



RFP No. 12-32

Lease-Leaseback Project:

CONSTRUCTION OF RUTHERFORD B. GASTON SR. MIDDLE SCHOOL BUILDINGS, PHASE II

FRESNO UNIFIED SCHOOL DISTRICT
PURCHASING SERVICES
4498 N. BRAWLEY
FRESNO, CALIFORNIA 93722
559-457-3588

FRESNO UNIFIED SCHOOL DISTRICT

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- NONCOLLUSION DECLARATION
- CONTRACTOR’S CERTIFICATE REGARDING WORKERS COMPENSATION
- CONTRACTOR’S CERTIFICATION OF NON-USE OF ASBESTOS
- DISABLED VETERAN BUSINESS ENTERPRISES DECLARATION
- DISABLED VETERAN BUSINESS ENTERPRISES GOOD FAITH EFFORT WORKSHEETS
- ESCROW AGREEMENT
- PERFORMANCE BOND
- PAYMENT BOND

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ATTACHMENTS

- A *Contractor Information Data Form*
- B *Notice of Start/Request for Location of District Utilities*

**ARCHITECT DIVISION 01 – DIVISION 32 TECHNICAL SECTIONS & DRAWINGS-
PROVIDED BY DISTRICT OR DISTRICT REPRESENTATIVE**

END OF SECTION

Fresno Unified School District

LEASE-LEASEBACK PROJECT: RFP FOR CONSTRUCTION OF RUTHERFORD B. GASTON SR.
MIDDLE SCHOOL BUILDINGS, PHASE II

RFP INSTRUCTIONS

RFP Information

Fresno Unified School District is inviting your firm to provide a proposal to enter into an agreement with the District for CONSTRUCTION OF RUTHERFORD B. GASTON SR. MIDDLE SCHOOL BUILDINGS, PHASE II pursuant to the lease-leaseback structure (Education Code section 17406, et seq.) and to leaseback a “turn key” Project to the District.

The Proposal is to be submitted as described below with requested materials to be hand-delivered (no email submittals) to the FUSD Purchasing Office, 4498 N. Brawley Ave., Fresno, CA 93722 by **2:00 AM Thursday, August 30, 2012**. Submit one original and three copies of Request For Proposal (RFP).

Questions regarding this RFP may be directed, in writing, to Purchasing Manager, Edward Collins at edward.collins@fresnounified.org

This RFP is not 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 the property of the District.

Fresno Unified School District (hereinafter “District”) invites your firm to submit a proposal related to your ability to provide construction services with respect to the CONSTRUCTION OF RUTHERFORD B. GASTON SR. MIDDLE SCHOOL BUILDINGS, PHASE II (the Project) described herein. In general, the firm selected as a result of this process (“Firm”) will 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.

1. Description of Project

The Project for which the District is seeking a proposal is for the CONSTRUCTION OF RUTHERFORD B. GASTON SR. MIDDLE SCHOOL BUILDINGS, PHASE II as more specifically described in plans, specifications and construction terms attached hereto or already in your possession.

2. Description of District Needs and Project Administration

I. General Information

The District's Architect of Record for the Project is DARDEN ARCHITECTS.

The District intends to select the Firm that best meets the District's needs to perform the 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 insure compliance with the Project Plans.

II. Lease-Leaseback Structure

The Project will be funded from various sources, and any agreement reached will conform to the statutory framework for the lease-leaseback delivery method (Education Code section 17406, et seq.).

III. Schedule

The time allowed for completion for this project shall be 552 Calendar days from Notice to Proceed date and subject to all phasing dates.

IV. District Project Management Description

The Fresno Unified School District's Executive Director of Facilities Management & Planning, or their designee will be the primary point of contact between the Firm and the District.

3. Submittal Requirements

I. Responses need to incorporate the following items:

A. Project is subject to DVBE requirements as outlined in the Construction Provisions (Exhibit D), including two advertisements by General Contractor (1) in a paper that focuses on DVBE and (1) in a trade paper.

B. Project is subject to DIR Requirements of General Prevailing Rates of Wages and Apprenticeship Training Requirements. The general determinations are issued twice a year (February 22nd and August 22nd) and go into effect ten days thereafter.

C. Project is subject to the Compliance Monitoring Unit (CMU) regulations including General Contractor advertisements containing language in bid invitation that this project will be subject to monitoring and enforcement by DIR and obligation to submit certified payroll records directly to the CMU pursuant to Title 8, California Code of Regulations, Section 16450 et seq.

D. Project is subject to the SWPPP Plan attached or provided with the specifications and drawings. Contractor will be required to carry out and enforce the plan in full.

E. Project is subject to the attached Construction terms and General Conditions (construction provisions, exhibit D).

F. Project is subject to the attached submitted forms

G. Project is subject to the attached sample standard Lease-Leaseback Agreements terms (Site & Facilities lease agreements).

H. Project is subject to the plans and specifications as supplied by DARDEN ARCHITECTS

II. The Firm's response should include the following items in the order set forth in provided Checklist:

A. Cover Letter

B. Table of Contents

C. Trade Contractors:

(1) Provide all bids received on the project in binder format by specification division trade.

(2) Provide the name(s), scope(s) of work of each trade contractor (including major 2nd tier contractors) and bid amounts using included "Subcontractor Recap Form".

(3) The District requires a minimum of 5 bids on all trades. If 5 bids were not attainable on any particular trade, a detailed explanation must be provided in writing.

(4) The contractor must make every attempt to prequalify subcontractors using criteria such as;

a. Capable of bonding their portion of work on the project.

b. Minimum of 5 years' experience in the applicable trade.

c. Financial stability and adequate work force to perform the work.

d. History of similar size jobs successfully completed in recent past.

(5) Designation of Subcontractors to be submitted upon agreement of Final GMP

The District encourages Contractors to demonstrate a Good Faith Effort to employ local employees on all District facility improvement projects.

D. Material/Equipment Substitution Requests:

(1) Provide proposed changes in the plans and specifications, as written, and any exceptions to the contract documents must be clearly stated in the proposals.

(2) Substitution requests will not be allowed after an agreement has been reached, except in cases of absolute necessity and determined to be in the best interest of the District, by the District.

(3) Provide pricing separately for each proposed material/equipment substitution. Proposer shall not include substitution(s) pricing in calculating Preliminary GMP for RFP submittal.

E. Itemized General Conditions Cost.

F. Schedule of Completion:

(1) Provide a schedule clearly indicating how you intend to meet the required completion date.

G. Preliminary GMP:

(1) Provide a Preliminary GMP (Guaranteed Maximum Price) using your qualified low subcontractors bids. Complete the included "LLB RFP Cost Proposal Form".

(2) The preliminary GMP needs to include your pricing;

- a. for subcontractors by specification/division trade;
- b. for the General Conditions;
- c. line items for your Bonding & Insurance Costs; and
- d. a line item for your fee (profit & overhead less general conditions).

(3) Added (by the District) to this preliminary GMP to obtain final GMP will be:

- a. A contingency for District added items (amount to be decided by the District and any unused portion to be returned to the District.
- b. A contingency for Errors/Omissions/Unforeseen conditions regarding the plans & specs. Amount and terms to be negotiated with the selected contractor. Changes/extra work to be processed in accordance with the extra work clause in the construction terms attached.

c. A contingency for changes required by enforcing agencies, such as DSA, PG&E, City of Fresno, Fire Marshall (amount yet to be determined by the District and any unused portion to returned to the District).

H. Proposal must include a section outlining any exceptions taken to the attached Lease-Leaseback Agreements.

I. Signed Forms/Documents to be submitted with Proposal (unless noted otherwise):

- (1) Provide approved delegation of authority showing signee has authority on behalf of corporation, partnership, or sole proprietor
- (2) Signed Non-Collusion Declaration
- (3) Signed Workers Comp Certification
- (4) Signed Asbestos Certification (submit with closeout documents)
- (5) DVBE Good Faith Declaration and supporting DVBE documents
- (6) Proof of advertisements for DVBE good faith efforts and CMU regulations language.
- (7) LLB RFP Cost Proposal Form
- (8) LLB RFP Subcontractor Recap
- (9) Declaration of Subcontractors for LLB Projects (submit upon agreement to final gmp)

J. Assurances:

The Firm must acknowledge each of the following items and confirm that it will be willing and able to perform these items:

(1) Preconstruction Services: The Firm may be required to provide services that relate to the Project prior to the scheduled board approval date to allow for the start of construction immediately following governing board approval on **September 26, 2012**. If agreement is approved by the Board, these services would be at no additional cost. In the event the agreements were not approved, the District would reimburse those reasonable, documented costs incurred by the contractor, in an amount not to exceed \$5,000. Pre-construction services may include process of bond, product, and insurance submittals to allow construction to begin the day after the intended approval of the lease-leaseback agreement by the governing board of Fresno Unified School District.

(2) Site Evaluation: The Firm should make site visits, as needed to review the current site conditions.

(3) Design Team Meetings: Attend meetings in Fresno with the Architect of Record and the design team as needed.

(4) Detailed Construction CPM Schedule: Produce detailed construction CPM schedules to be incorporated into the Project documents including identification of the Project critical path and agency approvals.

(5) Construction Planning: Plan the phases and staging of construction, staging areas, temporary fencing, office trailer placement, access, etc. as required.

(6) Method and Strategic Plan: Actively pursue your proposed method and strategic plan.

(7) Other services: Submittal of Bonding and Insurance Requirements, product submittals/shop drawings by all project participants required by the Contract Documents. Any other services that are reasonable and necessary to allow for the immediate start of the Construction of the Project following approval of the Agreements by the Governing Board.

a. 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.

b. Submit necessary reports to state authorities, including DSA notifications. Ensure that all other Project participants submit necessary documentation.

III. District's Evaluation Process

A review committee that the District intends to be composed of key personnel from within the District and design team will review and evaluate the submitted documents received per this RFP.

Submittals will be opened privately to assure confidentiality prior to and during the review, evaluation and negotiation processes. However, to the extent that the submittal is a public record under California law, the submittal may be released to the public upon request.

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

PROPOSER'S CHECK LIST
RFP No. 12-32, CONSTRUCTION OF RUTHFORD B. GASTON SR. MIDDLE
SCHOOL, PHASE II

Required Submittals- Submit documents identified below (A thru I) in tabbed binders. Items are explained in detail in Section titled, RFP Instructions, Submittal Requirements Part 3 II.

- A. Cover Letter (3 II.A) []
- B. Table of Contents (3 II.B) []
- C. Assurances- acknowledge willing and able to perform these items (3 II.J): []
 - (1) Preconstruction Services
 - (2) Site Evaluation
 - (3) Attend Design Team Meetings
 - (4) Detailed Construction CPM Schedule
 - (5) Construction Planning
 - (6) Method and Strategic Plan
 - (7) Other services
- D. Itemized General Conditions Costs Sheet (3 II.E) []
- E. Schedule of Completion (3 II.F) []
- F. Explanation of Material/Equipment Substitutions (3 II.D): []
 - (1) Do not include substitution pricing in calculating Preliminary GMP
- G. Explanation of Exceptions (3 II.H): []
 - 1. Exceptions taken to the Lease-Leaseback Agreements and/or General Conditions (Construction Provisions).
- H. Forms (3 II.i): []
 - (1) Delegation of Authority showing signee has authority on behalf of corporation, partnership, or sole proprietor
 - (2) LLB RFP Cost Proposal Form (3 II.G)
 - (3) LLB RFP Subcontractor Recap
 - (4) Signed Non-Collusion Declaration
 - (5) Signed Workers Comp Certification
 - (6) DVBE Good Faith Declaration and supporting DVBE Good Faith Effort documents
 - (7) Proof of advertisements for DVBE good faith efforts
 - (8) Proof of Advertisements for CMU regulations language
- I. Subcontractors Bids (3 II.C): []
 - 1. Provide all subcontractors bids
 - 2. Provide pricing separately for each proposed material/equipment substitution.
- J. Submit as noted below (3 II.i):
 - 1. Designation of Subcontractors form- submit upon agreement of Final GMP
 - 2. Signed Asbestos Certification form- submit with closeout documents