



SALINAS
CITY ELEMENTARY
SCHOOL DISTRICT

Salinas City Elementary School District

REQUEST FOR QUALIFICATIONS/PROPOSALS – RFQ/P #2022-23/008

Construction Management Services For Modernization and New Construction Projects Funded by Measures G & H

Release RFP Documents	Thursday, May 25, 2023	
Request for Information Deadline	Monday, June 5, 2023	8:00 A.M.
Answers Posted	Thursday, June 8, 2023	
Proposal Due Date	Monday, June 12, 2023	3:00 P.M.
Proposal Submittal <i>Online only</i>	Salinas City Elementary School District Service Provider Registry URL: CLICK HERE	
Interviews and Evaluation of Proposals	Wednesday, June 14, 2023 By Invitation	TBD

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Notice Calling for Requests for Proposals

District: Salinas City Elementary School District
Project Description: Construction Management Services
Project Number: RFQ/P # 2022-23/008
Proposals Due By: June 12, 2023; 3:00 PM

RFP Documents Available and Must be Submitted Via:

Salinas City Elementary School District,

<https://vrapp.vendorregistry.com/Vendor/Selection/SubscriptionSelection?buyerSource=salinas-city-elementary-school-district-ca-vendor-registration>

NOTICE IS HEREBY GIVEN that the Salinas City Elementary School District, acting by and through its Board of Education, hereinafter "the District" will receive up to, but not later than the above-stated date and time, sealed Bid Proposals for the Contract for the Work of the Project generally described as RFQ/P #2022-23/008 Construction Management Services for Modernization and New Construction Projects Funded by Measures G & H.

Submittal of Bid Proposals. All Bid Proposals shall be submitted on forms furnished by the District. Bid Proposals must conform with, and be responsive to, the Bid and Contract Documents, copies of which may be obtained from the District as set forth above. Only Bid Proposals submitted to the District prior to the date and time set forth above shall be considered.

No Withdrawal of Bid Proposals. The District's Board reserves the right to reject any and all bids and/or waive any irregularity in any bid received. Bid Proposals shall not be withdrawn by any Bidder for a period of Ninety (90) calendar days after the opening of Bid Proposals. During this time, all Bidders shall guarantee prices quoted in their respective Bid Proposals.

Award of Contract. The Contract for the Work, if awarded, will be by action of the District's Board of Education to the Bidder that meets the qualifications and matrix established by the RFP documents.

Inquiries and Clarifications. This document is for informational purposes and shall not relieve the Bidder of the requirements to fully become familiarized with all the factors affecting the Proposal. The Bidder is advised that all inquiries and clarifications about the RFP documents, specifications, etc., shall be submitted to the District in writing no later than June 5, 2023, 8:00 AM. The District will respond by the end of the business day on June 8, 2023. Verbal communication by either party with regard to this matter is invalid. Inquiries shall be made in on

<https://vrapp.vendorregistry.com/Vendor/Selection/SubscriptionSelection?buyerSource=salinas-city-elementary-school-district-ca-vendor-registration>

Gioconda Padilla
Assistant Superintendent, Business Services
Salinas City Elementary School District
Monterey County, State of California
FOR: The Board of Trustees

Publication:

Monterey County Weekly and Vendor Registry
1st Publication: May 25, 2023
2nd Publication: June 1, 2023

Description of The Projects and Contract(s)

The Salina City Elementary School District (the “District”) was successful at the election conducted on November 8, 2022 in obtaining authorization from the District’s voters to issue up to a \$149.5 million dollar and \$150 million dollar aggregate principal amount in school facilities bonds in connection with Measures G and H. The Measure G and H funds are to be used for the purpose of:

Measure G: Salinas City Elementary School District Board of Education determined that the District’s schools require repairs and upgrades, including updates to facilities to meet current health, safety, fire, and earthquake standards. Specifically, the Board of Education desires to: • Construct new early education school facilities for 3-5 year olds serving preschool, transitional kindergarten, and kindergarten students; • Fund temporary housing of these preschool, transitional kindergarten, and kindergarten students until new facilities are constructed; • Remove aging and unsafe portable buildings and replace with permanent facilities; • Fix or replace deteriorating roofs and windows; • Renovate aging classrooms and provide flexible classrooms and labs for core academics; • Replace old, outdated and inefficient electrical, plumbing, heating and ventilation systems; • Modernize and renovate existing permanent classroom buildings and offices; • Update and modernize school multi-purpose rooms, cafeterias; kitchens and libraries; • Update instructional technology at all schools; • Expand dedicated classrooms for STEAM (science, technology, engineering, arts, math); • Replace and expand playground structures and sports spaces; • Improve school fire and earthquake safety preparedness; and • Improve safety with new fencing, security and monitoring systems.

Measure H: Salinas City Elementary School District Board of Education determined that the District’s schools require repairs and upgrades, including updates to facilities to meet current health, safety, fire, and earthquake standards. Specifically, the Board of Education desires to: • Construct new early education school facilities for 3-5 year olds serving preschool, transitional kindergarten, and kindergarten students; • Fund temporary housing of these preschool, transitional kindergarten, and kindergarten students until new facilities are constructed; • Remove aging and unsafe portable buildings and replace with permanent facilities; • Fix or replace deteriorating roofs and windows; • Renovate aging classrooms and provide flexible classrooms and labs for core academics; • Replace old, outdated and inefficient electrical, plumbing, heating and ventilation systems; • Modernize and renovate existing permanent classroom buildings and offices; • Update and modernize school multi-purpose rooms, cafeterias; kitchens and libraries; • Update instructional technology at all schools; • Expand dedicated classrooms for STEAM (science, technology, engineering, arts, math); • Replace and expand playground structures and sports spaces; • Improve school fire and earthquake safety preparedness; and • Improve safety with new fencing, security and monitoring systems.

Draft Facilities Master Plan: <https://drive.google.com/file/d/1kEu8iManvzGh8YDPtkg-epOR-CB7fo4W/view?usp=sharing>

The District is now seeking proposals from qualified consultants who are experienced in the construction of K-12 public school facilities in California, and are experienced in working with architects, contractors and other facility related consultants as the representative of the District in establishing project scope, project budgets, bidding procedures under both the Public Contract Code and alternative construction delivery methods and in representing the District throughout the construction of the various modernization and new construction improvement projects that will be completed by the District and funded by Measures G and H (hereinafter referred to collectively as the “Project(s)”). Attached hereto as Exhibit “A” are proposed Project descriptions, preliminary budgets, schedules, areas of work and/or site maps related to the Projects (draft Facilities Master Plan as of May 1, 2023).

Submittal Requirements

All submittals must be received by the District on or before June 12, 2023, at 3:00 p.m. All submittals must be uploaded via Vendor Registry at:

<https://vrapp.vendorregistry.com/Vendor/Selection/SubscriptionSelection?buyerSource=salinas-city-elementary-school-district-ca-vendor-registration>

All submittals must be limited to thirty (30) pages in total length.

The District desires the successful firm(s) to provide professional and comprehensive Construction Management services in cooperation with the District and Architect. The intent of the District is to award a contract or contracts for construction management services for the completion of the District’s Measures G and H Projects. The District will evaluate each proposal based on the information provided in response to Sections A through C below.

All proposals should be reviewed for accuracy before submission to the District since proposals may not be adjusted after submission to the District. The District will not be responsible for errors or omissions in any proposals. Failure to include all specified sections in the response to this Request for Proposals may result in the disqualification of the responding firm. Each proposal should address the following items succinctly and specifically within the appropriate sections as noted below. Each proposal shall be organized in the manner below and tabbed to identify and separate each section and subsection.

Each Proposal shall contain the following:

A. Cover Letter/Letter of Interest

Provide a cover letter/letter of interest of not more than one (1) page that includes the name, title, address, phone and facsimile numbers for the contact individual. The Cover Letter should also provide a general understanding of the needs of the District and how the firm intends to fulfill them. Describe the general

structure of the proposed team, the names of the team members and the roles they will fulfill. Each firm should also describe the method by which the firm intends to accommodate the District as a remote office site with full time coverage.

B. Qualification Information

- 1) **Legal Entity:** Describe the legal entity under which your organization operates:
 - a) Corporation; provide the date of incorporation, state(s) of incorporation filed, President's name, Vice President's name(s), Secretary's name, and Treasurer's name.
 - b) Partnership or Joint Venture; provide the date of organization, type of partnership or venture, names of General Partners and Limited Partners. Joint Ventures are to provide an explanation why they are associating and must identify the parties/entities making up the joint venture.
 - c) Sole Proprietor; provide the date of organization and the name of the owner.

- 2) **Business Experience and Licensing:** Describe the business experience of your organization:
 - a) Indicate the year your organization was founded under the present name.
 - b) List any other or former names the organization has operated under.
 - c) Indicate the number of years your organization has practiced Construction Management.
 - d) Provide annual revenues for the last three (3) years.
 - e) Provide current work backlog, broken down by "Multiple-prime", CM "At risk", "Hard Bid" work, negotiated work, etc.
 - f) Provide a line-item list of prior educational projects of similar scope and client type.
 - g) Provide a line-item list of prior educational bond programs of similar scope and client type.

- 3) **Locations:** If your organization operates from more than one location, indicate the office from which the projects proposed by the District will be served.

4) **License:** Indicate the qualifying contractor's license and professional registration number with the DIR.

5) **Construction Experience and References:** Describe the construction experience of your organization:

Note: For each project identified in response to the following, specify the project name, description of facility, location, owner, owner contact name and phone, architect contact and phone, budgeted construction cost, actual construction cost, start date, and completion date.

a) Provide a list of K-12 public school modernization and new school construction projects currently in progress in California or under contract and specify the delivery method.

b) Provide a list of K-12 public school projects completed in the last five (5) years and specify the delivery method.

c) **Other Experience (Minimum Five-Years) Required:** Same as above, provide details for each of the following:

i) Department of Toxic Substances Control School Facility Approvals

ii) CDE Site Certification and Plan Approvals

iii) California Environmental Quality Act Compliance

iv) State Allocation Board Funding Application Submittals.

6) **Insurance Certificate:** Provide a copy of your current certificate of insurance listing all coverage.

7) **Team Members:** Identify the construction management team members your firm intends on assigning to the District for its projects and describe each individual's role. In the event the District requires your firm to attend an interview in connection with this Request for Qualifications/Proposals, all team members proposed in response to this Item No. 7 must attend the interview. Failure to produce the proposed team members at the interview may subject your firm to disqualification. Notwithstanding the above, please also provide the following:

- a) Provide resumes of key proposed project personnel and their role on the Project. Indicate number of years employed by the responding firm, and number of years employed in a similar role for projects of similar scope, size, and client type.
 - b) Key resumes should include: Project Executive; Project Managers; Construction Managers; Project Superintendents; Assistant Project Managers; Project Engineers; Estimators; and Schedulers. Project Superintendent will be highly reviewed and a critical part of the Districts' scoring matrix.
 - c) Provide an organization chart identifying how the team will operate, what support is available to the team by the responding firm, and what role that support will provide. Include a resume for each project team member outlining relevant qualifications and experience.
- 8) **State and Local Agencies:** Describe your organization's familiarity with the procedures and requirements of the following state and local agencies and their respective approval processes:
- a. Office of Public School Construction;
 - b. Division of the State Architect;
 - c. Department of Toxic Substance Control;
 - d. California Department of Education;
 - e. State Allocation Board;
 - f. Department of Industrial Relations.
- 9) **DVBE:** Describe your organizations experience and procedures for administering Disabled Veteran Business Enterprise requirements.
- 10) **Compliance with Prevailing Wage Laws:** Describe your organization's experience and procedures for ensuring compliance with public works labor laws, codes, regulations, and DIR registration requirements.
- 11) **Claims/Litigation/Termination:** Provide a summary and history of any and all claims, suits or other proceedings filed by your firm against a public school district/community college district or against your firm by a K-12 public school district/community college district related to the provision of

construction management services in the last seven (7) years. Proposer shall provide a description of each claim/suit/proceeding, the amount of damages at issue in the claim/suit/proceeding, the public entity that was involved and how the claim/suit/proceeding was resolved. Proposer shall also identify any projects or programs in which the proposer was terminated from within the last seven (7) years, whether by cause or convenience, and the circumstances surrounding such terminations.

- 12) **Project Controls:** Demonstrate your firm's abilities in: (1) estimating; (2) cost control, (3) document management/control, and (4) quality control review.
- 13) **Financial Strength:** Indicate the dollar value of the three largest projects (within the past five (5) years) that your firm has served in a Construction Management capacity, regardless of project type.
- 14) **Fees:** Please provide a proposed fee schedule, general conditions costs and/or reimbursable expenses that your firm intends on proposing for the completion of the District's Projects.

C. Proposed Services

Each firm should address the level of service and the proposed management techniques and approach that the firm will implement to provide construction management services to the District. In addressing the level of service and the management techniques and approach that your firm will provide, please describe your firm's experience in performing as well as your firm's capacity to perform the following services:

- 1) **Preconstruction Services:** Construction Manager shall provide services that relate to the organization and design of the Projects prior to the start of construction including, but not limited to, the following:
 - (a) **Plan Review/Value Engineering and Contractibility:** Provide design-assist, plan review, and constructability services with an emphasis on ensuring that the Project can be completed within the established schedule and within the available budget. Provide a detailed analysis of all major Project systems with an emphasis on possible value engineering items.
 - (b) **Master Budgeting and Scheduling:** Provide master budgeting and scheduling services including the identification of anticipated Project revenues and expenditures based upon traditional Project milestones.
 - (c) **Detailed Construction CPM Schedule:** Produce detailed construction CPM schedule to be incorporated into the Project documents including identification of the Project critical path.

- (d) **Preliminary and Detailed Estimates:** In concert with item c. above, provide a preliminary construction estimate using like kind construction costs. Upon receipt of plans and specifications, provide a detailed construction estimate showing the values of all major components of the Project. Project estimate at design development, project estimate at construction documents, and project estimate at DSA approval.
- (e) **Bidding Strategies:** Consult with District staff regarding bidding strategies with an emphasis upon timing, development of alternates, and bid package scoping.
- (f) **Contractor Prequalification:** Although the District currently uses PQBids for Prequalification of Contractors and Subcontractors, provide the level of service that the organization will deliver to the District, as required by the Public Contract Code.
- (g) **Project Accounting and Management Systems:** In concert with District staff, develop the Project accounting and budget management systems.
- (h) **General Conditions Document preparation:** Assist the District with the preparation of Bid Documents and General Conditions documents that are appropriate for the District's Projects.
- (i) **Project Scoping:** In concert with District staff, develop the Project scope.

2) Bid/Award Phase Services

- (a) **Bidder Interest:** Generate and encourage bidder interest in the Project and provide assistance with such issues as bonding, insurance (including Confirmation of Surety), DVBE compliance, and compliance with all wage and hour laws including contractor registration with the DIR.
- (b) **Advertisements:** Assist District staff with the placement of both the Project legal advertisements and any other pre-bid advertisements.
- (c) **Pre-bid Conferences:** In cooperation with District personnel conduct pre-bid and site visit meetings with potential bidders.
- (d) **Responses to Bidder Inquiries:** Provide coordination of and, when possible, responses to bidder inquiries.
- (e) **Plan and Addenda Distribution:** Distribute all plan sets, bid packages, and addenda.

- (f) **Bid Evaluation and Review:** Review and evaluate all bids for responsiveness and certify the construction bid results. Conduct post bid interviews.
- (g) **Contract Documents:** Prepare contract packages for District review and approval. Distribute and monitor completion of these contract packages.
- (h) **NOA's and NTP's:** Issue Notices of Award (NOA) and Notices to Proceed (NTP) on behalf of the District.

3) Construction Phase Services

- (a) **CPM Schedule Maintenance:** Maintain a detailed and date specific CPM schedule. Continue to update the CPM construction schedule and distribute to the appropriate parties.
- (b) **Budget Control and Maintenance:** Prepare cumulative Project budget reports updated regularly with the latest construction cost and soft cost data.
- (c) **Storm Water Pollution Prevention Plan:** Ensure that Storm Water Pollution Prevention Plan is initiated, and maintained.
- (d) **Agency Interface:** Provide agency interface during construction process.
- (e) **Schedule of Values:** Review and reconcile each contractor's schedule of values for each of the activities included in the construction schedule. Incorporate this report into the Project's standard billing package and use as the basis for all future progress payments during the construction phase.
- (f) **Monthly Billing Procedures:** Generate a standard billing process and confirm billing information from the contractors. Review and obtain Project Inspector and Architect approvals. Forward monthly contractor billing packages to the District for review and approval.
- (g) **Conduct Preconstruction Conference:** Conduct pre-construction conference for the benefit of the successful contractors. Provide information with regard to reporting procedures and site rules and regulations prior to the start of construction.
- (h) **Project Record Documents:** Coordinate and expedite all activities in connection with the contractors' obligation to provide "as-built" documents. Ensure all contractor as-builts are being maintained as the Project is being completed. Ensure that all as-builts are incorporated into a single set of Project Record Documents.

- (i) **Interim Housing:** Schedule and coordinate District interim housing requirements so as to minimize disruption to both the construction progress and any ongoing District activities.
- (j) **Document Control:** Establish and implement procedures for submittals, change orders, and requests for information. Maintain logs, files, and other necessary documentation.
- (k) **Shop Drawings & Submittals:** Review and monitor the status of shop drawings and related correspondence.

(l) Administration of the Construction Contracts:

(i) SUPERVISION: Manage, supervise and coordinate all construction activities in accordance with the Construction Documents and Project schedule. Provide on-site management of the Project as necessary. Maintain on a daily basis an onsite Project log and meeting minutes.

(ii) MANAGEMENT/ ADMINISTRATION: Ensure that District requirements regarding certified payrolls and subcontractor and material supplier releases are carried out.

(m) Change Order Review: Establish and implement a change order processing system that provides review of scope, price, and added contract time and provide recommendations to the District.

(n) Contractor Claims: Evaluate and mitigate all claims for additional cost or time due to any alleged cause.

(o) Verified Reports: Process and forward all verified reports to the Architect for submission to DSA.

(p) Project Meetings: Coordinate and attend weekly job-site progress meetings with the District, Architect, Inspector of Record, and Prime Contractors if and when needed.

(q) Insurance Certificates: Monitor Prime Contractor insurance certificates for coverage, endorsements, limits, and expiration dates.

4) Post Construction and Project Close-Out Services:

- (a) **Relocation and move in:** Coordinate the arrival and installation of District furnished materials and Furniture, Fixtures, and Equipment (FF&E). Provide coordination schedules for user relocation

- (b) **User Training:** Schedule and document all District training sessions. Arrange for supplementary information where needed. Arrange for Manufacturers to conduct training for maintenance and operations staff.

- (c) **Punch Lists:** Develop punch list of defective work. Create a punch list schedule for completion in accordance with the Contract Documents. Verify completion of punch list items. Provide a valuation of all punch list items that are not completed within the time set forth in the Contract Documents.

- (d) **As-Built Documents:** Review contractual requirements for As-Built Documents and create procedures.

- (e) **Project Closeout and Warranties:** Create Operation and Maintenance Manuals. Compile all contractor turn-over items and deliver to the District. Process and coordinate all post construction warranty and guarantee claims.

- (f) **Final Lien Releases:** Verify requirements in the Construction Documents.

- (g) **OPSC/DSA Close Out:** Provide a checklist of items that must be submitted to OPSC and DSA for close out.

The purpose of the above list of services is to identify major components of service and to indicate the level of participation for each activity. However the above is not a complete or exhaustive list of the basic construction management services that must be provided by the successful firm selected by the District. Each firm is encouraged to detail all other basic services that will be provided to the District for the efficient and professional completion of the District's Projects for consideration by the selection panel.

General Information

A. Evaluation Criteria:

Submitted proposals will be reviewed and ranked by a selection panel. The District may elect to shortlist firms for interviews or recommend award on the basis of the submitted proposals.

The District will evaluate all proposals submitted and select the successful firm(s) from the contents of the proposals and any interviews held by the District based on the following criteria including but not limited to:

- Experience of the firm with K-12 public school/community college construction in California.
- Professional experience of the personnel to be assigned to the Projects.
- Quality and comparability of recently completed work.
- Proposed services, plan and methods for the completion of the District's Projects.
- Continuity and location of the firm and sub consultants.
- Termination, claims and litigation history involving other K-12 public school districts or community college districts.
- References.
- Proposed Fees.

B. Submittal of Proposals

In addition to submitting on the Vendor Registry portal, if bidder is invited for an interview, the following is required: Ten (10) hard copies (inclusive of the original signed by the responding firm). Proposals shall be submitted on or before 10:00 a.m. on June 13, 2023 to the following District representative and at the address below:

Gioconda Padilla
Salinas City Elementary School District
840 South Main Street

Salinas, CA 93901

NO LATE SUBMISSIONS WILL BE ACCEPTED.

Submittals are to be placed in sealed packages with the following information clearly marked on the outside of each package:

- 1) Name of the firm responding.
- 2) Title: Request for Proposals for Construction Management Services.

Once the District receives the proposals they will remain valid for a period of at least six (6) months.

C. District's Rights

The District reserves the right to reject any and all proposals, or to waive any irregularities, or informalities in the proposals timely received. The District reserves the right, and sole discretion, to hire more than one firm, delay the selection process, withdraw the Request for Proposals, cancel the Project(s), or proceed with the Project(s) without any particular firm/individual. The District does not guarantee any work on all or any specific Project(s). The District is not committed to negotiate a contract with any firm or individual. The District may select an alternative construction management firm through any other means determined to be in the District's best interests.

The District has the right, and sole discretion, to reject any or all proposals without indicating the reason for such rejection. Each proposal, and any other supporting materials submitted to the District in response to this Request for Proposals, will not be returned. Upon submission to District, proposals and other documents responding to the Request for Proposals become the exclusive property of the District, are deemed matters of public record and shall be thereupon considered public records, except for information contained in such Proposals or other documents submitted with the Proposal deemed to be "Trade Secrets" (as defined in California Civil Code §3426.1), "Confidential" or "Proprietary." A proposer who indiscriminately marks all or most of its proposal or other documents submitted with its proposal as exempt from disclosure as a public record, whether by the notations of "Trade Secret", "Confidential", "Proprietary", or otherwise, may render the proposal non-responsive and it may be rejected. At such time as proposals and other documents are deemed matters of public record, pursuant to the above, any party shall be afforded access thereto for inspection and/or copying, by request made to the District in conformity with the California Public Records Act, California Government Code §§6250, et. seq. Information contained in a proposal, excluding proposer's financial information, shall become public documents subject to the Public Records Act. This Request for Proposals shall not obligate the District to pay any costs or incur any liability for the preparation or presentation of a proposal. The District shall also not be responsible for any costs that may be incurred by a responding firm for preparing or attending a District requested interview in connection with this Request for Proposals.

If the District is required to defend or otherwise respond to any action or proceeding wherein request is made for the disclosure of the contents of any portion of a proposal or documents submitted with a proposal deemed exempt from disclosure hereunder, the proposer submitting the materials sought by such action or proceeding agrees to defend, indemnify and hold harmless the District and its Board members, officers, employees and agents, in any action or proceeding from and against any liability, including without limitation attorneys' fees and costs arising therefrom. The party submitting materials sought by any other party shall be solely responsible for the cost and defense in any action or proceeding seeking to compel disclosure of such materials. The District's sole involvement in any such action shall be that of a stakeholder, retaining the requested records/documents/materials until otherwise ordered by a court of competent jurisdiction to disclose or to keep such records/documents/materials confidential. Failure of any proposer to indemnify and defend the District upon request shall be deemed the proposer's consent to the disclosure of the requested records/documents/materials and the District shall thereafter immediately release and disclose the requested records/documents/materials to the requesting party.

D. Interviews

In the event your firm is asked to attend an interview, it is mandatory that the proposed primary contact and a principal of the firm with the authority to enter into binding contracts with the District attend the interview along with the proposed Project team members. Failure to present the proposed team members at any interview requested by the District may result in the disqualification of your firm.

E. Questions and Restrictions on Lobbying and Contacts

From the period beginning on the date of the issuance of this Request for Proposals and ending on the date of the award of the contract, no person or entity submitting a proposal in response to this Request for Proposals, nor any officer, employee, representative, agent, or consultant representing such a person or entity, shall contact through any means or engage in any discussions regarding this Request for Proposals, the evaluation or selection process, or the award of a contract with any member of the governing Board, any member of the selection panel or any other employee of the District not mentioned below. Any such contact shall be grounds for: (1) the disqualification of the proposer; or (2) the termination of any contract awarded to any firm for cause where it is later discovered that such improper contact occurred. All questions regarding this Request for Proposals shall only be submitted online via Vendor Registry

F. Fee

As set forth above, the District shall review and assess all proposals to develop a list of top firms and shall negotiate fees with the top firm to perform Construction Management Services on a given project or projects. If fee negotiations with that firm are not successful, and/or the fees discussed are outside the budgetary constraints for the Projects, the District reserves the right to suspend negotiations with that firm, and proceed to negotiate with another firm on the shortlist.

All proposals must provide a breakdown of the proposed fees for the Proposer's work and discuss the

charges, if any, applicable to additional services that may become necessary. The District reserves the right to negotiate the fee provided in any firm's proposal. However, all firms must provide information regarding how its fee will be calculated and a total proposed price for the District's consideration.

G. Indemnity Agreement

By submitting a response to this Request for Proposals, the professional consultant understands and agrees to enter into a standard Construction Management Agreement with the District which will contain the following indemnity clause:

DUTY TO INDEMNIFY AND HOLD HARMLESS

To the fullest extent permitted by law, and subject to the limitations of Civil Code § 2782, Construction Manager agrees to indemnify, defend and hold District, its Board members, officers, and employee, harmless from liability arising out of:

- (a) Workers Compensation and Employers Liability. Any and all claims under Workers' Compensation acts and other employee benefit acts with respect to Construction Manager's employees or Construction Manager's subcontractor's employees arising out of Construction Manager's work under this Agreement;

- (b) General Liability. Liability for damages for (1) death or bodily injury to person; (2) injury to, loss or theft of property; (3) any failure or alleged failure to comply with any provision of law or (4) any other loss, damage or expense arising under either (1), (2), or (3) above, sustained by the Construction Manager or the District, or any person, firm or corporation employed by the Construction Manager or the District, upon or in connection with the Project, except for liability resulting from the sole or active negligence, or willful misconduct of the District, its officers, employees, agents or independent Architects who are directly employed by the District.

- (c) Professional Liability. Any loss, injury to or death of persons or damage to property caused by any act, neglect, default or omission of the Construction Manager, or any person, firm or corporation employed by the Construction Manager, either directly or by independent contract, including all damages due to loss or theft, sustained by any person, firm or corporation including the District, arising out of, or in any way connected with the Project, including injury or damage either on or off District property; but not for any loss, injury, death or damages caused by sole or active negligence, or willful misconduct of the District.

DUTY TO DEFEND CLAIMS

The Construction Manager, at Construction Manager's own expense, cost, and risk, shall defend any and all claims, actions, suits, or other proceedings that may be brought or instituted against the District, its board members, officers, or employees, on account of or founded upon any of the causes, damages or injuries identified above and shall pay or satisfy any judgment that may be rendered against the District, its Board members, officers, or employees in any actions, suit or other proceedings as a result thereof.

END OF DOCUMENT