**PROPOSAL INSTRUCTIONS**

**LYONS-DECATUR NORTHEAST SCHOOLS**

**SCHOOL DEMOLITION AND ADDITION**

1. **PROJECT INFORMATION.** Lyons-Decatur Northeast Schools (School District or Owner) is requesting proposals from qualified construction management firms (CM) to provide construction management at risk services for the demolition of one school building and the addition to the elementary and secondary school building. Project details are as follows:

A. Scope and Nature. This school facilities improvement project will likely include some combination of new construction and/or renovation of existing facilities resulting in new or renovated high school, junior high, and elementary classrooms, athletic facilities, and related infrastructure construction and improvements. It is possible that the project may or may not be completed in separate phases. A bond issue must be approved by the registered voters of school district for this project to advance into the construction phase.

B. Site.Lyons-Decatur Northeast Schools, 400 S. 5th Street, Lyons, NE 68038.

C. Proposed Budget. Cost is to be determined with the assistance of the selected Construction Manager, but will likely be approximately $9-$12 million.

C. Schedule.The tentative schedule is as follows:

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| --- | --- |
| Date | Event |
| August 30, 2021 | Board meeting - Hire Architect & Start Pre-Bond Planning Process. |
| September 23, 2021 | Issue CM RFP and Publish Notice. |
| Oct. - Dec. 2021 | Pre-Bond Planning Process |
| October 27, 2021 | CM Selection Committee Opens CM RFPs and Identifies Short List of CMs to Interview. |
| November 3, 2021 | School Board Committee Meeting and Review Team to interview selected CMs. |
| November 8, 2021 | Board of Education Meeting – Rank CMs/Approve CM Contract |
| Jan. – March 2022 | Bond Promotion and Community Engagement |
| March 2022 | Bond Election Ballots Due |
| TBD | Contract Documents Complete; Out for Sub-Bidding |
| TBD | Sub-Bidding Complete; Negotiate Contracts |
| TBD | Construction Begins |
| TBD | Substantial Completion |
| Desire Fall of 2023 | Final Completion |

D. Property Inspection. All interested parties should contact Lindsey Beaudette at [lbeaudette@lyonsdecaturschools.org](mailto:darren.tobey@bbps.org) to schedule a time to view the existing school site and building.

E. Project Architect. The architect for the project is Tim Ripp of Clark & Enersen, [tim.ripp@clarkenersen.com](mailto:tim.ripp@clarkenersen.com). All questions, clarification, or interpretations of the proposal documents regarding the project or this RFP should be directed to the architect or District legal counsel.

1. **DEFINITIONS.**
2. Proposal Documents include the advertisement or request for proposals; these Proposal Instructions (and any supplementary instructions); the CM’s proposal; the unexecuted form of Agreement between the Owner and Contractor (AIA Document A133-2019) and that Agreement’s Exhibits, if any; the General Conditions of the Contract for Construction (AIA Document A201-2017); the Payment Bond (AIA Document A312-2010); and any Drawings, Specifications, Addenda, and all other documents listed in these Instructions.
3. Definitions set forth in the AIA Document A201-2017 or in other Proposed Contract Documents apply to the Proposal Documents.
4. Addenda are written or graphic instruments issued by the Architect or School District, which, by additions, deletions, clarifications, or corrections, modify or interpret the Proposal Documents.
5. A Proposal is a complete and properly executed proposal to do the Work submitted in accordance with the Proposal Documents.
6. A CM is a person or entity who submits a Bid and who meets the requirements set forth in the Proposal Documents.
7. Policy means the Construction Management at Risk Contracts Policy adopted by the District in accordance with Neb. Rev. Stat. § 13-2909 is attached and incorporated by reference.
8. **CM’S REPRESENTATIONS AND NOTICE.** By submitting a bid, the CM represents and agrees that:
   1. The CM has read and understands the Proposal Documents;
   2. The CM understands how the Proposal Documents relate to other portions of the Project, if any, being bid concurrently or presently under construction;
   3. The Proposal complies with the Proposal Documents;
   4. The CM has visited the site, become familiar with local conditions under which the Work is to be performed, and has correlated the CM’s observations with the requirements of the Proposed Contract Documents listed above;
   5. The Proposal is based upon the materials, equipment, and systems required by the Proposal Documents without exception;
   6. The CM has read and understands the provisions set forth in the AIA Document A133-2019 and its exhibits, the Payment Bond (AIA Document A312-2010)and the AIA Document A201-2017, all as amended by the School District;
   7. The CM waives any claim it has, or may have, against the School District and its agents or representatives, and their respective employees, arising out of, or in connection with, the administration, evaluation, or recommendation of any Proposal; waiver of any requirements under the Proposal Documents or the contract documents; acceptance or rejection of any Proposals; and award of the contract; and
   8. The CM, and any subcontractor, is not currently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from submitting bids to any State or Federal department or agency or any political subdivision of the State of Nebraska.
9. **PROPOSAL DOCUMENTS.**
   1. CMs must obtain and use complete Proposal Documents when preparing Proposal. Neither the School District nor Architect assumes responsibility for errors or misinterpretations resulting from the use of incomplete Proposal Documents.
   2. Requests for clarification or interpretation of the Proposal Documents must be submitted by the CM in writing and shall be received by the School District at least seven days prior to the date for receipt of Proposals.
   3. Modifications and interpretations of the Proposal Documents will be made by Addendum. Modifications and interpretations of the Proposal Documents made in any other manner shall not be binding, and CMs shall not rely upon them.
   4. Addenda will be transmitted to CMs known by the School District to have received complete Proposal Documents.
   5. Addenda will be available from the School District.
   6. Addenda generally will be issued no later than three days prior to the date for receipt of Proposals, except an Addendum withdrawing the Request for Proposals or one which includes postponement of the date for receipt of Proposals.
   7. Prior to submitting a Proposal, each CM shall ascertain that the CM has received all Addenda issued, and the CM shall acknowledge their receipt in the Proposal.
10. **PROPOSAL PROCEDURES.**
    1. Preparation of Proposals.The Proposal shall include the following:
       1. The financial resources of the CM to complete the project.
          1. Surety – provide certification from surety that CM’s bonding capacity is adequate to construct the proposed project
          2. Insurance – provide certificates from your insurance carrier(s) for required coverage for construction services
       2. The ability of the proposed personnel of the CM to perform.
          1. Provide an organization chart identifying the CM’s team, the organization of such team, and the lead individual in each role classification. These include, but are not limited to, the following services (if applicable) for the project:
             1. CM Principal
             2. Project Superintendent
             3. Project Foreman
          2. List any specialty sub-consultants required for the project.
          3. For each individual listed above, provide the following resume information:
             1. Name and role in the project
             2. Relationship to CM (employee, sub-consultant, subcontractor, etc.)
             3. Company
             4. Contact information (address, phone)
             5. Professional registrations/certifications
             6. Years with current firm and with other firms
             7. List of five (5) relevant or similar projects including:

Project name and brief scope of services provided

Year completed

Reference (name, title, phone and email address)

* + 1. The character, integrity, reputation, judgment, experience, and efficiency of the CM.
       1. CM shall list a reference in the following categories (provide name, company, address, phone and relationship to the reference):
          1. Financial (bank or surety)
          2. Project of similar scope (contractual point of contact for political subdivision)
          3. Facility user of project of similar scope (such as school principal, department manager or facility manager)
    2. The quality of performance on previous projects.
       1. The CM shall list five (5) completed projects of similar scope or budget and provide the following information for each:
          1. Project name – brief description of relevance to the project of this RFP
          2. Address
          3. Owner, contact name, title, address and phone
          4. Design Professional – firm name, contact name, address and phone
          5. Type of project delivery (CM@R, design-build, design-bid-build)
          6. Project performance

Budget-GMP compared to final cost. Provide explanation of difference in budget.

Schedule (days/months)

List 3 specific problems and how they were resolved

Claims made by owner regarding budgets, schedule or performance

* + 1. The ability of the CM to perform within the time specified
       1. Provide detailed information on the five (5) listed projects above with respect to:
          1. Design schedule – in working with the design professional, the proposed and actual (number of calendar days total for programming, preliminary design and final design)
          2. Construction schedule – proposed and actual

Date of Substantial Completion

Date of Final Completion

Post-construction warranty work required

Whether client was inconvenienced by the delivery dates of any of the services provided by the CM

* + 1. The previous and existing compliance of the CM with laws relating to the contract.
       1. Whether CM or its team have been cited for failure to comply with local, state or federal law of any nature in the last five (5) years.
          1. If yes, explain in detail
       2. Whether there are any civil or criminal actions pending against the CM any proposed member of the team
          1. If yes, explain in detail
    2. Such other information as may be secured having a bearing on the selection.
       1. Subcontractors: List the work on this project you expect to subcontract
       2. Current capacity: provide a list of your firm’s and your sub-consultant’s current contracted projects and the scope of those projects
       3. Any proposed changes to the contract documents or amendments required by this RFP.
       4. Whether the CM uses a lump sum, a percentage of the Cost of the Work, or some other method for determining the CM’s fee.
       5. Include a proposed lump-sum fee for pre-construction costs.
       6. List what is included in and excluded from General Conditions.
    3. The Proposal shall state the legal name and legal status of the CM. As part of the documentation submitted with the Proposal, the CM must provide evidence of its legal authority to perform the Work in the jurisdiction where the Project is located. Each copy of the Proposal must be signed by the person or persons legally authorized to bind the CM to a contract. A Proposal by a corporation must further name the state of incorporation.
    4. A CM shall incur all costs associated with the preparation of its Proposal.
  1. Proposal Submission.
     1. 10 hard copies of the Proposal (along with one (1) electronic PDF copy on USB Flash Drive) and all required documents shall be delivered in a sealed opaque envelope with the CM's name, address, and telephone number clearly marked on the cover to Superintendent Lindsey Beaudette, 400 South 5th, Lyons, NE 68038.
     2. The lower left corner of the sealed envelope should read as follows: “School Construction Project”.
     3. Proposals will be received until 3:00 p.m. (Central Time) on October 25, 2021.
     4. Any bid received after that time and date will not be opened or considered, and will be returned to the bidder.
     5. The CM shall assume full responsibility for timely delivery at the location designated for receipt of Proposals.
  2. Modification or Withdrawal of Proposals.
     1. Prior to the date and time designated for receipt of Proposals, a CM may submit a new Proposal to replace a Proposal previously submitted, or withdraw its Proposal entirely, by notice to the Superintendent of the District. Such notice will be received and duly recorded by the Superintendent on or before the date and time set for receipt of Proposals. The Superintendent will verify that replaced or withdrawn Proposals are removed from the other submitted Proposals and not considered. Notice of submission of a replacement Proposal or withdrawal of a Proposal shall be worded so as not to reveal the changes to the original Proposal.
     2. Withdrawn Proposals may be resubmitted up to the date and time designated for the receipt of Proposals, provided they fully conform with these Instructions.

1. **CONSIDERATION OF PROPOSALS.**
   1. Proposal Evaluation Criteria. The Proposal evaluation criteria and the relative weight of each criterion shall be as provided in section 3B of the Policy.
   2. Selection Procedure. The selection team, selection procedure, interview process, contract negotiation process, and contract execution process shall be as provided by the Policy or as otherwise provided or allowed by law.
   3. Requests for Information. CMs that fail to respond to any request for information, whether written or verbal, may be deemed non-responsive and their Proposals may not be considered.
   4. Contact with CMs. The School District reserves the right to conduct discussions with any or all invited CMs for the purpose of clarification and modification. Discussion and negotiation may include, but is not limited to, the scope of the work, delivery schedule, and other construction matters.
   5. Disqualification of CMs. CMs may be disqualified and their bids disregarded for reasons which include but are not limited to the following:
      1. The School District has reason to believe that CM has engaged in collusion.
      2. The CM being interested in any litigation against the School District.
      3. The CM is in arrears on any existing contract or has defaulted on a previous contract.
      4. The CM has uncompleted work which, in the judgment of the School District, will prevent or hinder the prompt completion of this construction project, if it were awarded to the CM.
      5. The CM has not been in the business for at least five years.
   6. Any work subcontracted by the CM is to be awarded by competitive bidding unless otherwise agreed by the School District in writing.
   7. Rejection Proposals and Waiver of Informalities. The School District reserves the right (a) to terminate the proposal process at any time; (b) to reject any or all proposals; and (c) to waive formalities and minor irregularities in the proposals received. The School District further reserves the right to conduct a pre-award survey of any firm or individual under consideration to confirm any of the furnished information or to require other evidence of managerial, financial, technical and other capabilities, the positive establishment of which is determined by the School District to be necessary for the successful performance of the contract. The School District further reserves the right to cancel or amend the request for proposals at any time and will notify all recipients accordingly.
   8. Interview Presentation

1. **INTERVIEWS.** The Districts will interview up to 3 CMs evaluated as being professionally and technically qualified. The purpose of the interview is to allow the CM firm to present its qualifications, experience, education, training, past performance, etc., in regards to the professional services to be provided to the Districts. Interviews will also provide an opportunity for the board to seek clarifications from the CM. CMs selected for an interview will be notified of the date, time, and place of the interview. Interviews are tentatively scheduled to take place the week of November 1st – 5th, 2021. The Lyons-Decatur Northeast Schools Board of Education will make the final determination at their board meeting on November 8, 2021.
2. **BONDS AND INSURANCE.**
   1. To secure the faithful performance of the work and to satisfy all of CM's payment obligations that arise on the project, the successful CM will be required to provide a payment bond in an amount not less than 100% of the Contract Sum through a corporate surety company, conditioned for the payment of all laborers and mechanics for labor that is performed and for the payment for material and equipment rental which is actually used or rented in the performance of the Contract.
   2. The successful CM will also be required to provide a performance bond in an amount not less than 100% of the Contract Sum through a corporate surety company.
   3. The Contractor shall procure and maintain Workers’ Compensation Insurance, Employers’ Liability Insurance, Business Automobile Liability Insurance, Commercial General Liability Insurance, and any other insurance and in the amounts required by law or the Contract Documents.
   4. Time of Delivery and Form of Bonds.
      1. The CM must deliver the required bonds to the School District not later than three days following the date of execution of the Contract/GMP Amendment (as applicable). If the Work is to commence sooner in response to a letter of intent, the CM must, prior to commencement of the Work, submit evidence satisfactory to the School District that such bonds will be furnished and delivered as required by these Instructions.
      2. The bonds shall be written on AIA Document A312, Performance Bond and Payment Bond.
      3. The bonds shall be dated on or after the date of the Contract.
      4. The CM shall require the attorney-in-fact who executes the required bonds on behalf of the surety to affix to the bond a certified and current copy of the power of attorney.

1. **REQUIREMENT OF WRITTEN CONTRACT.** The terms and conditions of the contract shall be as provided in the **attached** AIA A133-2019, AIA A133-2019 (Exhibit A), AIA A133-2019 (Exhibit B), and A201-2017, each as amended by the School District. Any proposed changes or modifications to the Contract Documents (other than insertions into contract blanks) must be presented in the Proposal and will be taken into account during the selection process. Any CM who fails to submit any such changes or modifications with its Proposal waives the right to request changes in the Contract Documents after the Proposal award.

1. **POST-BID INFORMATION.** 
   1. After notification of selection for the award of the Contract, the CM shall, as soon as practicable or as stipulated in the Proposal Documents, submit in writing to the School District:

* + 1. A designation of the Work to be performed with the CM's own forces;
    2. Names of the principal products and systems proposed for the Work and the manufacturers and suppliers of each; and
    3. Names of persons or entities (including those who are to furnish materials or equipment fabricated to a special design) proposed for the principal portions of the Work.
  1. The CM will be required to establish to the satisfaction of the Architect and/or School District the reliability and responsibility of the persons or entities proposed to furnish and perform the Work described in the Proposal Documents.
  2. Prior to the execution of the Contract, the Architect or School District will notify the CM if either the School District or Architect, after due investigation, has reasonable objection to a person or entity proposed by the CM. If the School District or Architect has reasonable objection to a proposed person or entity, the CM may, at the CM’s option, withdraw the Bid or submit an acceptable substitute person or entity. The CM may also submit any required adjustment in the Base Bid or Alternate Bid to account for the difference in cost occasioned by such substitution. The School District may accept the adjusted bid price or disqualify the CM. In the event of either withdrawal or disqualification, bid security will not be forfeited.
  3. Persons and entities proposed by the CM and to whom the School District and Architect have made no reasonable objection must be used on the Work for which they were proposed and shall not be changed except with the written consent of the School District and Architect.

1. **INQUIRIES.**

SITE: Submit all questions, inquiries, requests for clarification and/or requests for inspection of the existing site to Superintendent Lindsey Beaudette, Lyons-Decatur Northeast Schools, [lbeaudette@lyonsdecaturschools.org](mailto:darren.tobey@bbps.org).

PROPOSAL DOCUMENTS and RFP: Submit all questions, inquiries, requests for clarification pertaining to the RFP and Proposal to Tim Ripp of Clark & Enersen or [tim.ripp@clarkenersen.com](mailto:tim.ripp@clarkenersen.com).

Architect may direct questions of a legal nature to the district’s legal counsel, Steve Williams, KSB School Law, [steve@ksbschoollaw.com](mailto:steve@ksbschoollaw.com).

**Attachments**

Construction Management at Risk Contracts Policy

AIA A133-2019

AIA A133-2019 (Exhibit A)

AIA A133-2019 (Exhibit B)

AIA A201-2017

AIA A312-2010