Request for Proposals

Construction Manager-at-Risk

for

Calallen Independent School District 2023 Bond – New Performing Arts Auditorium

Corpus Christi, Texas
November 02, 2023



R I C H T E R T S

REQUEST FOR PROPOSALS

Advertisement for Construction Manager-at-Risk Calallen Independent School District 2023 Bond – New Performing Arts Auditorium

Construction Manager-at-Risk: The Calallen Independent School District (The Owner) has determined, as required under Section 2269.053(a) of the Texas Government Code, that the construction procurement method which provides the best value for the Calallen Independent School District for a construction project titled "2023 Bond – New Performing Arts Auditorium" (The Work) is the use of a Construction Manager-at-Risk, as per Subchapter D of Chapter 2269, Contracting and Delivery Procedures for Construction Projects of the Texas Government Code.

Therefore, the Calallen Independent School District is seeking to select a Construction Manager-at-Risk, hereafter known as a CM-at-Risk, using a **one-step process**.

The selected CM-at-Risk will assist Calallen ISD and its Architect by providing both preconstruction and construction services. The Architect for the project is:

> Richter Architects 201 South Upper Broadway Corpus Christi, Texas 78401 361-882-1288

RFP documents may be obtained by contacting the District's Director of Operations via email at bmcdavid@calallen.org or by calling 361.438.3875. RFP documents can be examined at Calallen ISD's Central Office is located at 4205 Wildcat Dr., Corpus Christi, Texas 78410during normal business hours.

CISD Central Office will be closed from November 18th – 26th for the holiday. All inquiries will be responded to upon return of CISD staff on Monday, November 27th.

Receipt and Opening of Proposals: The Calallen Independent School District will receive Proposals until 11:00 a.m., Tuesday, November 28, 2023. Proposals will be received, opened and publicly acknowledged. Submit one original and six copies of the proposal to the following address:

Calallen ISD
Attn: Emily Lorenz Superintendent of Schools
Calallen ISD Administration Building
4205 Wildcat Drive
Corpus Christi, Texas 78410

Proposals must be clearly marked on the outermost envelope or package **CM-at-Risk Proposal.** All proposals shall be ranked in accordance with the selection criteria as detailed in the RFP. Ranking will be completed no later than the 45th day after the date of the opening of proposals as prescribed by State law.

Responses to this Request for Proposals must be submitted as outlined in the RFP.

Request for Proposals

Project Description

This Work is located at Calallen High School, 4001 Wildcat, Corpus Christi, TX 78410. The Work will be generally situated on the North side of Calallen High School adjacent to the

existing band hall facility.



The Work consists of the following basic specifications:

- 650 seat facility utilizing floor seating and stadium style seating
- 50' proscenium main stage with side wings
- Fly system including band and choir shells.
- Theater quality projection, lighting and sound system
- Acoustics and acoustic treatments
- Scene shop with storage
- Drama classroom
- Offstage area providing room for set storage, twin dressing rooms
- Areas for rear storage from hallways or adjacent scene shop
- Possible loading dock
- Lobby with ticket booth, restrooms, monitors, trophy cases

The estimated overall combined construction cost budget for the projects at this time not including Construction Manager-at-Risk and A/E fees is \$14,248,700.00 and the anticipated duration of the construction phase of the projects is twenty-four (24) months. Proposers must be willing to commence pre-construction services on the projects immediately upon receipt of an executed contract. Proposers must be willing to demonstrate competence in phasing the projects in an effort to commence actual work on the projects around and active campuses and the School District's daily schedule. Proposers shall use the estimated construction cost and project time duration stated herein as the basis for determining and/or computing the Cost Proposal portions of the evaluation criteria of their proposals. Please note that for the Construction Phase of this project, Prevailing Wages as noted in the attached sample General Conditions, Supplementary General Conditions and/or Special Conditions must be paid on this project.

Form of Contract

Calallen ISD intends to use AIA Document A133 – 2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor, as modified by Owner, where basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price and AIA Document A201-2017, as modified by owner and/or supplemented as attached along with Special Requirements as attached.

Even though attached and used as a basis for RFP response and therefore possibly evaluation and ranking all of the above-mentioned documents will still remain negotiable during contract negotiations with ranked proposers and all the way up to the point of accepting the CM-at-Risk's Guaranteed Maximum Price (GMP).

Selection Process and Criteria

Award of the Contract resulting from this solicitation shall be under the selection process described herein. A committee appointed by the Owner will evaluate Proposals submitted in response to this solicitation. Contractor's Qualifications and Proposal Form are each significant consideration in the selection of a Contractor for this Project.

Pursuant to Section 2269.055(a) of the Texas Government Code, in determining the award of a contract, The Calallen Independent School District *may* consider:

- 1) the price;
- 2) the Proposer's experience and reputation;
- 3) the quality of the Proposer's goods or services;
- 4) the impact on the ability of the governmental entity to comply with rules relating to historically underutilized businesses;
- 5) the Proposer's safety record;
- 6) the Proposer's proposed personnel;
- 7) whether the Proposer's financial capability is appropriate to the size and scope of the project; and
- 8) any other relevant factor specifically listed in the request for bids, proposals,
- 9) or qualifications.

Pursuant to Section 2269.055(b) of the Texas Government Code, in determining the award of a contract, The Calallen Independent School District shall:

- 1) consider and apply any existing laws, including any criteria, related to historically underutilized businesses; and
- 2) consider and apply any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use
- 3) of women, minority, small, or disadvantaged businesses.

The proposal selection criteria and methodology for ranking Proposers will be based on two main categories: cost proposal and qualifications. Within each of those main categories the information submitted by the Proposers will be evaluated in the following subcategories and weighted as outlined for each subcategory as follows.

ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its Proposal in response to this RFP, Proposer accepts the evaluation process and acknowledges and accepts that determination of the firm(s) providing the best value to the Owner will require subjective judgments by the Owner.

Criteria and Weights and Methodology: The Owner will use the following:

	Cost Proposal 40% of (total)	Max Points	Percent
1.	Fixed fee for pre-construction services	100	10%
2.	Fixed fee for General Conditions	100	10%
3.	Percentage of Construction Cost fee		
	For Construction Phase of project.	200	20%
	Total Cost Proposal Points	400	40%
	Qualifications 60% of (total)	Max Points	Percent
1.	Experiences, reputation and quality of services		
	delivering performing arts facility projects,		
	or projects with relevant similarities to a performing		
	arts facility, based upon responses from listed		
	references and possibly unlisted references.	300	30%
2.	Experience completing projects as CM-at-Risk		
	and CM-at-Risk Methodology.	150	15%
3.	Experience of personnel listed.	100	10%
4.	Bonding capability & proof of insurance.	Pass/Fail 50	5%
••	Total Qualification Points	600	60%
	Total Daubina Dainta	4000	4000/
	Total Ranking Points	1000	100%

Cost proposal subcategories will be ranked by awarding up to 100 or 200 points as the highest, as the case may be, to the lowest proposal in each subcategory and a percentage of 100 to every other proposal divided into the low number and multiplied by 100. It should be clearly understood by all Proposers, that if a cost proposal number in any of the three subcategories listed is substantially lower than the numbers proposed by all other Proposers, or outside the realm of what one would consider prudent and responsible in terms of normal business practice, thus casting suspicion, doubt, or uncertainty that a Proposers could actually provide the services anticipated sufficiently and in fulfillment of the scope of the proposed contract, the evaluation committee may choose to adjust the numerical ranking outcome before assigning points under the weighting system. In other words, the intent is that: "The governmental entity shall select the Proposer that submits the proposal that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation". Calallen ISD is not seeking the "cheapest price" but instead "the best value" to the School District.

Qualification subcategories will be ranked subjectively by the evaluation committee in a fair and impartial manner, acting as a single body, based upon information provided in the RFP. The evaluation committee may score firms equally on certain subcategories if they choose. The minimum point increment that can be awarded in any subcategory is (.5). The bonding capability & proof of insurance subcategory will be awarded on a pass/fail system where all Proposers who provide letter of intent as described in the RFP will receive the maximum of 50 points and those who do not will receive zero (0) points.

The anticipated Selection Schedule is as follows:

RFP's Available
 Proposals Due
 Ranking Committee Meeting
 In Person Interviews
 Proposals Due
 November 2, 2023
 November 29/30, 2023
 December 5, 2023

5. Board Ratification or Rejection of Ranking Committee's Number

One Ranked Proposer December 11, 2023
6. Public Notification of Board Action December 12, 2023

After review and evaluation of the responses submitted, the Ranking Committee will conduct interviews of the Respondents as needed. At this time, Administration anticipates that in-person interviews will be scheduled to take place on Tuesday, December 5, 2023 from 8:00 a.m.-4:30 p.m. at Calallen ISD Administration Building, 4205 Wildcat Drive, Corpus Christi, TX 78410.

Submission Requirements

Cost Proposal

- 1) Provide a fixed fee for your Company's Pre-Construction Phase services on this project as defined in AIA Document A133 2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor where basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price.
- 2) Provide a fixed fee for the cost of your Company's General Conditions for this project. The General Conditions cost shall include every expense that the CM-at Risk anticipates during the course of this project. The final costs for General Conditions may be renegotiated and/or finally established at time of acceptance of CM-at-Risk's GMP (Guaranteed Maximum Price). After construction phase begins, requests for additional General Condition's expenses will be denied.
 - a. The itemized list of List of General Condition Costs for purposes of this evaluation shall be as following, and shall be computed for the presently anticipated time of project construction phase duration of twenty-four (24) months.
 - 1. Superintendent (full time)
 - 2. Assistant Superintendent (one now more to be negotiated if needed)
 - 3. Superintendent's Truck and Fuel
 - 4. Workmen's Compensation for on-site staff
 - 5. Employee Benefits for above
 - 6. SS and Unemployment Taxes for above
 - 7. Field Office
 - 8. Safety
 - 9. Small Tools & Equipment
 - 10. Drinking Water
 - 11. Phone Service
 - 12. First Aid Supplies
 - 13. On-site e-mailing Capability (Computer and Data Service)
 - 14. Sanitary Facilities

- 15. Materials Handling
- 16. Dimensional Control
- 17. Site and Building Layout
- 18. Site and Building Security
- 19. Temporary Water Hookup and Disconnect (Assume water is available to site and will be paid for directly by Owner)
- 20. Temporary Electrical Hookup and Disconnect (Assume arrangements will be made and paid for by Owner to bring have their Retail Electric Provider (REP) bring power to the site and that all temporary power for construction will be paid for directly by Owner)
- 21. Project Sign
- 22. Temporary Construction Fencing
- 23. Record and As-Built Drawings
- 24. Closeout Documents
- 3) Provide a percentage of Construction Cost fee for your Company's services for the Construction Phase of this project. At the time of acceptance of the CM-at- Risk's GMP (Guaranteed Maximum Price) this percentage of construction cost fee will be converted to a fixed fee based upon the cost of the work as defined by the GMP. The percentage of construction cost fee stated in this RFP response shall, just as with the General Conditions, be negotiable during contract negotiations with ranked Proposers and all the way up to the point of accepting the CM-at-Risk's GMP
- 4) Provide the total cost of your Company's CM-at-Risk services broken down in the following three categories: (See enclosed Proposal Form in Attachment B to the RFP. Please complete and return the form.)
 - a. Total of fixed fees for Pre-Construction Phase services.
 - b. Total of fixed fees for General Conditions.
 - c. Provide your percentage of construction cost fee for your Company's services for the Construction Phase of this project.

Qualifications

- 1) Company Information:
 - a. Name
 - b. Principal Office Address
 - c. Principal Office Phone Number
 - d. Legal Description of Business Operation (i.e. Sole Proprietor, Partnership, Corporation, etc.)
 - e. Year Founded
 - f. Years of operation under current business legal status and company name.
 - g. Years of operation under other business legal status's and/or company names since the year company was founded.
- 2) Experience:
 - a. How many performing arts facility projects, or projects with relevant similarities to a performing arts facility, has your firm completed in recent years? Include the following information for each of those projects:
 - 1. Name of Project
 - 2. Construction Delivery Method
 - 3. Details of Facility

- 4. Size in Square Feet
- 5. Guaranteed Maximum Price (GMP)
- 6. Actual Final Price
- 7. Contract Completion Date
- 8. Actual Completion Date
- 9. Owner's Name (contact person) and Phone Number
- 10. Architect's Name (contact person) and Phone Number
- b. How many projects has your firm completed as a Construction Manager- at-Risk during the last five (5) years? Include the following information for each of those projects:
 - 1. Name of Project
 - 2. Type of Facility
 - 3. Size in Square Feet
 - 4. Guaranteed Maximum Price (GMP)
 - 5. Actual Final Price
 - 6. Contract Completion Date
 - 7. Actual Completion Date
 - 8. Owner's Name (contact person) and Phone Number
 - 9. Architect's Name (contact person) and Phone Number
- c. How many projects does your firm have under contract/construction currently as the Construction Manager-at-Risk? Include the following information for those projects:
 - 1. Name of Project
 - 2. Type of Facility
 - 3. Size in Square Feet
 - 4. Guaranteed Maximum Price (GMP), if under construction, or the current estimated cost, if not under construction yet.
 - 5. Contract Completion Date, if under construction, or the estimated completion date, if not under construction yet.
 - 6. Owner's Name (contact person) and Phone Number
 - 7. Architect's Name (contact person) and Phone Number
- d. In addition to the projects listed in paragraph 2b above, how many projects does your firm have under contract/construction currently that are not Construction Manager-at-Risk projects? Include the following information for those projects:
 - 1. Name of Project
 - 2. Project Delivery Method (i.e. Competitive Bid, Competitive Sealed
 - 3. Proposal, Design-Build, etc.)
 - 4. Type of Facility
 - 5. Size in Square Feet
 - 6. Contract Price
 - 7. Contract Completion Date
 - 8. Percentage of Construction Completed
 - 9. Owner's Name (contact person) and Phone Number
 - 10. Architect's Name (contact person) and Phone Number

- e. Name any subcontractors or material suppliers in which your company has some ownership and list the categories of work or materials these companies might provide pricing for on this project.
- f. Within the past five (5) years has any officer of your company ever been an officer of another company when that company failed to complete a construction project? If yes, please explain.
- g. Claims, lawsuits or settlements:
 - 1. Are there any judgments, claims, arbitration proceedings, mediations, suits or any other methods of dispute resolution pending, outstanding, filed, demanded or otherwise engaged against your company or any of its officers? If so, please explain.
 - 2. Has your company filed, claimed, demanded, been sued or been a party to any judgments, claims, arbitration proceedings, mediations, lawsuits or any other methods of dispute resolution within the last five (5) years, including those proceedings to which you may have reached a settlement without admitting liability? If so, please explain.
 - 3. Has your company ever failed to complete a project that it has been awarded? If so, please explain.
- 3) Bonding Capacity & Proof of Insurance:
 - a. Provide letter of intent from bonding agent indicating Company's ability to provide 100% payment and performance bonds on the Construction phase of this project as outlined in the attached sample General Conditions, Supplementary General Conditions and/or Special Conditions for this project
 - b. Letter of intent should also indicate that the Company's bonding company is licensed to provide bonds in the State of Texas and is listed on the United States Treasury list of bonding companies.
 - c. When a Company's bonding agent provides a letter of intent at this stage of the RFP process, it should be clearly understood that after contract negotiations with ranked offeror's are complete and at the time of contract award the following paragraphs of Section 2269.053 of the Texas Government code must be followed:
 - If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the project budget, as specified in the request for qualifications.
 - 2. The construction manager shall deliver the bonds not later than the 10th day after the date the construction manager executes the contract unless the construction manager furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established.

- d. Provide current Insurance Certificate showing that your Company carries the minimum insurance coverages as outlined in the attached sample General Conditions, Supplementary General Conditions and/or Special Conditions for this project.
- e. If, for some reason, a current Insurance Certificate indicates that your Company does not carry all of the insurance coverages that will be required by the Owner on this project or the level of coverages, you must provide a letter from your various insurance companies or agents stating that if awarded a contract your Company could provide the coverages required.

4) CM-at-Risk Methodology:

- a. Describe your company's approach to working with the Owner and Architect during pre-construction (including bidding) and construction phases of the project.
- b. Describe specific projects in which you have implemented "fast track" scheduling and project "phasing" techniques in an effort to commence actual work on the project as quickly as possible and achieve rapid overall project delivery. Include examples of projects in which certain portions of a building achieved substantial completion with Owner occupancy prior to completion of the entire project
- c. Describe your methodologies for cost estimating, cost control and scheduling of the project for both pre-construction and construction phases of the project.
- d. Provide itemized General Conditions, including prices, for three (3) similar sized projects where you acted as CM-at-Risk.

5) Personnel:

- a. Identify the Company Officer-in-Charge, Project Manager, Estimator, on- site Superintendent and any other key personnel you propose to use on this project.
- b. Provide a resume for each individual.
- c. Provide a list of projects where the proposed Project Manager and on-site Superintendent have worked together in the past.

6) References:

a. List name and phone numbers for not more than four (4) references each for previous Owners and Architects on previous projects.

Additional Documents

 A "Procurement Proposal Response Packet" is included in the RFP for Proposer to state fees requested under <u>Cost Proposal (40%) total</u>, <u>in Appendix B to the RFP</u> and must be completed and returned bound in the proposal, including all forms certifications, and statements.

OTHER INSTRUTIONS FOR PROPOSERS:

- PUBLIC INFORMATION ACT COMPLIANCE: The District fully complies with the Texas Public Information Act, Texas Government Code Chapter 552. During the course of the selection process, RFP responses are exempt from disclosure to the public under the Texas Public Information Act. The submitted Proposals will, upon the award of the contract, become a public record; and therefore, subject to disclosure to any person who makes a proper request for review of the documents. Some of the information you provide in your Proposal may contain commercial or financial information which you consider privileged or confidential, or may be of a nature which you believe may cause substantial competitive harm to your business if disclosed by the District to a third-party, even after the award. You may be entitled to protect this information at the time a request is made for disclosure; however, you will need to consult your legal counsel to assure that this type of information, if included in your Proposal, is properly marked as confidential prior to submission. Wholesale marking of your entire Proposal "Confidential" or "Proprietary" will not be effective. In the event information from your Proposal is requested, the District will use its best efforts to notify the CMAR of such request, but will have no duty to assert any claim to the Attorney General regarding that the Proposal or any parts of the Proposal are not subject to disclosure under the Act.
- B. WITHDRAWAL OR REVISION OF PROPOSAL: Proposal may be withdrawn or revised prior to scheduled time for opening, under following terms:
 - CMAR may, without prejudice, withdraw Proposal after it has been deposited, provided request for such withdrawal is received in writing before the date and time set for opening.
 - 2. After opening, no Proposal may be withdrawn.
 - 3. Any interlineations, alteration, or erasure made before receiving time must be initialed and dated by the signer of the proposal, guaranteeing authenticity.
- C. NON-RESPONSIVE PROPOSAL: Proposal(s) are considered NON-RESPONSIVE and, by way of example but not limitation, may be rejected for any of the following reasons (unless otherwise provided by law):
 - 1. If there are unauthorized additions, conditional proposals, or irregularities of any kind which may tend to make the proposal incomplete, indefinite, or ambiguous
 - 2. If CMAR adds any provisions reserving right to accept or reject any award, or to enter into Contract pursuant to an award.

Owner reserves right to reject any or all proposals and to waive irregularities or informalities as may be deemed in Owner's interest and/or re-issue an RFP for these Projects, or any one of them, as it may determine in its sole discretion.

A proposal that is rejected will not be evaluated and will not be considered.

D. INTERPRETATIONS: If Proposers are in doubt as to the meanings or instructions set out in this RFP, then Proposer must submit a written request for interpretation, directed to:

Calallen ISD
Attn: Blair McDavid, Director of Operations
Calallen ISD Administration Building
4205 Wildcat Drive
Corpus Christi, Texas 78410

Proposer submitting request is responsible for its prompt and actual delivery.

Requests for interpretations or questions related to this RFP must be received on or before seven (7) days prior to the proposal date.

- E. NO CONTACT: In order to ensure the integrity of the selection process, Proposer's employees, officers, agents, or other representatives shall not lobby or attempt to influence a vote or recommendation related to the Proposer's response, directly or indirectly, through any contact with school board members, other District officials or employees from the date this RFP is released until a contract is executed. This RFP is subject to cancellation by the District if any person significantly involved in initiating, negotiating, securing, drafting, or creating the offer on behalf of Calallen Independent School District, is at any time while the RFP is in effect, an employee of any other party to the RFP in any capacity or a consultant to any other party of the RFP with respect to the subject matter of the RFP. Proposers are expected to examine this RFP carefully, understand the terms and conditions for providing the services listed herein and respond completely. FAILURE TO COMPLETE AND PROVIDE ANY OF THE ABOVE ITEMS MAY RESULT IN THE PROPOSER'S PROPOSAL BEING DEEMED NON-RESPONSIVE AND THEREFORE DISQUALIFIED FROM CONSIDERATION.
- F. ADDENDA: Any addenda to this RFP will be posted on the District Purchasing & Procurement webpage located at: https://www.calallen.org/Page/248. The District will make an attempt to provide addenda to all known parties, but it is ultimately the responsibility of each Proposer to obtain all addenda that pertains to this RFP. Failure to receive such addenda does not relieve Proposer from any obligation under the Proposal submitted. All formal written addenda become a part of the RFP documents.
- G. NO REIMBURSEMENT FOR COSTS: Proposer acknowledges and accepts that any costs incurred from the Proposer's participation in this RFP process shall be at the sole risk and responsibility of the Proposer.
- H. ELIGIBLE PROPOSERS: Only individual firms or lawfully formed business organizations may apply. (This does not preclude a Proposer from using consultants.) The Owner will contract only with the individual firm or formal organization that submits a Proposal.
- I. WAIVER OF CLAIMS: By submitting a proposal, each Proposer agrees to waive any claim it has or may have against the Owner, the Architect/Engineer, and their respective trustees, agents and employees, and any reference sources, arising out of or in connection with the administration, evaluation, or recommendation of any Proposal; waiver of any requirements under the proposal documents; acceptance or rejection of any Proposal; and award of a contract.
- J. PREVAILING WAGE RATE: Proposers are advised that the Texas Prevailing Wage Law will be administered in accordance with the General Conditions. The Owner has adopted the prevailing wage schedule attached in Attachment A to this RFP. The construction of this Project is subject to Chapter 2258 of the Texas Government Code. Among other things, this Chapter provides that it shall be mandatory for a Contractor and upon any subcontractor under him to pay not less than the prevailing rates of per diem wages in the locality at the time of construction to all laborers, workmen, and mechanics employed by them in the execution of the contract. In accordance therewith, the Owner has adopted the prevailing wage scale published for this area by the Department of Labor. Any workers not included in the schedule shall be properly

classified and paid not less than the rate of wages prevailing in the locality of the work at the time of construction. If the Contractor or any of its Contractors or Subcontractors violate the provisions of the Prevailing Wage Statute above, by failing to pay the required prevailing wage to worker employed by it in the execution of the contract, the Contractor shall be required to pay the Owner the sum of Sixty Dollars and No/100 (\$60.00) for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rate stipulated in the scale of prevailing wages applicable to this Project, as required by Texas Government Code Section 2258.023(b)

RFP APPENDIX A-1

AIA DOCUMENT A133-2019 STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER AS CONSTRUCTOR

See Separate Document to be Attached due to File Size.

RFP APPENDIX A-2

SAMPLE AIA DOCUMENT A201-2017 GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION

See Separate Document to be Attached due to File Size.

RFP APPENDIX B

Procurement Proposal Response Packet

See Separate Document to be Attached due to File Size.