

REQUEST FOR PROPOSALS (“RFP”)

Construction Services for Lease-Leaseback Project Delivery

June 30, 2018

Perris Union High School District

Responses must be received on July 23, 2018, no later than 3:00 p.m.

Perris Union High School District (“District”) invites proposals from firms, partnerships, corporations, associations, persons, or professional organizations to enter into an agreement with the District to construct improvements and perform a project as more particularly described in **Exhibit “A”** (“Project”) pursuant to Education Code section 17406 et seq. and to provide a “turnkey” Project to the District.

Questions regarding this Request for Proposals (“RFP”) must be directed to the District’s Director of Facilities at the email address below by July 16, 2018. Interested firms or persons must submit their proposals, **which shall not exceed twenty-five (25) single-sided pages**, as described below, with one (1) electronic copy and three (3) hard copies of requested materials to:

Perris Union High School District
155 E 4th Street
Perris, CA 92570

Hector Gonzalez, Director of Facilities
Phone: (951) 943-6369

Email: Hector.gonzalez@puhsd.org

For the complete RFP package please visit the District website at:
<http://www.puhsd.org/blogs/contracting-opportunities>

This RFP is neither a formal request for bids, nor an offer by the District to contract with any party responding to this RFP. The District reserves the right to reject any and all responses. The District also reserves the right to amend this RFP as necessary. All materials submitted to the District in response to this RFP shall remain property of the District.

- RFP advertisement:
 - First notice: June 30, 2018.
 - Second notice: July 7, 2018.
- Submit all questions regarding RFP: July 16, 2018.
- Prequalification applications due: July 16, 2018.
- RFP responses due: July 23, 2018.

District invites qualified firms to submit proposals with respect to the Project described herein and potential future projects.

In general, the firm(s) selected as a result of this process (“Firm”) will provide a proposal to the District to perform one or more Project and thereafter work cooperatively with the District Board, staff and consultants, the architect of record and design team, and the Project inspectors, to facilitate the timely completion of the Project.

The District wishes to retain a Firm that has the financial strength, management, and expertise to assist the District with delivering the Project within the proposed schedule. The District reserves the right to choose individual members of the Firm or the entire Firm.

A. Description of Project

The Project for which the District is seeking responses will include the District's Project as more specifically described in **Exhibit "A"**, attached hereto.

B. Description of Preconstruction Services

The successful contractor may be requested to perform services related to scheduling, value engineering, and design and constructability review.

C. Agreement Structure

District will lease the applicable site to the contractor and require the contractor to construct improvements on the site.

The lease will include a financing component for the project either through third party financing or by extension of the term of the lease beyond the duration of the construction for a period mutually agreeable to the parties (likely between 6 months and 2 years).

The District will have the ability to occupy the site during the financing period, and a portion of the construction cost due to the contractor will be paid as lease payments during the financing period. Financed amounts shall be subject to a mutually agreeable financing charge (likely between 0-15%). The agreement will permit the District to pay the financed amounts early, and at any time after project completion.

D. Submittal Requirements

All responses should include the following items in the order set forth below:

1. Cover Letter
2. Table of Contents
3. Project Specific Proposals

The District's Project is set forth in detail in **Exhibit "A"**. For the Project:

- Provide your proposed fee for the Project expressed as a percentage of the total final project cost; also include a proposed fee for preconstruction services also expressed as a percentage of the total final project cost. What this means is that Firms are requested to propose a percentage fee – for example, 10% of the total final project cost. In that example, if the total final project cost is \$10,000,000, then the Firm's fee would be \$1,000,000. That fee includes overhead, profit, and all costs, including, but not limited to, insurance, bonds, labor, and general conditions. Note that this is a preliminary fee proposal, and will be updated and finalized as a Guaranteed Maximum Price later.
- Specify the warranty period included in this estimate, and any warranty restrictions.
- Describe your experience with projects similar to those being considered by the District.

- Provide specific examples of similar projects you have completed using a Lease-Leaseback delivery method, and state whether you were able to return any unused contingency to the District.
- Describe how you would determine pricing for the project.

4. Firm Information

- Name, address, and brief history of the Firm. Please include any former names of the Firm and the number of years the Firm has participated in construction as a general.
- Your Department of Industrial Relations Registration Number.
- Organizational chart of the Firm.
- A description of the Firm and its organizational structure. Resumes of personnel to be involved with the Project should be included, including their school construction experience. Upon engagement, any change in personnel must be approved by the District. The Firm shall be responsible for any additional costs incurred by the engagement of a change in personnel.
- Provide the volume of construction in dollars for each of the past five (5) years.
- Provide a statement regarding the Firm's availability, experience, and personnel resources.
- Provide a statement on financial resources, bonding capacity, and insurance coverage.
- Provide a claims statement: Submit a statement indicating any and all suits or claims in which the Firm or its personnel were involved in any way with litigation regarding construction projects within the past five (5) years.
- Contractor license number and whether license has been revoked or suspended in the last five (5) years.
- Provide evidence of signatory's authority to sign for Firm.
- Location of nearest local office and main office, if different.

5. Relevant Experience

- Description of the Firm's experience with respect to the areas of school or similar construction over the past five (5) years. Specifically, please provide:
 - A list of the ten most relevant projects your Firm has been involved with for the past five (5) years where the total project value exceeded \$1,000,000.00. Within that list:
 - Identify the projects involving public and private schools;
 - Provide a contact name and number for the owners and indicate which key Firm personnel worked on each project. List those areas where subconsultants will be required and where the Firm has in-house expertise. Provide resumes of persons providing each of these services and for key personnel assigned to the Project.

- Include examples of other similar project assignments on the part of the Firm.
- List projects your Firm has successfully completed that have some or all of the following obstacles, including the creative solutions from the Firm on how these obstacles were overcome:
 - o A very aggressive schedule;
 - o Significant budgetary restrictions.
 - o Be prepared to expand upon the following in interviews:
 - what you did to accommodate the complexity of the project,
 - the needs of the clients on site,
 - minimize inconveniences, and
 - maximize their safety.

E. Description of District Needs and Project Administration

1. General Information

The design for the Project shall be submitted to the Division of the State Architect.

Firms submitting responses **must be prequalified** pursuant to Education Code section 17406 and Public Contract Code section 20111.6. Prequalification takes place **in advance of submitting a response**, and prequalification applications are available from the District's Director of Facilities.

The District intends to select the Firm that best meets the District's needs to perform the development and construction services as described in this RFP. The Firm will be the District's representative in relation to any trade contractors hired by the Firm, and will ensure compliance with the Project plans.

In addition to constructing the Project, the Firm's responsibilities include, but are not limited to:

- Value engineering,
- Procurement of long lead materials and products,
- Facilitating meetings with members or representatives of the school community with an interest in the Project,
- Master scheduling the Project per preliminary master schedule, milestones established by the District, and
- Budgeting for the Project.

2. "Lease-Leaseback" Structure

Any agreement reached will conform to the statutory framework for the lease/leaseback delivery method (Education Code section 17406 et seq.).

The Firm may be asked to perform a constructability review, develop cost estimates, review the Project plans and specifications, develop specific cost reduction strategies to address budgetary constraints maximizing the value to the Project of those cost reduction efforts, develop a guaranteed maximum price, and participate in development of the Project schedule.

3. Financing

The Firm will be responsible for financing a portion of the construction of the Project (e.g., five or ten percent of the total payments). During construction, the District shall pay tenant improvement payments. Once the

Project is complete, the Firm shall lease the facilities constructed back to the District for a pre-determined monthly lease payment amount. The lease will include an early termination payment option for the District.

4. Preliminary Services (Preconstruction Services)

Selected firm may be required to provide preconstruction services work under the direction of the District staff and/or District appointed representative(s).

5. Construction Services

Selected firm will perform the construction phase of the Project, acting as a general contractor pursuant to Site and Facilities Lease Agreements and may contract with separate subcontractors to perform the various trades comprising the entire scope of work, consistent with the contract documents.

6. District Project Management Description

The District's Board of Trustees will be responsible for making final decisions, but the District's Superintendent or designee will be responsible for day-to-day decisions.

7. Guaranteed Maximum Price ("GMP")

- a. The District will require an open book policy with the Firm and its construction team.
- b. With the open book policy, the District will expect to have access to all subcontractor bids, value engineering back-up, contingency breakdown and tracking documents, general conditions breakdown and tracking documents, and contractor fees.
- c. The Firm will be required to provide at minimum three subcontractor bids for any and all work when possible. In appropriate circumstances, the District will have discretion to waive this requirement. Should the Firm self-perform any work, the Project team will evaluate the benefit of this to the Project, and other bids may be required, as determined by the District.
- d. The Firm will select subcontractors in accordance with Education Code section 17406. Specifically, the following subcontracting procedures shall be applicable to this work:
 - Proposals do not need to identify all subcontractors who will be used. However, contractors may identify subcontractors who will be used. The identification must be clear. All subcontractors that are identified in the proposal shall be afforded the protections of the Subletting and Subcontracting Fair Practices Act (Public Contract Code Section 4100 et seq.).
 - For subcontractors *not* identified in the proposal, the successful proposer shall proceed as follows in awarding construction subcontracts with a value exceeding one-half of one percent (0.5%) of the price allocable to construction work:
 - (i) Provide public notice of availability of work to be subcontracted in accordance with the publication requirements applicable to the competitive bidding process of the school district (once per week for two weeks in a newspaper of general circulation), including a fixed date and time on which qualifications statements, bids, or proposals will be due.
 - (ii) Establish reasonable qualification criteria and standards.

(iii) Award the subcontract either on a best value basis or to the lowest responsible bidder. This process may include prequalification or short-listing. This process shall not apply to subcontractors listed in the original proposal. Subcontractors awarded construction subcontracts using this process shall be afforded all the protections of the Subletting and Subcontracting Fair Practices Act.

e. The GMP shall be submitted with spreadsheets showing full breakdown of costs. This breakdown will include a full itemization of costs associated with General Conditions for the Project. As back up, the Firm will submit spreadsheets to show subcontractors that were contacted, subcontractors who responded, and a low bid subcontractor list. All subcontractor bids received shall be included with the low bidder marked clearly as being selected.

8. Assurances

By submitting a response, the Firm acknowledges each of the following items and confirms that it will be willing and able to perform these items:

- The Firm shall be available to provide services that relate to the organization and development of the Project prior to the start of construction, including the following:
 - Site Evaluation
 - Plan Review
 - Design Team Meetings
 - Value Engineering
 - Detailed Construction Critical Path Method (“CPM”) Scheduling
 - Consult with District staff in relation to the existing site. The Firm should make site visits, as needed to review the current site conditions. During this evaluation, the Firm may make recommendations relating to soils investigations and utility locations and capacities, in order to minimize unforeseen conditions.
 - Provide plan review and constructability services with an emphasis on ensuring that the Project can be completed within the established schedule and within the available budget.
 - Attend meetings in District with the Architect and the design team as needed.
 - Provide a detailed analysis of all major Project systems with an emphasis on possible value engineering possibilities.
 - Produce detailed construction CPM schedules to be incorporated into the Project documents including identification of the Project critical path and agency approvals.
- Preliminary and Detailed Estimates: provide preliminary construction estimates using like-kind construction costs. Upon receipt of the Project plans, provide detailed construction estimates showing the values of all major components of the Project.
 - Construction Planning: Plan the phases and staging of construction, staging areas, temporary fencing, office trailer placement, access, etc. as required.

- Method and Strategic Plan: Describe your proposed method and strategic plan.
- Other services: Any other services that are reasonable and necessary to control the budget and schedule.
- Construction Services
 - Project Accounting and Management Systems: In concert with District representatives, develop the Project accounting and budget management systems. A process of up-to-date costs will be necessary. During construction, monthly reporting will be required.
 - Management of Project: Administer and coordinate on a daily basis the work of all trade contractors the Firm hires to work on the Project. Enforce strict performance, scheduling, and notice requirements. Document the progress and costs of the Project. Report proactively on potential schedule impacts. Recommend potential solutions to schedule problems.
- Work cooperatively with District, and the design team, and all of the Firm’s trade contractors to ensure the Project is delivered on time and within budget.
- Coordinate and attend weekly job site meetings and prepare and circulate minutes. Evaluate and process payment applications and verify progress. Evaluate and process change order requests if the Firm intends to seek reimbursement from the District.
- Evaluate and track requests for information (“RFIs”) and responses. Advise District as to status and criticality of RFIs. Evaluate and track submittals, substitutions and change orders. Work with District, and the design team to develop lists of incomplete or unsatisfactory work (“punchlists”).
- Submit necessary reports to state authorities, including DSA verified reports. Ensure that all other Project participants submit necessary documentation.
- Contractors must comply with requirements to provide a “skilled and trained workforce,” as set forth by the Education and Public Contract Codes.

9. Relationship to Outside Governmental Agencies

Depending upon the scope of work, Firm may be required to assist the District in working with various outside governmental agencies, including but not limited to, the following as applicable: City or County Planning Commissions and Departments, the Department of Toxic Substances Control, the regional water quality control board, the regional air quality management district, the California Department of Education, the Division of the State Architect, the State Allocation Board, and the Office of Public School Construction. Firm shall discuss its experience with each of these agencies.

10. Conflict of Interest

Firm shall certify that no official or employee of the District, nor any business entity in which an official of the District has an interest, has been employed or retained to solicit or assist in the procuring of the resulting construction agreement, nor that any such person will be employed in the performance of any construction agreement without immediately divulging of this fact to the District.

11. Assignment

Any construction agreement resulting from this RFP and any amendments or supplements thereto shall not be assignable by the successful Firm either voluntarily or by operation of law without the written approval of the District.

F. District's Selection Criteria and Scoring

The District will select the successful proposal based on the criteria below. The District shall assign a numerical score to each criteria on a scale listed after each criteria below (e.g., 0-10 points, etc.), based on evaluations of the responses and information received from contractors. The total shall be the best value score. The District will select the firm with the highest best value score. If the District and said firm cannot agree on contract terms, then the District shall select the next highest best value score and so on. The District reserves the right to reject all proposals. The scored criteria are:

1. Price. (0-60 points)
2. Technical expertise (including qualifications, past performance record, and experience). (0-20 points)
3. Strength of key personnel dedicated to project. (0-10 points)
4. Presence, knowledge, and understanding of local environment, including but not limited to city / county approval processes. (0-10 points)
5. Safety record. (0-10 points)
6. Design / value engineering approach. (0-10 points)
7. Project methods, approach, and organization, including methods for making up time. (0-10 points)
8. Financial background, stability, and experience with project financing. (0-10 points)
9. Ability to self-perform and which trades. (0-10 points)
10. Responsiveness to RFP. (0-10 points)

The District, in its sole discretion, may elect to interview Firm(s) or simply score submittals and make a selection.

A review and selection committee that the District intends to be composed of key personnel from within and outside the District will review and evaluate all submitted documents and information received per this RFP and the interview, if applicable.

Submittals will be opened privately to assure confidentiality and avoid disclosure of the contents to competing respondents prior to and during the review, evaluation and negotiation processes. However, to the extent that the submittals are public records under California law, the submittals may be released to the public if requested by members of the public.

Submittals will be reviewed for responsiveness and evaluated pursuant to established objective criteria, with particular attention to, without limitation, each respondent's qualifications, demonstrated competence in like construction, and the Firm's ability to integrate its personnel with the District's staff and consultants.

If a selection is made, it will be to the most qualified respondent with whom the District is able to successfully negotiate the terms and conditions of the required agreement documents.

Final selection of a Firm, terms and conditions of any and all agreements and authority to proceed with noted construction services, shall be at the discretion of the District.

If the District is unable to successfully negotiate a satisfactory agreement with terms and conditions the District determines to be fair and reasonable, the District may then commence negotiations with another firm until an agreement is reached or determination is made to reject all submittals.

Exhibit "A"

Description of the Project

Name: The Perris High School Completion Phase

Anticipated Project Cost/Budget: \$59,855,747.25

This project will include the new construction of an Administration building, Performing Arts Building, Athletic Facilities Additions, Agricultural Mechanical Building and site improvements related to the Perris High School Completion Phase, located at Perris High School, 175 E. Nuevo Rd, Perris CA, 92570

Project Description and Phasing

1. Construction phasing and scheduling for the Perris High School Completion Phase project will be planned and coordinated between the successful LLB Contractor and PUHSD.

Project Schedule: The District desires to commence construction on this project in early 2019 and complete the project 20 months thereafter.