

**LEGAL NOTICE**

**TOWN OF WINDHAM, CONNECTICUT**  
**REQUEST FOR QUALIFICATIONS**

Owner's Representative Services  
November 5, 2018

The Town of Windham will receive sealed statements of qualifications for owner's representative services until 11:00 a.m. on November 27, 2018.

The documents comprising the Request for Qualifications may be obtained Town web site, [www.Windham-ct.gov](http://www.Windham-ct.gov) "Quick Links", "Bids Listings", as well as the Windham School District website, [www.windhamps.org](http://www.windhamps.org) under "District Info", "Bids and RFPs", as well as on the State of Connecticut, Department of Administrative Services "DAS" website, [www.portal.ct.gov/das](http://www.portal.ct.gov/das) under "State Contracting Portal".

The Town of Windham reserves the rights to amend or terminate this Request for Qualifications, to reject any or all respondents, to request additional information, to waive any informalities or non-material deficiencies in a response, and to take any and all other action that, in the Town's sole judgment, will be in its best interests.

**TOWN OF WINDHAM, CONNECTICUT**

**REQUEST FOR QUALIFICATIONS FOR  
OWNER'S REPRESENTATIVE  
SERVICES**

**RFQ Number:** 11-5-18 OR  
**RFQ Submission Address: By Email:** [wdonaldson@windham.k12.ct.us](mailto:wdonaldson@windham.k12.ct.us)  
(Wayne Donaldson, Director of Facilities)  
**By Mail:** Windham Public Schools, 355 High Street, Unit B,  
Willimantic, CT 06226; Attn: Wayne Donaldson,  
Director of Facilities  
**RFQ Submission Deadline:** November 27, 2018 11:00 a.m.

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The Town of Windham (the "Town") is soliciting statements of qualifications from qualified individuals or firms to provide comprehensive owner's representative and project management services for the design and construction of renovations to the Windham High School (the "Project").

The Project shall be designed and constructed in accordance with the Project Overview and the following educational specifications: (1) The Windham Public Schools, School Education Specifications, Windham Steam High School, 2-16 vers. 4; (2) The Windham High School, Windham Early Childhood Center, School Educational Specifications 2016; (3) The Central Office Specifications; and (4) Windham Town Council resolution no. 2730, as amended. These document documents will be available Town web site, [www.Windham-ct.gov](http://www.Windham-ct.gov) "Quick Links", "Bids Listings", as well as the Windham School District website, [www.windhamps.org](http://www.windhamps.org) under "District Info", "Bids and RFPs", as well as on the State of Connecticut, Department of Administrative Services "DAS" website, [www.portal.ct.gov/das](http://www.portal.ct.gov/das) under "State Contracting Portal". Additional information, including project budget and project completion schedule are set forth in the Specifications section of this Request for Qualifications ("RFQ").

Under the direction of the ad-hoc Windham High School Renovate as New Building Committee or its designee, the services to be provided shall include, but are not limited to, analyzing constructability, advising the Town on project delivery systems and forms of contracts, serving as a single point of contact between contractors and designers, representing the Town at key meetings, monitoring the project schedule and budget, auditing quality assurance/quality control procedures, assisting in evaluating contractor payment requests, providing monthly reporting, and facilitating issue resolution. The owner's representative will be expected to continue to provide all owner's representative services throughout the Project, including turnover, closeout (including during the warranty period), commissioning, and State audit compliance.

The purpose of this RFQ process is to identify the most responsible qualified respondents. Following analysis of the responses to this RFQ, the Town intends to develop a list of prequalified firms who will be invited to participate in a subsequent Requests for Proposals ("RFP") for the Project. The selection procedure for this RFQ, the RFP, the interviews of finalists, and the notice of award to the most responsible qualified proposer is set forth in greater detail herein.

One (1) original and ten (10) hard copies, together with one (1) electronic copy on CD or USB drive, {101699868.DOCX; v.}

of sealed statements of qualifications and all other required documents must be received at the RFQ submission address noted above (by email or mail by the date and time noted above. The Town will not accept responses by e-mail or fax. The Town will reject responses received after the date and time noted above.

The documents comprising this Request for Qualifications may be obtained on the Town's website, [www.Windham-ct.gov](http://www.Windham-ct.gov), under "Quick Links," "Bid Listings", as well as on the Windham School District website, [www.windhamps.org](http://www.windhamps.org) under "District Info", "Bids and RFPs", as well as on the State of Connecticut, Department of Administrative Services "DAS" website, [www.portal.ct.gov/das](http://www.portal.ct.gov/das) under "State Contracting Portal". **Each respondent is responsible for checking the Town's website to determine if the Town has issued any addenda and, if so, to complete its response in accordance with the Request for Qualifications as modified by the addenda.**

Responses cannot be withdrawn for sixty (60) calendar days after the submission deadline.

The Town reserves the rights to amend or terminate this RFQ, to reject any or all respondents, to request additional information, to waive any informalities or non-material deficiencies in a response, and to take any and all other action that, in the Town's sole judgment, will be in its best interests.

This Request for Qualifications ("RFQ") includes:

- Standard Instructions
- Insurance Requirements
- Background Disclosure Form
- Legal Status Disclosure Form
- Statement of References Form
- Addenda, if any

# TOWN OF WINDHAM, CONNECTICUT

## STANDARD INSTRUCTIONS FOR RFO # 11-5-18 OR

### **1. INTRODUCTION/GENERAL INFORMATION ABOUT RFO**

The Town of Windham (the “Town”) is soliciting statements of qualifications from firms to provide comprehensive owner’s representative and project management services for the design and construction of renovations “like new” to the Windham High School (the “Project”).

The Project shall be designed and constructed in accordance with the Project Overview and the following educational specifications: (1) The Windham Public Schools, School Education Specifications, Windham Steam High School, 2-16 vers. 4; (2) The Windham High School, Windham Early Childhood Center, School Educational Specifications 2016; (3) The Central Office Specifications; and (4) Windham Town Council resolution no. 2730, as amended. These document documents will be available Town web site, [www.Windham-ct.gov](http://www.Windham-ct.gov) “Quick Links”, “Bids Listings”, as well as the Windham School District website, [www.windhamps.org](http://www.windhamps.org) under “District Info”, “Bids and RFPs”, as well as on the State of Connecticut, Department of Administrative Services “DAS” website, [www.portal.ct.gov/das](http://www.portal.ct.gov/das) under “State Contracting Portal”. These document documents will be available on Town web site, [www.Windham-ct.gov](http://www.Windham-ct.gov) “Quick Links”, “Bids Listings”, as well as the Windham School District website, [www.windhamps.org](http://www.windhamps.org) under “District Info”, “Bids and RFPs”, as well as on the State of Connecticut, Department of Administrative Services “DAS” website, [www.portal.ct.gov/das](http://www.portal.ct.gov/das) under “State Contracting Portal”. Additional information, including project budget and project completion schedule are set forth in the Specifications section of this Request for Qualifications (“RFQ”).

Windham High School is located at 355 High Street, Willimantic, Connecticut. The three story masonry-faced steel frame building contains nine stairwells and one elevator. There are two levels of on-grade access to the building. The central portion of the building contains classrooms and administrative space with circulation provided by a double-loaded corridor, which surrounds a courtyard. Circulation in the northern side of the building is provided by a double-loaded corridor that surrounds the auditorium. The southern end is a one-story section which provides access to the gymnasium and the pool. It has a total building area of 222,518 square feet. The site is 42 acres.

The school has not been renovated since its construction in 1970. The proposed project is to "renovate like new" the entire existing building and create new spaces for the Early Childhood program and the Windham Board of Education’s Central Office. There is no plan to add or remove significant square footage to the existing building apart from a new front façade and secure building entrances.

The scope of the project will ensure that:

- All New England Association of Schools and Colleges, Inc. (NEASC) concerns are addressed
- All areas will be brought in compliance with applicable codes
- The building meets modern standards for providing access to persons with disabilities (ADA) to all spaces
- The building will meet or exceed Connecticut High Performance Building requirements (CTHPB)

- The building HVAC systems improvements will be energy efficient and provide code compliant heating, cooling and air circulation for the entire facility
- Restrooms will be renovated and made fully ADA accessible
- Water fountains will be ADA accessible
- All plumbing fixtures will be replaced with “low flow” models
- Storage capacity will be increased to accommodate file security and retention requirements
- The building will have full sprinkler coverage in accordance with NFPA13
- Ceiling panels will be replaced
- The kitchen will be renovated to meet building code
- ADA seating will be modified or replaced in gymnasium and natatorium (pool)
- Moisture issues in pool area will be addressed
- The intercom system will be replaced
- Exterior doors and exterior windows will be replaced with energy efficient units
- Lighting fixtures will be replaced throughout the school
- Building systems will be standardized to be consistent with other Windham School Facilities to the greatest extent possible
- Handicap accessible access to the stage will be provided
- Interior flooring, walls, doors and windows will be replaced.
- The roof and boilers are approximately 5 years old, and will not be replaced.
- It is the intent of the Owner to use the US Green Building Council's LEED Green Building Rating System to guide the project design. The project must achieve a minimum Certified Level CTHPB certification as required by the department of Administrative Services, State of Connecticut.
- The CTHPB standard is equivalent to that of a LEED Silver Building Rating System.
- To the extent that the project budget will allow, the Architectural/Engineering firm will provide a design that will meet a LEED Gold Building Rating System with the intent of Certification.
- All building systems must be certified to have a minimum of a 20-year life expectancy.

The purpose of this RFQ process is to identify the most responsible qualified respondents. Following analysis of the responses to this RFQ, the Town intends to develop a list of prequalified firms who will be invited to participate in a subsequent Request for Proposals (“RFP”) for the Project. The selection procedure for this RFQ, the RFP, the interviews of finalists, and the notice of award to the most responsible qualified proposer is set forth in greater detail herein.

This RFQ is not a contract offer, does not provide a respondent with any rights, and does not impose on the Town any obligations.

Interested parties should submit a response in accordance with the requirements and directions contained in this RFQ. **Respondents are prohibited from contacting any Town employee, officer or official concerning this RFQ, except as set forth in Section 8, below. A respondent’s failure to comply with this requirement may result in disqualification.**

If there are any conflicts between the provisions of these Standard Instructions and any other documents comprising this RFQ, these Standard Instructions shall prevail.

## **2. SCOPE OF SERVICES**

The services to be provided shall include, but are not limited to, analyzing constructability, advising the Town on project delivery systems and forms of contracts, serving as a single point of contact between contractors and designers, representing the Town at key meetings, monitoring the project schedule and budget, auditing quality assurance/quality control procedures, assisting in evaluating contractor payment requests, providing monthly reporting, and facilitating issue resolution. The owner's representative will be expected to continue to provide all owner's representative services throughout the Project, including turnover, closeout, oversight of any warranty issues, commissioning, and State audit compliance. The Owner's representative shall be expected to include time and resources to coordinate and assist with a Post-Occupancy evaluation by the Owner's Commissioning Agent, no more than 12 months after Substantial Completion.

The Town anticipates that the provision services will include, but not necessarily be limited to, the tasks set out in Exhibit 2.4 to the Owner's Representative Agreement which is part of this RFQ. In submitting a response to this RFQ, the proposer should address its qualifications to provide and experience with the provision of such services.

## **3. MINIMUM AND PREFERRED QUALIFICATIONS**

The Town expects each respondent to meet at least the following minimum qualifications:

1. The owner's representative must have demonstrated experience as a construction manager, owner's representative, or architect in the completion at least two (2) school construction projects in Connecticut, with a budget of \$55-90 million or more each, in the last ten (10) years.
2. Preference will be given to respondents with demonstrated experience with providing such services in a project within an occupied school.
3. The owner's representative must have demonstrated owner's representative, project management, and/or construction management experience a minimum of \$150 million in State-approved projects.
4. The owner's representative must have demonstrated experience providing construction management, owner's representative, or architectural services to multiple public school districts in Connecticut.
5. The owner's representative must have demonstrated strong owner's representative and project management skills, including but not limited to, extensive construction experience, change order evaluation, critical path scheduling and budget oversight. The selected firm must demonstrate the ability to work collaboratively with towns, school boards, building committees, architects and construction managers.
6. The Project will be subject to requirements of the State of Connecticut Department of Administrative, Division of Construction Services Office of School Facilities and the Department of Education, Bureau of Grants Management. Candidates shall demonstrate

project experience working with and extensive knowledge of these agencies and their requirements.

The written response to this RFQ must also include the following information, which shall be used, among other criteria set forth in this RFQ and/or the RFP, as criteria for selecting firms from which to solicit RFP responses, finalists to be interviewed, and the firm ultimately selected as the most responsible qualified proposer who will serve as the owner's representative:

1. List the Connecticut school districts and projects for which the firm has provided complete Owner's Representative, construction oversight or Construction Management services. Include only current projects or projects completed within the last ten (10) years. Include specific information on projects (i.e. description, size, value, schedule, type of Owner's Representative Agreement), organizational structure with owner and current owner references, project's budget at start of project and completion of project, and project's anticipated completion date at start of project and when project was completed.
2. Describe experience with working with community and government on local and state level, particularly in the context of renovating as new an occupied school building and/or new school construction.
3. Indicate who will be providing mechanical, engineering, plumbing (MEP), building envelope knowledge, schedule and cost estimating capabilities if such services will be subcontracted. The Town reserves the right not to pursue cost estimating services.
4. Describe experience with defining and implementing The State of Connecticut High Performance Building Standards, the requirements for state grants and/or reimbursement from the State of Connecticut Department of Administrative, Division of Construction Services Office of School Facilities and the Department of Education, Bureau of Grants Management, and other laws and regulations applicable to Connecticut school construction.
5. Demonstrate understanding of and ability to meet owner's representative goals and ability to provide the scope of services set forth in this RFQ.
6. Describe experience working with "at risk" construction managers and a guaranteed maximum price ("GMP") contracts.
7. Describe experience working with architects, engineers, commissioning agents and other consultants during design and construction activities, particularly new school design.
8. Describe experience working on projects that have obtained LEED Gold or Silver certification.
9. Demonstrate successful experience with State audits of completed projects. Cite examples of a minimum of two (2) audited school projects, including the original budget for these projects and the final amount approved as eligible as a result of such State audits.

#### **4. RIGHT TO AMEND OR TERMINATE THE RFO**

The Town may, before or after the submission deadline and in its sole discretion, clarify, modify, amend or terminate this RFQ if the Town, in its sole discretion, determines it is in the Town's

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best interest. Any such action shall be effected by a posting on the Town's website, [www.Windham-ct.gov](http://www.Windham-ct.gov), under "Quick Links," "Bid Listings", as well as on the Windham School District website, [www.windhamps.org](http://www.windhamps.org) under "District Info", "Bids and RFPs", as well as on the State of Connecticut, Department of Administrative Services "DAS" website, [www.portal.ct.gov/das](http://www.portal.ct.gov/das) under "State Contracting Portal". **Each respondent is responsible for checking the Town's website to determine if the Town has issued any addenda and, if so, to complete its response in accordance with the RFQ as modified by the addenda.**

## 5. **KEY DATES**

**RFQ Submission Deadline:** November 27, 2018, 11:00 a.m.

## 6. **OBTAINING THE RFQ**

All documents that are a part of this RFQ may be found on the Town's website, [www.Windham-ct.gov](http://www.Windham-ct.gov), under "Quick Links" "Bid Listings" as well as on the Windham School District website, [www.windhamps.org](http://www.windhamps.org) under "District Info", "Bids and RFPs", as well as on the State of Connecticut, Department of Administrative Services "DAS" website, [www.portal.ct.gov/das](http://www.portal.ct.gov/das) under "State Contracting Portal".

## 7. **RESPONSE INSTRUCTIONS**

Responses must be received by email Attn: Wayne Donaldson, Director of Facilities at [wdonaldson@windham.k12.ct.us](mailto:wdonaldson@windham.k12.ct.us), or by mail addressed to: Windham Public Schools, 355 High Street, Unit B, Willimantic, CT 06226; Attn: Wayne Donaldson, Director of Facilities, no later than November 27, 2018 at 11:00 AM. Postmarks prior to the submission deadline do **NOT** satisfy this condition. The Town will not accept responses by e-mail or fax. Respondents are solely responsible for ensuring timely delivery. The Town will **NOT** accept late responses.

One (1) original and ten (10) hard copies, together with one (1) electronic copy by disc or USB drive, of all required documents and information must be submitted in sealed, opaque envelopes clearly labeled with the respondent's name, the respondent's address, the words "**RFQ DOCUMENTS**," and the **RFQ Title, RFQ Number, and RFQ Submission Deadline**. The Town may decline to accept responses received in unmarked envelopes that the Town opens in its normal course of business. The Town may, but shall not be required to, return such responses and inform the respondent that the documents may be resubmitted in a sealed envelope properly marked as described above. The names of each Respondent will be publicly read aloud on November 27, 2018 at 11:00 AM at 128G 355 High Street, Unit B, Willimantic, CT 06226 and the public is welcome to attend.

Responses may be withdrawn personally or in writing provided that the Town receives the withdrawal prior to the time and date of the response deadline. Responses are considered valid, and may not be withdrawn, cancelled or modified, for sixty (60) days after the response deadline, to give the Town sufficient time to review the responses, investigate the respondents' qualifications, secure any required municipal approvals, and take whatever additional steps the Town in its sole discretion deems to be in its best interests.

An authorized person representing the legal entity of the respondent must sign the response and all forms included in this RFQ.

Responses shall be organized and presented in the order listed below to assist the Town in reviewing them. Responses should be presented in sufficient detail to respond thoroughly to each requirement and expected service described in this RFQ:

- a. A Table of Contents, including clear identification of the material provided by section and number;
- b. A cover letter containing the respondent's interest in providing the owner's representative services and any other information that would assist the Town in making a selection;
- c. The name, telephone number, and e-mail address of the person to be contacted for further information or clarification;
- d. A background statement, including a description of the firm or individual submitting the proposal and the applicable State of Connecticut license numbers;
- e. A list of the respondent's staff members, a description of their background and experiences, and a description of role(s) they have been assigned in similar consulting arrangements;
- f. A complete list of similar professional service engagements during the most recent five (5) years, including the client name, and the client contact's name, address and telephone number. Please also identify by name and complete address all sub-consultants used to perform additional services;
- g. A description of the respondent's overall approach to addressing the Town's need for owner's representative services, including staff availability and the respondent's ability to respond timely to the Town's request for assistance. Such description should address the Minimum and Preferred Qualifications set forth in Section 3 as well as the Required Disclosures of Section 12;
- h. A concluding statement of the reasons the respondent believes it/he/she is best qualified to meet the Town's needs;
- i. The Background Disclosure Form attached to this RFQ and more fully described in Section 12 of these Standard Instructions;
- j. The Legal Status Disclosure Form attached to this RFQ and more fully described in Section 14 of these Standard Instructions; and
- k. The Statement of References Form attached to this RFQ and more fully described in Section 13 of these Standard Instructions.
- l. A statement confirming Respondent's receipt of all addenda issued in connection with this RFQ, including the date and issue number of each addendum.
- m. A statement describing Respondent's policy and procedure which will be utilize to satisfy the Town's CHRO, equal employment opportunity, affirmative action and diversity commitments, as set forth in Windham Town Council resolution no. 2730, as amended.

## 8. QUESTIONS AND AMENDMENTS

Questions concerning the process and procedures applicable to this RFQ or the other requirements of this RFP are to be submitted **in writing** (including by e-mail) and directed **only to**:

Name: Wayne Donaldson  
Department: Director of Facilities  
E-mail: [wdonaldson@windham.k12.ct.us](mailto:wdonaldson@windham.k12.ct.us)

**Respondents are prohibited from contacting any other Town employee, officer or official concerning this RFQ. A respondent's failure to comply with this requirement may result in disqualification.**

The appropriate Town representative listed above must receive any questions from respondents no later than close of business **on November 21, 2018**. That representative will confirm receipt of a respondent's questions by e-mail. The Town will answer all written questions by issuing one or more addenda, which shall be a part of this RFQ, containing all questions received as provided for above and decisions regarding same.

At least four (4) calendar days prior to response deadline, the Town will post any addenda on the Town web site, [www.Windham-ct.gov](http://www.Windham-ct.gov) "Quick Links", "Bids Listings", as well as the Windham School District website, [www.windhamps.org](http://www.windhamps.org) under "District Info", "Bids and RFPs", as well as on the State of Connecticut, Department of Administrative Services "DAS" website, [www.portal.ct.gov/das](http://www.portal.ct.gov/das) under "State Contracting Portal".

**Each respondent is responsible for checking the website to determine if the Town has issued any addenda and, if so, to complete its response in accordance with the RFQ as modified by the addenda.**

No oral statement of the Town, including oral statements by the Town representatives listed above, shall be effective to waive, change or otherwise modify any of the provisions of this RFQ, and no respondent shall rely on any alleged oral statement.

## 9. ADDITIONAL INFORMATION

The Town reserves the right to ask any respondent to clarify its response or to submit additional information that the Town in its sole discretion deems desirable.

## 10. COSTS FOR PREPARING RESPONSE

Each respondent's costs and expenses incurred in developing its response are its sole responsibility, and the Town shall have no liability for such costs.

## 11. OWNERSHIP OF RESPONSES

All responses become the Town's property and will not be returned to respondents. Such responses may be subject to the provisions of the Connecticut General Statutes sec. 1-210 (Freedom of

Information).

## **12. REQUIRED DISCLOSURES**

In its Background Disclosure Form each respondent must disclose, if applicable:

- Its inability or unwillingness to meet any requirement of this RFQ, including but not only any of the anticipated future RFP contract terms contained in Section 17, below;
- If it is listed on the State of Connecticut's Debarment List;
- If it is ineligible, pursuant to Conn. Gen. Stat. § 31-57b, to be awarded a contract because of occupational safety and health law violations;
- All resolved and pending arbitrations and litigation matters in which the respondent or any of its principals (regardless of place of employment) has been involved within the last ten (10) years;
- All criminal proceedings in which the respondent or any of its principals (regardless of place of employment) has ever been the subject; and
- Each instance in which it or any of its principals (regardless of place of employment) has ever been found to have violated any federal, state or local ethics law, regulation, ordinance, code, policy or standard, or to have committed any other offense arising out of the submission of proposals or bids or the performance of work on public works projects or contracts.

A respondent's acceptability based on these disclosures lies solely in the Town's discretion.

## **13. REFERENCES**

Each respondent must complete and submit the Statement of References Form included in this RFQ.

## **14. LEGAL STATUS**

Each respondent must complete and submit the Legal Status Disclosure Form included in this RFQ. If a respondent is a corporation, limited liability company, or other business entity that is required to register with the Connecticut Secretary of the State's Office, it must have a current registration on file with that office. The Town may, in its sole discretion, request acceptable evidence of any respondent's legal status.

## **15. EVALUATION CRITERIA AND SELECTION PROCESS**

The Town reserves the rights to amend or terminate this RFQ, to reject any or all respondents, to request additional information, to waive any informalities or non-material deficiencies in a response, and to take any and all other action that, in the Town's sole judgment, will be in its best interests.

The process by which the owner's representative is selected shall comply with Connecticut General Statutes § 10-287. Following analysis of the responses to this RFQ, including but not limited to an evaluation of each respondent's responsiveness and ability to satisfy the Minimum and Preferred Qualifications set forth in Section 3 of this RFQ, the Town intends to develop a list of prequalified firms who will be invited to participate in a subsequent request for proposals ("RFP") for the Project, which RFP shall include but not be limited to fee proposals. **Fee proposals shall be submitted by each Respondent in a sealed envelope.** Respondents will be required to display how its fee proposal is allocated per each phase of the project. Respondents also should be expected to provide a proposal, with a fee structure, for assistance and continuity after completion of the work, for a period not to exceed two (2) years.

Town will evaluate proposals to determine a pool of not more than four (4) most responsible qualified proposers to be interviewed. The factors to be considered by the Town in evaluating responses shall include, but not be limited to: due consideration of the proposer's pricing for the project; qualifications and ability to provide the services and expertise requested; ability to respond promptly to requests; experience with work of similar size and scope as required for the order or contract; organizational and team structure for the order or contract; past performance data, including, but not limited to, adherence to project schedules and project budgets and the number of change orders for projects; the approach to the work required for the contract and documented contract oversight capabilities; and such other criteria relevant to the Town's best interests, in the Town's sole discretion, including a respondent's accuracy, overall quality, thoroughness, responsiveness and compliance with the requirements of this RFQ and/or the RFP. The Town will not select a respondent who is in arrears or in default to the Town with regard to any tax, debt, contract, security or any other obligation. Final selection by the Town is limited to the pool of the four (4) most responsible qualified proposers and shall include consideration of all criteria included within this RFQ and the RFP.

Following the receipt and evaluation of the RFQ and RFP responses and criteria, and the interviews of up to four (4) most responsible qualified proposers, the Town may issue a Preliminary Notice of Award to the finalist it deems to be the most responsible qualified proposer (the "Successful Proposer"). The term "most responsible qualified proposer" means the proposer who is qualified by the Town when considering price and the factors necessary for faithful performance of the work based on the criteria and scope of work included in the RFP.

The Preliminary Notice of Award may be subject to further negotiations with the Successful Proposer. **The making of a Preliminary Notice of Award to a Successful Proposer does not provide such proposer with any rights and does not impose upon the Town any obligations. The Town is free to withdraw a Preliminary Notice of Award at any time and for any or no reason whatsoever. No proposer shall have rights, nor shall the Town have any obligation to a proposer, unless and until a contract is executed by the Town and such proposer.** If the Successful Proposer does not provide all required documents and execute the contract within 30 business days of the date of the Preliminary Notice of Award, unless extended by the Town, the Town may enter into discussions with another proposer without the requirement of re-bidding the Project or re-soliciting RFQ and/or RFP responses.

## **16. COMPLIANCE WITH IMMIGRATION LAWS**

By submitting a response, a respondent represents that it currently complies, and during the term of a contract resulting from an RFP will comply, with the Immigration Reform and Control Act

("IRCA") and that each person it provides under any such future contract will at all times be authorized for employment in the United States of America. Each respondent confirms that it has a properly completed Employment Eligibility Verification, Form I-9, for each person who will be assigned under any contract resulting from an RFP and that it will require each subcontractor, if any, to confirm that it has a properly completed Form I-9 for each person who will be assigned under such contract.

## **17. CONTRACT TERMS**

As stated above, the purpose of this Request for Qualifications process is to identify the most responsible qualified respondents.

The owner's representative selected by the Town shall be expected to enter into a written agreement with the Town as set forth in the Attachment. If a respondent is unwilling or unable to meet any of the contract terms, the respondent must disclose that inability or unwillingness in its Background Disclosure Form and the reason(s) therefore (see Section 12 of these Standard Instructions). The Town reserves the right to modify or include other provisions in its contracts as the Town, in its sole discretion, deems necessary or advisable in a given RFP. The Agreement shall require the insurance requirements attached hereto.

Prior to contract execution, the Town will require the Successful Proposer to provide a current statement from the State Treasurer that, to the best of the State Treasurer's knowledge and belief, as of the date of the statement, the Successful Proposer was not liable to the State for any workers' compensation payments made pursuant to Conn. Gen. Stat. § 31-355.

**END OF STANDARD INSTRUCTIONS**

## TOWN OF WINDHAM, CONNECTICUT

### INSURANCE REQUIREMENTS

#### RFO #11-5-18 OR

The Successful Proposer shall agree to maintain in force at all times during which services are to be performed the following coverages placed with company(ies) licensed by the State of Connecticut that have at least an "A-" VIII policyholders rating according to Best Publication's latest edition Key Rating Guide.

		(Minimum Limits)
General Liability*	Each Occurrence	\$2,000,000
	General Aggregate	\$5,000,000
	Products/Completed Operations Aggregate	\$2,000,000
Auto Liability*	Combined Single Limit	
	Each Accident	\$2,000,000
Professional Liability	Each Claim or Each Occurrence	\$1,000,000
	Aggregate	\$1,000,000
Umbrella* (Excess Liability)	Each Occurrence	\$9,000,000
	Aggregate	\$9,000,000

\* "The Town of Windham" shall be named as "Additional Insured". Coverage is to be provided on a primary, noncontributory basis.

If any policy is written on a "Claims Made" basis, the policy must be continually renewed for a minimum of two (2) years from the completion date of the contract. If the policy is replaced and/or the retroactive date is changed, then the expiring policy must be endorsed to extend the reporting period for claims for the policy in effect during the contract for two (2) years from the completion date.

Workers' Compensation and Employers' Liability	WC Statutory Limits	
	EL Each Accident	\$1,000,000
	EL Disease Each Employee	\$1,000,000
	EL Disease Policy Limit	\$1,000,000

Original, completed Certificates of Insurance must be presented to the Town prior to purchase order/contract issuance. The Successful Proposer agrees to provide replacement/renewal certificates at least 60 days prior to the expiration of any policy. Should any of the above described policies be cancelled before the expiration date, written notice must be given to the Town 30 days prior to cancellation. No provision of this paragraph shall be construed or deemed to limit respondent's obligations under this Agreement to pay damages or other costs or expenses. All of the insurance requirements set forth in this paragraph shall apply to any subcontractors hired by respondent to perform any of its obligations hereunder unless specifically requested by the respondent and approved by the Department in a lesser amount. Owner reserves the right to require any additional insurance coverage for any specific work to be performed by any of respondent's subcontractors.

### **END OF INSURANCE REQUIREMENTS**

TOWN OF WINDHAM, CONNECTICUT

**BACKGROUND DISCLOSURE FORM**

**RFQ # 11-5-18 OR**

RESPONDENT'S FULL LEGAL NAME: \_\_\_\_\_

**REQUIRED DISCLOSURES**

1. **Exceptions to the RFQ**

\_\_\_\_\_ This response does not take exception to any requirement of the RFQ, including but not only any of the Contract Terms set forth in Section 17 of the Standard Instructions.

OR

\_\_\_\_\_ This response takes exception(s) to certain of the RFQ requirements, including but not only the following Contract Terms set forth in Section 17 of the Standard Instructions. **Attached is a sheet fully describing each such exception.**

2. **State Debarment List**

Is the respondent on the State of Connecticut's Debarment List?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

3. **Occupational Safety and Health Law Violations**

Has the respondent or any firm, corporation, partnership or association in which it has an interest (1) been cited for three (3) or more willful or serious violations of any occupational safety and health act or of any standard, order or regulation promulgated pursuant to such act, during the three-year period preceding the submission (provided such violations were cited in accordance with the provisions of any state occupational safety and health act or the Occupational Safety and Health Act of 1970, and not abated within the time fixed by the citation and such citation has not been set aside following appeal to the appropriate agency or court having jurisdiction) or (2) received one or more criminal convictions related to the injury or death of any employee in the three-year period preceding the response?

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

If “yes,” attach a sheet fully describing each such matter.

4. Arbitration/Litigation

Has either the respondent or any of its principals (regardless of place of employment) been involved for the most recent ten (10) years in any resolved or pending arbitration or litigation? Please include pending matters, as well as matters that have been resolved through withdrawal, settlement and/or arbitration award and/or court judgment.

Yes  
 No

If “yes,” attach a sheet fully describing each such matter.

5. Criminal Proceedings

Has the respondent or any of its principals (regardless of place of employment) ever been the subject of any criminal proceedings?

Yes  
 No

If “yes,” attach a sheet fully describing each such matter.

6. Ethics and Offenses in Public Projects or Contracts

Has either the respondent or any of its principals (regardless of place of employment) ever been found to have violated any federal, state or local ethics law, regulation, ordinance, code, policy or standard, or to have committed any other offense arising out of the submission of proposals or bids or the performance of work on public works projects or contracts?

Yes  
 No

If “yes,” attach a sheet fully describing each such matter.

BY \_\_\_\_\_  
(PRINT NAME)

TITLE: \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE)

DATE: \_\_\_\_\_

**END OF BACKGROUND DISCLOSURE FORM**

**TOWN OF WINDHAM, CONNECTICUT**

**LEGAL STATUS DISCLOSURE FORM**

**RFQ #11-5-18 OR**

Please fully complete the applicable section below, attaching a separate sheet if you need additional space.

For purposes of this disclosure, “permanent place of business” means an office continuously maintained, occupied and used by the respondent’s regular employees regularly in attendance to carry on the respondent’s business in the respondent’s own name. An office maintained, occupied and used by a respondent only for the duration of a contract will not be considered a permanent place of business. An office maintained, occupied and used by a person affiliated with a respondent will not be considered a permanent place of business of the respondent.

**IF A SOLELY OWNED BUSINESS:**

Respondent’s Full Legal Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different from Street Address)

Owner’s Full Legal Name

Number of years engaged in business under sole proprietor or trade name \_\_\_\_\_

Does the respondent have a “permanent place of business” in Connecticut, as defined above? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please state the full street address (not a post office box) of that “permanent place of business.”

\_\_\_\_\_

**IF A CORPORATION:**

Respondent’s Full Legal Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different from Street Address)

Owner’s Full Legal Name

Number of years engaged in business

Names of Current Officers

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chief Financial Officer

Does the respondent have a “permanent place of business” in Connecticut, as defined above?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes, please state the full street address (not a post office box) of that “permanent place of business.”

\_\_\_\_\_

**IF A LIMITED LIABILITY COMPANY:**

Respondent’s Full Legal Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different from Street Address)

Owner’s Full Legal Name

Number of years engaged in business

Names of Current Manager(s) and Member(s)

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Residential Address (street only)

Does the respondent have a “permanent place of business” in Connecticut, as defined above?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes, please state the full street address (not a post office box) of that “permanent place of business.”

\_\_\_\_\_

**IF A PARTNERSHIP:**

Respondent’s Full Legal Name \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different from Street Address)  
Owner's Full Legal Name

Number of years engaged in business \_\_\_\_\_

Names of Current Partners

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Residential Address (street only)

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Residential Address (street only)

Does the respondent have a "permanent place of business" in Connecticut, as defined above?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please state the full street address (not a post office box) of that "permanent place of business."

\_\_\_\_\_

\*\*\*\*\*

\_\_\_\_\_  
Respondent's Full Legal Name

\_\_\_\_\_  
(print)  
Name and Title of Respondent's Authorized Representative

\_\_\_\_\_  
(signature)  
Respondent's Representative, Duly Authorized

\_\_\_\_\_  
Date

**END OF LEGAL STATUS DISCLOSURE FORM**

**TOWN OF WINDHAM, CONNECTICUT**

**STATEMENT OF REFERENCES FORM**

**RFQ # 11-5-18 OR**

Provide at least three (3) references:

1. BUSINESS \_\_\_\_\_ NAME  
ADDRESS \_\_\_\_\_  
CITY, \_\_\_\_\_ STATE  
TELEPHONE: \_\_\_\_\_  
INDIVIDUAL CONTACT NAME AND POSITION \_\_\_\_\_  
\_\_\_\_\_

2. BUSINESS NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_  
INDIVIDUAL CONTACT NAME AND POSITION \_\_\_\_\_  
\_\_\_\_\_

3. BUSINESS NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_  
INDIVIDUAL CONTACT NAME AND POSITION \_\_\_\_\_  
\_\_\_\_\_

**END OF STATEMENT OF REFERENCES FORM**