

**FALLBROOK UNION HIGH SCHOOL DISTRICT
REQUEST FOR PROPOSALS (RFP) # 2122-01
CONSTRUCTION MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN that the Fallbrook Union High School District ("District") is requesting qualified persons, firms, partnerships, corporations, associations, or professional organizations to provide comprehensive construction management (CM) services for District projects.

Respondents to this RFP should mail or deliver five (5) bound copies, one (1) unbound copy, and one (1) electronic copy on CD or flash drive of their Statement of Qualifications ("SOQ") and Proposal (together, "Submittal"), as further described herein, labeled "Submittal for Construction Management Services" to:

**Brenda Mefford
Chief Business Officer
Fallbrook Union High School District
2234 S. Stage Coach Ln.
Fallbrook, CA 92028**

Or

Respondents can choose to email one (1) complete copy of their Statement of Qualifications ("SOQ") and Proposal (together, "Submittal"), as further described herein, labeled "Submittal for Construction Management Services" to:

bmefford@fuhisd.net
with the Subject Line: **RFP #2122-01: Construction Management Services**

ALL RESPONSES ARE DUE BY 4:00 P.M., ON MARCH 2, 2022. Any Submittal received after that date and time will not be accepted and will be returned unopened. **FAXED RESPONSES WILL NOT BE ACCEPTED.**

Each Submittal must conform and be responsive to the requirements set forth in this RFP. The District reserves the right to waive any informalities or irregularities in received Submittals. Further, the District reserves the right to reject any and all Submittals and to negotiate contract terms with one or more Respondents for one or more of the work items. The District retains the sole discretion to determine issues of compliance and to determine whether a Respondent is responsive, responsible, and qualified.

If you have any questions regarding this RFP, please email Brenda Mefford, Chief Business Officer, at bmefford@fuhisd.net before 4:00 p.m. on February 17, 2022, with the subject line *RFP #2122-01 Construction Management Services Question*. Answers will be posted on the District website by 4:00 p.m. on February 24, 2022.

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RFP RESPONSE SCHEDULE SUMMARY

The District reserves the right to change the dates on the schedule without prior notice.

DATE	EVENT	TIME DEADLINE
2/7/2022	Release of RFP #2122-01.	
2/17/2022	Deadline for submission of written questions to District concerning RFP #2122-01.	4:00 p.m.
2/24/2022	Deadline for District response to questions.	4:00 p.m.
3/2/2022	Deadline for all Submittals in response to RFP #2122-01.	4:00 p.m.
3/9/2022	Interviews of short-listed Respondents.	
3/11/2022	Notification to Respondent(s) selected for contract negotiation.	4:00 p.m.
3/14/2022	Board Approval	

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I. BACKGROUND

The District is seeking experienced and proven firms to provide effective and efficient construction management services for District projects. This RFP defines the services sought and generally outlines the District's requirements.

II. SCOPE OF SERVICES

Any firm selected based on this RFP process must be capable of providing construction management services through all phases of any and all selected projects in accordance with District's form of Agreement for Construction Management Services ("Agreement").

III. LIMITATIONS

The District reserves the right to contract with any person or entity responding to this RFP. The District makes no representation that participation in the RFP process will lead to an award of contract or any consideration whatsoever. The District shall in no event be responsible for the cost of preparing a response to this RFP.

The Submittals and any other supporting materials submitted to the District in response to this RFP, will not be returned and will become the property of the District unless portions of the material are designated as proprietary at the time of the Submittal and are specifically requested to be returned. Vague designations and/or blanket statements regarding entire pages or documents are insufficient and will not bind the District to protect the designated matter from disclosure. Pursuant to *Michaelis, Montanari, & Johnson v. Superior Court* (2006) 38 Cal.4th 1065, Submittals shall be held confidential by the District and shall not be subject to disclosure under the California Public Records Act until after either: (1) the District and the successful Respondent have completed negotiations and entered into an agreement, or (2) the District has rejected all Submittals. Furthermore, the District will have no liability to the Respondent or other party as a result of any public disclosure of any Submittal.

IV. FULL OPPORTUNITY

The District hereby affirmatively ensures that Disadvantaged Business Enterprises ("DBE"), Small Local Business Enterprises ("SLBE"), Small Emerging Local Business Enterprises ("SELBE"), and Disabled Veterans Business Enterprises ("DVBE") shall be afforded full opportunity to submit in response to this RFP. No Respondent will be discriminated against on the basis of race, color, gender, sexual orientation, political affiliation, age, ancestry, religion, marital status, national origin, medical condition, or disability in any consideration leading to the award of the contract.

V. RESTRICTIONS ON LOBBYING AND CONTACTS

From the period beginning on the date of the issuance of this RFP and ending on the date of selection, no person or entity submitting in response to this RFP, nor any officer, employee, representative, agent, or consultant representing such a person or entity, shall contact through any means or engage in any discussion regarding this RFP, the evaluation/selection

process, or the award of any contract with any member of the District, or Board of Education. Any such contact shall be grounds for the disqualification of the Respondent.

VI. SUBMITTAL REQUIREMENTS

A. Format Requirements

Submittals shall be no more than twenty (20) single-sided pages or ten (10) double-sided pages in length. This page limitation excludes front/back covers, divider sheets/tabs, and allowed appendices. Submittals containing more than the authorized number of pages will not be considered. Material must be in 8-1/2 x 11-inch format with no less than 11-point font size. Submittals shall include divider tabs labeled with boldface headers below, e.g., the first tab would be entitled "Cover Letter", the second tab would be entitled "Business Information", etc.

Provide five (5) bound copies, one (1) unbound copy, and one (1) electronic copy of the Submittal. The electronic copy will only be accepted via flash drive or CD in the following programs: Microsoft Office Suite or PDF. The unbound copy shall be marked "Copy for Reproduction", and shall be formatted as follows:

- No divider sheets or tab.
- Pages with proprietary information removed.
- A cover sheet listing Respondent's name, the total number of pages, and identifying those pages that were removed due to proprietary information.

B. Content Requirements

1. Cover Letter (maximum of 2 pages)

- Provide a letter of introduction signed by an authorized officer of Respondent. If Respondent is a joint venture, duplicate the signature block and have a principal or officer also sign on behalf of each party to the joint venture.
- Include a brief description of why Respondent is well suited for, and can meet, the District's needs.
- Clearly identify the individual(s) who are authorized to speak for Respondent during the evaluation process.
- 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 contract(s), nor that any such person will be employed in the performance of any/all contract(s) without immediate divulgence of this fact to the District.
- Certify that no official or employee of Respondent has ever been convicted of an ethics violation.
- Include verification as follows: *"By virtue of submission of this Submittal, [INSERT RESPONDENT'S NAME] declares that all information provided is true and correct."*

2. Business Information

- Company name, address, telephone, fax number (if any), and website.
- Name and email of main contact.
- Federal Tax I.D. Number.
- License Number.
- Type of organization (e.g., corporation, partnership, etc.). If a joint venture, describe the division of responsibilities between participating firms, offices (location) that would be the primary participants, and percentage interest of each firm.
- A brief description and history of the firm, including number of years the firm has been in business and date firm was established under its given name.
- Number of employees.
- Location of office where the bulk of services solicited will be performed. And, if not the closest office to District, identify closest office to District.
- State of California certification for Respondent of Small Business or Disabled Veteran Business Enterprise status, if any.
- Provide Iran Contracting Act Certification. (See **APPENDIX B.**)
- Executed Non-Collusion Declaration. (See **APPENDIX C.**)

3. Project Team Summary

- **Construction Management.** Identify key team members who will provide Construction Management services, including subconsultants, and state their qualifications relevant to the scope of services for the project(s).
- Identify your proposed staffing for Construction Management services, clearly identifying who will be on which team and organizational structure.
- Each Submittal must include evidence that the Respondent is legally permitted and properly licensed for the scope of work and to conduct business in the State of California.
- The District expects that the team(s) shall remain intact through the duration of the project(s). If a team member must leave, the District reserves the right to approve that team member's replacement.

4. Relevant Qualifications of Proposed Team(s)

Firms submitting in response to this RFP must be qualified to provide the requested Construction Management services. Each Respondent must be capable of providing all necessary professional and technical services and resources to complete the responsibilities typically contracted for. Respondents must demonstrate experience in working within California K-12 school district systems.

- Provide a statement specific to your proposed teams demonstrating the team’s ability to accomplish the scope of services for individual Project Construction Management in a comprehensive and thorough manner with an aggressive schedule.
- Describe your proposed team’s technical capabilities for the following as Construction Management/at a Project level: budgeting, accounting, cost estimating review and reconciliation, document control, scheduling.
- For Construction Management, describe your firm’s approach to and experience with state and other agencies involved in the planning, design, and construction process for California K-12 school projects.
- Describe your firm’s experience with design-build and lease/lease-back projects.
- Demonstrate your firm’s flexibility in adapting to the changing needs and priorities of a K-12 school district.
- Describe how your firm approaches modernization versus new construction projects.
- For Construction Management, describe your firm’s approach to quality control/assurance procedures.
- Identify established methods and approaches utilized by your firm to successfully meet project completion deadlines and provide examples demonstrating effective use of stated methods and approaches.
- Provide a statement of your firm’s work plan including your firm’s present workload and current projects for which your firm is acting as Construction Manager, and where possible, projected workload for the coming two (2) years, which should include the staff proposed for your Construction Management teams.

5. Relevant Project Experience

- **Construction Management.** Provide information about prior Construction Management services furnished by your firm within the last ten (10) years on a minimum of five (5) K-12 projects, and list the following for each project:
 1. Name of project, school, and location.
 2. Nature of the project: modernization/renovation, new construction, repair, etc.
 3. Whether the scope of the project included:
 - a. Security and safety improvements
 - b. Technology infrastructure improvements and/or additions
 - c. Upgrades to existing site utilities
 - d. Upgrades to existing MEP and/or lights
 - e. Seismic and/or other structural upgrades
 - f. Specialty buildings, e.g., STEM, STEAM
 - g. Roof repairs
 - h. Hazardous materials abatement
 - i. Interim Housing

j. Modernizations

4. Contact person and telephone number at school/district.
5. Firm person in charge of project.
6. Project delivery method (e.g., design-bid-build, design-build, lease-leaseback).
7. Beginning and end dates of project (i.e., Notice of Completion and DSA final certification).
8. Main project elements, including square footage.
9. Original budget, bid amount, and final amount at close-out.
10. Key individuals of the firm or subconsultants, if any, involved and their roles in the project. Specify role of firm or individual if work was not exclusively by the firm (e.g., joint venture, association).
11. Briefly state relevance of projects included for consideration in this RFP.

6. Litigation History

Provide a comprehensive five (5)-year summary of the firm's litigation, arbitration, and negotiated/settled history with previous clients, including outstanding claim(s)/litigation. State the issues in the litigation, the status of the litigation, names of parties, and outcome. A Submittal failing to provide the requested information on lawsuits or litigation, including responses which assert attorney-client privilege instead of providing the information requested, will be considered non-responsive and will not be evaluated.

7. Fee Proposal

The final form of the Agreement will incorporate the final scope of services and fee, which shall be negotiated. Accordingly, Respondents should include fee proposals that will enable future consideration by and negotiation with the District.

Construction Management Fee. Provide pricing information and cost and fee summary for the Construction Management services including, without limitation, proposed general conditions and the types of costs included therein, transactional services, additional services, Firm's mark-up on subconsultant prices, and all other categories of costs, expenses, fees, or charges that Firm anticipates will be a part of its price to complete the Construction Management Services.

The District will not consider Submittals that fail to provide a proposed Construction Management fee.

8. Appendix

- Firm brochure/history/background, reprints, etc.

- Key team member resumes.

VII. SELECTION PROCESS

The District will evaluate all submissions. Each Submittal must be complete. Incomplete Submittals will be considered nonresponsive and grounds for disqualification. The District retains the sole discretion to determine issues of compliance and to determine whether a Respondent is responsive, responsible, and qualified. The District reserves the right to reject any and all submittals and to negotiate contract terms with one or more responding firms for one or more of the work items.

The District will utilize several evaluation criteria but will be primarily focused on the responding firm's information provided in response to the required Submittal information. Based upon the information presented in the submissions, the District may request the most highly qualified firms to participate in an interview process.

A. Criteria

The criteria for evaluating submissions may include, without limitation, the following:

- Experience and performance history of Respondent with similar services;
- Experience and results of proposed personnel;
- References from clients contacted by the District;
- Technical capabilities and track record of use;
- Value of services under proposed fees;
- Overall responsiveness of the Submittal;
- Interview performance; and
- Other research or investigations, if any, performed by District.

B. Interviews

The District, at its sole discretion, may elect to interview selected Respondents. If a Respondent is requested to come for an interview, the key proposed project staff will be expected to attend the interview. The interview will be an opportunity for the District to review the Submittal and any other matters the District deems relevant to its evaluation. Any objections/proposed changes to the form of Agreement attached hereto as **APPENDIX A** shall be stated in writing in the Submittal and may be the subject of inquiry at the interview.

The District will not consider any objections/proposed changes to the Agreement that are raised after the deadline for Submittals.

C. District Investigations

The District may perform investigations of Respondents that extend beyond contacting the references identified in the Submittals. The District may request a Respondent to submit additional information pertinent to the review process. The District also reserves the right to

investigate and rely upon information from other available sources in addition to any documents or information submitted.

VIII. FINAL DETERMINATION AND AWARD

The District reserves the right to contract with any entity or entities responding to this RFP for all or any portion of the work described herein, to reject any Submittal as non-responsive, and/or not to contract with any Respondent for the services described herein. The District makes no representation that participation in the RFP process will lead to an award of contract or any consideration whatsoever. The District reserves the right to contract with any firm not participating in this process. The District shall in no event be responsible for the cost of preparing any Submittal in response to this RFP, including any supporting materials.

Award of the contract(s) is at the sole discretion of the District. The District may, at its option, determine to award contract(s) only for portions of the scope of work identified herein. In such case, the successful firm(s) will be given the option not to agree to enter into the Agreement and the District will retain the right to negotiate with any other proposing firm selected as a finalist. If no finalist is willing to enter into a contract for the reduced scope of work, the District will retain the right to enter into negotiations with any other firm responding to this RFP.

WE THANK YOU FOR YOUR INTEREST!

APPENDIX A

[RESERVED]

APPENDIX B

**IRAN CONTRACTING ACT CERTIFICATION
(Public Contract Code Sections 2202-2208)**

Prior to bidding on or submitting a proposal for a contract for goods or services of \$1,000,000 or more, the bidder/proposer must submit this certification pursuant to Public Contract Code section 2204.

The bidder/proposer must complete **ONLY ONE** of the following two options. To complete OPTION 1, check the corresponding box **and** complete the certification below. To complete OPTION 2, check the corresponding box, complete the certification below, and attach documentation demonstrating the exemption approval.

- OPTION 1.** Bidder/Proposer is not on the current list of persons engaged in investment activities in Iran created by the California Department of General Services ("DGS") pursuant to Public Contract Code section 2203(b), and we are not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

- OPTION 2.** Bidder/Proposer has received a written exemption from the certification requirement pursuant to Public Contract Code sections 2203(c) and (d). *A copy of the written documentation demonstrating the exemption approval is included with our bid/proposal.*

CERTIFICATION:

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY, that I am duly authorized to legally bind the bidder/proposer to the OPTION selected above. This certification is made under the laws of the State of California.

<i>Vendor Name/Financial Institution (Printed)</i>	<i>Federal ID Number (or n/a)</i>
<i>By (Authorized Signature)</i>	
<i>Printed Name and Title of Person Signing</i>	<i>Date Executed</i>

END OF CERTIFICATION

APPENDIX C

NON-COLLUSION DECLARATION
(Public Contract Code Section 7106)

The undersigned declares:

I am the _____ of _____, the party making the foregoing
[Title] [Name of Firm]
bid/proposal.

The bid/proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid/proposal is genuine and not collusive or sham. The bidder/proposer has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder/proposer has not directly or indirectly colluded, conspired, connived, or agreed with any bidder/proposer or anyone else to put in a sham bid/proposal, or to refrain from bidding/proposing. The bidder/proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid/proposal price of the bidder/proposal or any other bidder/proposer, or to fix any overhead, profit, or cost element of the bid/proposal price, or of that of any other bidder/proposer. All statements contained in the bid/proposal are true. The bidder/proposer has not, directly or indirectly, submitted his or her bid/proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid/proposal, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder/proposer that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder/proposer.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____,
[Date]

at _____, _____.
[City] [State]

Date: _____
Name of Proposer: _____
Signature: _____
Print Signor's Name: _____
Title: _____

END OF DECLARATION