

REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR LEASE-LEASEBACK PRECONSTRUCTION AND CONSTRUCTION SERVICES

FOR THE LAKESIDE UNION SCHOOL DISTRICT CENTRAL KITCHEN IMPROVEMENTS PROJECT

Request Issuance Date: May 23, 2023

Mandatory Conference-Site Visit Date and Time: June 1, at 2:00 PM

Mandatory Conference-Site Visit Location: 12335 Woodside Ave Lakeside, CA 92040

Deadline For Submitting Questions: June 2, at 2:00 PM

Deadline for Submitting Proposals: June 8, at 2:00 PM

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PART A: INTRODUCTION

1. Intent and Purpose.

The Lakeside Union School District (“District”) has undertaken to plan, design, and construct the public work/public project described in Exhibit “A” hereto (“Project”). The District intends to construct the Project using the “Lease-Leaseback” (or “LLB”) construction delivery method authorized by Education Code Section 17406 and related provisions of Education Code Section 17400 *et seq.* (“LLB Law”). The District will employ an interrelated set of agreements to implement construction of the Project using the LLB construction delivery method (“LLB Agreements”), which will include: (i) a “Preconstruction Services Agreement”; (ii) a “Site Lease Agreement”; (iii) a “Leaseback Agreement”; and (iv) a “Construction Services Agreement.” Exhibit A hereto sets forth the District’s currently anticipated Project commencement and completion dates, although such dates are subject to change, including, without limitation, as a result of events beyond the control of the District.

The District has issued this Request for Qualifications and Proposals (“RFP”), as required by the LLB Law, for purposes of selecting the contractor that will constitute the best value to the District in connection with construction of the Project (“Project Contractor”). The District encourages any contractor to submit a response to this RFP (each a “Proposal”) if, after a thorough review of this RFP, the contractor believes that it has the requisite qualifications, experience and resources, and that it otherwise satisfies the requirements described in this RFP. The criteria and methodology the District will use to select the Project Contractor are described in this RFP.

Alpha Design Studios (“Architect”) has prepared conceptual drawings for the Project that specify the general design intent and scope of the Project (“Conceptual Plans”). The final plans and specifications for the Project (“Plans and Specifications”) must be approved by the County Health Department. Thus, the Project Contractor must collaborate with the Architect in order to meet that approval deadline.

2. General Scope of Work.

The District intends that the Project Contractor shall perform any and all preconstruction, construction, and related services as may be necessary and convenient for the Project, including, among other things, assisting with close-out of the Project. The Project Contractor SHALL NOT commence or be required to commence construction of any portion of the work that is subject to approval by the County Health Department prior to the District obtaining County Health Department approval for that portion of the work.

Interested contractors may obtain a more specific understanding of the scope of the work required for the Project by thoroughly reviewing the Conceptual Plans and the forms of the LLB Agreements, which the District will make available to each contractor that has registered with the District as provided herein. Note that the Conceptual Plans and LLB Agreements are incorporated as integral components of this RFP, and the District shall reject the Proposal of any contractor that has not registered with the District and obtained copies of the Conceptual Plans and LLB Agreements.

3. Preconstruction Services.

The District intends that the Project Contractor shall provide preconstruction services, as described in the Preconstruction Services Agreement. The ultimate purposes and goals of the preconstruction services will be to minimize the costs of the Project and to ensure that the Project Contractor can construct the Project: (i) in accordance with the approved plans and specifications; (ii) on a timely and

efficient basis; (iii) for a cost that is within the applicable budget; and (iv) without significant requests for information, change orders, delays, or additional expense to the District.

4. Estimated Project Cost.

Exhibit A hereto sets forth the District's current estimate of the total cost of the Project (i.e., both soft and hard costs). However, a goal of the District is that, through performance of the preconstruction services, the Project Contractor will assist in identifying plan changes, construction techniques, and other ways to achieve cost savings while maintaining the design-intent, functionality, and other important characteristics of the Project.

5. Guaranteed Maximum Price.

The District intends that the Project Contractor shall guarantee that the price payable by the District in exchange for all materials, work, services, and other things necessary for the Project Contractor to fully and satisfactorily perform all preconstruction, construction, and related services for the Project in accordance with the LLB Agreements will not exceed a specific maximum amount (the "Guaranteed Maximum Price" or "GMP"). The District further intends that, consistent with the LLB Law, the GMP shall be determined following completion of the preconstruction services.

6. District Preferences and Process.

Without limiting anything else in this RFP, the District intends that the Project Contractor shall: (i) be licensed as a general building contractor by the California Department of Consumer Affairs, Contractors State License Board ("CSLB"), i.e., possess a Class "B" contractors license; (ii) have extensive experience constructing public school facilities within the State of California using the LLB construction delivery method; and (iii) have extensive experience in regard to working with and complying with requirements of the Office of Public School Construction ("OPSC"), the DSA, the California Building Code, and Title 24 of the California Code of Regulations.

The District's preference is that the Project Contractor have a headquarters or staffed regional office within the District's boundaries or otherwise within the County of San Diego, relatively near to the Project site. A Proposal should provide such information as demonstrates that the contractor has the knowledge, qualifications, experience, resources, and ability as are necessary to: (i) provide exceptional customer service; and (ii) efficiently and timely complete the Project in accordance with applicable building codes and other laws, contractual requirements, and applicable scheduling milestones and completion dates.

The District initially intends to select the Project Contractor following only the review of Proposals received by the District. However, the District shall have the sole discretion to, alternatively, select the Project Contractor: (i) after interviewing one or more contractors that have submitted Proposals, as determined by the District; or (ii) after implementing some other method(s) of selecting the Project Contractor as may be consistent with the selection criteria described in this RFP.

7. Thank You!

The District understands that it will require a significant amount of time and effort to prepare and submit a Proposal. The District appreciates and thanks you in advance for your participation in this process.

PART B: ANTICIPATED TIMELINE FOR SELECTION OF PROJECT CONTRACTOR

The District anticipates that the process for selection of the Project Contractor will occur in accordance with the timeline set forth below. However, although timing is of critical importance, the District may alter the dates and times specified below as the District, in its sole discretion, determines necessary and/or appropriate.

Mandatory Conference and Site Visit.....	June 1, 2023 at 2:00 PM
Deadline for Submitting Questions	June 2, 2023
Issuance of Answers to Questions.....	June 6, 2023
Deadline for Submitting Proposals	June 8, 2023 by 2:00 PM
Shortlist Interviews (if needed)	June 12, 2023
Notification of Selection	TBD
LLB Agreements Approval Date.....	TBD

PART C: REGISTRATION WITH DISTRICT REQUIRED

As a mandatory condition precedent to submitting a Proposal, a contractor must register with the District as provided in this Part. By registering with the District: (i) a contractor will be able to obtain copies of the Conceptual Plans and LLB Agreements; and (ii) the District will be able to inform the contractor in the event the District issues any addendum to this RFP or responds to any questions regarding this RFP. The District will reject the Proposal of each contractor that does not register with the District and obtain copies of the Conceptual Plans, the LLB Agreements, and any and all addenda to this RFP. To register, a contractor must submit, via email to the District Representative specified in Exhibit A hereto, all of the following information:

- (i) A request that the contractor be registered with the District specifically for purposes of the “Central Kitchen Improvements Project”;
- (ii) The contractor’s full legal name;
- (iii) The number and classification(s) of the license issued to the contractor by the CSLB; and
- (iv) The name, title, mailing address, telephone number, and email address of the contractor’s authorized contact person for purposes of this RFP.

PART D: ADDITIONAL INFORMATION FOR CONTRACTORS

1. Addenda to Request.

The District may issue one or more addenda for purposes of amending this RFP, and the District will provide notice of each addendum to each contractor that has registered with the District as provided in Part C of this RFP, using the email address provided by the contractor when it registered. Addenda issued by the District will be available for review on the District’s website. Each contractor is solely responsible for reviewing and must, in its Proposal, acknowledge each addendum issued by the District. Failure by a contractor to acknowledge any and each addendum issued by the District is grounds for rejection of the contractor’s Proposal.

2. Mandatory Conference and Site Visit.

The District will conduct a conference and visit to the site of the Project for contractors interested in submitting a Proposal. The conference will be held at the location, and will commence on the date and at the time, as are specified on the cover page to this RFP. The site visit will commence immediately upon completion of the conference. Each contractor shall be responsible for its own transportation to and from the conference and site visit. **THE CONFERENCE AND SITE VISIT ARE MANDATORY, AND THE DISTRICT WILL NOT CONSIDER THE PROPOSAL OF ANY CONTRACTOR THAT DOES NOT PARTICIPATE IN THE CONFERENCE AND SITE VISIT.**

3. CSLB Licenses.

Each contractor that submits a Proposal must at such time have a current and valid Class "B" contractor license issued by the CSLB, and the Project Contractor shall maintain that license in effect at all times prior to full and final completion of the Project. Each subcontractor that will perform any portion(s) of the work required to complete the Project must, prior to commencing performance of that work, have a current and valid contractor license issued by the CSLB that is appropriate for the portion(s) of the work the subcontractor will perform.

4. Designation of Subcontractors in Proposal.

Although it is NOT mandatory, a contractor may in its Proposal designate one or more of the subcontractors with which it intends to contract for performance of portion(s) of the work required to complete the Project. If a contractor desires to designate any subcontractor(s) in its Proposal, the contractor must specify only one subcontractor for each portion of the work as defined by the contractor. Each subcontractor designated in a Proposal: (i) must be properly licensed by the CSLB; and (ii) shall be entitled to the protections set forth in Public Contract Code Sections 4100 *et seq.*; and (iii) if applicable, must be prequalified as provided below in this RFP.

5. Subsequent Selection of Subcontractors, and Self-Performance of Work.

If the Project Contractor will use any subcontractor(s) not designated in its Proposal to perform work on the Project costing in excess of one-half of one percent of the Project GMP, then the Project Contractor shall, after the award of the LLB Agreements, select such subcontractor(s) using a process consistent with the requirements of: (i) Exhibit A to the Preconstruction Services Agreement; (ii) Subsection 3.5.2 of the General Provisions set forth in the Construction Services Agreement; and (iii) subdivision (a)(4)(B) of Education Code Section 17406. The selection process used by the Project Contractor shall be subject to approval in advance by the District and, throughout the process, subject to "open book" review by the District. Each subcontractor selected through such process: (i) must be properly licensed by the CSLB; and (ii) shall be entitled to the protections set forth in Public Contract Code Sections 4100 *et seq.* Any and all self-performance of work by the Project Contractor shall be subject to approval by the District, as described in the Preconstruction Services Agreement and the Construction Services Agreement.

6. Prequalification By District.

Each contractor that submits a Proposal must, prior to submitting the Proposal, have been prequalified by the District, in accordance with Public Contract Code Section 20111.6 and using the "Contractor Prequalification Package" available on the District's website ("District Prequalification"). No other prequalification process will suffice, and the District will reject the Proposal of each Contractor that has not been prequalified in accordance with the District Prequalification requirements.

To the extent a Proposal designates any electrical, mechanical, and/or plumbing subcontractors holding any of the C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, or C-46 specialty licenses (“MEP Subs”), those MEP Subs also must be prequalified in accordance with the District Prequalification requirements, prior to submission of that Proposal to the District. If the Project Contractor contracts with any MEP Subs for performance of any portion(s) of the work on the Project, and such MEP Subs were not designated in the Project Contractor’s Proposal, those MEP Subs must be prequalified in accordance with the District Prequalification requirements prior to the Project Contractor entering into contracts with those MEP Subs.

7. Registration with DIR.

Each contractor that submits a Proposal and each of the subcontractors designated in the Proposal must, at the time the Proposal is submitted to the District, be currently registered with the California Department of Industrial Relations (“DIR”) pursuant to Labor Code Sections 1725.5 and/or 1771.1. If the Project Contractor contracts with any subcontractors for performance of any portions of the work on the Project, and such subcontractors were not designated in the Project Contractor’s Proposal, those subcontractors must be registered with the DIR pursuant to Labor Code Sections 1725.5 and/or 1771.1 prior to the Project Contractor entering into contracts with those subcontractors.

8. Prevailing Wages.

The Project is a “public work” as defined in Section 1720 of the California Labor Code (“Labor Code”) and, therefore, is subject to Division 2, Part 7, Chapter 1, of the Labor Code and Title 8 of the California Code of Regulations, Section 16000 *et seq.* (collectively, “Labor Laws”). The Project is subject to compliance monitoring and enforcement by the DIR. The Project Contractor, at no additional cost to the District, must: (i) comply with any and all applicable requirements of the Labor Laws, including, without limitation, requirements for payment of “prevailing wages,” inspection and submittal (electronically, as required) of payroll records, interview(s) of workers, *et cetera*; (ii) ensure that its subcontractors are aware of and comply with all applicable requirements of the Labor Laws; (iii) cooperate with the DIR, the District, and other entities with competent jurisdiction in regard to requirements of, and enforcement of, applicable Labor Laws; and (iv) post all job-site notices required by law in connection with the Work, including, without limitation, postings required by DIR regulations. Without limiting the foregoing, the Project Contractor must obtain and prominently post at the Project site copies of the general prevailing wage rates for each craft, classification, and/or type of worker needed to complete the Project.

9. Skilled and Trained Workforce.

As set forth in the LLB Agreements, the Project Contractor shall be required to provide to the District an enforceable commitment that the Project Contractor and each of its subcontractors of any tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades, in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

10. Requirements of the LLB Agreements.

The LLB Agreements set forth additional provisions applicable to the Project and the work necessary to complete the Project, including, without limitation, requirements for: (i) both a performance bond and a payment bond, each in the amount of 100% of the final GMP for the Project; (ii) compliance with District policies, such as those prohibiting use of alcohol and illegal drugs on District property; (iii) fingerprinting and background checks in accordance with California Department of Justice procedures; and (iv) efforts

to utilize disabled veterans business enterprises (“DVBE”) for some or all of the work required to complete the Project.

11. Review of LLB Agreements.

The District intends that, with the exception of information to be filled in after selection of the Project Contractor: (i) the LLB Agreements are in final form and shall not be subject to modification; and (ii) once approved by the Board of Trustees of the Lakeside Union School District (“District Board”), the final GMP for the Project shall be subject to increase solely and exclusively on account of (1) unforeseen subsurface conditions that the Project Contractor could not have discovered by exercising reasonable due diligence during the preconstruction phase of the Project, and (2) changes to the scope of the Project requested by the District for any reason that is not the fault of or caused by the Project Contractor. Prior to submitting a Proposal, each contractor must fully review the forms of the LLB Agreements that will be applicable to the Project. A CONTRACTOR MUST NOT ASSUME THAT THE LLB AGREEMENTS ARE THE SAME OR SIMILAR TO OTHER AGREEMENTS THAT THE CONTRACTOR PREVIOUSLY MAY HAVE REVIEWED. If a contractor believes that it will be necessary to modify any provision of the LLB Agreements, the contractor must include in its Proposal the information described in Section 16 of Part E of this RFP. The District will consider modifications to the LLB Agreements only if there are significant and valid reasons for the modifications, such as the need to comply with applicable law, not merely because of a contractor’s preferences regarding terms and conditions for performance of public projects and/or allocation of risks. Although the District intends to modify the LLB Agreements if necessary to ensure compliance with applicable law, the District shall have the sole and absolute discretion with respect to whether it implements any other proposed modifications to the LLB Agreements. PLEASE NOTE THAT, EXCEPT FOR INFORMATION TO BE FILLED IN AFTER SELECTION OF THE PROJECT CONTRACTOR, AND EXCEPT FOR MODIFICATIONS THAT THE DISTRICT DETERMINES ARE NECESSARY AND/OR APPROPRIATE, THE CONTRACTOR SELECTED AS THE PROJECT CONTRACTOR WILL BE REQUIRED TO ENTER INTO THE LLB AGREEMENTS IN THEIR CURRENT FORMS.

12. Modification or Withdrawal of Proposal.

At any time prior to the Deadline for Submitting Proposals specified on the cover sheet to this RFP, a contractor may: (i) modify its Proposal by submitting the modified Proposal together with a written request to withdraw the original Proposal and replace it with the modified Proposal; or (ii) withdraw its Proposal by providing written request for withdrawal to the District.

13. Responsibility for Costs.

Each contractor shall be responsible for paying any and all costs that it incurs in connection with the preparation and submission of its Proposal, together with any and all expenses associated with travel to and/or participation in the mandatory conference and site visit, and any other presentation, interview or meeting. In no event will the District reimburse any contractor for any such costs or expenses.

14. Disclosure of Proposals.

Except as provided below in this Section 14: (i) the District will consider each Proposal to be a public record, which the District may disclose in accordance with California law or otherwise; and (ii) Proposals shall not be deemed or construed to include any proprietary or other confidential information. In order to preserve the responding contractors’ respective competitive positions, the District will not disclose any Proposals until after it has completed its evaluation of all Proposals and ranked the responding contractors as provided in this RFP. The District, as described in Section 18 of part E of this RFP, shall consider the methodologies for determining the GMP submitted by contractors in accordance with such

section 18 to be confidential and proprietary information that is not subject to public disclosure. NOTWITHSTANDING THE FOREGOING OR ANYTHING TO THE CONTRARY, THE DISTRICT SHALL NOT BE RESPONSIBLE OR LIABLE FOR DISCLOSURE OF ANY INFORMATION INCLUDED IN A CONTRACTOR'S PROPOSAL THAT THE CONTRACTOR BELIEVES IS CONFIDENTIAL OR PROPRIETARY INFORMATION.

15. Ownership of Documents and Use of Ideas.

All Proposals and other materials submitted in response to this RFP shall become the property of the District, and the District shall have no obligation to return any Proposal to the contractor that submitted the Proposal. The District may use any ideas set forth in a Proposal, regardless of whether the District selects the contractor that submitted such Proposal.

16. Award of Contract Not Guaranteed.

Please note that this RFP is merely a solicitation for Proposals. Neither this RFP, nor any Proposal, shall be deemed or construed to: (i) create any contractual relationship between the District and any contractor; (ii) create any obligation, express or implied, for the District to enter into a contract with any contractor or other party; or (iii) serve as the basis for a claim for reimbursement for costs associated with submittal of any Proposal. The District, in its sole and absolute discretion, shall have the right to select the contractor for the Project that represents the best value to the District and otherwise best meets the District's needs, or to not select any contractor pursuant to this RFP. Any and each contract to be awarded by the District shall be valid and binding only upon approval by the District Board.

17. District Review of Costs.

The District may at any time contract for the services of an independent consultant that will assist the District with, among other things, ensuring that the GMP for the Project is fair and reasonable, and the Project Contractor and each of its subcontractors shall be required to fully cooperate at all times with such efforts on an "open book" basis.

18. Unethical Behavior.

By submitting a Proposal, a contractor shall be deemed to represent and warrant that neither it nor any of its agents or other representatives gave or offered to give any gratuity (in the form of entertainment, gifts, or otherwise) to any District officer or employee, with the intent or goal of obtaining favorable treatment with respect to the selection of a contractor for the Project. If the District determines that a contractor has breached or violated such warranty, the District may terminate, in whole or in part, ANY contract that it has with such contractor, and the contractor shall be responsible and liable for any associated losses and/or damages incurred by the District. The rights and remedies of the District pursuant to and/or relating to this Section 18 are not exclusive and are in addition to any other rights and remedies the District may have pursuant to law or contract.

PART E: REQUIRED CONTENT OF PROPOSAL

In order to be considered responsive to this RFP, a contractor's Proposal must include all of the information described in this Part E (except as provided in Section 2), in the order set forth below.

1. Proposal Cover (one page).

The cover to the Proposal may specify only: (i) the Project name and, if applicable, number designated by the District; (ii) the Deadline for Submitting Proposals; (iii) the title of the Proposal, if any; (iv) the contractor's name, contact person, address and telephone number; and (v) the contractor's logo, if any.

2. Optional Summary Letter (one page).

A contractor may, if desired, include in its Proposal a letter that briefly summarizes the Proposal. The letter must be signed by a person with authority to act on behalf of and bind the contractor.

3. Table of Contents (one page).

Include a list of the headings and corresponding page numbers for everything included in the Proposal that follows after the table of contents.

4. Contractor Contact Information (one page).

Specify: (i) the contractor's full, legal company name; (ii) the address and telephone number of the contractor's principal business offices; (iii) the names and titles of, as applicable, the contractor's principal owners and officers; and (iv) the address and telephone number of the contractor's business office that, if awarded a contract, will manage the Project.

5. Key Personnel (one page).

Identify all "key" management and superintending employees the contractor intends to assign to the Project, specifying their respective qualifications and experience completing public projects using the LLB construction delivery method, including, without limitation, specific experience on projects for which the contracts were entered into on or after January 1, 2017. Include an affirmative statement that each of such key personnel currently are fully qualified, experienced, and, as applicable, properly and appropriately licensed to perform the preconstruction services and other services necessary to complete the Project using the LLB construction delivery method consistent with current provisions of California Education Code Section 17406. Include individual resumes or profiles for such key personnel as attachments to the Proposal.

6. Contractor Licenses (one page).

Specify the number and classification(s) of the contractor license issued by the CSLB to the contractor, together with any other licenses, registrations, and/or certifications held by the contractor and relevant to completion of the Project using the LLB construction delivery method. In addition, specify the number(s) and respective classification(s) of any and all other CSLB contractor licenses: (i) previously held by the contractor; and (ii) previously or currently held by any of the contractor's principal owners and/or officers.

7. DIR Registration (one page).

Include: (i) a certification by the contractor to the effect that, to the extent required by applicable law and this RFP, and as of the date the contractor has submitted its Proposal, the contractor and every subcontractor designated in the Proposal is duly registered with the DIR and authorized to perform public work; and (ii) a list of the subcontractors (and their respective CSLB license numbers) to which the foregoing certification applies. Include, in an attachment to the Proposal, copies of screenshots taken of/from the DIR's website that evidence DIR registration for the contractor and each such subcontractor.

8. District Prequalification (one page).

Include: (i) a certification by the contractor to the effect that, at the time the contractor submitted its Proposal, the contractor and, if and as applicable, the subcontractors designated in the Proposal have

been prequalified by the District; and (ii) a list of the subcontractors (and their respective CSLB license numbers) to which the foregoing certification applies.

9. Bonding Capacity (one page).

Include a letter from the contractor's surety insurer that certifies the ability of the contractor to obtain from the surety both a performance bond and a payment bond, as described in the Construction Services Agreement, each in the full amount of the estimated construction cost of the Project as set forth in Exhibit A to this RFP.

10. Insurance Coverage (one page).

Include: (i) a letter from the contractor's insurer that certifies the ability of the contractor to obtain from the insurer all of the general liability, automotive (vehicle) liability, professional liability, worker compensation, and other insurance as described in, and with the coverage amounts specified in, the LLB Agreements; and (ii) a list of the insurance coverage/policies to which such certification applies.

11. LLB Qualifications and Experience (two pages).

Include a summary description of the contractor's qualifications and experience performing preconstruction services and completing public projects for California public school districts using the LLB construction delivery method. Without limiting the foregoing, the summary should include a description of: (i) the contractor's experience performing LLB preconstruction and construction services commencing on or after January 1, 2017; (ii) any such services that the contractor has provided to or for the District; (iii) the contractor's experience with respect to construction work occurring at public schools that continue to operate educational and other programs during the construction period; and (iv) the contractor's experience that is particularly relevant to the scope of the Project as described in Exhibit A hereto. Include, in an attachment to the Proposal, a list of projects for which the contractor has provided such services to California public school districts on LLB projects since January 1, 2017, specifying for each project: (i) the name of the school district, (ii) the name of the project, (iii) the name and telephone number of the school district's primary contact person for purposes of the project; (iv) the general scope and complexity of the work performed by the contractor, including, among other things, whether the scope included HVAC installation or replacement; (v) the nature and scope of any significant changes to the scope of the work requested by the contractor, and the impact of approved changes on the price and timing of the project; (vi) the final, total dollar amounts of the contractor's contract, specifying the amount for preconstruction services separately from the amount for construction and related services; (vii) the actual commencement and completion dates for the contractor's portion of the project; and (viii) a description of any and all disputes and/or delays involving, relating to, or affecting the contractor's work on the project, and of how such disputes and/or delays were resolved.

12. Services Methodology and Philosophy (one page).

Describe the means, methods, and/or processes the contractor will implement to determine and fulfill the District's requirements and expectations for the Project, including, among others, the contractor's philosophy and approach regarding: (i) performance of preconstruction services, including, among other things, the contractor's due diligence; (ii) keeping projects on time and within required budgets; and (iii) otherwise providing, outstanding customer service. Without limiting the foregoing, address the contractor's advantages over its competitors in the public project-construction industry, and its strength and stability as a business concern.

13. Local Outreach (one page).

Describe the efforts the contractor will make to contract with contractors based within the District's boundaries, or broader region with the County of San Diego, for performance of portions of the work required to complete the Project, and describe the contractor's success with such efforts for other California public school district projects.

14. Designation of Subcontractors (two pages).

It is not necessary for a contractor to designate in its Proposal any of the subcontractors that will perform portions of the work necessary to complete the Project. However, if the contractor desires to so designate its subcontractors, then for each such subcontractor specify: (i) the subcontractor company name and address; (ii) the name and telephone number of the subcontractor's primary contact person for purposes of the Project; (iii) the number and classification(s) of the contractor license issued by the CSLB to the subcontractor; (iv) the subcontractor's DIR registration number; and (v) the portion of the work on the Project to be performed by the subcontractor. Include, in an attachment to the contractor's Proposal, an outline of the process that the contractor proposes to use for selection of subcontractors not designated in its Proposal, which must include, among other things, prequalification of any and all MEP Subs by the District in accordance with the District Prequalification requirements.

15. Skilled and Trained Workforce (one page).

Describe the contractor's plan and methodology for compliance by the contractor and each subcontractor of every tier with the requirement of Education Code section 17407.5 for use of a skilled and trained workforce to perform all work on the Project that falls within an apprenticeable occupation in the building and construction trades, in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. Without limiting the foregoing, a contractor's plan and methodology should: (i) describe the contractor's past experience with contracts subject to the skilled and trained workforce requirements; (ii) specify the apprenticeable occupations for which compliance is most difficult and, for each, an explanation regarding why it is difficult; (iii) describe methods used in other cases to overcome such difficulties; and (iv) describe any failures by the contractor to comply with the requirements and the reasons for, and any consequences of, the failures to so comply.

16. Proposed Modifications to LLB Agreements (one page).

List all of the modifications to the LLB Agreements proposed by the contractor, specifying in each case: (i) the particular provision at issue; (ii) the reason underlying the request for modification; (iii) a description of the proposed modification; and (iv) a description of the presumed effect of the proposed modification.

17. Preconstruction Services Fee (one page).

Provide a fee proposal for performance of the preconstruction services, which must be itemized based on the major categories of services described in Exhibit B of the Preconstruction Services Agreement. Describe any portions or categories of such fee that, depending on timing of DSA approval and other factors, may be carried over to, and payable as part of, the GMP.

18. Methodology for Determining the GMP (two pages).

Describe the precise methodology the contractor proposes for determining the GMP and the specific factors that will be considered and/or relevant in connection with such determination, which may include, but are not limited to: (i) scope of self-performed work; (ii) scope of subcontracted work; (iii) costs of subcontracted work, including, without limitation, the contractor’s markup; (iv) direct labor and materials costs; (v) contractor fees, general conditions costs, and profit margins; (vi) insurance and bonding costs; (vii) contractor office and field overhead; (viii) types and respective amounts of contingencies and allowances (see LLB Agreements); (ix) identification of the reference manuals and software used for estimating purposes; (x) relevant experience of estimator; and (xi) accuracy of estimates for public projects previously completed by the contractor using the LLB construction delivery method. WITHOUT LIMITING THE FOREGOING, A CONTRACTOR’S METHODOLOGY MUST SPECIFICALLY INCLUDE THE CONTRACTOR’S STRATEGY FOR ORDERING MATERIALS AND EQUIPMENT IN ADVANCE, AND STORING SUCH MATERIALS AND EQUIPMENT, AS NECESSARY TO AVOID INCREASED COSTS DUE TO SUPPLY CHAIN INTERRUPTIONS OR OTHER CAUSES. For avoidance of doubt, a contractor’s methodology should include the specific fees (as applicable, stated as percentages) that will be used to determine the GMP. Specify an “example” of the total GMP based on the proposed methodology, assuming a construction cost equal to the estimated construction cost specified in Exhibit A to this RFP. THE DISTRICT WILL CONSIDER THE METHODOLOGY PROPOSED BY A CONTRACTOR PURSUANT TO THIS SECTION TO BE CONFIDENTIAL AND PROPRIETARY INFORMATION THAT IS NOT SUBJECT TO DISCLOSURE. HOWEVER, THE EXAMPLE GMP DETERMINED BASED ON SUCH METHODOLOGY SHALL BE SUBJECT TO PUBLIC DISCLOSURE.

19. Additional Information (two pages).

A contractor may, if desired, provide any additional information that the contractor believes is relevant or that the contractor could not otherwise fit within the number of pages permitted for the information to be provided pursuant to the foregoing portions of this Part E. Please note, however, that general marketing materials (i.e., information not specifically relevant to performances of services for or in connection with the Project) are neither necessary nor desired.

20. Certification Regarding Proposal (one page).

Include a written certification signed by an authorized representative of the contractor as follows: “The undersigned hereby certifies, subject to penalty for perjury in accordance with the laws of the State of California, that: (i) the contractor identified in this Proposal has duly authorized the undersigned to submit this Proposal on the contractor’s behalf; and (ii) the information set forth in this Proposal is all true and correct, and constitutes a complete, unequivocal, and not misleading response to the requirements of the Request for Qualifications and Proposals for Lease-Leaseback Preconstruction and Construction Services for the Central Kitchen Improvements Project.” The name and title of the person signing the certification must be legibly set forth below the person’s signature.

PART F: EVALUATION OF PROPOSALS

1. Evaluation Process.

Prior to actually scoring any Proposal, the District may reject Proposals that: (i) are conditional, incomplete, include irregularities or inconsistencies, or that in any manner do not satisfy or conform with the requirements of this RFP; or (ii) as determined by the District, are in any way or to any extent misleading, regardless of whether intentionally, negligently, or otherwise.

The District, in its sole discretion, may designate one or more people to evaluate and score the Proposals on behalf of the District, which may include, but is not limited to, District employees, independent consultants, and/or others with relevant qualifications and/or experience.

The District may determine that it is necessary to schedule interviews with any one or more of the responding contractors, contact and confer with representatives of other entities for which the contractor has provided services, or to otherwise seek confirmation of information set forth in any one or more of the Proposals, and any information gained through such processes shall be used to assist in evaluating information set forth in the Proposals. Otherwise, the District will evaluate and score each Proposal based solely on the information included in that Proposal.

Each person evaluating Proposals on behalf of the District will independently score each Proposal, using the evaluation criteria set forth in Section 2 of this Part F. If a Proposal does not satisfy one or more of the strict pass/fail criteria, the District will reject and not further score the Proposal. Each evaluation category (other than pass-fail criteria) will be awarded a score from zero to a specified maximum number of points. The final score in each evaluation category awarded to a contractor will be the average of the scores determined by the individuals who are evaluating Proposals on behalf of the District. Upon completing the evaluation of all Proposals, the District will rank Proposals from highest best value to lowest best value. There is no required minimum score; however, the District reserves the right to reject all Proposals.

2. Evaluation Criteria.

The District will evaluate and score each Proposal based on the following criteria/categories:

- (i) **Proposal Content and Formatting (pass/fail):** To facilitate consistent and efficient review and evaluation by the District, each Proposal must substantially comply with the content and formatting requirements set forth in this RFP. The District will reject and not further score any Proposals that do not so comply.
- (ii) **Contractor License (pass/fail):** A contractor that submits a Proposal must have a current Class B contractor license issued by the CSLB. The Proposals of contractors that do not have the required contractor license will be rejected and not further scored.
- (iii) **DIR Registration (pass/fail):** A contractor that submits a Proposal, and each of any subcontractors designated in a contractor's Proposal, must at such time already have been registered with the DIR. The Responses of contractors that do not satisfy such DIR registration requirements will be rejected and not further scored.
- (iv) **District Prequalification (pass/fail):** A contractor that submits a Proposal, and each of any MEP Subs designated in a contractor's Proposal, must at such time already have been prequalified in accordance with the District Prequalification requirements. The Responses of contractors that do not satisfy such requirements will be rejected and not further scored.
- (v) **Bonding Capacity (pass/fail):** A contractor that submits a Proposal must have the ability to obtain both a performance bond and a payment bond in the amounts specified by this RFP, as confirmed by the contractor's surety insurer. The Proposals of contractors that do not satisfy such bonding capacity requirements will be rejected and not further scored.

- (vi) **Insurance Coverage (pass/fail):** A contractor that submits a Proposal must have the ability to obtain from its insurer all of the insurance coverage as specified by this RFP, as confirmed by the contractor's insurer. The Proposals of contractors that do not satisfy such insurance requirements will be rejected and not further scored.
- (vii) **LLB Qualifications and Experience (maximum 75 points):** The score awarded for this category may range from zero to 75 points, depending on the District's assessments of the contractors' qualifications and experience specifically relating to use of the LLB construction delivery method. The District will award relatively higher scores to contractors that have relevant experience constructing public work/public projects using the LLB construction delivery method.
- (viii) **Preconstruction Services (maximum 75 points):** The score awarded for this category may range from zero to 75 points, depending on the District's assessments of the contractors' expertise and experience specifically with respect to working in conjunction and in cooperation with design professionals to provide preconstruction services, including, among others, constructability review, value engineering, estimating, and phasing and scheduling of work. The District will award relatively higher scores to contractors that have provided preconstruction services relevant to what is needed for the Project.
- (ix) **Services Methodology and Philosophy (maximum 50 points):** The score awarded for this category may range from zero to 50 points, depending on the District's assessments of the contractors' methodologies and philosophies with respect to performing the services described in this RFP while providing excellent customer service. The District will award relatively higher scores to contractors demonstrating that their methodologies and philosophies will result in the District receiving excellent customer service.
- (x) **Local Outreach (maximum 25 points):** The score awarded for this category may range from zero to 25 points, depending on the District's assessments of the contractors' abilities to use local subcontractors to perform portions of the work needed to complete the Project.
- (xi) **Skilled and Trained Workforce (maximum 25 points):** The score awarded for this category may range from zero to 25 points, depending on the District's assessments of the contractors' experience and plans/methodologies for complying with requirements for use of a skilled and trained workforce.
- (xii) **Proposed Modifications to LLB Agreements (maximum 100 points):** The score awarded for this category may range from zero to 100 points, depending on the District's assessments of modifications to the LLB Agreements proposed by the contractors. The District shall confer with the District's legal counsel regarding proposed modifications to the LLB Agreements. The District will consider modifications to the LLB Agreements only if there are significant and valid reasons for the modifications, such as the need to conform with applicable law, not merely because of a contractor's preferences regarding terms and conditions for performance of public projects or allocations of risk. The District will view negatively any proposed modifications that, if implemented, would result in shifting of potential risks or liabilities from the Project Contractor to the District or another party. For purposes of this criterion, the Proposals of contractors that do not propose any modifications to the LLB Agreements, or that propose only such modifications to the LLB Agreements as may be necessary to conform the agreements to applicable legal requirements, will be scored relatively higher than the Proposals of contractors that propose other types of modifications.

- (xiii) **Preconstruction Services Fee (maximum 100 points):** The score awarded for this category may range from zero to 100 points, depending on the District’s assessments of the fees for preconstruction services proposed by the contractors. The District will evaluate whether the fees are itemized as required and the competitiveness of the fees relative to fees proposed by other contractors. For purposes of this criterion, the District will award relatively higher scores to the contractors that propose more competitive fees than other contractors.
- (xiv) **Methodology for Determining the GMP (maximum 100 points):** The score awarded for this category may range from zero to 100 points, depending on the District’s assessments of the methodologies proposed by the contractors for determining the GMP, including, among other things, whether the methodologies are consistent with this RFP, the LLB Agreements and applicable law, and whether the methodologies protect against price increases resulting from supply chain issues and general inflationary price increases.
- (xv) **Additional Information (maximum 25 points):** The score awarded for this category may range from zero to 25 points, depending on the District’s assessments of whether the additional information provided by contractors demonstrates particular expertise relevant to what is needed for the Project or otherwise evidences a strong ability to perform the services described in this RFP and the LLB Agreements. The District will view negatively any general marketing materials or other additional information that does not relate to a contractor’s experience, qualifications, and/or ability to perform the services as are specifically for required for the Project.

PART G. QUESTIONS REGARDING THIS REQUEST

1. Submission to District.

Questions regarding this RFP should be set forth in writing and sent via e-mail to Timothy Spencer at tspencer@telacu.com, and the e-mail subject line should be specified as “Question Regarding LLB RFP.”

2. Other Contacts Prohibited.

No person other than Timothy Spencer is authorized to receive questions and/or disburse guidance or other information regarding the Project and/or this RFP, and the District shall have no obligation to respond to questions or requests for guidance or information submitted to any person or entity other than Timothy Spencer. The District, in its sole discretion, may reject the Proposal of any contractor that contacts or attempts to contact any other officer or employee of the District, including without limitation, any member of the District Board, in regard to this RFP.

3. Responses to Questions.

The District will attempt to, but does not guarantee that it will, respond to any and all questions regarding this RFP that it receives in accordance with this Part G, and the District in its sole discretion may delegate responsibility for responding to any questions to the Architect, the project manager, or other District consultant. If the District responds to a question, it will send the question and corresponding response to all of the contractors who registered with the District in accordance with Part C of this RFP.

4. Deadline for Questions.

Contractors that have registered with the District may submit questions regarding this RFP at any time prior to the Deadline for Submitting Questions set forth on the cover page to this RFP. The District, in its sole discretion, may determine not to respond to questions submitted after the Deadline for Submitting Questions or may respond, nonetheless, so that all contractors that have registered with the District will have the benefit of information relevant to the LLB services required for the Project.

PART H. SUBMITTAL OF PROPOSALS

1. Number of Copies.

In order to be deemed responsive to this RFP, a contractor must submit to the District: (i) three complete paper copies of its Proposal, each in a separate three-ring binder; and (ii) one electronic copy of its Proposal, in PDF format, on a USB flash drive.

2. Formatting.

Each Proposal must conform with the following formatting requirements: (i) the content of the Proposal must be printed on/sized for 8 ½ by 11 inch paper, and the pages may be either single-sided or double-sided; (ii) with respect to each required content item specified in Part E of this RFP, the number of pages included in the Proposal must be no more than the number specified in the heading for such item, regardless of whether the pages are single-sided or double-sided; (iii) attachments are not included in, or subject to, any page number limitations, regardless of whether the pages are single-sided or double-sided, but in no event may information other than as specified in Part E be included in any attachment; (iii) tab pages, dividers, and similar inserts are not included in, or subject to, any page number limitations; and (iv) all text set forth in the Proposal (including, without limitation, in any attachments) must be font size 11 or greater.

3. Proposals Must be Sealed.

Each Proposal must be sealed in an envelope, and the only text and/or marks authorized to be visible on the outside of the envelope are: (i) the Project name and, if applicable, number; (ii) the District's name and Address for Submitting Proposals; (iii) the contractor's name and return address; (iv) the Deadline for Submitting Proposals; and (v) postage and/or postage marks. All other text and/or marks on the outside of the envelope are prohibited.

4. Delivery Address and Deadline.

Each Proposal must: (i) be addressed and delivered to the address specified below in this Section 4; and (ii) be received at such address prior to the "Deadline for Submitting Proposals" specified on the cover page to this RFP. The address for submission of Proposals is as follows:

Lakeside Union School District
Attn: Todd Owens
12335 Woodside Avenue
Lakeside, CA 92040

5. Method of Delivery.

A contractor may send or deliver its Proposal to the District via: (i) certified, registered, or first-class U.S. Mail; (ii) FedEx, UPS, or other private delivery service; (iii) personal delivery; or (iv) other means as the

contractor determines appropriate. However, notwithstanding the foregoing, in no event will the District accept any Proposal sent via facsimile transmission, email, or other electronic means.

6. Contractor Responsibility.

Each contractor shall be solely responsible for ensuring that its Proposal is received by the District prior to the Deadline for Submitting Proposals specified on the cover page to this RFP. The District, in its sole and absolute discretion may, but shall not be required to, consider any Proposal received by the District after the Deadline for Submitting Proposals.

EXHIBIT "A"
PROJECT DESCRIPTION

The Project will occur at the Districts Central Kitchen and will involve Improvements to the Central Kitchen including the installation of District supplied equipment. The Conceptual Plans for the Project will be made available to contractors that register with the District as described in Part C of the main body of this RFP.

The Project includes Kitchen upgrades to the Lakeside Unified School District Central Kitchen.

The Architect has estimated that: (i) the total construction cost for the Project will be \$ 500,000; and (ii) the total cost of the Project (including soft costs, hard construction costs, approval fees, and equipment and other costs) will be \$ 650,000. However, a goal of the preconstruction services shall be to minimize the costs associated with the Project, while not sacrificing utility or other desired characteristics of the Project. Notwithstanding anything to the contrary, the District reserves the right to suspend or terminate the Project if the Preconstruction Services Fee and/or GMP exceed applicable budget amounts established by the District.

The District presently intends that the Project Contractor shall:

- (i) Commence the preconstruction services on or about June 19, 2023
- (ii) Commence construction of the Project on or before July 10, 2023, and
- (iii) Fully and satisfactorily complete construction of the Project not later than August 20, 2023