



Request for Proposal

**Construction Manager Services for Construction of the City
Hall/Police Department Remodel, Renovation and Expansion**

City of Burnsville, MN

Notice Inviting Statements of Proposal for:

Construction Manager Services for Construction of the City Hall/Police Department Remodel, Renovation and Expansion

Burnsville, Minnesota

Issued:

November 18, 2016

Proposals Due Date:

December 6, 2016 at 4:00 P.M. CST

Contact Person:

Garrett Beck: Parks, Recreation and Facilities Director
City of Burnsville
100 Civic Center Parkway
Burnsville, MN 55337
(952) 895-4516

I. Introduction and Background

A. General Information.

The City of Burnsville (“City”) is requesting proposals from qualified Construction Management firms (“firm”) capable of providing professional construction management services as detailed in the following Request for Proposal (“RFP”).

The City is a second-tier southern suburb of Minneapolis and Saint Paul, Minnesota. It was incorporated in 1964 and covers 27 square miles. The City is the second largest city in Dakota County, sixth largest suburb in the Twin Cities metropolitan area and the eleventh largest city in the State of Minnesota with a population of approximately 61,000.

The City is a Plan B statutory city with a city council/city manager form of government. The City Council consists of a Mayor and four Council Members elected at-large. All policy and legislative decisions are the responsibility of the Council. The Council delegates the

administrative duties to the City Manager who is responsible for hiring and managing City staff.

A strong emphasis is placed on the City Council's Governance Model. The City Council has adopted a fundamentally different approach to governing by focusing on policy rather than the details of organizational management. This initiative begins with establishing a broad framework of desired Ends and Outcomes. The Council seeks to govern by presenting strategic leadership and articulating a collective community vision.

The City provides a full range of city services including police protection, a full-time fire department with emergency medical services, street and park maintenance and construction, protection of environmental resources, recreation opportunities, city planning, licensing, permits, inspections, and code enforcement. The city operates a water and sanitary sewer utility, a storm sewer utility, a youth center, a 9-hole golf course, a performing arts center, and an ice arena. The Council has adopted eight community themes and has defined the desired Ends and Outcomes within each theme. The themes are safety, community enrichment, neighborhoods, development, environment, transportation, city services and financial management. The City is committed to delivering quality city services at an affordable price. The City Council has directed the City staff to provide services to the community through a clearly defined goal, or Mega End Statement (Vision) that states:

People find Burnsville an attractive, well balanced city of residences and businesses, which through a combination of amenities and public/private partnerships, provides a wide range of opportunities for citizens to live, work, learn and play, for a reasonable investment.

For more information about the City of Burnsville, please visit www.burnsville.org.

B. Project Overview

The City desires construction management services for the construction of its proposed Police/City Hall remodel, renovation and expansion project ("Project"). The Project includes the remodeling and renovation of a portion of spaces in City Hall and Police located at 100 Civic Center Parkway, Burnsville, Minn. In addition, Police will have three building expansions: front entry/Police lobby, lower level spaces and a new 30-space Police vehicle garage.

More specifically the proposed Project consists of seven key components that will all occur on the same site:

1. Renovation of the existing Police Department (two levels).
2. Expansion of Police Department lobby to create separate public entry and release areas (approximately 1040 SF).
3. Expansion of Police Department evidence area to provide more efficient evidence processing and storage spaces (approximately 2,818 SF).

4. Expansion of Police Department locker room area (approximately 2435 SF). This will require the relocation of existing locker rooms from the lower level to a space on the main level to maximize operational workflow use of space in the building.
5. Construction of a new Police Department garage (approximately 15,535 SF) provide an indoor, temperature-controlled secure parking area for 30 of the Department's first responder vehicles.
6. Renovation of City Hall restrooms, office space, conference room space, community rooms and storage spaces (approximately 3700 SF). This part of the project addresses ADA requirements for the main level restrooms, provides additional office and conference spaces, updates and improves the functionality of the community rooms and renovates existing storage room spaces.
7. Construction of staging spaces in City Hall to allow for temporary re-locating of Police Department personnel during the Project. This component calls for the remodel of portions of Recreation, City Hall main entrance and lobby as well as lower level spaces of City Hall.

It is anticipated that City Hall and Police services will remain in operation throughout the construction.

Although the Project is not anticipated to achieve a certain level of LEED certification, the City desires sustainable options be considered and selected when financially practical.

Construction Budget

The total construction budget for the Project is approximately \$10 million. The construction budget includes construction contingency.

Project Milestones – Past and Projected

Significant milestones for this Project follow:

- | | |
|---|---------------|
| • Space Needs Assessment | February 2015 |
| • Schematic Design - Phase I: City Hall/Police | August 2016 |
| • Design Development Estimate- Phase I City Hall/Police | January 2017 |
| • Start Onsite Construction | May 2017 |
| • Phase I City Hall/Police Construction Completion | August 2018 |

At this time, City Council has authorized professional architectural design services and construction support for Phase I – City Hall/Police. The City has retained Wold Architects and Engineers as its Architectural/Engineering Firm (“A/E”). Wold has worked with the City since 2013 planning for and designing this particular project. Wold has completed a feasibility study and Schematic Design. The Project is now moving through Design Development. Council’s long-term vision includes two additional phases. Phase II of the Project plans for the replacement of Fire Station No. 1 with construction estimated in five to ten years. Phase III of the Project focuses on additional City Hall renovations and Fire Station No. 2 improvements and has been placed in the ten or more year timeframe.

Final plans and specifications for Phase I (current project referenced in this RFP) are scheduled to be presented to City Council in late January or early February 2017, followed by bidding and ground breaking in spring 2017.

The City Council may at any time postpone or eliminate any portion of the Project prior to final approval. As such, the City retains the right to terminate services and payment for services that will no longer be necessary from the successful Construction Manager.

C. Optional Services.

The Project also includes Conceptual Design and cost estimating for improvements and rehabilitation of the City Garage located at 75 Civic Center Parkway, Burnsville, Minn. Should Council authorize construction of this facility while under contract with a construction manager, the City may enter into negotiations with the successful Construction Manager to amend the contract to include professional services related to the City Garage.

II. Scope of Construction Manager's Work

To assist the City and A/E in delivering a successful project, the City desires the professional services of a Construction Manager ("CM"). This Request for Proposals ("RFP") provides the prospective CM with information to enable preparation of a proposal to provide services needed to assist in the design and construction and delivery of the Project.

The City believes in an integrated team approach to assure that the goals of the City and the scope and progress of the work are properly aligned throughout the design and construction process. The successful CM must be able to work in an integrated team environment as a member of a team with the Owner's Representative, A/E and other Project consultants and team members to provide pre-construction services and construction services for the City's Project.

The CM is being selected early to best serve the City's Project.

The successful CM must be actively engaged throughout the project and is expected to participate in Project-related activities in three phases:

1. Pre-Construction Phase services
2. Bid Phase services
3. Construction Phase services

Services for this project include but are not limited to the following:

Pre-Construction Phase Services.

- Consultation with City, its A/E and Project teams during the planning and design phases of the Project and active participation as a member of the Project team.
- Providing of expertise and experience to assist in the selection of the most cost-effective and timely construction solutions.

- Establishment of a construction schedule.
- Coordination and assistance in preparation of contract document/specifications.
- Participation in Value Engineering (VE) studies and ongoing VE and constructability reviews and identification of cost-effective solutions to ensure Project budget and design standards are maintained.
- Identification of products for VE for life cycle cost, design considerations and recommendations of all work necessary to support implementation.
- Provision of timely and accurate information, cost and time estimates and participation in decisions regarding construction materials, methods, systems, phasing and costs to achieve the highest quality construction and facilities within the budget and schedule. Review Design Documents and provide timely input on construction feasibility and use and availability of alternate materials.
- Performance of constructability reviews and suggestion modifications to improve the completeness of document.
- Provision of procurement and implementation strategies for complex phasing of the Project to leverage early bid package(s) where appropriate while allowing time for additional design solutions to be developed for later bid packages.
- Preparation of construction cost estimates for Project and timely notification to Owner's Representative if cost estimates exceed or appear they could exceed the construction budget.
- Continuous monitoring and recommendations for updating Project schedule or making other Project-related adjustments in the design documents to ensure completion of the Project in the most expeditious, cost-effective manner possible within budget constraints.
- Identification of sustainable alternates where it financially and feasibly makes sense (e.g. LEED, application for energy related incentive programs, etc.).
- Critical path scheduling.
- Assistance with permit procurement and agency coordination.
- Attendance of all meetings necessary to successfully execute services.
- Regular written project status updates to Owner's Representative.
- Performance of all other things necessary to fully and properly perform and complete the required Scope of Work.

The City requires the CM to be attend design reviews, constructability reviews and value engineering at a location determined by the Owner's Representative, but likely to be at Burnsville City Hall (100 Civic Center Parkway, Burnsville, Minn.).

Bid Phase Services.

- Provision of information informing City and A/E of current construction market, bidding climate, status of key sub-contract markets and other local economic and weather-related conditions.
- Assessment and recommendation of alternative construction options to achieve cost savings.
- Recommendation of division of work to facilitate bidding and award of trade contracts including factors such as bidding climate, weather, accelerating milestones and related issues.

- Provision of information to Owner's Representative on contracting or sub-contracting opportunities with local minority or women-owned firms.
- Recommendation of appropriate number of bid packages including sub-contractor bidding, bid phasing and identification of any elements of the Project that may require special procurement processes including but not limited to the prequalification of bidders or qualifications-based selection.
- Continuous monitoring and recommendations for updating Project schedule or making other Project-related adjustments in the bid packaging to ensure completion of the Project in the most expeditious manner possible within budget constraints.
- Development and coordination of all bid packages.
- Attendance at all meetings necessary to successfully execute services.
- Regular written project status updates to Owner's Representative.
- Liaison between the City and construction/trades/vendors.
- Performance of all other things necessary to fully and properly perform and complete the required Scope of Work.

Construction Phase Services.

- Provision of full general contracting services for the overall construction of the Project in accordance with the requirements of the contract documents and as a collaborative member of team with the Owner's Representative, A/E and other Project stakeholders.
- Identification of safe work practices and requirements for construction including the development of procedures to manage risks to ensure jobsite safety is not compromised in and around the site and existing facilities.
- Assessment and recommendation of site logistics requirements and development of strategies and procedures for work in and around the construction site. Construction work must be carefully staged and coordinated to ensure the safety of the public and employees at all times.
- Oversight of quality control of the work in progress.
- Ensuring existing operations, specifically at the Police Department and within impacted departments within City Hall, are maintained throughout construction with minimal disruption to ongoing operations.
- Coordination of work activities in and around sensitive environmental and secure conditions.
- Implementation of procedures to aggressively manage construction costs, schedule, phasing requirements and to minimize hazards within and around the site and existing facilities. This includes the development and management change order process.
- Upon authorization from the Owner's Representative, provision of payment for all materials, tools, equipment, labor and professional services for the Project
- Liaison between the City and construction/trades/vendors.
- Oversight of the occupancy process.
- Provision of warranty plan services.
- Regular written project status updates to Owner's Representative.
- Attendance at all meetings necessary to successfully execute service.
- Performance of all other things necessary to fully and properly perform and complete the required Scope of Work.

The successful CM/Firm must be skilled in all aspects typical to a general contract and construction manager. The City will give preference to CM's/firm's with CM project experience for local units of government on projects of similar size and scope. Examples of desired skills include:

- Critical Path scheduling
- Construction cost-estimating
- Performing value engineering and life-cycle cost studies
- Analyzing alternative design solutions
- Understanding local conditions: labor, climate, weather, etc.
- Understanding construction methods and techniques
- Performing constructability reviews
- Sequencing of work
- Ensuring safety
- Timely and accurate communication
- Effective coordination of work
- Familiarity with sustainable construction practices
- Maintaining a strong, professional work ethic

III. Schedule

During the evaluation process, the City shall reserve the right to request additional information or clarifications from a vendor, or to allow corrections of errors and/or omissions. Further, the City reserves the right to make changes to the RFP not later than seven (7) calendar days prior to the Proposal due date listed in Section III of this RFP. Any changes shall be made by written addendum which will be available to all prospective proposers.

The deadline to submit questions is listed in Section III of this RFP. The City will respond to all questions received in writing, making the questions and responses available to all perspective proposers by the deadline listed in Section III of this RFP via the City's website:

www.burnsville.org/bids.

A Proposer may amend or withdraw its proposal any time prior to the time and date established for the Proposal due date in Section III of this RFP.

Schedule

- | | |
|--|-------------------|
| 1. City issues Request for Proposal | November 18, 2016 |
| 2. Voluntary pre-bid meeting/Site visit: 1:00 PM | November 30, 2016 |
| 3. All questions from perspective proposers due date | December 2, 2016 |

4. City posts responses to all proposers' questions	December 5, 2016
5. Statements of Proposal due date	December 6, 2016
6. Review of RFP's is completed	December 8, 2016
7. All firms noticed of shortlist and interviews scheduled	December 9, 2016
8. Interviews (Tentative)	December 12-13, 2016
9. Evaluation committee final decision	December 14, 2016
10. Contract consideration by the City Council (Tentative)	December 20, 2016

NOTE: ALL STATEMENTS OF PROPOSAL MUST BE RECEIVED BY December 6, 2016, AT BURNSVILLE CITY HALL NO LATER THAN 4:00 P.M. CST.

IV. Proposal Content and Instructions

The following material is required to be **received by December 6, 2016 no later than 4:00 p.m. CST in a sealed envelope marked Construction Management Services Proposal** for a proposing firm to be considered.

A. Preparation of Proposal

Responses must be typewritten and limited to a maximum of thirty (30) pages (8 ½" x 11") with font not smaller than 11-point type. If providing printed copies, Proposals shall be printed single-sided and tabs do not count toward the page limit.

Responses must be straightforward and concise to the extent possible. Emphasis should be on completeness and clarity of content and shall not include any promotional material.

The Proposal shall clearly identify the individual(s) who will be assigned to the Project. If the individual(s) are/is representing any previous experience while employed with another firm, the firm of record for the project and the individual's role shall be clearly identified.

It is the responsibility of all proposing firms to examine the entire RFP package and seek clarification of any item or requirement. Further, it is the responsibility of all proposing firms to review responses for accuracy before submitting the Proposal.

Failure to meet these requirements or proposals that contain insufficient information for a meaningful evaluation or are not legible may result in disqualification from further consideration.

B. Proposal Requirements

The following elements must be included in the Proposal in the following order:

1. Title Page/Cover Letter.
 - a. Title page shall show “Request for Proposal for Construction Management Services.”
 - b. Title page shall include the following information:
 - i. Firm’s name and address
 - ii. Contact person’s name, title, address (if different from Firm’s address), telephone number and email address
 - iii. Date of Proposal
2. Table of Contents.
3. Transmittal Letter.
 - a. One-page letter signed by an official authorized to bind, briefing stating the Firm’s understanding of the work to be performed, the Firm’s interest and commitment to perform the work within the requested time period and a statement why the Firm believes it is the best qualified to perform the work for the City.
 - b. Letter must also include a brief summary of the Firm’s prior experience performing work for municipalities of similar size and scope as described in this RFP.
 - c. The transmittal letter shall expressly state that the proposal is valid for ninety (90) days after the Proposal due date.
4. Firm Overview.

The Evaluation Committee (comprised of City staff and the City’s A/E) will use the responses in this section to help assess the Firm’s understanding of all aspects of the work required as part of this RFP.

 - a. Brief overview of the firm – location, number of employees, history.
 - b. A narrative description of the services able to be provided based on the scope of work presented in this RFP. Include any issues that will require special consideration by the City. Be sure to identify any unique approaches or strengths.

- c. Brief description of Firm's sustainable initiatives, citing specific examples, including any LEED certification initiatives of municipal or public sector facilities for which your firm provided construction management services.
- d. Brief description of Firm's teaming philosophy with A/E's and how the assigned CM would collaborate and work within an integrated team approach model.
- e. Description of Firm's experience and track record with the A/E (Wold).
- f. Project organization chart illustrating proposed key staff assigned to this Project in the following areas (at a minimum):
 - i. Firm executive with responsibility for the project and authority to bind the firm
 - ii. Project management
 - iii. Construction management and supervision
 - iv. Cost-estimating
 - v. Safety
 - vi. Logistics
 - vii. Quality control

5. Technical Proposal.

This section should demonstrate the qualifications of Firm and of the particular staff/CM assigned to this Project. Firm should document any assumptions used including assistance needed from the City or A/E as well as any required hardware, software, equipment, etc.

- a. Define the proposed services plan that defines the services you intend to provide for each phase of this Project as described in this RFP:
 - i. Pre-Construction Phase services.
 - ii. Bid Phase services.
 - iii. Construction Phase services.
- b. Identify key personnel responsible for providing each services for each phase of this Project: Pre-construction-, bid- and construction-phase and the approximate percentage each is anticipated to be working on the Project and their primary work location during each phase of the Project identified: Pre-construction, Bid and Construction Phases.
 - i. Include a one-page resume of key personnel assigned to the Project highlighting education, work history, length of tenure with Firm, specific project experience and role for this Project.
- c. Brief description of Firm's approach to the following:
 - i. Overall management of the Project.

- ii. Tracking the cost for the work and maintaining an appropriate contingency fund to ensure Project budget is not exceeded.
 - iii. Cost estimating and life-cycle costing.
 - iv. Assessment of alternate options for cost savings.
 - v. Performance of constructability reviews and value engineering.
 - vi. Onsite construction supervision.
- d. Brief description of Firm's quality control plan for reviewing "biddability" and "constructability" and how it will be implemented.
- e. Description of the work sequencing, phasing process, construction scheduling, and site logistics the Firm proposes to minimize disruption and ensure operations are maintained throughout construction. Be sure to note the number of bid categories and bid phases Firm anticipates for this Project.
- f. Description of Firm's proposed general safety program including training, hazard identification and inspection. Be sure to include Firm's safety record for the last three years.
- g. Description of the plan for establishing and maintaining positive, professional relationship with all Project stakeholders and how Firm intends to foster open and productive communications with the City, its A/E and Project stakeholders, including the public.
- h. Detailed examples demonstrating Firm's ability to attract multiple qualified and competitive trade contractor bids.
 - i. Brief description outlining Firm's process for giving local contractors every reasonable opportunity to participate
 - ii. List examples where Firm has been successful in attracting local contractors to participate.
- i. To demonstrate Firm's understanding of the scope and complexity of the work, description of potential constraints and risks anticipated for this Project and Firm's plan for addressing these issues and maintaining progress.
- j. Description of any other information that demonstrates Firm's and/or assigned CM's ability to successfully meet the requirements of this RFP.
- k. List of Firm's past record for disputes, claims, litigation and terminations, resulting out of professional services over the last ten (10) years

6. Past Performance.

- a. List up to five (5) recent projects that most closely relate to Firm's proposal for this Project describing the following:
 - i. Owner/Agency, contact name, title, telephone and email address

- ii. Brief description of the project
- iii. Project construction budget (pre- and post-bid) and final project cost
- iv. Variance with the construction budget expressed in a percentage (plus or minus).
- v. Year of award

If a joint venture or other form of association, provide the information for each member firm on separate charts. Information pertaining to experience as a prime consultant, sub-consultant or individual is acceptable but must be properly noted.

7. References.

- a. Identification of at least three (3) but no more than five (5) local units of government references for which services similar in size and scope as described in this RFP are currently or have been performed within the past ten (10) years by the Firm. Include the following information for each municipal or county reference list:
 - i. Local unit of government's name, point of contact's name, title, address, telephone number and email address
 - ii. Scope of services performed
 - iii. Date of contract (date range where construction management services were performed).
- b. List any previous or current services Firm has provided to the City of Burnsville.

8. Cost Proposal.

The Cost Proposal must be kept separate from the rest of the Proposal. Firms must place the Cost Proposal in a sealed envelope, marked "Cost Proposal for Construction Management Services" and place this envelope within the Proposal envelope marked "Construction Management Services Proposal" to be sealed and submitted to the City.

- a. *Services Cost Proposal.* Comprehensive cost proposal identifying all costs associated with providing construction management services as identified in this RFP. The Cost Proposal must be detailed and include any anticipated increases.
- b. *Cost Control Strategy.* Detailed description of Firm's cost control strategy (e.g. phasing, change orders).
- c. *Incidental Expenses.* Clearly state whether the Firm or the City will bear ultimate responsibility for the payment of incidental (out of pocket) expenses. Should the City be assigned responsibility for incidental expenses, then it will

be necessary for the Firm to set forth in the Proposal the basis for each type of incidental expenses.

- d. *Alternatives.* Describe how the cost of the Proposal could be reduced if necessary. As part of this response, identify any areas that could be eliminated or scaled back. Recommend any additional requirements set forth in this RFP.
- e. *Contract Items.* Unless otherwise agreed upon, the final contract will be based on the AIA Standard Form of Agreement between Owner and Construction Manager, Where the Construction Manager is Not a Constructor. Please enclose your fee structure per this document including reimbursable expenses, General Condition items and any proposed supplemental conditions.

9. Conflicts of Interest.

- a. Disclose any actual, apparent, direct, indirect or potential conflicts of interest that may exist with respect to Firm, management or employees of Firm or other persons relative to the services to be provided. If Firm does not have any conflicts of interest, Firm must include a statement to that effect in the Proposal.

10. Proprietary Information.

- a. Provide a statement that nothing contained in the Proposal submitted to the City in response to this RFP is proprietary. All proposals shall become the property of the City once submitted.

C. Pre-Bid Meeting/Project Site Visits

A voluntary pre-bid meeting/Project site visit will be available for interested firms on November 30, 2016 at 1:00 PM at Burnsville City Hall located at 100 Civic Center Parkway.

D. Proposal Submission

Proposals must be **received no later than 4:00 p.m. CST time on Monday, December 6, 2016.** All proposals must be typewritten. Late proposals will not be considered. Six (6) hard copies of the Proposal shall be submitted to:

City of Burnsville
Attn: Garrett Beck, Parks Recreation and Facility Director
100 Civic Center Parkway
Burnsville, MN 55337
garrett.beck@burnsvillemn.gov

All responses, questions, and correspondence should be directed to Mr. Beck. In the interest of fairness to all respondents, please do not contact other staff or elected or appointed officials. To assure all inquiries are properly addressed, email communications are strongly encouraged.

Proposals must be submitted in a **sealed envelope marked “Construction Management Services Proposal.”**

The Cost Proposal must be sealed in an envelope separate from the rest of the Proposal and placed within the envelope marked “Construction Management Services Proposal.

In addition to the Firms proposal, the envelope should include one completed copy of the City of Burnsville “Proposal Form”.

It is the sole responsibility of the respondents to the RFP to deliver the Proposal with all required documentation by the stated deadline.

Email copies will be accepted if received by the deadline only if they are followed by receipt by the next business day of the original six (6) hard-copies submitted directly to the City as indicated above. The electronic copy must be identical to the paper copy submitted.

Rights of Review.

The City reserves the right without prejudice to reject any or all proposals or to request additional information from any and all firms submitting proposals or to re-advertise for CM’s at any time prior to the City Council’s approval of the recommended CM and the negotiated agreement. This RFP shall not commit the City to engage any firm for CM services.

V. Proposal Evaluation and Selection Criteria

The City will convene an Evaluation Committee (“Committee”) comprised of City staff. The Committee will evaluate all proposals submitted to the City using both an objective and subjective process.

A. Evaluation Criteria

The following is an outline of the criteria that will be used in order to ascertain which proposal best meets the needs of the City. Evaluation of Proposals will be based upon, but not limited to the following:

1. Responsiveness of the written Proposal. (0-5 points)
 - a. Compliance with format.
 - b. On-time Proposal submission.

- c. Completeness of Proposal – clear and concise.
2. Capability. (0-30 points)
 - a. Technical competence.
 - b. Demonstrated expertise and ability to consistently, knowledgeably and professionally perform CM services as required.
 - c. Availability and responsiveness to staff as derived from the written Proposal.
 - d. Knowledge of general geographic area.
 - e. Capacity to accomplish work in required timeline.
3. Services provided. (0-25 points)
 - a. Organizational structure.
 - b. How and where the work will be performed.
 - c. Types of services provided for each phase identified in the RFP: design, bid, construction and post-occupancy
4. Specialized Experience (0-10 points)
 - a. Experience and technical competence in sustainable practices and/or LEED
 - b. Other demonstrated experience that would be advantageous to the City in the successful delivery of Project.
5. References and applicable experience. (0-10 points)
 - a. Past performance on contracts in terms of cost control, quality of work and compliance with performance schedules
6. Cost. (0-20)

An Evaluation Form has been prepared to assist the Evaluation Committee. Firms must receive a minimum of 75 points for consideration by the City. The City may limit the final firm list to the top two to four respondents.

B. Review and Recommendation Process

The City intends to select and award a contract to the firm the City believes to be best qualified to perform the work as outlined in this RFP. The City reserves the right to reject some or all of the proposals and the right to award by individual line item, by group of line items or as a total, whichever is deemed most advantageous to the City. The City reserves the right to waive informalities of proposals.

Proposals will be evaluated by the Evaluation Committee who will make a recommendation to the City Council. Proposals will be evaluated and ranked numerically per the evaluation criteria. The recommendation for the successful Firm will be based upon the following factors:

- Firm best qualified to perform the work based on cost, compatibility and other performance factors such as capability and ability to provide services in a professional, timely, knowledgably and reliable manner.
- Firm's understanding of the City's requirements and demonstrated ability to meet or exceed those requirements.
- Firm's ability to meet the City's schedule and regularly and productively interact with City staff, the City's A/E and other Project stakeholders
- Firm's score based on evaluation points.
- Information obtained through reference checks.

C. Interview

Firms may be required to participate in person for an oral interview to supplement their proposals. In order to select the most qualified firm, interviews will be conducted with the short-listed firms in accordance with a schedule to be determined by the Committee. The purpose of the interviews is for clarification to assure full understanding or and conformance to the solicitation requirements. Any oral interview will be made to the Committee.

If invited to interview, Firm must ensure key personnel assigned to the Project be present at the interview.

Following the completion of the interviews, the Committee will determine which Firm it believes to be the most qualified to provide CM services for the proposed Project based on the selection criteria and interviews and enter into contract discussions. The Committee will make a recommendation to award a contract with the successful Firm to City Council.

D. Revisions

Revisions may be permitted per City approval after submissions and prior to award for the expressed purpose of obtaining best and final offers.

E. Appeals Process

Protests of the award must be made in writing specifically stating provisions that have been violated and filed with the City's Director of Administrative Services, Dana Hardie, within ten (10) calendar days after issuance of notice to award or after such vendor knows or should have known the facts giving rise thereto or after discussion and recommendation by the City Council.

VI. Contract Execution

The information below is being provided as part of RFP to give firms an understanding of the City's expectations with respect to contract execution.

A. Negotiations and Contract Execution

Negotiations for costs are generally not used as the competitive RFP process is superior for achieving the best value for the City. Revisions may be permitted per City approval after submissions and prior to award for the expressed purpose of obtaining best and final offers. The City reserves the right to negotiate the final terms and conditions of the contract to be executed, including award amount.

Should the City and a firm be unable to agree upon the entire contract, the City reserves the right to discontinue negotiations, select another vendor or reject all Statements of Proposal.

Unless otherwise agreed upon, the final contract will be based a City of Burnsville Professional Services Contract which will be loosely based on the AIA Standard Form of Agreement between Owner and Construction Manager, Where the Construction Manager is Not a Constructor. Certain terms of that contract are not negotiable, including insurance requirements, monetary limits on vendor liability, choice of law and venue.

Please enclose your fee structure per this document including reimbursable expenses, General Condition items and any proposed supplemental conditions.

Upon completion of negotiations agreeable to the City and Firm, a contract shall be executed. It is expected that the form of agreement will be prepared by the City and subject to City Council approval.

Contracts will be awarded for a period of time that aligns with the Project, assuming satisfactory service delivery. Additionally, there will be an option to continue the contract on a month-to-month basis for a period of up to six (6) months at the current contract terms and conditions to allow time for the City to transition.

The successful Firm shall execute a contract with the City within ten (10) days after receipt.

B. Contracting Ethics

- a. No elected official or employee of the City who exercises any responsibilities in the review, approval or implementation of the proposal shall participate in any decision which affects his or her direct or indirect financial interests.

- b. It is a breach of ethical standards for any person to offer, give or agree to give any City employee or Council Member or for any City employee or Council Member to solicit, demand, accept or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonable prudent person would conclude that such consideration was motivated by an individual, group or corporate desire to obtain special, preferential or more favorable treatment than is normally accorded the general public.
- c. Firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.
- d. Firm shall not accept any private client or project which, by nature, places it in ethical conflict during its representation of the City.

VII. Reporting

The successful firm will report to Parks, Recreation and Facilities Director Garrett Beck or designee. Mr. Beck will serve as the Owner's Representative, audit the billings, approve payments, authorize change orders, establish schedules and generally be responsible for overseeing the execution of the contract.

VIII. Financial Liability Limitations

The City shall not be liable for any expenses incurred by the firm submitting a proposal including but not limited to expenses associated with the preparation of the proposal, attendance at the oral interview, onsite visits or demonstrations, preparation of a compensation (fees) schedule or final contract negotiations.

IX. Affirmative Action

The City requires affirmative action; therefore, the Firm selected shall not discriminate under the contract against any person in accordance with federal, State, and local regulations.

City of Burnsville Policy

The City of Burnsville does not discriminate on the basis of race, color, national origin, sex, religion, age, sexual preference, disability or any other basis

protected by law in the admission or access to, or treatment or employment in, its programs, activities, or services.

X. Other Information

The City reserves the right, where it may serve the City's best interest, to request additional information or clarification from proposers or to allow correction of errors or omissions. At the discretion of the City, firms submitting Statements of Proposal may be requested to participate in an oral interview as part of the evaluation process. Following a review of the proposals, a recommendation for award of contract will be made by City staff. The City reserves the right to retain all proposals submitted and to use any ideas in proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the proposing firm of the conditions contained this RFP unless clearly and specifically noted in the proposal submitted. The City reserves the right to terminate the selection process at any time and reject any or all offers. The City shall not be held liable for any costs incurred by interested providers participating in the selection process. Proposals submitted in response to this RFP shall become the property of the City and be considered public documents under applicable laws.

Attachments

- Conceptual Site Plan and Schematic Floor Plans - Not a design plan
- Construction Management Services Proposal Form