

I. SECTION I – PROPOSALS, EVALUATION, SELECTION AND AWARD

A. SUMMARY

The objective of this Request for Proposal (RFP) is for the Owner to select a Construction Management (CM) firm at risk to provide professional construction management services during the design and the construction of the Project as described in this Request for Proposal (RFP).

1. The work of the Construction Manager-at-Risk will be performed in two phases under separate contracts for each phase. Phase I will include the pre-construction phase services and the preparation and submission of the Preliminary Guaranteed Maximum Price (PGMP) or Guaranteed Maximum Price (GMP). Phase II will include the bidding, award and management of numerous principal and specialty trade contracts for others to provide the actual construction of the Project. Since the Construction Manager-at-Risk will be providing only professional services for the benefit of the Owner based on a fee for such services, this procurement will be made in accordance with provisions of North Carolina General Statute (N.C.G.S) 143-64.31 which require that firms qualified to provide such services be selected on the basis of demonstrated competence and qualification for the type of professional service required without regard to fee and thereafter negotiate a contract for those services at a fair and reasonable fee with the best qualified firm.
2. All work performed under this contract shall be in accordance with the General Conditions of the Contract hereinafter set as modified or supplemented by any Contract Amendments, Special Conditions, or other Contract Documents as listed hereinafter any addenda, and other components of the Contract.

B. PRE-PROPOSAL CONFERENCE

A Pre-proposal Conference will be held as set forth on the foregoing RFP Data Sheet.

1. Should a Proposer find discrepancies in the RFP documents, or should he be in doubt as to the meaning or intent of any part thereof, he must, not later than **ten (10) calendar days prior to the proposal due date**, request clarification in writing from the Issuing Office, which may issue a written Addendum to the RFP. Oral explanations or instructions will not be binding; only written Addenda may be relied upon. Any Addenda resulting from these requests, or from questions raised at the mandatory pre-proposal meeting, will be sent to all listed holders of the RFP's no later than **seven (7) calendar days** prior to the proposal due date.
2. Any addenda/amendments to the Request for Proposal must be acknowledged in the submitted Proposal.

C. PROPOSALS

1. All proposals shall include the information requested by the Qualifications Questionnaire and shall be submitted via email to the Project Manager, David Hammock at david_hammock@ncsu.edu
The Proposal must be received as set forth on the foregoing Data Sheet in order to be considered. The proposal shall be signed in accordance with the provisions of Article 2.c. of the General Conditions of the Contract (Section III of the RFP). The Owner reserves the right to reject either all proposals after the opening of the proposals but before award, or any proposal, in whole or part, when it is in the best interest of the Owner. For the same reason, the Owner reserves the right to waive any minor irregularity in a proposal.
2. Proposers must possess all licenses required by North Carolina law, including, at a minimum, an unlimited general contractor's license in the building classification under N.C.G.S. Chapter 87, and shall submit proof of current licensing with their proposal.
3. If the Proposer is a joint venture firm or partnership, the Proposer must provide all identification information for all parties and all requirements for all parties (i.e., licenses, insurance, etc.) as requested. As part of the proposal submission under the category of Project Planning - General, the Proposer must identify the responsibilities of each joint venture or partnership party with respect to the scope of services/work inclusive of the requirements for each entity based on such services as described in this RFP document. All joint venture/partnership parties will be held responsible for the contract obligations jointly and severally.
4. Proposers should give specific attention to the identification of those portions of their proposals which they deem to be confidential, proprietary information or trade secrets, and provide any justification of why such materials, upon request, should not be disclosed by the Owner under North Carolina public records laws. Proposals will be publicly opened. Proposers must clearly indicate each and every section that is deemed to be confidential, proprietary or a trade secret as required by statute. It is NOT sufficient to preface your entire proposal with a proprietary statement.

D. MINORITY BUSINESS ENTERPRISE

Minority business enterprises are encouraged to respond to this RFP. Construction Managers are **required** to partner with a minority business enterprise to mentor as part of their management team. The verifiable goal for minority business participation pursuant to N.C.G.S. 143-128.f. is set at not less than ten percent (10%) of the total value of the work, inclusive of all fees. Written guidelines specifying the actions that the Construction Manager-at-Risk must take to ensure a good faith effort in the recruitment and selection of minority

businesses for participation in contracts awarded under this section are set forth in Appendix F and are herein incorporated by reference as if fully set forth herein.

E. PROPOSAL REQUIREMENTS

1. A Proposer, to be considered, must have a minimum of five (5) years of experience as a Construction Manager or General Contractor. Construction management experience gained by key personnel proposed for this project during previous employment in providing Pre-Construction and Construction Phase Services may be considered in meeting this minimum experience requirement.
2. Each proposer shall complete the Qualifications Questionnaire for Construction Manager-at-Risk that is part of this Request for Proposal.
3. In the interest of cost-savings, consistency of submittals and more efficient use of time by the pre-selection committee, the submitted information should not include any extra marketing materials. The format should be in 8-1/2" x 11" pages. The package length should not exceed twenty (20) double-sided pages.

F. EVALUATION

1. After the closing date for receipt of Proposals, the Owner shall open the Proposals. An Owner's Pre-selection Committee will evaluate the Proposals that are timely and properly submitted.
2. The Pre-selection Committee will form a shortlist of three to six firms whose proposals, in the judgment of the committee, offer the most desirable plans for the provision of services considering, among other things, the experience, expertise, and reputation of the proposing firm, together with due consideration of proffered quality, performance and the time specified in the proposals for the performance of the contract. The Owner reserves the right to request clarifying information from any and all Proposers at any time during the evaluation process. All proposers will be notified in writing of those firms selected for the shortlist.
3. The Owner will receive an oral presentation from each firm that is short-listed by the Pre-selection Committee. The purposes of the presentation are to allow the Owner to meet the Proposer's key personnel assigned to the project and to allow the Proposer to highlight aspects of selected areas of its technical proposal.
4. The Pre-selection Committee will rank the top three firms in priority order based on the selecting criteria listed below and will recommend this slate of firms to the Board of Trustees of the campus for the University of North Carolina System and Community Colleges or to the State Building

Commission for Agencies and Departments (hereinafter: the Appropriate Authority) for their consideration and final approval.

G. SELECTING CRITERIA

In selecting the three firms to be presented to the Appropriate Authority, the Pre-selection Committee should take into consideration in the evaluation of the proposals such factors as:

1. Workload that is fully able to accommodate the timely execution of this project. List projects for which the company is currently committed including the name and location of each project, time frame to complete, and dollar volume of each project.
2. Record of successfully completed projects of similar scope without major legal or technical problems. List three projects of similar size, scope and complexity, including details on the scope of preconstruction and construction phase services.
3. Provide the annual workload for each of the last five years, the number of projects and total dollar value. Provide complete information regarding past litigations and claims.
4. Record of Financial viability. Attach the latest balance sheet and income statement if available, based on company type. Audited statements are preferred. If not available, attach a copy of the latest annual renewal submission to the relevant licensing board. Indicate Dunn and Bradstreet's rating if one exists. Attach a letter from Surety Company or its agent licensed to do business in North Carolina verifying the proposer's capability of providing adequate performance and payment bonds for this project.
5. Previous experiences with the Owner, a good working relationship with Owner representatives, completed projects promptly and performed an acceptable quality of work. For the three projects requested in item 2 above, provide owner references including contact information for the project owner representative. Additionally, list all construction projects performed by the proposer for agencies and institutions of the State of North Carolina during the past 10 years.
6. Key personnel that have appropriate experience and qualifications. Attach a sworn statement that key personnel will be exclusively assigned to this project for its duration. For each person, detail what aspects of preconstruction or construction the person will handle, as well as his experience in the firm, other prior and relevant experience with projects of similar size and scope, and the person's location. Include current resumes and references and provide an email address for each individual.
7. Relevant and easily understood graphic or tabular presentations.
8. Completion of CM at Risk projects in which there was little difference between the GMP and final cost. For the three projects requested in item 2

above, list the GMP and the total cost of the project at completion.

9. Projects that were completed on or ahead of schedule. For the three projects requested in item 2 above, compare the number of days in the original schedule with the number of days taken for actual completion.
10. Construction administration capabilities.
11. Proximity to and familiarity with the area where the project is located and the dynamics of the local market.
12. Approach to design phase services, including constructability reviews and cost estimating. Appropriate level of commitment to each phase of service, staffed with appropriate personnel. Provide a brief description of how the project will be organized and managed and how the services will be performed in both pre-construction and construction phases. Project planning that offers the same project manager for pre-construction and construction phases will be given preference. Include information regarding value engineering, constructability issues, cost modeling and estimate, project tracking and reporting, request for information and shop drawings, quality control, schedule and staffing plan.
13. Quality of compliance plan for minority business participation as required by G.S.143-128.2. History of successful implementation of similar HUB efforts. Describe the program that your company has developed to encourage participation by minority and other HUB firms to meet or exceed the goals set by the statute. Attach a copy of that plan to the proposal. Provide documentation of the minority and other HUB participation that you have achieved over the
14. Past two years on both public and private construction projects. Outline specific efforts that your company takes to notify minority and other HUB firms of opportunities for participation. Indicate the minority participation goal that you expect to achieve on this project.
15. Demonstrate evidence of strong firm leadership, development of younger staff, and a succession plan for firm leadership.
16. A minimum of three references with current contact information, including email addresses and phone numbers.
17. Proximity to and familiarity with the NCSU campus.
18. LEED Certified Project Experience

H. CONTRACT NEGOTIATION AND AWARD

1. After the three firms have been notified of the selection action by the constituent agency or institution of the Appropriate Authority, a representative from the State Construction Office, the capital projects coordinator, and a representative from the using agency will discuss with the selected Construction Manager-at-Risk appropriate services and information about the project.

2. The State Construction Office will request in writing a detailed fee proposal for Pre-construction Services from the selected Construction Manager-at-Risk. The State Construction Office in coordination with appropriate representatives from the Owner will attempt to negotiate a fair and equitable fee consistent with the project program and the professional services required for the specific project. In the event a fee cannot be agreed upon, the State Construction Office shall terminate the negotiations and shall repeat the notification and negotiation process with the next ranked firm on the selection list. In the event a fee cannot be agreed upon with the second-ranked Construction Manager-at-Risk, the process will be repeated with the third-ranked Construction Manager-at-Risk. If a fee still cannot be agreed upon, the Owner shall review the history of negotiations and make appropriate determinations including program adjustments so as to lead to a negotiated contract with one of the original three firms selected. Such renegotiation with the firms shall be carried out in the original selection order, or a call will be made for the Pre-selection Committee to submit another list of three firms in priority order to the Appropriate Authority for consideration and final approval. The negotiation process will continue until a fee has been determined that is agreed to by the State Construction Office, the Owner and the Construction Manager-at-Risk.
3. Following successful negotiation, the Owner, by and through the State Construction Office as the final awarding authority shall award the Pre-Construction Services contract to authorize the Construction Manager-at-Risk to provide the services outlined in Section II, Paragraph G of this Request for Proposals.

At the end of the Pre-construction Phase, and in accordance with the terms and conditions of this Request for Proposal, the Construction Manager-at-Risk will ordinarily negotiate a Guaranteed Maximum Price to include Cost of the Work, Construction Manager-at-Risk Construction Management Fee, Construction Manager-at-Risk Contingency, and the cost of Bonds and Insurance. Following successful negotiation, the Owner, by and through the State Construction Office as the final awarding authority will award the Guaranteed Maximum Price contract.