

ADDENDUM

Document 00910

ADDENDUM NO. 01

Date of Addendum: 01/04/2023

PROJECT NAME: African American Library Envelope Restoration and HVAC upgrade-
Hurricane Harvey

PROJECT NO: E-HARVEY-1071-4-01

PROPOSAL DATE: 1/12/2023 (There is no change to the Proposal Date.)

FROM: City of Houston, General Services Department
900 Bagby, 2nd Floor, City Hall Annex
Houston, Texas 77002
Attn: Wei Jue, Senior Project Manager

TO: Prospective Proposers

This Addendum forms a part of the RFP. Insofar as the original RFP is inconsistent, this Addendum governs.

CHANGES TO RFP PACKAGES

1. CMAR RFP Document 3 – Evaluation Process and Criteria- Section 3.1.4 has been revised. Please replace the original Document 3 with the attached new version.
2. CMAR RFP Document 4 – Proposal Form Part A -The Bid Bond form has been removed from Document 4 (deleted page 28 and 29); section 4.1 (page 22) has been revised. Please replace the original Document 4 with the attached new version.
3. CMAR RFP Document 5 – Proposal Form Part B -The Bid Bond form has been added to Document 5, please replace the original Document 5 with the attached new version.

CLARIFICATIONS

1. **Question #1**-The RFQ on Section 4.1 Safety requires that the proposers to “Attach current Workers Compensation Modifier Rating forms from the National Council on Compensation Insurance” Please note that NCCI does not provide EMR for companies that their payroll is less than certain amount (i.e. Companies that are

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Construction Managers and do not self-perform). Please advise how to proceed in this case.

Response: Document 3 (section 3.1.4) and Document 4 (Section 4.1) has been revised to address this question.

END OF ADDENDUM NO. 01

(TR)  _____  _____ DATED: 1/4/2023
Ricnara Vella
Assistant Director
Real Estate, Design & Construction Division
General Services Department



**REQUEST FOR PROPOSALS
FOR CONSTRUCTION MANAGER AT RISK SERVICES
Project Name: AFRICAN AMERICAN LIBRARY
BUILDING ENVELOPE RESTORATION AND HVAC
UPGRADE PROJECT - HURRICANE HARVEY
Project Number: E-HARVEY-1071-4-01**

3 – EVALUATION PROCESS AND CRITERIA

3.1 EVALUATION CRITERIA

Proposers will be ranked by an Evaluation Committee based on the following criteria and points:

0. Proposal Form completed in accordance with instructions. (5 Points Maximum)
1. Proposer’s Experience (20 Points Maximum) – Reference Document 4 – Proposal Form-Part A, Section 1.1
2. Proposed Key Personnel’s Experience (25 Points Maximum) – Reference Document 4 – Proposal Form-Part A, Sections 2.1 – 2.6
3. Preconstruction Approach (25 Points Maximum) – Reference Document 4 – Proposal Form-Part A, Sections 3.1
4. Safety (10 Points Maximum) - Reference Document 4 – Proposal Form-Part A, Section 4.1.
5. Fee Proposal (15 Points Maximum) - Reference Document 5 – Proposal Form-Part B

3.2 INTERVIEWS/PRESENTATIONS

A maximum of five Proposers may be short listed to participate in an interview/presentation. The Proposer’s designated Key Personnel will be expected to participate in the interview/presentation. Proposers will be notified in writing of the date/time and location of their interview.

Each team will have five minutes prior to the scheduled interview time to set up for the presentation (Smart Board available). Next, the team will have 30 minutes to make a presentation. Following each presentation, the Evaluation Committee will conduct a 15-

minute question and answer session. Specific questions may be asked about the submitted Proposal.

The presentation may include but is not limited to the following:

1. Introduction

- a. Highlight relevant Proposer's experience including CMAR delivery method
- b. Highlight relevant Project Experience of Key Personnel including CMAR delivery method
- c. Demonstrate successful team synergy and dynamics

2. Project Approach

- a. Discuss and present Proposer's preconstruction approach
- b. Highlight ideas related to this project, and include a constructability statement
- c. Demonstrate knowledge of Texas Historical Commission's procedure and requirements

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01



4 - PROPOSAL FORM – PART A FOR CMAR SERVICES

Proposals are to be bound with clearly marked tabs that correspond to the sections of the Proposal. Total pages are limited by the Proposal form and additional pages set out in Proposal instructions. Other pages should not be included. The response boxes can be expanded to fit more information; however, the tables must remain the same size. Typically, font size shall be 8 pt. or larger.

0.1 PROPOSER'S GENERAL INFORMATION

Is proposal being submitted by a Joint Venture?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Proposer's legal name:			
Proposer's assumed names (if any):			
Proposer's local address:		Proposer's Headquarters Address (if different than local address):	
Contact Name for Proposal: Email address: Telephone number:		Federal Tax ID Number:	

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

0.2 JOINT VENTURE FIRM(S) INFORMATION. *If submitting as a joint venture, the following information is required for each additional joint venture firm. Insert additional tables, if necessary.*

Firm's legal name:			
Firm's assumed names (if any):			
Firm's local address:		Firm's Headquarters Address (if different than local address):	
Federal Tax ID Number:			

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

1.1 PROPOSER'S EXPERIENCE. *Proposers should select **three** representative projects of similar size, scope, and delivery method. Recent projects completed within ten years or less are preferable. The three projects are not limited to projects of similar occupancy type.*

Construction Firm Name:			
I. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
<i>Attach up to two pages of photographs behind this sheet.</i>			

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

1.1

Construction Firm Name:			
II. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
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AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

1.1

Construction Firm Name:			
III. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
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AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

2.1 PROPOSED KEY PERSONNEL. *List the Key Personnel proposed for this project. Include the Preconstruction Project Manager, Constructability/Document Coordination Reviewer, Estimator, Construction Project Manager, and the Project Superintendent.*

Proposal Project Role	Describe Functions of Project Role	Personnel Name	Corporate Title	Active Registrations / Certifications / Licenses	Years of Experience
Preconstruction Project Manager					
Constructability and Document Coordination Reviewer					
Estimator					
Construction Project Manager					
Project Superintendent					

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

2.2 EXPERIENCE OF PRECONSTRUCTION PROJECT MANAGER. *Proposers should select **three** representative projects of similar size, scope, and delivery method. Recent projects completed within ten years or less are preferable. The three projects are not limited to projects of similar occupancy type.*

Preconstruction Project Manager Name:			
I. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

2.2

Preconstruction Project Manager Name:			
II. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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2.2

Preconstruction Project Manager Name:			
III. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

2.3 EXPERIENCE OF CONSTRUCTABILITY/DOCUMENT COORDINATION REVIEWER *Proposers should select **three** representative projects of similar size, scope, and delivery method. Recent projects completed within ten years or less are preferable. The three projects are not limited to projects of similar occupancy type.*

Constructability/Document Coordination Reviewer Name:			
I. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

2.3

Constructability/Document Coordination Reviewer Name:			
II. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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2.3

Constructability/Document Coordination Reviewer Name:			
III. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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2.4 EXPERIENCE OF ESTIMATOR *Proposers should select **three** representative projects of similar size, scope, and delivery method. Recent projects completed within ten years or less are preferable. The three projects are not limited to projects of similar occupancy type.*

Estimator Name:			
I. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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2.4

Estimator Name:			
II. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

2.4

Estimator Name:			
III. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4-01

2.5 EXPERIENCE OF CONSTRUCTION PROJECT MANAGER *Proposers should select **three** representative projects of similar size, scope, and delivery method. Recent projects completed within ten years or less are preferable. The three projects are not limited to projects of similar occupancy type.*

Construction Project Manager Name:			
I. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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2.5

Construction Project Manager Name:			
II. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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2.5

Construction Project Manager Name:			
III. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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2.6 EXPERIENCE OF CONSTRUCTION SUPERINTENDENT *Proposers should select **three** representative projects of similar size, scope, and delivery method. Recent projects completed within ten years or less are preferable. The three projects are not limited to projects of similar occupancy type.*

Construction Superintendent Name:			
I. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
<i>Attach up to two pages of photographs behind this sheet.</i>			

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2.6

Construction Superintendent Name:			
II. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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2.6

Construction Superintendent Name:			
III. Project Name:			
Project Location:		Construction Delivery Method:	
Year Construction Completed (month/year): <i>NOTE: If the project is not substantially complete at the time of submission, the Proposer will be awarded zero points.</i>		New Construction or Renovation:	
Construction Cost:		Building Area Square Footage:	
Name, Phone Number and Email of Owner's Representatives:			
Project Description:			
Architectural Firm:			
Project Role:			
Names of Proposed Key Personnel Listed in Section 2.1 that Worked on this Project (if any):			
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3.1 PRECONSTRUCTION APPROACH. Attach up to *five* pages describing the following:

- a. Describe the Proposer’s concepts for working in a team relationship with the City of Houston, Architect, and Engineering Consultants during the Preconstruction Phase Services.
- b. Describe the methodology of reviewing completed construction documents, site conditions and proposed phasing. Discuss methods of documenting and proposing changes to construction documents.
- c. Describe the plan for coordination of phasing, security, and operations.
- d. Describe the plan for working with FEMA and Texas Historical Commission
- e. Describe the scheduling and estimating efforts during the preconstruction phase.
- f. Describe the subcontracting plan. Include the methodology of advertising, negotiating, and awarding contracts for subcontracted work.

4.1 SAFETY: Attach last five (5) years’ worker’s compensation Experience Modifier Rating (EMR) from the National Council on Compensation Insurance (Attach documents behind this page). In lieu of EMR, Loss Run Report for past five (5) years, may be provided along with correspondence documentation from Proposer’s Insurance provider stating that Proposer does not qualify for an EMR. Proposer, and if a Joint Venture, each member of the Joint Venture, shall provide an OSHA Form 300A Summary of Work-Related Injuries and Illnesses for all company activities in the past five (5) years. If the Proposer or any member of the joint venture received a citation from OSHA in excess of serious (i.e., willful) within the previous five (5) years, please provide detail.

If “No” is indicated below for the Safety Program Manual, the Proposal will not be evaluated.

Experience Modifier Ratings (EMR) for the last five (5) years. Start with most recent and include year. (If proposer is not qualified for EMR, please leave this row blank.)					
Does your company have a Safety Program Manual?	<input type="checkbox"/> Yes <input type="checkbox"/> No				

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5.1 REQUIRED FORMS. *All Construction Management Proposers must include with the Proposal the following forms.*

- Ownership Information Form- 0455
<http://purchasing.houstontx.gov/forms.shtml>
- POP1 - Pay or Play Acknowledgement Form
<http://www.houstontx.gov/obo/payorplay/pop1.pdf>
- Byrd Anti-Lobbying Certification
- Suspension/Debarment Certification

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4

BYRD ANTI-LOBBYING CERTIFICATION

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(Date)

(Typed or Printed Name)

(Signature)

(Title)

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AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion— Lower-Tier Covered Transactions

“Non-federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.” (2 CFR 200.212)

This certification is required by regulations implementing Executive Order 12549, Debarment and Suspension, for all lower-tier transactions meeting the threshold and tier requirements. (2 CFR 180.300)

Terms Defined

- *Nonprocurement Transaction:* A transaction under federal non-procurement programs, which can be either a primary covered transaction or a lower-tier covered transaction. (2 CFR 180.970)
- *Lower-Tier Covered Transaction:* (1) Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction; (2) any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed \$25,000; (3) any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount
- *Participant:* Any person who submits a proposal for or who enters into a covered transaction, including an agent or representative of a participant. (2 CFR 180.980)
- *Principal:* An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or a consultant or other person, whether or not employed by the participant or paid with federal funds, who (1) is in a position to handle federal funds; (2) is in a position to influence or control the use of those funds; or (3) occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction. (2 CFR 180.995)
- *System for Award Management (SAM) Exclusions:* The list maintained and disseminated by the General Services Administration (GSA) containing names and other information about persons who are ineligible. (2 CFR 180.945).
- *Debarment:* Action taken by a debarring official to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (2 CFR 180.925)
- *Suspension:* Action taken by a suspending official that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 CFR 180.1015)
- *Ineligible or Ineligibility:* A person or commodity is prohibited from covered transactions because of an exclusion or disqualification. (2 CFR 180.960)
- *Person:* Any individual, corporation, partnership, association, unit of government, or legal entity, however organized. (2 CFR 180.985)

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4

- *Proposal:* A solicited or unsolicited bid, application, request, invitation to consider, or similar communication by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.
- *Voluntary Exclusion:* A person's agreement to be excluded under the terms of a settlement between the person and one or more agencies. Voluntary exclusion must have governmentwide effect. (2 CFR 180.1020)
- *Voluntarily Excluded:* The status of a person who has agreed to a voluntary exclusion. (2 CFR 180.1020)

Instructions for Certification

1. By signing or certifying and submitting this application, the prospective lower-tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower-tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower-tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower-tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower-tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower-tier participant agrees by signing or certifying and submitting this application that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower-tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower-tier participant further agrees by signing or certifying and submitting this application that it will include the clause titled Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower-Tier Covered Transactions, without modification, in all lower-tier covered transactions and in all solicitations for lower-tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower-tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the non-procurement list.

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT – HURRICANE HARVEY/ E-HARVEY-1071-4

- 8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower-tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion— Lower-Tier Covered Transactions

- 1. The prospective lower-tier participant certifies, by signing or certifying and submitting this application, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- 2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Contractor Name

Contract Number

Name

Title

Signature

Date

REQUEST FOR PROPOSALS (RFP)

FOR CONSTRUCTION MANAGER AT RISK SERVICES

AFRICAN AMERICAN LIBRARY BUILDING ENVELOPE RESTORATION AND HVAC UPGRADE PROJECT-
HURRICANE HARVEY/ E-HARVEY-1071-4-01



5 - PROPOSAL FORM – PART B FOR CMAR SERVICES

5 FEE PROPOSAL

BASIC PRECONSTRUCTION PHASE FEE (see Sections 3.3 and 4.2.1 of CMAR Contract – Document 7)	\$ _____
CONSTRUCTION PHASE FEE FOR THE PROJECT SERVICES (see Section 2.9 of CMAR Contract – Document 7)	_____%

REQUIRED FORMS. *All Construction Management Proposers must include with the Proposal the following form.*

- Bid Bond (As discussed in RFP Terms and Conditions)

Company Name

Print Name/Title

Authorized Signature

Date

BID BOND

THAT WE, _____, as Principal, (Proposer)

("Proposer"), and the other subscriber hereto, _____, as Surety, do hereby acknowledge ourselves to be held and firmly bound to the City of Houston, a municipal corporation, in the sum of _____ Dollars (\$_____) (an amount equal to 5 percent of \$_____ the estimated construction cost for the payment of which sum, well and truly to be made to the City of Houston and its successors, the Proposer and Surety do bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Proposer has submitted on or about this day a response to the Request for Proposals for Construction manager at Risk services for:

(Project Name, Location and Number)

Now, THEREFORE; if the Proposer:

- 1. Enters into a Construction Manager at Risk Contract with the City,
2. The City accepts a Guaranteed Maximum Price Proposal submitted by the Proposer in accordance with the Construction Manager at Risk Contract,
3. The Proposer executes a Guaranteed Price in the format set out in Construction manager at Risk Contract,
4. The Proposer executes a Performance Bond, Payment Bond, and Maintenance Bond in the amount and format set out by the Construction Manager at Risk Contract (such bonds to be executed by a Corporate Surety authorized by the State Board of Insurance to conduct insurance business in the State of Texas, and having an underwriting limitation in at least the amount of the bond), and
5. The Proposer submits all other submittal documents required by the Construction Manager at Risk Contract as part of the Guaranteed Maximum Price Proposal within the time set out in the Construction Manager at Risk Contract.

then this obligation shall become null and void; otherwise, it is to remain in full force and effect.

If Proposer is unable to or fails to perform the obligations undertaken herein, the undersigned Proposer and Surety shall be liable to the City for the full amount of this obligation which is hereby acknowledged as the amount of damages which will be suffered by the City on account of the failure of such Proposer to perform such obligations, the actual amount of such damages being difficult to ascertain.

Notices required or permitted hereunder shall be in writing and shall be deemed delivered when actually received or, if earlier, on the third day following deposit in a United States Postal Service post office or receptacle, with proper postage affixed (certified mail, return receipt requested), addressed to the respective other Party at the address prescribed in the Contract documents, or at such other address as the receiving Party may hereafter prescribe by written notice to the sending Party.

IN WITNESS THEREOF, the Proposer and Surety have signed and sealed this instrument on the respective dates written below their signatures and have attached current Power of Attorney.

ATTEST, SEAL: (if a corporation)

WITNESS: (if not a corporation)

By: _____

Name:
Title:

(Name of Proposer)

By: _____

Name:
Title:
Date:

ATTEST/SURETY WITNESS: (SEAL)

(Full Name of Surety)

(Address of Surety for Notice)

(Telephone Number of Surety)

By: _____

Name:
Title:
Date:

By: _____

Name:
Title:
Date: