

Request for Proposal
Design Build Services
New Construction
Estill Police Department/Community Building
Solicitation No. 2023-01



Submission Deadline Is: February 21, 2023

Town of Estill

Edna O 'Banner

Town Administrator Office

323 Martin L. Kingtree Jr. Blvd South

Estill, South Carolina 29918

Design-Build Services RFP:
New Construction

Town of Estill, invites firms capable of performing Design-Build Services to submit a proposal. Firms will be evaluated only on the factors listed within this document. This solicitation does not commit the Town to award a contract, to pay any cost incurred in the preparation of this proposal, or to procure or contract for services. To be considered, please provide One Original and four (7 copies) of your proposal and one (1) digital PDF file on a thumb drive in a single envelope or box marked "Design-Build Proposal" with the RFP due date and time. Proposals must be mailed or delivered on or before **3:00 p.m. on February 21, 2023**: Town of Estill, Edna O'Banner, 323 Martin L. King Jr. Blvd South, Estill, South Carolina 29918. The Town is not responsible for packages delivered after the deadline.

Project Description: The project includes a Design Build contract for a New Construction of a Police Department and adjoining Community Building. The selected Design-Build firm shall assist with budget, estimates, programming, planning, and other pre-construction services. The Town anticipates a fast-track construction schedule. Questions? Please use the following contact and do not contact other Town staff, Council members, or elected officials in regard to this procurement process. Improper contact may result in disqualification of your proposal. This document contains sufficient information to submit a qualifications package and resulting proposal. Any questions that are necessary to complete proposals can be sent in writing 7 business days prior to submission deadline to: Chief Chauncy Solomon. Email: c.solomon@townofestill.sc.gov Phone: 803-942-4437.

Anticipated Schedule (subject to change):

Publish Date of Advertisement in SCBO	January 18, 2023.
Mandatory Site Visit	January 25, 2023
Questions due in writing	February 1, 2023
Proposals Due	February 21, 2023

Contents of Proposals:

Offerors shall include the following information:

- Letter of Interest stating the number of years firm has been in business; how long firm has provided Design-Build services; and information for team's key contact(s) during the selection process. Pre-requisite: Include a statement that firm is not debarred from state or federal work.

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The following sections, in this order:

- 1) Firm Introduction and Experience – Include history of firm and general experience in DesignBuild services and similar contracts, highlighting any expertise related to this specific project. Include 3 similar projects with details of cost, size, and project descriptions. It is understood that additional subconsultants and subcontractors will be added to the team as the project progresses. Provide a copy of your SC General Contractor's License and Architect of Record License for proposed Architect. After selection, and prior to contract signing, the firm will be required to provide proof of licensing and insurance for all subcontractors and/or subconsultants.
- 2) Organizational Chart and description of proposed team, including proposed Pre-construction Manager, Project Manager, Principal in Charge, proposed Architect(s), and any known major subconsultants. The Town reserves the right to provide input into the selection of Architects, Engineers, subconsultants and subcontractors.
- 3) Financial stability of prime Design-Builder, including a letter from bonding agency confirming the current available bonding capacity and total maximum capacity;
- 4) Project Approach - Briefly describe your general approach to Design-Build services, including pre-construction phase services, estimating, design, cost control, quality assurance, subcontractor selection and bidding process to include MWDBE participation outreach, schedule adherence, agency coordination and reporting, value management philosophy, and other services applicable to this contract.
- 5) Safety – Provide a description of your firm's Safety Program, as well as your firm's average EMR for the past 5 years.

6) Minority, Women and Small Business Enterprises - List the percentage of MWDBE participation gained on 5 of your previous projects. List any firms on the team that are certified MWDBE firms and their proposed role. It is the policy of the agency to provide minority-owned, woman-owned, and small business enterprises equal opportunity for participating in all aspects of contracting and procurement programs, including but not limited to employment construction development projects, and materials/services, consistent with the laws of the State of South Carolina. The policy prohibits discrimination against any person or business in pursuit of these opportunities on the basis of race, color, national origin, religion, sex, age, disability, or veteran's status.

7) Conflicts of Interest Statement – Please include a statement that the firm(s) on the Design-Build team have no conflicts of interest with participating in this project.

Number of Pages – Qualifications Statement

Please limit your response to 50 pages (if printed duplex, 25 pages), excluding the cover letter, licenses, cover, back cover, tabs, bonding letter, or any other forms specifically requested by the agency.

This request for proposals (RFP) solicitation does not commit the Town to award a contract, to pay any cost incurred in the preparation of this submittal, or to procure or contract for these services. The Town reserves the right to accept or reject any or all submittals as a result of this solicitation, to negotiate with all qualified offerors, or to cancel in part or in its entirety this solicitation if it is the best interest of the Town. The Town shall award public contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition. All other procurement provisions and policies of the Town apply to this solicitation.

Evaluation Criteria –

A. Past performance and number of years in providing Design-Build services. Firm's recent experience with similar type facilities. (20 points)

B. Qualifications of key personnel proposed such as Executive-In-Charge, Project Manager(s), proposed Project Architect(s), Designers, Field Superintendents, and any proposed subconsultants. (20 points)

C. Financial stability and ability of firm to provide continuity of team throughout the life of the contract. (10 points)

D. Safety Program: The firm shall have a detailed safety program. The Town will require that the selected Firm have insurance in effect at all times during the term of this agreement and prior to contract, the Firm shall provide certificates of insurance. The applicable insurance requirements and limits will be established by the Town during negotiations with the selected Firm. (10 points)

E. Previous experience in cost estimating within a GMP contract; services related to PreConstruction and Design services. (10 points)

F. Knowledge and understanding of Local Building Codes. (10 points)

G. Ability to provide effective communication and support to the Town with responsive and timely service; team diversity and inclusion of MWDBE outreach program and overall approach to project (20 points)

An Evaluation Committee will determine which, if any, proposals are in the Town's best interest to accept. During the evaluation process, the Town may request additional information, clarifications, explanations, and answers from any respondent. The Town shall have the right to negotiate any and all of the final terms and conditions of any agreement with the successful firm and nothing in this RFP or any Response shall be deemed or construed as a limitation of such rights.

Technical Information / Interviews

After the Proposals have been reviewed and ranked, clarifications and/or interviews may be requested from the top-ranked offerors only. Information which may be requested in writing as part of resulting Technical Interviews:

1) Provide a proposed project schedule.

2) Price - The fee envelopes will not be opened until after scoring all firms for the interviews. All fees and terms shall be negotiated with the highest ranked firm.

Construction Phase Services Fee: _____ (State as a percentage of the Cost of the Work)

Confidential Information: It is understood that information submitted in response to this RFP and subsequent presentations may contain technical, financial, or other data that would constitute trade secrets, the public disclosure of which possibly could injure the Firm's competitive position. To the extent the Firm reasonably determines that information in its response constitutes trade secrets in accordance with SC law, the Firm may seek to protect such trade secrets from disclosure by specifically identifying the pages of its Response that contain such information by marking any such pages as "Confidential." It is not acceptable to mark an entire submittal as confidential

Scope of Work:

In issuing the RFP, it is the intent of the Town that successful Design-Build entity will provide the required services for a fixed cost to be mutually agreed upon by the parties. It is further the intent of the Town that the successful firm will provide a Guaranteed Maximum Price (GMP) of the cost of the construction of the projects to include a Guaranteed Delivery Date (GDD). The Town also intends that the successful firm accept the following stipulations:

- A. Provide Performance and Material and Labor Payment Bonds in the amount of 100% of the GMP.
- B. Individual Trade Contracts will be between the Design-Build and the Trade Contractors.
- C. The Design-Build will not perform any portion of the construction with its own forces except as may be mutually agreed to by the Town and the Design-Build
- D. The Design-Build will be "at risk" in the proposed undertaking and will be responsible for completing the project with the GMP.
- E. The Town shall have the authority to suspend or terminate performance of the project.
- F. The Design-Build will share with the Town the calculations and assumptions on which the proposed GMP is based. The Design-Build firm shall work closely with the Town's Administration and staff throughout the life of the contract.

General List of Representative Services to be Provided:

Planning/Pre-Construction Phase

The Design-Build is expected to work with the Town to plan the project to include:

1. Reviewing ideas and suggestions offered by the Town with regards to schedule, budget, feasibility, and constructability. Work with staff to include space programming, staff suggestions, and community input into the design.
2. Submit design concepts, design drawings and related engineering design in a timely manner.
3. Evaluate designs with respect to constructability issues.
4. Evaluate value-engineering opportunities. Provide all cost estimates and GMP development.
5. Attend all applicable Project Meetings, as well as Town meetings as requested.
6. Other similar services (schedule, design, budget) as required to complete the Planning, Design and Pre-Construction process.

Bidding Phase

1. Arrange and advertise bid package. Propose and obtain approval for a GMP within budget.
2. Develop requirements to assure time, cost and quality during construction.
3. Provide a provisional construction schedule for issuance with the bid package
4. Identify bidder and generate bidder interest, including the planning and implementation of a Local and M/W/DBE Participation Program.
5. Schedule and conduct pre-bid conferences in conjunction with the architect and representatives from the Town.
6. Advertise and distribute bidding documents.
7. Monitor bidder activity.
8. Review and analyze bids and recommend awards.
9. Update project schedule as necessary.

Construction Phase

1. Maintain on-site staff for construction management and safety procedures.
2. Establish and maintain coordinating procedures.
3. Develop and maintain a detailed schedule including delivery, approval, inspection, testing, construction, and occupancy.
4. Conduct and record job meetings. Provide monthly reports to the Town. Attend monthly meetings.
5. Maintain a system for review and approval of shop drawings.
6. Maintain records and submit routine report to the Town
7. Maintain quality control and ensure conformity to contract documents.
8. Provide-cost control through progress review and verification according to the approved schedule and contract amounts.
9. Coordination of post completion activities, including the assembly of guarantees, manuals, and the Towns final acceptance.
10. All other services that are required to deliver a complete design, construction, and facility that meets the requirements of the projects.

EVALUATION CRITERIA:

Scoring Sheets for Proposals Statement

Name of Firm	A. Past Performance/Design- Build 20 Points	B. Key Staff Qualifications 20 Points	C. Financial Stability 10 Points	D. Safety Program 10 Points	E. In-house Service 10 Points	F. Local Build Code 10 Points	G. Approach/MW DBE 20 Points	Total 100 Points
Firm 1								
Firm 2								
Firm 3								
Firm 4								
Firm 5								
Etc.								

Design- Build Written Determination

In accordance with the following law, the agency has conducted an evaluation of this project to determine the best delivery method.

Reference to Law Section 11-35-3010 "Choice of project delivery method.

(1) Selection of Method. The project delivery method used for a state construction project must be that method which is most advantageous to the State and results in the timeliest, economical, and successful completion of the construction project. The governmental body shall select, in accordance with regulations of the board, the appropriate project delivery method for a particular project and shall state in writing the facts and consideration leading to the selection of the method."

(1) The agency has adequately and thoroughly defined the project requirements noting the project is highly specific and complex due to the Police Department's operations and the inclusion of a community building.

(2) Time Constraints: Funding for the project is available. A Design-Build process will jumpstart the project and allow occupancy by FY 2023.

(3) The agency shall ensure a quality facility will be completed by selection of highly qualified Design team as part of the DB contract, who will actively participate in design progress meetings.

(4) The agency will collaborate to manage and oversee the project, including experienced staff who are experience with the design-build method of project delivery. The Chief of Police shall serve as the primary contract point of contact.

(5) The Design-Build process will assist local, small and minority firms by providing and outreach bidding process that is anticipated to include status of resident and minority firm for all 1st tier subcontractor. Evaluation criteria considers status of firms, their ability and strategy to ensure participation goals are met and /or good faith efforts are achieved in accordance with SC law.

(6) The following criteria was utilized to compare of the advantages and disadvantages of the various contracting options available:

- a. The agency seeks an efficient streamlined, single point of contract for professional construction services for this major undertaking.
- b. The Design- Build process will allow a jump-start to the schedule by having both design and construction firm to be ready upon funding approval. The Design Build firm may offer limited design and pre-construction services prior to full funding approval at its own risk and without expectation of reimbursement.
- c. The agency requires a creative prequalification and recruitment effort for 1st and 2nd tier subcontractors. The Design- Build process will assist with gaining the labor force required for a project of this magnitude during a volatile economy.
- d. The Design-Build process will provide for a process to prequalify and assist local and MWDBE firms throughout the subcontracting process.
- e. The rising costs of uncertainty of material availability in the market demand a Guaranteed Maximum Price to ensure the project remains within budgets.
- f. The advantages of utilizing Design-Build services outweigh all disadvantage of traditional delivery in term of budget, creativity, complexity, and flexibility for a design and construction process that can begin quicker than traditional DBB, schedule, and location/regional demands of the project state above.

Proposal Process and Contract Negotiations:

Based on SC Code of Laws, SECTION 11-35-1530. Competitive sealed proposals.

(1) Conditions for Use. If a purchasing agency determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State, a contract may be entered into by competitive sealed proposals subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided in this section. The board may provide by regulation that it is either not practicable or not advantageous to the State to procure specified types of supplies, services, information technology, or construction by competitive sealed bidding. Contracts for the design-build, design-build-operate-maintain, or design-build-finance-operate-maintain project delivery methods specified in Article 9 of this code must be entered into by competitive sealed proposals, except as otherwise provided in Sections 11-35-1550 (Small purchases), 11-35-1560 (Sole source procurements), and 11-35-1570 (Emergency procurements).

(2) Public Notice. Adequate public notice of the request for proposals must be given in the same manner as provided in Section 11-35-1520(3).

(3) Receipt of Proposals. Proposals must be opened publicly in accordance with regulations of the board. A tabulation of proposals must be prepared in accordance with regulations promulgated by the board and must be open for public inspection after contract award.

[Not applicable: 4. Request for Qualifications; The Town is not utilizing a pre-qualification for this solicitation]

(5) Evaluation Factors. The request for proposals must state the relative importance of the factors to be considered in evaluating proposals but may not require a numerical weighting for each factor. Price may, but need not, be an evaluation factor.

(6) Discussion with Offerors. As provided in the request for proposals, and under regulations, discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsive to, the solicitation requirements. All offerors whose proposal, in the procurement officer's sole judgement, need clarification must be accorded that opportunity.

(7) Selection and Ranking. Proposals must be evaluated using only the criteria stated in the request for proposals and there must be adherence to weightings that have been assigned previously. Once evaluation is complete, all responsive offerors must be ranked from most advantageous to least advantageous to the State, considering only the evaluation factors stated in the request for proposals. If price is an initial evaluation factor, award must be made in accordance with Section 11-35-1530(9) below.

(8) Negotiations. Whether price was an evaluation factor or not, the procurement officer, in his sole discretion and not subject to review under Article 17, may proceed in any of the manners indicated below, except that in no case may confidential information derived from proposals and negotiations submitted by competing offerors be disclosed:

(a) Negotiate with the highest-ranking offeror on price, on matters affecting the scope of the contract, so long as the changes are within the general scope of the request for proposals, or on both. If a satisfactory contract cannot be negotiated with the highest-ranking offeror, negotiations may be conducted, in the sole discretion of the procurement officer, with the second, and then the third, and so on, ranked offerors to the level of ranking determined by the procurement officer in his sole discretion.

(b) During the negotiation process as outlined in item (a) above, if the procurement officer is unsuccessful in his first round of negotiations, he may reopen negotiations with any offeror with whom he previously negotiated; or

(c) The procurement officer may make changes within the general scope of the request for proposals and may provide all responsive offerors an opportunity to submit their best and final offers.

(9) Award. Award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State, taking into consideration price and the evaluation factors set forth in the request for proposals, unless the procurement officer determines to utilize one of the options provided in Section 11-35-1530(8). The contract file must contain the basis on which the award is made and must be sufficient to satisfy external audit. Procedures and requirements for the notification of intent to award the contract must be the same as those provided in Section 11-35-1520(10)