

REQUEST FOR QUALIFICATIONS AND PROPOSALS

for

CONSTRUCTION MANAGEMENT SERVICES

for

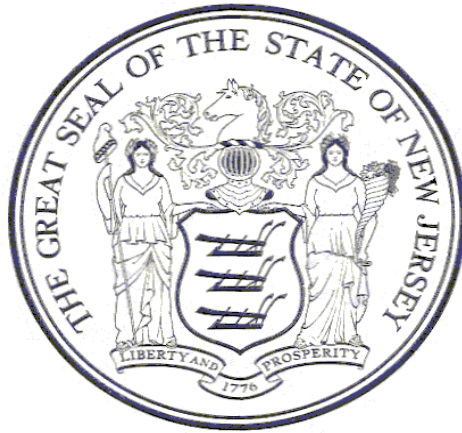
Contract No.: ET-0099-M01

for

**Perth Amboy High School Design-Build Project
Perth Amboy, NJ**

RFQ/RFP Issue Date: January 10, 2020

Proposal Due Date: February 13, 2020



STATE OF NEW JERSEY

SCHOOLS DEVELOPMENT AUTHORITY

32 East Front Street, P.O. Box 991, Trenton, NJ 08625

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

INTRODUCTION

The New Jersey Schools Development Authority (“SDA”) is seeking the services of a Construction Manager (“CM”) to manage the Design-Build Construction of the new Perth Amboy High School in the Perth Amboy School District.

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

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

1. Request for Qualifications and Proposals
2. Attachment A: (Response Forms):
 - a. Firm’s Construction Management Experience Form;
 - b. Identification of Construction Manager’s Required Key Team Members Form;
 - c. Firm’s Staffing Proposal for the Project Form;
 - d. Key Team Member Resume Form;
 - e. Disclosure of Investment Activities in Iran Form;
 - f. Ownership Disclosure Form;
 - g. Source Disclosure Certification Form; and
 - h. NJSDA Price Proposal Form.
3. Attachment B: Construction Management Services Agreement.
4. Attachment C: Design-Build Information Package (DBIP) (DBIP to be made available via NJSDA’s secure FTP site to Firms submitting a valid Notice of Intent to Participate in accordance with the terms of this RFQ/RFP).

The Construction Management Services Agreement (Attachment B to this RFQ/RFP) includes a Project Description as Appendix B.

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

Notice of Intent to Participate: The NJSDA will not hold a traditional pre-proposal conference for this procurement. All Firms interested in submitting a proposal **must** sign in electronically by sending a mandatory e-mail Notice of Intent to Participate to Dave Kutch at DKutch@njsda.gov no later than **2:00 PM on January 27, 2020**

Questions from Interested Firms: Interested Firms may submit written questions regarding this procurement to the NJSDA by sending them by email to Dave Kutch at DKutch@njsda.gov no later than **2:00 PM on January 27, 2020**. The questions and NJSDA answers will be provided via an addendum to the RFQ/RFP to each Firm that submitted a timely e-mail Notice of Intent to Participate.

Notice Regarding Communications: Refer all questions to NJSDA Procurement Staff. Any bidder attempting to contact government officials (elected or appointed), including NJSDA Board members, NJSDA Staff (except for Procurement), Selection Committee members, NJSDA Consultants, and School District officials for information relating to this project or in an effort to influence the selection process may be immediately disqualified.

Submission of Proposals: Responses to this RFQ/RFP must be received by the NJSDA no later than **2:00 PM on February 13, 2020**. Faxed or e-mailed submissions shall not be accepted.

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

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

SECTION 1 - PROCUREMENT OVERVIEW

1.1 General. This is a “Price and Other Factors” solicitation for Construction Management Services for the new Perth Amboy High School in the Perth Amboy School District. This solicitation seeks responses from Interested Firms in the form of a simultaneous submission of:

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

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

PLEASE NOTE: Bidders are not permitted to bring handouts or other written materials to the interviews to provide to the selection committee members. To the extent that bidders bring such materials to the interviews, the NJSDA will not accept or retain those materials, and those materials will not be provided to the selection committee members.

The scores for the written submission and the interview will be combined into a total “Non-Price Score.”

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

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

1.2 Basis of Award.

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

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

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

1.3 Components of Response.

A conforming Response consists of the following components:

- Qualifications and Technical Proposal Forms (**one (1) unbound original, six (6) bound copies**):
 - Firm’s Construction Management Experience (Case Study) Forms
 - Identification of Construction Manager’s Required Key Team Members Form
 - Firm’s Staffing Proposal for the Project Form
 - Key Team Member Resume Forms
 - Disclosure of Investment Activities in Iran Form
 - Ownership Disclosure Form
 - Source Disclosure Certification Form
- Price Proposal (**one (1) unbound original**):
 - NJSDA Price Proposal Form

A. Qualifications and Technical Proposal

Responding Firms must submit a Qualifications and Technical Proposal utilizing the Forms provided by the Authority, which provides responses to the non-price “other factors” evaluative criteria requirements of this RFQ/RFP. The Qualifications and Technical Proposals (**one (1) unbound original, six (6) bound copies**) must be received by the NJSDA no later than **2:00 PM on February 13, 2020**. Faxed or e-mailed Submittals will not be accepted.

B. Price Proposal

Responding Firms must submit with the Qualifications and Technical Proposal a sealed “Price Proposal,” which contains the Total Compensation Amount the Responding Firm intends to offer for the Construction Management Services as well as other required information. The Total Compensation Amount is based upon Monthly Rates for Key Team Members performing the Services of the engagement, plus several Specified Sum Amounts for certain Basic Services not compensated through the Monthly Fee, as well as Insurance costs and certain Allowance Amounts. The Price Proposal must be submitted on the form provided by the NJSDA, and no modifications or alterations to the wording or the calculation methodology of the Price Proposal Form are permitted.

Note that the NJSDA requires the Construction Manager to provide opportunities to Small Business Enterprise (SBE) firms and Disabled Veteran Owned Business (DVOB) firms to participate in the performance of the Work, consistent with the NJSDA’s 25% SBE and 3% DVOB Set-Aside Goals.

The Price Proposals must be separately sealed and submitted with the Qualifications and Technical Proposal and received by the NJSDA no later than **2:00 PM on February 13, 2020**. Faxed or e-mailed Price Proposals will not be accepted.

1.4 Evaluation and Scoring Process.

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

responsiveness.

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

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

- Responsive Firm’s CM Experience on Similarly Sophisticated Projects
- Staffing Proposal
- Key Team Members’ Experience on Similarly Sophisticated Projects

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

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

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

Qualifications and Technical Proposal Evaluation Category	Weighting Factor (Applied to Raw Score)	Maximum Available Points for Category
Responsive Firm’s CM Experience on Similarly Sophisticated Projects	2.0	20
Staffing Proposal	3.0	30
Key Team Members’ Experience on Similarly Sophisticated Projects	5.0	50
Total Possible Qualifications and Technical Proposal Points:		100

particular Selection Committee member will be added together to calculate a score for that Qualifications and Technical Proposal. The maximum score for a Qualifications and Technical Proposal Score is 100.

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

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

- Responsive Firm’s CM Experience on Similarly Sophisticated Projects
- Staffing Proposal
- Key Team Members’ Experience on Similarly Sophisticated Projects

Each Selection Committee Member will evaluate each Firm’s participation in the interview and assign a raw score for each Interview Category on a scale of 0 to 10 as follows:

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

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

Interview Evaluation Category	Weighting Factor (Applied to Raw Score)	Maximum Available Points for Category
Responsive Firm’s CM Experience on Similarly Sophisticated Projects	2.0	20
Staffing Proposal	3.0	30
Key Team Members’ Experience on Similarly Sophisticated Projects	5.0	50
Total Possible Interview Points:		100

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

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

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

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

CALCULATING PRICE POINTS

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

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

added together for a Final Combined Score.

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

SECTION 2 – QUALIFICATIONS AND TECHNICAL PROPOSAL EVALUATION CRITERIA

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

2.1 Responding Firm's Experience on Similarly Sophisticated Projects (20 Points)

Utilizing the *Firm's Construction Management Experience Form* provided by the Authority, the Responding Firm shall submit at least three, but no more than five, case studies as examples of the Responding Firm's past experience in managing construction projects comparable in size, cost and/or complexity to the Project.

Such projects may include, but are not limited to, any of the following:

- Projects of similar size, cost and/or complexity
- Public sector projects
- Design-Build projects
- Any combination of the above

The case studies shall describe projects completed within the past seven (7) years, for which the Firm served as the Construction Manager. Case studies representing public-sector projects and/or design-build projects are preferable.

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

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

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

Case studies demonstrating the Firm's experience working on projects subject to NJDEP and NJDCA jurisdiction (or equivalent entities in other states or the Federal Government) are preferred,

and case studies should describe the nature of the interaction with NJDEP/NJDCA (or equivalent entities), in terms of the particular issues encountered and the approach or methodologies employed for interacting with NJDEP/NJDCA (or other equivalent entities), and should describe the effectiveness of the Firm's approach, and the methodology used to measure such effectiveness.

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

2.2 Staffing Proposal for the Project (30 Points)

A. Overview

In this procurement, the Authority has determined to require a minimum threshold for CM staffing for the Project, defining a roster of required CM Staff members identified by title and responsibilities, and defining a required time commitment for such staff member that varies over the duration of the Project. This is a minimum requirement, and Responding Firms may propose staffing that exceeds this minimum standard.

The staffing required to be identified in the Technical Proposal is as follows:

Project Executive: Supporting commitment (not required as a full-time requirement, but shall be on an as-needed basis and as per the CM proposal) from first Construction NTP to Substantial Completion.

The Project Executive (PE) is the point of contact for the NJSDA and the CM on all contractual matters and is the primary overall manager of the CM staff. The PE shall assure that the CM field staff provides all deliverables and meets all project requirements. The PE shall manage the CM field and CM office staff to provide deliverables required by the contract. The PE shall be responsible for the overall performance of the CM staff, and shall be the "CM Contact" as defined in section 1.20 of the Agreement.

Project Manager: Full-time commitment from first Construction NTP to Final Completion.

The Project Manager (PM) shall be the CM's "in the field" staff manager, and lead for the Project. The PM is responsible for the review of all general construction activities as well as site work and furniture/technology placement. PM is responsible for coordinating all communications between CM, NJSDA and the Contractor/Design Builder. PM is the CM's liaison with NJDCA. PM shall manage the documentation control and uploading to the NJSDA database/systems (currently Primavera Contract Manager). PM is responsible for the coordinating of all inspections by Code officials or Special Inspectors. The PM is responsible for review of all change orders, change

proposals, and allowance allocations. The PM is responsible for review of all submittals and for recommending action on such submittals to NJSDA. The PM is responsible for review, oversight, and recommendation of the project schedule and updates. PM provides oversight and management of the Design-Builder's safety and QA/QC programs. PM shall manage and coordinate the activities of the Assistant Project Manager and other CM Staff and resources to achieve the successful performance of all of the PM's job functions and responsibilities listed above.

Assistant Project Manager

Full-time commitment from NJSDA Acceptance of Design-Builder's Final Design Documents for the first Partial Plan Release Package to Substantial Completion.

The Assistant Project Manager (APM) shall assist the CM's Project Manager (PM) and shall have supporting or complementary responsibility for the successful performance of all of the PM's job functions and responsibilities listed above.

Office Engineer:

Full-time commitment from NJSDA Acceptance of Design-Builder's Final Design Documents for the first Partial Plan Release Package to Substantial Completion; then six (6) months of full-time commitment from Substantial Completion to Final Completion.

The Office Engineer (OE) shall have the primary role of the review, processing and filing of all documentation on the project. The OE shall receive, log, and upload into the NJSDA Database/system (currently Primavera Contract Manager) system all submissions, submittals, correspondence or other documentation received on the project. The OE shall be responsible to track and ensure that all submissions/submittals are reviewed and processed by CM and NJSDA and returned to the Design-Builder. The OE shall maintain the various documentation logs (Submittals, Change Orders, etc.) and report on this function at job meetings and in monthly reports.

MEP Manager:

Full-time commitment from NJSDA Acceptance of Design-Builder's Final Design Documents for the first Partial Plan Release Package to Substantial Completion; then six (6) months of full-time commitment from Substantial Completion to Final Completion.

The MEP Manager shall be responsible to manage the performance of mechanical, electrical, plumbing and HVAC systems work ("MEP Work") in coordination with the overall construction of the Project. The MEP Manager shall have experience managing systems coordination and installation on projects of similar size and/or scope, in the areas of HVAC, Electrical

(including but not limited to Fire Alarm, Public Address and Information Technology), and Plumbing (including but not limited to sprinkler, fire suppression and domestic water) systems. The MEP Manager will provide on-site pre-installation coordination and installation coordination of MEP Work for the Project. The MEP Manager shall be responsible to ensure that the specified and approved systems are fully provided and installed to function in accordance with the intent of the Design-Build Information Package. The MEP Manager shall supervise inspections of MEP systems and equipment. The MEP Manager shall manage and coordinate the commissioning and startup of building systems by the Commissioning Agent engaged by the Design-Builder for the Project.

Furthermore, the Agreement requires that CM employ or engage a CPM Schedule Reviewer with the experience and qualifications noted in Section 4.3.10.5 of the Agreement. The CPM Schedule Reviewer does not need to be identified or named in the Technical Proposal.

B. Components of a Staffing Proposal

Utilizing the *Identification of Construction Manager's Required Key Team Members Form* and the Firm's *Staffing Proposal for the Project Form* provided by the Authority, Responding Firms shall provide a Project-specific Staffing Proposal that identifies the CM's Team, including a roster of Key Team Members to fulfill the primary obligations of the engagement and the CM Agreement, and any subcontractors or subconsultants necessary to fulfill the remaining obligations of the CM Agreement.

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

The Staffing Proposal shall identify the Key Team Members (including CM Contact and CM Field Staff), other employees, and subconsultant resources responsible for the following:

- Overall management of CM services
- Management of subconsultants (if any)
- Management of invoicing and verification of project completion status
- Analysis of the Project Schedule and schedule updates
- Management of quality control and assurance program
- Management of submittal review process
- Submittal reviews (including Civil, Architectural, Structural, Mechanical, Plumbing, Electrical, and Technology submittals)
- Tracking and monitoring of multiple permits, inspections, CAs, and COs
- Monitoring, tracking, and follow-up on safety concerns

- Management of Project Close-Out
- Coordination of SDA FFT&E installations

In addition to the core services performed by Key Team Members, certain services or deliverables for the engagement may be required on an as-needed basis (such as scheduling, estimating, review of submittals or inspection) and such as-needed services may be performed by other resources, such as subconsultants or other employees of the CM Firm, as needed to fulfill the requirements of the Agreement and this engagement. The Staffing Proposal shall identify these other employees or resources that are proposed to participate in the performance of CM Services under this engagement on an as-needed basis, though without the regularity or frequency of a Key Team Member.

C. Prohibitions and Limitations on Staffing Proposal

No firm may propose as a Key Team Member any person who has assisted the Authority by materially participating in the preparation of an RFQ/RFP for this Construction Management Services procurement or for the Design-Build Services procurement for the Project. “Materially participating in the preparation of an RFQ/RFP” shall mean the preparation of the RFP or RFQ/RFP themselves, as well as the preparation of plans, specifications, reports or other documents that are produced with the intent to be incorporated into a Project Manual or Design-Build Information Package that is part of that RFP or RFQ/RFP. Failure to observe this prohibition shall result in disqualification of the conflicted person from the Proposed Team, and rejection of the entire proposal that includes the ineligible person.

Identified Key Team Members are expected to fulfill their assigned duties, as referenced by the Responding Firm in this Technical Proposal, throughout Final Completion of the Design-Builder’s Agreement. Changes to Key Team Members will not be approved if the Key Team Member to be replaced is still employed by the Responding Firm.

Responding Firms are encouraged to identify individuals to perform CM Field Staff duties for this Procurement who are not currently assigned, and will not in future be assigned to perform CM Field Staff duties on other Projects that will be in active construction during the active construction phase for this Project. The scoring evaluation will favor Staffing Proposals that do not present staffing conflicts for CM Field Staff with respect to other active construction projects.

To facilitate evaluation of the Staffing Proposal in light of this concern, the Responding Firm shall provide a description, using the space allotted in the Key Team Member Resume form, of all current and planned future assignments for any individual identified in the Technical Proposal as performing a CM Field Staff role.

2.3 Key Team Members’ Experience on Similarly Sophisticated Projects (50 Points)

Utilizing the *Key Team Member Resume Form* provided by the Authority, the Responding Firm shall submit resumes of those employees designated as Key Team Members for the Project, and such resumes shall demonstrate the Key Team Members’ experience providing similar services on similarly sophisticated projects, and shall demonstrate the Key Team Members’ experience working

with the subconsultants proposed for the Project, if any. “Similarly Sophisticated Projects” may include, **but are not limited to**, any of the following:

- Projects of similar size, cost and/or complexity
- Public sector projects
- Design-Build projects
- Any combination of the above

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

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

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

As previously noted, using the *Key Team Member Resume Form*, the Responding Firm shall provide a description of all current and planned future assignments for any individual identified in the Technical Proposal as performing CM Field Staff duties. Specifically, the required information shall include, for each individual named to perform CM Field Staff duties: 1) the name of each other project for any such assignment; 2) a description of the responsibilities or duties required for such assignment; and 3) the anticipated duration of the other assignment. The SDA will utilize this information to evaluate whether the Staffing Proposal presents the possibility of a staffing conflict by identifying CM Field Staff who will be or who are already assigned to active construction projects running simultaneously with this Project. The Evaluation Committee may consider evidence of such a staffing conflict when evaluating and scoring the Technical Proposal.

2.4 Disclosure of Investment Activities in Iran Form (0 Points – Required Submittal)

The Responding Firms **must** submit a completed Disclosure of Investment Activities in Iran Form provided by the Authority, 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 Qualifications and Technical Proposal.

Failure to submit such Certification will result in the disqualification of the bid and rejection of the Responding Firm’s Qualifications and Technical Proposal and Price Proposal.

2.5 Ownership Disclosure Form (0 Points – Required Submittal)

The Responding Firm **must** submit a completed 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/OwnershipDisclosure.pdf>

If the Responding Firm is a corporation, the Ownership Disclosure Form requires the Responding Firm to set forth the names and addresses of all stockholders in the corporation, partnership, or limited liability company who own 10 percent or more of any class of its stock. If the Responding Firm 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 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. If one or more such stockholder or partner or member in the Responding Firm is itself a corporation, partnership or limited liability company, then the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, 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, and member, exceeding the 10 percent ownership criteria threshold established by N.J.S.A. 52:25-24.2, have been listed. To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest. 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 Responding Firm's Qualifications and Technical Proposal and Price Proposal.

2.6 Outsourced Services Special Provisions (0 Points - Required Submittal)

Pursuant to N.J.S.A. 52:34-13.2, all services under the Agreement shall be performed within the United States unless the contracting officer of the NJSDA certifies in writing a finding that the service required by the NJSDA cannot be provided within the United States and the Certification is approved by the Executive Director of the NJSDA.

Source Disclosure Requirements - In compliance with the above mandate, the NJSDA has adopted source disclosure requirements, obligating all bidders seeking a contract with the NJSDA to disclose:

- (a) The location by country where services under the contract will be performed;
- (b) The location by country where any subcontracted services will be performed; and
- (c) The reasons why any of the services cannot be provided within the United States.

Accordingly, the Responding Firm **must** submit a completed *Source Disclosure Certification Form* provided by the Authority, filled out with the sourcing information required for itself and any proposed subconsultant.

Failure to submit sourcing information shall preclude award of a contract to the Responding Firm.

Shift to Outsourced Services During Contract Term Shall Be a Breach of Contract - If, during the Term, the successful Firm or a subcontracted firm proceeds to shift the performance of any part of the Work or Services outside of the United States, the Firm shall be deemed in breach of the Agreement and shall be subject to termination for cause, unless the NJSDA shall determine in writing that extraordinary circumstances require a shift of services or that a failure to shift the services would result in economic hardship to the NJSDA or the State.

2.7 Price Proposal

A. Form of Price Proposal

Utilizing the Price Proposal Form provided by the Authority, the Responding Firm must submit its Price Proposal specifying a Total Compensation Amount based upon Monthly Rates for Key Team Members performing the Services of the engagement, plus several Specified Sum Amounts for certain Basic Services not compensated through the Monthly Fee, as well as Insurance costs and certain Allowance Amounts, which shall compensate CM for all labor and other direct costs

associated with the required services. The Total Compensation Amount must include all required onsite and offsite labor, including home office support, and all other direct costs, for the entire Team.

The NJSDA Price Proposal Form is included in Attachment A to this RFQ/RFP.

Any alteration, modification or exception to the wording or the calculation formula of the Price Proposal Form shall cause the Price Proposal to be rejected as non-responsive.

The Responding Firm shall fill in all relevant blank spaces in the Price Proposal in ink or by typewriting. In the event of a discrepancy between unit prices (or Monthly Rates) and computed totals, the individual unit price (or Monthly Rate) shall govern.

The NJSDA reserves the right to reject any price proposal that it deems to be unbalanced in a manner detrimental to the competitive process, the Project or the school construction program.

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

B. Sealing and Delivery Of Price Proposal

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

The Responding Firm must submit its sealed Price Proposal to the Authority in conjunction with its Qualifications and Technical Proposal.

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

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

2.8 Opening of Price Proposals

Following interviews, Price Proposals from all interviewed Responsive Firms, having been submitted on or before the date and time scheduled for submission, will be publicly opened and the Total Compensation Amount prices submitted by the those firms 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.

Responding Firms, 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.

SECTION 3 – DELIVERY/ MAILING REQUIREMENTS

A Responding Firm must submit one (1) unbound original, six (6) bound copies of its Qualifications and Technical Proposal, accompanied by one (1) original, signed, sealed Price Proposal no later than **2:00 PM on February 13, 2020** as follows:

If submitting by hand or overnight delivery, at the:

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
32 East Front Street
Trenton, New Jersey 08625-0991
Attention: Dave Kutch, Senior Procurement Analyst
Subject: Construction Management Services Proposal – ET-0099-M01**

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

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
P.O. Box 991
Trenton, New Jersey 08625-0991
Attention: Dave Kutch, Senior Procurement Analyst
Subject: Construction Management Services Proposal – ET-0099-M01**

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

Faxed or e-mailed submissions will not be accepted.

SECTION 4 - PRE-AWARD REQUIREMENTS (INFORMATIONAL ONLY – DO NOT INCLUDE WITH RFQ/RFP SUBMISSION)

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

- a. **Proof of Business Registration Certification**

Pursuant to N.J.S.A. 52:32-44, the NJSDA (“Contracting Agency”) is prohibited from entering into a contract with an entity unless the bidder/proposer/contractor, and each subcontractor that is required

by law to be named in a bid/proposal/contract has a valid Business Registration Certificate on file with the Division of Revenue and Enterprise Services within the Department of the Treasury.

Prior to contract award or authorization, the contractor shall provide the Contracting Agency with its proof of business registration and that of any named subcontractor(s).

Subcontractors named in a bid or other proposal shall provide proof of business registration to the bidder, who in turn, shall provide it to the Contracting Agency prior to the time a contract, purchase order, or other contracting document is awarded or authorized.

During the course of contract performance:

- (1) the contractor shall not enter into a contract with a subcontractor unless the subcontractor first provides the contractor with a valid proof of business registration.
- (2) the contractor shall maintain and submit to the Contracting Agency a list of subcontractors and their addresses that may be updated from time to time.
- (3) the contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall collect and remit to the Director of the Division of Taxation in the Department of the Treasury, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into the State. Any questions in this regard can be directed to the Division of Taxation at (609)292-6400. Form NJ-REG can be filed online at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.

Before final payment is made under the contract, the contractor shall submit to the Contracting Agency a complete and accurate list of all subcontractors used and their addresses.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required, or that provides false business registration information, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000, for each proof of business registration not properly provided under a contract with a contracting agency.

Interested Firms may obtain New Jersey Business Registration assistance by going on-line to <http://www.state.nj.us/treasury/revenue/gettingregistered.shtml> or by calling the New Jersey Department of Treasury at (609) 292-9292.

b. Political Contributions. P.L. 2005, c. 51 amended and supplemented N.J.S.A. 19:44A-20.1 et seq., and superseded Executive Order 134 (2004), addresses the effect of political contributions on State contracting. Accordingly, a selected Firm will be required to respond in a timely fashion to certification and disclosure requirements that will be stated in the Notice of Award issued by the NJSDA. Additionally, a selected Firm will be required to comply with Executive Order No. 117, which is designed to enhance New Jersey's efforts to protect the integrity of

government contractual decisions and increase the public's confidence in government. The Executive Order builds on the provisions of P.L. 2005, c. 51 ("Chapter 51"), which limits contributions to certain political candidates and committees by for-profit business entities that are, or seek to become, State government vendors.

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

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

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

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

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

***The original of the submitted document shall be provided to the New Jersey Department of Treasury.** Please see following link for details: https://www.nj.gov/treasury/contract_compliance/

e. Firm's Proposal for SBE and DVOB Set-Aside Targets (NJSDA SBE/DVOB Participation Form and Certification(s) of SBE/DVOB Status).

Pursuant to the Set-Aside Act, N.J.S.A. 52:32-17 and implementing regulations under N.J.A.C. 17:13-1.1 et seq., the NJSDA requires the selected Firm to provide opportunities to Small Business Enterprise (SBE) firms to participate in the performance of this engagement, consistent with the set-aside goals of N.J.A.C. 17:13-4.1, awarding 25% of the total contract value to registered SBE firms with revenues that do not exceed the annual revenue standards established by the Federal standard at 13 C.F.R. 121.201.

Pursuant to the Set-Aside Act for Disabled Veterans' Owned Businesses, N.J.S.A. 52:32-31.1 et seq., the NJSDA requires the selected Firm to provide opportunities to Disabled Veteran Owned Businesses (DVOBs) to participate in the performance of this engagement, consistent with the set aside goals of N.J.S.A. 52:32-31.5, awarding 3% of the total design and construction contract value to DVOB firms registered with the Department of the Treasury – Division of Revenue and Enterprise Services.

The selected Firm shall be required to make good faith efforts to ensure that SBEs and DVOBs have the maximum practicable opportunity to participate in the performance of this engagement. The Firm must submit a completed “SBE/DVOB Participation Form”, provided by the Authority, identifying all SBE firms and DVOB firms proposed for use as subconsultants on the engagement to meet (or exceed) the set-aside targets.

- For the purpose of meeting the SBE goal, any subconsultant firm identified as an SBE must be registered as such with the Department of Treasury, Division of Revenue, in the revenue category specified, in order for NJSDA to recognize such subconsultant firm's SBE status.
- For the purpose of meeting the DVOB goal, any subconsultant firm identified as a DVOB must be registered with the Department of Treasury – Division of Revenue and Enterprise Services, in order for NJSDA to recognize such subconsultant firm's DVOB status.

All Subconsultants must submit a completed Confirmation Statement of SBE/DVOB Status, provided by the Authority, to the Firm for submission to the Authority.

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

In the event that a Responding Firm names a Subconsultant for DVOB purposes, and the Subconsultant is not registered as a DVOB with the Department of Treasury, Division of Revenue, the Firm must disclose that fact and explain how and when the lack of registration shall be cured.

If a firm fails to show that it will meet its SBE or DVOB subcontracting targets, it must document its good faith efforts to meet the targets.

The Firm shall maintain records regarding each SBE and DVOB firm contacted as a potential Subconsultant and the reasons why that SBE or DVOB firm was not used by the Firm. Reasonable

outreach efforts shall include but not be limited to:

1. Solicitations of SBE and DVOB firms as subconsultants for the School Facilities Package, including advertisements in general circulation media, trade association publications, and small business focus media. Such solicitations shall be made at a sufficient length of time before the date set for receipt of bids to permit a meaningful response from SBE and DVOB firms.
2. Efforts made to use the services of available community organizations, Contractor/Consultant groups, and local, State and Federal agencies that provide assistance in the recruitment and placement of SBE or DVOB firms.

A Firm shall not be permitted to remove or substitute any firms listed on the SBE/DVOB Participation Form without prior written approval from the Authority.

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

f. Insurance and Indemnification. A successful Firm shall be required to provide evidence of the insurance coverages required in Section 10.1 of the Agreement (Attachment B to this RFQ/RFP) at the time of execution of the Agreement.

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

ATTACHMENT A

RESPONSE FORMS

{Please see attached files}

- a. FIRM'S CONSTRUCTION MANAGEMENT EXPERIENCE FORM
- b. IDENTIFICATION OF CONSTRUCTION MANAGER'S REQUIRED KEY TEAM MEMBERS FORM
- c. FIRM'S STAFFING PROPOSAL FOR THE PROJECT FORM
- d. KEY TEAM MEMBER RESUME FORM
- e. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM
- f. OWNERSHIP DISCLOSURE FORM
- g. SOURCE DISCLOSURE CERTIFICATION FORM
- h. NJSDA PRICE PROPOSAL FORM

ATTACHMENT B

CONSTRUCTION MANAGEMENT SERVICES AGREEMENT

{Please see attached file}

ATTACHMENT C

DESIGN-BUILD INFORMATION PACKAGE (DBIP)

{DBIP to be made available via NJSDA's secure FTP site to Firms submitting a valid Notice of Intent to Participate in accordance with the terms of this RFQ/RFP}