

DeRuyter Central School District

REQUEST FOR PROPOSAL CONSTRUCTION MANAGEMENT SERVICES

Issued: November 10, 2023

Return Deadline: December 7, 2023

DeRuyter Central School District
711 Railroad Street
DeRuyter, NY 13052

**DERUYTER CENTRAL SCHOOL DISTRICT
REQUEST FOR PROPOSALS
CONSTRUCTION MANAGEMENT SERVICES**

I. INTRODUCTION

The DeRuyter Central School District (the “School District”) invites proposals to perform construction management services for a proposed capital construction project(s). It is estimated that the project(s), once approved, should be completed at a construction cost of approximately \$8 million.

The anticipated schedule for the project is set forth on Exhibit A attached hereto.

The scope of work for this project will be presented at a pre-proposal meeting scheduled in February 2024. The School District reserves the right to change the scope of the work.

Proposals should reflect construction management costs in the following categories, so that the Board of Education can decide on which option(s) it wants:

- I. Pre-Referendum Planning
- II. Preconstruction Phase
- III. Construction Phase
- IV. Close-Out Phase

Firms must demonstrate additional prior experience as a construction manager for public sector clients and familiarity with NYS general municipal bidding laws and other public sector regulations.

The selected construction management (or CM) firm shall not bid or perform any of the trade construction work. Joint ventures or teaming arrangements among multiple firms are not encouraged in this project.

II. SCOPE OF SERVICES

The Construction Manager is expected to work closely with the School District’s Architect in order to ensure adherence to the project budget and schedule throughout the project. General construction management services shall include, but are not limited to, the following:

- Pre-referendum Phase: assist the Owner and Architect in the pre-referendum process including, but not limited to, meeting with the Owner, preparing presentations for and attending meetings with administration, staff, Board of Education and community, report regularly on progress, budgets and schedule; identify key project activities, including design, SED approvals, bidding, legal and financial, and prepare a preliminary schedule with milestone dates and responsibilities identified; investigation and analysis of the work to be included in the Project; assist the Architect with educational space programming issues; assist

the Owner in defining parameters of Project scope to assure that instructional programming needs and budgetary constraints are aligned; perform budgeting and scheduling, including evaluation of alternative design concepts and approaches to each project from the standpoints of construction, cost and schedule; provide conceptual and schematic estimates as a tool to guide Project decisions; provide budgets for conceptual and schematic designs that include incidental costs; assist in the SEQRA process; produce cash flow projections; and assist the Owner with the development of an action plan and strategies for a successful referendum and attend public meetings as required.

- Design Phase: Consult with School District and Architect regarding the project program, budget, timetable and advisability of various bidding options and timing of construction; prepare budget estimates, value engineering, constructability analysis, alternate development and analysis; assist the School District with the selection of consultants (e.g., testing labs) for the project; and work with the School District and Architect to ensure the project is within budget parameters.
- Bidding Phase: Divide the project into independent scopes of work for bidding; establish the project schedule including mandatory milestones; participate in pre-bid contractor meetings; review bid submissions with the School District and Architect; with Architect conduct post-bid/pre-award meetings; and recommend bid awards.
- Construction Phase: Manage all contractors; review and monitor contractors' insurance submissions; prepare, monitor compliance with, and update (as necessary) the project schedule; maintain project files at the construction site in an orderly manner; coordinate all communications between contractors and the School District and Architect; maintain a daily logbook of activities on site; organize, manage and conduct project meetings; perform on-site observations of the progress and quality of the work; coordinate, schedule, and observe tests required by the contract documents review all claims, field order allowance requests, change order requests or proposals, change orders, construction change directives, contractor payment applications and accident reports; issue directives to contractors; verify all out of scope work necessary to keep the project on schedule; and participate in punch list and final completion review with the School District and Architect.
- Post-Construction Phase: Prepare project close-out paperwork; oversee all final punch list work; review contractor retainage release requests; collection of all as-built documents from contractors and other required closeout documents; participate with Architect in warranty review of the project; and coordinate the provision of all warranty work by contractors for the warranty period.

The Construction Manager selected will be responsible for abiding by and enforcing the regulations set forth by the State of New York in Part 155.5 of the Commissioner's Regulations, Uniform Safety Standards for School Construction and Maintenance Projects, Project SAVE (Safe Schools Against Violence Act), as well as any existing or future laws and regulations applicable to the project.

The Construction Manager shall provide a specific plan to provide adequate and effective site

supervision for all significant trades for the project.

The overall scope of services shall be as described in the Owner-modified AIA Document C132-2019 Standard Form of Agreement between Owner and Construction Manager as Adviser, which is attached hereto as Exhibit B (hereinafter the "Contract"). The Contract has been modified by the School District and sets forth the duties and responsibilities of the Construction Manager for the project. The School District intends to enter into the Contract with the successful proposer. Fees for service and time schedules are the primary matters for negotiation. The form of the Contract may not be modified by the Proposer, and any exception to any provision in the Contract must be submitted with its proposal. The final Contract form may only be modified by the School District in its sole discretion, and will be subject to the approval of the School District's Board of Education. The School District retains the option of canceling the award if the successful proposer fails to accept such obligations.

III. INSTRUCTIONS TO PROPOSERS

1. Proposal Format

- a) Title Page showing that the proposal is for construction management services; the firm's name, the name, address, and telephone number of a contact person, and the date of the proposal
- b) Table of Contents
- c) Information described in the Technical Proposal Section as outlined below
- d) Insurance requirements
- e) Fees for construction management services
- f) Proposal shall include non-collusive bidding certification, Iranian Divestment Act of 2012 certification and sexual harassment certification

2. Inquires

Inquiries concerning the request for proposals and the subject of the request for proposal should be submitted via email to Amanda Graham-Quirk, School Business Manager at: grahamquirk@deruytercentral.org.

Inquiries are not to be directed to any other School District official. Verbal questions shall not be entertained. Questions must be submitted at least 72 hours prior to the proposal submission date.

3. Pre-Proposal Meeting and Site Visit

All prospective offerors are invited to attend a pre-proposal meeting and walkthrough with School District officials to be held on November 27, 2023. Please notify Kevin Springer at 315-852-3400 X7301 by November 24th before 3:30 PM if you plan to attend this meeting.

4. Each proposal is to be submitted in a sealed envelope, plainly marked on the outside "Proposal for Construction Management Services." Please submit one (1) original proposal and three (3) copies. The fee portion of the proposal should be submitted in a separate sealed envelope.

5. Four (4) complete sets of the proposal are to be submitted in sealed form by 2:00 p.m. on December 7, 2023, clearly labeled as follows:

DeRuyter Central School District
Attn: Amanda Graham-Quirk
711 Railroad St.
DeRuyter, NY 13052

RFP – CONSTRUCTION MANAGEMENT SERVICES
CONFIDENTIAL – DO NOT OPEN

Proposers are responsible for submitting their proposals to the appropriate location at or prior to the time indicated in the specifications. Proposals received after the specified date and time may not be considered in the discretion of the School District.

The School District's intent is to have interviews with short listed candidates in December and award the construction management contract in January. Please note that the above listed dates are tentative only. The School District reserves the right to revise the timeline as necessary.

6. The School District reserves the right to reject any or all proposals and to waive any or all informalities or irregularities as it deems in the best interest of the School District.
7. The submission of a proposal will be construed to mean that the proposer is fully informed as to the extent and character of the services, supplies, materials, or equipment required for the proposer to satisfactorily comply with the specifications. A proposer shall not make any stipulations in its proposal or qualify its proposal in any manner. No proposal will be considered which purports to qualify, limit, amend or omit any requirement of the RFP.

IV. EVALUATION PROCEDURES AND POINT CRITERIA

Proposals will be evaluated using the following criteria:

1. School District evaluation of the proposal and of the best interests of the District
2. School District evaluation of the Firm's record of performance on similar projects
3. Fees
4. Interview, presentation
5. References

The Proposals will be evaluated based on a 100-point accumulative evaluation process based on the following categories:

- Technical Capacity: Technical skills that are applicable.
- Staff Experience. Relevant experience of staff member(s) who will be assigned.
 - Organizational chart indicating those individuals who would be assigned to this project
 - Resumes of principals to be assigned to this project

- Corporate Experience
 - What is the firm’s experience in the construction management of public school buildings?
 - For how many school buildings has the firm provided construction management services?
 - What are your current project commitments?
 - Has a school district ever brought legal action against your firm or have you ever brought legal action against a school district? If so, please explain.
 - Have you ever been involved in a legal action with a contractor involving a school project? If so, please explain.
- Familiarity with NYS public school districts. Prior experience with NYS public school districts.
 - Provide reference list for recent school projects.
- Other Experience. Appropriate experience with similar projects in areas other than schools.
- Cost of Services. Total estimated cost of all fees and expenses.

During the evaluation process, a “shortlist” of firms may be requested to make oral presentations to answer any questions the School District may have. The entire proposed project team will be expected to attend the presentation.

V. TERMS AND CONDITIONS

1. This RFP does not commit the School District to award a contract or procure or contract for services.
2. The School District is not liable for costs incurred in the preparation of this proposal and any other subsequent proposals or presentations.
3. All proposals should be prepared in accordance with the instructions in this RFP to receive consideration.
4. The contents of the successful firm’s proposal may become part of the contractual obligations if deemed appropriate by the School District.
5. All proposals shall be irrevocable for a period of at least sixty days from the proposal deadline date.
6. The School District intends to award a contract on the basis of the best interest and advantage to the School District, and reserves the right to accept or reject any or all proposals received as a result of this RFP, to negotiate with all qualified proposers, or to cancel this RFP in part or in its entirety, if it is in the best interest of the School District to do so. The District may select as the successful proposal that, in the District's sole discretion, best meets the District's requirements whether or not that proposal is the lowest priced. No proposer shall have any legal, equitable, or contractual rights of any kind arising out of its submission of a proposal except as and to the extent that the District, in its sole discretion, shall enter into a contract with the proposer that it selects as the successful consultant.
7. The successful Construction Manager shall not discriminate against any individual, in accordance with applicable federal, state, or local laws.

VI. TECHNICAL PROPOSAL

Four general categories of information should be included in this section of your proposal. Following this summary of these general categories is a more specific list of questions concerning your firm's qualifications which should be addressed in the proposal.

1. Company Profile

This section should state the size of the firm, the type of firm (i.e., General Contractor/Construction Manager, Architect/Engineer, pure Construction Manager), firm background, the location of the office from which the work on this project is to be performed.

2. Experience

The proposal should include details of experience with projects of similar size and complexity to the project described in the RFP, particularly with projects for other school districts completed by your firm. Please provide copies of reports provided to Boards of Education from your past projects. These copies will be retained by the School District.

3. Work History

A list of all projects where your firm worked for the past five (5) years. This list should include past and present clients where your firm was the Construction Manager of record.

4. Specific Project Approach and Management Plan

Please provide details regarding your understandings of the scope of services required and the approach your firm would use to achieve the School District's objectives. Include a management plan with qualifications of the staff you propose for this project, along with resumes of the key personnel (project manager, project superintendents) who would be assigned to this project. Your proposal should contain a staffing plan identifying the individual's title, each person's qualifications, and number of hours on site each week during the project.

All proposals must include the following information about the qualifications of the proposing firm:

1. Knowledge of construction marketplace and experience with major projects in the immediate area
2. Relevant experience with at least five (5) completed school construction projects of similar size and complexity in CM Services or equivalent within the last five (5) years. Include full project descriptions.
3. References for above projects: include names (contact persons), address and telephone numbers.
4. Organization chart with complete staff names and resumes of personnel who will be assigned to this project. Provide a detailed description of the services the firm can provide during the various phases of the project and individuals who will be involved. Indicate in-house and sub-consultant arrangements. Proposals shall be based upon full-time, on-site supervision of all construction activity.
5. Because scheduling and disruptions to class time are of concern, explain how the firm has been able in the past and how it will on this project keep on schedule while minimizing school program disruption.

6. Outline methods and techniques used in the past to maintain budget and cost containment.
7. Experience in representing owners in the analysis and resolution of construction claims.
8. Demonstrate examples of knowledge and the use of current technologies in the application of all mechanical disciplines.
9. Briefly describe any theories or concepts your organization uses to facilitate the project on behalf of the owner.
10. Discuss your approach and procedure regarding change orders.
11. Comment generally on the firm's approach to meeting the School District's design/construction schedule and the steps that the firm would take for implementing/enforcing these requirements.
12. Provide volume of construction cost for school projects last year and average size of your projects.
13. List last five projects between \$2 million and \$6 million; include scope, fee and change order total (showing amount "requested by Owner").
14. Provide a concise description of methodology, general design and construction administration concepts and other relevant information for review.
15. Other information – Present in this portion of the submittal any data or information which the firm considers pertinent to the selection process. Information should be kept relevant to the project under consideration.

VII. INSURANCE

Include an insurance certificate in this section to verify that your firm will be able to provide the following limits of liability for insurance during the project:

- A. Workers' Compensation
 - a. Statutory coverage

- B. Comprehensive General Liability (including Premises-Operation, Contractor's Protection, Projects and Completed Operations, Broad Form Property Damage):
 - a. Bodily Injury:
 - \$1 million - Each Occurrence
 - \$2 million - Annual Aggregate, Products, and Completed Operations
 - b. Property Damage
 - \$1 million - Each Occurrence
 - \$2 million - Annual Aggregate

 - c. Personal Injury: \$2 million - Annual Aggregate

- C. Comprehensive Automobile Liability:
 - a. Bodily Injury:
 - \$1 million - Each Person
 - \$1 million - Each Accident
 - b. Property Damage: \$1 million - Each Occurrence

- D. Error and Omissions: \$1 million - Each Occurrence

E. Umbrella Policy with limit of liability of \$5 million.

The firm selected shall provide the School District with certificates verifying the existence of the above-referenced policies and limits, including all required endorsements attached thereto. Said certificate shall specifically state that the School District, its officers, employees, and assigns shall be named as additional insured parties on a primary, noncontributory basis. The proposer's liability policies shall contain a 30-day notice of cancellation clause that shall provide that the School District shall be notified not less than 30 days prior to the cancellation, amendment, non-renewal, and changes to the subject insurance policies. The General Liability, Automobile and Workers Compensation policies shall include a waiver of subrogation in favor of the School District.

EXHIBIT A – PRELIMINARY PROJECT SCHEDULE

[Attached]

EXHIBIT B

**AIA Document C132™–2019, Standard Form of Agreement Between Owner
and Construction Manager as Adviser (the “Contract”)**

[Attached]

EXHIBIT C – NON-COLLUSIVE BIDDING CERTIFICATION

Section 103-D, General Municipal Law. Statement of non-collusion in bids and proposals to political subdivision of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency, or official thereof where competitive bidding is required by statute, rule, regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidders and affirmed by such bidder as true under the penalties of perjury,

- I. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of any joint bid each party thereto certified as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
 - A. The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with another bidder or with any competitor,
 - B. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - C. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
 - D. That no member of the Board of Education of Mount Morris Central School District, nor any officer or employee or person whose salary is payable in whole or part from the treasury of said Board of Education is directly or indirectly interested in this bid or in the supplies, materials, equipment, work or service to which it relates, or in any portion of the profits thereof.
- II. Any bid shall not be considered for award nor shall any award be made where (I) (A) (B) and (C) above have not been complied with; provided however, that if in any case the bidder shall so state and furnish with the bid a signed statement which sets forth in detail the reason therefor. Where (I) (A) (B) and (C) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that the bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation or local law, and where such bid contains the certification referred to in subdivision one of the section, shall be deemed to include the signing and submission of the bid and the inclusion as the act and deed of the corporation. A bid or proposal shall not be considered for award nor shall any award be made where the bidder or proposer fails to submit a signed and verified bidder's certification.

Signature _____ Title _____

Date _____

Sworn to before me this _____

day of _____, 2023

Notary Public _____

EXHIBIT D – CERTIFICATION - IRAN DIVESTMENT ACT OF 2012

(This form must be signed and notarized, and submitted with bid)

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, added new provisions to the State Finance Law (SFL), §165-a and General Municipal Law (GML) §103-g effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b) and GML §103-g, the initial list is expected to be issued no later than 120 days after the Act’s effective date, at which time it will be posted on the OGS website.

By submitting a response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Proposer (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list. Additionally, Proposer is advised that once the list is posted on the OGS website, any Proposer seeking to enter into, renew or extend a Contract or assume the responsibility of a Contract awarded in response to the solicitation, must certify at the time the Contract is bid upon or a proposal submitted, or the contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should District receive information that a person is in violation of the above-referenced certification, District will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then District shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

District reserves the right to reject any bid, proposal or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

Signature: _____ Date: _____

Affirmed to me this _____ day of _____, 2023

Notary Public _____

APPENDIX C – SEXUAL HARASSMENT CERTIFICATION

In accordance with State Finance Law §138-l, which generally prohibits the School District from entering into contracts pursuant to the bid/RFP process with persons who fail to submit a certification affirming compliance with New York State Labor Law §201-g, the proposer submits the following certification under the penalty of perjury:

By submission of this proposal, each proposer and each person signing on behalf of any proposer, certifies, and in the case of a joint bid/proposal each party thereto certifies as to its own organization, under penalty of perjury, that the proposer has implemented written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the NYS Labor Law.

Dated: _____, New York
_____, 2023

Firm's Name

(Print Name)

(Signature)

Sworn to before me this _____
day of _____, 2023

Notary Public _____