REQUEST FOR PROPOSALS

for

SCHOOL FACILITY DESIGN-BUILD

for

Contract No.: ET-0031-B01

for

Perth Amboy – Seaman Avenue Elementary School
Perth Amboy, NJ

Mandatory Pre-Bid: 11:00 A.M., February 23, 2016

SCHOOL FACILITIES DESIGN-BUILD SERVICES
REQUEST FOR PROPOSALS

INTRODUCTION

Through this Request for Proposals ("RFP"), the New Jersey Schools Development Authority ("SDA") is seeking to award a contract for School Facilities Design-Build Services for the Seaman Avenue Elementary School Project in Perth Amboy, New Jersey ("the Project"). This RFP defines the steps required for participation in the procurement. **Any firm responding to this RFP and meeting the requirements of the RFP shall be known as a "Design-Builder."**

This DESIGN-BUILD REQUEST FOR PROPOSALS consists of the following:

1. Request for Proposals
2. Technical and Price Proposal Forms
3. Design-Build Information Package

A mandatory pre-bid meeting will be held on **February 23, 2016** at **11:00 AM** at the **Perth Amboy Board of Education Office at 178 Barracks Street, Perth Amboy, NJ 08861**. In addition, a mandatory site visit will be held following the mandatory pre-bid meeting. All interested firms wishing to submit a proposal must attend BOTH the pre-bid meeting and the site visit.

Upon award, the NJSDA shall forward the Design Build Agreement to the successful Design-Builder for immediate execution, **without modification**.

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SECTION 1 -- PROCUREMENT OVERVIEW

1.1 Overview. This is a solicitation for design-build services in connection with the design and construction of the Seaman Avenue Elementary School in Perth Amboy, New Jersey. This solicitation is issued in accordance with the Authority's regulations at N.J.A.C. 19:36-1 et seq. This solicitation seeks responses from interested Design-Builders in the form of a simultaneous submission of:

1. A Technical Proposal, which provides information required by the RFP, including details relating to:

a) the past experience and qualifications of the Design-Builder and its Design-Build Team, **including the identification of required subcontractors and subconsultants,** for evaluation by an Evaluation Committee with reference to specific non-price "Experience Criteria" identified in this solicitation. "Experience Criteria" shall receive a non-numeric score of "yes" or "no" in accordance with the terms of this RFP; and

b) the Design-Builder's overall approach to the project and to the LEED™ and schedule requirements of the project, as well as other information, for evaluation by a project-specific Selection Committee with reference to specific non-price "Project Approach Criteria" identified in this solicitation. "Project Approach Criteria" shall be scored on a scale of 0 to 10 in accordance with the terms of this RFP.

2. A sealed Price Proposal, which states the Design-Builder's fixed, lump-sum Contract Price for the Project, which will form the basis for the Guaranteed Maximum Price for the Project. The Price Proposals will remain sealed until the Technical Proposals have been evaluated and scored on the non-price evaluation criteria. The Price Proposal will be subject to scoring in accordance with the terms of this RFP.

As a precursor to submission of the Price and Technical Proposals, Design-Builders are required to submit a Project Rating Proposal to establish the Design-Builder's maximum bid amount for the construction portion of the Project.

1.2 Basis of Award.

The Authority will award a contract to the Design-Builder whose proposal conforms with all the terms and conditions of the solicitation and whose proposal is determined to be the most advantageous to the Authority, price and other factors considered, in accordance with the terms of this RFP, and the provisions of the NJSDA's authorizing statute at N.J.S.A. 52:18A-243 and regulations adopted by the Authority at N.J.A.C. 19:36.

Price shall be considered more important than all other factors combined, with price representing 60% of the weighted scoring and all other factors representing 40% of weighted scoring. The Authority is under no obligation to accept the lowest price proposal, as evaluation and scoring of proposals shall be in accordance with the terms of the RFP and regulations at N.J.A.C. 19:36-1 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 proposals for any reason in accordance with law, and/or terminate the selection process at any time.

1.3 Response Requirements.

A. Identification and Prequalification Requirements for Design-Builder and Subconsultants in Required Disciplines

i) Any firm responding to this RFP shall be known as a "design-builder" and must be registered by the Department of Labor, and the Department of the Treasury - Division of Revenue; classified by the Department of the Treasury - Division of Property Management and Construction; and prequalified by the NJSDA in one of the following DPMC Trade Classifications: C006 (Construction Manager as a Constructor), or C007 (Design-Build), or C008 (General Construction) as of the submittal due date for Project Rating Proposals and the submittal due date for technical and price proposals.

ii) In addition, the responding firm shall engage and identify in the Technical Proposal as a member of the Design-Build Team a firm that shall be known as the "Design-Builder's Design Consultant" or "design consultant" and must be prequalified by the Department of Treasury - Division of Property Management and Construction, registered with the Department of the Treasury – Division of Revenue, and prequalified by the NJSDA in the Architecture (P001) discipline with a prequalification rating of "Unlimited" as of the submittal due date for technical and price proposals.

NOTE: Interested parties are advised that pursuant to N.J.A.C. 19:36-3.5 ("Conflicts of Interest") **a professional consultant, firm or individual, that has assisted the Authority in preparation of an RFQ or RFP for a design-build procurement shall not be permitted to participate in that procurement as a member of a Design-Build Team**. "Preparation of an RFQ or RFP" shall include the preparation of the RFP and RFQ documents themselves, as well as plans, specifications, reports or other documents that are incorporated into a Project Manual or Design-Build Information Package that is part of an RFQ or RFP. Failure to observe this prohibition shall result in disqualification of the conflicted consultant from the Proposed Team, and rejection of the entire proposal that includes the ineligible consultant.

The design-builder selected for award shall hold the Design-Build Agreement with the NJSDA and shall act in the capacity of the prime contractor. The Design-Builder's Design Consultant shall perform in the contractual capacity of a subconsultant to the design-builder and as the architect of record for the project.

iii) In addition to the necessary prequalification in the discipline of Architecture, the proposed Design Consultant must itself have in-house capability and both DPMC and SDA prequalification in each of the following REQUIRED disciplines OR must identify, on the Form provided, Subconsultants that are properly prequalified by DPMC and SDA in each of the following required disciplines:

REQUIRED DISCIPLINES:

- Electrical Engineering (P002)
- HVAC Engineering (P003)
- Plumbing Engineering (P004)
- Civil Engineering (P005)
- Structural Engineering (P007)
- Environmental Engineering (P011)

Subconsultants in the above disciplines MUST be identified in the Technical Proposal (unless the Design Builder's Design Consultant proposes to self-perform such disciplines)**, and all requested information regarding such subconsultants must be supplied as requested**. The prequalification status for each REQUIRED subconsultant must be valid as of the due date for Technical Proposals in response to this RFP. If the Design-Builder's Design Consultant intends to self-perform any of the services of the above-identified subconsultant disciplines, and is DPMC and NJSDA prequalified to do so, the design-builder shall so indicate and include the required information where called for.

NOTE: A responding Design-Builder's failure to identify properly prequalified subconsultants in the listed required disciplines will result in disqualification of that Design-Builder and rejection of the Design-Builder's Technical Proposal.

In the event the Design-Builder engages **additional** subconsultants within one of the above REQUIRED disciplines, beyond the prequalified subconsultants named in the Technical Proposal to satisfy the REQUIRED discipline participation criteria above, such additional subconsultants need not be DPMC and NJSDA prequalified UNLESS the contract value for such additional subconsultants in the above disciplines is in an amount equal to or greater than $500,000.

Example: The Responding Firm names in the Technical Proposal an Electrical Engineering subconsultant ("Firm X") that is DPMC and NJSDA prequalified in the (P002) discipline, in order to meet the REQUIRED Electrical Engineering participation requirement above. The Responding Firm also engages, simultaneously or later in the project duration, other Electrical Engineering subconsultants ("Firm Y" and "Firm Z") IN ADDITION TO the prequalified Electrical Engineering subconsultant ("Firm X") identified in the Technical Proposal. Firm Y and Firm Z are NOT REQUIRED to be prequalified UNLESS either firm's subcontract value equals or exceeds $500,000.

iv) In addition to the design-builder and the design consultant, the Design-Build Team shall include all subcontractors required to be named as follows: In accordance with the requirements of N.J.S.A. 52:18A-243, each design-builder is required to set forth in its bid the name or names of all subcontractors to whom the design-builder will directly subcontract for the furnishing of any of the work and materials specified in the plans and specifications for the following branches: (1) the plumbing and gas fitting and all work and materials kindred thereto ("Plumbing Branch"); (2) the steam and hot water heating and ventilating apparatus, steam power plants and all work and materials kindred thereto ("HVACR Branch"); (3) the electrical work ("Electrical

Branch"); and (4) structural steel and miscellaneous iron work and materials ("Structural Steel Branch").

When naming subcontractors in accordance with this section, a design-builder is required to name only those subcontractors that are engaged directly by the Design-Builder ("first-tier subcontractors"). Design-Builders are NOT REQUIRED to name any subcontractors engaged by the first-tier subcontractors or by others (e.g., "second-tier subcontractors" or "third-tier subcontractors.")

All subcontractors required to be named under this section must be NJSDA prequalified by the NJSDA as of the submittal due date for Technical Proposals and Price Proposals. Each design-builder shall adhere to the following instructions in its identification of all subcontractors with whom the design-builder will contract in the four branches:

> Plumbing Branch: The design-builder must identify a subcontractor that is DPMC classified in the trade of Plumbing (C030), unless the design-builder intends to self-perform for this trade. If the design-builder intends to self-perform, the design-builder must identify itself as self-performing in the trade of Plumbing (C030). If the design-builder will contract with any additional subcontractors with DPMC Trade Classifications in the Plumbing trade or other trades applicable to this branch, each such additional subcontractor must be identified.
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> HVACR Branch: The design-builder must identify a subcontractor that is DPMC classified in the trade of HVACR (C032) OR an HVAC Contractor classified in the former DPMC classification of C039 may also satisfy the HVACR (C032) requirement, if a bona fide representative of the Contractor has applied to be "grandfathered in" under the new Master Heating, Ventilating, Air Conditioning, and Refrigeration license offered by the State Board of Examiners for Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to N.J.A.C. 45:16A-26. Such a C039 Contractor or subcontractor must supply a copy of the "grandfathering" license application, as well as proof of payment of application fee, unless the bidder intends to self-perform for this trade. If the bidder intends to self-perform, the self-performing bidder must provide proof of the required HVACR license by providing evidence that a bona fide representative of the firm holds a Master HVACR license, or providing evidence that a principal or employee of the firm has applied to be "grandfathered in" to the Master HVACR license based on experience without meeting education and examination requirements under N.J.A.C. 45:16A-26. If the design-builder will contract with any additional subcontractors with DPMC Trade Classifications in the HVACR trade or other trades applicable to this branch, each such additional subcontractor must be identified.
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> Electrical Branch: The design-builder must identify a subcontractor that is DPMC classified in the trade of Electrical (C047), unless the design-builder intends to self-perform for this trade. If the design-builder intends to self-perform, the design-builder must identify itself as self-performing in the trade of Electrical (C047). If the design-builder will contract with any additional subcontractors with DPMC Trade Classifications

in the Electrical trade or other trades applicable to this branch, each such additional subcontractor must be identified.

Structural Steel Branch: The design-builder must identify a subcontractor that is DPMC classified in the trade of Structural Steel (C029), unless the design-builder intends to self-perform for this trade. If the design-builder intends to self-perform, the design-builder must identify itself as self-performing in the trade of Structural Steel (C029). If the design-builder will contract with any additional subcontractors with DPMC Trade Classifications in the Structural Steel trade or other trades applicable to this branch, each such additional subcontractor must be identified.

Subcontractors in the above disciplines must be identified in the Technical Proposal (unless the Design-Builder proposes to self-perform in such disciplines)**, and all requested information regarding such subcontractors must be supplied as requested.** If a design-builder intends to self-perform any of the work of four above-described branches of Work, and is DPMC classified and NJSDA prequalified to do so, the design-builder shall so indicate and include the required information where called for in the Technical Proposal and Price Proposal.

NOTE: A responding Design-Builder's failure to identify properly prequalified and classified subcontractors and subconsultants in the listed required trades will result in disqualification of that Design-Builder and rejection of the Design-Builder's Technical Proposal.

B. Components of Response.

A responsive Proposal consists of the following components:

- Project Rating Proposal (NJSDA Form PRP);
- "Experience Criteria" portion of Technical Proposal **(five (5) bound copies of each of the following three forms, submitted in one or more envelopes submitted separately from the rest of the Technical Proposal)**(FORMS PROVIDED)**:**
    - Design-Builder's Experience on Similarly Sophisticated Projects;
    - Design-Builder's Design Consultant's Experience on Similarly Sophisticated Projects;
    - Design-Builder's Demonstrated Prior Affirmative Action Experience;
- "Project Approach Criteria" portion of Technical Proposal **(submitted as one (1) unbound original of all other materials comprising the Technical Proposal and seven (7) bound copies, which provides information required by the RFP including: Identification and Qualifications of the Design-Builder's Key Team Members; the Design-Builder's Approach to Schedule; the Design-Builder's Approach to Project; and the Design-Builder's Approach to LEED Requirements; as well as other information** (FORMS PROVIDED)**;**
- **One (1) full copy in PDF format of all materials comprising the Technical Proposal, including the "Experience Criteria" portion and the "Project Approach Criteria" portion, on electronic media (CD or comparable) required)**;

- Lump Sum Price Proposal (NJSDA Form PP);
- Disclosure of Investment Activities in Iran (NJSDA Form DIAI); and
- Ownership Disclosure Form

A Firm's failure to include any of these required documents, or its failure to fully and properly complete these required documents may result in the rejection of its Technical Proposal as non-responsive, and disqualify the firm from participating in this procurement.

1. Project Rating Proposal

Interested firms must first submit the "Project Rating Proposal," which will be evaluated by the Authority in order to determine a firm's Project Rating Limit. A Project Rating Limit is effective for 24 months, and a firm may request that the Authority apply that rating to a particular bid, provided there has been no negative change in the evaluative criteria upon which the rating is based. If applying the most recent Project Rating Limit, the Bidder MUST still complete **and submit** pages 1 (Bidder's name) and 7 (signature page). All Bidders are required to submit a completed Project Rating Proposal before submission of any Technical Proposal or Price Proposal on or before the date and time listed in the Bid Advertisement for the submission of Project Rating Proposals or such other date for the submission of Project Rating Proposals as set by Addenda ("submission date") for the submission of Project Rating Proposals.

Note that a firm's Project Rating Limit cannot exceed the firm's Aggregate Limit established by the Department of Treasury - Division of Property Management and Construction.

Interested firms must submit one (1) original copy of the Project Rating Proposal by **March 8, 2016** by **2:00 PM**.

Faxed or e-mailed Proposals will not be accepted.

2. Technical Proposal

Interested firms must submit a Technical Proposal, which provides responses to the non-price "other factors" evaluative criteria requirements of this RFP and identifies the required subcontractors and subconsultants. The Technical Proposal submission consists of two separate portions:

First: "Experience Criteria" Categories
Design-Builder's Experience on Similarly Sophisticated Projects
Design-Builder's Design Consultant's Experience on Similarly Sophisticated Projects
Design-Builder's Demonstrate Prior Affirmative Action Experience

Second: "Approach Criteria" Categories
Design-Builder's Overall Approach to the Project
Identification and Qualification of Required Team Members
Design-Builder's Approach to Schedule

Approach to LEED requirements

Interested firms shall submit the "Experience Criteria" responses portion of Technical Proposal as five (5) bound copies of each of the following three forms, submitted in one or more envelopes separate from the remainder of the Technical Proposal:

- Design-Builder's Experience on Similarly Sophisticated Projects;
- Design-Builder's Design Consultant's Experience on Similarly Sophisticated Projects;
- Design-Builder's Demonstrated Prior Affirmative Action Experience

Interested firms shall also submit the "Project Approach Criteria" portion of Technical Proposal (s**ubmitted as one (1) unbound original of all other materials comprising the Technical Proposal and seven (7) bound copies, which provides information required by the RFP including: Identification and Qualifications of the Design-Builder's Key Team Members; the Design-Builder's Approach to Schedule; the Design-Builder's Approach to Project; and the Design-Builder's Approach to LEED Requirements; as well as other information.**

In addition, interested firms must submit one (1) full copy in PDF format of all materials comprising the Technical Proposal, including the "Experience Criteria" portion and the "Project Approach Criteria" portion, on electronic media (CD or comparable).

The Technical Proposals must be received by the NJSDA by **2:00 PM** on **April 19, 2016**. Faxed or e-mailed Submittals shall not be accepted.

In addition, the Design-Builder **must** submit a Disclosure of Investment Activities in Iran Form on the form provided by the NJSDA. Pursuant to Public Law 2012, c. 23 (codified at N.J.S.A. 52:32-55 et. seq.) (the "Act"), any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract with the New Jersey Schools Development Authority ("NJSDA") must complete a Certification which states that the person or entity, or one of the persons or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the New Jersey Department of the Treasury ("Treasury") as a person or entity engaging in investment activities in Iran. Such a Certification must be in the form attached hereto, and included with the completed Technical Proposal. Failure to submit such Certification will result in the disqualification of the bid and rejection of the Technical and Price Proposals.

The Design-Builder **must** also submit an Ownership Disclosure Form, pursuant to N.J.S.A. 52:25-24.2, using the form created by the Department of the Treasury - Division of Purchase and Property, which form is supplied by NJSDA and is available as an interactive form on the Treasury site at:

http://www.state.nj.us/treasury/purchase/forms/OwnershipFinal12-14.pdf

3. Price Proposal

Interested firms must submit with the Technical Proposal a sealed "Price Proposal," which contains the lump sum Contract Price the Design-Builder intends to bid for the Work and Services for the Project, including the separately indicated fees for design services for the Project, as well as other required information. The Contract Price will form the basis for the Guaranteed Maximum Price for the Project. The Price Proposal must be submitted on the form provided by the NJSDA.

A Design-Builder may not submit a Price Proposal that, excluding amounts for design services and the GMP Reserve, exceeds its Project Rating Limit. A Design-Builder may not submit a Price Proposal that, excluding amounts for design services and the GMP Reserve, and when added to amount listed on its Uncompleted Contracts Form, exceeds its Aggregate Limit. A Design-Builder may not submit a Price Proposal that causes any one of the Subcontractors required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein, to exceed that Subcontractor's Aggregate Limit.

Note that the Authority requires the Design-Builder to provide opportunities to SBE firms to participate in the performance of the Work, consistent with the Authority's SBE Set-Aside Goals.

The Price Proposal must be sealed and submitted with the original Technical Proposal and received by the NJSDA by **2:00 PM** on **April 19, 2016**. Faxed or e-mailed Price Proposals shall not be accepted.

Design-Builders are advised that in addition to requiring NJSDA prequalification of subcontractors required to be named as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) above, regardless of their contract amounts, NJSDA requires that subcontractors of any tier whose contract is in an amount equal to or more than $500,000 in any of the following DPMC Trade Classifications be NJSDA prequalified:

C006 - CM as Constructor
C007 - Design Build
C008 - General Contractor
C009 - GC/Alterations & Additions
C019 - Concrete/Foundation/Footings/Masonry work
C021 - Demolition
C029 - Structural Steel
C030 - Plumbing
C032 - HVACR
C045 - Sprinkler Systems
C047 - Electrical
C066 - Roofing-Membrane EPDM
C067 - Roofing-Membrane PVC/CPE/CSPE
C068 - Roofing-Membrane Modified Bitumen

C069 - Roofing-Urethane
C070 - Roofing-Built Up
C071 - Roofing-Metal
C072 - Roofing-Tile/Slate/Shingles
C092 - Asbestos Removal/Treatment
C093 - Asbestos Removal/Mechanical
C096 - Lead Paint Abatement

Similarly, Design-Builders are advised that in addition to requiring NJSDA prequalification of subconsultants in the principal disciplines listed in Section 1.3 (Identification and Prequalification of Members of Design Build Team) above, regardless of their contract amounts, NJSDA requires that subconsultants of any tier whose contract is in an amount equal to or more than $500,000 in any of the following DPMC Disciplines be NJSDA prequalified:

P001 Architecture
P002 Electrical Engineering
P003 HVAC Engineering
P004 Plumbing Engineering
P005 Civil Engineering
P007 Structural Engineering
P011 Environmental Engineering
P015 Land Surveying
P029 Construction Management
P038 Asbestos Safety Control Monitoring
P066 - P103 Materials Testing Laboratories

1.4 Evaluation and Scoring Process

For this procurement, price shall be weighted as more important than all other factors combined, with price equaling 60% of the overall weight, and all non-price factors having a combined weight of 40%.

Each Technical Proposal will be reviewed to determine responsiveness. Technical Proposals deemed nonresponsive will be rejected.

1.4.A. Evaluation of Experience Criteria by Evaluation Committee

The Design-Builder's Experience on Similarly Sophisticated Projects, Design-Builder's Design Consultant's Experience on Similarly Sophisticated Projects, and the Design-Builder's Affirmative Action Experience criteria (collectively, the "Experience Criteria") will be evaluated by a panel drawn from SDA's Standing Evaluation Committee, tasked with evaluation of the Experience Criteria on a non-numeric, "yes/no" basis. The evaluation of the "Experience Criteria" will be based upon the information provided by a firm in its Technical Proposal.

The panel of Standing Evaluation Committee members shall collectively evaluate the Experience Criteria, and shall, on a consensus basis, arrive at a "yes" or "no" determination for each Experience Criteria category, depending on whether a bidder has demonstrated sufficient experience in each of the Experience Criteria categories. In the event the Evaluation Committee arrives at a "no" determination on a given firm's experience in any two (or more) of the three Experience Criteria categories (Design-Builder's Experience; or Design-Builder's Affirmative Action Experience), such firm will not be considered for award.

1.4.B. Evaluation of Project Approach Criteria by Project-Specific Selection Committee

All evaluation criteria listed in the Technical Proposals other than the Experience Criteria shall be designated as "Project Approach Criteria," and will be evaluated by a project-specific Selection Committee ("Committee") established for the purpose of evaluating responsive technical proposals for this procurement. The Selection Committee shall have no fewer than four (4) members, consisting of one (1) member from the School District and no less than three (3) SDA Staff members.

The evaluation of the "Project Approach Criteria" will be based upon the information provided by a firm in response to this RFP, and any necessary verification thereof, as well as interviews conducted for the purpose of clarifying the information contained in the Technical Proposals.

The members of the Selection Committee will evaluate each Design-Builder's Technical Proposal in each of the "Project Approach Criteria" categories, and may confer with each other regarding the content of the Technical Proposals before scoring, but each Selection Committee member will independently score each Technical Proposal in the non-price, "Project Approach Criteria" evaluation categories described in this RFP, in accordance with the evaluation criteria described herein. The Technical Proposals shall be evaluated with respect to the Project Approach Criteria as follows:

Each Selection Committee Member will evaluate each 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 RFP requirements with no deficiencies.
- Sufficient (5-6): meets RFP requirements with no significant deficiencies.
- Minimal (3-4): meets RFP requirements but contains some significant deficiencies.
- Marginal (1-2): comprehends intent of 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 "Project Approach Criteria" category to arrive at a total weighted category score as follows:

[see next page]

Project Approach Criteria Evaluation Category	Weighting Factor (Applied to Raw Score)	Maximum Available Points for Category
Approach to Project	3.5	35
Identification and Qualification of Required Key Team Members	3.0	30
Approach to Schedule	1.5	15
Approach to LEED requirements	2.0	20
Total Possible Non-Price Points:		100

For each Technical Proposal, the individual "Project Approach Criteria" category scores awarded by a particular Selection Committee member will be added together to calculate a total non-price score for that Technical Proposal. The maximum total non-price score is 100. All of the total "Project Approach Criteria" category scores awarded to a Technical Proposal by the Selection Committee members will be added together and averaged to arrive at a final non-price score for each Technical Proposal.

Once all the Technical Proposals have been scored in the "Project Approach Criteria", the Authority will reveal the Design-Builders' non-price scores at a public meeting in which the Authority will open the sealed Price Proposals and will review the Price Proposals for responsiveness. Non-responsive Price Proposals will be rejected.

The lowest responsive price proposal shall be awarded the maximum number of points for the price component, which shall be 100. All other price proposals shall be awarded points based on the percentage that each proposal exceeds the lowest bid.

For example:

CALCULATING PRICE POINTS

SAMPLE Bid Price	SAMPLE Points Calculation
Design-Builder #1: Price = $ $**900,000**	Lowest Price = **100 points awarded**
Design-Builder #2: Price = $**1,100,000** Lowest Price - $ 900,000 Price Difference $ 200,000	$200,000 ÷ $900,000 = .22222 x 100 = 22.222 points 100 points – 22.222 points = **77.778** points **awarded**

Design-Builder #3: Price = $**1,200,000** Lowest Price - Price Difference	 $ 900,000 $ 300,000	 $300,000 ÷ $900,000 = .33333 x 100 = 33.333 points 100 points – 33.333 points = **66.667** points **awarded**
Design-Builder #4: Price = $**1,400,000** Lowest Price - Price Difference	 $ 900,000 $ 500,000	 $500,000 ÷ $900,000 = .55555 x 100 = 55.556 points 100 points – 55.556 points = **44.444** points **awarded**
Design-Builder #5: Price = $**1,000,000** Lowest Price - Price Difference	 $ 900,000 $ 100,000	 $100,000 ÷ $900,000 = .11111 x 100 = 11.111 points 100 points – 11.111 points = **88.889** points **awarded**

Before being combined with the non-price scores, the price scores for all Design-Builders will be adjusted by a weighting factor of 60%, and the scores for the non-price "other factors" criteria will be adjusted by a 40% weighting factor.

Once all the Design-Builders' scores are weighted and compiled, the Authority shall determine the Design-Builder with the highest combined score for price and the non-price "other factors" evaluative criteria, and will recommend that award be made to that Design-Builder.

For Example:
Weighting and Combination of Price and Non Price Points
Maximum Points for Price Proposal = 100 Points
Maximum Points for Non-Price Factors = 100 Points

Price Weighted 60 percent and Non-Price Factors Weighted 40 percent

SAMPLE Raw Points	SAMPLE Weighted and Combined Totals
Design-Builder #1: Price = $ 900,000 Price Points = 100 Non-Price Points= 44.4	Design-Builder #1 100 points for Lowest Price (100 x .6) + (44.4 x .4) = 60.000 + 17.760 = 77.760
Design-Builder #2: Price = $1,100,000 Price Points = 77.778 Non-Price Points = 100	Design-Builder #2 (77.778 x .6) + (100 x .4) = 46.667 + 40.000 = 86.667
Design-Builder #3: Price = $1,200,000 Price Points = 66.667 Non-Price Points = 80	Design-Builder #3 (66.667 x .6) + (80 x .4) = 40.000 + 32.000 = 72.000

Design-Builder #4: Price = 1,400,000 Price Points = 44.444 Non-Price Points = 71.1	Design-Builder #4 (44.444 x .6) + (71.1 x .4) = 26.666 + 28.440 = 55.106
Design-Builder #5: Price = 1,000,000 Price Points = 88.889 Non-Price Points = 88.9	Design-Builder #5 (88.889 x .6) + (88.9 x .4) = 53.333 + 35.560 = 88.893

SECTION 2 – PROJECT RATING PROPOSAL

2.1.A Submission Of Project Rating Proposal

Design-Builders are required to submit a completed Project Rating Proposal for determination of a Project Rating Limit, or may request that the Authority apply a previously-determined Project Rating Limit, if that Project Rating Limit has been determined in the last 24 months.

A Project Rating Limit is effective for 24 months, and a firm may request that the Authority apply that rating to a particular bid, provided there has been no negative change in the evaluative criteria upon which the rating is based. If applying the most recent Project Rating Limit, the Bidder MUST still complete **and submit** pages 1 (Bidder's name) and 7 (signature page). All Bidders are required to submit a completed Project Rating Proposal before submission of any Technical Proposal or Price Proposal on or before the date and time listed in the Bid Advertisement for the submission of Project Rating Proposals or such other date for the submission of Project Rating Proposals as set by Addenda ("submission date") for the submission of Project Rating Proposals.

Design-Builders shall fill in all relevant blank spaces in the Project Rating Proposal form in ink or by typewriting.

The Design-Builder must sign the Project Rating Proposal form in ink and all signatures **must be original**. If the Design-Builder is a corporation, partnership, sole proprietorship, limited liability company, limited liability partnership or other form of artificial person, the legal name of the Design-Builder shall be printed or typed on the line provided. The Project Rating Proposal **must be** signed by an officer, partner or principal of the firm, as applicable, witnessed and the Corporate Seal must be affixed to the signature.

Projects listed on the Project Rating Proposal must be the experience of the Design-Builder and must have been **completed** within the past seven (7) years. "Completed" is defined as projects where - at a minimum – a Temporary Certificate of Occupancy (TCO) has been granted or in the case where a new or amended certificate of occupancy is not required, projects that are 100% complete.

Do not submit a separate list of projects to be used as references.

All Design-Builders shall submit a copy of a valid Business Registration issued by the Department of Treasury - Division of Revenue.

The Design-Builder must provide at least **two (2) projects**, but preferably four (4) projects, meeting the above criteria or it will be deemed ineligible to submit a Price Proposal.

The Project Rating Proposal of the successful Design-Builder with whom the Authority executes a contract will be incorporated into the Contract Documents, as if fully rewritten therein.

2.1.B Submission Of Project Rating Proposal By A Joint Venture

When two or more Design-Builders, **each** having valid classifications in the trade category or categories required by the Bid Advertisement, propose to form a joint venture for the purpose of submitting a bid on a specific package, the joint venturers shall submit a Statement of Joint Venture, in the form prescribed by the Authority, with their Project Rating Proposals. For joint venture Design-Builders**,** each individual firm comprising the joint venture shall submit a separate Project Rating Proposal that will be individually evaluated. The Project Rating Limit for each individual firm that comprises the joint venture will be added together to achieve a Project Rating Limit for the joint venture.

Each member of the Joint Venture must sign its Project Rating Proposal form in ink and all signatures **must be original**. If the Design-Builder is a corporation, partnership or sole proprietorship, the Project Rating Proposal must be signed by an officer, partner or principal of the firm, as applicable, witnessed and the Corporate Seal must be affixed to the signature.

2.2 Determination Of Project Rating Limit

A Design-Builder's Project Rating Limit will be determined by the following:

The Design-Builder's largest listed project X + the sum of the percentage increases calculated in accordance with Sections 2.2.1, 2.2.2 and 2.2.3 listed below.

A Design-Builder's Project Rating Limit cannot exceed 170% of the Design-Builder's largest listed project.

The Authority reserves the right to verify any information supplied by the Design-Builder on its Project Rating Proposal.

In determining the Design-Builder's largest listed project the following will not be used:

- If a reference contact rates a firm "Below Expectations" in either safety or quality of construction, or if the overall reference adjustment as described below in Section 2.2.1 is

-5 (minus five) or lower, the Authority will not use that project in the determination of the Design-Builder's Project Rating Limit.

- If the Authority cannot contact a reference source, the Authority will contact the Design-Builder for another "Owner's Contact" for that project. If the Design-Builder is unable to provide an "Owner's Contact", or if the Authority is unable to contact the second "Owner's Contact" provided by the Design-Builder, the Authority will not use that project in the determination of the Design-Builders Project Rating Limit.

2.2.1 PRP Reference Adjustment

The Authority will select, at its discretion, two (2) projects or owner contacts listed in the Project Rating Proposal and obtain reference information from these contacts. Reference information will include the following seven (7) categories:

- Safety.
- The quality of the construction.
- The timeliness of the work performed.
- The efficiency of the Design-Builder's contract administration.
- Supervision of subcontractors.
- The Design-Builder's level of cooperation during the course of the construction.
- The timeliness and efficiency of punch list work corrections.

Project contacts will be asked if the performance in each of the seven (7) categories "exceeded expectations," "met expectations" or fell "below expectations," and the Authority will assign to the response the percentage adjustment listed below as appropriate for the response provided for each project or owner reference contacted:

	Exceeded Expectations	Met Expectations	Below Expectations
Safety	+5%	+3%	-5%
Quality of the construction	+5%	+2%	-5%
Timeliness of the work performed	+2%	+1%	-2%
Efficiency of contract administration	+2%	+1%	-2%
Supervision of subcontractors	+2%	+1%	-2%
Cooperation during construction	+2%	+1%	-2%
Timeliness and efficiency of punch list work corrections.	+2%	+1%	-2%

The Authority will then total the project reference adjustments together and the sum shall be the "Reference Adjustment".

2.2.2 PRP Safety Adjustment

A. Based on the current New Jersey (or other state's) Workers Compensation Insurance Experience Modification Rate (EMR) listed by the Design-Builder in the Project Rating Proposal, the Authority will assign an EMR percentage as listed below:

EMR is less than or equal to .80	+30%
EMR is > .80 but less than or equal to .90	+20%
EMR is > .90 but less than or equal to 1.00	+10%
EMR is >1.00 but less than or equal to 1.10	-10%
EMR is >1.10 but less than or equal to 1.20	-20%
EMR is >1.20	-40%

B. Based on the Safety Professional information listed by the Design-Builder in the Project Rating Proposal the Authority will assign a Safety Professional percentage as listed below:

	Yes	No
Employee of the firm completed OSHA 500 or OSHA 502 in last 4 years.	+2%	0%
Employee of the firm completed (CCHEST) STS-Construction.	+2%	0%
Employee of the firm completed AGC/A Safety Management Course.	+2%	0%

The Authority will add the EMR percentage and the Safety Professional percentage together for and the sum shall be the "Safety Adjustment".

2.2.3 PRP Prevailing Wage Adjustment

Based on the Prevailing Wage Record with the N.J. Department of Labor as listed by the Design-Builder in the Project Rating Proposal, the Authority will assign a Prevailing Wage Adjustment as listed below:

The firm has been adjudicated to have committed the following prevailing wage rate violations during the past five (5) years:

Committed No Violations	0%
Committed One Violation	-10%
Committed More than One Violation	-20%

2.2.4 Performance Evaluation Adjustment

Based on the Bidder's record of Performance Evaluations issued by the Authority (if any), the Authority will assign a Project Evaluation Performance Multiplier as listed below:

Every construction project managed by the Authority will be evaluated by two evaluators for the following: quality of work; scheduling; management; cost control and change orders; safety and industrial hygiene; subcontractors; small business goals; affirmative action and workforce compliance; and close-out.

Evaluation rating values are:

- Outstanding (O) or 100 percent – far exceeds the contract requirements by consistently exhibiting excellent performance. Typically meets and regularly exceeds the contract requirement;
- Very Good (VG) or 90 percent – often exceeds the contract requirements and frequently provides a high level of performance. Typically meets and often exceeds the contract requirements;
- Satisfactory (S) or 80 percent – provides an acceptable level of performance consistently meeting the contract requirements;
- Marginal (M) or 70 percent for scheduling, management, cost control and change orders, subcontractors, affirmative action and workforce compliance, and close-out; and 40 percent for quality of work, safety and industrial hygiene, and small business goals – performs slightly below the requirements of the contract, meeting the contract requirements on an intermittent basis; and
- Unsatisfactory (U) or 60 percent for scheduling, management, cost control and change orders, subcontractors, affirmative action and workforce compliance, and close-out; and 20 percent for quality of work, safety and industrial hygiene, and small business goals – fails to meet important contract requirements, resulting in a negative impact on the entire project.

The contractor's Performance Evaluation Summary Rating shall be the mathematical average of the two evaluators' ratings. In the event that there are multiple Performance Evaluation Summary Ratings for a contractor, the contractor's Performance Evaluation Summary Rating shall be the mathematical average of all Performance Evaluation Summary Ratings.

The Authority will assign a Project Evaluation Performance Multiplier as listed below:

Performance Evaluation Summary Rating	Performance Multiplier
80 points or higher	1.00
70 points to 79.9 points	.50
69.9 points or lower	.25

This Performance Multiplier shall be used in the calculation of the firm's Project Rating. In the event that a contractor does not have a Performance Evaluation Summary Rating, the Authority will disregard the Performance Multiplier in the calculation of the firm's Project Rating.

2.3 Notification Of Project Rating Limit

Within five (5) business days after the submission date as listed in the Bid Advertisement or such other date as set by Addendum, the Authority will inform all Design-Builders by facsimile, mail or posting on the Authority's web site (www.njsda.gov) of the Design-Builder's Project Rating Limit. **A Design-Builder's Project Rating Limit cannot exceed the Design-Builder's Aggregate Rating.**

Any Design-Builder who disagrees with its Project Rating Limit may challenge the determination by making a written request to the Director of Procurement setting forth the specific grounds for the challenge. The challenge must be received by the Authority within three (3) business days of the posting of the results on the Authority's web site (www.njsda.gov). The Director, or his/her representative, will review the challenge and issue a final written determination within three (3) business days of receipt of written request. At the discretion of the Director or his/her representative, additional information may be requested from the Design-Builder, in which case formal written determination will be issued within three (3) business days of receipt of said information. The determination will be made strictly on the information submitted.

SECTION 3 – TECHNICAL PROPOSAL EVALUATION CRITERIA

The following are detailed requirements for submission of Technical Proposals. Responding Design-Builders are advised to adhere strictly to these requirements. Any materials which are not required or which exceed the specified submission requirements will not be considered in scoring.

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 criterion shall have the maximum score indicated below.

The Technical Proposal submission consists of two separate portions:

First: "Experience Criteria" Categories
Design-Builder's Experience on Similarly Sophisticated Projects
Design-Builder's Design Consultant's Experience on Similarly Sophisticated Projects
Design-Builder's Demonstrate Prior Affirmative Action Experience

Second: "Approach Criteria" Categories
Design-Builder's Overall Approach to the Project

Identification and Qualification of Required Team Members
Design-Builder's Approach to Schedule
Approach to LEED requirements

NOTE that the responses to the three "Experience Criteria" categories must be submitted separately from the rest of the Technical Proposal submission, and may not be bound with or included in the rest of the Technical Proposal. The three Experience Criteria submissions may be placed in individual envelopes (sealed or unsealed) marked with the names of the individual categories, or the responses to all three Experience Criteria categories may be submitted together in an envelope (sealed or unsealed) marked "Experience Criteria Submission."

3.1 <u>Design-Builder's Experience on Similarly Sophisticated Projects</u> (Non-numeric scored category evaluated by Evaluation Committee panel; Submission in Separate Envelope Required)

Utilizing the Design-Builder's Experience form provided by the Authority, the Design-Builder shall submit at least three, but no more than six, case studies as examples of the Design-Builder's past experience in performing and managing construction projects or design-build projects, comparable in size, cost and complexity to the Project. The case studies shall describe projects completed within the past seven (7) years, for which the Design-Builder served as the prime construction contractor. Case studies representing comparable design-build experience, if applicable, should be indicated, but case studies need not be limited to design-build projects.

THE DESIGN-BUILDER'S EXPERIENCE FORM AND CASE STUDY INFORMATION MUST BE SUBMITTED SEPARATE FROM THE REST OF THE TECHNICAL PROPOSAL, AND MUST NOT BE BOUND WITH OR INCLUDED IN THE REST OF THE TECHNICAL PROPOSAL SUBMISSIONS.

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 in cost, size, complexity or delivery method.

Where applicable, the case studies shall demonstrate the Design-Builder's experience working with the Subcontractors and/or Consultants required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) of this RFP, but such prior experience is not required.

Case studies demonstrating the Design-Builder's experience working on projects subject to NJDEP and NJDCA jurisdiction (or equivalent federal or state entities in other states) are preferred, and case studies should describe the Design-Builder's experience working with such entities (or other state or federal equivalents).

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 Design-Builder's performance on each project.

This evaluative category will receive a single non-numeric score of "yes" or "no" mutually determined by the Evaluation Committee.

3.2 Design-Builder's Design Consultant's Experience on Similarly Sophisticated Projects (Non-numeric scored category evaluated by Evaluation Committee panel; Submission in Separate Envelope Required)

Utilizing the Design Consultant Experience Form provided by the Authority, the Design-Builder shall submit at least three, but no more than six, case studies as examples of the past experience of the Design-Builder's identified Design Consultant, in designing and administering either design-build projects, or other construction projects comparable in size, cost and complexity to the Project. The case studies shall describe projects completed within the past seven (7) years, for which the Design Consultant served as the Architect of Record. Case studies representing comparable design-build experience, if applicable, should be indicated, but case studies need not be limited to design-build projects.

THE DESIGN CONSULTANT EXPERIENCE FORM AND CASE STUDY INFORMATION MUST BE SUBMITTED SEPARATE FROM THE REST OF THE TECHNICAL PROPOSAL, AND MUST NOT BE BOUND WITH OR INCLUDED IN THE REST OF THE TECHNICAL PROPOSAL SUBMISSIONS.

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 in cost, size, complexity and/or delivery method.

Where applicable, the case studies shall demonstrate the Design Consultant's experience working with the Design-Builder, Subcontractors and/or Subconsultants required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) of this RFP, but such prior experience is not required.

Case studies demonstrating the Design-Consultants experience working on projects subject to NJDEP and NJDCA jurisdiction (or equivalent federal or state entities in other states) are preferred, and case studies should describe the Design-Consultant's experience working with such entities (or other state or federal equivalent).

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 Design Consultant's performance on each project.

This evaluative category will receive a single non-numeric score of "yes" or "no" mutually determined by the Evaluation Committee.

3.3 Design-Builder's Demonstrated Prior Affirmative Action Experience (Non-numeric scored category evaluated by Evaluation Committee panel)

Using the Design-Builder's Demonstrated Prior Affirmative Action Experience form provided by the Authority, the Design-Builder shall provide a written statement indicating its demonstrated experience with regard to affirmative action. The statement shall indicate whether the Design-Builder has in place an existing affirmative action plan concerning its workforce and procurement practices and shall indicate the Design-Builder's approach for implementing its workforce goals on the proposed Project. The Design-Builder shall indicate whether it performs periodic reviews or self-audits of its affirmative action plan and workforce goals. The statement shall describe or attach the Design-Builder's policies on nondiscrimination in employment and hiring, equal employment opportunity for veterans and individuals with disabilities, and prevention of harassment and retaliation.

THE DESIGN-BUILDER'S DEMONSTRATED PRIOR AFFIRMATIVE ACTION EXPERIENCE FORM AND ASSOCIATED STATEMENT MUST BE SUBMITTED SEPARATE FROM THE REST OF THE TECHNICAL PROPOSAL, AND MUST NOT BE BOUND WITH OR INCLUDED IN THE REST OF THE TECHNICAL PROPOSAL SUBMISSIONS.

This evaluative category will receive a single non-numeric score of "yes" or "no" mutually determined by the Evaluation Committee.

3.4 Design-Builder's Overall Approach to the Project (35 Points)

Using the Design-Builder's Overall Approach to the Project form provided by the Authority, the Design-Builder shall submit a written statement describing the Design-Builder's approach and methodology for executing 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 Design-Builder's understanding of the scope and challenges of the project;
2. The Design-Builder's approach to selection of materials and systems not already dictated by project requirements, including how such selections impact project cost, project delivery dates, satisfaction of LEED™ criteria, and other matters;
3. Purchasing Plan for project materials, including identification of long-lead items;
4. Workforce plan for the project by phases, identifying the trades, types or percentages of work to be performed by the Design-Builder's own forces as compared to the trades, types or percentages work to be subcontracted to others;
5. Identification of Site logistics concerns and discussion of plan for site organization and maintenance of site;
6. Approach to management of subcontractors and subconsultants;
7. Summary description of quality control and assurance program;
8. Identification of code compliance concerns, special inspection issues, and plan for interaction with code officials;
9. Summary description of start-up and testing program for systems and equipment;
10. Identification of safety concerns and summary description of plan for site safety and efforts to reduce workplace injuries;
11. Identification of security concerns and summary description of plan for site security; and
12. Plan for achieving timely project close out.

NOTE: Design Build Teams are free to articulate in their Technical Proposals design improvements, alternative designs or modifications to the design of the Project as embodied in the Design Build Information Package (DBIP) that they feel would be beneficial to the Project. However, such purported "design improvements" expressed in the Technical Proposal will not result in improved scoring; any such "design improvements" or modifications to the DBIP must be approved by the NJSDA, the District and the NJDOE in order to be effective, and such approvals cannot be secured during the limited time period of this procurement process. Design Build Teams are further advised that, despite any proposals that may include or refer to design improvements, the **Design Build Teams are not entitled to rely on any proposed modifications, alternate designs or design improvements when preparing the Price Proposal. The Price Proposal submitted MUST reflect a bid price for the Project design as embodied in the DBIP.**

The Selection Committee will evaluate the strengths, weaknesses and any deficiencies in the proposed approach and methodology. The Authority will evaluate the Design-Builder's understanding and capability to execute the project, and the realism of the Design-Builder's approach to schedule and other criteria.

3.5 Identification and Qualification of Required Key Team Members (30 Points)

For the purposes of this procurement, "Key Team Member" means those individuals who are employed by the Design Builder or its subcontractors, or by the Design Builder's Design Consultant or its Subconsultants who are required to be named in the Design Builder's Technical Proposal as indicated below.

3.5.1 Identification and Qualification of Design Builder's Key Team Members

Utilizing the Identification of Design Builder's Required Key Team Members form, Design Builder's Required Key Team Members Resume form, and the Identification of Required Subcontractors form provided by the Authority, the Design-Builder shall provide the following to show the qualifications of its design-build team:

1. The Design-Builder shall provide an Organizational Chart identifying the Design-Builder's Design Consultant (identified by firm name), the required Subcontractors (identified by firm name) and the individuals who are required Key Team Members under this Section and identified in response to Section 3.4.2 of this RFP (Design Consultant's Key Team Members). The organizational chart shall identify the responsibilities, structure, and lines of authority between and among the Design-Builder, the Design Consultant and any Subcontractor entities required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein. Additionally the following Key Team members of the Design-Builder shall be identified by name:

a. Design-Builder's Project Manager;
b. Design-Builder's Superintendent;
c. Design-Builder's Affirmative Action Coordinator.

2. The Design-Builder's Project Manager serves as the Authority's point of contact for the Project, and is defined by the Design-Build Agreement as the person designated by the Design-Builder to serve as its representative and "be available for general consultation throughout the Project. The Design-Builder's Project Manager shall have authority to receive and transmit instructions and information and render decisions related to the Project on behalf of the Design-Builder, and shall have the non-exclusive authority to bind the Design-Builder in all decisions, changes or other matters relating to the Project." The Design-Builder's Project Manager shall serve as the Authority's point of contact on all matters relating to Work including, but not limited to, contract compliance, progress of work, overall project scheduling, financial matters and contract changes. The person identified by the Design-Builder as the Design-Builder's Project Manager shall have a minimum of **eight years of project management experience in construction** on projects of similar size, scope and complexity.

3. The Design-Builder's Superintendent is the person designated by the Design-Builder who serves as the Authority's on-site point of contact in all matters relating to the Work including, but not limited to, scheduling of work, supervision of subcontractors, testing and utility interruptions and connections. The Superintendent is responsible for supervision of the Design-Builder's Work through Final Completion of the Project, including the supervision of Subcontractors. The Superintendent shall be present on the Project Site whenever Work is being performed, and shall attend all weekly Project meetings. The Superintendent shall be capable of identifying existing and predictable hazards on the Site and working conditions that are unsanitary, hazardous, or dangerous to employees and shall have the authority to take prompt corrective measures to eliminate such hazards and conditions. The Design-Builder's

Superintendent shall have authority to receive and transmit instructions and information and render decisions related to the Project on behalf of the Design-Builder, and shall have the authority to promptly secure or supply such materials, equipment, tools, labor, and incidentals as may be required. The Superintendent shall have the non-exclusive authority to bind the Design-Builder in all decisions, changes or other matters relating to the Project. All directions given to the Design-Builder's Superintendent shall be binding as if given to the Design-Builder. The Superintendent shall only perform construction supervisory activities for the Project and shall not perform Construction Work, administrative work or perform additional roles or functions on the Project (e.g., Safety Coordinator and Inspector, QA/QC Coordinator). The person identified by the Design-Builder as the Design-Builder's Superintendent shall have a minimum of **six years of experience in a construction Superintendent role** on projects of similar size, scope and complexity.

NOTE: Design-Builders are prohibited from identifying an individual as the Design-Builder's **Superintendent** if that individual:

1) Has been identified as a **Superintendent** in response to any other active SDA procurement for which a Notice of Award has not yet been issued as of the date of submission of the Technical Proposal; or
2) Is currently performing as a **Superintendent** on an existing SDA project that has been awarded to the Design-Builder, and
    a. an official Project Schedule for such Project has not yet been accepted and approved by the NJSDA; or
    b. the date for Final Completion for the awarded Project, included in the official Project Schedule (as accepted and approved by NJSDA) will not occur before construction commences on the Project that is the subject of this procurement and thus the named **Superintendent** cannot simultaneously perform their duties on the awarded Project as well as the Project that is the subject of this procurement.

Failure to comply with the above Key Team Member identification requirements will result in rejection of the Firm's response to this RFP.

4. The Design-Builder's Affirmative Action Coordinator is the person identified by the Design-Builder who shall serve as a liaison with the Authority's Compliance Inspector and who shall be responsible for coordinating the firm's affirmative action program, maintaining all records required by N.J.A.C. 19:39-2.1 and submitting the forms required through the Authority's website, or as otherwise directed, to the SDA's designated employee or representative.

5. Utilizing the Key Team Members' Resume Form provided by the Authority, the Design-Builder shall submit resumes of those employees designated as Key Team Members for the Project, and such resumes shall demonstrate the Key Team Members' project management

experience on projects of similar size, scope and complexity as the Project, and shall demonstrate the Key Team Members' experience working with the Subcontractors required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein, where applicable, but such prior experience is not required.

6. For each project cited in the Key Team Members' Resume Form, the Design-Builder 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 Design-Builder's performance on each project.

7. Failure to identify required Key Team Members, and/or failure to provide resumes for required Key Team Members will result in rejection of the Technical Proposal as non-responsive and will disqualify the responding firm from further participation in this procurement.

8. The Authority will evaluate the required information to determine how well the Design-Builder identifies and demonstrates that its key personnel meet or exceed minimum qualifications necessary to manage, control, and perform the construction. The Authority will evaluate how well the Design-Builder demonstrates that it has the necessary structure, and sufficient experienced, qualified personnel within its organization, to effectively manage, control administer and execute the construction operations, subcontracts and quality control and safety programs.

3.5.2 Identification and Qualification of Design Consultant's Key Team Members

For the purposes of this procurement, "Key Team Member" means those individuals who are employed by the Design Builder or its subcontractors, or by the Design Builder's Design Consultant or its Subconsultants who are required to be named in the Design Builder's Technical Proposal as indicated below.

Utilizing the Identification of Design Consultant's Required Key Team Members form and the Design Consultant's Required Key Team Member Resume form provided by the Authority, the Design-Builder shall provide the following to show the qualifications of its design-build team:

1. The following required Design Consultant Key Team members shall be identified by name:

    a. Design Consultant's Project Manager – the individual with overall responsibility for managing and coordinating the work of the Design Consultant Team;
    b. Design Consultant's Project Architect – the individual responsible for leading architectural planning and design;
    c. Design Consultant's Engineering Design Manager – the individual responsible for leading engineering design;

d. Design Consultant's LEED™ specialist – the individual responsible for LEED analysis and planning;
e. Design Consultant's E-Rate specialist – the individual responsible for E-Rate analysis and planning;
f. Design Consultant's Commissioning Specialist – the individual responsible for identification and specification of project building commissioning requirements.

Additional Design Consultant Key Team Members may include: Design Consultant's Site Environmental Specialist; Site/Civil Engineer; Structural Engineer; HVAC Specialist; Plumbing and Fire Protection Specialists/Designers; and Electrical Engineer or Designer and Special Systems Engineers or Designers.

NOTE: Design-Builders are prohibited from identifying an individual as the Design Consultant's **Project Manager** or **Project Architect** if that individual:

a. Has been identified as a **Project Manager or Project Architect** in a Proposal in response to any other active SDA procurement for which a Notice of Award has not yet been issued; or

b. Is currently performing as a **Project Manager or Project Architect** on an existing SDA project that has not yet achieved completion of all Final Design Phase Services including receipt of all required SDA acceptances of the Final Design Documents, receipt of DOE Final Approval, and receipt of all required Department of Community Affairs (DCA) plan releases, and thus the named **Project Manager and/or Project Architect** cannot simultaneously perform their duties on the awarded Project as well as the Project that is the subject of this procurement.

Failure to comply with the above Key Team Member identification requirements will result in rejection of the Firm's response to this RFP.

2. Utilizing the form provided by the Authority, the Design-Builder shall submit resumes of those employees designated as required Design Consultant Key Team Members for the Project, and such resumes shall demonstrate the Design Consultant Key Team Members' design and construction administration experience on projects of similar size, scope and complexity as the Project, and, as applicable, shall demonstrate the Design Consultant's Key Team Members' experience working with the Design-Builder and the Subcontractors required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) of this RFP, but such prior experience is not required.

3. For each project cited in the Key Team Members' Resume Form, the Design-Builder 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 Design Consultant's performance on each project.

4. Failure to identify required Key Team Members, and/or failure to provide resumes for required Key Team Members will result in rejection of the Technical Proposal as non-responsive and will disqualify the responding firm from further participation in this procurement.

5. The Authority will evaluate the required information to determine how well the Design-Builder demonstrates that it has the necessary structure and sufficient experienced, qualified personnel within its Design-Build Team to effectively design, administer and execute the design services and construction administration obligations of the Project.

3.6 Design-Builder's Approach to Schedule (15 Points)

Using the Design-Builder's Approach to Schedule form provided by the Authority, the Design-Builder shall submit a detailed bar-chart schedule for completion of the project, showing all design phases, the securing of DOE and DCA approvals of plans, as well as tracking major construction activities and milestones including substantial completion, final completion and project closeout. The bar chart schedule shall be accompanied by a written narrative indicating the Design-Builder's approach and methodology for executing the Project within the milestone dates provided. The narrative shall address topics relevant to the performance and completion of the project that may include, without limitation, the following: identification of schedule concerns and constraints (e.g., completion of preliminary and final design, permitting issues, potential for phased DCA release, labor and material availability, winter weather conditions) and plan for completion of the project in accordance with the Authority's proposed date for contract completion. Include discussion of plan for maintaining schedule and providing regular schedule updates.

3.7 Approach to LEED™ Requirements (20 Points)

Using the Design-Builder's Approach to LEED™ Requirements form provided by the Authority, the Design-Builder shall submit a detailed narrative describing the Design-Builder's approach to achieving the proposed level of LEED™ certification. **The narrative shall confirm the level of LEED™ certification (basic, Silver, Gold, or Platinum) the Design-Builder proposes to be achieved**, and shall, at a minimum: 1) identify any optional sustainable design features (per Performance Specification Section PS1030.00) included in the proposal; 2) discuss any design features proposed for LEED certification purposes that will result in energy savings or other operational efficiencies; and 3) discuss any sustainable design features proposed for LEED certification purposes that impose any additional responsibilities, requirements or obligations on NJSDA or the District. The narrative shall be accompanied by a completed LEED™ checklist (form provided by the Authority) identifying the specific LEED™ features which the Design-Builder proposes to incorporate in the design and construction of the project. **To the extent the Design-Builder proposes a higher level of LEED certification than that which is required in the Design-Build Information Package, the Design-Builder shall be contractually obligated**

to achieve such higher level of certification as is indicated in the Design-Builder's Approach to LEED submission.

NOTE: Design-Build Teams are encouraged to propose an approach to LEED certification that exceeds the minimum LEED certification requirements. Proposal evaluation and scoring will favorably consider efforts to achieve LEED certification at a higher level than required by contract; however ,the evaluation of the LEED approach will involve the consideration of any increase in LEED certification level, balanced against: any modifications to project performance specifications to accommodate the proposed increase in LEED points; and any additional costs, responsibilities or requirements which may be imposed on the NJSDA or the District as a result of the Design-Build Team's approach to LEED certification at the increased level.

3.8 Interview

The Authority has determined to perform interviews with all Design-Builders, to be conducted after technical submissions have been received. The interviews will allow Design-Builders to clarify information provided in their submissions, and will allow for selection committee members to ask questions about the technical submissions.

3.9 Small Business Enterprise Forms "B" and "C"

The NJSDA requires the Design-Builder to provide opportunities to SBE firms to participate in the performance of this engagement, consistent with NJSDA's SBE set aside goals of 25%, awarding 5% of the contract value to registered Category 4 SBE firms; 5% of the contract value to registered Category 5 SBE firms; and 5% of the contract value to registered Category 6 SBE firms; and 10% of the contract value to SBE firms registered in any of the three Categories.

Similarly, the NJSDA requires the Design Builder and its Design Consultant to provide opportunities to SBE firms to participate in the performance of this engagement, consistent with NJSDA's consultant SBE set aside goals of 25%, awarding 5% of the contract value to registered Category 1 SBE firms; 5% of the contract value to registered Category 2 SBE firms; and 5% of the contract value to registered Category 3 SBE firms; and 10% of the contract value to SBE firms registered in any of the three Categories.

With respect to consultant SBE participation, the Design Builder and its Design Consultant are required to demonstrate efforts to comply with the Set-Aside Goals for consultant SBE opportunities by submitting with the Technical Proposal the Authority's "SBE Form B" for the Design-Builder's Design Consultant and Design Consultant's subconsultants, and "Form C Certification of SBE Status," as provided by the Authority, showing the Design Builder's efforts to ensure SBE consultant participation in support of the Authority's Set-Aside Goals. The Authority requires this documentation and identification of consultant SBE participation at this time, in recognition that the initial portion of the Project shall consist of the performance of design services. The Design Builder is not required to identify its subcontractor SBE participation until a later point in the project, in recognition of the fact that in a Design-Build procurement, the full scope of construction work may not be known until after the finalization of

relevant design documents. Accordingly, the Design-Builder is not required to demonstrate its efforts to comply with the Authority's Set-Aside Goals for construction work until just prior to the issuance of the Notice to Proceed with Construction Work for the Project, when the Design Builder shall be required to submit an executed "SBE Form B" for the Design-Builder and its subcontractors, and an updated "Form C Certification of SBE Status".

3.10 Technical Proposal Certification

Using the Design-Builder's Technical Proposal Certification form provided by the Authority, the Design-Builder hereby certifies to the best of its knowledge and belief and under penalty of perjury under the laws of the United States and the State of New Jersey, that all information provided herein is accurate and truthful. The Design-Builder further certifies on this form that the individuals named as Superintendent and Design Consultant's Project Manager and Design Consultant's Project Architect are or will be available to perform their designated functions on the Project, without any conflict or overlap with other SDA projects.

3.11 Disclosure of Investment Activities in Iran Form

Using the form provided by the NJSDA, the Design-Builder **must** submit a Disclosure of Investment Activities in Iran Form, pursuant to Public Law 2012, c. 23 (codified at N.J.S.A. 52:32-55 et. seq.) (the "Act"), any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract with the New Jersey Schools Development Authority ("NJSDA") must complete a Certification which states that the person or entity, or one of the persons or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the New Jersey Department of the Treasury ("Treasury") as a person or entity engaging in investment activities in Iran. Such a Certification must be in the form attached hereto, and included with the completed Technical Proposal. Failure to submit such Certification will result in the disqualification of the bid and rejection of the Technical and Price Proposals.

3.12 Ownership Disclosure Form

The Design-Builder **must** submit an Ownership Disclosure Form, pursuant to N.J.S.A. 52:25-24.2, using the form created by the Department of Treasury - Division of Purchase and Property, which form is supplied by NJSDA and is available as an interactive form on the Treasury site at:

http://www.state.nj.us/treasury/purchase/forms/OwnershipFinal12-14.pdf

If the Design-Builder is a corporation, the Ownership Disclosure Form requires the Design-Builder to set forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of any class of its stock. If the Design-Builder is a type of partnership, the Ownership Disclosure Form requires the names and addresses of all individual partners in the partnership who own a 10% or greater interest therein. If one or more such stockholder or partner in the Design-Builder is itself a corporation or partnership, then the stockholders holding 10% or more of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, exceeding the

10% ownership criteria threshold established by N.J.S.A. 52:25-24.2, have been listed. The completed Ownership Disclosure Form must be submitted and included with the completed Technical Proposal. Failure to submit such Ownership Disclosure Form will result in the disqualification of the bid and rejection of the Design-Builder's Technical and Price Proposals.

SECTION 4 -- SUBMISSION OF TECHNICAL AND PRICE PROPOSALS

4.1 General

4.1.1 Submission of Technical Proposal

Design-Builders are required to submit completed Technical Proposals (along with completed Price Proposals and separate Experience Criteria Submissions) on or before the date and time listed in the Bid Advertisement or such other date as set by Addenda ("submission date"). All Technical Proposals must be delivered in accordance with Section 7 herein. **Faxed or emailed copies will be rejected**.

The Design-Builder must sign the Technical Proposal form(s) in ink and all signatures **must be original**. If the Design-Builder is a corporation, partnership or sole proprietorship, the legal name of the Design-Builder shall be printed or typed on the line provided. The Technical Proposal **must be** signed by an officer, partner or principal of the firm, as applicable, witnessed and the Corporate Seal must be affixed to the signature.

NOTE that the responses to the three "Experience Criteria" categories must be submitted separately from the rest of the Technical Proposal submission, and may not be bound with or included in the rest of the Technical Proposal. The three Experience Criteria submissions may be placed in individual envelopes (sealed or unsealed) marked with the names of the individual categories, or the responses to all three Experience Criteria categories may be submitted together in an envelope (sealed or unsealed) marked "Experience Criteria Submission".

Projects identified in the Experience Criteria Submissions of the Technical Proposal must be the experience of the Design-Builder (or its Design Consultant, as applicable) and must have been **completed** within the past seven (7) years. "Completed" is defined as projects where - at a minimum – a Temporary Certificate of Occupancy (TCO) has been granted or in the case where a new or amended certificate of occupancy is not required, projects that are 100% complete.

4.1.2 Examination of Contract Documents and Project Site

The Design-Builder shall examine all the Design-Build Contract Documents, noting particularly all requirements that will affect the Design-Builder's work in any way. The Design-Build Contract Documents are defined in the Design-Build Agreement at Section 1.25.

The Design-Build Contract Documents should be read in their entirety as they define the scope of Work and responsibilities of the Design-Builder and the NJSDA. A firm wishing to submit a response to this RFP must review all such documents and be thoroughly familiar with all of the terms and conditions of such documents.

Interested parties should review the Design-Build Contract Documents with care. Interested parties may also wish to consult their attorneys and insurance brokers regarding the terms and conditions of the Design-Build Contract Documents.

Please note the provisions in the Design-Build Agreement holding the Design-Builder responsible for a "per occurrence" deductible of $25,000 for any loss payable under the OCIP Builder's Risk Insurance coverage, with the exception of claims caused by Flood, Wind and Earthquake.

Interested parties should note that the form of Design-Build Agreement recognizes that the Authority has implemented a School Facilities Projects Owner Controlled Insurance Program ("OCIP") in accordance with N.J.S.A. 18A:7G-44. The OCIP provides certain types of insurance coverage for the Design-Builder and certain of its Subcontractors that are deemed eligible under the terms of the OCIP. Despite such OCIP coverage, the Design-Builder and the eligible Subcontractors are required to obtain certain insurance coverage of the types specified in Section 14.14 of the Agreement. Furthermore, the form of Agreement also recognizes that certain Subcontractors, and all consultants and subconsultants providing professional services to the Design-Builder, are ineligible for OCIP coverage (hereinafter, "Ineligible Subcontractors/Subconsultants"), as set forth in Section 14.15 of the Agreement. Such Ineligible Subcontractors/Subconsultants are required to obtain insurance coverage of the types specified in Section 14.15.5 of the Agreement.

Failure of a Design-Builder to be acquainted with the amount and nature of work required to complete any applicable division of the work, in conformity with all requirements of the project(s) and the package as a whole, will not be considered as a basis for additional compensation.

The Design-Builder shall evaluate the project site and related conditions, including without limitation the following:

- The condition, layout and nature of each project site and surrounding areas;
- The availability and cost of labor;
- The availability and cost of materials, supplies and equipment;
- The cost of temporary utilities required in the bid;
- The cost of any permit or license required for the projects and not paid for by the Authority;
- The generally prevailing climatic conditions; and
- Conditions bearing upon transportation, disposal, handling, and storage of materials.

Unless otherwise specified in the Design-Build Contract Documents, borings, test excavations and other subsurface information, if any, are provided solely to share information available to the Authority and any use of or reliance upon such items by the Design-Builder is at the risk of the Design-Builder.

4.1.3 Pre-Bid Meeting and Addenda

All Design-Builders must attend the mandatory pre-bid meeting. No Technical Proposal or Price Proposal will be accepted from any Design-Builder that fails to attend the mandatory pre-bid meeting. In the case of a Joint Venture, only one representative from the Joint Venture need attend the pre-bid conference.

The mandatory pre-bid meeting will be held as set forth in the Bid Advertisement appearing in selected newspapers and at the Authority's website: www.njsda.gov.

The Authority must issue Addenda, at least seven (7) business days prior to the date scheduled for receipt of the Price Proposals, excluding Saturdays, Sundays and legal holidays, to clarify, interpret, correct or change the Contract Documents. The Authority shall provide copies of Addenda only to pre-qualified firms that attended the mandatory pre-bid meeting and submitted a Project Rating Proposal. Failure to acknowledge the addenda, and include such acknowledgement with the Price Proposal, may result in the rejection of the Price Proposal.

Design-Builders shall not rely on any oral answers to questions raised at the pre-bid meeting or at any other time. Design-Builders shall not rely on any interpretation or clarification of or correction or change to the Design-Build Contract Documents unless it is in the form of a written Addendum.

4.1.4 Interpretation

If the Design-Builder has any questions or finds any perceived error or omission in the Design-Build Contract Documents or any conflict or discrepancy within the Contract Documents or between the Design-Build Contract Documents and any applicable provision of law, the Design-Builder shall submit a written request to the Authority for interpretation or clarification. Failure to submit said question or request for information shall be deemed a waiver for any claims for future compensation regarding discrepancies within the Design-Build Contract Documents.

The Design-Builder shall be responsible for delivery of such requests no later than fifteen (15) business days prior to the Technical and Price Proposal submission date.

All responses to such requests shall be in the form of written Addenda.

The submission of a Technical Proposal and a Price Proposal is conclusive evidence that the Design-Builder has completely reviewed the Design-Build Contract Documents and fully understands and agrees to all of the requirements, terms and conditions set forth therein.

4.1.5 Design-Build Information Package

A Design-Build Information Package containing the Authority's requirements for the Project as expressed in drawings, plans, Procedural and Performance Specifications and other documents, will be made available through a controlled-access website to prequalified firms that have attended the mandatory pre-bid meeting and, if applicable, any mandatory site visit.

Unless otherwise specified in the Contract Documents, the Authority shall furnish to the successful Design-Builder, free of charge, five (5) sets of the Design-Build Contract Documents, including the Design-Build Information Package. The successful Design-Builder may obtain additional copies of the Design-Build Information Package from the Authority, upon request, at the cost of reproduction.

4.1.6 OCIP

In accordance with Article 14 of the Design-Build Agreement, the Authority has elected to implement an Owner Controlled Insurance Program (OCIP) to provide Workers' Compensation, Employers Liability, General Liability, Excess Liability, and Builder's Risk Coverage for Contractors and eligible Subcontractors, of any tier, providing direct labor to the Project. The Authority agrees to pay all premiums associated with the OCIP, including deductibles or self-insured retention (giving the Contractor and Subcontractors first dollar coverage), unless otherwise stated in the contract documents. While the OCIP is intended to provide broad coverage and high limits, the OCIP is not intended to meet all the insurance needs of the Design-Builder, or its Subcontractors or Subconsultants. Participation in the OCIP Program is mandatory for eligible Contractors and Subcontractors, unless otherwise determined by the Authority, but is not automatic, and thus requires the Contractor and Subcontractors to actively register for inclusion in the OCIP before performing work on the Project.

The Design-Builder agrees to submit its Price Proposal Net of Insurance, excluding all applicable insurance expenses and policy costs allocated to the Project for Workers' Compensation, Employers Liability, General Liability, Excess Liability, and Builder's Risk insurance.
The Design-Builder and its Subcontractors shall be required to comply with all provisions of the applicable Project Safety Manual as such compliance has a direct bearing on the insurance costs of the Authority. Some of these provisions may have additional cost implications, which could impact the bid price.

Subcontractors and Subconsultants not enrolled in the OCIP will be required to maintain their own insurance and will be required to participate in the Project Safety Program.

4.1.7 Basis of Design/Proprietary Items/ Performance Criteria/Materials and Systems Standards

Various elements and products identified in the Design Build Information Package for inclusion in the Project may be specified by brand name, product description or performance criteria, or may be specified with reference to conformance with NJSDA's published "*Materials and*

Systems Standards Manual" including Design Requirements and Construction Details ("Materials and Systems Standards").

"Basis of design" items: Any articles, devices, materials, equipment, forms of construction, fixtures, products or other items named in the specifications by brand name or manufacturer are intended to represent the Basis of Design, unless such items are specifically identified as approved Proprietary Items in the Design-Build Information package. The Basis of Design for a designated product establishes the quality, and salient physical, functional and performance characteristics that must be met in the design and construction of the project. It is not the intent of the Authority in identifying such Basis of Design items by brand name or manufacturer to limit the Design-Builder's options to a single product or manufacturer, except for those products specifically called for by brand name or manufacturer as proprietary items.

"Proprietary Items" are certain products or manufacturers that are identified by specific brand name or manufacturer name, which items have been approved by the Authority for specification and use on this Project. The Design-Builder is required to use the indicated "proprietary item" products or manufacturers on the Project.

"Performance Criteria" are descriptions of salient features, functions, capacities or qualities of a product, item, piece of equipment or article that the Design-Builder must comply with when choosing, specifying and incorporating such a product, item, piece of equipment or article in the construction of the project.

"Materials and Systems Standards" refers to NJSDA's published "*Materials and Systems Standards Manual*" including Design Requirements and Construction Details. The Design Builder is required to comply with the Materials and Systems Standards for all items to be incorporated into the Project, except when the specific designation of a proprietary item, or a Basis of Design item, or the project-specific designation of a specific item by functional description or performance criteria, conflicts with the Materials and Systems Standards, in which case the proprietary item identification, basis of design description, or designated performance criteria shall take precedence over any contrary guidance in the Materials and Systems Standards.

The Basis of Design items, any listed Proprietary Items, any products or items identified by description or performance criteria, and the NJDSA Materials and Systems Standards shall be known as "standards" and all bids shall be based upon those standards.

Where two or more standards are named, the Design-Builder may furnish any one of those standards.

Where standards have been established through a Basis of Design, the provisions of Section 4.1.8 herein shall apply.

4.1.8 <u>Proposed Equals</u>

If a Design-Builder proposes to use articles, devices, materials, equipment, forms of construction, fixtures or other items other than those standards named in the Design-Build Contract Documents, and intends to rely upon the use of such alternate articles, devices, materials, equipment, forms of construction, fixtures or other items in the formation or calculation of its bid, the Design-Builder shall certify that the article, device, method or other item that deviates from the Project standards is equal or superior in quality and in all aspects of performance and appearance to the standards specified (and is therefore a "proposed equal"), and the Design-Builder must secure pre-bid Authority approval of any proposed equal before relying upon the use of the proposed equal in formulating or calculating its bid.

If the Authority approves the proposed equal, the Authority shall issue an Addendum describing and authorizing use of the proposed equal as a new standard.

No Design-Builder shall rely on a proposed equal in the preparation of its bid unless that proposed equal has been expressly approved as a standard in the form of an Addendum issued prior to the Price Proposal submission date.

For pre-bid review of proposed equals, the Design-Builder shall submit information regarding the proposed equals to the Authority no later than fifteen (15) business days prior to the Price Proposal submission date, which information shall include:

- The name and a complete description of the proposed equal, including drawings, performance and test data, and other information necessary for a complete evaluation;
- A statement of any advantages, in particular cost savings or time savings, to be achieved by the Authority if the proposed equal is employed; and
- A statement setting forth any changes, which the proposed equal will require in the projects.

The decision to approve or disapprove a proposed equal shall be solely within the discretion of the Authority, and shall be final when made. The Authority shall have the discretion to reject a proposed equal, for any reason whatsoever, including the fact that the Design-Builder failed to provide sufficient information to enable the Authority to completely evaluate the proposed equal without delay in the scheduled Price Proposal submission date.

Once an award is made, if the Design-Builder proposes to use or incorporate products, articles, items, equipment or construction methods that deviate from the standards contained in the Design-Build Contract Documents, the Design-Builder must submit a substitution request that conforms to the substitution request requirements defined in the Design-Build Contract Documents. The Authority is under no obligation to approve any post-award substitution request, and in the absence of Authority approval of a substitution request, the Design-Builder is required to perform the Work and Services in conformance with the standards contained in the Design-Build Contract Documents.

4.1.9 Prevailing Wage

Design-Builders are advised that this Contract will require compliance by the Contractor and all Subcontractors with the New Jersey Prevailing Wage Act, as well as federal prevailing wage requirements pursuant to the Davis-Bacon and Related Acts.

4.2 Price Proposal

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

Unless the Design-Builder withdraws its Price Proposal prior to the Price Proposal submission date and time, the Design-Builder shall be required to comply with all requirements of the Contract Documents.

The Design-Builder shall fill in all relevant blank spaces in the Price Proposal in ink or by typewriting. The Design-Builder 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 Design-Builder must sign the Price Proposal in ink and all signatures **must be original**. If the Design-Builder is a corporation, partnership or sole proprietorship, the legal name of the Design-Builder shall be printed or typed on the line provided. The Price Proposal **must be** signed by an officer, partner or principal of the Design-Builder, as applicable, witnessed and the Corporate Seal must be affixed to the signature**. A Design-Builder may not submit a Price Proposal that, excluding design costs and the GMP Reserve amount, exceeds its Project Rating Limit for a project.**

All Design-Builders **must** submit a copy of the Uncompleted Contracts Form for themselves and for any subcontractor required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) of this RFP. Failure to submit an Uncompleted Contracts Form with the Price Proposal will result in rejection of the bid. Uncompleted Contracts forms submitted by the Contractor and any required Subcontractors must reflect accurate and timely information. The amount set forth in the Uncompleted Contracts Form must reflect the amount of uncompleted work as of the date of the bid submission, or the date of the response to the RFP. In no instances will Uncompleted Contracts forms be acceptable where the date of the Form is greater than 120 days prior to the due date for bid or proposal submissions.

By submitting the Price Proposal, Design-Builders agree to hold the Price Proposal open and valid for a period of one hundred twenty (120) calendar days from the date of the Price Proposal submission, unless this time period is extended by mutual agreement of the Design-Builder and the NJSDA.

4.2.1 Price Proposal By a Joint Venture

Design-Builders submitting a bid as a Joint Venture shall comply with all the requirements in Section 2.1B. In addition, each member of the Joint Venture shall sign the Price Proposal, have its signature witnessed and the Corporate Seal must be affixed to the signature.

4.2.2 Required Classification and Submittals

Each Design-Builder and subcontractor(s) required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) of this RFP, must be classified by the Department of the Treasury - Division of Property Management and Construction; registered by the Department of Labor; and registered by the Department of the Treasury - Division of Revenue. Each such Design-Builder and subcontractor must also be prequalified by the Authority in the trade(s) specified in the Bid Advertisement so that the Design-Builder and subcontractor(s) classifications, when considered in totality, meet the requirements of the Bid Advertisement and as modified by Addendum.

The Design-Builder's identified Design Consultant, and any subconsultant(s) to the Design-Builder or the Design Consultant, that are required to be named as described in Section 1.3 (Identification and Prequalification of Members of Design-Build Team) must be: 1) prequalified by the Department of the Treasury, Division of Property Management and Construction, 2) registered by the Department of the Treasury, Division of Revenue, prequalified by the Authority in the disciplines specified in the Bid Advertisement, so that the Design Consultant's and subconsultant's prequalifications, when considered in totality, meet the requirements of the Bid Advertisement as modified by any relevant Addendum. Further, the Design-Builder and any subconsultant required to be named must employ qualified persons licensed to do business in the State of New Jersey, in order to perform the Services for the Project.

Each Design-Builder shall include all required documentation with its Price Proposal, including, but not limited to:

- A submission of a valid Bid Bond in the proper amount on the form supplied by the Authority.

- "Total Amount of Uncompleted Contracts" form as provided by the Authority and completed by the Design-Builder.

- "Total Amount of Uncompleted Contracts" form as provided by the Authority and completed by the respective subcontractor(s) for any subcontractor required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) of this RFP.

- Uncompleted Contracts forms submitted by the Contractor and any Subcontractor required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) of this RFP, must reflect accurate and timely information. The amount set forth in the Uncompleted Contracts Form must reflect the

amount of uncompleted work as of the date of the bid submission, or the date of the response to the RFP. In no instances will Uncompleted Contracts forms be acceptable where the date of the Form is greater than 120 days prior to the due date for bid or proposal submissions.

- Failure to submit the required Uncompleted Contracts Form(s) with the Price Proposal will result in rejection of the bid.

The Authority requests that every Design-Builder submit the following:

- Copies of their current, valid certificates of registration issued pursuant to "The Public Works Contractor Registration Act," P.L. 1999, c. 238; for the Design-Builder and subcontractors required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein.

- Copies of their current Classification Notice (or Prequalification Notice) with the Department of the Treasury, Division of Property Management and Construction; for the Design-Builder and subcontractors and subconsultants required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein.

- Copies of their current, valid Business Registration Certificate issued by the Department of the Treasury - Division of Revenue, for the Design-Builder and subcontractors required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein.

- Copies of all current, valid contractor or trade licenses and permits required under applicable New Jersey law, for the Design-Builder and subcontractors required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein.

4.2.3 Delivery Of Price Proposals

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

The Design-Builder must submit its sealed Price Proposal to the Authority in conjunction with its Technical Proposal in accordance with Section 7 herein.

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 Design-Builder'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 Design-Builder unopened.

4.3 Withdrawal

A Design-Builder may withdraw a Price Proposal after it has been received by the Authority, provided the Design-Builder makes a request in writing to the Director of Procurement and the request is received by the Authority prior to the deadline for the submission of the Price Proposal. **Price Proposals may not be withdrawn after the submission deadline has passed**.

If a Design-Builder wants to make a change in a previously submitted Price Proposal, it must do so prior to the deadline for submission, by submitting a letter requesting the withdrawal of the previous submission and acceptance of a replacement Price Proposal.

4.4 Opening of Price Proposal

All Price Proposals submitted on or before the date and time scheduled for submission will be publicly opened and the lump sum base prices submitted by the Design-Builders will be read at the time and place indicated in the Bid Advertisement, or such other time and place as may be established by Addendum.

Design-Builders, their authorized agents, and other interested parties are invited to be present.

The public opening and reading of Price Proposals is for informational purposes only and is not to be construed as an acceptance or rejection of any bid submitted.

4.5 Price Proposal Evaluation Criteria and Procedures

The Authority, in determining the successful Design-Builder, will evaluate the Price Proposals for responsiveness, including but not limited to verifying that:

- The submission of a valid Bid Bond in the proper amount;
- The Design-Builder and all required subcontractors are classified, pre-qualified, registered and licensed as required by the Bid Advertisement;
- The Construction Services amount of the award of the contract in addition to the Design-Builder's uncompleted work will not exceed the Aggregate Rating of the Design-Builder; and
- The amount of the contract award associated with any Subcontractor's trade in addition to the uncompleted work of such Subcontractor required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein, will not exceed the Aggregate Rating of such Subcontractor.

The responsible Design-Builder whose responsive bid offers the Authority the lowest price and whose bid, exclusive of design fees and the GMP Reserve amount, does not exceed the Design-Builder's Project Rating Limit as established through the evaluation of the Project Rating

Proposal, shall be awarded the maximum number of points for the price component (100 points). All other Design-Builders shall be awarded points based on the percentage that each proposal exceeds the lowest bid.
Once all Design-Builders' scores are weighted and compiled, the Authority shall determine the Design-Builder with the highest combined score for price and the non-price "other factors" evaluative criteria, and will recommend that award be made to that Design-Builder.

SECTION 5 -- AWARD REQUIREMENTS

Prior to determination of the successful Design-Builder, the Authority may request the following information from any Design-Builder:

- A bid breakdown, in CSI format, of the lump sum bid for each component of work. This information is not to be construed as a Schedule of Values or Trade Payment Breakdown, which may be required at a later date;
- Any additional documentation that may be deemed necessary to proceed with award.

Such information must be supplied to the Authority within forty-eight (48) hours of the request.

After determination of the Design-Builder with the highest combined score, the SDA shall so notify the successful Design-Builder by issuing a Notice of Award.

Immediately upon receipt of the Notice of Award (or as otherwise indicated by the Authority), the recipient of the Notice of Award shall complete and deliver the following documents to the Authority, on forms provided by the Authority:

- Executed Agreement Between the New Jersey Schools Development Authority and the Design-Builder for Design-Build Services;

- Performance and payment bonds in the amount of one hundred percent (100%) of the Contract Price, current attorney-in-fact instruments and financial statements of the surety must be included for **each** bond;

- Certificate(s) of insurance from both the Design-Builder and its identified Design-Consultant providing evidence of insurance required by Sections 14.14 and 14.15 of the Agreement;

- Subcontractor Approval Form – The "Form 1105 – Subcontractor Approval Form" for Subcontractors not required to be named in the price proposal is due twenty (20) days prior to the start of work;

- Initial Project Work Force Report (AA201) – Construction and Sub-Contractor Projection Form (AA201a) (forms enclosed) (mail to NJSDA Vendor Services and Risk Management Unit are due within seven (7) days of the Construction Notice to Proceed);

- Corporate resolution;

- "SBE Form B" for the Design-Builder and its subcontractors along with an updated "Form C Certifications of SBE Status" showing SBE contractor/subcontractor participation. The NJSDA requires the Design-Builder to provide opportunities to SBE firms to participate in the performance of this engagement, consistent with NJSDA's SBE set aside goals of 25%, awarding 5% of the contract value to registered Category 4 SBE firms; 5% of the contract value to registered Category 5 SBE firms; and 5% of the contract value to registered Category 6 SBE firms; and 10% of the contract value to SBE firms registered in any of the three Categories. In recognition of the fact that this is a Design-Build Procurement, and that construction work will proceed after the finalization of relevant design documents, the Design-Builder is not required to demonstrate its efforts to comply with the Authority's Set-Aside Goals for construction work until a time prior to the issuance of the Notice to Proceed with Construction Work for the Project, at which time the Design-Builder shall be required to submit an executed "SBE Form B" for the Design-Builder and its subcontractors along with corresponding "Form C Certifications of SBE Status". The Authority will advise by separate correspondence when the SBE Forms B and C are required to be submitted.

- Integrity Affidavit;

- Disclosure to the Unit of Fiscal Integrity General Consent and Waiver;

- Business Registration Certificates issued by the Department of Treasury - Division of Revenue for all subcontractors and subconsultants required to be named, as described in Section 1.3 (Identification and Prequalification of Members of Design Build Team) herein;

- N.J. Division of Purchase and Property "Two-Year Chapter 51/Executive Order 117 Vendor Certification & Disclosure of Political Contributions" as prescribed by Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134 (2004)) and as amended by Executive Order 117 (2008);

- Copies of letters sent to all subcontractors listed in the Price Proposal submission, informing them: (1) they were listed as a subcontractor in your Price Proposal and (2) your firm has received a Notice of Award, for this project, from the NJSDA;

- "Letter of Assent – NJSDA Project Labor Agreement" for your firm and each subcontractor required to be named, as described in Section 1.3 (Identification and

Prequalification of Members of Design Build Team) herein and listed in your Price Proposal

- Contractor Signature Page - NJSDA Project Labor Agreement
- Form W-9 – Request for Taxpayer Identification Number and Certification;
- EFT (Electronic Funds Transfer) Authorization Form; and
- Any other documents that may be required, as per the contract.

The Authority may extend the time for submission of the documents set forth above if good cause is shown and if the Authority determines, in its sole discretion, that the delay in document submission will not unduly delay project schedules.

Failure on the part of the successful Design-Builder to execute and deliver all of the documentation as provided in this Section, in the manner and within the time provided by the Contract Documents, is just cause for revocation of the Award and for the exclusion of the successful Design-Builder from bidding on subsequent Authority contracts for such period as the Authority may deem appropriate. If the Award is revoked for the above reasons, the Bid Bond shall become forfeited and the Authority may proceed to recover under the terms and conditions of the Bid Bond. At its discretion, the Authority may award the contract to the responsible Design-Builder with the next highest combined score, or re-advertise the Project, precluding the forfeiting Design-Builder from bidding on the re-advertised Project.

- N.J.S.A. 18A:7G-36 permits the Authority to utilize a construction contractor evaluation process, which will apply to the Design-Builder as prime contractor and may impact a contractor's Project Rating Limit on future NJSDA projects. The performance evaluation process applicable to this procurement is described in the Authority's regulations codified at N.J.A.C. 19:38-, which are available at www.njsda.gov.

The SDA may request additional information from the Design-Builder as required under the Agreement, SDA's policies, procedures or regulations, or other governing law.

Firms are hereby 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.

SECTION 6 – RIGHTS OF THE AUTHORITY

The Authority reserves the right to reject any Project Rating Proposal, Technical Proposal or Price Proposal that does not conform in all material respects with the requirements of the RFP or Contract Documents.
The Authority reserves the right to reject any Project Rating Proposal, Technical Proposal or Price Proposal deemed non-responsive.

The Authority reserves the right to reject any Project Rating Proposal, Technical Proposal or Price Proposal for any reason deemed to be in the best public interest.
The Authority reserves the right to reject any Price Proposal if the price, excluding amounts attributable to design fees and the GMP Reserve, exceeds the Authority's Construction Cost Estimate (CCE). The Authority reserves the right to reject any Price Proposal that, upon examination, appears to demonstrate an unbalanced allocation of costs to design fees relative to other project costs.

The Authority reserves the right to waive technicalities and the right to re-advertise for new bids.

The Authority reserves the right to rescind any determination of the successful Design-Builder or any Notice of Award if it determines that either was issued in error, or if it becomes aware of information or developments that impact on the responsibility of the Design-Builder.

SECTION 7 – DELIVERY/MAILING OPTIONS

Submission of any document(s) to the Authority shall comply with the following:

US Mail Address
NJSDA
P.O. Box 991
Trenton, New Jersey 08625-0991
Contract No: ET-0031-B01
Attn: Marty Taylor

Fed Ex, UPS, Courier, Hand Delivery
NJSDA
32 East Front Street
Trenton, New Jersey 08625-0991
Contract No: ET-0031-B01
Attn: Marty Taylor

List of RFP Forms:

1. Design-Builder's Experience on Similarly Sophisticated Projects
2. Identification of Design-Builder's Key Team Members
3. Design-Builder's Required Key Team Member's Resume
4. Identification of Required Subcontractors
5. Design-Builder's Design Consultant's Experience on Similarly Sophisticated Projects
6. Identification of Design Consultant's Required Key Team Members
7. Design Consultant's Required Key Team Member's Resume
8. Identification of Required Subconsultants

9. Design-Builder's Demonstrated Prior Affirmative Action Experience
10. Design-Builder's Overall Approach to the Project
11. Design-Builder's Approach to Schedule
12. Approach to LEED Requirements
13. LEED for Schools Project v4 2015 Checklist
14. Small Business Enterprise Forms "B" and "C"
15. Design-Builder's Technical Proposal Certification
16. Disclosure of Investment Activities in Iran
17. Ownership Disclosure Form
18. Price Proposal
19. NJSDA Project Rating Proposal Submission