

**REQUEST FOR PROPOSALS (RFP)
FOR CONSTRUCTION MANAGER AT RISK (CMAR)**

Date: APRIL 19, 2023
Project Name: EAST SIDE EXPANSION
Location: 1600 HIGHWAY 88 MINDEN NV 89423
RFP Number: CMAR 04-19-2023
PWP Number: DO-2023-TBD

PLEASE NOTE: THIS IS A PUBLIC WORKS PROJECT. A BIDDER MUST BE QUALIFIED AS A BIDDER WITH THE STATE PUBLIC WORKS DIVISION OF THE DEPARTMENT OF ADMINISTRATION FOR THE COST CATEGORY REQUIRED FOR THIS PROJECT. PLEASE REFER TO <http://publicworks.nv.gov/Bids/Bids/>.

RFP Delivery Deadline

RFP packages from all interested parties will be accepted at the 1600 HIGHWAY 88, MINDEN, NV 89423 until: **MAY 30, 2023 4:00 P.M.**

Sealed Proposals containing **one original and three (3) copies, and one electronic copy**, subject to the terms, conditions and scope of services, herein stipulated and/or attached hereto, will be delivered as stated above. All Proposals must be received on or before the date and time set forth above. Proposals may be mailed or hand delivered to the address above. All documents and other information submitted in response to this RFP, including, without limitation, a Proposal, are confidential and may not be disclosed until notice of intent to award the contract is issued.

OWNER

EAST FORK SWIMMING POOL DISTRICT
SCOTT MCCULLOUGH
(775) 790-5212
smccullough@douglasnv.us

All questions or comments pertaining to the RFP shall be directed to the Owner's contact listed above.

ARCHITECT

Architect for this Project will be TSK ARCHITECTS

SUBMISSION INSTRUCTIONS AND EVALUATION OF PROPOSALS

Owner invites the submission of Proposals on the services specified within this RFP. Please read carefully all instructions, introduction, general terms and conditions, miscellaneous terms, scope of work and/or specifications, CMAR Fee Proposal Form, RFP Response Form, and sample contracts. Failure to comply with the instructions, terms and conditions, scope of work and/or specifications of the Request may result in your Proposal being declared nonresponsive.

ARTICLE 1 PROJECTS DESCRIPTION AND BUDGET

Project Name: EAST SIDE EXPANSION
Existing Building Areas: 1,200 square feet total
Established Construction Budget: \$1,300,000
RFP Number: CMAR 04-19-2023
PWP Number: DO-2020-TBD

Description of the Construction:

Expand and remodel entry and lobby. Convert mechanical enclosure into storage room.

ARTICLE 2 TERMINOLOGY

Addendum	A written document issued by Owner prior to the Submission of proposals which modified or clarifies the RFP Documents by additions, deletions, clarifications, and/or corrections
CMAR	Construction Manager at Risk as defined by NSR 338
NRS / NAC	Nevada Revised Statutes and Nevada Administrative Code
Preconstruction Services Contract	RFP documents, CMAR's proposal and fee schedule, and Preconstruction Services Contract
Construction Contract	Owner-CMAR construction agreement, general conditions, compensation conditions, technical specifications, architectural drawings, and GMP
GMP	Guaranteed Maximum Price as defined in NRS 338
Contractor / Proposer	Person or entity/firm identified as such in Contract documents; shall mean CMAR or its authorized representative

Owner	East Fork Swimming Pool District, its employees, agents and Board of Trustees
Project	Project and Project description have been provided in <u>Article 1</u>
RFP / Proposal	Request for Proposal – this proposal, all attachments and exhibits, and any addenda issues prior to the date designated for receipt of proposals
RFP Response Form	CMAR form submitted by an authorize representative for the Contractor named on said form, acknowledging that s/he has examined the Contractor’s RFP, including any related documents, and herby offers to furnish all labor, materials, tools, supplies, equipment and services necessary to comply with the specifications, terms and conditions set forth herein
Subcontractor / Independent Contractor	Any individual, agent, firm, sole proprietor, or corporation to whom the CMAR subcontracts any part of the Project; there is contractual relationship between the Owner and subcontractor or independent contractor who may perform work or services for the CMAR

ARTICLE 3 CMAR PRE-CONSTRUCTION & CONSTRUCTION

All services required are in conjunction with the Project as described in Article 1. The preconstruction services generally required will include design assistance, multiple budget verifications, and construction systems or methods alternatives for “cost reduction” or “value added” purposes, construction scheduling, phasing and logistics. It also includes providing Owner with bidding services and a GMP in accordance with NRS 338.1696.

Owner expects the CMAR during the construction phase to perform the construction work if the GMP can be agreed upon and the construction contract executed. The construction work shall be in accordance with the contract terms and general conditions.

ARTICLE 4 PROJECT AND RFP TIME SCHEDULE

See Exhibit A – Project Timeline and RFP Time Schedule. The Baseline Project Schedule includes a tentative schedule of events and dates. The Baseline Project Schedule is subject to change as deemed appropriate by the OWNER.

ARTICLE 5 PROPOSAL SUBMITTAL REQUIREMENTS

1. Each CMAR by submitting a Proposal represents that (i) the CMAR has read and understands the entire RFP including any attachments and asserts that its Response is made in accordance therewith; (ii) prior to submission of the Proposal, the CMAR shall ascertain that it has received all Addenda issued and shall acknowledge receipt of each Addendum by completing the acknowledgment space provided on the RFP Response Form and (iii) the CMAR and its Subcontractors/Independent Contractors shall comply with all applicable provisions of the Nevada Revised Statutes Chapter 338 and Nevada Administrative Code Chapter 338.
2. CMARs shall take no advantage of any apparent error or omission in the RFP Documents. In the event a CMAR discovers such an error or omission or other irregularity, CMAR shall immediately notify the Owner. The Owner will then make such corrections and interpretations as may be deemed necessary for fulfilling the intent of the RFP Documents through the issuance of an Addendum.
3. If it becomes necessary to revise any part of this RFP, a written addendum will be provided to all CMARs. The Owner is not bound by any oral representations, clarifications, or changes made to the written specifications by Owner's employees or agents, unless such clarification or change is provided to CMARs in written addendum form from the Owner. Written Addenda will be posted on the owner's website. All addenda must be acknowledged on the Owner's RFP Response Form. Proposals may be considered non-responsive in the event Addenda are not acknowledged.
4. The proposal submitted shall not exceed **40 pages**. Proposals shall be considered non-responsive in the event the submittal exceeds this page limit.
5. A cover letter shall be included that addresses pertinent general information as deemed appropriate (including the contact person for the applicant along with phone number and e-mail address), but will not be counted towards the 40 page submittal limit.
6. All proposals shall be typed in a font no smaller than 10 points on 8 ½" by 11" paper.
7. The submittal shall be bound and indexed and shall be separated into the specific categories as detailed in **Article 6**. CMARs should submit the required number of responses as indicated on the first page of this document. The name of the CMAR's firm shall be indicated on the spine and/or cover of each binder submitted.
8. Proposals along with all required documents as described in this RFP must be sealed and submitted in an envelope with **Attachment 1 RFP Response Form** and must indicate the name of the CMAR, RFP number, title as listed on the first page of the RFP, and date and time of opening on the outside of the envelope. Telegraph, facsimile, email or telephone proposals will not be considered. No responsibility will attach to Owner, or any official or employee thereof, for the preopening of, post-opening of, or the failure to open, a Proposal not properly addressed and identified. This RFP indicates the time by which the Proposals must be received (based on the time-stamp at the Owner's front desk of place of business). Any Proposals received after that date and time will be rejected and not be considered or will be returned unopened upon request by, and at the expense of the Proposer. Proposer is responsible for ensuring third party deliveries arrive at the time and place

as indicated in this document. Regardless of the method used for delivery, the Proposer shall be wholly responsible for the timely delivery of its bid. Proposers may request withdrawal of a posted, sealed Proposal *prior* to the scheduled opening time provided the request for withdrawal is submitted to the Owner in writing, or presented in person with proper identification and signed for.

9. Alterations, modifications or variations may not be considered unless authorized by this document or by an addendum. Unauthorized alterations of the requirements or Proposal Forms may render the Proposal null and void.
10. Persons or firms submitting Proposals are certifying that they have had no contact with an employee, agent, or board member of Owner which would give that company or person submitting a Proposal any advantage over any other company or person proposing. Employees, agents and board members of Owner shall not receive any compensation, in any manner or form, nor have any vested interest, directly or indirectly, of any kind or nature inconsistent with loyal service to the public. A violation of the above shall be just cause for rejection of that particular Proposal without further consideration.
11. All CMARs, by signing the RFP Response Form, certify that they agree to the terms and conditions set forth in this RFP and attached sample contract unless otherwise stated by identifying and addressing specific exceptions. Each CMAR is solely responsible for the content of its Proposal that best meets the evaluation criteria set forth in the RFP.
12. Owner accepts no responsibility or liability for any costs incurred by a responding firm for Request for Proposals responses or subsequent interviews of eligible participants. No stipend will be offered for submission of a response to this RFP. No compensation of any amount, or type, will be given to any team for preparing a response to this RFP. All costs associated with preparation of the RFP response are the responsibility of the Proposers.
13. Owner reserves the right to contract for less than all of the services identified herein.
14. The contents of the Proposal or other information submitted to the Owner are subject to public release, upon request, after the Contract award. CMARs may mark as "proprietary" those parts of its Proposal that it deems confidential and proprietary. However, CMARs are alerted that this marking is advisory only and not binding on Owner. If there is a request from the public to inspect any part of the Proposal so marked, Owner will advise the CMAR and request further legal justification in support of the "proprietary" marking. If Owner determines, after receipt of the justification, that the material is releasable, the CMAR will be notified. Prices are not considered proprietary and should not be marked as so.

ARTICLE 6 RFP SUBMITTAL REQUIRED RESPONSES

SECTION 6.1 Mandatory Pass/Fail Requirements

Proposers must submit the following documentation to satisfy Mandatory Pass/Fail Requirements.

- A. Evidence of ability to obtain necessary bonding.
 - i. Is your bonding company listed by the United States Treasury?
 - ii. Submit written certification or other appropriate evidence from your bonding company confirming that your firm will have bonding capacity if this Project, estimated at the value listed in **Article 1** of this Proposal, is added to your current and anticipated workload.
- B. Evidence of required Insurance as identified in **Section 13** of Pre-Construction Contract (sample), and **Section 8** of the General Conditions of the CMAR Construction Contract.
- C. Evidence of a Drug & Alcohol Policy
 - i. In order to be eligible to perform work on this Project, all contractors must have in existence a Drug and Alcohol Policy. This requirement is a reasonable precaution to ensure a safe and drug-free environment on public construction projects as they may involve workers being in relatively close contact with students.
 - ii. All contractors who perform work this Project, regardless of tier, shall have in place a Drug and Alcohol Policy applicable to all workers who will be employed on this Project. The Policy must meet the minimum requirements of Owner. Each contractor shall demonstrate compliance with this provision by submitting a certification under penalty of perjury that the Policy is in place, that it will be actively enforced, and that all workers who will be employed this Project will have undergone the pre-placement drug testing required by Owner. Owner and/or the general contractor is empowered to review contractor records of enforcement of its Drug and Alcohol Policy at any time during the period following award of the contract up to and including completion of the Project in order to determine whether the policy is in fact being enforced. The contractor shall forthwith deliver to Owner any and all records requested to determine compliance with this Drug and Alcohol Policy requirement. Failure to maintain or rigorously enforce the policy or to timely respond to Owner demands for production of records relating to the Drug and Alcohol Policy may result in termination of this Project contract at no cost to Owner.
- D. Evidence of holding a valid State of Nevada Contractor's License. Certification that Proposer is qualified to bid on a public work of the State of Nevada pursuant to 338.1379 prior to submitting the Proposal.
- E. Certification that the:
 - i. Proposer has not been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the five (5) years immediately preceding the

date of the advertisement for this Request for Proposals. Evidence of such termination will disqualify the Proposer from doing work with Owner.

- ii. Proposer has not been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333. Evidence of such disqualification will disqualify the Proposer from doing work with Owner.

SECTION 6.2 Staff / Team Qualifications

- A. Provide firm name, business address, year established, type of firm ownership (e.g., single source, joint venture), name and address of parent company, former parent company names, name and contact information for principal personnel with respective areas of responsibility, and total number of personnel by discipline.
- B. Provide an organization chart of the company identifying where this Project will fit in the structure; indicate lines of responsibility and/or communication.
- C. Provide a project-specific organizational chart proposed for this Project; identify key staff proposed for this project – at a minimum, Project Director, Project Manager (Pre-construction), Project Manager (Construction), Superintendent, and Safety Director; identify the person responsible for quality assurance on this project; provide resumes of identified key staff members to include their name and title, project assignment, total years of construction experience, years of experience with CMAR, years of experience with this firm, education including degree(s), year and discipline, active registrations and licenses including the number and State; note the specific role performed on each project listed in the resume, highlighting projects of similar size and/or scope where the person’s role was similar to their proposed role for this Project.
- D. Provide a statement of the firm’s intent and ability to maintain personnel without substitution throughout pre-construction and construction phases.
- E. Identify the number and size of current project workload. Provide a list and a summary paragraph describing the firm’s current workload, including a list of project names, methodology of construction (design-build, design-assist, negotiated work or value-engineered work, CMAR, low bid, etc.), and the associated contract values.

SECTION 6.3 Past Project Performance Records & Safety Program

- A. Summarize no fewer than five (5) projects that have been successfully completed by the Proposer within the past three years.
 - i. Include project name, project description, completion date, project budget, type of services provided, and other pertinent information, both public and private, by the any delivery method – whether or not that method was the use of construction manager at risk – and including without limitation design-build, design-assist, and negotiated work or value-engineered work.

character and technical competence of the Proposer's firm, The client references must include the contact name, title, mailing and email address, and telephone number.

- B. Submit any litigation and dispute history in the past five years, including assessment of liquidated damages, contract terminations, and judgments against the Proposer. If none, submit certification stating none.
- i. Have liquidated damages been assessed against the Proposer? If so, describe when, where, and why.
 - ii. Has there been a termination from a contract before completion? If so, describe when, where, and why.
 - iii. Has the Proposer been declared to be in default on any contract (whether bonded or not bonded)?
 - iv. Has any type of settlement been paid by the Proposer or to the Proposer in excess of \$25,000? If so, describe when, where, and why.
 - v. Has there been a judgment rendered for breach of contract, other than a breach for legitimate cause? If so, describe when, where, and why.
 - vi. Has the Proposer been disqualified from being awarded a contract pursuant to NRS338.017, 338.13895, 338.1475 or 408.333? If so, describe when, where, and why.
 - vii. If a judgment has been entered and a case has been appealed, provide the general facts of the case and the basis of the appeal.
- C. Describe Proposer's approach to safety, including a summary of the Safety Program(s) established and the safety records accumulated by the Proposer, encompassing Experience Modification Ratio, from the previous 3 years. An electronic copy of the Proposer's complete safety manual shall be included with the proposal, and shall be submitted on a Compact Disc or USB Flash Drive.

SECTION 6.4 Similar Project Experience in CMAR Method of Delivery in Nevada

- A. Provide an overall explanation of CMAR method of delivery experience that Proposer has in Nevada, and more specifically within the last five (5) years.
- B. Identify three (3) to five (5) projects of similar size and complexity to the Project that have been successfully completed by the Contractor within the past three years. *Do not duplicate records already submitted in Section 6.3A.*
- i. Include project name, project description, completion date, project budget, type of services provided, and other pertinent information, both public and private, by the CMAR delivery method, character and technical competence of the CMAR firm, The client references must include the contact name, title, mailing and
 - ii. Include performance records of both cost (list contract award amount versus final construction cost) and schedule (list original schedule versus final completion date) for each project. Explain all cost and schedule deviations.

SECTION 6.5 Project Management Approach and Approach to Quality Control

- A. Describe the general approach to this project and the proposed plan for preconstruction and construction in compliance with the requirements of NRS §338.1692. Include discussion on the following areas.
- i. Describe approach to performing pre-construction services.
 - ii. Describe how Proposer would typically involve subcontractors in the Pre-Construction process and obtain subcontractor bids in a CMAR process.
 - iii. Describe approach to performing construction administration and construction management.
 - iv. Describe approach to controlling the project construction budget and schedule.
 - v. Describe approach to performing quality assurance/quality control during construction.
 - vi. Describe approach to critical issues related to this project, and how Proposer typically resolves them.
 - vii. Describe approach to achieving project close-out (commissioning, punch-list, and warranty work).

SECTION 6.6 Certificate of Eligibility and Preference Affidavit

Each Proposer is responsible for determining whether Proposer is entitled to a preference in bidding under NRS 338.1693. Proposers claiming a preference must submit a valid certificate of eligibility issued by the Nevada State Contractor's Board along with a fully executed notarized Affidavit Pertaining to Preference Eligibility. If awarded the contract, Proposer is required to comply with the requirements of NRS §338.0117 for the duration of the contract.

ARTICLE 7 FEE PROPOSAL

Applicants responding to this RFP must **not** include cost or pricing information related to the Applicant's rates or anticipated cost to perform the preconstruction services. However, a fee proposal will be a requirement of the eligible applicants selected for interviews. Failure to follow request may deem the Applicant's Proposal non-responsive.

Owner will pay the fees for the plan review and inspection services of Douglas County and other agencies as applicable.

For Projects proposed to cost in excess of \$100,000, payment and performance bonds will be required for the full amount of the GMP. For Projects proposed to cost in excess of \$250,000.00, payment of Prevailing Wages will be required. Bonds are required to be submitted within five (5) days after acceptance of the GMP. Required bonds and insurance must be furnished prior to the Contract being awarded and becoming binding.

ARTICLE 8 CMAR EVALUATION AND SELECTION CRITERIA

At the date and time stated in this Request, all Proposals will be opened publicly and the name of the respondents will be recorded. To maintain confidentiality of all responses, no other information will be revealed at the opening or during the evaluation process. Proposers, their authorized agents and other interested parties are invited to be present.

RFP response evaluations will be based on the information requested and provided in the CMAR's Proposal. Proposals will initially be reviewed to ensure that the "Pass/Fail" mandatory requirements identified in Section 6.1 above have been met. If an applicant has a "Fail" on any of the Pass/Fail criteria, their proposal will be rejected. Proposals that meet the minimum qualifications of the Pass/Fail criteria will then be evaluated on the RFP response defined criteria on a percentage score by an evaluation committee. The evaluations will be conducted in accordance with all of the requirements stipulated in NRS Chapter 338. The committee may identify a "short list" of best qualified firms for interviews. When interviewed, the ranking of each firm will be based on the selection criteria shown below. All CMARs understand and accept that the weighted selection criteria are both subjective and objective by nature and that the weight factor of each category is intended to define its relative importance. By submitting their Proposal, the CMAR acknowledges that Owner has sole and absolute discretion in determining the selection criteria and in evaluating the CMARs based on the selection criteria in each category.

RFP MANDATORY PASS/FAIL REQUIREMENTS	
1. The evidence of the ability of the applicant to obtain the necessary bonding for the work.	Pass/Fail
2. The evidence of the ability of the applicant to obtain the necessary insurance for the work.	Pass/Fail
3. The evidence of a Drug and Alcohol Policy.	Pass/Fail
4. The evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.	Pass/Fail
5. A statement of whether the applicant has been; <ul style="list-style-type: none"> a. Found liable for breach of contract with respect to a previous project, other than breach for legitimate cause, during the five years preceding the date of the advertisement for this proposal; and b. Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333. 	Pass/Fail
MOVE ON TO RESPONSE SCORING? MUST HAVE "PASS" SELECTED ON ALL MANDATORY CRITERIA	YES / NO
RFP RESPONSE SCORING / "SHORT-LIST" SELECTION CRITERIA	
1. Staff / Team Qualifications: <ul style="list-style-type: none"> a. Quality / Experience of firm b. Team Composition c. Quality / Experience of key personnel 	30 Points
2. Past Project Performance Records and Safety Program: <ul style="list-style-type: none"> a. Project Cost b. Project Schedule c. References d. Litigations & Disputes e. Safety Program and Safety Records 	25 Points
3. Project Experience: <ul style="list-style-type: none"> a. Number of Nevada CMAR Projects managed by the applicant in the last five years b. Relative Projects 	20 Points
4. Project Management Approach and Approach to Quality Control	20 Points
5. Certificate of Eligibility and Preference Affidavit	5 Points
TOTAL	100 Points

The ranking process for the interview is separate from the process used to rank the applicants and is based only on information submitted during the interview process. The CMAR selection criteria are found below. The Panel shall interview at least two (2) but not more than five (5) Short-Listed Proposers. The Proposer shall have present, at a minimum, the project manager (pre-construction), project manager (construction), project superintendent, and may bring others that are proposed on the project to the interview.

The Pre-Construction Fixed Fee shall include the cost of Subcontractors that the CMAR will use for Pre-Construction Services pursuant to NRS §338.16935. The Proposed Compensation shall be established by the following formula: Preconstruction Fixed Fee + (Construction Services Rate multiplied by the Estimated Cost of Construction set forth in this RFP). Scores will be calculated by dividing the Proposer’s Proposed Compensation by the lowest Proposed Compensation multiplied by the total possible 15 points. Owner will be the sole judge as to the acceptability, for Owner’s purposes, of any and all Proposals.

Owner reserves the right to reject any or all Proposals or any part of the Proposal, and/or to waive informalities and minor irregularities in the Proposals received.

INTERVIEWS – SELECTION CRITERIA	
1. Staff / Team Qualifications: a. Quality / Experience of firm b. Team Composition c. Quality / Experience of key personnel	30 Points
2. Project Experience: a. Number of Nevada CMAR Projects managed by the applicant in the last five years b. Relative Projects	30 Points
3. Project Management Approach and Approach to Quality Control	20 Points
4. Proposed Compensation a. Pre-Construction Fixed Fee b. Total Construction Services Rate (expressed as a percentage of construction cost)	15 Points
5. Certificate of Eligibility and Preference Affidavit	5 Points
TOTAL	100 Points

Interviews will be 45 minutes in duration. The time will be segmented into 20 minute presentation of items 1-3 from selection criteria and 25 minute question and answer session.

ARTICLE 9 RFP CHECKLIST

The Owner has provided this summary to assist in the RFP process. However, it is still solely the Proposer's responsibility to ensure that all documents are submitted as required by this RFP.

1. Attachment 1 RFP Response Form
2. One original and three (3) copies, bound and indexed including all items in Article 6
3. One electronic copy on CD or thumb drive including all items in Article 6
4. Safety Plan on CD or thumb drive

ARTICLE 10 RFP EXHIBITS

Only short-listed firms will be asked to review pre-construction & construction agreements and general conditions of the contract for comments.

Exhibits to this RFP include the following:

Exhibit A – Timeline and Schedule

Exhibit B – Preferential Bidders Status Affidavit

Exhibit C – CMAR Fee Proposal Form

Exhibit D – Owner-CMAR Pre-construction Contract (Sample)

Exhibit E – Owner-CMAR Construction Contract (Sample) and Exhibits including General Conditions (Sample) and Compensation Conditions (Sample)