SOLICITATION/RFP INFORMATION REQUIREMENTS

REQUEST FOR
CONSTRUCTION MANAGEMENT AT RISK
PROPOSALS
TWO STEP PROCESS
RFP# 23-005

FOR THE

DENISON INDEPENDENT SCHOOL DISTRICT
2023 BOND PROGRAM PROJECTS

FOR THE

DENISON INDEPENDENT SCHOOL DISTRICT
DENISON, TEXAS

STEP I

Denison Independent School District
1201 South Rusk Street
Denison, Texas 75020

April 10, 2023

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Notice for Request for Proposals Construction Manager-at-Risk

Sealed proposals for Construction Manager-at-Risk for the construction of 2023 bond program project s for the Denison Independent School District will be received at the Denison ISD Administrative Offices, Attention: Randy Reid, 1201 South Rusk Street Denison, Texas 75020, until **2:00 pm (Local Time), Thursday May 4, 2023.** Proposals received by hand delivery or mail after that time will be returned unopened.

A pre-proposal conference will be held at the Denison ISD Administrative Offices, 1201 South Rusk Street Denison, Texas 75020 on **Wednesday, April 19, 2023 at 2:00 p.m.** Attendance is encouraged by all proposers.

No proposer shall withdraw a proposal within forty-five (45) days after the actual date of opening thereof.

The Owner reserves the right to waive any informality or to reject any or all proposals.

The Request for Proposals will be released at **2:00 pm (Local Time) on April 10, 2023**, from Denison ISD. Contact Randy Reid for further information contact: rreid@denisonisd.net

Construction Manager Selection Schedule

Issue RFP	Date:	April 10, 2023
	Time:	2:00 p.m.
Run Advertisements	Date:	April 14, 2023 April 21, 2023
Pre- proposal meeting	Date:	April 19, 2023
	Time:	2:00 p.m.
	Location:	Board Room Denison ISD Administrative Offices 1201 South Rusk Street Denison, Texas 75020
Last day for written question submission	Date:	April 28, 2023
	Time:	3:00 p.m.
Issue Addendum 1	Date:	April 21, 2023
Receive Part 1 Qualifications	Date:	May 4, 2023
	Time:	2:00 p.m.
	Location:	Denison ISD Administrative Offices 1201 South Rusk Street Denison, Texas 75020
Receive Part 2 Proposals	Date:	May 12, 2023
	Time:	2:00 p.m.
	Location:	Board Room Denison ISD Administrative Offices 1201 South Rusk Street Denison, Texas 75020
In person interviews	Date:	May 16, 2023 Board Room Denison ISD Administrative Offices 1201 South Rusk Street Denison, Texas 75020
Recommendation to school board	Date:	May 25, 2023
CM selected by DISD school board	Date:	June 2023

Request for Construction Management at Risk Proposals

Pursuant to the provisions of the Texas Education Code Section 44.031 and Government Code 2269.251, it is the intention of the Denison Independent School District to select a Construction Management at Risk (CMR) for the construction of the 2023 bond program projects. The anticipated date of Substantial Completion is to be determined by the phasing of the projects. The method to be used to select the CMR is the two-step process as detailed in section 2269.253 of the Texas Government Code. The first step is qualifications. The second step is a cost proposal. The selected CMR is to assist the District and its Architect with construction of the above-mentioned projects as a CMR. The attached materials describe the scope and schedule for the projects as currently defined.

Proposals are to include the information requested in the sequence and format prescribed. In addition to and separate from the requested information, organizations submitting may provide supplementary materials further describing their capabilities and experience.

There will be a pre-proposal conference on **Wednesday April 19, 2023, at 2:00 p.m.** It will be located at the Denison ISD Administrative Offices 102 South Rusk Street Denison, Texas 75020. The conference is not mandatory, but attendance is recommended.

Sealed Proposals (three hard copies and one digital copy in .pdf format) are to be submitted to the Denison Independent School District to the attention of Mr. Randy Reid, Assistant Superintendent, Denison ISD Administrative Offices 102 South Rusk Street Denison, Texas 75020, no later than 2**:00 pm (CST), Thursday May 4, 2023**

A panel consisting of District personnel and representatives of the Architectural firm will review all step one proposals. The evaluation committee will evaluate and rank each proposal submitted in relation to the evaluation criteria set forth in the Request for Proposals for Construction Manager at Risk. Upon review and ranking of the proposals, the district will create a short list of no fewer than two or more than four firms to continue to step two. Firms invited to participate in step two will be notified by **Friday, May 5, 2023**. Step two proposals will be due **Friday May 12, 2023 at 2:00 pm**. Interviews will be conducted **Tuesday May 16, 2023 after** proposals are received. The committee will recommend the CMR they feel provides the best opportunity for the Project to be successful.

The District's Board of Trustees will consider the selection of a Construction Manager at Risk at its regularly scheduled Board Meeting to be held in **June 2023 .**
Inquiries about the project and Request for Proposals should be addressed to: Mr. Randy Reid, Denison Independent School District, (903)462-7036, rredi@denisonisd.net.

Scope of Services/Contract

Contract Form and Scope of Services

The Owner will contract directly with a Construction Manager at Risk (CMR) for performing construction management for the project. The CMR will then conduct the subcontractor selection/bidding and contract with all other subcontractors required for the work. The Owner reserves the right to contract separately with other suppliers, vendors and contracts as he deems in the best interest of their project.

The CMR will be reimbursed for the cost of the Work plus a Fee. For purposes of this proposal, terms of the contract will be the AIA Document A133-2009 with the AIA-201-2017 General Conditions of the Contract for Construction with revisions. All contracts should be read carefully for district requirements. Candidates should identify in their proposal any exceptions taken or additions/modifications requested that are considered by the Contractor to be mandatory as conditions of their proposal. Objections to the contract type or format not included within the proposal submission will result in immediate disqualification of proposal.

The CMR will participate in pre-construction services by preparing construction cost estimates and construction phasing scheduling assistance as identified in the Pre -Construction Services section below.

The CMR competitively bids and enters into subcontracts for all portions of the work, with the exception of work specifically approved by the Owner when appropriate to schedule or logistics. Any potential self-performed work will still be competitively bid by the CMR when reasonable and possible. All subcontract bids are reviewed and approved by the Owner prior to award. Bidding shall be to at least three subcontractors for each trade, unless circumstances preclude or are not appropriate to the project.

The CMR will be required to coordinate with any other contracts the owner may issue directly such as access controls, CCTV cameras, etc.

Payment and performance bonds will be required of the CMR. The Owner will make all construction payments directly to the CMR for their distribution of payments to subcontractors and suppliers as appropriate.

The Owner may elect to procure certain materials/equipment directly, with coordination and scheduling support from the CMR. The equipment would then be assigned to the CMR for their full acceptance of responsibilities for coordination and installation. A specific fee for this approach is requested, should the Owner elect to do so for any materials/equipment.

Audits

The owner will retain the right to audit the accounting records of the projects upon demand for up to 3 years after the final completion of the work. The accounting method must clearly show the breakdown of the following as a minimum:

- Unit and materials costs
- Specific wage rates for all trades
- Premium time mark ups for all trades, if any
- Contractor's Fee
- Materials mark-up
- Subcontractors' mark-up
- Insurance and bond costs
- Equipment and tool rental costs

Audits will occur at regular or irregular intervals. CMR must be able to provide documentation required upon request within 24 hours during the duration of the project. Audits will use the pricing information provided at bidding as the basis for verification of costs at each audit.

Subcontractor Bidding Phase

Sealed bids shall be received and opened by the Owner and the CMR at a location to be determined by the Owner. CMR shall comply with Government Code 2269.255, including the following:

(a) A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions.

(b) A construction manager-at-risk may seek to perform portions of the work itself if:

(1) the construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and

(2) the governmental entity determines that the construction manager-at-risk's bid or proposal provides the best value for the governmental entity.

And Government Code 2269.256, including the following:

(a) The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or governmental entity. All bids or proposals shall be made available to the governmental entity on request and to the public after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals.

Background Check/Felony Conviction Notification

AGREEMENT/BID PACKAGE BETWEEN SCHOOL DISTRICT AND CONSTRUCTION MANAGER - (Note: The requirements for Felony Conviction Notification and Drug Testing applies to all personnel who enter the job site including during the close out and Warranty period of the project. No one will be allowed on the project site without complying with the regulations as stated below.)

Criminal History Background Checks and Drug Testing

Construction Manager, all Subcontractors and all Sub-subcontractors shall ensure that any person assigned to perform work at any District location under the Contract meets the following criterion:

- No records in the Texas DPS Sex Offender Registration database.
- No felony convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for crimes involving sex, violence or any other offense against or injury to a child.
- No felony convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for the past seven (7) years, except for crimes involving sex, violence or any other offense against a child for which there is no time limit.
- No misdemeanor convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for crimes involving sex or any other offense against a child.
- No misdemeanor convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for the past seven (7) years for crimes involving violence.
- No positive drug test results. Drug test shall consist of a five-panel screen for drugs of abuse. Substances and cut-off levels shall be consistent with Department of Transportation requirements. All positive results shall be laboratory confirmed and independently verified by a Medical Review Officer (MRO).

Construction Manager shall perform and shall require, as a condition of contracting, all Subcontractors and Sub-subcontractors to perform criminal history background checks and drug testing on any person who is assigned to perform any work at any District location under the Contract and shall promptly produce to Owner the results of such background checks and drug testing upon request. Any person noticeably under the influence of drugs or other, that a drug test will be demanded.

A photo identification badge shall be issued to those persons meeting the screening criterion described above. Any person who is assigned to perform any work at any District location under the Contract shall be required to wear their identification badge while on-site.

Pre-Construction Services

Pre-Construction Services are included and are to be separated from the Base Fee. Services will include:

Schedule

- Provide a detailed schedule of the work to detail how the project will be executed and completed as per the owners' timelines.

Budgeting / Cost Estimating

Cost estimating and the development of construction cost should occur similar to the process below:

- Owner and Architect will establish construction budget.
- CMR provides one detailed estimate during design phase which is to be updated twice during Contract Document phase.
- CMR will be required to attend coordination related meetings with the Owner and Architect.
- Contract documents are issued. They are hard bid to suppliers / subcontractors as appropriate and a FGMP (Final Guaranteed Maximum Price) is established.
- The contract amount is amended to include the FGMP.
- Continue to monitor and maintain the construction portion of the project budget. Provide substantially detailed estimates as an evaluative tool in the selection of subcontractors.
- Provide cost saving analysis for systems and configurations. Evaluate quality, initial costs, maintenance and appropriateness.
- Develop and report with a comprehensive Constructability Report based upon the project type, schedule and construction documents presented prior to final completion of the construction documents.
- Develop, monitor and maintain project schedule.
- Assess the availability of all building components regarding the project schedule.
- Coordinate the bidding and issue of all pre-purchase order for long lead items, if required.
- Make recommendations and provide references for manufacturers, suppliers and other subcontracts considered during design.

Owner's Project Management Software

The Construction Manager will be required to use an Owner approved project management software.

Proposal Response Guidelines

Respondents' response to this Request for Proposal shall include:

- ***AIA Document A305, Contractor Qualification Statement***

- ***Questionnaire***

- ***Project Related Experience List*** including relevant recent completed project work in K-12 education facilities including dates, sizes of contracts and references for the same.

- ***Resumes and Reference for Key Personnel*** proposed for this project. Resumes of key personnel must show educational experience in projects of similar size, complexity and related challenges. Provide references, which can substantiate their completed experience and background. Note on response how much time each person will be dedicated to the project and how much of their time will be spent onsite. Submit separate team for each project listed in this RFP. Team members may be the same for more than one project where the schedules allow.

- ***Project Scheduling.*** Detailed example of level of scheduling quality to be expected on the project by submission of a schedule for another educational project with similar scheduling complexity.

- ***Certificate of Insurance and Indemnification.*** A Certificate of Insurance must accompany all proposals on an ACORD form itemizing the Contractors normal coverage at the time of the proposal. Additional insurance coverage available to the Owner without increase in cost (due to normal coverages carried by the company) will be considered of benefit to the Owner. Please show available excess or umbrella coverages on the insurance certificate, should such coverages be in place.

  Property insurance (Builder's Risk) will be provided and paid for by the CMR.

- ***Disqualification of Proposals.*** The Owner reserves the right to disqualify any proposal without cause. By submission of a proposal, proposers waive any rights to make claim against the Owner, his employee, agents and consultants related in any way to the submission of the proposal for the Owner's disqualification of it as a result.

- ***Aesthetics of Proposal.*** Aesthetics of the proposal will play no part in the award of a contract for the work. Clarity and completeness are requested.

- ***Modifications.*** No modification to this RFP or the resulting proposal will be considered bona fide unless in writing. Any oral modification must be followed in writing.

- ***Life of Proposal.*** No proposals may be withdrawn for a period of forty-five (45) calendar days after the submission date.

- ***Fees and General Conditions.*** **Do not submit any costs associated with fees or general conditions with this proposal.** Fees and GCs will be requested only from those firms invited to participate in step two

Evaluation Criteria

The selection process is not just fee based but weighted heavily on other important issues critical to the success of the project. Following is the selection criteria used to rank the proposals:

FINANCIAL	
Financial Strength – Ability to bond the project	10 points
EXPERIENCE OF COMPANY	
What is the respondent's litigation record?	4 points
Has the respondent constructed educational projects of similar size and complexity?	4 points
Has the respondent had new construction jobs of similar scope and dollar value within the DFW Metroplex area within the last 5 years?	4 points
EXPERIENCE AS CMAR	
Does it appear the respondent will work effectively in a team environment with the Owner and Architect during the preconstruction, bidding and construction phases of the project?	4 points
What is the quality of the cost estimates provided by the respondent?	4 points
If savings are realized on the project what percentage is returned to the Owner?	10 points
What is the quality of the schedule and action plan to complete the project in the allotted time?	15 points
PERSONNEL	
Does the team of personnel proposed by the respondent appear to be qualified as necessary to meet the needs of this project?	15 points
INTERVIEWS	
Interview (if applicable)	30 points

Proposal/Selection Schedule

Proposals are due to be received no later than 2:00 PM **(CST),** Thursday May 4**, 2023**. The evaluation committee will create a short list of firms to participate in step II. Those firms will be notified by **May 5, 2023 and** sent a copy of the Step II request for fees. Fees are due to be received no later than **May 12, 2023 at 2:00 pm** Firms will be notified by **May 14, 2023** on interview times. Interviews will be conducted on **May 16, 2023** to review proposals, strategies and proposed staff. A recommendation is anticipated by May 25, 2023. At the regular scheduled June board meeting, the school board will act on a recommendation of the district evaluation committee for a selection of a CMR.

Each Candidate Contractor should submit three (3) hard copies and one (1) digital copy of proposals to arrive on or before the date/time identified above.

Interviews

Proposals will be taken and reviewed immediately upon receipt. It is anticipated a short list of up to four (4) Construction Managers might be interviewed, but the Owner reserves the right not to conducts any interviews and base the selection strictly on the proposals submitted or to eliminate any Construction Manager(s) from the selection as late as the day prior to any potential interview if the Owner determines the proposal is insufficiently responsive to merit further consideration.

Interviews, if conducted, will be up to 30 minutes including 15-20 minutes for the Construction Managers presentation and the remaining time for questions and discussions. As to the project team, the project manager, superintendent, and lead estimator should be in attendance, at a minimum. The chemistry of the proposed team with Denison ISD staff and Architect is vital to the selection. The contractor's focus on the interview should be specific to this project and the owner's concerns, including:

1. What has the Construction Manager done recently that is similar in size and scope?
2. What is the experience of the individuals proposed?
3. What are the Construction Mangers thoughts on project phasing, schedule and initial budget?
4. What will the team do to assure that subcontractors are brought on board that have experience in this type of work and have completed similar educational projects?
5. What unique leverages/ advantages do you offer to the project?
6. How will local subcontractors be assured to get the opportunity to propose on this work?

Follow up Questions and Information

All questions regarding this RFP may be made by telephone or email to:
Randy Reid
Denison Independent School District
Phone: 903-462-7036
Email: rreid@denisonisd.net

In the interest of efficiency and continuity, one contact from each candidate CMR should be responsible to coordinate and make any direct telephone communications with Denison ISD. During the proposal process **no contact** should be made with the Denison ISD Board of Trustees or Denison ISD Superintendent of Schools.

Summary

On behalf of Denison ISD and Corgan Associates, Inc. we want to thank you for your interest in this project. It is an exciting and challenging project, and we are looking to continue to build a great team with the selection of the Construction Manager at Risk.

Request for Competitive Sealed Proposals Questionnaire

Please provide the following information in the sequence and format prescribed by this questionnaire. Supplemental materials providing additional information may be attached, but the information requested below is to be provided in this format.

1. Firm Information

Name of firm:

Address of principal office:

Phone, Fax:

Form of Business Organization (Corporation, Partnership, Individual, Joint Venture, other?):

Year Founded:

Primary Individual to Contact:

2. Organization

2.1 How many years has your organization been in business as a CMR/Contractor?

2.2 How many years has your organization been in business under its present name? Under what other or former names has your organization operated?

2.3 If your organization is a corporation, answer the following: Date of incorporation, State of incorporation, President's name, Vice-President's name(s), Secretary's name, Treasurer's name.

2.4 If your organization is a partnership, answer the following: Date of organization, type of partnership (if applicable), and names of general partner(s).

3. Experience

3.1 List the categories of work that your organization normally performs with its own forces.

3.2 List any subcontractors in which your organization has some ownership and list the categories of work those subcontractors normally perform.

3.3 Claims and suits (If the answer to any of the questions below is yes, please attach details).

3.3.1 Has your organization ever failed to complete any work awarded to it?

3.3.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?

3.3.3 Has your organization filed any lawsuits or requested arbitration with regards to construction contracts within the last five years?

3.4 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)

3.5 List the major construction projects your company currently has in progress. Give the name, location, owner, architect, contract amount, percent complete and scheduled completion date.

3.6 List major projects constructed by your company over the last five (5) years and the dollar value of the project. Give the name, location, owner, architect, size of project in S.F., final construction cost, completion date and method of award. Did your company perform satisfactory to the terms and conditions on these projects? Were there any discrepancies, issues or complaints reported concerning your organization's performance?

3.7 List a subcontractor that you have used in the areas of HVAC mechanical, steel, concrete, electrical and plumbing in a job of similar scope for a project within the last five (5) years.

3.8 Provide the last five (5) years of safety records. Also, any on the job employee compensation claims.

4. Financial Information

4.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

- Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and pre-paid expenses).
- Net Fixed Assets
- Other Assets
- Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes).
- Other Liabilities (e.g., capital stock, authorized and outstanding shares par value, earned surplus and retained earnings).

4.2 Name and address of firm preparing attached financial statement and date thereof.

4.3 Is the attached financial statement for the identical organization named under Item 1 above? If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g. parent-subsidiary).

4.4 Will the organization whose financial statement is attached act as guarantor of the contract for construction?

4.5 Provide name, address and phone number for bank reference.

4.6 Surety: Name of bonding company, name and address of agent. Provide letter from surety stating current bonding capacity.

5. Experience with and concepts for work as a Construction Manager at Risk

5.1 Describe your organization's concepts for working in a team relationship with the Owner and Architect during the design and construction of major projects. Describe your organization's methods for estimating costs, and for scheduling during the design/document phases. Which (one or more) of those projects listed above best exemplify these concepts and experience?

5.2 Cost Estimates

Attach a sample conceptual cost estimate prepared during the design phase of an educational project, and a sample of the final cost estimate/breakdown used to fix the contract amount for the construction of the same project. (The identity of the project may be concealed. The intent is to see the nature and format of the cost information provided).

5.3 Fees, General Conditions

Do not submit any fees or general condition costs with this proposal. These will be solicited with Step II.

5.4 Savings

Describe your organization's concept for the disposition of savings realized during construction. Is the full amount returned to the owner?

5.5 Contingencies

Describe your organization's concept for cost contingencies during design? During construction? What is your organization's concept for the disposition of contingency funds after the completion of the project?

5.6 Cost Information

Does your firm make all cost information during design and construction available to owner, architect?

5.7 Subcontractor bond requirements

Is it your intent or a requirement of your company or surety to bond or insure any subcontractors for these projects? If yes, please explain. If Subcontractor Default Insurance is proposed in lieu of subcontractor performance and payment bonds, clearly describe this program as utilized by your company including how costs are determined and billed to the Owner.

5.8 Schedule

This project has a compressed schedule. Describe your strategies to ensure it is completed within the allotted time.

6. Personnel

Given the scope and schedule of the project, identify the specific Project Manager, Estimator, and Superintendent who would work on the project. Provide a resume for each individual and the current and projected workload of the key personnel who will be responsible for managing this project.

7. Owner/Contractor Agreement

We propose to base the Owner/Construction Manager Agreement on the AIA Document A133-2009 with the AIA-201-2017 General Conditions of the Contract for Construction with revisions to the contract language. Please note any exceptions/issues you would raise relative to these documents.

8. References

For six (6) of your firms most recently completed educational projects of similar size, scope and construction timeline, identify a representative of the owner and a representative of the architect (provide name, phone/fax numbers) whom we could contact as references re: your organization's services. Ideally all of the references should be for educational projects of comparable scopes and cost.