



Palo Pinto County Emergency Services District No.1
Board President - Mr. Tye Jackson

**REQUEST FOR PROPOSAL (RFP)
CONSTRUCTION MANAGER-AT-RISK
NEW AMBULANCE STATION AND MEDICAL CLINIC**

Palo Pinto County Emergency Services District No. 1 (“ESD-1”) invites qualified companies to submit Proposal responses for a new Ambulance Station and Medical Clinic, on a greenfield site located at Track 8 on F.M. Hwy 2353 south of Park Road 36 (South of Graham Savings) in Graford Texas. The ESD-1 will be utilizing the one step process for this RFP, requiring Proposers to provide both qualification information as well as price proposals.

Proposals will be received on or before the time and date indicated below by the Palo Pinto County ESD-1, Tye Jackson % Hopkins Architects 103 S. Oak Ave. Ste. 209, Mineral Wells, TX. The package containing your Proposal response and all required forms (1 original signed and 5 copies and 1 identical electronic copy) should be plainly marked in a sealed envelope or box. Fax proposals **will not** be accepted:

**Sealed Proposal Response for
Palo Pinto County ESD-1 Ambulance Station and Medical Clinic
Closes at 4:00p.m., Wednesday, April 29, 2020**

ESD-1 reserves the right to reject any and / or all proposals, to award contracts for individual products or services as may appear advantageous, and to negotiate separately in any manner necessary to serve the best interest of the ESD-1.

No proposals may be withdrawn for a period of forty-five (45) days subsequent to the deadline for receipt of Proposal responses without the prior written consent of the ESD-1 Board.

Thank you for your interest.

Mr. Tye Jackson
ESD-1 Board President
tye@palopintoesd1.com

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SECTION 1: INSTRUCTION TO PROPOSERS

1. **INTRODUCTION:** Pursuant to the provisions of Section 2269 of the Texas Government Code, Palo Pinto County Emergency Services District No. 1 (“ESD-1”) is seeking Proposal responses from firms (“Proposer”) qualified and experienced in providing Construction Manager-at-Risk (“CMR”) services associated with the renovation of the County Annex, recently purchase 2 story, former Bank of America Building, located in Mineral Wells, Texas.

This Request for Proposal (RFP) contains information and instructions to enable interested Proposers to prepare and submit a Proposal and describes the terms and conditions that the successful Contractor will be expected to accept as part of the performance of the Contract.

The County’s designated representative to the Solicitation is:

- Representative: Board President - Tye Jackson
- Email: tye@palopintoesd1.com

Below is the anticipated project schedule:

- Architect: Hopkins Architects
- Contact: Tim Hopkins
- Email: tim@hopkins-arch.com
- Start Construction: June 15, 2020
- Substantial Completion: December 15, 2020

Project Details:

- Greenfield Project - New Construction for a 4,800 SF 2 - Bay Ambulance Station with Living Quarters (4 Bedroom and 2 Baths) and Training Center and a 3,000 SF Medical Clinic (6 Exam Rooms). 7,800 Total SF Pre-Engineered Metal Building System. located at Track 8 on F.M. Hwy 2353 south of Park Road 36 (South of Graham Savings) in Graford Texas. All Proposer’s may visit the site at their own convenience.

2. **GENERAL TERMS, CONDITIONS AND REQUIREMENTS FOR SOLICITATIONS:** This Request for Proposal shall be governed by the following documents unless an exception is otherwise taken with this Solicitation.

- 2.1 Section 2269 of the Texas Government Code (reference only)
- 2.2 PPC ESD-1 Policies CH (Legal) & CH (Local), Purchasing & Acquisition(reference only)
- 2.3 PPC ESD-1 Policies CVD(Legal) Facilities Construction - CMR (reference only)
- 2.4 General Terms and Conditions for Purchasing Solicitations and Contracts.

3. **ANTICIPATED SCHEDULE OF EVENTS:** Below is the anticipated schedule of events related to the RFP. These dates are set at the time of the release of the RFP and may be modified, changed, rescheduled or canceled as necessary by the County. The Proposer is fully responsible for tracking the County’s notifications and County websites for such changes.

- Pre-Response Questions (RFI): Tuesday April 21, 2020 5:00p.m.
- Response to Questions (Addenda): Wednesday April 22, 2020 5:00p.m.
- Sealed Proposal Due Date: Wednesday April 29, 2020 4:00p.m.
- Opening of Sealed Proposals: Thursday April 30, 2020 6:00p.m.
- Design Committee Review Proposals: Thursday May 07, 2020 6:00p.m.

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- Anticipated Interviews: To Be Determined
- Design Comm. Recommendation to Board Thursday May 14, 2020 6:00p.m.

4. **PRE-RESPONSE QUESTIONS (RFI):** Requests for Information and questions regarding clarification or interpretation of the RFP shall be submitted electronically, by email, by the Proposer to the Architect, and must be received by the following date and time **(NO PHONE CALLS WILL BE ACCEPTED)**

- Email: tim@hopkins-arch.com
- Time: 5:00p.m.
- Date: Tuesday, April 21, 2020
- No questions will be addressed unless submitted electronically by email.

5. **CLOSING TIME:** All Proposal responses must be received in Hopkins Architects' office **before 4:00p.m. Wednesday April 29, 2020:**

- Courier/ USPS: 103 S. Oak Avenue, Suite 209, Mineral Wells, TX 76067
- Proposal responses received after the published time and date shall **not** be considered.

6. **OPENING OF PROPOSALS:** Qualified Proposal Responses will be publicly opened and the respondent's name, fee, cost and percent as indicated in Attachment C - Price Proposal Form will be read aloud:

- Location: 103 S. Oak Avenue, Suite 209, Mineral Wells, TX 76067
- Date: Thursday April 30, 2020
- Time: 6:00p.m.

7. **PREPARATION OF PROPOSALS:**

- **Package:** The package containing your Proposal response (1 original, 5 identical hard copies, and 1 PDF on a thumb drive) should be plainly marked in a sealed envelope or box. Faxed responses will not be accepted: **Sealed Proposal for Construction Manager-at-Risk PPC ESD-1 Ambulance Station and Clinic**
- **Preparation:** Each Proposer shall furnish the information required by this RFP. The person signing the Proposal response must be an authorized representative of the proposing company. All erasures or other changes must be initialed by the submitting party.
 - Proposers shall familiarize themselves with existing conditions in the material and labor markets prior to submission of an offer. The fact that a Proposal is submitted will be construed by ESD-1 to indicate that the Proposer has familiarized itself with existing or future market conditions and agrees to perform in full accordance with the specifications and other contract documents notwithstanding existing material and labor market's conditions.
- **Exceptions:** If any exceptions are taken to any portions of the RFP, the Proposer must clearly indicate the exceptions taken and include a full explanation as a separate attachment to the Proposal response. Failure to identify exceptions or proposed changes with full explanation will constitute acceptance by the Proposer of the RFP as proposed by ESD-1. ESD-1 reserves the right to reject a proposal containing exceptions, additions, qualifications or conditions not called for in the Solicitation and considered major in scope by ESD-1.

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- **Addendums:** The Proposer is to respond and acknowledge all addendums as required by this RFP. Failure to acknowledge addendums will be grounds for disqualification of associated Proposal response.
 - **Open Records Requirement:** Proposers are to be aware that all documents submitted as part of the Proposal response will be deemed confidential during the evaluation process. Proposal responses will not be available for review by anyone other than the ESD-1 Board, Staff, or its designated agents. Following award of contract, all Proposals become public documents and are available for public viewing upon written request to ESD-1 except where Proposal information, as deemed such by the Texas Office of the Attorney General, is considered to be confidential or a trade secret belonging to the Proposer and, if released would give advantage to a competitor. That information should be clearly marked: "CONFIDENTIAL - DO NOT DUPLICATE WITHOUT PERMISSION".
 - **Tax Exemption:** ESD-1 is usually exempt from city, State and Federal Taxes. Proposal responses may not include exempted taxes. If it is determined that tax was included in the Proposal response, it will not be included in the tabulation or any awards. Tax exemption certificates will be furnished upon request. Under no circumstances shall ESD-1 be liable to pay exempt taxes under any Contract.
8. **PROJECT BUDGET:** The project budget is estimated to be **\$1,000,000.00**.
9. **PERMIT AND LICENSES:** Proposers shall be fully licensed to complete all work required. Copies of all applicable licenses should be provided with your response.
10. **BONDING REQUIREMENTS:** Bonds will be required for this project. Individual requirements are addressed below.
- **Bid Bond:** A bid bond is not required for this project.
 - **Payment and Performance Bonds:** Payment and Performance Bonds in the amount of 100% of the contract price must be provided by the awarded company within seven (7) days of the Guaranteed Maximum Price (GMP) submission.
11. **COMPONENTS OF A RESPONSE:** All Proposal responses will include all information solicited by this RFP and any additional material that the Proposer deems pertinent to the understanding and evaluation of their response. Incomplete responses may be disqualified from further consideration at the sole discretion of ESD-1.
- **Proposer Affirmation of Understanding:** For the Proposal response to be considered acceptable, the Proposer shall affirm, by authorized signature, that the Proposer understands the entire document and all of its contents. It also ensures the Proposal response is submitted in accordance with the stated requirements of the RFP. Should the Proposer's response not fully comply with the requirements set forth in the RFP, the Proposer will clearly identify each deviation or proposed alternative. By affirmation of a signed Proposal response, the response will represent a true and correct statement and shall obtain no cause for claim of omission or error.

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The Proposer shall provide an executed Attachment A - Request of Proposal Certification and Representations with their Proposal response. **Failure to provide an executed copy of the affirmation will deem the entire response invalid and non-responsive, and will not be considered further in the evaluation process.**

- **Technical Response:** Attachment B - Construction Manager-at-Risk Qualification Questionnaire
 - The Proposer shall complete and return Attachment B
 - The Proposer will address all questions completely and concisely within the area provided in the form
- **Price Proposal:** The Proposer shall complete and return the Attachment C - Price Proposal Form. The Proposer shall contain a straightforward, concise delineation of the Proposer's fee to satisfy the requirements of this RFP.
 - Construction Manager-at-Risk Fee. CMR Fee shall be the percentage paid to the CMR based on the Actual Cost of Work.
 - Preconstruction Costs. Shall be based on allowable expenses.
 - Labor Burden Percent. Labor burden costs will be limited to payroll taxes, worker's compensation insurance, the employer's portion of union benefits costs for union employees working on the project, and the actual verifiable fringe benefit costs incurred by Contractor for non-union individuals working on the Project. The reimbursable labor burden cost will be actual costs paid by the Contractor or any subcontractor.
 - NOTE: For Pre-construction and Labor Burden costs, ESD-1 will only reimburse actual costs. The costs and percentage provided in the Price Proposal form are to be used only to establish the cost estimates. Estimated reimbursements will be made during the contract period based on these projected costs/ percentages but will be reconciled via the audit performed during or at the end of the contract.
- **Proof of Financial Status:** The Proposer shall provide proof of the company's financial status as required in Attachment D - Proof of Financial Status.
- **Economically Disadvantaged Business Enterprise.** ESD-1 promotes, to the maximum extent allowed by law, participation by economically disadvantaged business enterprises in all County competitive procurement. The Proposer shall complete and return Attachment E - Economically Disadvantaged Business Enterprises.
- **Felony Conviction Notice.** The Proposer shall complete and return Attachment F - Felony Conviction Notice.
- **Conflict of Interest.** The Proposer shall complete and return Attachment H - Conflict of Interest.
- **Proof of Insurability.** The Proposer shall submit proof of insurance coverage and **Palo Pinto County ESD-1 must be named as an additional insured**, for the types of insurance listed below in the amounts stated in the Texas Labor Code Section 406.096 and 401.01 (44):
 - Worker's Compensation: Statutory
 - Employer's Liability:
 - \$500,000.00 each accident
 - \$500,000.00 disease policy limit

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- \$500,000.00 disease each employee
- Commercial General Liability:
 - \$2,000,000.00 combined single limit policy aggregate
 - \$1,000,000.00 combined single limit each occurrence
 - Property damage deductible no to exceed \$500.00 per accident
- Comprehensive Automobile Liability:
 - \$100,000.00/\$300,000.00/\$100,000.00
 - Hired/ non-owned coverage must also be provided
- Builder's All Risk
- Flood

11. COMPETITIVE SELECTION:

- **Selection Process**
 - THIS IS A NEGOTIATED PROCUREMENT, and as such, award will not necessarily be made to the Proposer submitting the lowest fee/ cost proposal.
 - ESD-1 shall accept the Proposal it deems to be in the best interest of ESD-1.
 - ESD-1 may make an award without discussion with any Proposer, after Proposal responses are received and evaluated. Proposers should therefore be submitted on the most favorable terms.
 - In making that determination, ESD-1 shall consider the Proposer's technical expertise and experience, the proposed fees/ costs, the Proposer's references and record of responsibility, and any other relevant factor that ESD-1 deems necessary to determine best value.
 - **Proposal Validity Process** ESD-1 reserves the right to retain all Proposal responses for a period of forty-five (45) days after the Proposal opening date for examination and comparison.
- **Evaluation.**
 - The Construction Manager-at-Risk (CMR) will be selected via a one-step evaluation process, pursuant to Section 2269 of the Texas Government Code.
 - Upon receipt of the proposals, the Evaluation Team will review and evaluate the proposals based on the following evaluation criteria:
 - Technical Evaluation: 75% of Score
 - Pricing Evaluations: 25% of Score
 - Financial Evaluation: Pass/ Fail
 - References Pass/ Fail
- **Additional Evaluation Steps.** ESD-1 reserves the right to conduct interviews of the key proposing company leaders and the proposed company staff, or other additional evaluation processes that are deemed necessary by ESD-1 to assist in a complete and thorough evaluation of the proposals.
- **Availability of Funds.** In the event that sufficient funds are not available for the project ESD-1 reserves the right to negotiate the scope of this contract, delay implementation, reject all Proposals, or award another type of contract other than that required in this RFP.

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- **Palo Pinto County ESD-1.** ESD-1 policy requires that the Design Committee make a recommendation to the Board at a future Board meeting based on the Proposer receiving the highest evaluation score.

12. AWARD OF CONTRACT:

- Upon successful negotiations between ESD-1 and the selected Proposer, the parties will be required to enter into a written Agreement with Palo Pinto County Emergency District No. 1, **AIA Contract A04-2017**, as amended by the owner for this project. The General Conditions shall be the General Conditions of the Contract for Construction, **AIA Document A201-2017**, as amended by the owner for this project.
- All scopes of work related to the project shall be governed by the executed agreement.

13. HB1295 REQUIREMENTS: This procurement falls under the requirements of HB1295 (Government Code Section 2252.908). The awarded Contractor will be required to complete and submit form 1295. The form along with instructions are available on the Texas Ethics Commission website at https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.