

Berkeley Unified School District

**REQUEST FOR PROPOSALS
FOR
PRECONSTRUCTION AND LEASE-LEASEBACK
SERVICES FOR LONGFELLOW MIDDLE
SCHOOL**

Submit to:

**Berkeley Unified School District
1720 Oregon Street, Berkeley, CA 94702**

Attn: John Calise

PURPOSE OF THE RFP:

By way of this Request for Proposals (“RFP”), the Berkeley Unified School District (“District”) seeks Proposals from Lease-leaseback contractors (“Contractor” or “Firm”) to provide preconstruction services and lease-leaseback construction services for the District’s Longfellow Modernization Project. The purpose of this RFP is to obtain information that will enable the District to select a Lease-Leaseback Contractor using the best value selection process, under Education Code section 17400 et seq., that can assist the District with both pre-construction services and construction services. Best value selection is an evaluation process of Firm’s that allows the consideration of evaluation

Longfellow Middle School
1500 Derby Street, Berkeley CA 94703

Deadline for Submittal of Questions
Responses to the Questions Submitted
Due Date for Submittal of Proposals
Short List Interviews
Interviews*

October 6, 2021 by 2:00 pm
October 12, 2021
October 19, 2021 by 2:00 pm
November 2, 2021
November 18, 2021

- Review of the design and support documentation for content, constructability, completeness, scheduling, clarity, consistency, and coordination;
- During Phase 1, there will be an inimpn ein ŽY,

SUBCONTRACTOR DESIGNATIONS

Pursuant to Education Code section 17406(a)(4)(A), the District will allow Firms to designate subcontractors for specific scopes of work on the Project. Each Firm shall list only one subcontractor for each scope of work as is defined by the Contractor in its proposal. All subcontractors shall be properly licensed by the Contractors State License Board. All designated subcontractors will be afforded the protections of the Subletting and Subcontracting Fair Practices Act. Please use the subcontractor designation form at Attachment 3.

In accordance with Education Code section 17406, any subcontractor that is not identified in your proposal and whose subcontract value will exceed one-half of one percent of the price allocable to construction work must be awarded, after the award of the lease-leaseback contract, as follows:

- 1.

The Cover letter shall also describe the Contractor's firm, scope of services, office location(s), K-12 experience over the past (5) calendar years (January 2016 through December 2020) and include each project's initial project budget, final project budget start date, projected end date and actual end date.

Describe projects currently projected to be in construction January 2023 through December 2024. Indicate if any of the proposed team members are currently on those projects and their role.

B. **Table of Contents** - The Table of Contents shall reflect the order stated herein and shall include section titles and page numbers.

C. **Evaluation Categories**

1. **Mandatory Requirements** – The following requirements are mandatory and must be satisfied. The mandatory requirements will be scored on a pass/fail basis. Failure to meet any one of the mandatory requirements specified in this Section VIII(C)(1) will disqualify your Firm from any further consideration for this RFP.

a. **Lease-Leaseback Contractor and Subcontractor Prequalification** – All Firms submitting a proposal to this RFP must be prequalified with the District without exception prior to submitting the proposal. Any Firm that submits a proposal and is not prequalified will be deemed non-responsive and that Firm's proposal will be rejected and returned to the Firm unopened. All prequalification is done by quality bidders.

All

- a. **With District** – District shall evaluate actual performance of the Firm, if any, on construction projects for the District within the last ten (10) years. This category will be scored a zero for any Firm that has not performed projects for the District within that time. This category may be scored negatively, assigning negative rather than positive points, resulting in a net score deduction for Firms that have performed poorly within that time frame. Factors considered for projects

b. Subcontracting Plan – describe all material elements of your plan to procure subcontractors that were not designated in your Proposal whose subcontract will exceed ½ of 1% of the price allocable to the construction work will be awarded. Include in your description: whether any further prequalification or other method of shortlisting of subcontractors for consideration will be used and, if further prequalification or other method of shortlisting will be used, the qualification criteria and standards to be applied whether the procurement of subcontractors on the basis of best value or the lowest responsive, responsible bidder and, if on a best value basis, the criteria and standards to be applied.

6. **Labor Compliance/Skilled and Trained Workforce** – Describe your ability to comply with statutory requirements for the payment of prevailing wages, including the monitoring and enforcement of your subcontractor’s payment of prevailing wages. Provide copies of any

Please provide an EMR verification from the State of California or an insurance company for each of the past five years.

8. **Financial Information** - Provide copies of your Firm's audited financial statements for the most recent three (3) fiscal years. Audited financial statements shall include: balance sheet, income statement, statement of changes, footnotes, and subsidiary schedules. All financial statements shall be prepared in accordance with Generally Accepted Accounting Principles applied on a consistent basis and shall be audited in accordance with Generally Accepted Auditing Standards by an Accountant certified in the State of California. (Disclosure of financial statements will be confined to those individuals involved in the evaluation of the responses and award of ensuing contracts.)

Provide evidence of your current bonding capacity and current general liability insurance coverage(s).

9. **Additional Information** - Firms are encouraged to provide additional information or description of resources the firm feels is pertinent to the RFP. Respondents are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous material; appendices should be relevant and brief.

D. **Preconstruction Fee, Lease-Leaseback Fee, and General Conditions - Attachment 3**

Provide a monthly fee to provide preconstruction services, the lease-leaseback construction services, and general conditions. The monthly fee should include profit, all direct labor costs, fringe benefits, insurance and bonds, overhead, and all other expenses the Contractor will incur in providing the preconstruction services and the lease-leaseback construction services. In the fee proposal, specifically state the proportion of the fee which is set for profit, labor costs, fringe benefits, insurance and bonds, overhead, and all other expenses.

The fee shall be stated either as both a set dollar figure and as a percentage of construction costs. For the basis of construction costs, state the precise methodology used for estimation and calculation of construction costs on which the fee is proposed to be based, including, without limitation:

- Labor costs
- Material costs
- Markups on labor, materials, and any subcontracts, at every tier
- Contingencies utilized

- Standard estimating manuals used as reference
- Software used for estimating
- Experience of estimator
- Accuracy of estimates for past lease-leaseback projects

Your project estimating methodology is acknowledged to comprise a trade secret and will be kept confidential, and not designated as a public record, along with your other financial information.

E. Insurance Requirements

Firms must have the ability to secure insurance coverage and provide Proof of Certificate of Insurance, as described below (See, Construction Services Agreement for specific insurance requirements):

Comprehensive general and auto liability insurance with limits of not less than two million dollars (\$2,000,000) combined single limit, bodily injury and property damage liability per occurrence, including:

- Owned, non-owned and hired vehicles;
- Blanket contractual;
- Broad form property damage;
- Products/completed operations; and
- Personal injury;

Special hazards and excess liability insurance policy (\$5,000,000).

Workers' Compensation Insurance shall be maintained, in accordance with provisions of the California Labor Code, adequate to protect any person, firm, or corporation employed directly or indirectly in connection with the work of the Consultant from claims under Workers' Compensation Acts which may arise for operations, whether such operations be by any person, firm, or corporation, employed directly or indirectly by the Consultant upon or in connection with the work.

F.

form. Respondents shall describe the outcome of design and construction-related claims, if any, filed against the firm's general liability or professional liability or automobile liability insurance carriers during the most recent five (5) years. Proof of Insurance for General Liability, Professional Liability, Public Liability and Auto Liability or a statement of liability shall be required from the successful firm according to the terms of this RFP.

PREPARATION AND SUBMITTAL OF THE PROPOSAL

Proposal Submittal and Deadline

Five hard copies, one unbound copy and a digital copy of the technical Proposal must be submitted under sealed cover by no later **than 2 p.m. on October 20, 2021**. The technical Proposal shall include all documents except for the fee Proposal. Label the outside of the sealed technical Proposal envelope or box with your company name, Proposal title and RFP deadline. The fee Proposal must be submitted in a separate, sealed envelope with your company name, Proposal title, "Longfellow Modernization Fee Proposal", and RFP deadline labeled on the outside of the envelope.

Proposals shall be delivered to the attention of:

**John Calise, Executive Director Facilities Division
1720 Oregon Street
Berkeley, CA 94703**

It is the sole responsibility of the firm submitting the Proposal to ensure that its Proposal and any amendments are actually received in the office prior to the deadline time and due date. Unless this RFP is extended by a written amendment, Proposals received after the time on the due date will not be considered. Faxed or emailed Proposals will not be accepted.

Proposal Completw

Right to Use Ideas

All Proposals and other materials submitted become the property of the District. District reserves the right to use any ideas presented in any response to the RFP. Selection or rejection of the Proposal shall not affect this right.

Modification or Withdrawal Of RFP

A firm may modify or withdraw a Proposal after submission by written request of withdrawal and resubmission, provided that the Proposal withdrawal is prior to the due date deadline specified.

Amendments

Firms are advised that the District reserves the right to amend this RFP at any time. Amendments will be done formally by providing written amendments to all potential firms known to have received a copy of the RFP and/or by publishing the amendment on the District's website.

Equal Opportunity

Covenant against Gratuities

The firm warrants that no gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the firm or any agent or representative of the firm, to any officer or employee or consultant of the District with a view toward securing the resultant contract or securing favorable treatment with respect to any determinations concerning the award of the Agreement. For breach or violation of this provision, the District shall have the right

Proposed Fee %	Variation from Lowest Fee = Proposed Fee % - Lowest Fee %	% Variation = Variation from lowest fee % / Average fee %	Points to deduct from 50 points	Fee Score
10%	10%-10%=0%	0% / 11%= 0%	50 x 0% = 0	50 - 0 = 50
11%	11%-10%=1%	1% / 11% = 9%	50 x 9% = 4.5	50 - 4.5 = 45.5
12%	12%-10%=2%	2% / 11% = 18%	50 x 18% = 9	50 - 9 = 41

In the event two Contractors submit price proposals with the same overall price, both Contractors shall be awarded the same amount of points.

Evaluation Criteria:

The evaluation of Proposals will be based upon review and analysis of the information provided as detailed above, any additional relevant information known to or discovered by the District, and scored as follows:

1. **Firm Personnel, Capacity, and Methodology [25 POINTS]** - Professional qualifications and specialized experience of the proposed staff including the quality of the firm's professional personnel to be assigned to the project and the quality of the firm's management support personnel to be available for technical consultation and/or assistance. Experience, competence, capability, and capacity of the proposed staff to complete projects of similar size, scope, and complexity on time and on budget using the lease-leaseback project delivery method.
2. **Relevant Experience and Past Performance [40 POINTS]** - Experience, competence, capability, and capacity of the proposed staff to complete projects of similar size, scope, and complexity on time and on budget using the lease-leaseback project delivery method. Firms are required to provide information, contact information, and references for similar projects completed using the lease-leaseback project delivery method in the past five years.
3. **Preconstruction Services [40 POINTS]** – Experience and expertise in working with design professionals during design on constructability issues, value engineering, estimating, scheduling, and phasing. The proposal should include a summary level schedule illustrating how the Contractor intends to manage the Project. Provide a schedule and narrative for Phase 1 Design Services and Phase 2 Construction Services. The sum of all the activities in the Contract Schedule shall equal the total Contract price.
4. **Subcontractor Designations and/or Subcontracting Plan [20 POINTS]** – Competence, capability, and capacity to subcontract major scopes of work

ATTACHMENT 2 – FIRM QUESTIONNAIRE

In this initial step, each Contractor will be evaluated to determine if it meets the essential qualifications set forth below. Contractors must “Pass” each of the essential qualifications by being able to appropriately answer the questions. Additional sheets may be attached if necessary. "You" or "your" as used herein refers to the respondent and/or any of its owners, officers, directors, shareholders, parties or principals.

SECTION A - GENERAL INFORMATION

- (1) Describe how respondent has successfully provided preconstruction and lease-leaseback construction services such as those described herein.
- (2) Describe the unique or innovative preconstruction and lease-leaseback construction services utilized on previous projects.

SECTION B - PASS/FAIL QUESTIONS

- (3) Has your Firm contracted for and completed construction as a general contractor (including design-bid-build contractor, lease-leaseback contractor, design-build contractor, as a construction manager at risk, but not as an agency construction manager) of a minimum of:
Five (5) Division of the State Architect - approved construction projects,
All within the past five (5) years? (Please answer “Yes” or “No”.)
- (4) Has your Firm contracted for and completed construction as a general contractor (including design-bid-build contractor, lease-leaseback contractor, design-build contractor, as a construction manager at risk, but not as an agency construction manager) of a minimum of:
Five (5) education projects,
Each with a value of at least \$15,000,000, and
All within the past eight (8) years? (Please answer “Yes” or “No”.)
Note: You must list these projects and references for each project by name, title, telephone number and email address.
- (5) Does your firm currently hold all contractors’ licenses necessary to perform the work and o()7(33 Tm0 2 792 reW* nBT/F4 8 Tf1 0 0 1 96.3 52.775 Tm0 g0 005C0003}TJETQ

(12) Will respondents comply with all District, local, State and Federal legal requirements, regulations and laws? _____.

SECTION D – CONFLICT OF INTEREST

(13) Have you ever had any direct or indirect business, financial or other connection with any official, employee or consultant of the District? Identify any conflict of interest in (a):

(a) Please elaborate and discuss any potential, apparent or actual conflict of interest:

I certify that the foregoing Respondent Questionnaire pages one through four is true and correct.

Executed this ____ day of _____, 20__, at _____,

State of _____

Company Name: _____

ATTACHMENT 3 – FEE SCHEDULE AND GENERAL CONDITIONS

Fees	Fee Percentage (Fee as a % of Direct Construction Cost Budget) 46.0
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**ATTACHMENT 5 – RESPONDENT'S CERTIFICATE REGARDING
WORKMEN'S COMPENSATION**

Labor Code Section 3700:

"Every employer except the state and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways:

- a. By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this State.

- b. By securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his employees.

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Workmen's Compensation or to undertake self-insurance in accordance with the provision of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

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