

PANOLA COLLEGE REQUEST FOR QUALIFICATIONS

CONSTRUCTION MANAGER AT RISK (CMAR) (2 STEP PROCESS)

OPENING DATE: September 19, 2019
TIME: 2:00 P.M.
LOCATION: Panola College
Magnolia Room, Administration Bldg,
1109 West Panola
Carthage, TX 75633

TELEPHONE: (903) 693-2023

Request for Qualifications (RFQ) Construction Management at Risk Services (Two Step Process). This is a Request for Proposals as defined in Texas Gov't Code 2269 for Construction Manager at Risk.

SUBMIT ONE (1) ORIGINAL AND FIVE (5) COPIES OF QUALIFICATIONS WITH ONE (1) thumb drive with QUALIFICATIONS in Adobe PDF format.

To respond to step 1, submit all materials in a SEALED ENVELOPE marked:

RFQ Construction Management at Risk Services

and submit to the Purchasing Office address at the top of this form by not later than **2:00 PM, September 19, 2019:**

MAIL or DELIVER to:

**Mr. Alan Howard
Vice President of Fiscal Services
Panola College
1109 West Panola
Carthage, Texas 75633**

Any submissions of information or documents to PANOLA COLLEGE (College) pursuant to this bid or proposal is deemed public information by the College unless the Vice President of Fiscal Services of the College is notified by the enclosed form and the vendor has followed the process outlined on the form. Failure to follow the process outlined in the enclosed forms may cause your proposal to be rejected as nonconforming. The right is reserved to accept or reject each item separately or as a whole.

College reserves the right to reject any or all bids or proposals and to waive any informality. Any reference within the following pages of this document to bid, Request for Proposal (RFP), Competitive Sealed Proposal (CSP) could be technically inaccurate but should be construed to mean and are used interchangeably as the designated legal method of procurement listed at the top of this page. **It is the responsibility of the vendor to monitor the Panola College's website for any addenda to the RFQ.**

PANOLA COLLEGE

By:

Mr. Alan Howard
Vice president of Fiscal Services

PROPOSER'S STATEMENT

You are representing to Panola College that you are authorized to submit this proposal by signing below:

Proposal submitted: (Circle one)

YES **NO**

BID

Company Name:

Address:

City:

State:

ZIP:

Signature of authorized representative:

Date:

Printed name:

Email:

Telephone:

Fax:

Vendors shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. Bidder certifies that the company complies with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations.

PANOLA COLLEGE

REQUEST FOR QUALIFICATIONS

FOR

CONSTRUCTION MANAGEMENT
SERVICES

(CM AT RISK)

(TWO STEP PROCESS)

PANOLA COLLEGE – NEW MUSIC BUILDING

CARTHAGE, TEXAS

PANOLA COLLEGE
NEW MUSIC BUILDING
REQUEST FOR QUALIFICATIONS
CONSTRUCTION MANAGER AT RISK

Pursuant to the applicable provisions of Chapter 2269 Texas Gov't Code, it is the intention of Panola College to select via a two-step process a Construction Manager at Risk (CMAR) for the New Music Building Project. The selected CMAR is to serve as the general contractor to assist the College and its Architects with cost estimating, value engineering, constructability reviews, and scheduling during the design and construction document phases, and to assume the risk for construction, rehabilitation, alteration, or repair of facilities at a Guaranteed Maximum Price. The selection criteria with weighted value, estimated budget, time and place for receipt of the Requested Qualifications are hereinafter described or are attached.

The project consists of the construction of a New Music Building on the Panola College campus, Carthage, Texas on the site of the current Rhea Fine Arts Building (to be demolished by Owner); consisting of approximately 12,000 Gross Square Feet in one story of construction. Estimated construction cost (GMP) is \$3,000,000. The College intends to award CMAR Services at its October 28, 2019 Board of Trustees Meeting, with preconstruction services to begin immediately thereafter. The College has established a preliminary substantial completion date of April 9, 2021, subject to review and finalization during pre-construction services. A site plan, initial program and additional site information will be provided to all attendees at the mandatory pre-proposal meeting.

The Owner will use, as the core construction contract document with the Construction Manager, AIA document A133-2009. The general form of the General Conditions document will be the AIA 201 General Conditions - 2007 Edition. These contract forms have been modified/amended by the college's legal counsel and will be provided to the short-listed firms prior to submission of the Step 2 Proposals. Any changes, modifications, or exceptions must be specifically noted, in writing, as a part of the Step 2 Proposal. Fees and prices for fulfilling the general conditions may be negotiated and contained in and as a part of the final agreement. As a part of your Step 2 proposal indicate that, if selected, you will execute this contract, noting specific and detailed exceptions, in writing. If requests for modifications may be considered by the Owner but with no obligation to do so. If an agreement cannot be reached with highest ranked offeror, the college will terminate negotiations in writing and begin negotiations with the next ranked firm that provides the best value to the college.

Qualification statements are to include the information requested in the Questionnaire below in the sequence and format prescribed. In addition to and separate from the requested information, organizations submitting may provide supplementary materials further describing their capabilities, experience and qualifications.

Fees or prices should not be included in the STEP ONE Response to the Request for Qualifications. If fees or prices are included in the Response, the Response will be considered as nonresponsive.

SEALED Statements of Qualifications are to be submitted to:

Mr. Alan Howard
Vice President of Fiscal Services
Panola College
1109 West Panola
Carthage, Texas 75633

no later than: **2:00 PM September 19, 2019**

After publicly opening the qualification statements, and clarification of qualifications, if needed, with offerors, as requested, the College with assistance of its Architects will select not more than three firms for step 2 interviews and proposals, including proposed fees and prices for fulfilling the general conditions.

Selected firms will be notified by **4:00pm September 23, 2019**. The college may opt to notify short-listed firms via email correspondence. Provide up to 2 additional names/email addresses of individuals to be notified of their selection as a short-listed firm.

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Interviews may be conducted with the short-listed firms prior to submission of the Step 2 Proposals. The interview will be considered as a part of the Step 2 evaluation process. Interviews will be in accordance with the selection schedule. All short-listed firms must be available for the interview process at a stipulated time on this day. College representatives, including the Architect, will participate in the interview process. The firm should bring no more than 5 individuals to the interview, which must include the project manager(s) and job superintendent identified in the qualification proposal.

Upon conclusion of the interviews and submission of the Step 2 Proposals, the firms will be evaluated and ranked in accordance with the criteria contained in the RFQ and determined to provide the best value for the College.

SCHEDULE FOR SELECTION CMAR:

| | |
|-------------------------------|--|
| September 4 and September 11: | Advertisements |
| September 12: 1:00pm: | Mandatory Pre-Proposal Meeting |
| September 19: 2:00pm: | DEADLINE – receive Step 1 Statements of Qualifications |
| September 23: | Interview invitations issued to short-listed firms |
| October 3: (times TBA): | Interview CMAR Firms |
| October 3: 1:00pm | DEADLINE – receive Step 2 SEALED proposals |
| October 17: | Notify highest rank firm |
| October 23: | Review and negotiation |
| October 28: | Award CMAR pre-construction services – Board of Trustees Meeting |

Questions about the project and Request for Qualifications shall be addressed only in writing via e-mail to:

Mr. Alan Moon
Director of Facilities
Panola College
amoon@panola.edu

with a copy to the Architect's Representative:

Ms. Kesha Mehta
Senior Associate
Corgan
kmehta@corgan.com

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FORMAT AND QUESTIONNAIRE FOR STATEMENT OF QUALIFACTIONS

Please provide the following information in the sequence and format prescribed by this questionnaire. Supplemental materials providing additional information may be attached, but the information requested below is to be provided in this format. This information is to be provided as a part of the Step 1 process. Submissions should total not more than fifty (50) 8.5x11 inch pages including any supplemental materials and be printed and bond in a simple and economical manner. No three-ring binders. An electronic copy, in Adobe PDF format is to be provided with your original and printed copies on a USB thumb drive. The PDF should be identical to the printed materials, including supplemental materials. Do not include additional promotional materials.

1. Firm Information:

Name of firm:
Address of Principal Office:
Phone:
Fax:

Form of Business Organization (Corporation, Partnership, Individual, Joint Venture, Other)

Year founded:

Primary individual to contact:
Primary email:

Secondary contacts with email and telephone:

2. Organization:

2.1 How many years has your organization been in business in construction in its current capacity?

2.2 How many years has your organization been in business under its present name?
Under what other or former names has your organization operated?

2.3 If your organization is a corporation, answer the following:

Date of incorporation
State of incorporation
President's name
Vice-President's name(s)
Secretary's name
Treasurer's name

Is it a publicly held corporation?

2.4 If your organization is a partnership, answer the following: Date of organization, type of partnership (if applicable), names of general partner(s).

2.5 If your organization is individually owned, answer the following:

Date of organization
Name of owner.

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2.6 If the form of your organization is other than those listed above, describe it and name the Principals.

3. Licensing:

3.1 List jurisdictions and trade categories in which your organization is legally qualified to do business and indicate registration or license numbers, if applicable.

3.2 List jurisdictions in which your organization's partnership or trade name is filed.

4. Experience:

4.1 List the categories of work that your organization normally performs with its own forces. Would you propose to do any work with your own forces or to bid all work to subcontractors?

4.2 List any subcontractors in which your organization has some ownership and list the categories of work those subcontractors normally perform.

4.3 Claims and suits. (If the answer to any of the questions below is yes, please attach details.)

4.3.1 Has your organization every failed to complete any work awarded to it?

4.3.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?

4.3.3 Has your organization filed any lawsuits or requested arbitration or mediation with regard to construction contracts within the last five years?

4.4 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)

4.5 Current work:

List the major construction projects your organization has in progress, giving the name and location of project, owner, architect, contract amount, percent complete and scheduled completion date.

4.6 Work over last 5 years:

List major projects (specifically higher educational facilities) constructed by your organization over the last 5 years. For each project, provide the name, nature of the project/function of the building, size (SF), location, cost, completion date, owner and architect, and the way your organization was selected (procurement method).

4.7 Prior experience with Panola College, if any.

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5. Financial Information:

- 5.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:
- Current assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses)
 - Noncurrent assets (e.g., net fixed assets, other assets)
 - Current liabilities (e.g., accounts payable, notes payable (current), accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes.)
 - Noncurrent liabilities (e.g., notes payable).
 - Capital accounts and retained earnings (e.g., capital, capital stock, authorized and outstanding shares par value, earned surplus and retained earnings).
- 5.2 Name and address of firm preparing attached financial statement and date thereof.
- 5.3 Is the attached financial statement for the identical organization names under item 1 above? If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent, subsidiary).
- 5.4 Will the organization whose financial statement is attached act as guarantor of the contract for construction?
- 5.5 Provide name, address, phone for bank reference.
- 5.6 Surety:
Name of bonding company:
Name and address of agent:

Payment and Performance bonds for 100% of the construction cost will be required upon submission of the GMP for project contract. A bid bond will be required at step 2, with the submission of fees, to ensure that payment and performance bonds will be furnished when the GMP is established for each project.

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6. Experience with and concepts for working as a Construction Manager at Risk:

- 6.1 Describe your organization's concepts for working in a team relationship with the Owner and Architect during the design and construction of major projects.

Describe your organization's ability to recommend alternative approaches and products during the design phase to assist the Owner in maintaining the project budget. Describe your organization's methods for estimating costs, and for scheduling during the design and documentation phases. Which (one or more) of your projects listed above best exemplify these concepts and experience?

- 6.2 **Cost Estimates:**
Attach a sample conceptual cost estimate prepared during the design phase of a project, and a sample of the final cost estimate/breakdown used to fix the contract amount for the construction of the same project. (The identity of the project may be concealed. The intent is to see the nature and format of the cost information provided.) In addition, provide examples of cost estimates at the following milestones, as well as final GMP of the project: Design development, 50% CD, 75% CD, GMP.
- 6.3 **Constructability reviews:**
Attach a sample constructability review prepared during the construction document phase of a project. (The identity of the project may be concealed. The intent is to see the nature and format of the cost information provided.)
- 6.4 **Savings:**
Describe your organization's concept for the generation of savings during construction. Give specific examples of actions taken on previous projects that resulted in savings for the owner.
- 6.5 **Cost Information:**
Your firm would be required to make all cost information during design and construction available to owner and architect. Describe how this information would be furnished and how the owner and architect would be assured that it is complete and accurate.

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7. Personnel:

Given the scope and schedule of the projects, identify the specific Project Manager(s) to be on site, Project Engineer(s) to be on site, Superintendent(s) to be on site, Estimator, and all other supervisory positions to be on site who would work on the project. Provide a resume and references for each individual. Provide assurance that the identified team will remain with this project throughout the course of construction.

8. References:

For 3 of the projects listed above (re: item 4.5), identify a representative of the owner and a representative of the architect (provide name, phone/fax numbers, email addresses) who could be contacted as references regarding your organization's services. The references should be for educational projects of comparable scope.

9. Safety:

Provide information pertaining to your firm's accident frequency rate and modifier for the last five years. Include a copy of your firm's safety program.

10. Schedules:

Provide a sample schedule to illustrate your approach to managing various project phases.

11. Conflict of Interest Questionnaire:

Include completed Conflict of Interest Questionnaire.

END OF QUESTIONNAIRE

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CRITERIA FOR SELECTION

Panola College shall consider the following selection criteria in evaluation of the Step 1 Statements of Qualifications and to base its selection(s) solely based on the evidence submitted to determine qualifications:

- (1) Offeror's experience and reputation;
- (2) Quality of offeror's goods and services;
- (3) Offeror's safety record;
- (4) Qualifications of proposed personnel
- (5) Offeror's financial capabilities;
- (6) Other appropriate factors that demonstrate qualifications;

Extrapolated from this list, the following specific questions will be considered in selecting the construction manager. The cumulative total score for each section will be determined and used for that specific category. No weights will be assigned for this selection criteria.

- (1) Offeror's Experience and Reputation: (maximum 20 points)
 - How substantial is the firm's recent experience in the construction of projects of comparable size and complexity?
 - How substantial is the firm's experience in providing construction services for educational facilities of comparable size, complexity?
 - Is the firm knowledgeable about, experienced in the East Texas construction market?
 - How long has the firm been in business providing the type of services sought by the College?
- (2) Quality of Offeror's Goods and Services: (maximum 15 points)
 - Has the firm worked for the College in the past? If so, when and in what capacity? Was that work satisfactory to the College? Was that work finished in budget? Was that work finished on time?
 - Does the construction manager appear to have the capability to meet the College's needs?
 - Did the references listed (both owner's and architect's) have a favorable experience with the organization? Would they work with them again? How comparable was their project to the Panola College projects?
- (3) Safety Record: (maximum 5 points)
 - What is the vendor's safety record? Provide explanation of rating system.
- (4) Proposed Personnel: (maximum 15 points)
 - Is the firm proposing supervisory personnel for the job that are experienced in renovations of educational facilities?
 - Do the personnel proposed for the project appear to have the appropriate experience, capabilities?
- (5) Offeror's Financial Capabilities: (maximum 15 points)
 - What is the offeror's financial capability?
 - Is the firm operating with a positive balance?
 - Has the offeror ever filed for bankruptcy?

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- (6) Other Appropriate Factors that Demonstrate Qualifications: (maximum 40 points)
- Does the description provided by the firm of its pre-construction services evidence both understanding and capabilities of the process in general and as it applies to these specific projects?
 - Does the construction manager appear to have the capability to meet the College's schedule objectives?
 - Is the format/nature of cost estimates prepared by the firm during the design phase informative/useful for the College/Architect? Are the initial and final estimates consistent in nature and format?
 - How substantial is the firm's recent experience in providing pre-construction services for projects of comparable size and complexity?
 - Does the firm's organizational structure, licensing and financial information indicate that the firm can undertake the project?
 - Are the referenced Contract and General Conditions documents acceptable?
 - Is the format/nature of cost estimates prepared by the firm during the design phases informative/useful for the College/Architect?
 - Are the initial and final estimates consistent in nature and format?

Award of Contract

- Notwithstanding any provision of this Request for Qualifications, the College expressly reserves the right to:
 - (1) Waive any immaterial defect or informality; or
 - (2) Reject any or all proposals, or portions thereof; or
 - (3) Reissue a Request for Qualifications.

NOTIFICATION OF CRIMINAL HISTORY OF CONTRACTOR (Section 44.034TEC)

- (a) A person or business entity that enters into a contract with a school college must give advance notice to the College if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony. (See attached form.)
- (b) A college may terminate a contract with a person or business entity if the college determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The College must compensate the person or business entity for services performed before the termination of the contract.
- (c) This section does not apply to a publicly held corporation.

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STEP 2 – PROPOSED FEES AND PRICING

The following information is applicable to the Step 2 process only. It is being provided for informational purposes only.

Firms shortlisted for the Step 2 process will use this information in submitting Step 2 information. More information will be provided at the time of notification that firm has been selected to submit Step 2 information.

Pursuant to Subchapter F, Chapter 2269 Texas Gov't Code, the College will use the Construction Manager-at-risk for the construction, rehabilitation, alteration or repair of the Project(s) only as provided by Subchapter F.

No more than three (3) offerors, selected solely based on qualifications, will be asked to provide additional information, fees and pricing as step 2 of the selection process. This submission will be in a sealed envelope addressed to:

Mr. Alan Howard
Vice President of Fiscal Services
Panola College
1109 West Panola
Carthage, Texas 75633

Sealed Envelopes are to arrive no later than 1:00 PM, October 3, 2019, at which time they will be publicly opened and requested fees and prices shall be read aloud. No other information shall be made public until after a contract has been awarded. Within ten (10) days after the date on which the final proposals are opened, the College shall evaluate and rank each proposal submitted in relation to the criteria set forth in this request for proposals.

Fees:

The following information is for reference only during the Step 1 process. This information will be completed and provided by identified short-listed firms as a part of the Step 2 process. It is anticipated that the College will enter into a construction contract for the Work with the Construction Manager-At- Risk for a fee with a Guaranteed Maximum Price. All pre-construction and construction phase fees will be included in the Guaranteed Maximum Price. The fee(s) shall be listed in both percent (%) and dollar amounts. The fees should be divided into two parts.

Pre-construction Services Fee:

- To include personnel expenses, project estimates, preliminary project schedule, value engineering and constructability reviews, overhead and profit, and other services described below, through the Design Phase portion of the Project. (See attached Pre-construction Services List – Attachment 1).

Construction Phase Services Fee

- To include overhead and profit to administer the project construction, including, but not limited to, the services listed below through the Construction Phase of the Project. (See attached Construction Services – Attachment 2).
- The fee quoted will not include Fee and Prices for fulfilling the general conditions. These items will be included as a part of the general conditions, determined as a part of the guaranteed maximum price. The fee form must indicate what percentage of savings will be returned to the owner.

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General Conditions:

Include an itemized cost breakdown of all General Conditions that will be applicable to the project. Include all site costs for the job personnel as well as all reimbursable overhead items. Include all bonds and insurance costs. The total amount shall be provided in both percent (%) and dollar amount for the project. These figures will not be used in the evaluation but will be available to discuss during negotiations. This information shall be included in tabulation form, which will be provided if selected to submit Step 2 proposals.

General Conditions as used herein mean the General Conditions as described in AIA Document A133-2009, as modified, AIA Document A201-2007, as modified, and Section 2269.001(4) Texas Gov't Code.

Bonds

A guaranteed maximum price (GMP) will not be established until completion of the construction document phase of the project. A bid bond for the project shall be provided with step 2 Proposal to ensure that the required separate performance and payment bonds for 100% of the GMP will be furnished when the GMP for the project is established. Payment and performance bonds, along with proof of insurance and workers compensation coverage in the amounts specified in the construction documents, shall be provided within 10 days of project contract awards. All bonds shall be issued by a surety company licensed, listed and authorized to issue bonds in the State of Texas by the Texas Department of Insurance, and shall fully comply with Texas Insurance Code §3503.001 et seq and Texas Gov't Code Chapter 2253 or their successors.

Evaluation and Ranking of Offerors: In evaluating the step 2 proposals to determine which provides the best value to the College, the College shall consider, in addition to the criteria in step one, the following criteria from Section 2269.055 Texas Gov't Code:

- (1) The Price
- (2) Offeror's experience and reputation
- (3) Quality of the offeror's goods and services
- (4) The Offeror's proposed personnel
- (5) Whether the offeror's financial capability is appropriate to the size and scope of the project(s)
- (6) Other appropriate factors that demonstrate qualifications

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In determining the award of the contract, the College shall, pursuant to Section 2267.055(b)(1) and (2) Tex Gov't Code:

Consider and apply any existing laws, policies, including any criteria, related to historically underutilized businesses; and

Consider and apply any existing laws, rules, and policies, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

Based on the three (3) short-listed firms selected to submit for Step 2, each firm will be ranked among the others on each criterion. For example, the firm with the best pricing will receive a "1" for the 1st category (purchase price), the next best price will receive a "2" and so on. At the conclusion of rankings for each criterion, the firm with the lowest total score will be determined to provide the best value to the college.

Negotiations

The College shall first attempt to negotiate a contract with the selected offeror. If the College is unable to negotiate a satisfactory contract with the selected offeror, the College shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end.

Performance of Work

The Construction Manager who is selected and enters into a contract with the College shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than minor work that may be included in the general conditions.

Contract for Pre-Construction Phase

The selected Construction Manager-at-Risk shall be awarded a contract identifying all fees. At the point in the design phase that a GMP is established, the contract will be amended to include the GMP as well as all pricing and fees to complete the project. The College reserves the right not to add the construction phase of any project for which an acceptable GMP cannot be mutually agreed.

Contract Award

Unless the offeror states otherwise, or unless provided within this Request for Qualifications, the College reserves the right to award by individual line, item, by group of line items, or as a total, whichever is deemed most advantageous to the College.

Notwithstanding any other provision of this Request for Qualifications, the College expressly reserves the right to:

- (1) Waive any immaterial defect or informality; or
- (2) Reject any or all proposals, or portions thereof, or
- (3) Reissue a Request for Proposal.

ATTACHMENT 1

PANOLA COLLEGE

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CONSTRUCTION MANAGER AT RISK

PRE-CONSTRUCTION SERVICES

Preconstruction Services: The Construction Manager will provide the following:

- a. Key project personnel shall attend regular meetings with the College and Architect to review project status and review and update the construction cost estimate.
- b. Consult with the College and Architect regarding site use and improvements, phasing of the various project issues, selection of materials, building systems and equipment.
- c. Provide recommendations on construction feasibility including estimates of alternative designs or materials, preliminary budgets and possible economies. CM will be required to submit written, detailed constructability reviews with each review set issued by the Architect.
- d. Prepare and routinely update a preliminary project schedule for the Architect's review and the College's approval.
- e. The Construction Manager shall coordinate and integrate the preliminary project schedule with the services and activities of the College, Architect and Construction Manager. As design proceeds, the preliminary project schedule shall be updated to indicate proposed activity sequences and durations, milestone dates for receipt and approval of pertinent information, and submittal of the Guaranteed Maximum Price (GMP) proposal.
- f. During the preparation of the Construction Documents, the Construction Manager shall update and refine the initial cost estimate a minimum of three (3) times. Written, formal constructability reviews are also needed with the estimate submission.
- g. The College will not proceed with projects until the cost estimate is within the pre-determined budget.
- h. If any estimate submitted to the College exceeds previously approved estimates, the Construction Manager shall make recommendations to the District and Architect to reduce the cost of the project.
- i. The Construction Manager shall recommend to the College and Architect a schedule for procurement of long-lead time items that will constitute part of the work as required to meet the project schedule.
- j. When the construction drawings and specifications are 90% complete, the Construction Manager shall propose a GMP, which shall be the sum of the estimated Cost of the Work and the Construction Manager's Fee and General
- k. Conditions. This GMP will be generated prior to securing proposals from subcontractors. It is imperative that the Construction Manager at Risk issue carefully prepared, detailed and accurate cost estimates (minimum 3) as referenced in paragraphs 5f and 5g above.
- l. The Construction Manager at Risk will have full budgetary responsibility from the initial design phase through the establishment of the GMP. At the conclusion of the preconstruction phase, an evaluation of the Construction Manager's estimating, or if the Construction Manager raises the cost estimate beyond levels justified by scope changes and verifiable market conditions, then the Owner will terminate the Construction Manager's services at the conclusion of the pre-construction services phase.
- m. Provide a Guaranteed Maximum Price for the project.
- n. The Construction Manager-at-Risk shall publicly advertise for bids or proposals and in all material respects comply with Sections 2269.255 through 2269.257 Texas Gov't Code and College policies CF Local and CM local related to Performance of the Work.

ATTACHMENT 2

PANOLA COLLEGE

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CONSTRUCTION MANAGER AT RISK

CONSTRUCTION PHASE SERVICES

- Manage the GMP DOCUMENTATION, including:
 - Detailed quantity surveys, pricing
 - Procurement strategy and implementation
 - Detailed bid package scope inclusions
- Establish the BUDGET BY BID PACKAGE
- Prepare a detailed SCHEDULE derived from detailed quantities for each bid package to satisfy milestones.
- SITE UTILIZATION STUDY
 - Coordinate mobilization and plan logistical requirements
 - Project office and material staging locations.
 - Ingress, egress.
 - Security requirements of owner
- CONDUCT PROPER AWARD OF CONTRACTS/PURCHASE ORDERS
:
 - Conduct pre-award meetings
 - Review schedule of values
 - Review subcontractors' general conditions
 - Review scope of work
 - Identify shop drawing requirements
 - Perform document review and specifications review
 - Review contractors' personnel:
 - Project Managers
 - Superintendents
 - Foremen
 - Implement Partnering Program if owner elects to do so
 - Establish quality requirements and standards
 - Review sequence and Schedule
 - Identify accounting requirements
 - Review insurance requirements
 - Review safety and security requirements
 - Recommend award of contracts
- PREPARE AND ISSUE AS CONSTRUCTION MANAGER (or for the Owner):
 - Contracts.
 - Rental agreements
 - Budget adjustments for all transactions
 - Computerized accounting for tracking and projections

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CONSTRUCTION MANAGER AT RISK

- PROVIDE COORDINATION AND MANAGEMENT OF SUBCONTRACTORS
 - Establish site organization, including work and storage areas
 - Establish jobsite management organization and jobsite procedures
 - Maintain daily log for jobsite record
 - Provide general conditions work to meet project requirements
 - Prepare and issue change orders and contracts
 - Prepare subcontractor change orders and contracts
 - Monitor construction cost and projections
 - Prepare and maintain cash flow projection for Owner
 - Monitor and maintain quality control
 - Shop drawing control
 - Equipment and material control
 - Provide and monitor overall progress and short interval scheduling
 - Prepare billings and progress payments
 - Conduct subcontractor coordination meetings
 - Provide coordination between subcontractors
 - Prepare and receive requests for information
 - Prepare agendas and conduct weekly safety and progress meeting
 - Prepare and distribute weekly safety and progress meeting minutes
 - Establish subcontractor progress payment procedure for processing and payment
 - Monitor subcontractor pay applications

- MONTHLY REPORT:
 - Summarize project financial status
 - Review and summarize past month's construction performance
 - Project the coming month's construction activities
 - Present status report on change orders - delays and time extensions
 - Identify problems that threaten construction quality, cost and schedule

- Provide CHANGE ORDER CONTROL:
 - Implement system for change orders
 - Allocate change order responsibilities
 - Review change order requests from subcontractors
 - Negotiate change orders with subcontractors
 - Submit recommendations to Owner

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- Establish a QUALITY MANAGEMENT PROGRAM:
 - All members of the team participate in the quality control effort
 - Project Scope Review:
 - Intended purpose
 - Are the project needs met?
 - Existing conditions reviewed
 - Future needs
 - Incorporate Restrictive Conditions in documentation to include:
 - Social environment, influence of neighbors, environmental impact
 - Natural conditions, grounds and peripherals
 - Research on legal requirements
 - Research on existing structures, facilities
 - Review of Design Development for:
 - Complete construction documents in the order they are to be purchased and constructed
 - Complete documents for pre-purchased equipment
 - Design compatibility with future operation and maintenance
 - Constructability
 - Coordinate schedule and assist independent testing and inspection agencies selected by the college, involving the following work:
 - Underground piping
 - Soils
 - Concrete
 - Rebar
 - Miscellaneous steel
 - Structural steel
 - Mechanical systems
 - Electrical
 - Life safety systems
 - Energy management systems
 - Others as required
 - Work with area superintendents of subcontractors
 - Prepare operations to minimize quality control problems
 - Require formalized quality management program from subcontractors:
 - Ensure conformance to project's quality standards previously established
 - Follow-up to assure correction of deficiencies on test reports
- ACCOUNTING Functions:
 - Insurance requirements
 - Schedule of values review
 - Labor cost reports
 - Material cost reports
 - Unit cost reports
 - Monthly detail cost sheet
 - Monthly job costs
 - Accounts payable
 - Monthly project billing

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- **JOB SAFETY Objectives:**

- Conduct weekly safety meeting:
 - Implement project safety requirements
 - Review subcontractor safety programs
- Subcontractor conformance, initiate knowledge of OSHA requirements:
 - Subcontractor responsible for costs and damages
 - Submission of accident and injury reports
 - Subcontractor safety programs
 - Require subcontractor safety representative
 - Require forty-eight-hour reports
 - Require weekly tool box safety meeting
- Maintain safety meeting minutes:
 - Inform subcontractors of procedures
- Enforce alcohol and drug programs by subcontractors
- Implement and maintain clean-up

- **JOBSITE SECURIT Functions:**

- Monitor and control employee, vendor and public access to the jobsite
- Monitor and control material and equipment deliveries to the jobsite
- Monitor and control material and equipment being removed from jobsite through a material release form
- Monitor and control site traffic
- Monitor and perform periodic checks for alcohol and drugs
- Monitor and control tools
- Monitor material storage
- Monitor trailers and all equipment within
- Maintain proficiency first-aid and CPR program
- Monitor compliance with college's No Smoking policy
- Monitor compliance with college's weapon-free zones
- Monitor and control employee, vendor access or interaction with students and staff
- Monitor and control compliance with College's harassment-free environment for students and staff
- Monitor and control employee, vendor theft

- **HUMAN RESOURCES:**

As construction managers, aid and policies on Equal Employment Opportunity, minority and women-owned business enterprises, sexual harassment or discrimination, drug abuse program, labor relations, employment transfers or reassignments and assuring proper personnel for project requirements.

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- **PROJECT POST CONSTRUCTION Services:**
 - Provide operating and maintenance manuals
 - Secure and assemble warranties or guarantees
 - Provide check-out of equipment
 - Instruct operating personnel in equipment operating and maintenance procedures
 - Assist in actual start-up of equipment.
 - Implement close-out procedures and ensure requirements are met:
 - Subcontractors' and vendors' final payment
 - Resolution of claims
 - Final change orders
 - Lien releases
 - Final lien waivers
 - Consent of sureties
 - Assist Owner in enforcement of warranties or guaranties.
 - Conduct walk-through with Owner and Contractor one year after project completion.

Indemnification

The Panola College is a Texas Political Subdivision and a local governmental entity; therefore, is prohibited from indemnifying third parties pursuant to the Texas Constitution (Article 3, Section 52). Failure to agree to this clause may negate possibility of award.

Do you agree to these terms? YES ___ NO ___ Not a negotiable term.

Remedies

The parties shall be entitled to exercise any right or remedy available to it either at law or in equity, subject to the choice of law, venue and service of process clauses limitations agreed herein. Nothing in this agreement shall commit the Panola College to an arbitration resolution of any disagreement under any circumstances. Any Claim arising out of or related to the Contract, except for those specifically waived under the terms of the Contract, may, after denial of the Board of Trustees, be subject to mediation at the request of either party. Any issues not resolved hereunder must be referred to non-binding mediation to be conducted by a mutually agreed upon mediator as a prerequisite to the filing of any lawsuit over such issue(s). The parties shall share the mediator's fee and any associated filing fee equally. Mediation shall be held in Panola County, Texas. Agreements reached in mediation shall be reduced to writing and will be subject to the approval by the College's Board of Trustees, signed by the Parties if approved by the Board of Trustees, and, if signed, shall thereafter be enforceable as provided by the laws of the State of Texas.

Do you agree to these terms? YES ___ NO ___ If you do not, please reference objection in Deviation form section

Choice of Law

This agreement and any addenda or other additions, however described, shall be governed by, construed and enforced in accordance with the laws of the State of Texas, regardless of any conflict of laws principles.

Do you agree to these terms? YES ___ NO ___ Not a negotiable term.

Jurisdiction and Service of Process

Any Proceeding arising out of or relating to this Agreement or any Contemplated Transaction shall be brought in a court of competent jurisdiction in Panola County, Texas and each of the parties irrevocably submits to the exclusive jurisdiction of said court in any such Proceeding, waives any objection it may now or hereafter have to venue or to convenience of forum, agrees that all claims in respect of the Proceeding shall be heard and determined only in any such court, and agrees not to bring any Proceeding arising out of or relating to this Agreement or any Contemplated Transaction in any other court. The parties agree that either or both of them may file a copy of this paragraph with any court as written evidence of the knowing, voluntary and freely bargained for agreement between the parties irrevocably to waive any objections to venue or to convenience of forum. Process in any Proceeding referred to in the first sentence of this Section may be served on any party anywhere in the world.

Do you agree to these terms? YES ___ NO ___ Not a negotiable term.

Infringement(s)

The successful vendor will be expected to indemnify and hold harmless the Panola College and its employees, officers, agents, representatives, contractors, assignees and designees from any and all third party claims and judgments involving infringement of patent, copyright, trade secrets, trade or service marks, and any other intellectual or intangible property rights in connection with the vendor's proposal or ultimate contracts awarded and approved.

Do you agree to these terms? YES ___ NO ___ If you do not, please reference objection in Deviation form section

Acts or Omissions

The successful vendor will be expected to indemnify and hold harmless the Panola College, its officers, employees, agents, representatives, contractors, assignees and designees from and against any and all liability, actions, claims, demands or suits, and all related costs, attorney's fees and expenses arising out of, or resulting from any acts or omissions of the vendor or its agents, employees, subcontractors, or suppliers in the execution or performance of any agreements ultimately made by Panola College and the vendor.

Do you agree to these terms? YES ___ NO ___ If you do not, please reference objection in Deviation form section

Contract Governance

Any contract made or entered into by the Panola College is subject to and is to be governed by Section 271.151 et seq, Texas Local Gov't Code. Otherwise, Panola College does not waive its governmental immunities from suit or liability except to the extent expressly waived by other applicable laws in clear and unambiguous language.

Do you agree to these terms? YES ___ NO ___ Not a negotiable term.

Any awards or contracts resulting from this document and the process described herein are not an exclusive award or a guaranteed quantity or volume and the Panola College reserves the right to purchase goods or services described herein from other sources, unless the specifications herein and resulting contract documents expressly provide to the contrary.

NON-COLLUSIVE BIDDING CERTIFICATE

By submission of this bid or proposal, the Bidder certifies that:

- 1) This bid or proposal has been independently arrived at without collusion with any other Bidder or with any Competitor;
- 2) This bid or proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids, or proposals for this project, to any other Bidder, Competitor or potential competitor;
- 3) No attempt has been or will be made to induce any other person, partnership or corporation to submit or not to submit a bid or proposal;
- 4) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties being applicable to the Bidder as well as to the person signing in its behalf.

Texas Education Code Section 44.034. Notification of Criminal History of Contractor

- a) A person or business entity that enters into a contract with a college must give advance notice to the college if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.
- b) A college may terminate a contract with a person or business entity if the college determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The college must compensate the person or business entity for services performed before the termination of the contract.
- c) This section does not apply to a publicly held corporation. Initial if (c) applies _____

Does your company have notice to Panola College regarding a) above? YES o r NO (circle correct response)

If yes, please attach document with a general description of the conduct resulting in the conviction of a felony **If awarded under this document, vendor agrees to comply, in all relevant respects, with all Federal, State, and Local laws and regulations related to the performance of services or supply of goods to Panola College.**

Yes ___ No ___

Signature below certifies accuracy of answers to all sections on this page.

Authorized Signature _____ Printed Name _____

Company Name and address _____

Telephone Number (____) _____ Date _____

Texas Education Code Chapter 22 Contractor Certification for Contractor Employees

Introduction: Texas Education Code Chapter 22 requires entities that contract with school districts to provide services to obtain criminal history record information regarding covered employees. Contractors must certify to the district that they have complied. Covered employees with disqualifying criminal histories are prohibited from serving at a school district.

Definitions: Covered employees: Employees of a contractor or subcontractor who have or will have continuing duties related to the service to be performed at the District and have or will have direct contact with students. The District will be the final arbiter of what constitutes direct contact with students. **Disqualifying criminal history:** Any conviction or other criminal history information designated by the District, or one of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school:
(a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) an equivalent offense under federal law or the laws of another state.

On behalf of _____("Contractor"), I certify that

[check one]: None of the employees of Contractor and any subcontractors are *covered employees*, as defined above. If this box is checked, I further certify that Contractor has taken precautions or imposed conditions to ensure that the employees of Contractor and any subcontractor will not become *covered employees*. Contractor will maintain these precautions or conditions throughout the time the contracted services are provided.

Or

Some or all of the employees of Contractor and any subcontractor are *covered employees*. If this box is checked, I further certify that:

- (1) Contractor has obtained all required criminal history record information regarding its covered employees. None of the covered employees has a disqualifying criminal history.
- (2) If Contractor receives information that a covered employee subsequently has a reported criminal history, Contractor will immediately remove the covered employee from contract duties and notify the District in writing within 3 business days.
- (3) Upon request, Contractor will provide the District with the name and any other requested information of covered employees so that the District may obtain criminal history record information on the covered employees.
- (4) If the District objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, Contractor agrees to discontinue using that covered employee to provide services at the District.

Noncompliance or misrepresentation regarding this certification may be grounds for contract termination.

Company name _____

Printed name of Company Representative: _____

Signature _____ Date _____

For additional information on how to comply with this statute, please contact Alan Howard, Vice President of Fiscal Services, Panola College.

Panola College
1109 West Panola
Carthage, Texas 75633

SUSPENSION OR DEBARMENT CERTIFICATE

Non-Federal entities are prohibited from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement for goods or services equal to or in excess of \$100,000.00. Contractors receiving individual awards for \$100,000.00 or more and all sub-recipients must certify that the organization and its principals are not suspended or debarred.

By submitting this offer and signing this certificate, this bidder:

Certifies that no suspension or disbarment is in place, which would preclude receiving a federally funded contract under the Federal OMB, A-102, common rules

Vendor Name: _____

Vendor Address: _____

Vendor E-mail Address: _____

Vendor Telephone: _____

Fax Number: _____

Authorized Company Official's Name: _____ **(Printed)**

Signature of Company Official: _____

Date

