

REQUEST FOR QUALIFICATIONS AND PROPOSALS

for

CONSTRUCTION MANAGEMENT

for

Contract No.: NE-0013-M02

for the

**Oliver Street Elementary School
Newark, NJ**

RFQ/RFP Issue Date: January 29, 2013

Notification of Intent Date: February 6, 2013

Proposal Due Date: February 20, 2013



**CONSTRUCTION MANAGEMENT SERVICES
REQUEST FOR QUALIFICATIONS AND PROPOSALS (“RFQ/RFP”)**

INTRODUCTION

The New Jersey Schools Development Authority (“SDA”) is seeking the services of a Construction Manager (“CM”) to manage the Design-Build Construction of the Oliver Street Elementary School in the Newark School District.

This RFQ/RFP defines the steps needed for participation in the procurement, and is issued pursuant to the Authority’s regulations governing the procurement of professional services consultants, N.J.A.C. 19:38C-1 et seq.

This CONSTRUCTION MANAGEMENT SERVICES REQUEST FOR QUALIFICATIONS AND TECHNICAL PROPOSALS consists of the following:

1. Request for Qualifications and Technical Proposal
2. Attachment A: RESPONSE FORMS:
Key Team Member Resume Form, Firm Experience Form, Staffing Proposal Form, Project Approach Form, SBE Forms B and C, and Form 301 Price Proposal
3. Attachment B: Project Description
4. Attachment C: Construction Management Services Agreement
5. Attachment D: Design-Build Information Package (will be made available via NJSDA’s secure FTP site to firms submitting a valid Notice of Intent to Participate in accordance with the terms of this RFQ/RFP)

These documents must be read in their entirety as they define the scope of services and responsibilities of the Consultant and the NJSDA. A firm wishing to submit a Proposal for Construction Management Services must review and be thoroughly familiar with all terms and conditions of these documents.

The NJSDA will not hold a traditional pre-proposal conference for this procurement. All firms interested in submitting a proposal must sign in electronically by sending a mandatory e-mail Notice of Intent to Participate to Jim McElhenny at JMcElhenny@njsda.gov no later than 5:00 pm on February 6, 2013.

Interested firms may submit questions to the NJSDA by sending them by email to Jim McElhenny at JMcElhenny@njsda.gov no later than 5:00 pm on February 6, 2013. The questions and answers will be provided electronically to each firm that submitted a timely e-mail Notice of Intent to Participate.

Responses to this RFQ/RFP must be received by the NJSDA by 5:00 p.m. on February 20, 2013. Faxed or e-mailed submissions shall not be accepted.

Any firm responding to this RFQ/RFP (hereafter “Firm”, “Interested Firm” or “Responding Firm”) **must be** classified by the Department of Treasury, Division of Property Management and Construction and the NJSDA in the Construction Management (P029) discipline as of the due date for Responses to this RFQ/RFP.

Upon award, the NJSDA shall forward the Form of Construction Management Services Agreement to the successful Firm for immediate execution, **without modification.**

SECTION 1 - PROCUREMENT OVERVIEW

1.1 General. This is a “Price and Other Factors” solicitation for Construction Management Services for the Oliver Street Elementary School in Newark, New Jersey. This solicitation seeks responses from Interested Firms in the form of a simultaneous submission of:

1. A Qualifications and Technical Proposal, which provides information regarding the firm’s past experience and qualifications as well as the firm’s overall approach to the project, for evaluation by a Selection Committee charged with evaluation and scoring of the submittals with reference to the non-price “Other Factors” criteria identified in this solicitation; and
2. A sealed Price Proposal, which will remain sealed until completion of the “Other Factors” evaluation and scoring, and which states the firm’s fixed, lump-sum price for the services required for the project. The Price Proposal will be subject to scoring in accordance with the terms of this RFQ/RFP.

Responsive Firms will be evaluated and scored by a Selection Committee on the basis of their written Qualifications and Technical Proposal submissions. The Responsive Firms will be ranked on the basis of such scores, and a shortlist of the six (6) most highly-ranked Firms will be determined. The shortlisted Firms will participate in interviews with the Selection Committee and will be separately scored on the basis of the interview. The scores for the written submission and the interview will be combined into a total “Non-Price Score.”

Once the Non Price Scores for all Responsive Firms has been determined, the sealed Price Proposals will be opened and scored, with the lowest Price Proposal awarded the maximum Price Score, and all other Price Proposals scored accordingly.

The Non-Price Scores will be adjusted by a weighting factor of 60% and the Price Scores will be adjusted by a weighting factor of 40%, before being combined in a Final Combined Score. The Authority will recommend award of the contract to the Responsive Firm with the highest Final Combined Score.

1.2 Basis of Award.

The Authority will award a contract to the firm whose proposal conforms with the terms and conditions of this solicitation and whose qualifications, technical proposal and price are determined to be the most advantageous to the Authority, price and other factors considered, in accordance with the terms of this RFQ/RFP, and the provisions of the NJSDA's authorizing statute at N.J.S.A. 18A:7G-243 and regulations adopted by the Authority at N.J.A.C. 19:38C-1 et seq. Responses from Interested Firms shall be evaluated and scored, and Price shall be considered as 40% of the weighted scoring and all other factors representing 60% of weighted scoring.

The Authority is under no obligation to accept the lowest Price Proposal, as evaluation and scoring of responses shall be in accordance with the terms of the RFQ/RFP and regulations at N.J.A.C. 19:38C-1 et seq.

The NJSDA has no obligation to make an award and reserves the right to waive any non-material defects, reject any or all responses for any reason in accordance with law, and/or terminate the selection process at any time.

1.3 Components of Response.

A conforming Response consists of the following components:

- Qualifications and Technical Proposal Forms (**one original and four copies required**):
 - Firm Experience Case Study Forms,
 - Staffing Proposal Form,
 - Team Member Resume Forms,
 - Project Approach Form
 - SBE Form B
 - SBE Form C
 - NJ Business Registration Certificate
- Lump Sum Price Proposal (NJSDA Form 301 Price Proposal)

Any Firm responding to this RFQ/RFP **must be** classified by the Department of Treasury, Division of Property Management and Construction and the NJSDA in the Construction Management (P029) discipline as of the due date for Responses to this RFQ/RFP.

A. Qualifications and Technical Proposal

Interested Firms must submit a Qualifications and Technical Proposal utilizing the Forms provided by the Authority, which provides responses to the non-price "other factors" evaluative criteria requirements of this RFQ/RFP. The Qualifications and Technical Proposals (**one original and four copies required**) must be received by the NJSDA by **5:00 PM** on **February 20, 2013**. Faxed or e-mailed Submittals shall not be accepted.

B. Lump Sum Price Proposal

Interested Firms must submit with the Qualifications and Technical Proposal a sealed “Price Proposal,” which contains the lump sum contract price the Firm intends to offer for the Construction Management Services as well as other required information. The Price Proposal must be submitted on the form provided by the NJSDA.

Note that the Authority requires the Construction Manager to provide opportunities to SBE firms to participate in the performance of the Services, consistent with the Authority’s 25% SBE Set-Aside Goals.

The Price Proposals must be separately sealed and submitted with the Technical Proposal and received by the NJSDA by **5:00 PM** on **February 20, 2013**. Faxed or e-mailed Price Proposals shall not be accepted.

1.4 Evaluation and Scoring Process.

For this procurement, price shall be weighted as 40% of the overall weight, and all non-price factors shall have a combined weight of 60%.

Each Firm’s Qualifications and Technical Proposal will be reviewed to determine responsiveness. Non-responsive submissions will be rejected without evaluation.

The Qualifications and Technical Proposals will be evaluated by a Selection Committee (“Committee”) established for the purpose of evaluating such responses. The Selection Committee shall consist of no fewer than three (3) SDA Staff Members. The evaluation will be based upon the information provided by a Firm in response to this RFQ/RFP, and any necessary verification thereof.

The members of the Selection Committee will evaluate each Firm’s Qualifications and Technical Proposal, and may confer with each other regarding the content of the submissions before scoring, but each Selection Committee member will independently score each Qualifications and Technical Proposal in all of the non-price evaluation categories described in this RFQ/RFP, in accordance with the evaluation criteria described herein. Qualifications and Technical Proposals shall be evaluated in the following categories:

- Firm’s CM Experience on Similar Projects;
- Staffing Proposal;
- Key Team Members’ Experience on Similar Projects;
- Approach to Project.

Each Selection Committee Member will evaluate each Qualifications and Technical Proposal, assigning a raw score for each category on a scale of 0 to 10 as follows:

- Outstanding (9–10): depth and quality of response offers significant advantages.
- Superior (7-8): exceeds RFQ/RFP requirements with no deficiencies.
- Sufficient (5-6): meets RFQ/RFP requirements with no significant deficiencies.

- Minimal (3-4): meets RFQ/RFP requirements but contains some significant deficiencies.
- Marginal (1-2): comprehends intent of RFQ/RFP but contains many significant deficiencies.
- Unsatisfactory (0): requirements not addressed and lack of detail precludes adequate evaluation.

Weighting factors will then be applied to each of the Selection Committee Member’s raw scores for each category to arrive at a total weighted category score as follows:

Qualifications and Technical Proposal Evaluation Category	Weighting Factor (Applied to Raw Score)	Maximum Available Points for Category
Firm’s CM experience on similar projects	2.0	20
Staffing Proposal	3.0	30
Key Team Members’ experience on similar projects	3.0	30
Approach to Project	2.0	20
Total Possible Qualifications and Technical Proposal Points:		100

For each Firm’s Qualifications and Technical Proposal, the individual category scores awarded by a particular Selection Committee member will be added together to calculate a score for that Qualifications and Technical Proposal. The maximum score for a Qualifications and Technical Proposal score is 100.

All of the scores awarded by the Selection Committee members to a particular Firm’s Qualifications and Technical Proposal will be added together and averaged to arrive at a Final Qualifications and Technical Proposal Score for each Firm. The Responding Firms will be ranked based on their Final Qualifications and Technical Proposal Scores, and a shortlist of the six (6) highest-ranked firms shall be determined. The shortlisted Firms will be notified to participate in interviews with the Selection Committee. If fewer than six Firms submit valid, responsive Qualifications and Technical Proposals, then all such Responding Firms will be invited to participate in interviews with the Selection Committee.

The Selection Committee will interview each of the shortlisted Firms and evaluate each firm on Interview Criteria that are the same as those used in the evaluation of the Qualifications and Technical Proposals, as follows:

- Firm’s CM Experience on Similar Projects;
- Staffing Proposal;
- Key Team Members’ Experience on Similar Projects;
- Approach to Project.

Each Selection Committee Member will evaluate each Firm’s participation in the interview and

assign a raw score for each Interview Category on a scale of 0 to 10 as follows:

- Outstanding (9–10): depth and quality of response offers significant advantages.
- Superior (7-8): exceeds RFQ/RFP requirements with no deficiencies.
- Sufficient (5-6): meets RFQ/RFP requirements with no significant deficiencies.
- Minimal (3-4): meets RFQ/RFP requirements but contains some significant deficiencies.
- Marginal (1-2): comprehends intent of RFQ/RFP but contains many significant deficiencies.
- Unsatisfactory (0): requirements not addressed and lack of detail precludes adequate evaluation.

Weighting factors will then be applied to each of the Selection Committee Member’s raw scores for each Interview Category as indicated below:

Interview Evaluation Category	Weighting Factor (Applied to Raw Score)	Maximum Available Points for Category
Firm’s CM experience on similar projects	2.0	20
Staffing Proposal	3.0	30
Key Team Members’ experience on similar projects	3.0	30
Approach to Project	2.0	20
Total Possible Interview Points:		100

The weighted Interview Category scores awarded by a particular Selection Committee member will be added together to calculate an Interview Score for that Firm. The maximum Interview Score is 100.

All of the Interview Scores awarded to a particular Firm by the Selection Committee members will be added together and averaged to arrive at a Final Interview Score for each Firm. The Final Interview Score for each firm will be added to the Final Qualifications and Technical Proposal Score for such Firm, and the two scores will be averaged to arrive at a Non-Price Score for each Firm. The maximum Non-Price Score is 100.

Once all the Non-Price Scores for all shortlisted Firms have been calculated, the Authority will open the sealed Price Proposals and will review them for responsiveness, and determine a Price Score for each responsive Price Proposal.

The lowest responsive Price Proposal shall be scored by awarding the maximum number of points for the price component, which shall be 100. All other Price Proposals shall be scored by awarding points based on the percentage that each proposal exceeds the lowest Price Proposal. For example, the following table demonstrates the method for calculation of price points:

CALCULATING PRICE POINTS

SAMPLE Price Proposal	SAMPLE Points Calculation
Firm #1: Price = \$ 900,000	Lowest Price = 100 points awarded
Firm #2: Price = \$1,100,000 Lowest Price - \$ <u>900,000</u> Price Difference \$ <u>200,000</u>	$\$200,000 \div \$900,000 = .22222 \times 100 = 22.222$ points $100 \text{ points} - 22.222 \text{ points} = \mathbf{77.778}$ points awarded
Firm #3: Price = \$1,200,000 Lowest Price - \$ <u>900,000</u> Price Difference \$ <u>300,000</u>	$\$300,000 \div \$900,000 = .33333 \times 100 = 33.333$ points $100 \text{ points} - 33.333 \text{ points} = \mathbf{66.667}$ points awarded
Firm #4: Price = \$1,400,000 Lowest Price - \$ <u>900,000</u> Price Difference \$ <u>500,000</u>	$\$500,000 \div \$900,000 = .55555 \times 100 = 55.556$ points $100 \text{ points} - 55.556 \text{ points} = \mathbf{44.444}$ points awarded
Firm #5: Price = \$1,000,000 Lowest Price - \$ <u>900,000</u> Price Difference \$ <u>100,000</u>	$\$100,000 \div \$900,000 = .11111 \times 100 = 11.111$ points $100 \text{ points} - 11.111 \text{ points} = \mathbf{88.889}$ points awarded

After the Price Scores are determined for all Responsive Firms, the Price Scores will be adjusted by a weighting factor of 40%. The Final Non-Price Scores for “other factors” criteria will be adjusted by a 60% weighting factor. The Price Score and Non-Price Score for each Responsive Firm will then be added together for a Final Combined Score.

Once all the Responsive Firms’ Non-Price Scores and Price Scores are weighted and compiled, the Authority shall prepare a final ranking and determine the bidder with the highest Final Combined Score for price and the non-price “other factors” evaluative criteria, and will recommend that award be made to that Firm.

SECTION 2 – QUALIFICATIONS AND TECHNICAL PROPOSAL EVALUATION CRITERIA

Where applicable, submissions shall be prepared and submitted using the Forms provided by the Authority as specified below. The Technical Proposal shall provide information as indicated below, and each evaluation criteria shall have the maximum score indicated below.

2.1 Firm’s Experience on Similar Projects (20 Points)

Utilizing the Firm Experience Form provided by the Authority, the Bidder shall submit at least three, but no more than five, case studies as examples of the Firm’s past experience in managing construction projects comparable in size, cost and/or complexity to the Project. “Similar Projects” may include any of the following:

- Projects of similar size, cost and/or complexity
- School facilities projects
- Public sector projects (note at least 2 are required to be public sector projects)
- Design-Build projects
- Any combination of the above.

The case studies shall describe projects completed within the past seven (7) years, for which the Firm served as the Construction Manager. At least two of the case studies shall be based on public-sector work.

The case studies must concisely set forth the basic background information for the projects offered as comparables (dates and location and the cost and scope of the work. The case studies must describe the effectiveness of the cited projects, and the methodology used to measure such effectiveness (on-time delivery, successful completion of project, effective management of costs).

The case studies shall demonstrate why the cited projects are comparable to the Project that is the subject of this procurement.

Where applicable, the case studies shall demonstrate the Firm's experience working with any Subconsultants named in the Price Proposal.

The case studies shall demonstrate the Bidder's experience working on projects subject to NJDEP and NJDCA jurisdiction. Specifically the case studies shall describe the nature of the interaction with NJDEP/NJDCA, in terms of the particular issues encountered and the approach or methodologies employed for interacting with NJDEP/NJDCA, and should describe the effectiveness of the firm's approach, and the methodology used to measure such effectiveness.

Each case study must identify the name and address of the contracting entity and the name, title and telephone number of a contact person associated with the contracting entity that is familiar with and able to comment on the Firm's performance on each project.

2.2. Staffing Proposal For the Project (30 Points)

As part of the Technical Proposal submission, the Authority requests that firms provide a project-specific Staffing Proposal that identifies a roster of Key Team Members to fulfill the primary obligations of the engagement and the CM Agreement. The number of Key Team Members in the Staffing Proposal may vary over the phase of the project, with specific identified individuals being added or removed at different points, dependent upon the nature and level of services required to be provided during the various phases of the Project. The individuals identified as Key Team Members in the firm's response to this Request for Qualifications and Proposals are expected to perform the primary management services required under this engagement. However certain services or deliverables for the engagement that may be required on an as-needed basis (such as scheduling, estimating or inspection) may require the use of other resources, such as subconsultants or other employees of the CM firm, sufficient to fulfill the requirements of the Agreement and this engagement.

The Authority requests that Firms propose a tailored Staffing Proposal that focuses on efficiency of services, and which avoids waste and excess. For these reasons, an efficient, competent and crafted Staffing Proposal is preferred.

Utilizing the Staffing Proposal Form provided by the Authority, The Firm shall describe its Staffing Proposal for the Project by identifying the Key Team Member(s) who will have primary responsibility for the Project, describing the roles of such Key Team Member(s) and indicating whether and when such Key Team Members will be on-site full time or part time during the various stages of the Project. The Staffing Proposal may also identify other employees or resources that are proposed to participate in the performance of CM Services under this engagement on an as-needed basis, without the regularity or frequency of a Key Team Member.

In addition to the information provided on the Staffing Proposal Form, the Responding Firm shall provide an Organizational Chart showing the Key Team Members identified for the Project, any other employees or resources that may participate in performance of CM Services under the engagement, and any named Subconsultants included in the Price Proposal. The Organization Chart shall show the responsibilities, structure, and lines of authority for the persons or entities identified.

2.3 Key Team Members' Experience on Similar Projects (30 Points)

A. Definition of "Key Team Members"

In this procurement, the Authority has determined not to dictate the number or titles of individuals to be proposed to staff the CM's Team, as the Staffing Proposal is itself an Evaluation Category in this RFQ/RFP. Thus, as used in this procurement, the term "Key Team Members" refers to those Team Members who may be employees or subconsultants of the Firm, who are proposed by the Responding Firm to perform the CM Services under this engagement, and who will have a responsible role in the successful completion of the Project and this engagement, either by providing on-site construction management and oversight services, or by fulfilling a supervisory role managing those on-site. Key Team Members in a non-supervisory, on-site role are expected to spend 20 percent (20%) or more of their available working time on site when providing services pursuant to this engagement. Key Team Members in a supervisory role may spend less than 20 percent of available time on the project when providing services pursuant to this engagement.

B. Key Team Members' Experience Submission Requirements

Utilizing the Key Team Member Resume Form provided by the Authority, the Responding Firm shall submit resumes of those employees designated as Key Team Members for the Project, and such resumes shall demonstrate the Key Team Members' experience providing similar services on similar projects, and shall demonstrate the Key Team Members' experience working with the subconsultants proposed for the Project, if any.

"Similar Projects" may include any of the following:

- Projects of similar size, cost and/or complexity
- School facilities projects

- Public sector projects
- Design-Build projects
- Any combination of the above.

For each Key Team Member, the resumes must include, but not be limited to: a description of at least two, but no more than five, projects completed within the last 7 years of similar or larger size and nature to this engagement. The resumes should also include NJ school construction experience, governmental experience and experience with NJDEP and NJDCA that the Team Member completed in a similar role as that proposed. Specifically the case studies shall describe the nature of the interaction with NJDEP/NJDCA, in terms of the particular issues encountered and the approach or methodologies employed for interacting with NJDEP/NJDCA, and should describe the effectiveness of the approach, and the methodology used to measure such effectiveness.

For each project cited in the Key Team Members' Resume Form, the Firm must identify the name and address of the contracting entity and the name, title and telephone number of a contact person associated with the contracting entity that is familiar with and able to comment on the Firm's performance on each project.

The submitted information will be evaluated to determine how well the Firm identifies and demonstrates that its key personnel meet or exceed minimum qualifications necessary, which includes previous satisfactory experience in similar types of work, to manage the construction of the Project. The Selection Committee will evaluate how well the Firm demonstrates that it has the necessary structure and sufficient experienced, qualified personnel within its organization to effectively manage, inspect and administer the Project, and monitor construction operations, quality control and safety programs.

2.4 Approach to the Project (20 Points)

Using the Approach to the Project Form provided by the Authority, the Bidder shall submit a written statement indicating the Firm's approach and methodology for managing the Project. The narrative shall address topics relevant to the performance and completion of the project that may include, without limitation, the following:

1. The Firm's understanding of the scope and challenges of the project;
2. Identification of site logistics concerns and discussion of plan for management of site organization and maintenance;
3. Approach to management of subconsultants, if any;
4. Approach to management of invoicing and verification of project completion status;
5. Approach to management of quality control and assurance program, including verification that project is being constructed in accordance with approved construction documents;
6. Approach to coordination of code compliance concerns, special inspection issues, and plan for interaction with code officials;
7. Approach to fulfillment of commissioning requirements;
8. Identification of safety concerns and summary description of plan for managing site safety and/or efforts to reduce workplace injuries;

9. Identification of security concerns and strategies for management of contractor's site security; and
10. Plan or approach for achieving project close out.

The Selection Committee will evaluate the strengths, weaknesses and any deficiencies in the proposed approach, and will evaluate the Firm's understanding and capability to fulfill the CM Services required under this engagement.

2.5 SBE Participation (0 Points – Required Submittal)

The Authority may only recognize firms duly registered with the Department of Treasury, Division of Revenue as SBEs. There are three categories of SBE comparative sizes based upon average annual revenue for purposes of professional service contracts:

Category 1: firms with gross revenue not exceeding \$500,000

Category 2: firms with gross revenue not exceeding \$5,000,000

Category 3: firms with gross revenue not exceeding \$12,000,000

The selected Consultant shall be required to make good faith efforts to ensure that small business enterprises (SBEs) have the maximum practicable opportunity to participate in the performance of this engagement. A 25% target has been established pursuant to N.J.A.C.12A:10-1.1 et seq. and Executive Order 71 (2003). Firms shall be required to meet set-aside targets of 5% for Category 1, 5% for Category 2, 5% for Category 3 and the remaining 10% to be allocated among Categories 1, 2 and 3.

The firm must submit a completed Authority SBE Form B, identifying all SBE firms proposed for use on the engagement to meet (or exceed) the set-aside targets. Please note that any firm identified as an SBE must be registered as such with the Department of Treasury, Division of Revenue when the firm submits its proposal, in the revenue category specified. All Subconsultants must submit a completed Authority SBE Form C, confirmation statement of SBE status, to the proposing firm for submission with the Technical Proposal.

In the event that a proposing firm names a Subconsultant for SBE purposes, and the Subconsultant is not registered as an SBE with the Department of Treasury, Division of Revenue at the time of proposal, the proposing firm must disclose that fact and explain how and when the lack of registration shall be cured.

If a firm fails to show that it will meet SBE subcontracting targets, it must document its good faith efforts to meet the targets, in accordance with the provisions of N.J.A.C. 17:13-1.1 et seq.

A firm shall not be permitted to remove or substitute any firms listed on the Authority's SBE Form B without prior written approval from the Authority.

For more information on statewide listing of firms certified as small, woman and minority owned business enterprises and to learn more about the Standards of Eligibility to become registered as a "Small Business" contact the Business Services Call Center at 1-866-534-7789, or visit New Jersey's business web portal: <http://www.nj.gov/njbusiness/contracting>.

2.6 Business Registration Certification (0 Points – Required Submittal)

Pursuant to N.J.S.A. 52:32-44(6), as amended by P.L. 2004, c. 57, each proposing firm must provide proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury (the "Division of Revenue"), in its Proposal.

Any subcontracted firm of the firm selected as a Consultant must provide the selected firm with a copy of its business registration, which the selected firm must forward to the Authority. No firm selected as a Consultant may enter into any subcontract with a firm that has not provided proof of valid business registration to the selected firm, for forwarding to the NJSDA. The NJSDA shall duly file all business registrations with the other procurement documents relating to the contract. **Business registrations of proposed Subconsultants, if any, are NOT required to be included in a firm's Proposal.**

Firms may obtain New Jersey Business Registration assistance by going on-line to www.state.nj.us/treasury/revenue/gettingregistered.shtml or by calling the New Jersey Department of Treasury at (609) 292-9292. Please be advised, however, that business registrations are mailed generally within seven to ten days, so firms should plan accordingly.

2.7 Lump Sum Price Proposal

A. Form of Price Proposal

The firm must submit its Price Proposal (Utilizing NJSDA Form 301) based on a lump sum amount for all labor and other direct costs associated with the required services. The lump sum must include all required onsite and offsite labor, including home office support, and all other direct costs, for the entire Team. CM is required to specifically identify its Supplemental Insurance Costs as a separate line item within the lump-sum bid. Form 301 is included in Attachment A to this RFP.

Any exception to the wording of the Price Proposal form shall cause the Price Proposal to be rejected as non-responsive.

The Responding Firm shall fill in all relevant blank spaces in the Price Proposal in ink or by typewriting. The Responding Firm shall show all bid amounts in both words and figures. In the event of a discrepancy between the words and figures, the amount shown in words shall govern.

The Responding Firm must sign the Price Proposal in ink and all signatures **must be original**. If the Responding Firm is a corporation, partnership or sole proprietorship, the legal name of the Bidder shall be printed or typed on the line provided. The Price Proposal **must be** signed by an officer, partner or principal of the Bidder, as applicable, witnessed and the Corporate Seal must be affixed to the signature.

B. Sealing and Delivery Of Price Proposal

The Price Proposal shall be enclosed in a sealed envelope that is clearly marked with the Responding Firm's Name, Contract Number, Contract Name, School District Name and the date of Price Proposal submission.

The Bidder must submit its sealed Price Proposal to the Authority in conjunction with its Technical Proposal.

If the sealed Price Proposal is enclosed in another envelope for the purpose of delivery, the exterior envelope shall be clearly marked as containing a Price Proposal with the Responding Firm's name, Contract Number, Contract Name, School District Name and the date of the Price Proposal submission shown on the envelope.

Any Price Proposal that arrives after the time set for submission will be returned to the Bidder unopened.

SECTION 3 – DELIVERY/ MAILING REQUIREMENTS

A Responding Firm must submit one (1) unbound original and four (4) copies of its Qualifications and Technical Proposal, accompanied by an original, signed, sealed Price Proposal no later than **5:00 p.m., on February 20, 2013** as follows:

If submitting by hand or overnight delivery, at the:

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Procurement

1 West State Street – 1st Floor

Trenton, New Jersey 08625-0991

Attention: James McElhenny, Senior Procurement Analyst

Subject: Construction Management Services Proposal – NE-0013-M02

If submitting by U.S. Mail, address packages to:

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Procurement

P.O. Box 991

Trenton, New Jersey 08625-0991

Attention: James McElhenny, Senior Procurement Analyst

Subject: Construction Management Services Proposal – NE-0013-M02

Submissions received after the date and time listed above will not be forwarded to the Selection Committee for review.

Faxed or e-mailed submissions shall not be accepted.

PRE-AWARD REQUIREMENTS

After determination of the highest ranked firm, the SDA shall request the following information prior to the award of the contract:

a. Subconsultant Business Registration Certification. Proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury (the “Division of Revenue”) for all subconsultants must be provided to the Authority. **This is a pre-award requirement. Do not submit Subconsultant Business Registration Certifications with your Qualifications and Technical Proposal.**

b. Political Contributions. P.L. 2005, c. 51 amended and supplemented N.J.S.A. 19:44A-20.1 *et seq.*, and superseded Executive Order 134 (2004), addresses the effect of political contributions on State contracting. Accordingly, a selected firm will be required to respond in a timely fashion to certification and disclosure requirements that will be stated in the Notice of Award issued by the NJSDA. Additionally, Executive Order No. 117, which is designed to enhance New Jersey’s efforts to protect the integrity of government contractual decisions and increase the public’s confidence in government. The Executive Order builds on the provisions of P.L. 2005, c. 51 (“Chapter 51”), which limits contributions to certain political candidates and committees by for-profit business entities that are, or seek to become, State government vendors.

Requirements for Selected Firm. The Firm shall receive a notice of award that will, among other things, notify the Firm that it must submit a Certification and Disclosure of Political Contributions form and Business Entity Disclosure form as provided by NJSDA. Failure to submit these forms in a timely fashion shall be cause for rejection of the Firm.

Firm’s Continuing Obligation to Comply with P.L. 2005, c. 51. The Firm shall be required on a continuing basis to disclose and report to NJSDA any contributions made during the contract term by the Business Entity on forms provided by NJSDA, at the time it makes the contribution.

c. Political Contributions Disclosure. Firms are advised of their responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (“ELEC”), pursuant to N.J.S.A. 19:44A-20.18 and 20.19 (P.L. 2005, c. 271, section 3), in the event they receive contracts in excess of \$50,000 from a public entity in a calendar year. It is a Firm’s responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

d. Outsourced Services Special Provisions. Under P.L. 2005, c. 92 (formerly Executive Order No. 129 (2004)), the NJSDA shall not award a contract to a bidder that submits a bid proposal

to perform services, or to subcontract with a firm to perform services, outside the United States, unless certain conditions are met. If, during the term of the contract, the Consultant or subcontracted firm, who had on contract award declared that services would be performed in the United States, proceeds to shift the performance of the services outside of the United States, the Consultant shall be deemed in breach of the Agreement, unless the NJSDA Procurement Director shall have first determined in writing that extraordinary circumstances require a shift of services or that a failure to shift the services would result in economic hardship to the NJSDA or the State.

e. Anti-Discrimination Requirements. In addition, the Consultant shall not discriminate in employment and shall abide by all anti-discrimination laws including those contained within N.J.S.A. 10:5-1 et seq. and all rules and regulations issued there under, including N.J.A.C. 17:27-1.1 et seq. **Accordingly, in a notice of award, a firm shall be required to submit to the NJSDA, with its executed Agreement, one of the following three documents*:**

- (1) appropriate evidence that the contractor is operating under an existing Federally approved or sanctioned affirmative action program;
- (2) a certificate of employee information report approval issued in accordance with N.J.A.C. 17:27-4.2; or
- (3) an initial employee information report (Form AA302) provided by the Affirmative Action Office and completed by the contractor in accordance with N.J.A.C. 17:27-4.2.

***The original of the submitted document shall be provided to the New Jersey Department of Treasury.** Please see following link for details.

http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf

f. Firm's Proposal for SBE Set-Aside Targets (NJSDA SBE Form B). The NJSDA may only recognize firms duly registered with the Department of Treasury, Division of Revenue as SBEs. There are three categories of SBE comparative sizes based upon average annual revenue for purposes of professional service contracts:

Category 1: firms with gross revenue not exceeding \$500,000

Category 2: firms with gross revenue not exceeding \$5,000,000

Category 3: firms with gross revenue not exceeding \$12,000,000

The selected Consultant shall be required to make good faith efforts to ensure that small business enterprises (SBEs) have the maximum practicable opportunity to participate in the performance of this engagement. A 25% target has been established pursuant to N.J.A.C.17:13 et seq.

The firm must submit a completed Authority SBE Form B, identifying all SBE firms proposed for use on the engagement to meet (or exceed) the set-aside targets. Please note that any firm identified as an SBE must be registered as such with the Department of Treasury, Division of Revenue when the firm submits its proposal, in the revenue category specified. All Subconsultants must submit a

completed Authority SBE Form C, confirmation statement of SBE status, to the firm for submission to the Authority.

In the event that a proposing firm names a Subconsultant for SBE purposes, and the Subconsultant is not registered as an SBE with the Department of Treasury, Division of Revenue at the time of proposal, the proposing firm must disclose that fact and explain how and when the lack of registration shall be cured.

If a firm fails to show that it will meet SBE subcontracting targets, it must document its good faith efforts to meet the targets, in accordance with the provisions of N.J.A.C. 17:13-1.1 et seq.

A firm shall not be permitted to remove or substitute any firms listed on the NJSDA SBE Form B without prior written approval from the Authority.

For more information on statewide listing of firms certified as small, woman and minority owned business enterprises and to learn more about the Standards of Eligibility to become registered as a "Small Business" contact the Business Services Call Center at 1-866-534-7789, or visit New Jersey's business web portal: <http://www.nj.gov/njbusiness/contracting>

g. Insurance and Indemnification. A successful Firm shall be required to provide evidence of the insurance coverages required in Section 10.1 of the Agreement, Attachment C to this RFP, at the time of execution of the Agreement. **This is a pre-award requirement. Do not submit with your Qualifications and Technical Proposal.**

h. Additional Information. NJSDA may request additional information as required under the Agreement, or pursuant to applicable policies, procedures or law.