

**East Side Union High School District  
830 N Capitol Avenue  
San Jose, California 95133**

---

**REQUEST TO PREQUALIFY AND FOR QUALIFICATIONS  
FOR DESIGN-BUILD CONSTRUCTION OF  
EDUCATION CENTER  
ADULT TRANSITION PROGRAM NORTH NEW BUILDING AND SITEWORK  
NOTICE TO DESIGN-BUILD ENTITIES**

**FEBRUARY 15, 2018**

**Introduction**

The East Side Union School District (“District”) invites firms to prequalify and submit qualification information pursuant to this Request to Prequalify and for Qualifications (“RFQ”) to design and build as authorized by Education Code section 17250.10 et. seq., new building and sitework at the East Side Union High School District Education Center. (“Project”).

The scope of the Project includes:

- Concept of the new building(s) based on Project Criteria attached hereto as **Attachment “B,”** and incorporated herein by this reference;
- Construction of the Project based on the plans prepared by the design-build entity (“DBE”), that are reviewed by the District and approved by the Division of the State Architect (“DSA”).

**Background**

An eligible DBE under Education Code section 17250.10 et seq., means a corporation, limited partnership, partnership, or other association that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract. Nothing in this RFQ is intended nor should be interpreted as contravening the provisions of that code. The DBE shall be fully knowledgeable of, and shall comply with, the provisions of Education Code 17250.10 et seq.

The DBE will be selected based on the “best value” as determined by the District through this RFQ process and subsequent proposals. Best value is defined as “a value determined by objectives relative to the DBE’s qualifications and experience, price, features, function and life-cycle costs.”

## **Scope Of Work**

The selected DBE will design and construct a new learning center at ESUHSD Education Center. The Project will be as indicated on Project Criteria attached hereto as **Attachment “B,”**

Design-Build Entities are hereby notified that these firms participated in development of the Criteria Documents, and are thereby precluded from participation on design-build teams per Education Code 17250:

N/A

An agreement between the District and the selected DBE will be executed that will outline the full requirements and expectations of the Project, including the maximum total cost that **cannot exceed \$4,500,000**. Upon selection, the DBE will enter into an agreement to design and construct the Project for the District, a copy of which is attached hereto as **Attachment “C”** (“Agreement”).

The District will oversee the DBE's management of design and construction of the Project to ensure compliance with the Agreement. Pursuant to Public Contract Code section 20103.6, the Agreement with the DBE includes language requiring the Designer/Builder to indemnify the District to the furthest extent permitted by California law.

In addition to other requirements in the Agreement, the DBE shall obtain:

- A payment bond and performance bond to cover the contract amount for non-design services and
- Errors and omissions insurance coverage sufficient to cover all design and architectural services provided in the Agreement.

## **RFQ Schedule**

The District proposes the following schedule for the review and selection process as outlined below. **The schedule may be modified at the discretion of the District..**

Release of RFQ	<b>February 15<sup>th</sup>, 2018</b>
<b>MANDATORY</b> pre-submission meeting and site visit. The Facilities Office 830 North Capitol Ave, San Jose 95133.	<b>February 15<sup>th</sup> and 20<sup>th</sup> at 2018, 3:30PM</b>
Last Day for RFI	<b>February 21, 2018</b>
Last Day for Addendum	<b>February 22, 2018</b>
Sealed Prequalification Questionnaires <b>and</b> statements of qualifications due by 4:00PM. Only electronic copies will be accepted.	<b>February 26, 2018 at 4:00 PM</b>

Optional Interviews for Shortlisted DBEs, at District discretion	
District Notification of short list of qualified DBEs to submit proposals for the Project	<b>February 28, 2018</b>
Issuance of RFP for project	<b>February 28, 2018</b>
Confidential Interviews (2)	<b>March 7, 2018 3:30 PM &amp; March 14, 2018 3:30 PM</b>
DBE Final Proposals Due	<b>March 23, 2018 4:00 PM</b>
DBE Submission presentations to District	<b>March 26, 2018</b>
DBE Selection and contract negotiation	<b>March 28, 2018</b>
DBE Contract award	<b>April 20, 2018</b>
DBE Notice to Proceed	<b>April 30, 2018</b>

**A representative from any DBE that intends to respond to this RFQ must attend at least one of the above-referenced MANDATORY pre-submission meeting at the date and time indicated above. Meet at the Facilities Office 830 North Capitol Ave, San Jose 95133.**

DBEs qualifications are due before **4:00 PM on February 26, 2018** and must be submitted via email to:

[CapPurchasing@esuhsd.org](mailto:CapPurchasing@esuhsd.org) and copy email to [brightj@esuhsd.org](mailto:brightj@esuhsd.org)

**Questions regarding this RFQ must be directed only to Capital Purchasing via email at [cappurchasing@esuhsd.org](mailto:cappurchasing@esuhsd.org) and copy Jeremy Bright via email at [brightj@esuhsd.org](mailto:brightj@esuhsd.org)** DBEs with questions or comments about this RFQ, the Agreement, or the Project should not contact any other District representative, Board member, consultant, or employee.

This RFQ is not a formal request for bids or an offer by the District to contract with any party responding to this RFQ. The District reserves the right to reject any and all submissions. The District also reserves the right to amend this RFQ as necessary. All materials submitted to the District in response to this RFQ shall remain property of the District.

### **District's Evaluation Process**

- The District will score all Prequalification Questionnaires received from DBEs, as indicated in the Prequalification Questionnaire, attached hereto as **Attachment "A."** The District will notify all DBEs of their prequalification status.
- The District will review and evaluate all qualification statements received from DBEs that have prequalified per this RFQ.

- Prequalification Questionnaires and qualification statements will be opened privately to assure confidentiality and avoid disclosure of the contents to competing DBEs prior to and during the review, evaluation and negotiation processes. However, to the extent that the Prequalification Questionnaires and qualification statements are public records under California law, the Prequalification Questionnaires and qualification statements may be released to the public if requested by members of the public.
- Qualification statements will be reviewed for responsiveness and evaluated pursuant to established objective criteria, as indicated herein.
- After the qualification statements are evaluated and/or ranked, the District, at its sole discretion, may elect to interview one or more DBE(s). Adequate time will be allowed for presentation of qualifications followed by questions and answers.
- District staff shall select a short list of qualified DBE(s) to submit proposals for the Project.
- After proposals are received, the District will evaluate those proposals and, at its sole discretion, may elect to interview one or more DBE(s), and one or more alternates.
- From that list, District staff may choose to begin negotiations with the DBE that District staff, in its opinion, believes offers the best value to the District and may commence negotiations of services with that DBE.
- If the District is unable to successfully negotiate a satisfactory agreement with terms and conditions the District determines to be fair and reasonable, the District may then commence negotiations with the next DBE that it believes offers the next best value, in sequence, until an agreement is reached or determination is made to reject all submittals.
- The form of Agreement between the District and the successful DBE will be forms attached hereto as **Attachment “C.” This document will be provided in the RFP stage.**
- Final selection of a DBE shall be at the sole discretion of the District’s Board after recommendation from District staff.
- If a commitment is made, it will be to the most qualified respondent with whom the District is able to successfully negotiate the terms and conditions of the required Agreement.

## QUALIFICATION STATEMENTS – FORM AND CONTENT

To assure that each DBE receives the same orderly consideration, all qualification statements must follow the format described in this section. DBEs are encouraged to submit concise and clear responses to the RFQ. The District reserves the right to:

- Include or exclude any part of the qualification statements in the final agreement with the selected DBE;
- Hold discussions or negotiations with one or more prequalified DBEs who have submitted a qualification statement in a fair and impartial manner as follows:
  - Invitation of a particular DBE to review its qualification statement with District staff;
  - Engage DBE representatives to describe in further detail its experience and its organizational structure.

Qualification statements must include the following components in the order listed below:

Part 1	Cover Letter/Executive Summary	5 points
Part 2	Experience / Qualifications / Reference & Questionnaire Review	35 points
Part 3	Commitment to Project Budget	25 points
Part 4	Delivery Schedule, Phasing and Timeline	15 points
Part 5	Life-Cycle / Energy Efficiency Components	10 points
Part 6	Skilled Labor Force	5 points
Part 7	Safety Record	5 points
	<b>Total Possible</b>	<b>100 points</b>
Part 8	Optional Interviews - after qualification submission.	35 points

### Part 1: Cover Letter /Executive Summary - 5 points

Provide a Cover Letter and Executive Summary that includes, at a minimum, the following information:

- A. The names of the key members of the DBE.
- B. The specific structure of the DBE, including whether it is an LLC, a partnership, a joint venture, etc. Please provide detailed information about the formation of the DBE and how it complies with applicable statutory requirements of the Business and Professions Code and Education Code section 17250.10, et seq., including section 17250.15, which states:
  - (b) *‘Design-build’ means a procurement process in which both the design and construction of a project are procured from a single entity.*
  - (c) *‘Design-build entity’ means a corporation, limited partnership, partnership, or other association that is able to provide appropriately*

*licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.*

- C. The mailing address, telephone number, email, and the name of the main point of contact for the DBE.
- D. A summary of the DBE's experience and qualifications and the advantages of selecting the DBE.
- E. The name and title of the representative(s) that attended the MANDATORY pre-submission meeting.
- F. An acknowledgement of receiving any addendums to the RFQ that may be issued by the District.
- G. State any comments or objections to the form of Agreement attached hereto as **Attachment "C."** The District does not intend to consider any substantive changes to the form of Agreement. **Note: The agreement will be provided in the RFP stage of the process.**

## **Part 2: Experience and Qualifications/Reference Review - 35 points**

- A. Provide a detailed description of the experience and qualifications of the members of the DBE including a DBE organization chart showing all key personnel who will be assigned to this Project. Submit brief resumes demonstrating the training, experience and other qualifications of the key personnel who will be assigned to this Project. Key personnel are defined as, but not limited to the following: Project Architects (Principal and Project Manager), Construction Project Executive, Construction Project Manager and Construction Field Superintendent.
- B. List **at least ten** projects in which the DBE has participated as a contractor, builder, designer, architect, or designer-builder during the past **five (5) years** with a contract value of at least **four million dollars (\$4,000,000)**.
  - You must include all projects that were with **California K-12 school district(s) and California community college district(s)** performed by the DBE or one of entities that is part of the DBE. Projects with DSA review must be included for consideration.
  - Include all design-build projects, particularly if performed by the DBE working as a single entity on similar projects in the past.
  - Include all information indicated below and attach references on separate signed sheets as necessary. Please use and attach additional signed sheets when needed to explain or clarify any response.
  - You may limit your response to the ten (10) most-recently completed and/or relevant projects

Project Name/Identification: \_\_\_\_\_

1 Name of entity performing work: \_\_\_\_\_

2 Project owner: \_\_\_\_\_

3 Project architect if not DBE (name and telephone number for District reference): \_\_\_\_\_

4 Scope of Work performed by entity (design, construction, etc.):  
\_\_\_\_\_

5 Project address/location: \_\_\_\_\_

6 Original completion date: \_\_\_\_\_

7 Date completed: \_\_\_\_\_

8 Initial contract value (as of time of bid award): \_\_\_\_\_

9 Final contract value: \_\_\_\_\_

10 Were liquidated damages assessed (If yes, explain): \_\_\_\_\_

11 Contact for verification (name and telephone number for District reference): \_\_\_\_\_

12 Did the project owner, general contractor, architect, or construction manager file claim(s) in an amount exceeding \$50,000 against you or your firm, or did you or your firm file claim(s) in an amount exceeding \$50,000 against a project owner, general contractor, architect, or construction manager? If yes, explain and indicate on separate signed sheet(s) the project name(s), claim(s), and date(s) of claim(s).

In addition, provide the following chart to indicate each project and the participation of the DBE or the entities that are part of the DBE. (The responses in *italics* are **example** responses only.)

	<b>DBE as the DBE</b>	<b>DBE “builder” entity</b>	<b>DBE “designer” entity</b>	<b>Other relevant participant (e.g., subconsultant(s))</b>
<b>Project #1:</b> _____	<i>DBE</i>			<i>Elec. Subconsultant B; Mech. Subconsultant A</i>
<b>Project #2:</b> _____		<i>Builder</i>	<i>Designer</i>	
<b>Project #3:</b> _____			<i>Designer</i>	
<b>Project #4:</b> _____		<i>Builder</i>		
<b>Project #5:</b> _____		<i>Builder</i>	<i>Designer</i>	<i>Elec. Subconsultant A; Mech. Subconsultant C</i>
<b>Etc.</b>				

- C. Provide any other information that would assist the District in understanding the DBE’s capacity to efficiently and effectively complete the Project.

### **Part 3: Commitment to Project Budget - 25 points**

- A. The Project budget includes all design, engineering, geotechnical, administration, bonding, insurance, fees, permits, construction, contingency, furniture-fixtures and equipment necessary to provide a fully functional and operating building(s). The total design-build fee for all services **cannot exceed \$4,500,000.**
- B. Each responding DBE must include an acknowledgement that it can effectively complete this Project at or below the budget indicated.
- C. Explain the methods and processes you will use to ensure the Project is within the budget and that the District will be getting the best value/product within the budgeted amount. Specifically discuss the process the DBE proposes to use to obtain the best value pricing from subconsultants and subcontractors.



#### **Part 4: Delivery Schedule, Phasing and Timeline - 15 points**

Clearly outline a delivery schedule, phasing and timeline of each component of the Project. Specific dates should be used assuming an award of an Agreement **on or about April 20, 2018**. Completion of the Project as soon as possible will be a factor in scoring this section. The District will require the Project to be substantially completed **before January 01, 2019**. Indicate in your proposed phasing the various decision points that will be required of the District. Also, describe your ability to guarantee your proposed timeline. Examples of phasing and timelines on similar projects may be included to demonstrate the capacity to organize the work flow and complete the Project in a timely manner.

#### **Part 5: Life Cycle/Energy Efficiency Components - 10 points**

Describe the DBE's capacity and intention to integrate and develop (1) life cycle costs of products, equipment and components of at least 15 years and (2) energy efficient design options and alternatives for the design of the building, site and systems and maximize energy efficiency throughout the facility by addressing building design, shading, day lighting, site design, insulation, glazing, orientation, related components. Provide examples from other projects if possible. The District intends to obtain LEED Silver for this project.

#### **Part 6: Skilled Labor Force - 5 points**

Education Code section 17250.25(c)(2)(F) states that the availability of a "skilled labor force" means for each apprenticeship program that an "agreement exists with a registered apprenticeship program, approved by the California Apprenticeship Council, which has graduated apprentices in the preceding five years." This is a requirement of the DBE. Please state how the DBE will comply with this requirement.

#### **Part 7: Safety Plan and Safety Record - 5 points**

Provide a copy of the DBE's safety plan. In addition, provide for the most recent three-year period:

- A. The DBE's experience modification rate.
- B. The average total recordable injury/illness rate.
- C. The average lost work rate.

In addition, describe the DBE's Injury & Illness Protection Plan (IIPP) and indicate if the DBE's IIPP has been approved by OSHA. If the DBE is a newly-created, provide the above information for each entity that is part of the DBE.

**Attachment “A”**

**Prequalification Questionnaire**

**Must be submitted as indicated in the Timeline indicated in the RFQ**

**[SEE ATTACHED DIR PREQUALIFICATION QUESTIONNAIRE]**

**Attachment “B”**

**Project Criteria**

**[SEE ATTACHED – Labeled “Program Concepts and Site Plan,]**

**Attachment “C”**

**Form of Agreement for Design and Construction**

**[SEE ATTACHED AGREEMENT FORM]**

**(To be provided in the Request for Proposal Phase)**