

Request for Qualifications and Sealed Price Proposals
For Lease-Leaseback Construction Services

Green Acres Middle School Modernization

The Board of Education (the "Board") of the Visalia Unified School District (the "District" or "Owner") is seeking qualifications and proposals from qualified providers of lease-leaseback construction services ("Contractors") for Green Acres Middle School Modernization ("Project"). The District intends to award a contract to the Contractor determined to be the best value under the provisions of Education Code section 17406, *et seq.*

I. Critical Dates

A. Mandatory Project Meeting:

A mandatory project meeting will be held on October 12, 2021, at 3:00 p.m. at Green Acres Middle School, located at 1147 N Mooney Blvd, Visalia, CA 93292. Contractors who do not attend will be disqualified.

B. Prequalification Applications Due Date:

All Contractors submitting proposals must be prequalified pursuant to Education Code section 17406 subsection (a)(2)(C), and Public Contract Code section 20111.6 subsections (b) through (m), prior to submitting a proposal. Contractors who do not have current prequalified status with the District must complete and return prequalification applications to the following person/address by no later than October 14, 2021:

**Visalia Unified School District
Attention: Gerry Lemus, Director of Facilities
5000 W. Cypress Avenue
Visalia, CA 93277**

Prequalification applications are available on the District's website or at the District Office. A proposal submitted by a Contractor that is not prequalified will not be accepted and will not be considered by the District.

Additionally, any subcontractors on the Contractor's Designation of Subcontractors form for Work requiring C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, or C-46 licenses must be prequalified by the District. The list of prequalified subcontractors will be posted on the District's website at least five business days before the sealed proposal due date.

C. Questions

All questions or requests for explanation or clarifications of any kind with regard to this RFP or the Project must be made in written form, and submitted via email to Steve Pena

(spena01@vusd.org) no later than October 21, 2021, at 3:00 p.m. The District will respond to questions on or before October 25, 2021. Only those responses that are set forth in writing in an addendum shall be effective.

D. Sealed Proposals Due Date:

An original + three (3) copies of each Contractor's sealed proposal for the Project shall be delivered to the following address **no later than October 28, 2021, at 3:00 p.m.** on the clock designated by the District or its representative as the governing clock:

**Visalia Unified School District
Attention: Gerry Lemus, Director of Facilities
5000 W. Cypress Avenue
Visalia, CA 93277**

Notwithstanding the foregoing, *the Contractor is not required to include the Lease-Leaseback Proposal Form and Price Proposal Worksheet (Section V(E) – Price Proposal) with the three (3) copies.* The Contractor may include a single copy may be included in the original. Proposals not received by the deadline or in the proper format will be returned unopened.

E. Selection Date:

The Board of Education of the District is planning to select a Contractor for the Project at its regular Board meeting on November 9, 2021. The meeting will be held at 7:00 PM and may be attended virtually consistent with the instructions on the District's website. The District reserves the right to postpone or cancel this selection.

The Contractor whose proposal is determined to offer the best value to the District pursuant to this RFP must promptly execute the Lease-Leaseback Agreement, the Site Lease, and the Sublease no later than ten (10) business days following selection. Copies of all required documents are available from the District.

II. Project Description, Plans, and Specifications

The Project involves the modernization of Green Acres Middle School in Visalia, Tulare County, California (*see* Article IV of this RFP for more background on the Project). The District has retained TETER Architects & Engineers as its architect for the Project ("Architect"). DSA approval of the plans and specifications for the Project ("Project Documents") has been issued, and the Project Documents may be obtained from the Architect, 125 S. Bridge St. #150, Visalia, CA 93292, (559) 625-5246.

III. Contract Parameters

A. Financing

The successful Contractor will be financing the construction of the Project through a lease-leaseback arrangement, and the District will be paying Contractor for its construction and financing through equal monthly lease payments that will extend beyond the completion of the construction. All financing costs, if any, must be included in Contractor's price proposal.

B. Proposed Budget

The District will require an open book policy with the successful Contractor and its construction team on the Project, meaning that all costs included in the Contractor's Total Sublease Payments and the monthly Sublease Payment shall be clearly set forth to the District's satisfaction, including soft costs, site improvements, and the construction of the buildings. The District shall be entitled to have access to subcontractor bids, value engineering back-up, contingency breakdown and tracking, general conditions breakdown and tracking, documentation of Contractor's fees, and all other information necessary to verify construction costs.

The Project is subject to the payment of prevailing wages under the California Labor Code and applicable regulations, and the Project will be subject to compliance monitoring and enforcement by the California Department of Industrial Relations.

C. Scope of the Price Proposal

All proposals shall be in the form of a lump sum price. The lump sum price proposed by Contractors shall be the Total Sublease Amount in the Contract Documents, which shall constitute the total compensation to Contractor for constructing the Project and performing the Work. Each Contractor's proposed lump sum price for the Project must cover all of Contractor's profit, and all of its costs of construction of the Work specified in the Contract Documents, including but not limited to the following:

1. General conditions and general requirements, including but not limited to temporary facilities, utilities, structures, fences, dust control, scheduling, safety, scaffolding, and SWPPP. At a minimum, Contractors must include the general conditions and general requirements contained in *Exhibit B-2*.
2. All subcontractor costs and material and equipment supplier costs.
3. Contractor's overhead, supervision of subcontractors and other management responsibilities, and its materials, equipment, and employees/labor (including but not limited to wages, salaries, and benefits) costs, for any work performed by the Contractor.
4. All bonds and insurance, including but not limited to payment and performance bonds.
5. All financing costs incurred as a result of monthly lease payments that extend beyond the completion of the construction.

6. All other costs incurred in performance of Contractor's obligations under the terms of the Contract Documents, including but not limited to the Lease-Leaseback Agreement, Site Lease Agreement, and Sublease Agreement.

IV. Scope of Work

A. Scope

This Project consists of the following:

- Site improvements, which will be limited to path of travel to all areas getting modernized and remodeled on the campus. This will include parking, truncated domes, walks, door thresholds/hardware, restrooms, drinking fountains, and signs.
- Classroom building 1 will be remodeled and modernized throughout much of the building. The remodel will be in an existing cafeteria space currently used for drama, this space will be divided, and the kitchen will be redone to create a true drama space with storage, two new academic classrooms, and office space. Existing student restrooms will be remodeled and divided into two unisex restrooms. Existing classroom spaces will be modernized to receive new technology and finishes including polished concrete floors, vinyl tack board wall finishes, and new cabinetry. The existing locker room will receive new air conditioning.
- Classroom building 2 will be modernized throughout the building. Existing student/staff restroom will be divided to provide a clear unisex staff and student restroom. Restrooms will get new exhaust fans. Existing classroom spaces will be modernized to receive new technology and finishes including polished concrete floors, vinyl tack board wall finishes, new base cabinetry, and sand/paint existing tall cabinets.
- Science building 3 will be remodeled throughout much of the building. The remodel will include removing existing walls and re-dividing space to create five science labs and three science prep spaces. Science labs will include new technology, counter mounted power and gas, sinks, ceiling mounted power reels, chemical resistance cabinets and counters, and new wall finishes. Additionally, the restrooms will be remodeled for access compliance and building will be upgraded to include fire sprinklers.
- All campus buildings will receive new technology and fire alarms.

See the Contract Documents for additional details.

B. Project Schedule

The District anticipates that site construction will begin on December 22, 2021. The Project must be completed by August 5, 2022. See the Contract Documents for additional details.

C. Cost Estimate

The estimated construction cost for the Project is \$5,600,000. This estimate is based solely on the Architect's most recent cost estimate of the Project and is subject to change.

D. Pre-Construction Services

No pre-construction services will be included.

E. Construction and Post-Construction Services

The Contractor shall perform all Work and obligations described in the Contract Documents (*Exhibit D*), including the following construction and post-construction services:

1. Construction of the Project in accordance with the plans and specifications.
2. Coordinate and expedite record drawings and specifications to be provided to the District.
3. Utilize the District's online project manual system for all Project correspondence.
4. Compile operations and maintenance manuals, warranties/guarantees, and certificates.
5. Prepare final accounting and close-out reports.
6. Other responsibilities necessary for the completion of the Work of the Project in accordance with the plans and specifications.

F. Subcontractors

All subcontractors on the Contractor's Designation of Subcontractors form for Work requiring C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, or C-46 licenses must have current pre-qualified status with the Owner. All subcontractors shall be afforded the protections of the Subletting and Subcontracting Fair Practices Act (commencing with Public Contract Code section 4100).

V. Format of Proposal

The proposal should be clear, concise, complete, well organized, and demonstrate Contractor's qualifications, ideas, and ability to follow instructions. The proposal must not exceed 30 single-sided pages in total length. The cover letter and the certifications and acknowledgments described in Section F will not count against the 30 page limit. Please tab each section of the submittal to correspond to the numbers/headers shown below. Contractors are solely responsible for providing all information in order to permit the District to score the proposal in accordance with Article VI. The District reserves the right to reduce a Contractor's score for failure to follow instructions.

A. Proposal Cover

The proposal shall include a cover page, which cover page shall set forth the RFP's title and submittal due date, the name, address, fax number, and the telephone number of responding firm (or firms if there is a joint venture or association).

B. Project Team

1. Identify key team members for the Project, including at a minimum the proposed superintendent, project manager(s), and field supervisor, and provide their respective job titles, qualifications, K-12 experience, and years with the firm.
2. Describe how the Project would be staffed.
3. Provide an organizational chart for the Project.

The successful Contractor shall be committed to using the proposed team for the Project. Any changes to the proposed superintendent(s), project managers, or field supervisors must be approved in writing in advance by the District.

C. Client Satisfaction/References

Provide a list of at least five educational client references for which the responding firm has performed construction services similar to those required by this RFP. References must include:

1. Name, address, telephone number, and a contact person of the project owner.
2. Name, address, telephone number and a contact person for the architect working on the project(s).
3. Describe the project(s) on which your organization provided services, including costs.

D. Recent Construction Projects Completed

Contractors must provide information about all current projects and all public works projects completed in the last three years. At a minimum, Contractors must include each project name, location, owner (including contact), architect, construction manager (if applicable), description of the project (including Contractor's role), total value of construction, original completion date, and actual final completion date.

E. Price Proposal

Provide a price proposal in accordance with Article III.(C) using the District's Lease-Leaseback Proposal Form (*Exhibit B-1*) and the Price Proposal Worksheet (*Exhibit B-2*). The Price Proposal Worksheet shall identify the Contractor's lump sum price and shall include an itemized cost for the general conditions and general requirements identified in *Exhibit B-2*. The price proposal shall also include objectively verifiable information of the responding firm's costs (including a breakdown by name and cost of all subcontractors and suppliers) to perform the Work and a written rationale for the price proposal. The District reserves the right to access subcontractor bids and other documentation of Contractor's fees in accordance with Article III.(B). Allowances and owner contingencies will be established once a Contractor is selected.

F. Certifications and Acknowledgements

Each of the following forms must be included in the proposal in the order listed (*Exhibit E*):

1. Prequalification Certification.
2. Designation of Subcontractors.
3. Worker's Compensation Certification.
4. Iran Contracting Act Certification.
5. Non-collusion Declaration.
6. Sufficient Funds Declaration.
7. Fingerprinting Notice and Acknowledgement.
8. Drug-free Workplace Certification.
9. DVBE Certification.
10. DVBE Worksheet.
11. Roof Project Certification.
12. Proof of registration with DIR to perform public work (Labor Code section 1725.5).

VI. Selection Procedures and Guidelines

The purpose of this RFP is to enable the District to select the Contractor that submitted the proposal that is the best value to the District for the Project as required by Education Code section 17406. The term "best value" as used in this RFP is defined in Education Code section 17400, and is inclusive of a competitive procurement process whereby the Contractor is selected on the basis of objective criteria for evaluating qualifications with the resulting selection representing the best combination of price and qualifications.

The District will use the selection process outlined below, which conforms to Education Code section 17406 and ensures that the best value selection by the District is conducted in a fair and impartial manner. A review and selection committee composed of key District officials and consultants will review and evaluate all proposals.

Proposals will be opened privately to assure confidentiality and to avoid disclosure of the contents to competing Contractors prior to and during the review and evaluation process. Following selection of a Contractor pursuant to this RFP, proposals may be subject to disclosure in accordance with applicable law.

Selection Process

Experience Portion (100 points)

For the experience portion of the best value analysis, the District will consider the responses provided in the Contractor's proposal and prequalification application. The District will evaluate the amount of Contractor's experience and each Contractor's experience will be scored on a one hundred (100) point scale. The criteria and their corresponding point values are as follows:

M

- 10 • Contractors will receive up to ten (10) points based on factors such as prior CAL and Federal OSHA violations, EPA, Air Quality or RWQCB citations, Experience Modification Rate, and Workers' comp lapse in last three years. 5
 - 15 • Contractors will receive up to fifteen (15) points based on factors such as liquidated damages imposed, stop payment notices, and claims against project owners. 8
 - 10 • Contractors will receive five (5) points for each lease-leaseback project over \$2,000,000 successfully completed for any district in the last five (5) years, up to a total of ten (10) points. 15
 - 30 • Contractors will receive up to ten (10) points for each K-12 modernization project successfully completed for any public school district in the last five (5) years, up to a total of thirty (30) points. The District will only consider projects completed by the same legal entity submitting the proposal. 10
 - 10 • Contractors will receive up to five (5) points for each project successfully completed with Visalia Unified School District, up to a total of ten (10) points. 10
 - 20 • Contractors will receive up to twenty-five (25) points based on the total experience of the project team (superintendent(s), project managers, or field supervisors). The District will evaluate each proposed team member's K-12 experience and years with the firm. 15
- 95 98

Price Proposal Portion (100 points)

98 For the price proposal portion of the best value analysis, the District will evaluate the amount of Contractor's lump sum price. The price proposal portion of the best value analysis will be scored on a one hundred (100) point scale. District will score Contractors on the basis of the lowest to highest price proposal submitted. The Contractor with the lowest price proposal will receive 100 points. Other Contractors will receive less than 100 points, calculated by subtracting 1 point for every 0.5% increment the proposal exceeds the lowest proposal. In the event two Contractors submit price proposals with the same overall price (or within 0.5%), both Contractors shall be awarded the same amount of points. 100

Best Value Score

After the District has allocated points to Contractors for both the experience and price proposal portions of the best value analysis, the District will combine the points to create each Contractor's score. District will then rank all Contractors based on Contractor's score. The Contractor with the highest score (highest combined point total from the qualifications and price proposal analysis) shall be ranked highest, and all remaining Contractors shall be ranked in descending order based on the Contractor's score, such that the Contractor receiving the lowest score receives the lowest ranking.

The District expects to complete and announce its best value analysis, and ranking of proposals from highest best value score to lowest best value score, within thirty (30) days of the deadline for submittal of the proposals.

VII. Award

The District reserves the right to reject any or all proposals, or waive any irregularities in any of the proposals submitted pursuant to this RFP. The Lease-Leaseback Agreements shall be awarded to the responsive Contractor with the highest best value score. In the event of a tie (more than one Contractor have the same highest best value score), District may award the Lease-Leaseback Project to the Contractor of its choice.

The Board is expected to make its selection at its regular meeting on November 9, 2021. The meeting will be held virtually at 7:00 p.m. as described on the District's website. The District will issue a statement regarding the basis of the award.

If the Contractor to which the Board awards the Lease-Leaseback Agreements refuses to execute the Lease-Leaseback Agreements and submit a payment bond, performance bond, proof of required insurance, and other required documents within ten (10) business days following approval of the Total Sublease Amount by the Board, the Board may revoke the award to that Contractor and award to the Contractor that submitted the next highest ranked proposal. Alternatively, the Board may reject all proposals.

VIII. General Information

A. Amendments

The District reserves the right to cancel or revise this RFP in part or in its entirety. If the District cancels or revises the RFP, all Contractors will be so notified by addenda. The District also reserves the right to extend the date on which responses are due, the date on which it announces the results of its best value analysis, or the date on which the award will be made. Such changes may be made at any time and in the District's sole discretion.

B. Non-Discrimination

The District does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability, or gender in consideration for an award of contract.

C. Costs

Costs of preparing a proposal in response to this RFP are solely the responsibility of the responding Contractor.

D. Prevailing Wages & Skilled and Trained Workforce Requirements

Respondents are advised that the Project is public work for purposes of the California Labor Code, which requires payment of prevailing per diem wages, as well as wages for legal holidays and overtime. These rates are set forth in a schedule, which may be found on the California Department of Industrial Relations website at www.dir.ca.gov. Any Contractor to which a contract is awarded

must pay the prevailing rates, post copies thereof at the job site, provide payroll records when required, and otherwise comply with applicable provisions of state law.

The successful Contractor shall also be required to provide a skilled and trained workforce in compliance with Education Code section 17407.5 and Public Contract Code sections 2600-2602.

E. State Registration

The proposing Contractors and any proposed subcontractors shall not be qualified to submit a proposal, or to be listed in a proposal, for the Project, and shall not be qualified to enter into, or engage in the performance of, the Lease-Leaseback Agreement, unless currently registered and qualified under Labor Code section 1725.5 to perform public work as defined by Division 2, Part 7, Chapter 1 (§§1720 et seq.) of the Labor Code.

F. Limitations

This RFP does not commit the District to award a contract, to defray any costs incurred in the preparation of a proposal pursuant to the RFP, or to procure or contract for work. The District reserves the right to waive any irregularities in the proposals received pursuant to this RFP, or in the process outlined herein for selection of a Contractor for the Project.

G. Validity of Proposals

All proposals will be considered valid and will be considered fixed for a period of sixty (60) days following submission.

EXHIBIT A

Contractor Scoring Sheet

SECTION I – CONTRACTOR EXPERIENCE

In the follow table, enter all proposing Contractors and the total points received from the qualifications evaluation (Maximum points available per Contractor is 100).

PROVIDER	POINTS AWARDED
SEALS CONSTRUCTION	98
MICHAM INC.	95

SECTION II – PRICE PROPOSALS

In the following table, enter all proposing Contractors based on their price proposals in order from lowest to highest (Maximum points available per Contractor is 100).

CONTRACTOR	PRICE PROPOSAL	POINTS AWARDED
SEALS CONSTRUCTION	\$5,558,000	100
MICHAM INC.	\$5,621,000	98

SECTION III – BEST VALUE SCORE

In the following table, enter all proposing Contractors, their scores from the qualifications and price proposal evaluations, and their total combined score. The total combined score is the Contractor's final "best value score".

RANK	CONTRACTOR	EXPERIENCE SCORE	PRICE SCORE	COMBINED TOTAL
1.	SEALS CONSTRUCTION	98	100	198
2.	MICHAM INC.	95	98	193
3.				
4.				
5.				



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Inspection Detail

Note: The following Inspection has not been indicated as closed. Please be aware that the information shown may change, e.g. violations may be added or deleted. For open cases, in which a citation has been issued, the citation information may not be available for 5 days following receipt by the employer for Federal Inspections or for 30 days following receipt by the employer for State inspections.

Inspection: 1518455.015 - Seals Construction Inc.

Inspection Information - Office: Ca Fresno

Nr: 1518455.015 Report ID: 0950625 Open Date: 03/08/2021
Seals Construction Inc.
1051 S. Morrison St.Null
Tulare, CA 93274 Union Status: NonUnion
SIC:
NAICS: 236220/Commercial and Institutional Building Construction
Mailing: Po Box 6670null, Visalia, CA 93290
Inspection Type: Unprog Rel
Scope: Partial Advanced Notice: N
Ownership: Private
Safety/Health: Safety Close Conference: 08/12/2021
Close Case:
Related Activity: Type ID Safety Health
Inspection 1518442 Yes

Violation Summary

	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations				1		1
Current Violations				1		1
Initial Penalty	\$0	\$0	\$0	\$305	\$0	\$305
Current Penalty	\$0	\$0	\$0	\$305	\$0	\$305
FTA Amount	\$0	\$0	\$0	\$0	\$0	\$0

Violation Items

#	ID	Type	Standard	Issuance	Abate	Curr\$	Init\$	Fta\$	Contest	LastEvent
1.	01001	Other	1712(C)(1)	08/12/2021		\$305	\$305	\$0		Z - Issued





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Inspection Detail

Inspection: 1397633.015 - Seals Construction Inc.

Inspection Information - Office: Ca Fresno

Nr: 1397633.015	Report ID: 0950625	Open Date: 05/01/2019	
Seals Construction Inc. 16030 Avenue 332null Ivanhoe, CA 93235		Union Status: Union	
SIC: NAICS: 236220/Commercial and Institutional Building Construction			
Mailing: Po Box 6670null, Visalia, CA 93290			
Inspection Type:	Unprog Rel		
Scope:	Partial	Advanced Notice:	N
Ownership:	Private		
Safety/Health:	Health	Close Conference:	11/01/2019
		Close Case:	11/01/2019
Related Activity:	Type	ID	Safety
	Complaint	1450887	Health Yes



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