

**Mammoth Unified School District**  
461 Sierra Park Road/PO Box 3509  
Mammoth Lakes, CA 93546

**August 28, 2018**

**REQUEST FOR PROPOSALS AND QUALIFICATIONS  
CONSTRUCTION MANAGEMENT SERVICES  
FOR RENOVATION, MODERNIZATION AND EXPANSION  
OF EXISTING SCHOOL FACILITIES**

**PROPOSAL DEADLINE DATE**

SEPTEMBER 24, 2018 at 10:00 AM

**SUBMIT PROPOSALS TO**

Gary Taylor, Director Maintenance, Operations, Transportation  
Mammoth Unified School District  
461 Sierra Park Road/PO Box 3509  
Mammoth Lakes, California 93546  
Phone: (760) 934-6802 x 507

## I. Introduction:<sup>1</sup>

The Mammoth Unified School District (“District”), through this Request for Proposals/Qualifications (“RFP/Q”) process, seeks a qualified Construction Manager who has experience in multiple construction delivery methods for the construction and modernization of the District’s Elementary, Middle and High School facilities (“Project”). These improvements will be funded by Measure B, a \$63,100,000 general obligation bond approved by voters in June 2018.

The District seeks to select one or more qualified Construction Managers to play a key role within our facilities team, and will be expected to work collaboratively and seamlessly with our District staff and identified planning, design and architect professionals. The District requires flexibility on project delivery methods, so the Construction Manager should be capable of providing services in either Bid-Build, Lease-Leaseback, and Multi-Prime Construction Manager delivery methods. A draft Construction Management Agreement, which details the duties of the Construction Manager, may be obtained from the District office.

It is the District’s belief that involving all of the project participants early in the process in a collaborative atmosphere of equals, will result in projects that can be delivered with more predictable results: reasonable and reliable budgets, constructability reviews, reliable timelines and best possible quality. The District seeks to gain the benefit of an environment where team members are encouraged to share ideas freely in an atmosphere of mutual respect, tolerance, and trust, and to explore ways to deliver projects that mitigate the uncertainty and frustration and risk inherent to school construction. Team members will be expected to work together to achieve the transparent and cooperative exchange of information in all matters relating to the Project, and to share ideas for continuously improving project delivery during the course of design and construction.

One of the award evaluation criteria will be the demonstrated experience in collaborative problem-solving with a wide range of stake holders such as staff, students, parents and the community members of the District. It is strongly recommended that the proposer, in its proposal, clearly details its experience, familiarity and demonstrated success performing similar work for other school districts, community college districts and other public agencies.

- A. **Special Project Conditions.** The Project is subject to a number of unique factors that should be taken into consideration prior to responding to this RFP/Q. The Project is located in a geographically remote location, at high altitude

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<sup>1</sup> **Please Note:** the responsibilities and duties listed herein are stated in general terms and are for informational purposes only. The parties shall negotiate a final agreement after a recommended firm has been selected. A copy of the agreement is available from the District upon request.

(approximately 7,880 feet above sea level), with substantial winter seasons. As a result, the local subcontractor pool for certain projects may be limited.

The District maintains strong and amicable relations with the Town of Mammoth Lakes and Mono County, and therefore anticipates working closely with these entities for the duration of the Project construction. The District expects the Construction Manager to develop a similarly close working-relationship with the Town of Mammoth Lakes and Mono County in order to complete the Project.

- B. Statements of Qualifications.** The District is issuing this RFP/Q requesting Statements of Qualifications from professional firms qualified to provide the District Construction Manager preconstruction and construction phase services for multiple projects in the District. Contracts will be awarded under a variety of Construction Manager delivery methods, with a focus on Multi-Prime and Lease-Leaseback. The District expects to complete the Project in phases. The Construction Manager will collaborate with the District, based on the ultimate budget schedule, to create a Project delivery schedule and to determine the appropriate Project delivery method for each phase. Projects may be divided among successful applicants. The RFP/Q describes the scope of work to be performed by the Construction Manager for a project. In addition, the RFP/Q includes the selection process and weighted scoring sheet, and the minimum information that must be included in each RFP/Q response.
- C. Pricing Information.** In addition to the Statements of Qualifications, the District seeks compensation information, expressed as a percentage of the Project cost. The percentages may be differentiated based on the project delivery system employed. In addition, the District also seeks hourly rates for additional services.

## **II. Bonds and Insurance**

Respondents must be fully bondable and insured pursuant to District guidelines and hold the necessary professional license for a Construction Manager as provided for in Government Code Section 4525 et. seq. Respondents must also meet State Allocation Board (“SAB”) and Disabled Veterans Business Enterprise (“DVBE”) requirements.

## **III. Selection Process/Timeline**

The District will likely utilize a multi-faceted approach during the selection process for construction management firms, as preliminarily identified below:

August 28, 2018 – Request for Proposals available for interested firms;

September 7, 2018 – Non Mandatory Facility walk through at 10:00 AM., please meet at the Mammoth High School Flagpole

September 17, 2018 – Questions, if any, due to the District;

September 24, 2018 – Ten (10) copies of the Proposal due to the District by 10:00 AM

September 24 2018 – Statements of Proposal reviewed by the District to determine the firms to potentially be interviewed;

September 26, 2018 – Successfully “screened in” firms notified of interview time;

October 1, 2018 – Interviews conducted in person at the Mammoth Unified School District;

October 2, 2018 – Potential second round of interviews conducted in person at the Mammoth Unified School District

October 4, 2018 – Firms notified of interview results;

October 5, 2018 – Contractual discussions commence with the firm to be recommended to the Board of Education;

October 19, 2018 – Proposed contract completed and attached to Board of Education agenda;

October 25, 2018 – Recommendation presented to the Board of Education for award of contract for the Project and the creation of a qualified pool of construction management firms for future project consideration/assignment;

October 26, 2018 – Commencement of services to the District for the Project.

- A. Location for Submission. Ten (10) hard copies of the RFP/Q response and/or RFP/Q must be received by the District via hand delivery or mail at the following address:

Mammoth Unified School District  
Attn: Gary Taylor, Director Maintenance, Operations, Transportation  
461 Sierra Park Road/PO Box 3509  
Mammoth Lakes, CA 93546

- B. Responses are due no later than 10:00 AM., September 24, 2018 **LATE PROPOSALS WILL NOT BE ACCEPTED.**
- C. Submission of the RFP/Q by facsimile or e-mail is not acceptable. All RFP/Q's received after the deadline will be returned unopened. Submissions may be withdrawn at any time prior to the closing date and time for receipt thereof specified above.
- D. This Request for Proposals does not commit the District to award a contract or pay any costs that may be incurred by your firm in the preparation of a response to this request. The District reserves the right to accept all or part of any Proposal, to waive any irregularities, or to cancel in part or in its entirety this Request for Proposal. The District further reserves the right to accept the Proposal(s) that it considers to be in the best interest of the District.
- E. Questions Regarding the Content of our RFP/Q. Should you have any questions regarding the content of our RFP/Q or require any additional information about

our anticipated projects or service requirements please do not hesitate to contact the following individuals:

Mammoth Unified School District  
Attn: Gary Taylor, Director Maintenance, Operations, Transportation  
461 Sierra Park Road/PO Box 3509  
Mammoth Lakes, CA 93546  
Phone: (760) 934-6802 x 507  
Email: gtaylor@mammothusd.org

All questions must be received by September 17, 2018. You are cautioned not to contact members of our Board of Trustees, the District Superintendent, or other District personnel and/or consultants except as identified above; failure to adhere to this will result in your disqualification.

We appreciate your initial consideration of the District and your potential participation within our facilities program. We look forward to receiving your Proposal.

- F. Replies will be issued by addenda and mailed, emailed or faxed to all parties recorded by the District as having received the RFP/Q documents.
- G. Questions received within five (5) working days of RFP/Q due date will not be answered. Only questions answered by formal written addenda will be binding.
- H. A Pre-Submittal Conference may be requested by the District prior to submittal of the RFP/Q. If this is scheduled, its occurrence may change the final submission date.

#### **IV. Interviews**

If it deems necessary, the District may require selected firms to be interviewed for the Project in person on October 1, 2018. A second round of interview may occur if needed on October 2, 2018, or such other date as the District may designate. The meeting shall be in person. All interviews will be conducted at the District Office.  
Project Description:

- A. The District has recently completed an update to its Facilities Master Plan (“FMP”) – this plan is available for your review through the District’s website: [www.mammothusd.org](http://www.mammothusd.org). The FMP identifies a wide range of desired improvements at the District’s existing schools, as well as the potential need for facilities at the District’s campus. These identified improvements are an important element within our strategy to further improve the teaching and learning environments for our students, staff and community. Our Board has identified the need for these improvements over the next several years as an important goal for the District. In order to accomplish this we will utilize a “team approach” to our facilities planning and implementation efforts.
- B. The Districts has a strong commitment toward providing learning environments that will be able to flexibly and cost effectively adapt to the District’s emerging

educational programs and instructional strategies over time. The list of potential Projects may be found on the Board resolution, attached hereto as **Exhibit A**. Most of the listed projects can be categorized as modernization or addition to existing structures.

- C. All Projects are expected to include a design phase, plan check and bidding phase, and a construction phase.

#### V. RFP/Q Response Format and Content

- A. The RFP/Q Response shall be clear, concise, well organized, and demonstrate respondent's qualifications. It shall be on 8 ½" x 11" size paper, inclusive of resumes, forms and pictures. Tabs should be provided for each of the sections. The submittal shall not exceed 30 (thirty) single-sided pages total length. Pages must be numbered. We will not count in the total 30 (thirty) pages, the graphic cover sheet, cover letter, table of contents, financial information, blank section dividers (tabs), and a maximum of 6 (six) resumes demonstrating team experience with this type of project. The individual or official of Construction Manager who has the authority to contractually bind Construction Manager must sign the RFP/Q response.
- B. Sealed Envelope: The RFP/Q Response shall be placed in a sealed envelope with the submitting firm's name on the outside of the envelope.

#### VI. Contents of Submittals

All respondents are required to include the following in this order, or may not be considered for selection:

- A. Cover Letter: A maximum one-page, dated introductory letter must be submitted including the legal name of the respondent, address, telephone and fax numbers, RFP/Q number and the name, title, and signature(s) of the person(s) authorized to submit qualifications on behalf of the firm. The letter should certify that the information contained in the RFP/Q Response is true and correct. Please also indicate the principal-in-charge/contact person(s) who will serve as the District's main contact throughout the Projects.
- B. Table of Contents: Include a complete and clear listing of headings and pages to allow easy reference to key information.
- C. Executive Summary: The executive summary should contain (1) a brief description of the firm's history; (2) an outline of the firm's philosophy concerning construction management services on public projects, particularly school construction projects; (3) a synopsis of the firm's approach to successfully working with school districts on the preparation of documents for school construction projects of similar size and magnitude; and, (4) a brief summary of the firm's qualifications to engage in a professional relationship with the District.
- D. General Information about the Firm: Provide specific information regarding the size, financial strength, nature of work performed, number of employees, California business license number (if applicable), and tax identification number of the firm. Include years in business, name(s) of owner(s), home office location,

local office location (if different), types of licenses held, primary business types and market areas. Please identify the principal-in-charge who will serve as the District's main contact throughout the Project. Include the address, telephone, and fax number of the office that will be primarily responsible for providing services under the Proposal.

Please also provide evidence that the firm is in good standing and able to complete business in the State of California.

- E. Contractor's License: Respondents must hold a necessary license for a Construction Manager as provided for in Government Code Section 4525 et. seq. With regard to this license, provide the following information:
1. Name of license holder exactly on file
  2. License classification
  3. License number
  4. Date issued
  5. Expiration date
  6. Whether license has been suspended or revoked in the past five (5) years, with explanation.
  7. Tax ID number of Construction Manager
- F. Organizational Chart: Provide an organizational chart containing the names of key personnel and their specific task or assignment. Provide brief resumes for each key member. Independent contractors providing specialized services or inspections need not be included and may be provided after the award of the contract, on a per project basis, and as circumstances require. The District will evaluate RFP/Q Responses based on this chart and no changes in the team(s) will be allowed without prior written approval from the District. By submitting a Proposal, proposer acknowledges that the District is making a selection based on the experience and qualifications of the team presented in the Proposal and any changes to the team without the consent of the District may constitute a breach of contract by the proposer. Include a list of all projects for which each individual is presently responsible, their title on the project(s), construction costs (millions), percentage of involvement and projected completion date.
- G. Methods and Strategic Plan: Concisely describe methods and plan for carrying out projects relative to what your firm has experienced in the past. Include collaboration with the District and District's Consultants for the successful completion of any given project. Identify computer software and other technical resources proposed.
- H. Qualifications and Experience: Provide a minimum of ten (10) references (5 for new construction and 5 for reconstruction/modernization) for whom Construction Manager has provided full service construction management work in California for state or locally funded public school construction related to the following:

1. Construction projects with an emphasis on Lease-Leaseback and Multi Prime Construction Manager delivery methods.
2. Construction projects with other delivery methods in excess of one (1) million dollars with an emphasis on K-12 Public Schools. Projects for Districts with high snow accumulation will be given more weight.
3. For all references, please include the following information:
  - a. Year(s) during which work was performed
  - b. School district
  - c. Current contact person
  - d. Title/position
  - e. Contact phone number
  - f. Project description
  - g. Dollar value of the project
  - h. Delivery method
  - i. Duration of planning
  - j. Duration of construction
  - k. Division of the State Architect (“DSA”) Closeout (# of months)

Reference projects must be available for visitation. Site visits will, if required, be arranged through the Construction Manager during the final stages of the screening and selection process.

At least three (3) of the projects must be demonstrated to show project certification by DSA under letter type #1 or #2. Include DSA application number and verify that this is shown on the DSA website or provide other written documentation.

4. Identify the types of projects for which your firm has the most experience or specialization.
5. Describe your firm’s experience, approach, and methodology in regard to Green Technology:
  - a. LEED Certification
  - b. Collaborative for High Performing Schools (“CHPS”)
  - c. California Green Building Standards Code
  - d. Green Buildings and Construction in General
6. Specify your firm’s experience working with State agencies, including the Office of Public School Construction, State Allocation Board, California Department of Education, DSA, and the Department of Toxic Substances Control.
7. Describe the knowledge possessed by the Construction Manager’s personnel regarding the requirements for State-funded school facilities

construction projects, including Construction Manager's experience with the application and funding process.

- I. Budget/Completion History: Provide project budget information from your five (5) most recent school construction projects. Include original budgets, change orders, and final budget as close out. Please give detailed information for each job, including a contact name with contact information. Provide original schedule and completion dates.
- J. Litigation History: The firm shall list all litigation in the last five (5) years, filed either by a client, a client's representative, or a contractor, which names the firm, firm's employees, or the firm's consultants as defendants of any type. State the nature of the complaint, the beginning and end date, or anticipated end date, of each lawsuit, case number of proceeding, and the judgment or resolution or the anticipated judgment or resolution, including any settlement outside of court.

The firm shall also provide specific information on termination or default and information concerning any convictions for filing false claims within the past five (5) years.

The firm shall state whether the firm has or has not filed a petition for bankruptcy. If the firm has filed a petition for bankruptcy, the firm shall provide the date the petition was filed and identify the jurisdiction in which the petition was filed.

- K. Past Performance Record: If any of the following has occurred, please describe in detail the circumstances for each occurrence:
  1. Failure to enter into a contract once selected.
  2. Withdrawal of a Proposal as a result of an error.
  3. Termination or failure to complete a contract.
  4. Debarment by any municipal, county, state, federal or local agency.
  5. Involvement in litigation, arbitration or mediation filed either by an owner or an owner's consultant or contractor, which names the Construction Manager, Construction Manager's employees, Construction Manager's consultants, or consultant's employees as defendants of any tier. State the nature of the complaint, the beginning and end date, or anticipated end date, of each lawsuit, case number of proceeding, and the judgment or resolution or the anticipated judgment or resolution.
  6. Complaint(s) that have been lodged against your firm with any local public agency, any agency of the State of California, or any professional organization with which the Construction Manager is affiliated and, if so, describe the nature of the complaint(s) and outcome(s) or anticipated outcome(s).
  7. Conviction of the firm or its principals for violating a state or federal anti-trust law by bid-rigging, collusion, or restrictive competition between

bidders, or conviction of violating any other federal or state law related to bidding or contract performance.

8. Claims filed against your firm's general liability, professional liability, or automobile liability insurance carriers during the past five (5) years. Identify carriers' name and address and policy number(s) for General Liability and Professional Liability for the past five (5) years
9. Knowing concealment of any deficiency in the performance of a prior contract.
10. Falsification of information or submission of deceptive or fraudulent statements in connection with a contract.
11. Willful disregard for applicable rules, laws or regulations.
12. Inability to bond a construction project within one month of contract approval.
13. Filing a petition for bankruptcy. Provide the date the petition was filed and identify the jurisdiction in which the petition was filed.

Information regarding any of the above may be deemed to indicate an unsatisfactory record of performance.

- L. Joint Ventures and Associations. If the proposed projects are to be undertaken by the construction manager in joint venture or in association with one or more other entities, identify the parties involved in such a joint effort, the roles and responsibilities of each party, and whether all parties will be jointly and severally liable for performance and all contractual liabilities. In the event of a joint venture, please provide a copy of the joint venture agreement and identify which firm will be the lead member of the venture. The District reserves the right to require the lead firm to sign a Guaranty concerning the work to be completed.
- M. Fee Estimate Range and Terms. List fees as a percentage of construction. Description of additional services and the hourly rates or costs associated with these services may be listed separately. Identify whether the Construction Manager proposes to bill reimbursable costs at cost or to add a mark-up to such costs. The fee shall be negotiated with the District should the Construction Manager be selected to perform the work.
- N. Bond Information: Attach a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) authorized to issue bonds in the State of California, which states your current bonding capacity.
- O. Financial Information:  
Provide the following financial information:
  - a. A current report from any commercial credit rating service, such as Dunn and Bradstreet or Experian.
  - b. A letter from a financial institution stating a current line of credit.

- c. A letter from a California-admitted surety or insurance company stating bonding limit which can be applied to this Project.
- d. Indicate current value of all work the Entity has under contract.

This information will remain confidential and shall not be subject to public disclosure.

- P. Insurance: The firm shall describe the outcome of claims, if any, filed against the firm's general liability, professional liability, or automobile liability insurance carriers during the past five (5) years.

The selected proposer will be required to provide the following minimum amount of insurance coverage:

Comprehensive General Liability (including operations, products and completed operations, as applicable): \$1,000,000 per occurrence, \$2,000,000 aggregate for bodily injury, personal injury & property damage. If commercial general liability insurance or other form with general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile liability: \$1,000,000 per accident for bodily injury and property damage.

Workers Compensation: as required by the State of California.

Professional Liability/Errors & Omissions Liability: \$2,000,000 per occurrence, \$5,000,000 aggregate.

Endorsements shall clearly state that the District is named as an "Additional Insured" under the policy described and that such insurance policy shall be primary to any insurance or self-insurance maintained by the District.

The District reserves the right to require higher insurance limits on a project-by-project basis.

- Q. Statements. Include signed statement of assurance regarding Conflict of Interest. The construction Manager shall warrant that no officers or employees of the District has an interest, has been employed or retained to solicit or aid in the procuring of the resulting contract, nor that any such person will be employed in the performance of such contract without immediate divulgence of such fact to the District. Construction Managers submitting a Proposal in response to this RFP/Q must disclose any actual, apparent, direct, indirect, or potential conflicts of interest that may exist with respect to the construction or employees relative to the services to be provided to the District.
- R. Other. Each Construction Manager is encouraged to provide a description of resources or any other information the Construction Manager believes is pertinent to its Proposal. Please do not include brochures or other marketing-related materials.

## VII. Exceptions to the RFP/Q

The response shall certify that the Respondent takes no exceptions to this RFP/Q.

#### **VIII. District's Evaluation Process**

Upon the District's receipt of the Proposals, each Proposal will be reviewed for (a) minor informalities, irregularities, and apparent clerical mistakes which are unrelated to the substantive content of the Proposal; (b) conformance to the RFP/Q instructions regarding organization and format; and (c) the responsiveness of the proposer to the requirements set forth in this RFP/Q. Those Proposals determined to not be responsive to the requirements of this RFP/Q may be excluded from further consideration and the proposer may be so advised. The District may also exclude from consideration any proposer whose RFP/Q contains a material misrepresentation. The District reserves the right to reject any or all Proposals, to waive minor technicalities or to advertise for new Proposals, if in the judgment of the District, such course of action is in the best interests of the District.

The District will establish a Selection Committee for the purpose of reviewing and evaluating Proposals submitted in response to the RFP/Q. Proposal and relevant experience in producing similar types of plans for similar clients and settings will be extremely important in the selection process. The Selection Committee will consider the following criteria:

#### **IX. Selection Criteria**

- A. Specialized experience with California K-12 public schools and technical competence of the firm(s), considering the types of services required, the complexity of the project, record of performance, and the strength of the key personnel who will be dedicated to the project;
- B. Experience with Multi Prime and Lease-Leaseback Construction Manager delivery methods;
- C. Proposed methods and overall strategic plan to accomplish the work in a timely and collaborative manner;
- D. Knowledge and understanding of the local environment and a local presence for interfacing with the District;
- E. Skill in facilitating complex community and District involvement process;
- F. Financial resources and stability and ability to meet the insurance requirements;
- G. Cost effective, high quality services;
- H. Proposed fee schedule;
- I. Description of in-house resources (i.e. computer capabilities, software applications, modeling programs);
- J. Description of involvement and commitment of firm's principals throughout the project;
- K. Past performance record.

#### **X. Method of Selection**

The purpose of this RFP/Q is to enable the District to select the most qualified firm(s) with whom the District may enter into negotiations for construction of the projects under a variety of Construction Manager delivery methods, including Multi Prime and Lease-Leaseback.

- A. District will evaluate firms on their demonstrated competence and on their professional qualifications necessary for the satisfactory performance of the services required as evidenced in their responses to the RFP/Q.
- B. The desired result of this RFP/Q Response process is to select one or more Construction Managers for anticipated projects. At the time of project determination, the District may negotiate a contract with the best qualified Construction Manager as determined by the District to be in the best interest of the District, at compensation which the District determines is fair and reasonable. Should the District be unable to negotiate a satisfactory contract with the Construction Manager considered to be the most qualified at a price the District deems reasonable, negotiations with that Construction Manager may be formally terminated or deleted from the pool.
- C. The District will use the qualifications-based selection process outlined above, plus any other criteria determined to be important by the District, at District's sole discretion, and has unilateral authority to select or not select any respondent. The District's anticipated weight scoring sheet and interview score sheet is included for reference.

The District reserves the right to contract with one or more firms. The District makes no representation that participation in the RFP/Q process will lead to an award of a contract or any agreement whatsoever.

The District may perform an investigation of the proposers that extends beyond contacting the school districts or other entities identified in the Proposals. The District shall have the right to request any additional information from any or all of the proposing firms, to select, in its sole discretion, firms that will be interviewed, and to select, in its sole discretion, the firm that best meets the needs of the District and to initiate negotiations to engage that firm.

The following are conditions precedent to final award of the contract(s): (a) successful completion of negotiations; (b) receipt by the District of all of the documents required to be provided prior to execution of the contracts; and (c) any other conditions required by the District's governing board. Final award will be evidenced by execution of the agreement by the District's designee following any necessary approvals by the District's governing board.

## **XI. General Information**

- A. Compliance: The submittal must be in strict accordance with the requirements of the RFP/Q. Any document not submitted in accordance with the requirements of the RFP/Q may result in rejection of submittal in its entirety.

- B. Deadline: There is no appeal from a refusal for an incomplete or late application, but re-application in response to an RFP/Q may be permitted. The closing time for submittals will not be changed in order to accommodate supplementation of incomplete submissions or late submissions.
- C. Public Records: All Proposals submitted in response to this RFP/Q become the property of the District and responses to this RFP/Q are subject to the provisions of the California Public Records Act (Government Code Section 6250 et seq.) and Public Contract Code Section 10165.

Documents provided by the proposer marked Trade Secret, Confidential, or Proprietary; and any financial records provided by the proposer shall be clearly identified, labeled, and addressed. The District agrees to safeguard the documents to the best of its ability, and all information contained therein, against disclosure but only to the fullest extent permitted by law. However, in the event of arbitration or litigation, the documents shall be subject to discovery, and the District assumes no responsibility for safeguarding the documents, unless the proposer has obtained an appropriate protective order issued by the arbitrator or the court. A proposer has the duty of clearly labeling any Trade Secret, Confidential or Proprietary information as such. No liability will attach to the District for the errant release of Trade Secret information by the District under any circumstances.

- D. Amendments: The District reserves the right to cancel or revise in part or in its entirety this RFP/Q. If the District cancels or revises this RFP/Q, all Respondents will be notified by addenda. The District also reserves the right to request follow-up information and/or extend the date responses are due. Contractors prepare and submit RFP/Q responses at their own risk, and shall not be entitled to any damages if District cancels or revises this RFP/Q.
- E. Duration of Pre-qualification. Pre-qualification under this RFP/Q shall remain valid until all work required by District is completed.
- F. Work Product: By submitting a Proposal, each proposer acknowledges that the District may incorporate and use such work product or concepts based thereon in the performance of its functions. The use of any of the work product by the District is at the sole risk and discretion of the District, and shall in no way be deemed to confer liability on the unsuccessful proposer. By submitting a Proposal, each proposer acknowledges and agrees that it does not have the right to keep the contents of its Proposal from being used by the District, as described herein.

## **XII. Late Proposals**

It is the Respondent's responsibility to ensure its submittal is received by the District on or before the time and date specified. Submittals received after the date and time specified will not be considered.

## **XIII. Special Conditions**

- A. Non-Discrimination: The District does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability or gender in consideration for an award of contract.

- B. Drug-Free Policy and Fingerprinting: The selected Construction Manager shall be required to complete any and all fingerprinting requirements and criminal background checks required by State law and shall also be required to complete a Drug-Free workplace certificate.
- C. Costs: Costs of preparing a submittal in response to the RFP/Q are solely the responsibility of the Respondent.
- D. Prevailing Wages: Respondents are advised that all projects are a public work for purposes of the California Labor Code, which requires payment of prevailing wages.
- E. Contractor/Subcontractor/Trade Contractor Registration and Labor Compliance Monitoring and Enforcement: Except as provided in Labor Code § 1771.1(a), no Construction Manager, Contractor, or Trade Contractor may be listed on a Proposal for a public works project submitted on or after March 1, 2018, or perform work on a public works contract awarded on or after April 1, 2018, unless registered with the Department of Industrial Relations pursuant to California Labor Code § 1725.5. This Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. (Labor Code § 1771.4.)

Construction Manager, Contractor and any Trade Contractors engaging in Work on any Project for the District are required to review and comply with the provisions of the California Labor Code, Division 2, Part 7, Chapter 1, beginning with Section 1720, and the regulations of the Department of Industrial Relations implementing those provisions. These statutory and regulatory provisions contain specific requirements concerning, for example, the determination and payment of prevailing wages, retention, inspection and auditing of payroll records, use of apprentices, payment of overtime compensation, and various penalties or fines which may be imposed for violations of the requirements of the chapter. Submission of a Proposal constitutes the Bidder's representation that it has thoroughly reviewed these statutory and regulatory requirements and agrees to bind every Subcontractor/Trade Contractor performing Work on any Project to these requirements to the extent such requirements are applicable to the Subcontractor's Work.

- F. Bonding: The successful Construction Manager will be required to furnish a Performance Bond in the amount of one hundred percent of the contract price and a Payment (material and labor) Bond in the amount of one hundred percent of the contract price.
- G. Limitations: This RFP/Q does not commit the District to award a contract, to defray any costs incurred in the preparation of a submittal pursuant to this RFP/Q, or to procure or contract for work.

#### XIV. Appeals

Where a timely and complete RFP/Q response results in a decision that the respondent shall not be pre-qualified, an appeal can be made. An appeal is begun by the respondent delivering notice to: Gary Taylor, Mammoth Unified School District, 461 Sierra Park Road/PO Box 3509, Mammoth Lakes, California, 93546, no later than two (2) business days after receipt of the District's decision. Without a timely appeal, the respondent

waives any and all right to challenge the decision of the District, whether by administrative process, judicial process, or any other legal process or proceeding.

If the respondent gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than five (5) business days after the District's receipt of the notice of appeal. The hearing shall be an informal process conducted by an administrator given responsibility to hear such appeals. At or prior to the hearing, the respondent will be advised of the basis for the District's determination. The respondent will be given the opportunity to present information and present reasons in opposition thereto.

**SAMPLE SCORING SHEET**

DESCRIPTION	ANTICIPATED WEIGHT	SCORE
Price	35%	
Contractor Experience: Experience with multi prime and specialized K-12 experience	20%	
Corporate History, Organization & Proposed Methods/Plan to accomplish Work	15%	
Past Performance Record: Dispute History/Complaints/ Insurance Claims	20%	
Financial Position and Resources	10%	