

REQUEST FOR PROPOSALS ("RFP")

Construction Services for Lease-Leaseback Project Delivery

Folsom Cordova Unified School District

Responses must be received on May 23, no later than 2 p.m at the District Office located at 1965 Birkmont Drive, Rancho Cordova, CA 95742.

Folsom Cordova Unified School District ("District") invites proposals from firms, partnerships, corporations, associations, persons, or professional organizations to enter into a Lease-Leaseback agreement with the District to construct improvements and perform a project as more particularly described in **Exhibit "A"** ("Project") pursuant to Education Code section 17406 *et seq.*

The Project will be for **Site Fencing at Folsom High School**. The District is requesting that contractors review the deadlines as outlined in the RFP and provide price proposals. The District will use the price proposals to develop a contract for completion of the Project within the time frames stated in **Exhibit A**.

Attached to this RFP as **Exhibit B** is a form for submitting a price proposal.

The Site and Facilities Lease documents that the successful contractor will be expected to execute are attached as **Exhibit C**. The successful contractor may provide comments on the Site and Facilities Lease documents after the Notice of Intent of Award, but the District may, in its sole discretion, determine whether to accept any such changes.

It is critical that proposers ask any questions about the plans and specifications prior to submitting a proposal. Questions regarding the plans and specifications, this RFP, or the Site and Facilities Leases must be directed to canicich@fcusd.org not later than May 14, 2024.

A **NON-MANDATORY** site walk will be held on **May 7, 2024 at 3:45 pm at 1655 Iron Point Road, Folsom, CA 95630**. **Proposers are required to attend the mandatory site walk in its entirety.**

This RFP is neither a formal request for bids, nor an offer by the District to contract with any party responding to this RFP. The District reserves the right to reject any and all responses. The District also reserves the right to amend this RFP as necessary. All materials submitted to the District in response to this RFP shall remain property of the District.

- RFP advertisement:
 - First notice: **May 3, 2024.**
 - Second notice: **May 10, 2024.**
 - Trade journal publication: **May 3, 2024.**
- Non-Mandatory site walk: **May 7, 2024 at 3:45 pm.**
- Submit all questions regarding RFP: **May 14, 2024 no later than 2:00 pm.**

- Prequalification applications due: **NOT REQUIRED.**
- RFP responses due: **May 23, 2024 no later than 2:00 pm.**
- **Anticipated Issuance of Notice of Intent to Award: May 28, 2024.**
- Anticipated Board meeting date for approval of LLB contract: **June 6, 2024.**
- Anticipated contract execution and NTP: **June 13, 2024**
- On-Site Construction start: **June 13, 2024.**
- Project Completion Deadline: **Ornamental Iron fencing and gates to be completed by August 3, 2024. Chain link fencing to be completed by September 30, 2024.**
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The District invites qualified firms to submit proposals with respect to the Project described herein. **A-Engineering, B-General Building or C-13 Fencing.**

In general, the firm(s) selected as a result of this process ("Firm") will provide a proposal to the District to perform the Project and thereafter work cooperatively with the District Board, staff and consultants, the architect of record and design team, and the Project inspectors, to facilitate the timely completion of the Project.

The District wishes to retain a Firm that has the financial strength, management, and expertise to assist the District with delivering the Project within the proposed schedule. The District reserves the right to choose individual members of the Firm or the entire Firm.

A. Description of Project

The Project for which the District is seeking responses will include the District's Project as more specifically described in **Exhibit "A,"** attached hereto.

B. Preconstruction Services

There will be no preconstruction services needed for this Project.

C. Agreement Structure and Key Elements of the Instrument to Be Awarded

The District will lease the applicable site to the contractor and require the contractor to construct improvements on the site. The lease may include a financing component for the Project by extension of the term of the lease beyond the duration of the construction for a period mutually agreeable to the parties. The District anticipates using the financing structure discussed in **Exhibit D** of the Facilities Lease, which is attached to this RFP as **Exhibit C** (likely between six (6) months and two (2) years).

The District will have the ability to occupy the sites during the financing period, and a portion of the construction cost due to the contractor will be paid as lease payments during the financing period. Financed amounts may be subject to a mutually agreeable financing charge. The agreement will permit the District to pay the financed amounts early to avoid any financing charges.

D. Prequalification Requirement

Prequalification is not required for this project.

E. Transparency

The contractor will provide the District access to objectively verifiable information for all of contractor's costs, including but not necessarily limited to subcontractor bids, value engineering back-up, contingency breakdown and tracking documents, general conditions breakdown and tracking documents, and contractor fees.

F. Description of Format that Proposals Shall Follow and Elements the Proposals Shall Contain

Proposals must be concise, well-organized, and consecutively numbered on each page. Proposals shall be no longer than twenty-five (25) single-sided pages, on 8 ½" x 11" paper, inclusive of resumes, forms, and pictures. Provide one (1) electronic copy and three (3) hard copies.

A single cost proposal shall be provided in hard copy only for each respondent in a separately sealed envelope.

Electronic and hard copies of proposals and price proposals shall be provided to:

Folsom Cordova Unified School District Office
1965 Birkmont Drive
Rancho Cordova, CA 95742
Attention: *Matt Washburn*
mwashbur@fcusd.org

All responses should include the following elements in the format and order set forth below:

1. Section 1 - **Cover Letter**
2. Section 2 - **Table of Contents**
3. Section 3 - **Selection Criteria** – Please review selection criteria as detailed below and respond to each criterion in the order listed. Each selection criterion response shall be on a separate page.
4. Non-collusion Affidavit
5. Sub-contractor Listing

G. Description of District Needs and Project Administration

1. General Information

The District intends to select the Firm that best meets the District's needs to perform the development and construction services as described in this RFP. The Firm will be the District's representative in relation to any trade contractors hired by the Firm and will ensure compliance with the Project plans.

In addition to constructing the Project, the Firm's responsibilities include, but are not limited to:

- Procurement of long lead materials and products;
- Facilitating meetings with members or representatives of the school community with an interest in the Project;
- Quality Control and Verification of all phases of the project including dimensioning and requests and confirmation of all testing and inspection requirements with the Inspector of Record (IOR);
- Master scheduling the Project per preliminary master schedule, milestones established by the District.

2. "Lease-Leaseback" Structure

Any agreement reached will conform to the statutory framework for the lease/leaseback delivery method. (Ed. Code, § 17406 et seq.)

3. Construction Services

Firm will perform the construction of the Project, acting as a general contractor pursuant to Site and Facilities Lease Agreements and may contract with separate subcontractors to perform the various trades comprising the entire scope of work, consistent with the contract documents.

4. District Project Management Description

The District's Board of Trustees will be responsible for making final decisions, but the District's Superintendent or designee will be responsible for day-to-day decisions.

5. Subcontractor Procurement

Firm will select subcontractors in accordance with Education Code section 17406. Specifically, the following subcontracting procedures shall be applicable to this work:

1. For subcontractors, the successful proposer shall proceed as follows in awarding construction subcontracts with a value exceeding one-half of one percent of the price allocable to construction work:
 - (i) Provide public notice of availability of work to be subcontracted in accordance with the publication requirements applicable to the competitive bidding process of the District (once per week for two weeks in a newspaper of general circulation), including a fixed date and time on which qualifications statements, bids, or proposals will be due.
 - (ii) Establish reasonable qualification criteria and standards.

- (iii) Award the subcontract either on a best value basis or to the lowest responsible bidder. This process may include prequalification or short-listing.

6. Relationship to Outside Governmental Agencies

Depending upon the scope of work, the Firm may be required to assist the District in working with various outside governmental agencies, including but not limited to, the following as applicable: City or County Planning Commissions and Departments, the Department of Toxic Substances Control, the regional water quality control board, the regional air quality management district, the California Department of Education, the DSA, the State Allocation Board, and the Office of Public School Construction. Firm shall discuss its experience with each of these agencies.

7. Conflict of Interest

Firm shall certify that no official or employee of the District, nor any business entity in which an official of the District has an interest, has been employed or retained to solicit or assist in the procuring of the resulting construction agreement, nor that any such person will be employed in the performance of any construction agreement without immediately divulging this fact to the District.

8. Assignment

Any construction agreement resulting from this RFP and any amendments or supplements thereto shall not be assignable by the successful Firm either voluntarily or by operation of law without the written approval of the District.

9. AB 566

Firm must comply with requirements to provide a "skilled and trained workforce," as set forth by the Education and Public Contract Codes.

10. Prevailing Wage

Firm shall comply with the provisions of the Labor Code pertaining to payment of the generally prevailing rate of wages and apprenticeships or other training programs. The Department of Industrial Relations has made available the general prevailing rate of per diem wages in the locality in which the work is to be performed for each craft, classification, or type of worker needed to execute the contract, including employer payments for health and welfare, pension, vacation, apprenticeship, and similar purposes. Copies of these prevailing rates are available to any interested party upon request and are online at <http://www.dir.ca.gov/DLSR>.

The contractor and all subcontractors shall pay not less than the specified rates to all workers employed by them in the execution of the contract. It is the contractor's responsibility to determine any rate change.

The schedule of per diem wages is based upon a working day of eight (8) hours. The rate for holiday and overtime work shall be at least time and one half.

11. Labor Compliance Monitoring

The Project is subject to compliance monitoring and enforcement by the California Department of Industrial Relations. In accordance with Labor Code section 1771.1, all bidders, contractors, and subcontractors working at the site shall be duly registered with the Department of Industrial Relations at time of bid opening and at all relevant times. Proof of registration shall be provided as to all such contractors prior to the commencement of any work.

H. District's Standards to Be Used in Evaluating Proposals, Selection Criteria, and Scoring

The District will select the successful proposal based on the criteria below. Each criterion will be evaluated as part of the best value score. There shall be no minimum qualification score. For each criterion, the District shall use the methodology and weighting system below.

The District, at its sole discretion, may elect to interview Firms of its choosing, or may select a contractor based upon the information provided in the written proposal. If the District elects to interview firm(s) it will be an opportunity for the District selection committee to review the firm's history, experience, qualifications, quality control and other matters the committee deems relevant to the firm's evaluation and to gather additional information to finalize a best value score. If a firm is requested to come to an interview to meet with the District selection committee the key proposed Project staff will be required to attend the interview.

The District anticipates holding interviews, if any, on **May 24, 2024** The District reserves the right, in its sole discretion, to reschedule these interviews if it deems it appropriate.

The District shall score each of these criterion on a weighted scale (as shown in the chart below) based on its evaluation and impressions of the responses and information received from contractors. The total shall be the best value score. The District will select the Firm with the highest best value score. If the District and said Firm cannot agree on contract terms, then the District shall select the next highest best value score and so on. The District reserves the right to reject all proposals at any time before ratification of a contract.

Selection Criteria	Elements to be addressed by contractor's proposal for each selection criterion
<p>1. Strength of key personnel dedicated to the project (90 pts)</p>	<ul style="list-style-type: none"> • Organizational charts of the Firm • Firm name and address • Firm history • Former names of Firm • Contractor license • Whether contracting license has ever been revoked • Whether contracting license has been suspended in the past five (5) years

	<ul style="list-style-type: none"> • Statement indicating all claims in which Firm or key personnel were involved in any way with litigation regarding construction projects within the past five years • Firm Department of Industrial Relations registration number • Description of the Firm and its organizational structure • List any individuals who are authorized to sign a legal document, binding the Firm. • Resumes of key personnel to be assigned to the Project, including the Project Manager, Project Engineer and Superintendent with their school construction experience. • NOTE: Upon engagement, any change in personnel must be approved by the District. Firm shall be responsible for any additional costs incurred by the engagement of a change in personnel.
<p>2. Relevant/ Recent Experience (85 pts)</p>	<ul style="list-style-type: none"> • Relevant and recent experience the Firm has delivering similar projects on public school campuses beginning with most recent projects and including the dollar amount of each project. • List prior FCUSD projects that have been completed and familiarity with District schools and protocols, performed including values, scopes and whether or not the project was completed on time. • List projects the Firm's principals have successfully delivered for the past five (5) years. Including project name, location, owner contact, initial budget and final budget, initial completion date and final completion date, and any dollars of unused contingency returned to owner. • Describe the Firm's knowledge and understanding of local environment factors that may affect Project delivery, including but not limited to local City/County approval processes. Describe any relationships that may facilitate a timely and efficient Project delivery. • Describe the location of the contractor's nearest local office and main office, if different. • Please explain whether and how the Firm can meet the District's desired timeline based on <u>Exhibit A</u>. • Describe whether and how the contractor would be able to meet the skilled and trained workforce requirement. • Describe which trades the Firm is able to self-perform. . • Describe the Firm's experience with all software programs the Firm uses to assist with scheduling for a project.
<p>3. Safety Record (25 pts)</p>	<ul style="list-style-type: none"> • Please provide your Experience Modification Rate for the past three (3) consecutive years. • Please detail any additional information relating to safety that you would like the District to consider.
<p>4. Price Proposal (100 pts)</p>	<p>Please complete and submit the fee proposal attached hereto as <u>Exhibit B</u>.</p> <ul style="list-style-type: none"> • Lowest cost proposal 100 points • 0-2% higher than lowest cost proposal 98 points

	<ul style="list-style-type: none"> • 2.01-4% higher than lowest cost proposal • 4.01% - 6% higher than lowest cost proposal • 6.01% - 8% higher than lowest cost proposal • 8.01% - 10% higher than lowest cost proposal • Over 10.01% higher than lowest cost proposal 	<p>96 points</p> <p>94 points</p> <p>92 points</p> <p>90 points</p> <p>87 points</p>
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A review and selection committee that the District intends to be composed of key personnel from within and outside the District will review and evaluate all proposals. Proposals may be subject to disclosure under the Public Records Act and District cannot make any guarantee regarding their confidentiality.

Submittals will be reviewed for responsiveness and evaluated pursuant to established objective criteria discussed above. Final selection of a Firm, terms and conditions of any and all agreements and authority to proceed with noted construction services, shall be at the discretion of the District.

I. Protests

A proposer may protest an award if he/she believes that the award was not in compliance with law, Board policy, or this RFP's specifications. A protest must be filed in writing with the District within five (5) working days after receipt of notification of the intent to award the contract and shall include all documents supporting or justifying the protest. A proposer's failure to file protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract, and shall also constitute a failure to exhaust an available administrative remedy and bar any further action.

J. Additional Proposal Submissions

Contractor shall submit with its proposal a completed non-collusion affidavit and subcontractor list as called for and provided in the RFP.

Exhibit "A"

Description of the Project

Project Name: *SITE FENCING AND GATES AT FOLSOM HIGH SCHOOL*

Anticipated Project Cost/Budget: \$ 950,000.00.

The scope of work for this project includes:

Installation of new 8' tall Ornamental All-Welded Fencing, service gates, pedestrian ADA gates and vehicular gates. Installation of new 8' tall black Vinyl Chain Link Fencing along City of Folsom Park property including pedestrian and vehicular gates. Installation of new 8' tall Chain Link Fencing and Gates at various locations on the campus, vehicular gates, service and ADA pedestrian gates. Demolition and removal of existing fencing called for in drawings and relocation of other appurtenances as shown.

- Provide 2 Year Contractor Guarantee.

Plans and specifications can be obtained by contacting canicich@fcusd.org These documents are made a part of this RFP.

The general contractors, RFP respondents, are responsible for their own advertising, document distribution and document tracking.

Contractor should review the plans and specifications carefully and submit a guaranteed maximum price proposal based thereon.

Project Schedule:

Anticipated Notice of Intent to Award Issuance: **May 28, 2024.**

Milestone and Substantial Completion deadlines:

All work must be completed by **September 30, 2024.**

This Project will be completed in two phases. Both phases shall start simultaneously but shall be completed at the times discussed below.

Phase 1 must be Substantially Complete by **August 3, 2024.** Phase 1 shall consist of the following components of the Project:

- All Ornamental Iron Fencing and Gates. Fully constructed and painted. All patch back of finishes associated with this work must also be complete.

Phase 2 must be Substantially Complete by **September 30, 2024**. Phase 2 shall consist of the following components of the Project:

- All Black Vinyl Chain Link Fencing and Gates along City of Folsom Park property including new and patched back concrete mowstrips and landscape remediation.
- All HDG 8' tall Chain Link Fencing and Gates shown on the campus and in the documents including new concrete mowstrips and landscape remediation.

Exhibit "B"
GMP Proposal

The plans and specifications for the Project are complete, and the District seeks a "true" price proposal which will form the basis for any lease-leaseback contract for the Project. Contractors will not be permitted to increase their price proposals if they are awarded the contract.

Contractor hereby submits the following Guaranteed Maximum Price proposal for the completion of the Project, which includes **all** costs for completion of the project including, without limitation, necessary labor, materials, subcontract costs, financing costs for carrying Lease Payments, tools, equipment, utilities, services, transportation, overhead, supervision, general conditions and administration costs, permits, taxes and profit.

Contractor shall include within its GMP a Contractor Contingency of 5%, (also referred to in the Facilities Lease as a "Construction Contingency") and a District Contingency of 5%, as discussed in the attached Facilities Lease.

Folsom High School Site Fencing Project

Contractor's Construction Price	_____
Plus	
Contractor Contingency: (5%)	_____
Plus	
District Contingency: (5%)	_____

Total Guaranteed Maximum Price:

_____ In words

_____ In numbers

**NON-COLLUSION DECLARATION
(Public Contract Code Section 7106)**

The undersigned declares:

I am the _____ of _____, the party making the foregoing bid.
[Title] [Name of Firm]

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____,
[Date]

at _____, _____.
[City] [State]

Date: _____

Proper Name of Bidder: _____

Signature: _____

Print Name: _____

Title: _____

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DESIGNATED SUBCONTRACTORS LIST

In compliance with the "Subletting and Subcontracting Fair Practices Act," Sections 4100 through 4114 of the California Public Contract Code, and any amendments thereto, each Bidder shall provide the information requested below for each subcontractor who will perform work, labor or render service to Bidder in or about the construction of the Work in an amount in excess of one-half of one percent (greater than 0.5 %) of the Bidder's Total Bid Price and shall further set forth the portion of the Work which will be done by each subcontractor. Bidder shall list only one subcontractor for any one portion of the Work.

If the Bidder fails to specify a subcontractor for any portion of the Work to be performed under the Contract, it shall be deemed to have agreed to perform such portion itself, and shall not be permitted to subcontract that portion of the Work except under the conditions hereinafter set forth below.

Subletting or subcontracting of any portion of the Work in excess of one half of one percent (greater than 0.5%) of the Total Bid Price for which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity, and then only after District approval.

<u>Name and Location of Subcontractor</u>	<u>Description of Work to be Subcontracted</u>
Name: _____	_____
Address: _____	_____
Ph: _____ Fax: _	License No. _____
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<u>Name and Location of Subcontractor</u>	<u>Description of Work to be Subcontracted</u>
Name: _____	_____
Address: _____	_____
Ph: _____ Fax: _	License No. _____
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<u>Name and Location of Subcontractor</u>	<u>Description of Work to be Subcontracted</u>
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<u>Name and Location of Subcontractor</u>	<u>Description of Work to be Subcontracted</u>
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Name and Location of Subcontractor

Description of Work to be Subcontracted

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Name and Location of Subcontractor

Description of Work to be Subcontracted

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Address: _____

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License No. _____

END OF DOCUMENT

Exhibit "C"
SITE AND FACILITIES LEASE DOCUMENTS