# **REQUEST FOR QUALIFICATIONS & PROPOSALS**

# GENERAL CONTRACTOR / CONSTRUCTION MANAGER SERVICES

# **INDOOR PRACTICE FACILITY**

MONTANA STATE UNIVERSITY
Bozeman, Montana
PPA# 22-0699
AE# 2023-02-16

# **University Facilities Management**

Montana State University PO Box 172760 Bozeman, MT 59717-2760

September 2023

#### I. INTRODUCTION

Montana State University ("Owner") is seeking to obtain general contractor / construction manager ("GC/CM") services from a qualified construction firm to participate in a collaborative process with the Owner and designer to undertake pre-construction services and construction services for the MSU Indoor Practice Facility.

Firms will need to provide two (2) separate deliverables; an RFQ deliverable and an RFP deliverable. The RFQ deliverable shall contain all information under Section V, A only to show Firms meet the minimum qualification requirements. The RFP deliverable shall contain all items identified in Section V, B-D. Only firms that meet the minimum qualifications requirements per their RFQ deliverable will continue in the selection process. Those that do not will have their RFP deliverable returned to them, unevaluated.

The Owner intends to enter into a GC/CM Contract for Pre-Construction Services. This GC/CM contract will include a maximum pre-construction services fee, GC/CM fee percentage and fixed costs for general conditions. This GC/CM contract has provisions for adding construction services through acceptance of a Guaranteed Maximum Price (GMP) by contract amendment. The amendment would include construction services through completion of the Project. Alternatively, Owner may, at its sole discretion, choose not to continue the GC/CM contract beyond the completion of pre-construction activities and solicit bids from qualified contractors for the construction of the project.

The Owner will use the RFQ/RFP process to evaluate each of the respondent's qualifications. The Owner will only review the RFP deliverable for the GC/CM firms deemed as qualified based on the RFQ deliverable. Final selection will be determined from the deliverables submitted in response to the RFQ/RFP document, interviews, and any other information sought by the Owner to assess a firm's ability to complete the project as required. References may or may not be checked at the Owner's sole discretion.

The process for the final development of the design and delivery of the Project will be a collaborative process. When selected, the GC/CM will function as part of a team composed of the Owner, Architect(s), Consultants, and others as determined by the Owner.

This RFQ/RFP shall not commit the Owner to enter into any agreement, to pay any expenses incurred in preparation of any response to this request, or to procure or contract for any supplies, goods, or services. The Owner reserves the right to accept or reject any and all responses received as a result of this RFQ/RFP if it is in the Owner's best interest to do so.

This Procurement is governed by the laws of the State of Montana and venue for all legal proceedings shall be the City of Helena, Lewis & Clark County.

By offering to perform services under this procurement, all respondents agree to be bound by the laws of the State of Montana, and including, but not limited to, applicable wage rates, payments, gross receipts taxes, building codes, equal opportunity employment practices, safety, etc.

The state of Montana makes reasonable accommodations for any known disability that may interfere with an applicant's ability to compete in the bidding and/or selection process. In order for the state to make such accommodations, applicants must make known any needed accommodation to the individual project managers or agency contacts listed in the contract documents. Persons using TDD may call the Montana Relay Service at 1-800-253-4091.

#### II. PROJECT BACKGROUND AND DESCRIPTION

#### **Introduction, Project Location, Site, and Design Considerations**

To ensure continued competitive excellence in Bobcat Athletics, MSU plans to construct an indoor practice facility on the Bozeman campus. The facility will serve a critical role for improving safety and continuity of operations for Bobcat Athletics programs. Consistent with the goals identified in the 2017 Athletics Facilities Master Plan, MSU requires additional indoor space to best serve its Athletics programs. This facility will allow MSU Athletics to operate effectively throughout the harsh Montana winters, provide cover from extreme weather events, and create safer competition and practice space during wildfire smoke season. The building will produce new opportunities for more flexible scheduling of other sports facilities on the MSU Bozeman campus and will be a critical new asset in MSU's portfolio of practice and competition spaces.

Preliminary planning by the University has identified a preferred site location to the southwest of Bobcat Stadium in the area of the current MSU plant nursery and irrigation reservoir. Initial studies have identified approximately 65,000 gross square feet of space will be needed for the facility and should include a large turf field along with potential track and field space in a high-volume facility with adjacent storage space, restrooms, and changing rooms, along with a welcoming lobby area. MSU intends to pursue a building with a steel frame structure and tensioned fabric shell based on preliminary studies and will assess opportunities for sustainable design.

The owner has engaged the services of 45 Architecture for design of the project. The owner and designer are seeking a GCCM partner to best manage complexity, schedule, and budget in the best interest of the University and the donors who will be funding the project.

The project is presently authorized up to \$1.5MM by BOR Item 203-2014-R1122 for planning and design only. The project has received \$15MM of authority-only for the construction of the

project in House Bill 5 from the 68<sup>th</sup> legislature. The BOR will be requested to match the construction authority provided in HB5. A total project cost of \$15MM is currently budgeted.

The following is the intended timeline for the project:

#### GC/CM Selection:

RFQ/RFP Posted: September 11, 2023

Pre-Submission Meeting (video conference) September 21, 2023 (time TBD) \*

Last Date for Questions: September 26, 2023

Receipt of Deliverables (RFQ & RFP): 2:00 p.m. on October 3, 2023

Review & Short-Listing by Committee: October 6, 2023
Interviews: October 19, 2023

Final Selection: Week of October 23, 2023

# Design/Construction:

Completion of SD set:

Completion of DD set:

Completion of CD set:

GMP Established:

Commence Construction:

October 2023

December 2023

February 2024

March 2024

April 2024

Construction Complete: Fall/Winter 2024
Commission & Move-In: Winter 2024/2025

#### III. SCOPE OF PRE-CONSTRUCTION SERVICES

Firms receiving this RFQ/RFP shall propose a maximum Pre-Construction services fee for the project. All Pre-Construction services will be provided on a cost-reimbursement basis up to the stated maximum. The specific scope, terms, and cost of Pre-Construction services may be negotiated prior to signing the final GC/CM pre-construction services contract, based on the proposer's input as well as the owner's requirements. In general, services are anticipated to include the following:

#### 1. General goals

- Serve as a partner to the design team and provide preconstruction guidance
- Develop and update schedules, estimates, and action-plans at scheduled milestones
- Guide decisions regarding phasing/sequencing of the project to optimize quality, schedule, and budget
- Strategically approach the subcontractor market with a focus on providing quality,
   schedule, and budget value to the owner

<sup>\*</sup>Please request log-in information from the MSU Project Manager if interested in joining the pre-submission meeting.

- Provide timely information, estimates, and schemes to inform project decisions, and participate in decisions regarding construction materials, methods, systems, phasing, sustainability, etc. to assist in determinations which are aimed at providing the highest quality building, within the budget, schedule, and other constraints.

#### 2. Quality assurance

- Partner with design team to improve design through constructability reviews
- Provide design team with collaborative input on design decisions that impact construction quality
- Complete thorough visual and invasive investigations of existing conditions and strategically plan for challenges
- Complete reviews of adjacent site use and strategically plan for impacts
- Actively participate throughout the design process to ensure establishing EWAs and the GMP are acceptable and within budget. Postponing design analysis until the moment of establishing EWAs or the GMP is not acceptable and not in keeping with the intent of this process.

#### 3. Scheduling and coordination

- Provide design team with collaborative input on design decisions that impact construction schedule
- Develop clear construction staging and impact maps, diagrams, schedules, and plans accounting for site challenges
- Develop clear communication of impacts and schedules to stakeholders and site users
- Guide design team to make changes beneficial to smooth on-boarding of subcontractors
- Work with the Owner and design team on phasing, scheduling, and other strategies to complete construction of this scale of project <u>on or before</u> the agreed upon date.
   Advance bid packages and early work amendments prior to establishing a GMP are an acceptable strategy.
- Provide input to the Owner and the design team regarding long lead time materials and equipment, impact on the construction schedule, and strategies for mitigating the impact
- Develop preliminary construction schedule(s)

## 4. Budgeting and estimating

- Provide design team with collaborative input on design decisions that impact construction budget
- Complete thorough and accurate line-item cost estimating throughout preconstruction
- Provide input on current market climate and economic conditions
- Balance budget and schedule with needs of users
- Evaluate budget and make suggestions for cost-saving changes or value enhancements
- Collaborate on GC/CM budget comparisons with the design team's cost estimates

#### 5. Bidding process

- Develop detailed and well-organized bid packages in coordination with design team
- Advertise, manage, and obtain bids per trade for Owner review
- Lead and manage bid package opening and tally results for review
- Manage any bid package amendments and communicate revisions to bidders
- If necessary, and upon execution of any Early Work Amendment prior to a GMP agreement, undertake all EWA bid packages, early material procurement, site preparation, and/or advanced construction work
- Clearly define scope, scope gaps, exclusions, and bid packages to keep GC/CM allowances in the GMP to a minimum

#### IV. SCOPE OF CONSTRUCTION SERVICES

The GMP may be requested, at the Owner's sole discretion:

- During the Construction Documents phase and prior to buy-out/bidding most or all the bid packages.
- After completion of the Construction Documents and prior to buy-out/bidding most or all the bid packages; or,
- After buy-out/bidding most or all the bid packages.

The established GMP (inclusive of all EWAs) will be the maximum amount paid for the construction of the project unless scope changes are requested by the Owner. Acceptance of the GMP by contract amendment will constitute completion of Pre-Construction Services, and the GMP Amendment will initiate the construction period for the project where the firm will take the role as General Contractor and Construction Manager as defined in the Pre-Construction Services Conditions.

At the time of execution of the GMP Amendment (inclusive of all EWAs), the GC/CM will be required to submit a 100% Performance and 100% Labor & Materials bond for the completion of the specified project. In the event that the GC/CM is unable to furnish an acceptable GMP or bonding, the Owner retains the option to cancel the GC/CM's services and start a new process for the construction of the project, issue the project for award to the lowest responsible bidder, or terminate the contract and negotiate a replacement contract with the next highest rated proposer from this solicitation.

The project is subject to State of Montana Prevailing Wage Rates which can be found online through the Department of Labor and Industry. The selected Contractor will be required to comply (as a minimum allowable rate schedule) with those rates adopted and effective at the time of signing any EWA and the GMP Amendment. All reporting, documentation, etc. shall comply per the State of Montana requirements. This project is subject to all State requirements as outlined in the Montana Code Annotated (MCA).

#### V. SELECTION PROCEDURE

Under this RFQ/RFP, the selection procedure is intended to evaluate the capabilities of interested GC/CM firms to provide services to the Owner for this project. Proposers must comply with the mandatory requirements provided below and proposals that do not contain the required documentation may be deemed non-responsive and will be rejected on that basis without further consideration or obligation of the Owner.

The selection committee will establish a consensus rating of each category of each firm's proposal based on the overall merit of the written proposals in accordance with the criteria listed below. Interviews with the proposed teams are intended to be held according to the schedule provided above. The GC/CM will be selected by the committee based on the overall merit of its RFQ response, RFP proposal response, references, interviews, and information obtained from any other reliable source(s). The Owner may or may not complete reference checks and other evaluation processes at its sole discretion.

#### Selection Committee members are:

<u>Person</u>	Representing/Responsibility	Selection Process Role		
Evan Burnett	University Architect, MSU PDC	Scoring Member		
Ara Meskimen	Project Manager, MSU PDC	Scoring Member		
Leon Costello	Director of Athletics, MSU	Scoring Member		
Chris Hayden	Director of Event Services, MSU	Scoring Member		
Ben Erickson	Principal, 45 Architecture	Scoring Member		
Bob Warfle	State of Montana	Advisor		
Grant Petersen	Director of Planning, Design & Construction, MSU	Advisor		

#### **RFQ** Deliverable

The RFQ deliverable will be reviewed on a Pass/Fail scale. Any submission that does not meet all of the minimum qualification requirements will render the submitter unqualified to continue in the process and will have their RFP deliverable returned to them.

A. RFQ Deliverable – Qualification Categories	Rating:	Weight:	<b>Total Possible Score:</b>
1. Signature of Officer or Principal			PREREQUISITE
2. Bonding Capacity			PREREQUISITE
3. Safety			PREREQUISITE
4. MT Construction Contractor Registration			PREREQUISITE

#### **RFP Deliverable**

Non-prerequisite criteria will be rated on a scale of 0 through 10 (10 being highest rating) by the selection committee and weighted in accordance with the importance of each item. Ratings will be determined by consensus scoring of the selection committee as recommended in "Best Practices for Use of Best Value Selections," a joint publication of the National Association of

State Facilities Administrators (NASFA) and the Associated General Contractors of America (AGC).

B. RFP Deliverable – Evaluation Categories	Rating:	Weight:	Total Possible Score:
1. Signature of Officer or Principal			PREREQUISITE
2. Legal and Financial Information	0-10	5	50
3. Firm Approach & Workload	0-10	10	100
4. Relevant GC/CM Experience	0-10	5	50
5. Project Specific Team & Strategy/Approach	0-10	15	150
6. Proposed Fees and Costs	0-10	5	50
		TOTAL:	400

CAUTION: Firms shall NOT propose either verbally or in writing any form of donations, contributions, gifts, assistance, or offsets, or that could have the appearance of such. Doing so may result in disqualification.

#### A. Minimum Qualification Requirements (RFQ Deliverable)

#### 1. Signature

Statement of qualifications must be signed by an officer or principal of the firm. The signature requirement for the RFQ/RFP response may be satisfied by the signature of a corporate officer or principal of the responding firm on a cover letter submitted WITH the RFQ/RFP response.

# 2. **Bonding Capacity**

It is required that the proposing firm have single-project bonding capacity for the project. The responding firm must have a single project capacity of at least \$15MM.

- a. Provide single-project and aggregate bonding program amount. Please note that bonding capacity is a requirement that, if not met, will preclude the proposer from moving forward in the selection process.
- b. In addition to proof of bonding capacity, please provide:
  - i. Bonding company and agent with phone and email contact information
  - ii. Years of relationship
  - iii. If less than 5 years, or not your exclusive source, name all others used in the last 5 years and provide additional explanation regarding transitions or changes

#### 3. **Safety**

- a. Provide incidence rate, experience modification rate, AND loss ratio. The following thresholds may result in immediate disqualification:
  - An incidence rate greater than the latest average for non-residential building construction for Montana as established by the federal Bureau of Labor Statistics (BLS) for the prior year; or

- ii. An experience modification rating (EMR) greater than 1.0
- iii. A loss ratio of more than 100%
- iv. Proposer may submit an explanation for incident rate, EMR, and/or loss ratio greater than those listed here for further consideration by the Owner. The Owner reserves the sole right to waive the pass/fail requirement if, in the Owner's sole judgment, sufficient justification exists for any explanation provided. The Owner also reserves the right to request additional information and/or clarification on this item but is not obligated to do so prior to making its determination on whether or not to waive the requirement.
- b. Provide your firm's number of employees for BLS's most recent reporting period and the firm's applicable NAICS code.

#### 4. Montana Construction Contractor Registration

a. Provide evidence of a valid Montana Contractor Registration in good standing.

#### B. Proposal Requirement (RFP Deliverable)

# 1. Signature

Statement of qualifications must be signed by an officer or principal of the firm. The signature requirement for the RFQ/RFP response may be satisfied by the signature of a corporate officer or principal of the responding firm on a cover letter submitted WITH the RFQ/RFP response.

#### 2. Legal & Financial Information

In the last five years, have you (if you answer "yes," provide full explanation):

- a. Had an Owner claim against your Performance Bond?
- b. Been declared in default and/or terminated on a project?
- c. Assessed damages for delay in delivery of project?
- d. Taken legal action, filed liens, or dispute resolution proceedings of any kind against an Owner for anything other than non-payment for accepted work?

#### 3. Firm Approach & Workload

Identify any unique capabilities, characteristics, technology and/or techniques that make your firm standout above the competitors on this Project.

- a. How would the selection of your firm add value to the Project?
- b. What is your firm's approach to dealing with the current labor shortage and material unavailability?

#### 4. Relevant GC/CM Experience

List two (2) similar projects demonstrating experience and capacity to function as a GC/CM (or CM at Risk) on new, large-span structures with similar construction challenges along with references for each. For each project, provide the following:

- a. Total Pre-Construction services fee, hours, and duration
- b. Contract completion date versus actual completion date
  - If the project was not completed by the original contract date, explain why and the strategies your team implemented to minimize the delay.
  - ii. If the project was completed ahead of schedule, describe the factors that enabled early completion

### 5. Project Specific Team & Strategy/Approach

Provide information relevant to how your firm would best address this specific project.

- a. Describe your firms approach to self-performed work and how it would benefit the Project.
- b. Explain your firm's approach to establishing a target value design for this project and how the firm will responsibly manage to those target values through all project phases.
- c. Provide strategies your firm would explore using for this project type to maximize competitive pricing while maintaining budget and keeping on schedule.
- d. Describe your firm's approach to adequately staffing the Project with appropriately experienced individuals. List the staff your firm anticipates assigning to the project including (but is not limited to): Principal, Project Manager, Superintendent, Estimator, Project Engineer. For each, provide:
  - i. Role/responsibility on the Project
  - ii. Primary office location
  - iii. Experience and how it is relevant to this Project.
  - iv. Provide references with contact information for each team member's last three projects in a similar role. (The Owner may or may not perform reference checks at their sole discretion)

Please note: A key personnel clause will be included in the GC/CM contract. This clause will require the project team for the selected GC/CM firm identified in this proposal to be fully and completely engaged to the extent stipulated throughout the duration of this project, except for catastrophic events (e.g. termination employment, illness, accident, death).

#### 6. Proposed Fees & Costs

Provide the following information assuming a \$15MM total project cost and an urgent project schedule as previously indicated.

- a. Maximum, not-to-exceed Pre-Construction Services Fee
- b. Hourly rates and total hours for personnel assigned and other/travel expenses for each as a separate attachment.
- c. Your firm's GC/CM fee percentage
- d. Complete the GMCR worksheet

- It is the Owner's intention to use these unit prices/rates for proposal evaluation and as a basis for negotiating a contractual, maximum fixed costs for General Conditions upon final establishment of the phased construction durations and total project scope.
- ii. Items covered in the GC/CM fee must be clearly identified in the GMCR worksheet
- e. Indirect Expenses percentages for
  - i. Performance & Payment Bonds
  - ii. General Liability & Auto/Vehicle Insurance
  - iii. Builder's All-Risk Property Insurance.
- f. Method of Adjustment for Change Orders:

#### C. Business Entitles Other than Corporations

 If submitting as a Partnerships/Joint-Venture, please contact the State A&E Division for additional information and specific requirements PRIOR to the expiration of the Last Date for Questions.

#### VI. SELECTION OF SUBCONTRACTORS AND SUPPLIERS

Selection of subcontractors and suppliers shall be performed in the manner provided in the contract documents and at the appropriate stage/phase of the design and construction process.

#### VII. SUBMITTAL OF INFORMATION

Firms will need to provide two (2) separate deliverables; an RFQ deliverable and an RFP deliverable. Only firms that meet the minimum qualifications requirements per their RFQ deliverable will continue in the selection process. Those that do not will have their RFP deliverable returned to them unopened.

An electronic version in PDF format of the response to this RFQ/RFP (one RFQ file, one RFP file) must be <u>received</u> at:

# **University Facilities Management**

PO Box 172760
Bozeman, MT 59717-2760

ara.meskimen@montana.edu AND pdc@montana.edu

By 2:00 p.m. on October 3, 2023

ALL **QUESTIONS** AND CONTACTS REGARDING THIS RFQ/RFP MUST BE SUBMITTED **IN WRITING OR EMAIL** NO LATER THAN **September 26, 2023**, TO:

Ara Meskimen, MSU Project Manager

ara.meskimen@montana.edu AND pdc@montana.edu

University Facilities Management

Montana State University

PO Box 172760

Bozeman, MT 59717-2760

#### VIII. INSTRUCTIONS TO PROPOSERS

#### Proposals must:

- 1. Follow the format outlined above
- 2. Contain all information requested as outlined above
- 3. Be contained in a clear, concise document:
  - a. RFQ Deliverable not to exceed fifteen (15) sheets total
  - b. RFQ Deliverable not to exceed forty (40) sheets total

A separate transmittal letter, cover page, cover sheets, and dividers are exempted from the page limit. Page size is limited to  $8-l/2 \times 11$  inches, with basic text information no smaller than 12-point type.

#### CLAIMS FOR TRADE SECRET AND/OR CONFIDENTIALITY:

Public agencies in Montana are required by Montana law to permit the public to examine documents that are kept or maintained by public agencies, other than those legitimately meeting the provisions of Montana's Uniform Trade Secrets Act, Mont. Code Ann. §§ 30-14-401, et seq., and that the State is required to review claims of trade secret confidentiality.

Information separated out under this process will be available for review only by the procurement officer, the evaluator/evaluation committee members, and limited other designees. Offerors shall pay all of its legal costs and related fees and expenses associated with defending a claim for confidentiality should another party submit a "right to know" (open records) request.

For a claim of confidentiality to be considered by a public agency, all trade secret confidentiality information must be segregated and be accompanied by the Trade Secret Confidentiality Affidavit available <a href="http://vendorresources.mt.gov/VendorForms">http://vendorresources.mt.gov/VendorForms</a>.

This affidavit must be fully completed and submitted to the State along with the RFQ/RFP, and the following conditions must be met:

- a) Confidential information (including any provided in electronic media) to be withheld under a claim of confidentiality must be clearly marked and separated from the rest of the qualifications or proposal;
- b) the qualification or proposal may not contain trade secret matter or confidential information related to the cost or price; and,
- c) a full explanation of the validity of this trade secret claim attached to the affidavit.

#### IX. INTERVIEWS

Interviews of the finalist GC/CMs' proposed project teams are scheduled for the week of October 19, 2023, at MSU Bozeman campus. Each finalist firm will be notified of the specific time for their interview.

Interviews are anticipated to be approximately 60 minutes in length with 15 minutes between interviews and will be treated as a conversational question and answer session between the firm's project team and the Selection Committee. The Interview schedule order will be determined by random drawing.

GC/CM personnel required at the interview shall include, at a minimum:

- Principal-in-Charge
- Project Manager
- Project Estimator
- Superintendent

#### Interview format

- Introductions of selection committee members and reiteration of the interview goals
- Presentation by the firm (not to exceed 30 minutes)
- Questions from the selection committee

#### X. FORM OF AGREEMENT

The Owner will use a *GC/CM Contract Form, Pre-Construction Services, General & Supplemental Conditions*, which will form the basis for the final agreement (GC/CM Contract). Sample documents may be provided upon request and may be subject to modification.

The Owner reserves the right to negotiate all terms in the final contract, including but not limited to any terms or conditions of any Sample Contracts, which are in the best interests of the Owner. Negotiated changes will be (1) within the general scope of work described herein, (2) unlikely to affect the field of competition under this RFQ/RFP, and (3) unlikely to substantially affect pricing of GC/CM Fees proposed in the evaluation process (in any event, proposed GC/CM Fees will not be adjusted after GC/CM selection).

It is the intention of the Owner to enter into a GC/CM Contract with the selected GC/CM. The initial scope of the GC/CM Contract will be limited to Pre-Construction activities only. However, the proposed GC/CM Fee and General Conditions Cost submitted in this Proposal will be applied to any construction services added to the contract by early work or GMP amendment.

The Pre-Construction activities will include design constructability reviews, value engineering, estimating, cost estimate reconciliation with Architect/Engineer's estimates, schedule and sequencing planning, and subcontractor bidding as more fully described above.

It is the Owner's right to NOT PROCEED beyond each of the design phase reviews until budget reconciliation has been achieved between the Owner, Architect/Engineer, and the GC/CM. Execution of a GMP amendment or termination of Pre-Construction services will constitute completion of Pre-Construction activities. If construction services are added through acceptance of a GMP, an amendment to the GC/CM Contract will be executed. If the construction phase amendment is executed, a 100% Performance bond and a 100% Labor & Materials bond for the completion of the Project will be required.

If the Owner chooses not to continue the GC/CM Contract beyond the completion of Pre-Construction activities, the GC/CM's compensation shall be limited to the Pre-Construction services maximum, not-to-exceed fee stated in the GC/CM Contract.

#### XI. EXHIBITS

The following exhibits are incorporated in this RFQ/RFP (examples only, subject to change):

Exhibit A: Preliminary Project Information

Exhibit B: Guaranteed Maximum Cost for Reimbursable expenses for General

Conditions (GMCR) Worksheet

Exhibit C: <u>Link</u> for Pre-Construction Services Contract

Exhibit D: <u>Link</u> for General Conditions for ADM Delivery

Exhibit E: <u>Link</u> for Montana Prevailing Wage Rates

END OF RFQ/RFP