



REQUEST FOR PROPOSALS (RFP)

CONSTRUCTION MANAGER (CM)

AT RISK SERVICES

FOR

[PROJECT NAME]

PROJECT #XXXXX

**PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
FACILITIES DEVELOPMENT & OPERATIONS DEPARTMENT
CAPITAL IMPROVEMENTS DIVISION**

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**REQUEST FOR PROPOSALS
CONSTRUCTION MANAGER AT RISK
[PROJECT NAME]
PROJECT #XXXX**

INTRODUCTION

The County is soliciting Proposals (“Responses”) for Construction Management services consisting of pre-construction services, developing a Guaranteed Maximum Price (GMP), and construction of the following project _____ located at _____ (the “Project”). The Project includes, but is not limited to:
_____.

The selected Construction Management firm will function as a general contractor responsible for publicly bidding trade contracts, all scheduling and coordination of the Project, and the successful, timely, and economical completion of the Project. The selected Construction Manager (CM) will provide preconstruction and construction services and will be responsible for construction pursuant to a contractually guaranteed maximum price.

Construction work is scheduled to start in _____, and continue through the various phases with an anticipated completion date in _____. Preliminary construction cost is estimated at \$_____.

A. INSTRUCTIONS TO RESPONDENTS

1. **Submission of Responses.** Firms desiring to provide services as described herein, shall submit their response to this RFP in a sealed envelope with one original (clearly marked), eight (8) copies (a total of 9 copies), and one copy on electronic media. Responses must be received no later than 2:00 p.m., local time, _____, 20__, to the attention of:

John Chesher, Director
Capital Improvements Division
Facilities Development & Operations Department
2633 Vista Parkway
West Palm Beach, FL 33411

2. **Identification of Responses.** Respondents must indicate on their response envelope the following:

- CM@ Risk for [Project Name]
- Date of Submittal
- Name of Respondent

- Return Address of Respondent

3. **No Late Responses.** The time and date for receipt of responses will be scrupulously observed. The respondent shall assume full responsibility for timely delivery at the location designated for receipt of responses. The time/date stamp clock in the lobby area of 2633 Vista Parkway shall serve as the official authority to determine timeliness of the response. Responses received after the specified time and date shall be returned unopened. All responses will be opened and reviewed at a later date by the Evaluation Committee.
4. **Questions.** Questions concerning this Request for Proposal must be directed in writing no later than 4:00 P.M., _____, 20__, to John Chesher, Capital Improvements Division, jchesher@pbcgov.com or mail. Include “CM RFP [Project Name] in the subject line of the e-mail.
5. **Supplements to RFP.** No oral interpretation of this RFP shall be considered binding. The County will be bound by information and statements only when such statements are written and executed under the authority of Capital Improvements Division. Any interpretation, clarification, correction, or change to this RFP will be made only by Supplement. Written instructions regarding discrepancies, omissions or unclear intents will be sent to all Proposers’ who have received the RFP from Palm Beach County or may be found on the following County website <https://pbcvssp.co.palm-beach.fl.us/webapp/vssp/AltSelfService>. Interpretations, corrections or changes made in any other manner will not be binding, and Proposers shall not rely upon such interpretations, corrections or changes.
6. **Supplements Must Be Acknowledged.** Prior to submission of its Proposal, each Proposer shall ascertain that it has received all Supplements issued. The Proposer shall acknowledge receipt of all Supplements by completing the acknowledgment space provided on the Proposal Certification Form.

B. TERMS AND CONDITIONS

1. **Rejection of Proposals.** The Board of Palm Beach County Commissioners reserves the right to reject any and all Proposals, and/or to re-advertise, to waive any irregularities, informalities or technicalities therein, to negotiate Contract terms with the successful Proposer, to disregard all non-conforming, non-responsive, unbalanced or conditional Proposals, or to accept any Proposal which in the County's sole judgment will best serve the public interest.
2. **Cancellation of Award.** The County reserves the right to cancel the award of any Contract at any time before the execution of said Contract by all parties without any liability against the County. The Proposer, by submitting its Proposal, expressly waives any claim to damages, of any kind whatsoever, in the event the County exercises its rights provided for

in this subsection.

3. **Clarifications.** The County reserves the right to request clarification on information submitted from one or more respondents after the deadline for receipt of responses.
4. **Costs of Preparation.** Costs of preparation of a response to the RFP are solely those of the Respondent and the County assumes no responsibility for any such costs incurred by the Respondent.
5. **Limitation.** The Respondent understands that the RFP does not constitute an agreement or contract with the Respondent, and no contract rights or remedies shall be deemed to have accrued to Respondent herewith.
6. **Disqualification.** Any Respondent who submits in its Proposal any information that is determined by the County, in its sole opinion, to be substantially inaccurate, misleading, exaggerated, or incorrect may be disqualified from consideration.
7. **Non-responsive Proposals.** Failure of any Respondent to comply with this RFP may render the response non-responsive and ineligible from further consideration.
8. **No Contingent Fees.** The Respondent warrants that it has not employed or retained any company or person, to solicit or secure this Contract where the Respondent has agreed to pay a fee, commission, percentage, gift or other consideration contingent upon or resulting from the award of this Contract.
9. **Contractor's Licenses Required.** The Construction Manager and its subcontractors of any tier regulated by the Florida Construction Industry Licensing Board or the Construction Industry Licensing Board of Palm Beach County shall be properly qualified and licensed/certified by the appropriate Board or Boards as required by Florida Statute Chapter 489, or Special Act, Laws of Florida Chapter 67-1876 prior to the issuance of the Notice to Proceed. The Respondent is required to have an active State Contractors Certification or an active Palm Beach County Certificate of Competency at time of Proposal submittal. Any Proposal which is submitted by a contractor, who is not properly licensed/certified at the time the Proposal is submitted, will be rejected as non-responsive.
10. **Occupational License.** The Construction Manager, subcontractors of any tier, and specialty contractors must have a valid Palm Beach County occupational license, except where provisions of F.S. 205.065 apply.
11. **Criminal History Records Check.** The Construction Manager's employees and subcontractors' employees are subject to the Palm Beach County Criminal History Records Check Ordinance, Sections 2-371 through 2-377 of the Palm Beach County Code (Code) and will be required to undergo a criminal history record check in order to be granted access to Critical Facilities or CJI Facilities as those terms are defined in the Code.

12. Respondent's Representations. Each Respondent by making its proposal represents that:

- a. Public Entities Crimes/Convicted Vendor List.** As provided in Florida Statute 287.133(2)(a) a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a Proposal on a contract to provide any goods or services to a public entity, may not submit a Proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit Proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. By submitting a proposal or entering into a subsequent contract or performing any work in furtherance thereof, the Construction Manager certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform thereunder have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the 36 months immediately preceding the date hereof. This notice is required by F.S. 287.133 (3) (a).
- b. EEO.** The Respondent must be an equal employment opportunity employer. Each Respondent must complete, sign and furnish with its Proposal the statement titled "Statement of Participation in Contracts Subject to Nondiscrimination Clause", which is incorporated in the Proposal Certification Form attached thereto. Failure to complete this statement will be cause for rejection of the Proposal.
- c. Affirmative Action.** Pursuant to Executive Order 11246, as amended, Palm Beach County does have an Affirmative Action Program in connection with equal employment opportunities. It is recommended that those Proposers who have not initiated an Affirmative Action Program give consideration toward pursuing such programs.
- d. No Collusion; No Conflicts.** The Respondent does hereby declare that it is the only person or persons interested in said Proposal; that it is a genuine Proposal not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; that it is made without any connection with any person submitting another Proposal for the same Contract; that the Respondent has not directly or indirectly induced or solicited any other Respondent to submit a false or sham Proposal; that the Proposal is in all respects fair and without collusion, fraud, or mental reservations; that no official of the County or any person in the employ of the County is directly or indirectly interested in said Proposal or in the supplies or work to which it relates, or in any portion of the profits thereof; and that Respondent has not sought by collusion to obtain for itself any advantage over any other Respondent or over the County.

- e. **Scrutinized Companies (when contract value is greater than \$1 million).** As provided in F.S. 287. 135, by entering into a Contract with a value of \$1 million or more or performing any work in furtherance thereof, the Respondent certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform thereunder, have not been placed on the Scrutinized Companies with Activities in Sudan List or Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List created pursuant to F.S. 215.473, or the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel, pursuant to F.S. 215.4725, or is engaged in business operations in Cuba or Syria. If the County determines, using credible information available to the public, that a false certification has been submitted by Respondent, the Contract may be terminated and a civil penalty equal to the greater of \$2 million or twice the amount of the contract. In addition, the company is ineligible to bid on any contract for 3 years after the date it was determined that the company submitted a false certification.

13. **Lobbying**

- a. **Lobbyist Registration Ordinance.** Proposers are advised that the “Palm Beach County Lobbyist Registration Ordinance” prohibits a proposer or anyone representing the proposer from communicating with any Commissioner or Commissioner’s staff regarding its proposal, i.e. a “Cone of Silence”.
- b. **Cone of Silence.** The “Cone of Silence” is in effect from the date/time of the deadline for submission of the proposal, and terminates at the time that the Board of County Commissioners (“Board”), or a County Department authorized to act on behalf of the Board, awards or approves a contract, rejects all proposals, or otherwise takes action which ends the solicitation process.
- c. **Exceptions.** The exceptions to the “Cone of Silence” specifically include contract negotiations during any public meeting; contract negotiations between any County Employee and the intended awardee; public presentations made to the Board; or any written correspondence at any time with any Employee, County Commissioners, or Advisory Board Member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.
- d. **Fines.** Violations of this section of the Ordinance are punishable by a fine of \$250.00 per violation.

14. **Small Business Enterprise (SBE) Program**

- a. **SBE Ordinance.** The successful respondent will be required to comply with Palm Beach County Code 2-80.21-2-80.35, which sets forth the County requirements for the SBE program.
- b. **SBE Goal.** The County has established a minimum goal of 15% SBE participation for this contract, inclusive of all alternates, allowances, and change orders.

- c. **CM/SBE Partner Program.** The County encourages the Respondent to include in its SBE Plan a CM/SBE Partnering arrangement in accordance with the Guidelines attached hereto as **Exhibit B**.

15. **Bond and Insurance Requirements**

- a. **Public Construction Bond.** Within 5 days of Owner's acceptance of Guaranteed Maximum Price, the Construction Manager shall furnish to Owner, on forms provided by Owner the following:

- 1. Public Construction Bond in the Amount of 100% of the GMP Price.
- 2. Form of Guarantee

Such Public Construction Bond shall incorporate by reference all of the terms and conditions of the Contract Documents, including but not limited to the Construction Manager and Surety's obligation for liquidated damages as well as Surety's acknowledgment regarding any and all provisions addressing or regarding "no damages for delay", as provided for in the General Conditions.

- b. **Insurance Requirements.** At the time of Contract execution, the Construction Manager shall furnish to the Owner certificates of insurance evidencing the existence of current, valid, and binding insurance policies for the limits and coverage in accordance with the requirements delineated in the General Conditions, where such insurance is to be provided by Construction Manager, or as otherwise modified within the Contract Documents, together with a declaration of deductible amounts applicable to each type of insurance provided, acceptable to Owner.

C. **PROPOSAL SUBMITTAL REQUIREMENTS**

- 1. **Proposal Contents.** The contents of the proposal submitted by the successful Respondent will become part of the contractual obligations.
- 2. **Staffing.** It shall be understood that it is the intent of the Owner to insist that those indicated as a part of the Construction Manager's team actually execute the Project and that the Project Manager for the Construction Manager be continually involved with the Project during the pre-construction and construction phases unless agreed to the contrary in writing by Owner, or their employment with Construction Manager is terminated.
- 3. **Required Information.** Respondents must submit this required information. Failure to submit and completely fill out any or all of the required forms may result in the rejection of the proposal.
 - a. **Letter of intent** from a Surety Company indicating the Respondent's bondability for this Project under any subsequent contract. The surety shall acknowledge that

the firm can be bonded for a project with a potential construction cost of \$__ Million. The surety company shall be currently listed with the United States Treasury for an amount greater than \$50 Million.

- b. Proposal Certification Form** (see Paragraph I).
- c. Related Experience:** List projects which best illustrate the experience of the firm and staff which will be assigned to this Project under a subsequent contract. List no more than ten (10) projects, and do not list projects which were completed more than ten (10) years ago. Provide the following information for each project in this list:
1. Name and location of the project.
 2. The nature of the firm's responsibility on the project including project delivery method.
 3. Provide the name, address, phone number, and e-mail address of an owner's representative and architect's representative who can be contacted to provide a reference.
 4. Size of project (square footage of project).
 5. Construction cost.
 6. Present status of the project; date project was completed or is anticipated to be completed.
 7. Key professionals involved on the listed projects who would be assigned to this Project under any subsequent contract.

Provide a secondary list of all projects in Florida which exceed \$5 Million in cost, started in the past 5 years with name, location, and construction cost.

- d. Pre-Construction Services Staff:** Includes management, technical and support staff. Provide a project organizational chart that could be used for this Project. Give a brief resume of key persons to be assigned to this Project under any subsequent contract including, but not limited to:
1. Name and title.
 2. Current project assignments.
 3. How many years with this firm? Other firms?
 4. Experience: Types of projects, size of projects (dollar value & square footage of project), and job assignment.
 5. Education and Registrations.
 6. Other experience and qualifications that are relevant to this Project.
 7. Present office location.
- e. Construction Services Staff:** Provide an organizational chart and resumes of the key on-site staff which may be assigned to this Project under any subsequent contract including, but not limited to:

1. Name and title.
 2. Current project assignments and percentage of time for each.
 3. How many years with this firm? Other firms?
 4. Experience: Types of projects, size of projects (dollar value & square footage of project), and job assignment.
 5. Education and Registrations.
 6. Other experience and qualifications that are relevant to this Project.
- f. Project Management Services:** Describe the capabilities of your firm to provide the technical services required for: Design reviews, budget estimating, value engineering, constructability analysis, construction scheduling, quality control (design and construction), cost control, claims management, and project close-out.
- g. Location of Offices:**
1. Provide address of each office from which staff may be assigned to this Project, and list total number of employees by job function in each office.
- h. SBE Participation**
1. For each project listed in paragraph c above, provide the firm's history of SBE or minority participation. Indicate what the original project goal was and what the firm achieved.
 2. Provide the SBE plan for this Project. Describe in this section how your firm will achieve the required SBE goals for this Project.
 3. CM/SBE Partner Program. Describe in the SBE Plan whether or not your firm will participate in the CM/SBE Partner Program on this Project. See Guidelines attached hereto as **Exhibit B**.
- i. Claims and Litigation History**
- List all claims, arbitrations, administrative hearings, lawsuits or criminal proceedings brought by or against firm during the last ten (10) years. The list shall include the name of the project over which the dispute arose, a description of the amount in dispute and the subject matter of the dispute. Do not list workers comp claims.

D. SELECTION PROCESS

1. **Purpose.** The purpose of the rating procedures is to equitably judge the responses to the Requests for Proposals. Each response will be scored and evaluated by the Committees using the procedures outlined herein.
2. **Phases.** The selection process consists of two phases of evaluation and scoring.

- a. **Short-List.** The County’s Short List Evaluation Committee will review each proposal. The 3 top proposers will be short-listed and invited to interview with the Final Selection Committee. Respondents will be notified in writing if their firm has been qualified for Phase II of the evaluation and selection process.
 - b. **Final Selection.** The second phase of the evaluation and selection will only be for the Respondents who are selected from the first phase of the evaluation. The shortlisted firm’s interview will consist of a presentation to the Final Selection Committee followed by a question and answer period.
3. **Scoring.** Each Category will be scored and when the scores awarded for all Categories are totaled, the scores will be tabulated and added to achieve the Total Points awarded to each firm. The Total Points awarded to each firm will be ranked with the highest point total ranked 1, the next highest points total ranked 2, etc. The ranking of each firm will be tabulated from each Committee Member and combined with other Committee Members to determine the total score for the firm.

E. SCORING CRITERIA FOR SUBMITTALS - PHASE 1 (SHORT LIST PROCESS)

The Scoring Criteria is made up of the categories that collectively represent a Grand Total Point Value of 100 points, as described herein. The points indicated below as "Points Possible" are the maximum that can be allocated for each category. The point value shall be the basis of establishing a finalist list of the top ranking proposals.

EVALUATION CATEGORIES	POINTS POSSIBLE
1. Related Experience	30
2. Pre-Construction Services Staff	25
3. Construction Services Staff	15
4. Volume of Previous Work	10
5. Location of Offices	10
6. SBE Program	10
GRAND TOTAL OF POINTS	100 POINTS

Scoring Criteria Described:

CATEGORY 1 Related Building Experience - 30 Points Possible

Major consideration will be given to the successful completion of projects comparable in design, type, and scope, the recommendation of previous Owners and Architects, and other similar factors. Litigation history will be considered.

CATEGORY 2 Pre-construction Services Staff - 25 Points Possible

Consideration will be given to the general and specified project related capability of the proposer’s pre-construction services staff including the adequate depth and abilities of the organization which it can draw upon as needed. This will include management, technical and support staff.

CATEGORY 3 Construction Services Staff – 15 Points Possible

Evaluation of the ability and experience of the proposed construction services staff with specific attention to project related experience.

CATEGORY 4 Volume of Previous Work - 10 Points Possible

The volume of the firm's previous work within the past 6 years with the County will be considered with the objective to share the available work with many firms.

CATEGORY 5 Location of Offices - 10 Points Possible

Maximum points will be awarded for a firm with a primary or regional office in Palm Beach County which has the proposed staff and will have direct responsibility for this Project.

CATEGORY 6 SBE Program - 10 Points Possible

Firms will be awarded points for the firm's SBE or minority participation history and the presentation of a viable plan to achieve the County's SBE goal on this Project, up to 7 of the 10 possible points may be awarded for this part of the SBE plan. Proposers are encouraged to participate in the County's CM/SBE Partner Program as described in the Guidelines attached hereto as **Exhibit B**. Proposers that include a partnering arrangement in their SBE plan may receive up to 3 of the 10 possible points for such a partnering arrangement.

F. SCORING CRITERIA FOR SHORT LISTED PROPOSERS - PHASE 2 (FINAL SELECTION)

The second phase shall consist of an interview / presentation by each finalist in an effort to further understand the qualifications of the proposing firm. All finalists shall be considered in equal standing at the beginning of Phase 2.

Committee Interviews/Presentations:

Using the information presented in the firm's written proposal, finalists will be expected to address the following in their interview with the Final Selection Committee:

- **Qualifications of the Firm:** The firm will be expected to demonstrate its experience with projects similar in size, scope and complexity with emphasis on the construction management process. The firm should share its experiences bringing innovative and creative input to past projects.
- **Proposed Project Staff and Functions:** The firm shall name the actual Project Manager and other key staff to be assigned to this Project, describe their ability and experience and indicate the function of each within their organization and their proposed role on this Project. The Project Manager shall be present for the selection interview.
- **Comprehensive Project Management Services:** The firm shall indicate knowledge and experience in the evaluation of building systems and construction techniques to create an optimum value in the design and budget requirements. The firm should demonstrate its plan for performing this Project describing the services to be provided including its method to competitively bid the subcontracts and to establish a GMP.
- **Knowledge of Local Conditions:** The firm shall demonstrate its knowledge of local conditions, local codes and ordinances, local subcontractors, and local suppliers as an indication of its ability to obtain and retain local (Palm Beach County) subcontractors, control the work and deliver quality workmanship in an effective and timely manner.

Maximum points will be awarded for a firm with a primary or regional office in Palm Beach County which will have direct responsibility for this Project.

- **Small Business Utilization Plan:** The firm shall demonstrate its approach in obtaining participation of Palm Beach County Certified Small Business Enterprises on this Project. The firm shall discuss whether it will partner with an SBE firm on this Project under the Guidelines attached hereto as **Exhibit “B”**.

Proposal Scoring Criteria

The Scoring Criteria is made up of the six (6) Categories that collectively represent a Total Point Value of 100 points. The total points for each Proposer will be the basis to determine the Top Ranking Proposer.

EVALUATION CATEGORIES	POINTS POSSIBLE
1. Qualifications of the Firm	25
2. Proposed Project Staff and Functions	30
3. Comprehensive Project Management Services	10
4. Knowledge of Local Conditions	15
5. Small Business Utilization Plan	10
6. Volume of Previous Work	10
GRAND TOTAL OF POINTS	100 POINTS

CATEGORY 1 - Qualifications of the Firm - 25 Points Possible

The firm's experience in similar projects utilizing the Construction Management process and other successful related CM projects will be scored. Recommendations from previous Owners and Architects will be evaluated. Litigation history will be considered.

CATEGORY 2 - Proposed Project Staff and Functions - 30 Points Possible

The Project Management team's experience with similar projects, with public projects, and overall Construction Management experience. Recommendations from previous Owners and Architects will be evaluated.

CATEGORY 3 - Comprehensive Project Management Services - 10 Points Possible

The ability and history of the firm and its staff to deliver projects using effective management tools and techniques will be evaluated.

The firm's scheduling system and cost control system will be evaluated including methods for assuring subcontractors' adherence to schedule. A comparison of the firm's project profile should indicate their ability to hold to original schedules and budgets.

The firm's approach to establishing a Guaranteed Maximum Price along with methods of Cost Control and Reporting Systems used will be scored.

CATEGORY 4 - Knowledge of Local Conditions - 15 Points Possible

The firm's knowledge of the local construction environment as an indication of their ability to deliver a quality product in an effective and timely manner with local subcontractors will be scored. The firm's location of its office which will manage the work will be considered.

CATEGORY 5 - Small Business Utilization Plan - 10 Points Possible

The firm's history, approach, and commitment to meet or exceed the SBE participation requirement will be scored; up to 7 of the 10 possible points may be awarded for this part of the SBE plan. Proposers are encouraged to participate in the County's CM/SBE Partner Program as described in the Guidelines attached hereto as **Exhibit B**. Proposers that include a Partnering arrangement in their SBE plan may receive up to 3 of the 10 possible points for such partnering arrangement.

CATEGORY 6 - Volume of Previous Work - 10 Points Possible

The volume of the firm's previous work within the past 6 years with the County will be considered with the objective to share the available work with many firms.

G. AWARD OF CONTRACT

1. **Notification of Recommended Award.** Proposers will be notified of the Selection Committee tabulations and Notification from Owner, with recommended awards made in accordance with the RFP and results will be posted at the location where Proposals were received for review by interested parties prior to submission through the appropriate approval process to the Board of County Commissioners, and will remain posted for a period of five (5) business days. Failure to file a protest to the Director of Purchasing during the 5 day posting period shall constitute a waiver of proceedings under County ordinance.
2. **Negotiations.** The Owner will conduct negotiations with the highest ranked Respondent to determine the fee and other requirements. However, if an agreement is not reached with the top ranked Respondent, negotiations will be terminated and the Owner will move to the second ranked Respondent to attempt to reach agreement. If an agreement cannot be reached with the second ranked Respondent, the Owner will move to the third ranked Respondent.

H. TIME

Time is of the essence in all contract documents. The successful Respondent, shall enter into a Contract with the County, shall commence the work to be performed under the Contract on the date set by the County in the written notice to proceed, and shall continue the work with due diligence.

I. REQUIRED FORMS

Exhibit A, the Proposal Certification Form, must be signed and returned as part of the proposal.

RFP EXHIBIT A

**PROPOSAL CERTIFICATION FORM
CM SERVICES FOR
[PROJECT NAME]
PROJECT #XXXXX**

I hereby certify that I am submitting my company's proposal and understand that by virtue of executing and returning with this proposal this Proposal Certification Form, I certify that all information is correct and I understand the contents and accept the conditions of the Request for Proposal and this Proposal Certification Form.

Acknowledgment of Supplements:

It is agreed that proposer has received and understands all supplements issued by the County.

The Proposer acknowledges receipt of supplement(s) as follows:

Supplement # _____ dated _____ Supplement # _____ dated _____

Statement of Participation in Contracts Subject to Nondiscrimination Clause:

The Proposer shall complete the following statement by checking the appropriate boxes:

The Proposer has () has not () participated in a previous contract subject to the nondiscrimination clause prescribed by Executive Order 10925, or Executive Order 11114, or Executive Order 11246.

The Proposer has () has not () submitted all compliance reports in connection with any such contract, due under the applicable filing requirements; and that representations indicating submission of required compliance reports signed by proposed subcontractors will be obtained prior to award of subcontracts.

If the Proposer has participated previously in a contract subject to the nondiscrimination clause and has not submitted compliance reports due under applicable filing requirements, the Proposer shall submit a compliance report on Standard Form 100, "Employee Information Report, EEO-1" prior to the award of the Contract.

Statement of Nondiscrimination Policy:

It is the policy of the Board of County Commissioners of Palm Beach County that Palm Beach County shall not conduct business with nor appropriate any funds for any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information.

All entities doing business with Palm Beach County, Florida are required to submit a copy of their non-discrimination policy which shall be consistent with the policy of Palm Beach County stated above, prior to entering into any contract with Palm Beach County. In the event an entity does not have a written nondiscrimination policy, such entity shall be required to sign a statement affirming that contractor will conform to Palm Beach County's non-discrimination policy, as provided in R-2014-1421, as amended.

Check one:

Contractor hereby attaches its non-discrimination policy which is consistent with the policy of Palm Beach County, or

Contractor affirms that it will conform to Palm Beach County's non-discrimination policy.

PROPOSER (firm name): _____

PRINT NAME OF AUTHORIZED REPRESENTATIVE: _____

SIGNATURE OF AUTHORIZED REPRESENTATIVE: _____

TITLE: _____ DATE: _____

RFP EXHIBIT B
PALM BEACH COUNTY CM/SBE PARTNERING GUIDELINES

PALM BEACH COUNTY CM / SBE PARTNERING GUIDELINES

1. BACKGROUND

When the Palm Beach County (“County”) Facilities Development and Operations Capital Improvements Division (“FDO / CID”) requests proposals from Construction Managers (“CM”) to provide services for particular projects, part of the County’s evaluation of proposals takes into account the CM’s approach, written in response to the requirement indicated in the Request for Proposals (“RFP”), to meeting the County’s Small Business Enterprise (“SBE”) program requirements and goals established for the project.¹

2. INTENT

The intent of encouraging CM / SBE partnering on larger construction management projects is to: 1) enhance SBE performance capabilities on County contracts, 2) foster establishment of long-term business relationships between SBE and CM firms and capable subcontractors and suppliers, 3) increase the overall capability of SBE contractors that receive County contract awards, 4) increase SBE contractors’ experience in areas where they have not traditionally performed, 5) raise prime CM firms’ awareness and understanding of the challenges faced by SBE contractors, 6) expand the capabilities and resources available to CM firms by effectively utilizing the skills and experience of SBE contractors, and 7) facilitate the ability of SBE contractors to build capacity toward ultimately serving as CMs on County and other construction projects. These Guidelines are established to fulfill County project requirements indicated in the CM solicitation/RFP and assist with monitoring and enhancing the CM / SBE partnering efforts and achieving the County’s SBE Program goals.

3. DEFINITIONS

(a) Memorandum of Understanding (“MOU”) is a written document between the CM and the Partnering SBE that meets the requirements of Section 10 hereof.

(b) Prime Construction Manager or CM is a construction management firm that meets the requirements of Section 5 hereof and elects to include in its proposal to the County a CM/SBE partnering arrangement that adheres to these Guidelines.

(c) Partnering Monitor means the employee of FDO designated to monitor the CM and SBE firms’ compliance with the proposal representations memorialized in the MOU.

(d) Project Manager is the County’s representative assigned by FDO / CID to manage the project for the County. The Project Manager will serve as a secondary Partnering Monitor and attend the meeting at the end of the project.

(e) Partnering SBE is an SBE certified contractor that meets the requirements of Section 6

¹ If the RFP is for a project funded through non-County funding source(s) which provide for DBE (federal) or W/MBE (state) preferences, all references to SBE shall be deemed changed to DBE or W/MBE, as applicable.

hereof and is the intended recipient of developmental assistance pursuant to the partnering arrangement agreed between the parties on a specific County construction project.

4. ELIGIBILITY TO PARTICIPATE

(a) In order for a CM to be eligible for the incentives described in Section 7 below, the CM must meet the requirements of Section 5 hereof and must establish an MOU to provide appropriate developmental assistance to a Partnering SBE.

(b) A CM / SBE partnering arrangement requires the SBE to be a subconsultant under the CM's prime contract with the County for the subject project.

(c) A Partnering SBE's participation in the partnering arrangement described herein shall not affect the SBE firm's eligibility to seek other prime contracts or subcontracts.

5. ELIGIBILITY OF CM FIRMS

(a) A CM must be a construction management firm with annual gross income greater than \$9 million and otherwise meets the requirements of the County RFP/solicitation.

(b) Besides meeting all the requirements (capability, license, insurance, bonding, etc.) needed to adequately respond to an individual County project RFP, the CM must be able to provide developmental assistance (as described in the MOU) to the Partnering SBE.

(c) The CM must participate in the semi-annual and final meetings with the Partnering SBE and the Partnering Monitor and complete a Final Report, which will include a "Lessons Learned" section.

6. ELIGIBILITY OF PARTNERING SBE FIRMS

(a) To participate, the Partnering SBE must be:

1. a certified general contractor or certified building contractor; and
2. a Palm Beach County certified SBE;

(b) willing and able to meet the agreed upon requirements and goals established by the MOU, the subconsulting agreement to be entered into with the CM and any other applicable project requirements that may be included in CM's contract with the County.

(c) A CM will select an eligible Partnering SBE expressing their interest to participate as a Partnering SBE in accordance with the requirements of a County project's RFP and related CM contract. The Partnering SBE firm must be willing and able to perform as a subconsultant utilizing an agreement substantially similar to the CM's standard subconsultant agreement as it relates to the CM contract with the County.

(d) CM firms may have more than one Partnering SBE if the situation is determined to be beneficial to the project.

7. INCENTIVES FOR THE CM

(a) Appropriate incentives to participating CM's may include: the County evaluating proposals containing CM / SBE partnering arrangements more favorably than proposals that do not include

such arrangements.

(b) When applicable, the CM's proposal must comply with Sections 4 and 5 herein in order to receive the incentive(s) described in this section.

8. COMPLIANCE VERIFICATION / MEASUREMENT OF SUCCESS

The CM / SBE partnering arrangement will be monitored by the Partnering Monitor. The Partnering Monitor will attend semi-annual meetings and a final meeting with the participating firms, where the participating firms will review the activities of the partnership and attempt to determine whether:

(a) the plan established by the initial MOU is still valid or whether adjustments should be made and if so, what adjustments should be made;

(b) that both the CM and Partnering SBE are actively participating and performing the duties in accordance with the MOU;

(c) that the individuals assigned to their project roles by the CM and Partnering SBE are still engaged and relevant to the MOU;

(d) that the CM and Partnering SBE are reasonably satisfied with the arrangement.

At the end of the project the CM and Partnering SBE shall complete a Final Report on the partnership that can be used to evaluate the success of the CM / SBE relationship. The Final Report should demonstrate that a reasonable effort was made by the CM and Partnering SBE to carry out the activities and expectations of the initial or adjusted MOU and the established goals were reasonably accomplished.

9. PROPOSAL PROCESS

If the County project's solicitation/RFP requires or encourages a CM / SBE Partnering arrangement, the participating firms may be asked to describe their plan and how they intend to achieve the established goals in their proposal prepared in response to the County's RFP. The County may require the firms to include with its proposal a MOU that includes the minimum information described in Section 10 below.

10. MEMORANDUM OF UNDERSTANDING (MOU) CONTENTS

In an attempt to establish a minimum standard for its contents, the MOU should contain the following information:

(a) Name, mailing address and telephone number of the CM and Partnering SBE and the name, telephone number, e-mail address and position title within both firms of the person responsible for the firms' participation in accordance with the MOU.

(b) Appropriate documentation indicating that Partnering SBE meets the requirements of Section 6 hereof.

(c) Based on the needs of the Partnering SBE and the requirements of the project and the CM's contract with the County, the firms must list the type of developmental assistance the Partnering SBE will be seeking and which the CM intends to provide.

(d) The names of the individuals from each firm that will be active participants on the project, their roles as it relates to the management staff for the project and the areas of practice or project activities that the partnership is seeking to address under the MOU.

(e) Indicate the duration of the individual's assignment if not planned for the entire duration of the project.

(f) The anticipated dollar value or percentage of the applicable portion of the CM firm's contract, its basis and the anticipated scope of services that will be performed by the Partnering SBE.

(g) The proposed frequency of meetings between the CM and Partnering SBE as well as the proposed topics of discussion and documents to be reviewed at those meetings.

11. LIMITATION

The MOU and subconsultant agreement define the relationship between the CM and Partnering SBE only, the anticipated activities and roles relative to the project, and the developmental goals the arrangement is seeking to achieve. The MOU and subconsultant agreement do not create any privity of contract or contractual relationship between the CM and the County nor the Partnering SBE and the County.

12. DEVELOPMENTAL ASSISTANCE

The forms of developmental assistance a CM can provide to a Partnering SBE may include, but are not limited to:

(a) Guidance on a company-to-company level relating to the construction management project delivery method, learning industry best practices and to fulfilling contractual requirements of the project. Suggested items would be:

(1) Safety training, the importance of management commitment to safety, establishing safety culture and proper jobsite planning;

(2) Preconstruction activities such as estimating, scheduling, document and constructability review, guaranteed maximum price development and the importance of their accuracy to the project;

(3) Project management best practices, logistics planning, document logs, efficiency and time management, meetings, reporting, change management process, keeping harmony and promoting teamwork, subcontractor management, keeping the client satisfied;

(4) Cost management, receivables and payables, cash flow, legalities of payment application process;

(5) Risk management including insurance and surety bonding requirements and legal matters;

(6) Marketing and business development, networking, advertising, contract negotiations, corporate responsibility and outreach;

(7) Human resource management, employee recruitment, retention, professional development and discipline.

(b) Guidance on a personal level by assignment of CM personnel for the purpose of training SBE Partnering personnel in similar positions on industry best practices and for activities beneficial to the success of the project.

13. REPORTS

(a) A Final Report must be submitted to the Partnering Monitor by the CM and Partnering SBE at the conclusion of the project.

(b) The CM and Partnering SBE shall summarize the assistance provided and to indicate if the established goals in the initial or adjusted MOU were achieved.

(c) The CM and Partnering SBE shall submit a “Lessons Learned” evaluation to the Partnering Monitor at the conclusion of the project.

(d) At the conclusion of a project that contains a partnering arrangement, the CM and Partnering SBE shall meet with the Partnering Monitor and Project Manager regarding preparation of the Final Report. Failing to meet and discuss the experience may reflect unfavorably upon the CM or Partnering SBE on future selections for County CM projects.