

**Durham Public Qualifications (RFQ)
Construction Management at Risk Services
For Facility Renovation, Demolition and Addition(s)-Elementary Schools
RFQ #179-2021-603-CMRISK_ELEM**

March 22, 2021

REQUEST FOR QUALIFICATIONS

This is an invitation and request for a statement of qualifications from interested Construction Management at Risk (CMaR) firms. This Request for Qualifications (RFQ) is designed to comply with all applicable laws and regulations including Durham Public Schools (DPS) Board of Education policies. A selection committee will review the responses and make its selection based upon demonstrated competence and qualification submitted by firms responding to this request.

Responses to this RFQ will be submitted in the form of a Statement of Qualifications (SOQ). The SOQ must be received at the time and location designated within and shall include the information requested hereafter. Responses received after this time will not be considered.

It is the intent of this solicitation process to fully comply with NCGS § 143-64.31 for the procurement of professional CMaR services by announcing all requirements for said services, selecting firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and negotiating a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, DPS shall terminate negotiations with that firm and initiate negotiations with the next best qualified firm. DPS will put forth good faith efforts to notify minority firms of the opportunity to submit qualifications for consideration by DPS. DPS reserves the right to waive technicalities and informalities and, at its sole discretion, to reject any and all responses to the RFQ.

PROJECT SCOPE

Durham Public Schools has designated \$110,000,000 for new construction and major renovations to existing buildings and additions at various elementary schools over the next 10 years. These comprehensive projects include but are not limited to renovations, system upgrades, demolition and additions. As part of Durham Public Schools' Strategic Plan, our goal is to improve the physical environment of our schools to enhance student learning and ensure safety. The following are the six sites and total project budgets included in this round of services:

- Glenn ES 80,330SF \$12,878,014 (Total Project Estimate)
- Holt ES 98,208SF \$16,819,783 (Total Project Estimate)
- Bethesda ES 85,432SF \$11,182,992 (Total Project Estimate)
- Club Blvd ES 57,334SF \$ 7,103,847 (Total Project Estimate)
- Morehead ES 48,861SF \$ 5,024,524 (Total Project Estimate)
- Mangum ES 54,838SF \$ 5,194,696 (Total Project Estimate)

Project(s) scope of work may vary based on scale and budget. This comprehensive design and construction includes renovation of existing building(s), system upgrades, demolition and addition(s). As a part of Durham Public Schools' Strategic Plan, our goal is to improve the physical environment to enhance student learning and ensure safety.

Durham Public Schools Board of Education has selected the following firms to provide design services:

- Little Diversified - Glenn/Bethesda ES
- HH Architecture - Club/Morehead ES
- Andre Johnson - Holt ES
- Moseley - Mangum ES

The objective of this RFQ is for DPS to select a CM@R to provide professional construction management services during the design and construction of the project as described in this RFQ.

1. The work of the Construction Manager-at-Risk will be performed in two phases. Phase 1 will include pre-construction phase services and the preparation and submission of the Preliminary Guaranteed Maximum Price (PGMP). Phase II will include services necessary for bidding, establishment of a Guaranteed Maximum Price (GMP), construction management, and project close-out. DPS will negotiate a fair and reasonable fee with the CM@R reflective of project scopes and Phase 1 and 2 services, in accordance with provisions of North Carolina General Statute (N.C. G. S.) 143-64.31 and its board of education policies.

INSTRUCTIONS FOR SUBMISSION – MINIMUM REQUIREMENTS

Submittals shall contain all elements outlined in this section. Submittals shall be prepared simply and economically, and shall provide concise answers to the requested information in the order and format prescribed. Failure to do so may result in disqualification from further consideration. Emphasis will be placed upon clarity and completeness of the submitted response.

The Statement of Qualification shall be organized as follows:

Project Title: Construction Management at Risk Services for Facility Renovations, Demolition, and Additions - Elementary Schools

Tab 1: Proposer's Name and Principal Office serving this project:

(Include Company Name and address along with the name of the contact person with telephone number and e-mail address)

Tab 2: Profile of Proposer:

- A. Give corporate history of the company including organizational structure, years in business and evidence of authority to do business in North Carolina.
- B. Provide annual workload for each of the last five (5) years, including number of projects and total dollar value.
- C. List projects for which the company is currently committed including name & location of each project, timeframe to complete and dollar volume of each project.

- D. Attach latest balance sheet and income statement if available, based on company type. Audited statements preferred. If not available, attach a copy of the latest annual renewal submission to the relevant licensing board. Indicate Dunn & Bradstreet rating if one exists. (Firms must submit financial data and may clearly indicate a request for confidentiality to avoid this item becoming part of a public record.)
- E. Attach letter from Surety Company or its agent licensed to do business in North Carolina verifying Proposer's capability of providing adequate performance and payment bonds for this project.
- F. List all construction projects performed by the Proposer for public entities in North Carolina during the past 10 years.
- G. Litigation/Claims. If yes to any of the questions below, list the project(s), dollar value, contact information for Durham Public Schools and provide a full explanation with relevant documentation.
 - 1. Has your Company ever failed to complete work awarded to it?
 - 2. Has your company ever failed to substantially complete a project in a timely manner (i.e. more than 5% beyond the original contracted, scheduled completion date)?
 - 3. Has your company filed any claims with Durham Public Schools within the last five years?
 - 4. Has your company been involved in any suits, arbitration or meditation within the last five years?
 - 5. Are there currently any judgments, claims, arbitration proceedings, meditations or suits pending or outstanding against your company, its officers, owners, or agents?
 - 6. Has your present Company, its officers, owners, or agents ever been convicted of charges relating to conflicts of interest, bribery, or bid-rigging?
 - 7. Has your present company, its officers, owners, or agents ever been barred from bidding public work in North Carolina?

Tab 3: Project Experience

- A. List three (3) CM@R projects of similar size, scope and complexity performed by the proposer.
- B. For each of the three (3) projects, include specific details on the extent to which pre-construction and construction phase services were provided, including :
 - a. the original GMP

- b. the final cost of construction phase services at the completion of the project
- c. MWBE participation goals and percentage achieved

Provide an explanation for each project where total construction phase services at completion exceeded the original GMP by greater than 10 percent.

- C. For each of the three (3) projects compare the number of days in the original schedule with the number of days taken for actual completion. Provide an explanation for projects completed after the original substantial completion date.
- D. For each of the three (3) projects listed, attach project owner references including the name, address, telephone and fax numbers, and e-mail address of the project owner representative.
- E. For each of the three (3) projects listed, provide details on MWBE participation achieved.

Tab 4: Key Personnel

- A. List of key personnel who will be assigned to the project. Attach sworn statement that the above persons will be exclusively assigned to this project for its duration.
- B. For each person listed above, list what aspects of pre-construction or construction the person will handle. For those persons who will divide their time between pre-construction and construction phases, indicate what percentage of their time will be devoted to each phase.
- C. For each person listed in response to A & B above, list his/her experience with firm, other prior and relevant experience with projects of similar size and scope in construction/design, and the person's location. Attach the resumes and references for each person listed.
- D. Attach project organizational chart indicating the placement of each of the persons listed in response to A & B above.

Tab 5: Project Planning

- A. Provide a brief, overall description of how the project will be organized and managed, and how the services will be performed in both Pre-Construction and Construction Phases. Project planning that offers the same project manager for pre-construction and construction phases shall be given preference.
 - a. Value Engineering
 - b. Constructability Issues
 - c. Cost Model/Estimates
 - d. Project Tracking/Reporting
 - e. Request for Information (RFI) and Shop Drawings
 - f. Quality Control
 - g. Schedule and Staffing Plan

- B. Minority Participation: Describe the program (plan) that your company has developed to encourage participation by Minority and other HUB firms to meet or exceed the goals set by Durham Public Schools M/WBE Program Ordinance (See Section I). Attach a copy of that plan to this Proposal. Provide documentation of the Minority and other HUB participation that you have achieved over the past two years on both public and private construction projects. Outline specific efforts that your Company takes to notify Minority and other HUB firms of opportunities for participation. Indicate the minority participation goal that you expect to achieve on this project.

Tab 6: Signed Forms

This Tab should include the following forms and information:

- a. Verification Form
- b. Addendum Acknowledgement Form
- c. Affidavit of Compliance (E-verify)
- d. Vendor Application w/W-9 Form

I. MINORITY/WOMEN BUSINESS ENTERPRISE (M/WBE)

Minority and Women Business Enterprises are encouraged to respond to this RFQ. Construction Managers who are not M/WBEs are required to make a good faith effort to include a minority women business enterprise as part of their management team.

Durham Public Schools

Minority Business Enterprise Participation in Construction and Purchase Contracts

Durham Public Schools Board of Education Policy Number 9125

(partial, full policy available online)

The board affirms the State's commitment to encouraging the participation of minority businesses in the school system's building construction contracts. A minority business is defined in accordance with [G.S. 143-128.2](#) and is one in which (1) at least 51 percent is owned by minority persons or socially and economically disadvantaged individuals, and (2) the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it. Minority persons include African-Americans, those of Hispanic descent, Asian Americans, American Indians, and females.

After notice and public hearing, the board hereby adopts an aspirational verifiable percentage goal of 10 percent for participation by minority businesses in the total value of work for each building project costing \$300,000 or more paid entirely from local or other non-state funds. In addition, the board adopts the state's aspirational verifiable goal of 10 percent participation by minority businesses in the total value of work for each

building project costing \$100,000 or more funded in whole or in part with state funds.

All bidders on school construction and renovation projects subject to Section A of this policy who intend to subcontract any part of the project must (1) identify the minority businesses to be used on the project and (2) provide affidavits indicating that a good faith effort has been made in preparing the bid to meet the board's verifiable goal for participation by minority businesses. Upon being named the apparent lowest responsible, responsive bidder, a bidder shall provide additional evidence of its good faith efforts as required by law.

The level of minority participation in bidders' bids will not affect the contract award decision; however, the failure to provide documentation of a good faith effort to meet the board's goal may result in the bid being rejected as non-responsive.

Before recommending the award of a contract, the superintendent shall direct designated school officials to evaluate bidders' documents in accordance with applicable law and regulations to determine whether bidder good faith requirements are satisfied.

The board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or disability. Nothing in this policy should be construed to require the board or contractors to award contracts or subcontracts to minority business contractors or minority business subcontractors who do not submit the lowest responsible, responsive bid or bids.

II. PROPOSALS REQUIREMENTS

1. To be considered, a Proposer must have a minimum of five (5) years of experience as a Construction Manager or General Contractor. Construction management experience gained by key personnel proposed for this project during previous employment in providing Pre-Construction and Construction Phase Services may be considered in meeting this minimum experience requirement.
2. Each Proposer shall provide a complete response to the Qualifications Questionnaire for Construction Manager-at-Risk.
3. In the interest of cost-savings, consistency of Proposals and more efficient use of time by the Evaluation Committee, the submitted information should not include any extra marketing materials. The format should be in 8-1/2" x11" pages. The package length should not exceed twenty (20) double-sided pages.

III. EVALUATION

1. After the closing date for receipt of Proposals, DPS shall open the Proposals. An Evaluation Committee will be established and will evaluate the Proposals.

2. The Evaluation Committee will form a shortlist of firms whose Proposals, in the judgment of the committee, offer the most desirable plans for the provision of services considering, among other things, the experience, expertise, and reputation of the proposing firm, together with due consideration of proffered quality, performance and the time specified in the Proposals for the performance of the contract. DPS reserves the right to request clarifying information from any and all Proposers at any time during the evaluation process. All Proposers will be notified in writing of those firms selected for the shortlist.
3. DPS' Evaluation Committee may receive oral presentations from each short-listed firm. The purposes of oral presentations are to allow DPS' Evaluation Committee to meet Proposers' key personnel assigned to the project and allow Proposers to highlight areas of its technical Proposal they find pertinent for the committee to consider.
4. The Evaluation Committee will rank and present the top three (3) firms for each project in priority order based on the selecting criteria listed below and will recommend negotiating a contract with the most qualified firm for each project to the Board of Education for their consideration and final approval.

IV. SELECTING CRITERIA

1. Record of successfully completed projects of similar scope without major legal or technical problems.
2. Previous experience with local governments and municipalities, having completed projects in a timely manner and have performed an acceptable quality of work.
3. Key personnel that have appropriate experience and qualifications.
4. Relevant and easily understood graphic or tabular presentations.
5. Completion of CM-at-Risk projects in which there was little differences between the GMP and final cost.
6. Projects that were completed on or ahead of schedule.
7. Recent experience with project costs and schedules.
8. Construction administration capabilities.
9. Proximity to and familiarity with the area where the project is located.
10. Quality of compliance plan for minority business participation as required by the Durham Public School Board of Education's M/WBE Program Ordinance.
11. Other factors that may be appropriate for the project.

V. CONTRACT NEGOTIATION AND AWARD

1. After the firms have been notified of the selection action by Durham Public Schools, a representative from DPS will discuss with the selected Construction Manager-at-Risk appropriate services and information about the project.
2. Durham Public Schools will request in writing a detailed fee proposal for Pre-Construction Services from the selected Construction Manager-at-Risk. DPS will attempt to negotiate a fair and equitable fee consistent with the project program and the professional services required for the specific project. In the event a fee cannot be agreed upon, DPS shall terminate the negotiations and shall repeat the notification and negotiation process with the next ranked firm on the selection list. In the event a fee cannot be agreed upon with the second-ranked Construction Manager-at-Risk, the process will be repeated with the third-ranked Construction Manager-at-Risk. If a fee still cannot be agreed upon, DPS shall review the history of negotiations and make appropriate determinations including program adjustments so as to lead to a negotiated contract with one of the original three (3) firms selected. Such renegotiation with the firms shall be carried out in the original selection order, or a call will be made for the Evaluation Committee to submit another list of three (3) firms in priority order to Durham Public Schools for consideration and final approval. The negotiation process will continue until a fee has been determined that is agreed to by DPS and the Construction Manager-at-Risk.
3. Following successful negotiation, Durham Public Schools, as the final awarding authority shall award the Pre-Construction Services contract to authorize the Construction Manager-at-Risk to provide the services outlined in this Request for Qualifications.

At the end of the Pre-construction Phase, and in accordance with the terms and conditions of this Request for Qualifications, the Construction Manager-at-Risk will ordinarily negotiate a Guaranteed Maximum Price to include Cost of the Work, Construction Manager-at-Risk Construction Management Fee, Construction Manager-at-Risk Contingency, and the cost of Bonds and Insurance. Following successful negotiation, Durham Public Schools will award the Guaranteed Maximum Price contract.

VI. SECTION II -- GENERAL PROVISIONS

A. DURHAM PUBLIC SCHOOL DISTRICT

1. Supplemental Information:

It is unnecessary to provide supplemental information on the first submittal. However, if the respondent so chooses, additional information may be provided in the form of project profiles, firm brochures or similar material. Please keep to a minimum. DPS reserves the right to request additional information it deems necessary to evaluate firms for selection.

2. Submission Materials:

The physical size of all submission materials shall be in 8 ½ by 11 format, bound securely (only table in item 2.a. may be 11 x 17 landscape). Please avoid redundant and repetitious materials, limit the overall submittal packet to approximately 20 double sided printed pages.

3. Submittal Deadline:

Provide three (3) hard copies of your submittal, packaged and marked as:

**Statement of Qualifications
Construction Management at Risk Services for Facility
Renovation, Demolition and Addition(s)-Elementary Schools
RFQ #179-2021-603-CMRISK_ELEM**

and deliver to:

**Durham Public Schools
Business Manager- ATTENTION: Penny Jefferson
2011 Hamlin Road
Durham, North Carolina, 27704**

To be received no later than 3:00 p.m., Monday, April 12, 2021.

In addition, a PDF of the electronic submittal should be emailed to Penny Jefferson at Penny_Jefferson@dpsnc.net by the hard copy submission deadline.

4. Firm Selection Schedule:

The following schedule is anticipated to select a CMaR firm for this project:

RFQ Issued/Advertised:	March 22, 2021
Qualifications Package due:	April 12, 2021
CM firms notified for interview:	April 23, 2021
CM Interviews:	TBD
Notice of Intent to Award:	May 2021
Contract Approval by Board of Education:	June 2021

5. Other Requirements / Information:

- a. Interested firms should familiarize themselves with Board Policies relating to construction. Board policies can be viewed on the DPS website at www.dpsnc.net.
- b. Any firm responding to this RFQ must hold a current license in good standing with the appropriate North Carolina licensure board.

- c. The selected firm will provide evidence of capacity and capability from a surety licensed to do business in North Carolina. Surety company bond rating shall be 'A' or better under the A.M. Best rating system or the Federal Treasury list.
- d. The selected firm will be required to provide certification documenting compliance with the Lunsford Act / Criminal Background Check and requirements as outlined in the NCGS Chapter 14 for personnel who will be on school sites as part of the performance of the work.
- e. The selected firm is required to comply with all applicable laws when providing services for Durham Public Schools, including E-Verify and requirements of the Affordable Care Act.
- f. The selected firm will be required to provide certification documenting compliance with the Iran Divestment Act pursuant to NCGS 147 Article 6E by documenting they are not listed on the Final Divestment List created by the North Carolina State Treasurer.
- g. Trade Secrets and Proprietary Information:

Proposal documents submitted to the Board of Education by private entities in response to this RFQ are subject to the North Carolina Public Records Laws ("NCPRL", see N.C.G.S. Chapter 132). In accordance with N.C.G.S. 132-1.2(1), however, such documents may not be subject to disclosure under the NCPRL if they meet all of the following conditions:

1. Constitute a "trade secret" as defined in G.S. 66-152(3).
2. Are the property of a private "person" as defined in G.S. 66-152(2).
3. Are disclosed or furnished to the public agency in connection with the owner's performance of a public contract or in connection with a bid, application, proposal, industrial development, or in with laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
4. Are designated or indicated as "confidential" or as a "trade secret" at the time of its initial disclosure to the public agency.

In order for proposers to exclude confidential proprietary information from public release in response to a public records request, proposers must (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary, (iv) mark each page of the information for which protection is sought with the legend- "Confidential Proprietary Information-Exempt from NCPRL Release," (v) provide an Opinion of Counsel letter from an attorney stating that the attorney has reviewed the documents designated as "Confidential Proprietary Information" and that in his or her professional opinion the information so designated meets the statutory standards set out in N.C.G.S. 132-1.2(1), (vi) agree in writing to fully indemnify the Board of Education in the event a claim is filed against the Board of Education seeking disclosure under the NCPRL of any information designated as "Confidential Propriety Information" by the proposer, and (vii) agree in writing to reimburse the Board of Education for costs of defending any claim filed against the Board of Education seeking disclosure under the NCPRL of any information designated as "Confidential Propriety Information" by the proposer.

6. Submittal Questions:

Address any questions via email to:

Penny Jefferson
Business Manager School Planning, Design and Construction – Durham Public Schools
Penny_Jefferson@dpsnc.net

7. Contact Policy:

Until a contract resulting from this RFQ process is executed, no employee, agent or representative of any professional services provider shall make available or discuss its proposal with the media in any form, electronic or printed, or with any elected or appointed official or officer of DPS, or any employee, agent or other representative of the DPS.

VERIFICATION

I HEREBY CERTIFY THAT THE RESPONSES OF _____
ARE CORRECT AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE AND FOR THOSE RESPONSES
GIVEN WHICH ARE BASED ON INFORMATION AND BELIEF, THOSE RESPONSES ARE TRUE AND
CORRECT BASED ON MY PRESENT BELIEF AND INFORMATION.

This the _____ day of _____, 20 _____

COMPANY NAME

(Corporate Seal)

By: _____
President

Attested: _____
Secretary

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public in and for the County and State aforesaid, hereby certify that
_____ personally came before me this day and acknowledged that he/she is secretary of
_____ and that by authority duly given and as the act of the corporation, the foregoing instrument was
signed in its name by its president, sealed with its corporate seal, and attested by him/herself as is secretary.

Witness my hand and official seal, this the __ day of _____, 20 _____.

Official Signature of Notary

_____, Notary Public
Notary's Printed or Typed Name

My Commission Expires

**STATE OF NORTH CAROLINA
DURHAM PUBLIC SCHOOLS**

**AFFIDAVIT OF COMPLIANCE
with N.C. E-Verify Statutes**

I, _____ (hereinafter the "Affiant"), being duly authorized by and on behalf of _____ (hereinafter "Contractor") after first being duly sworn hereby swears or affirms as follows:

1. Contractor understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with Article 2 of Chapter 64 of the North Carolina General Statutes; and

2. Contractor understands that an "Employer", as defined in NCGS§64-25(4), is required by law to use E-Verify to verify the work authorization of its employees through E-Verify in accordance with NCGS§64-26(a). The term "Employer" does not include State agencies, counties, municipalities, or other governmental bodies.

3. Contractor is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in the state of North Carolina. (Mark Yes or No)

a. YES _____

b. NO _____

4. Contractor will ensure compliance with E-Verify to the extent applicable and will ensure compliance by any subcontractors subsequently hired by Contractor to perform work under Contractor's contract with Durham County.

This ____ day of _____, 201__.

Signature of Affiant

Print or Type Name: _____

State of _____

County of _____

Signed and sworn to (or affirmed) before me, this the _____

day of _____, 201__.

My Commission Expires:

Notary Public

(Affix Official/Notarial Seal)

TITLE

Subscribed and sworn before me,
This ____ day of _____, 201__.

(SEAL)

Notary Public
My Commission Expires _____

LEGAL NOTICE

REQUEST FOR QUALIFICATIONS: Durham Public Schools has issued an RFQ for Construction Management at Risk Services for Facility Renovation, Demolition and Addition(s) for various Elementary Schools. Submittal due date/time: April 12, 2021 at 3:00 p.m. For Legal Notice and RFQ information, go to <http://www.dpsnc.net> and select Resources/Construction & Capital Planning. Issue date 3-22-21.