

**EAST NICOLAUS JOINT UNION
HIGH SCHOOL DISTRICT**

**2454 Nicolaus Ave.
Nicolaus, CA 95659**

**REQUEST FOR PROPOSAL
FOR LEASE-LEASEBACK SERVICES**

**RFP Issued: December 17, 2014
Pre- Submittal Meeting: December 23, 2014 at 11:00 a.m.
Responses Due: January 5, 2015 at 3:00 p.m.**

REQUEST FOR PROPOSAL LEASE-LEASEBACK SERVICES

INTRODUCTION and PROJECT DESCRIPTION

The East Nicolaus Joint Union High School District (District) is issuing this Request for Proposal (RFP) to Lease-Leaseback entities qualified to provide to the District constructability review, cost estimating, and possible construction services for modernization of the East Nicolaus High School Campus. This includes site work, utilities and grading to support (3) modular buildings (classrooms, weight room and snack bar), as well as re-roofing of existing facilities and general campus upgrades pursuant to the Lease/Leaseback provision of Education Code Section 17406 (the Project). It is anticipated that the funding will consist of General Obligation Bond funds from the successful November 2014 measure. The estimated budget for the Project is approximately \$3,032,075 in construction. This Request for Proposal describes the Project, the required Scope of Work, the selection process and the minimum information that must be included in the proposal.

CRITICAL DATES

Pre-Submittal Meeting:

A non-mandatory Pre-Submittal Meeting will be held on **Tuesday, December 23, 2014 at 11:00 a.m.** at the following location: **East Nicolaus High School, 2454 Nicolaus Ave., Nicolaus, CA 95659**. At the Pre-Submittal meeting, the Architect and District representatives will distribute information and materials to further describe the Project and the Scope of Work. Respondents shall consider and address the materials and information distributed at the Pre-Submittal Meeting in their submittals. The meeting will also include a brief site walk.

Submittal Due Date:

Responses to this RFP shall be submitted no later than **Monday, January 5, 2015 at 3:00 p.m.** at the following location: **East Nicolaus Joint Union High School District Offices, 2454 Nicolaus Ave., Nicolaus, CA 95659, Attention: Dr. Karen Villalobos, Superintendent.**

SCHEDULE

The following is a projection of tentative milestone dates for the Project:

<u>Date</u>	<u>Milestone</u>
Monday – January 5, 2015, 3:00 pm	Proposals Due
Wednesday – January 7, 2015	Announce Shortlisted Lease/ Leaseback Firms
Friday – January 9, 2015	Interview of Shortlisted Lease/ Leaseback Firms
Monday – January 12, 2015	Selection of Lease/Leaseback entity
Wednesday – January 14, 2015	Board Approval of Lease/Leaseback entity
Friday - February 13, 2015	Targeted DSA Submittal Date
Monday - June 8, 2015	Targeted Construction Start Date
2.5 months	Estimated Construction Duration

SCOPE OF WORK

The selected LLB Entity for the Project will perform constructability review and cost estimation of the Project pursuant to a Pre-Construction Services Agreement. If the District proceeds with the Construction Phase of the Project, the selected LLB Entity may also be asked to act as a General Contractor pursuant to a separate Construction Services Agreement, Lease and Sublease, and may contract with specialty contractors to perform the various trades comprising the entire Scope of Work. The LLB Entity shall work under the direction of District staff. The District has retained **BCA Architects** as its Architect to prepare the design of the project. The LLB Entity shall work with **BCA Architects** as necessary to conduct the pre-construction services and any modifications to the plans for the project, at the direction of District staff.

FEE/ ESTIMATE OF GENERAL CONDITIONS & OVERHEAD/ PROFIT

Proposals shall include a proposed fee for Pre-Construction Services and an estimate of the general conditions and percentage of overhead and profit to manage the project in a separate sealed envelope.

The Pre-Construction fee shall be based on an approximate duration of design from January 2014 through June of 2015 and may include other services the entity feels important to provide the District in order to maximize its value.

In addition to the Pre-Construction Services fee, proposals shall include an estimate of the general conditions necessary to support the project through the identified construction duration, (expressed as a lump sum cost) and an estimated overhead and profit to be charged to the project (expressed as a percentage of the construction cost).

Any bonds, insurance and other construction management fees should also be expressed such that the District may have a fair understanding of the total cost for the project in construction.

SUBMITTAL FORMAT AND CONTENT

The Proposal should be clear, concise, well organized and demonstrate respondent's qualifications. The Proposal may be no longer than 30 pages on 8 ½" x 11" paper, inclusive of resumes, forms, and pictures.

All Respondents are required to follow the format specified below. The content of the submittal must be complete. Each section of the submittal shall be tabbed according to the numbering system shown below to aid in expedient information retrieval (NOTE: Respondents shall base their submittals on the "Scope of Work," the attached conceptual plans and the information and materials distributed at the Pre-Submittal Meeting.

Two paper copies and (1) electronic version (pdf format on CD) of the submittal shall be delivered **no later than 3:00 p.m. on January 5, 2015** to:

East Nicolaus Joint Union High School District
2454 Nicolaus Ave.
Nicolaus, CA 95659
Attn: Dr. Karen Villalobos, Superintendent

In addition, (1) pdf email copy of the submittal shall be provided to:

BCA Architects
Brian Whitmore, AIA – LEED AP
brianw@bcaarchitects.com

Submittal Cover

Include the RFP's title and submittal due date, the name of principal firm (or firms if there is a joint venture or association).

Table of Contents

Include a complete and clear listing of headings and pages to allow easy reference to key information.

I. **Cover Letter** – The cover letter should be brief (one page maximum). Describe how the Scope of Work will be accomplished for the District, identify the team members (i.e. joint partners and sub-consultants); and include the title and signature of the firm's contact person for this procurement. If the firm is proposing to co-respond with another principal firm, the cover letter must specify the type of services to be provided by each firm and the proposed percentage allocated to that phase or function of the service. Any changes to the District's requested format or deletions of requested materials should be explained in the cover letter. The signatory shall be a person with official authority to bind the company.

II. **Mandatory Qualifications** – Respondents must hold a General Building Contractor License (B License), which is current, valid and in good standing with the California Contractor's State License Board. Respondents must have the necessary qualifications to provide the design services in accordance with California law. Provide the following information for each license:

- Exact name of license holder on file
- License Classification
- License Number
- Date Issued
- Expiration Date
- Whether license has been suspended or revoked in the past 5 years. If so, explain.

LLB Entity shall also provide information regarding all design subconsultants and subcontracts.

III. **Methods and Strategic Plan** – Describe in detail your methods and plan for carrying out the Scope of Work and in particular how the Lease/ Leaseback entity plans to incorporate local sub-contracting teams and construction means and methods into the project.

IV. **Qualifications and Experience** – This section shall contain the following: A Description of the Respondent's experience in providing Construction and Lease-Leaseback services for public entities. Experiences in the past five years specifically related to the scope of work shall be listed consecutively with the awarding and completion dates noted. Each listed experience shall include the name(s) and telephone number(s) of the client's project manager and the firm's project. When listing team members or sub-consultants describe the listed experience and the exact tasks that each firm performed. For similar project, please list the total cost of each project.

V. **Past Performance Record** – If any of the following has occurred, please describe in detail the circumstances for each occurrence:

- Failure to enter into a contract once selected.
- Withdrawal of a proposal as a result of an error.
- Termination or failure to complete a contract.
- Debarment by any municipal, county, state, federal or local agency.
- Involvement in litigation, arbitration or mediation.
- Conviction of the firm or its principals for violating a state or federal anti-trust law by bid-rigging, collusion, or restrictive competition between bidders, or conviction of violating any other federal or state law related to bidding or contract performance.
- Knowing concealment of any deficiency in the performance of a prior contract.
- Falsification of information or submission of deceptive or fraudulent statements in connection with a contract.
- Willful disregard for applicable rules, laws or regulations.

Information regarding any of the above may be deemed to indicate an unsatisfactory record of performance.

VI. **Organizational Chart** – An organizational chart containing the names of all key personnel, joint venture partners, and sub-consultants with titles and their specific task assignment for this Project shall be provided in this section. The District's evaluation will consider the entire team. Therefore, no changes in the team's composition will be allowed without prior written approval of the District.

VII. **Financial Information** – Provide the following financial information:

- A letter from a financial institution stating a current line of credit.
- Attach a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; (b) your current available bonding capacity.
- A letter from insurance company indicating ability to provide insurance. The following is a tentative schedule:
 - A.M. Best financial rating of A:VII
 - Commercial General Liability Insurance: Commercial General Liability Insurance shall be at least as broad as Insurance Services Office General Liability Coverage (Occurrence Form CG 0001.) One Million Dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. Two Million Dollars (\$2,000,000) aggregate.
 - Automobile Liability Insurance: Automobile liability insurance shall be at least as Broad as Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto). One Million Dollars (\$1,000,000) for bodily injury and property damage each accident limit.
 - Worker's Compensation and Employer's Liability Insurance: The LLB Entity and all subcontractors shall insure (or be a qualified self-insured) under the applicable laws relating to workers' compensation insurance, all of their employees working on or about the construction site, in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof. The LLB Entity shall provide employer's liability insurance in the amount of at least One Million Dollars (\$1,000,000) per accident for bodily injury and disease.
 - Builder's Risk Insurance: The LLB Entity shall provide and maintain builder's risk

insurance (or installation floater) covering all risks of direct physical loss, damage or destruction to the work. Limit shall equal bid amount, if requested by the District.

- All insurance will be in a form and with insurance companies acceptable to the District.
- Insurance carriers shall be qualified to do business in California and maintain an agent for process within the state.

- Indicate current value of all work the LLB organization has under contract.
- Business construction revenues for the past five years.

VIII. **Exceptions to this RFP** – The Response shall certify that the Respondent takes no exceptions to this RFP.

SUBMITTAL EVALUATION CRITERIA

Submittals received by the District will be evaluated using the following weighted scale:

- 40% **Qualifications and Experience of the Builder –**
Elements considered important for this evaluation criterion include experience of the Builder; the strength of the Builder's references, the experience of the Builder in building schools or similarly regulated construction, the experience of the Builder in building schools or equally regulated construction, the experience of the estimator and project engineer in building schools or similarly regulated construction.
- 30% **Local Knowledge and Understanding -**
Knowledge and understanding of the local environment and a local presence for interfacing with the District.
- 20% **Project and Schedule Control –**
Elements considered important for this evaluation criterion include the strength of the proposed project plan, advantages offered the District in the proposed schedule for the project, the current and projected workload of the Builder's employees during the performance of the contract.
- 10% **Pre-Construction Services Fee -**
Elements considered important in the evaluation of this selection criterion include, but are not limited to, the value of the services by comparison to the services provided.

METHOD OF SELECTION

The District will conduct interviews with the three most qualified LLB Entities as determined from the proposals submitted. District will evaluate LLB Entities on their demonstrated competence, past successful project experience with District, and on their professional qualifications necessary for the satisfactory performance of the services required. The District may choose to establish a "pool" of qualified LLB Entities, or may negotiate a contract with the best qualified LLB Entity, as determined by the District, at compensation which the District determines is fair and reasonable. Should the District be unable to negotiate a satisfactory contract with the LLB Entity at a price the District deems reasonable, negotiations with that LLB Entity may be formally terminated. The District may then undertake negotiations with the second most qualified LLB Entity. In the event negotiations fail with the second most qualified LLB Entity, it may undertake negotiations with the third most qualified firm.

GENERAL INFORMATION

Compliance. Submittals must be in strict accordance with the requirements of the RFP. Any Proposals not submitted in accordance with the requirements of the RFP may not be considered.

Amendments. The District reserves the right to cancel or revise in part or in its entirety this RFP. If the District cancels or revises this RFP, all Respondents will be notified by addenda. The District also reserves the right to extend the date responses are due.

Inquiries. All questions about the meaning or intent of this RFP shall be submitted to District in writing. Replies will be issued by addenda and mailed to all parties recorded by District has having received the RFP documents. Questions received less than 5 days prior to the submittal due date will not be answered. Only questions answered by formal written addenda will be binding.

Late Proposals. It is the Respondent's responsibility to ensure its proposal is received by the District on or before the time and date specified. Proposals received after the date and time specified will not be considered.

Special Conditions.

- A. **Public Record.** All proposals submitted in response to the RFP become the property of the District's public records and as such, might be subject to public view.
- B. **Non-Discrimination.** The District does not discriminate on the basis of race, color, national original, religion, age, ancestry, medical condition, disability or gender in consideration for an award of contract.
- C. **Drug-Free Policy and Fingerprinting.** The selected LLB Entity shall be required to complete any and all fingerprinting requirements and criminal background checks required by State law and shall also be required to complete a Drug-Free workplace certificate.
- D. **Costs.** Costs of preparing proposals in response to this RFP are solely the responsibility of the Respondent.
- E. **Prevailing Wages.** Respondents are advised that these Project are a public work for purposes of the California Labor Code, which requires payment of prevailing wages. District will obtain from the Director of Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work. These rates will be on file at District and will be available to any interested party upon request. Any LLB Entity to which a contract is awarded must pay the prevailing rates, post copies thereof at the job site, and otherwise comply with applicable provisions of state law, including Labor Compliance Program requirements.
- F. **Securities.** Respondents are advised that if awarded a contract they will be permitted, at their request and expense and in accordance with Section 22300 of the California Public Contract Code, to substitute securities equivalent to retention monies withheld by District to insure performance under the contract.
- G. **Bonding.** The successful LLB Entity will be required to furnish a Performance

Bond in the amount of one hundred percent of the contract price, and a Payment (Material and Labor) Bond in the amount of one hundred percent of the contract price.

- H. Limitations. This RFP does not commit District to award a contract, to defray any Costs incurred in the preparation of a proposal pursuant to this RFP, or to procure or contract for work.

DISTRICT CONTACT

The District looks forward to receiving a proposal from your firm. If you have any questions regarding this RFP, please contact:

Dr. Karen Villalobos
Superintendent
East Nicolaus Union High School District
2454 Nicolaus Ave.
Nicolaus, CA 95659
Ph: (530) 656-2255

ARCHITECT CONTACT

In the event that the responder may have questions of the architect, please contact:

Brian Whitmore, AIA – LEED AP
Associate Principal/ Vice President of Design
BCA Architects
brianw@bcaarchitects.com
Ph: (916) 626-1303

NOTE: Incomplete submittals, incorrect information, or late submittals may be cause for immediate disqualification. Issuance of this RFP does not commit District to award a contract, or to pay any costs incurred in the preparation of a response to this request. District reserves the right to request additional information or clarification during the evaluation process. District retains the right to reject any or all proposals. All respondents should note that the execution of any contract pursuant to this RFP is dependent upon the approval of the East Nicolaus Joint Union High School District in its sole discretion.