 - Proposal Preparation Instructions:

6.0 GENERAL

In order to facilitate the timely evaluation of proposals, a standard format for proposal submission must be used by vendors which are described below.

Please include the name, title, address, and telephone number of the contact person for questions on your proposal.

6.1. Proposal Life

A statement must be included which indicates the length of time during which PAISD may rely on all proposal commitments.

6.2 General

This section of the Business Proposal may be used to introduce or summarize any information the vendor deems relevant or important to PAISD's successful acquisition of the services and products described in the RFP.

6.3 References

This section should include a list of at least three (3) clients to whom your company has provided services. The name, address, and telephone number of a person who may be contacted for further information must be included. It is highly desirable that some of this reference be other school districts or public sector accounts comparable in size.

6.4 Non-Collusion Affidavit

The authorized person must sign a non-collusion affidavit. A fully executed copy of the required affidavit is contained in Section 4. **The original signed affidavit is to be included in the proposal in order for proposal to be considered.**

6.5 Felony Conviction Notification

The authorized person must sign a felony conviction notification. A fully executed copy of the required affidavit is contained in Section 5. **The original signed affidavit is to be included in the proposal in order for the proposal to be considered.**

6.6 Conflict Of Interest

The authorized person must sign a conflict of interest affidavit. A fully executed copy of the required affidavit can be downloaded at: http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm.

The original signed affidavit is to be included in the proposal in order for the proposal to be considered.

7.0 SUBMISSION OF PROPOSALS

PAISD Purchasing Department must receive all proposals at the address below no later than **Thursday, April 17, 2008 at 2:00 p.m.** Five copies of the proposal shall be delivered to PAISD on or before the due date. **The proposal must follow the format as indicated in this section.** All proposals must be addressed to:

**Port Arthur Independent School District
Purchasing Department
733 5th Street
P.O. Box 1388
Port Arthur, Texas 77641**

If proposals are sent by U. S. mail or courier, please mark it "CONSTRUCTION MANAGER-AT-RISK".

No proposal that is received by PAISD after the due date and time will be considered for award. Any late proposals will be returned unopened to the vendor upon request only. **Faxed proposals will not be accepted.**

7.1 WITHDRAWAL OF OFFERS

Responses to the RFP may be withdrawn by written notice received prior to the due date and time specified for receipt of the proposal.

7.2 CONFIDENTIAL INFORMATION

Vendors to the RFP are advised that material contained in their proposals is subject to the Public Information Act and may be viewed and/or copied by any member of the public, including news agencies and competitors.

7.3. PAISD reserves the right to reject any or all proposals received, or to award a contract on the basis of initial offers received without discussions or clarifications. Therefore, the proposal should contain the vendor's best price and technical response based on the RFP.

7.4 Following an evaluation of the best offers, PAISD will select the offer that is most advantageous to PAISD, considering price or cost and the evaluation factors in the RFP.

7.5 PAISD also reserves the right to conduct clarifications to resolve minor issues.

8.0 PAISD OBLIGATIONS

PAISD accepts no obligations for costs incurred by vendors responding to this RFP or on being awarded the contract. PAISD reserves the right to select a proposal without discussion with the vendors. It is understood that proposals shall become part of PAISD's official files. Retention of these proposals does not obligate PAISD to any action. PAISD reserves the right to reject any and all proposals received.

8.1 TAXES

PAISD is exempt from state, federal, and local taxes, and will not be responsible for any taxes levied on the company as a result of the contract resulting from this RFP.

8.2 EQUAL OPPORTUNITY

It is the public policy (CHE LOCAL) of PAISD, at all levels of procurement, to promote equal opportunity in employment and in contracting opportunities, and to promote and encourage the participation of Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs), small and other disadvantaged business entities in employment and contracting opportunities involving the State as fully as possible. The term "minority business enterprise" means a business at least 51 percent of which is owned, controlled and managed by minority group members. PAISD, therefore, is committed to pursue such avenues in its employment and contracting activities which will further the goals of this policy.

Similarly, a demonstrated commitment consistent with the goals of this policy by those with whom the PAISD does business, including those vendors responding to the solicitation, is highly desirable by PAISD.

PORT ARTHUR ISD– PURCHASING DEPARTMENT

Notice to Vendors: Conflict of Interest Questionnaire Required by Chapter 176 of the Texas Local Government Code

Effective January 1, 2006, any person or entity who contracts or seeks to contract with PAISD for the sale or purchase of property, goods, or services as well as agents of such persons, (hereafter referred to as Vendors) are required to file a Conflict of Interest Questionnaire with the District. Each covered person or entity who seeks to or who contracts with PAISD is responsible for complying with any applicable disclosure requirements.

The Conflict of Interest Questionnaire must be filed:

- No later than the seventh business day after the date that the Vendor begins contract discussions or negotiations with the government entity, or submits to the entity an application, response to a request for proposal or bid, correspondence, or other writing related to a potential agreement with the entity.
- The Vendor also shall file an updated questionnaire no later than September 1 of each year in which a covered transaction is pending, *and* the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

Note: A Vendor is not required to file an updated questionnaire if the person had filed an updated statement on or after June 1, but before September 1 of the year.

The Conflict of Interest Questionnaire may be downloaded from the Texas Ethics Commission's website at http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm.

Completed forms should be sent to:

Port Arthur Independent School District
Att'n: Purchasing Department
P. O. Box 1388
Port Arthur, Texas 77641-8888

The Local Government Officers of the Port Arthur Independent School District are:

Board of Trustees: Willie Mae Elmore, President
Lloyd Marie Johnson, Vice President
Kenneth Marks, Secretary
Dr. Mattie Londow
Terry Doyle
Gregory Flores
Theodore Victor Jr.

Superintendent: Johnny E. Brown, Ph.D.

REQUEST FOR QUALIFICATIONS

FOR
CONSTRUCTION MANAGER-AT-RISK

For The
2007 BOND PROJECTS

For The
Port Arthur Independent School District

Port Arthur Independent School District
733 West 5th Street
Port Arthur, Texas 77641

March 31, 2008

REQUEST FOR QUALIFICATIONS CONSTRUCTION MANAGER-AT-RISK

The Port Arthur Independent School District (District) intends to select a Construction Manager-at Risk (CMR) for the purpose of constructing two (2) Elementary Schools, a Career and Technology Building, and renovations to the existing Football Stadium, including a new press box. This selection shall be accomplished in a *two-step process* as provided for in Senate Bill 669 (77th Legislature). The following is intended to assist the prospective Construction Manager in preparing their qualifications for this work.

The construction budget for this work totals approximately \$45,000,000.00. It is anticipated that the projects will be issued for proposals in separate document packages to expedite the construction schedule.

The Board of Trustees shall select a Construction Manager-at-Risk for this work. At their discretion, other projects may be added to the contract.

There will be several Architects involved in the work within the ISD. Prospective CMR's may obtain a list of these firms by contacting the District at the Administrative Offices of the District.

The selected Construction Manager will provide assistance to the District and its Consultants with the selection of building systems, cost estimating and scheduling during the design phase of the work. If it is determined to be in the best interest of the District, the Construction Manager will then construct the projects herein described as a Construction Manager-at-Risk.

Responses to the Request for Proposal shall include the AIA form 305 Contractors Qualifications Statement and complete submission requirements in the sequence and form prescribed. No other information will be accepted. In the event that the selection committee deems it necessary, additional information may be requested of the offeror.

Submit five (5) copies of the Qualifications to:

Mr. Joe Escobedo, Purchasing Director
Port Arthur Independent School District
733 West 5th Street
P.O. Box 1388
Port Arthur, TX 77641

No later than 2:00 p.m., Thursday, April 17, 2008
Late responses will not be considered.

The District will receive, publicly open, and read aloud the names of the offerers. The district will evaluate and rank each submittal in relation to the criteria described in the paragraph for selection.

The District may select a Construction Manager without conducting interviews or it may develop a short list of firms to interview. All firms submitting qualifications should be prepared for a live interview on Monday, April 21, 2008. The District's Board of Trustees may consider the selection of the Construction Manager at their meeting on the evening of Thursday, April 24, 2008. The selection process will follow the requirements of the Texas Education Code Section 44.031 and 44.038 as clarified by Senate Bill 669.

Questions about the project and the Request for Qualifications should be addressed in writing to:

Port Arthur Independent School district

**P.O. Box 1388
Port Arthur, TX 77641
(409) 989-6264 Phone
(409) 983-1590 Fax
Russell F. Betts, P.E.
Project Manager, Facilities Planning and Construction**

There will be a Pre-Submission conference in the Board Room located at the Stilwell Building, 4801 9th Avenue, Port Arthur, TX 77642 on Friday, April 11, 2008 at 10:00 A.M. Interested firms are strongly encouraged to attend. Please RSVP to Candy Bonham at (409) 989-6236.

Project Description:

The scope of work for these projects includes the construction of two (2) new elementary schools which include new classrooms, gymnasium, cafeteria, kitchen, library, administrative offices and support facilities; the construction of a new career and technology building (CATE) which includes classrooms, a cosmetology area, a medical technician area, automotive repair training areas, shops for welding, machine work and woodworking, a CAD training area and a media area; renovations to the existing football stadium including a new press box, restoration of bleacher seating and a concession stand.

Anticipated Overall Schedule:

	Washington Elementary	Stonegate Elementary	CATE Building	Football Stadium
Design Phase Start:	May 2008	May 2008	January 2008	March 2008
Construction Document Phase:	May 2008 - Oct 2008	May 2008-Dec 2008	Feb 2008-April 2008	May 2008-Aug 2008
Proposal Phase:	July 2008 - Oct 2008	June 2008 - Feb 2009	March - Aug 2008	May 2008 - Nov 2008
Construction Phase:	Aug 2008 - Sept 2009	Feb 2009 - June 2010	April 2008-July 2009	Nov 2008 – June, 2008

Approximate construction Budget:

It is anticipated the various projects will be constructed for:

Washington Elementary	\$17,000,000.00 or less
Stonegate Elementary	\$17,000,000.00 or less
CATE Building	\$ 8,225,000.00 or less
Football Stadium	
Press-box	\$ 1,858,000.00 or less
Concession Stand	\$ 572,000.00 or less
Renovate Bleacher Seating	\$ <u>30,000.00</u> or less
Total	\$ 44,685,000.00 or less

Other information for the Construction Manager:

1. All savings realized during the construction document and construction phases of the project will be returned to the District. This includes contractor buy-out savings.
2. All contingency funds will be returned to the district at the completion of the project.
3. All actual cost information will be made available to the District or its agent during the entire process. An independent third party hired by the District shall, at selected intervals during the construction phase and prior to final payment, conduct a formal audit of the project.
4. The District will provide all inspection and materials testing and engineering services.
5. These projects will be built with an “open book” philosophy for the entire project team.
6. **Pre Construction Services:** The Construction Manager will provide the following:
 - a. Key project personnel shall attend regular meetings with the District and the Architects to review project status and review and update the construction cost estimate.
 - b. Consult with the District and Architect regarding site use and improvements, phasing of the various project issues, selection of materials, building systems and equipment.
 - c. Provide recommendations on construction feasibility including estimates of alternative designs or materials, preliminary budgets and possible economies.
 - d. Prepare and periodically update, a preliminary Project Schedule for the Architect’s review and the District’s approval.
 - e. The Construction Manager shall coordinate and integrate the preliminary Project Schedule with the services and activities of the District, Architect and Construction Manager. As construction documents proceed, the preliminary Project Schedule shall be updated to indicate proposed activity sequences and durations, milestone dated for receipt and approval of pertinent information and submittal of the Guaranteed Maximum Price Proposal.
 - f. During the preparation of the Construction Documents, the Construction manager shall update and refine the cost estimate when the plans are 75% complete.
 - g. If any estimate submitted to the District exceeds previously approved estimates, the Construction Manager shall make recommendations to the District and the Architect to reduce the cost of the project.

- h. The Construction Manager shall recommend to the District and the Architect a schedule for procurement of long-lead time items that will constitute part of the Work as required to meet the Project Schedule.
 - i. When the Construction Drawings and Specifications are 95% complete, the Construction Manager shall propose a Guaranteed Maximum Price, which shall be the sum of the estimated Cost of the Work, and the Construction Manager's Fee and General Conditions.
7. Owner/Contractor Agreement – The district intends to use the 19976 AIA Document A121.CMc and AGC Document 565 – electronic format, Standard form of agreement between Owner and Construction Manager as modified by the Addenda prepared by the Texas Association of School Boards, where the Construction Manager is also the Constructor, subject to revisions agreed upon by the parties.

SUBMISSION REQUIREMENTS:

Experience:

1. Please include a completed **Contractor Qualification Statement – AIA Form A305**.
 2. List construction projects (preferably similar to the projects included in this RFP) that have been completed by your firm within the last 5 years. Include a description of the project, delivery method, final cost, and start and completion dates.
 3. **Personnel:** Considering the scope and schedule of the project, identify the *specific* project Managers, Estimators, and site superintendents proposed to work on the project. Indicate the extent of their involvement in the project (full-time or part-time) over the entire duration of the construction and design phases. Provide resumes and references for each individual, as well as projects of similar size and scope that the proposed team has completed.
- A. Proposed Project Managers shall respond to the following in the form of an essay.
- i. Why are you the best candidate for this project? What can you bring to Port Arthur Independent School District that is different from others?
 - ii. What are the challenges you foresee in the execution of these projects, and what will you do different than others to ensure the success of the project?
 - iii. What is your role in ensuring that the Architect, Owner and Construction Manager work as a team, so that conflict resolution does not affect the outcome of the project.
4. **General Conditions:** Describe your firm's philosophy on General Conditions. Refer to the attached list of items that will be used when determining the general conditions.

CRITERIA FOR SELECTION:

Consistent with Senate Bill 669, the Port Arthur independent School District Board of Trustees has approved the following selection criteria for use in this selection process:

1. The reputation of the contractor;
2. The quality of the contractor's work;
3. The extent to which the contractor's services meet the District's needs;
4. The contractor's previous relationship with the District and/or
5. The total long-term cost to the District to acquire the contractor's services.

Selection Process:

1. Proposals will be evaluated and ranked by the selection committee. The selection committee will consist of representatives from the architectural firms associated with the projects, Port Arthur School District Staff and District Consultants.
2. Face-to-face interviews will be conducted on Monday, April 21, 2008.
3. It is the intent of the Port Arthur Independent School District staff to make a recommendation to the Board of Trustees to award the Construction Manager-at-Risk Contract at the April Board Meeting. The date of the award may be changed to meet district Requirements.
4. The proposed information to be submitted on Thursday April 17th, 2008 shall be to demonstrate your qualifications, experience and reputation. Should your firm be asked to participate in the interview on Monday, April 21, 2008, you will be asked to submit your fee proposal, performance and payment bond costs, and General Condition percentages.

ADDENDUM 1

April 14, 2008

To: REQUEST FOR COMPETITIVE QUALIFICATIONS

**CONSTRUCTION MANAGER-AT-RISK
Port Arthur Independent School District**

Prepared by: Facilities Planning and Construction
Port Arthur ISD
733 5th Street
Port Arthur, TX 77641

Notice to Proposer's:

- A. Receipt of this Addendum shall be acknowledged on the Proposal Form.
- B. Each proposer shall make the necessary adjustments and submit his proposal with full knowledge of all modifications, clarifications and supplemental data included herein.

Page 12, Paragraph i. shall be modified to read as follows:

- 6.i. When the construction Drawings and Specifications are 35% complete, the Construction Manager-at-Risk shall prepare a preliminary price and again at the 50% complete stage.

Page 12, Add the following paragraph:

- 6.j. When the construction Drawings and Specifications are 65% complete, the Construction Manager-at-Risk shall propose a Guaranteed Maximum Price which shall be the sum of the estimated Cost of the Work, and the Construction Manager's Fee and General Conditions.

Page 12, modify the following Paragraph, first line as follows:

- 7. Owner/contractor Agreement – The district intends to use the 1997 AIA Document A121.CM; and following.

END OF ADDENDA

ADDENDUM 2
April 15, 2008

To: REQUEST FOR COMPETITIVE QUALIFICATIONS

CONSTRUCTION MANAGER-AT-RISK
Port Arthur Independent School District

Prepared by: Facilities Planning and Construction
Port Arthur ISD
733 5th Street
Port Arthur, TX 77641

Notice to Proposer's:

- C. Receipt of this Addendum shall be acknowledged on the Proposal Form.
- D. Page 3, Section 3, paragraph 3.1: Delete reference to providing Bid Bond or Cashiers Check with this proposal.
- E. Page 12, Submissions, paragraph 4: Delete the sentence referring to the "attached list of items"

END OF ADDENDA 2