



REQUEST FOR PROPOSALS
FOR
CONSTRUCTION MANAGER-AT-RISK/GENERAL
CONTRACTOR
COTTONWOOD HEIGHTS MUNICIPAL CENTER

DUE DATE: 5 May 2014
Due time: 4:00 p.m.

Submit response to:

John W. Park
Cottonwood Heights
1265 East Fort Union Blvd., Suite 250
Cottonwood Heights, UT 84047

Notice of Request for Proposals for
Construction Manager-at-Risk Services and
General Contractor—Preconstruction and Construction Phase Services

Cottonwood Heights Municipal Center

The city of Cottonwood Heights, Utah is soliciting proposals for a qualified construction manager-at-risk and general contractor to participate, with the city and its architect, in the design, development and construction of a building and related improvements comprising the city's new municipal center. The center is expected to be a 2-3 story building totaling approximately 33,000 square feet, together with site improvements, infrastructure and landscaping. The site is approximately 4.7 acres located on the northwest corner of the intersection of 2300 East and Bengal Blvd. in Cottonwood Heights.

There are two phases of work - the preconstruction phase and the construction phase. Preconstruction services will include comment on design, value engineering, estimating, influence of the methods and sequencing of the construction phase, and receiving subcontract bidding. Upon completion of preconstruction activities, the successful proposer will submit a guaranteed maximum price ("*GMP*") for the center for the city's consideration. If the GMP is acceptable, the city will award a contract to the successful proposer to act as the general contractor for the construction phase services.

The foregoing is a summary of such request for proposals, a full copy of which may be requested from John Park, the city's manager, via e-mail at jpark@ch.utah.gov. Questions regarding the RFP may be submitted to Mr. Park via e-mail. Candidates should not contact any other elected or appointed officer or employee of the city concerning the RFP. To be timely, ten (10) hard copies and a CD of a pdf of a proposal must be received by Mr. Park at 1265 East Fort Union Blvd., Suite 250, Cottonwood Heights, UT 84047 before **4:00 p.m. on 5 May 2014**. Proposals received after that deadline will be returned unopened.

The right to reject any or all proposals is reserved.

Dated 18 April 2014.

Cottonwood Heights

	<u>Deseret News</u>	<u>SL Tribune</u>	<u>utahlegals.com</u>
Published:	20 April 2014	20 April 2014	20 April 2014
	27 April 2014	27 April 2014	27 April 2014



COTTONWOOD HEIGHTS

1265 East Ft. Union Blvd., Suite 250
Cottonwood Heights, UT 84047

Request for Proposals for Construction Manager-at-Risk Services (CM-AR) and General Contractor—Preconstruction and Construction Phase Services

Cottonwood Heights Municipal Center

1. **Background.** Cottonwood Heights, Utah (“City”) is a Utah municipality of approximately 34,000 residents located in the Southeast quadrant of the Salt Lake Valley. City is authorized and responsible to provide certain services within its boundaries, including, without limitation, law enforcement, fire and emergency protection, planning/zoning, public works and other municipal services. City is organized under the Council-Manager optional form of municipal government, with the City Manager (the “*Manager*”) as City’s chief executive officer.

Since its incorporation in January 2005, City has operated out of leased office space in a commercial office building, planning to someday build its own municipal center. Following a three-year search for an appropriate parcel of ground, City recently has contracted to purchase approximately 4.7 acres located on the Northwest corner of 2300 East and Bengal Blvd. (the “*Ground*”). Closing of City’s acquisition of the Ground should occur by 30 June 2014.

Pursuant to a “Request for Statements of Qualifications” issued on or about 24 March 2014, City is proceeding to engage a qualified, acceptable architect or architectural firm (the “*Architect*”) to provide all architectural services for a new building and related improvements for City’s new municipal center (the “*Center*”) to be constructed on the Ground, for the purpose of providing a functional, efficient and supportive work environment for City staff and an inviting and convenient community facility for City’s residents. The Center is expected to be a 2-3 story building totaling approximately 33,000 square feet, together with site improvements, infrastructure, utility connections, parking needs and landscaping. The budget for the completed Center is anticipated to be under \$8.6 Million. The proposed construction start date is September 2014.

City now desires to select a qualified, acceptable construction manager-at-risk and general contractor (“*CM/GC*”) to participate, with City and the Architect, in the design, development and construction of the Center. There are two phases of work - the preconstruction phase and the construction phase. Preconstruction phase services will include comment on design, value engineering, estimating, influence of the methods and sequencing of the construction phase, and receiving subcontract bidding. At the conclusion of the preconstruction phase services, City intends to award a contract for the construction phase services. Upon completion of the

preconstruction phase, the CM/GC will submit a guaranteed maximum price (“GMP”) for the Center for City’s consideration.

2. **Intent.** From the list of interested and qualified CM/GC firms submitting proposals in response to this Request, City intends to select the proposer that City deems best qualified and suited to meet City’s needs regarding the Center. City plans to initially enter into a contract (the “*Preconstruction Agreement*,” which shall be in such form as City reasonably may require) with the selected CM/GC for preconstruction activities only, which will include comment on design, value engineering, estimating the project with unit-type estimates at the end of the schematic design, design development and construction document phases, influence of the methods and sequencing of the construction phase, preparation of a critical path schedule and receiving subcontract bidding.

Within one week after receiving subcontract bidding, the CM/GC will submit a GMP for City’s consideration. City’s acceptance, in its sole discretion, of the CM/GC’s GMP will constitute completion of preconstruction activities. A contract will then be entered into by City and the CM/GC for the construction of the Center. At the time of execution of such construction agreement, the CM/GC will be required to submit a 100% performance and payment bond for the completion of the Center.

(a) *Preconstruction Phase Services.* City intends that the specific scope and compensation of the preconstruction phase services will be negotiated prior to signing the Preconstruction Agreement, based on City’s requirements and the CM/GC’s input based on its fee schedule submitted with its proposal (see section 3[1], below). In general, however, the preconstruction phase services are anticipated to include, without limitation, the following:

(i) Consult with, advise, assist and provide recommendations on all aspects of the planning and design of the Center.

(ii) Provide information and estimates, and participate in decisions, regarding construction materials, methods, systems, phasing, and costs to assist in determinations that are aimed at providing the highest quality Center within the approved budget and schedule.

(iii) Review in-progress design documents, provide input and otherwise advise on construction feasibility, alternative materials, availability of materials and equipment. Review completed design documents and suggest modifications to improve completeness and clarity. Otherwise collaboratively work with City and the Architect to provide value engineering throughout design and construction of the Center.

(iv) Provide input regarding the current construction market bidding climate, status of key subcontract markets, etc. Recommend division of work to facilitate bidding and award of trade contracts, considering such factors as bidding climate, improving or accelerating construction completion, minimizing trade jurisdictional disputes, and related issues.

(v) Develop and continuously monitor the Center’s critical path schedule and recommend adjustments in the design documents or construction bid packaging to ensure completion of the project in the most expeditious manner possible, while addressing and meeting schedule requirements.

(vi) Prepare construction cost estimates for the Center at appropriate times throughout the design phase. Provide timely and detailed cost estimating and scheduling impact evaluation for specific components and systems under consideration throughout the schematic, design development, and construction documents phases. Notify City's design team immediately if the construction cost estimates appear to be exceeding the construction budget. Such services shall include providing line item estimates of the construction cost at all appropriate points during design and development, including the concept, schematic design and design development phases, and at 50% and 100% construction documents phases. Such estimates will be reviewed and approved by City and the Architect before moving to the next phase of the design and will be used as a factor in their approval of the final GMP.

(vii) Work with City and the Architect to maximize energy efficiency in the Center and to enable the Center to achieve City-targeted LEED certifications. As specific LEED credits are considered, provide detailed and timely evaluation of the cost and schedule impact to the project. Provide and submit the information required by the USGBC and identified as to be provided by the CM/GC.

(viii) Work closely with City's specialty consultants on any technical aspects of the HVAC systems, electrical systems and communications systems.

(ix) At City's direction, obtain bids for all subcontractor trades and materials. Labor and material contracts and payment on those contracts will be the CM/GC's responsibility. A minimum of three sub-bids (from subcontractors approved by City) will be required on all items which cost more than \$5,000.00, and City will have "open book" access to all bids received.

(x) The CM/GC must bid all self-performed work; a sealed bid must be turned into City's representative (the Manager or designee) at least 24 hours before the CM/GC receives all other subcontractor trades and materials bids.

(xi) Within one week of receiving subcontract bidding, furnish the GMP for the Center for City's consideration. The GMP will include all labor, materials, equipment, supplies and other costs, fees and charges for the entire scope of the project, including a construction contingency amount that is reasonably acceptable to City and the Architect. If the CM/GC is unable to furnish a GMP within City's budget, City may (A) cancel the Preconstruction Agreement and either start a new process for the construction of the Center or delay construction of the Center; or (B) cancel the construction phase activities with the selected CM/GC and award them to another firm.

(b) *Construction Phase Services.* Construction phase services will be provided under terms of a standard form American Institute of Architecture (AIA) Document (likely Document A133 – 2009 SP [Standard Form of Agreement Between Owner and Construction Manager as Constructor, for use on a Sustainable Project where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price] and A201 - 2007 [General Conditions of the Contract for Construction]), with supplemental conditions and modifications reasonably specified by City. The final total cost of the Center shall not exceed the GMP plus the contingency.

3. **Proposal Content and Instructions to Proposers.** The proposal submitted in response to this Request shall be in the format outlined below and shall be signed by an officer of

the proposer with proper authority to commit the firm. Proposals should be clear and concise, and will be evaluated against the criteria listed below. Emphasis should be placed on the specific qualifications of the people who will actually perform the subject work and the specific approach to the execution of the work. Include the following in the proposal:

(a) *Project Team.*

(i) The experience, training and qualifications of the proposer's key personnel who will be assigned to work on this project, including the project manager, superintendent and in-house cost estimator. Include resumes and individual references from recent past projects.

(ii) The proposer's ability to work cooperatively with the owner's consultants, the Architect, and anticipated subcontractors as demonstrated by references and successful projects.

(b) *Background Disclosures.*

(i) *AIA Document A305.* Include a complete and accurate AIA Document A305 Contractor Qualification Statement, which will be reviewed and considered in determining the proposer's qualification to bid.

(ii) *Litigation.* Identify and describe any litigation within the past five years associated with the proposer or its principals.

(c) *Relevant Experience.*

(i) The proposer's experience with management of complex, multiple-contract projects. Explain proposer's technical capabilities and experience on projects of this type (public projects involving essential services/critical public buildings), showing a minimum of five successful projects of between 20,000 and 35,000 square feet in the past ten years. Provide a list of the last five similar projects, indicating for each project whether the firm acted as general contractor or construction manager. Provide a brief outline of how the proposer organized and managed those similar projects, identifying key project goals established by the owner and the proposer's methods for achieving them. Also identify any project goals that were not achieved and describe the reasons why they were not achieved.

(ii) The proposer's capability to meet time and project budget requirements demonstrated by previous projects. Describe any failure within the last ten years to complete any work awarded to proposer within the time allowed for completion of such work.

(iii) The proposer's methodology and experience with value engineering on previous similar projects.

(d) *Management Outline.*

(i) Provide a brief outline of the manner in which the proposer will organize and manage the project, as well as an explanation of how the proposer will achieve the following project goals: holding the construction cost to the budget; assuring high quality construction; and meeting the completion schedule.

(ii) Propose contract payment structures that would be mutually advantageous to the CM/GC and City in ensuring that the Center is delivered for the lowest possible cost and at the highest possible quality.

(e) Bonding and Insurance.

(i) Demonstrate the proposer's ability to bond an \$8.0 million to \$10 million project as evidenced by a letter from the firm's bonding company, at a performance and material bond rate no greater than 1.5% of construction cost. Describe any claim(s) made by any owner, subcontractor, supplier, laborer or other against the proposer's bonding company for any project within the past ten years, providing contact information for the claimant(s) and bonding company. Describe any refused bonding by any company on any project requested by the proposer within the past ten years.

(ii) Demonstrate the proposer's ability to secure the necessary insurance at the same minimum amounts specified in Article 10 of the General Conditions published by the Utah Division of Facilities Construction and Management, using the most current edition (http://dfcm.utah.gov/downloads/1const/2005_0525_gen_conditions.pdf). Be prepared to provide proof of insurance prior to the award of pre-construction services.

(f) Cost Estimating. Demonstrate the proposer's experience with project cost estimating prior to bidding. Include specific training and experience of the firm's cost estimating team. For the five similar projects to be listed under subpart 3(d), above, provide information to show the accuracy of the proposer's ability to do cost estimating, focusing on the relationship between the GMP or bid amount and the final cost to the owner for each such project. Provide information on the design stage when the GMP was established for each of those five projects.

(g) Scheduling. The proposer's ability to use state-of-the-art computerized scheduling tools and a working knowledge of their operation. Provide an overview of the system and programs that will be used by the proposer on this project.

(h) Bidding Conditions. Experience and understanding regarding local subcontractors and bidding conditions. Explain how the proposer stays current with the construction costs and bidding conditions of this area.

(i) "Green" Building Expertise. Describe the proposer's experience with "green" building practices and LEED certifications. Identify any "green" building projects the proposer has worked on.

(j) Special Qualifications. Describe the unique or extraordinary skills or qualifications the proposer would bring to this project. How would the selection of the proposer add value to the project?

(k) References. Submit a list of a minimum of six references with addresses and current direct telephone numbers. Two of the references shall be subcontractors, two shall be A/E firms, and two shall be owner's representatives of projects that have relevance to this project.

(1) **CM Services and Fees.** Provide a written detailed description of the construction management services the proposer will provide under the fee schedule attached as Exhibit “A” to this Request. All submitted fee items shall be based on that fee schedule, and if any line item is not provided, the cost of that item will not be charged to City. As to any construction contingency shown on that fee schedule, define how the contingency will be used; who will approve its use; and how any unused contingency funds will be allocated when the project is completed.

4. **Response Requirements.** Ten bound copies and a CD of a pdf version of any response to this Request shall be submitted to the Manager, John Park, at City’s address specified above no later than 4:00 p.m. (Mountain Time) on Monday, 5 May 2014. Any response, modification or amendment received after that deadline is late. No late responses will be accepted and will be returned unopened. No electronic (facsimile, email, etc.) responses will be accepted. Printed materials shall be 8 ½” x 11”, portrait format. Charts may be in 8 ½” x 14” landscape style format. Each response must include the components as specified in section 3, above, and be signed by an authorized representative of the proposer.

5. **Length.** The proposal shall not exceed 25 pages, not including dividers, covers and the AIA Document A305. Submissions should be concise and targeted to the objectives of this project and the proposer’s relevant. The Review Panel (defined below) will focus more on the conciseness, quality and relevance of the submission rather than its magnitude.

6. **Clearly Marked.** Each proposal must be clearly marked as: “*Proposal of CM/GC for Cottonwood Heights Municipal Center Project.*”

7. **Ownership.** All proposals shall become City’s property and are subject to the Government Records Access and Management Act, UTAH CODE ANN. 63G-2-101 *et seq.* Any proprietary information contained in the response must be clearly marked and delineated. *See, e.g.,* UTAH CODE ANN. 63G-2-309. City may release any information contained in the response that is not marked and delineated as proprietary following execution of a contract for services.

8. **Schedule.** City anticipates the following schedule:

<u>Event</u>	<u>Date</u>
Request for Proposals Issued	18 April 2014
Response Deadline	5 May 2014, 4:00 p.m.
Selection of Finalist Proposer(s)	9 May 2014
Finalist Proposers Interviewed (Optional)	Week of 12 May 2014
CM/GC Selected	20 May 2014
Signed Preconstruction Agreement	28 May 2014

9. **Evaluation and Selection Process.** City will select the CM/GC on the basis of demonstrated competence, similar project experience, qualifications, fee structure, and the other information to be contained in responsive proposals. A selection committee or individual (the

“*Review Panel*”) will be appointed by City to analyze the responses to this Request, to conduct any desired interviews, and to prioritize the proposers. Each proposal will be evaluated based on responsiveness to City’s needs and the award, if made, will be to the proposer whom City, in its sole discretion, deems most responsive to the requirements of this Request and City’s needs. Subject to the foregoing, City anticipates selecting the CM/GC using the evaluation criteria shown on Exhibit “B” that is attached to this Request.

City may make a final selection directly from the submitted proposals or may “short list” several proposers for additional submissions and/or presentations. Oral presentations may be required at City’s discretion. If oral presentations are required, then they will be scheduled after the Review Panel completes its analysis of the responses and will be made at the presenter’s expense.

The Review Panel also may choose to interview one or more proposers prior to making its recommendation to the Manager. One or more proposers may be invited to interview with the Manager and the City Council (the “*Council*”). The Manager will make the final selection of the CM/GC in consultation with Council, selecting the proposer whose proposal is deemed to be most advantageous to City.

10. **Terms of Contracts.** The successful proposer will be required to enter into comprehensive written agreements with City for the preconstruction phase services and the construction phase services as described above. The City Attorney, working with the selected proposer, will negotiate and draft such agreements. All provisions of such agreements will be in compliance with applicable laws, rules and regulations, and will contain such terms and conditions as City reasonably may require. If the selected proposer and the City Attorney are unable to negotiate an acceptable agreement, then another proposer will be selected by City and negotiation will continue with such other proposer until an acceptable agreement is completed.

11. **Suspension of Process, Etc.** City reserves the right to reject (in whole or in part) any and all responses to this Request; to amend, modify or waive any requirement set forth in this Request; and to accept any response deemed to be in the best interest of City, subject to legal requirements. Response to this Request is at the proposer’s sole risk and expense, and City shall not be liable for any cost associated with preparation by any party of any response to this Request. Although City anticipates selecting one of the proposers as the CM/GC, there is no guaranty that any proposer will be selected as the CM/GC or that the subject project will be commenced or completed. City also reserves the right to cancel award of this contract at any time before execution of the contract by both parties if cancellation is deemed to be in City’s best interest. In no event shall City have any liability for the cancellation of the award.

12. **Contact Person.** Any questions or requests for clarification must be submitted in writing to the Manager, John Park, by mail at the address specified above, by email at jpark@ch.utah.gov, or by facsimile at 801.944.7005. Such questions or requests must be received by 5:00 p.m. at least five business days before the submittal deadline. To assure consistent responses to questions or requests for clarification, proposers are instructed **not** to contact any other City officers (including elected officers) or employees. The Manager will endeavor to respond to any such request(s) for clarification or additional information and, if the Manager deems (in his sole and absolute discretion) that such response is of general applicability, then his response, if any, will be posted on City’s website at www.cottonwoodheights.utah.gov (which will constitute a written response). Consequently, proposers to this Request are encouraged to review City’s website frequently.

618801.1

Exhibit “A” to Request for Proposals for
 Construction Manager-at-Risk Services (CM-AR) and
 General Contractor—Preconstruction and Construction Phase Services

Cottonwood Heights Municipal Center

General Conditions and Fees

<u>Description</u>	<u>Amount</u>
Project Manager	\$ _____
Superintendent	\$ _____
Superintendent’s Truck	\$ _____
Subsistence	\$ _____
Surveying / Layout	\$ _____
Jobsite Office Trailers	\$ _____
Construction Utilities:	
Telephone, 2 lines; 1 voice, 1 fax	\$ _____
Electrical	\$ _____
Temporary Panels	\$ _____
Temporary Lighting	\$ _____
Temporary Water Installation	\$ _____
Job Clean Up Labor	\$ _____
Jobsite Dumpsters	\$ _____
Fees & Permits	\$ _____
Insurance:	
Contractor’s Equipment, Vehicles, etc.	\$ _____
Liability / Worker’s Compensation	\$ _____
Bonds:	
Performance, Labor & Materials	\$ _____
Subcontractor & Supplier Performance, Labor & Materials	\$ _____
Temporary Fencing, Barricades & Traffic Control (if required)	\$ _____
Construction Signs	\$ _____
Final Cleaning	\$ _____
Other Costs (if required)	\$ _____
Total General Conditions Costs	\$ _____

Pre-Construction Service Cost (Included in CM Fee) \$ _____

Construction Management (CM) Fee \$ _____

Construction Contingency percentage _____%

Change Order O&P percentage (maximum total of CM and subs) 10%

Name

Hourly rates of key personnel \$ _____/hour _____

\$ _____/hour _____

\$ _____/hour _____

Exhibit “B” to Request for Proposals for
Construction Manager-at-Risk Services (CM-AR) and
General Contractor—Preconstruction and Construction Phase Services

Cottonwood Heights Municipal Center

PROPOSAL SCORE SHEET

Scoring Criteria

- 0 = No response
- 1 = Poor, does not meet requirements
- 2 = Below average response/acceptability
- 3 = Average response/acceptability
- 4 = Above average response/acceptability
- 5 = Excellent response/acceptability

FIRM NAME:

Application Complete? __ YES __ NO

Total Score _____

	Points Possible	Score (0-5)	Weight	Points	Comments
Project Team (See 3[a])	15		x 3		
Disclosures (See 3[b])	5		x 1		
Experience (See 3[c])	20		x 4		
Management Plan (See 3[d])	5		x 1		
Bonding/Insurance (See 3[e])	5		x 1		
Cost Estimating (See 3[f])	10		x 2		
Scheduling (See 3[g])	5		x 1		
Bidding Expertise (See 3[h])	5		x 1		

	Points Possible	Score (0-5)	Weight	Points	Comments
“Green” Expertise (See 3[i])	5		x 1		
Special Attributes (See 3[j])	5		x 1		
References (See 3[k])	10		x 2		
Costs and Fees (See 3[l])	10		x 2		
TOTAL POINTS	100 Points Possible		TOTAL		

GENERAL COMMENTS: _____

 _____.

REMARKS CONCERNING REFERENCES: _____

 _____.

Reviewer’s Name _____ **Organization** _____

Date _____