

SAN DIEGO UNIFIED SCHOOL DISTRICT

Facilities Planning and Construction



Central Elementary



Logan Memorial Educational Complex



Wilson Middle



Emerson Elementary



Hoover High



REQUEST FOR PROPOSALS (RFP)

LB25-0185-23-00-P1

**HAGE ELEMENTARY SCHOOL
WHOLE SITE MODERNIZATION**

LEASE-LEASEBACK (LLB)
ADVERTISEMENT DATES:

JULY 2, 2024

JULY 9, 2024

2351 CARDINAL LANE, BUILDING M | SAN DIEGO CA 92123

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**Request for Proposals (RFP) for Construction Services
Hage Elementary School Whole Site Modernization
Lease-Leaseback (LLB)**

The San Diego Unified School District (“**District**”) is requesting sealed proposals for preconstruction services through this document (“**RFP**”) for **Hage Elementary School Whole Site Modernization (“Project”)** and as further described in **Attachment No. 1 (“Project Description and Scope of Work”)**.

HAGE ELEMENTARY SCHOOL WHOLE SITE MODERNIZATION	
Type of LLB:	Preconstruction Services
Estimated Future Construction (Hard Cost) Budget:	\$26,213,142
Estimated Total Amount Contractor will Finance for the Project:	5% of hard construction costs
Anticipated Duration:	Sixteen months (16) months of preconstruction services and Thirty (30) months of construction
Anticipated Schedule:	Construction begins on or about January 7, 2026, and upon issuance of a written Notice to Proceed (NTP).
Contract Number(s):	LB25-0185-23-00-P1

Through this RFP, the District intends to select one (1) Contractor for the Project and intends that the Project will have one contract with that one Contractor. Furthermore, the Project will be issued a Notice to Proceed (NTP) with that one Contractor. Therefore, by submitting a Proposal, the Contractor shall commit to performing the Project if selected by the District and to enter into a contract for the Project.

Your firm was one of the qualified Contractors that responded to the District’s Request to Prequalify and for Statement of Qualifications (“**RFPQ**”) for Preconstruction and Construction Services for Certain District Projects (Lease-Leaseback) solicitation, dated **October 26, 2023 (“Groups H & J”)** (“**Firm**” or “**Contractor**” or “**Proposer**”). As indicated in the RFPQ, the District intends to award this Project utilizing the lease-leaseback delivery method. (Education Code §17406.)

Contract Documents: The RFP Documents are available at Crisp Imaging, 8375 Camino Santa Fe, Unit B, San Diego, CA 92121 (858-535-0607) or online at sandiegousdplans.com. Contractors may purchase printed documents at Crisp Imaging for a refundable payment of Five Hundred Dollars (\$500) per set or CD/USB drives for a non-refundable payment (\$2 - \$10). Payments shall be made by check payable to San Diego Unified School District. If the deposit for the RFP Documents is refundable, refunds will be processed by the District only if the RFP Documents, including all addenda, are returned intact and in good order to Crisp Imaging within ten (10) days of submitting proposal.

Mandatory Pre-Proposal Conference and Site Walk: A mandatory pre-proposal meeting and site walk will be held at the date/time indicated in the RFP Schedule. **All participants are required to meet at Hage Elementary School, 9750 Galvin Avenue, San Diego, CA 92126.** The meeting will begin **in front of the main office** for a general project overview, followed by a tour of the school site. The pre-proposal meeting and site walk is expected to take approximately two (2) hours. Failure to attend, extreme tardiness, or to sign in will render a Contractor’s Proposal ineligible.

Proposal Submission: Contractors interested in submitting a Proposal must go to <https://www.planetbids.com/portal/portal.cfm?CompanyID=43764> then search under “Bid Opportunities” for “Invitation number” **LB25-0185-23-00-P1 Hage Elementary School Whole Site Modernization**. For new vendors, register under “New Vendor Registration”.

Submit your Proposal through PlanetBids with the following documents by the date in the RFP Schedule:		Partial	Completed
RFP Response	One (1) electronic copy in PDF with bookmarks (Note: 50 MB size limit)		✓
Attachment No. 3	Contractor Statement of EBE Commitment		✓
Attachment No. 4	GMP and Other Cost Components		✓
Attachment No. 5	Schedule of Values		✓

District / Contract Specialist: The Contract Specialist for this RFP is Jennifer Almond. The Contract Specialist is the only individual authorized to make any modifications via addenda or otherwise to this RFP and the resulting contract(s), if any. All correspondence to the Contract Specialist shall be via email to jalmond@sandi.net. The Contract Specialist is the ONLY individual to contact regarding this RFP. See Cone of Silence below.

If you do not intend to submit a proposal for this Project, inform the Contract Specialist immediately.

Questions: Questions regarding this RFP must be in writing and directed only to the Contract Specialist by the date indicated in the RFP Schedule. Contractors with questions or comments about this RFP or the project should not contact any other district representative, board member, consultant, employee, or person. Attempts by a Contractor to contact any other person may result in disqualification of that Contractor.

RFP Addenda: Contractors are solely responsible for checking the District’s online plan room at sandiegousdplans.com to determine if the District has issued any addenda to this RFP. Contractors will be prompted to acknowledge all addenda when submitting electronic proposals through PlanetBids. Failure to acknowledge and respond to any addenda issued by the District may, at the District’s sole discretion, render the Contractor’s Proposal non-responsive or incomplete and may be rejected.

Subcontractor’s Prequalification (MEP): Every subcontractor to the Contractor seeking to perform work on this bid, regardless of trade, tier, or value of the work, is required to be prequalified with the District. Bids will not be accepted from non-prequalified subcontractors. Visit sandiegounified.org/contractor-prequalification or email prequal@sandi.net for more information. Reference **Attachment No. 2** (“District’s Subcontractor Prequalification Information”).

- **MEP (Mechanical/Electrical/Plumbing):** Subcontractors performing work under one or more of the following license classifications, including any contractor holding A or B licenses and/or performing work of C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43 and C-46, should submit their prequalification application on PlanetBids. Go to tinyurl.com/SDUSD-PlanetBids, login as a vendor, then click the menu on the left, and select prequalification to get started. MEP prequalifications must be renewed annually on the approval anniversary.

NOTE: *Subcontractor prequalification is not required for the preconstruction services. However, subcontractor prequalification is required for each construction GMP phase of the Project.*

RFP Schedule: The District has set the following RFP Schedule that all Contractors must adhere to. The District reserves the right to modify this RFP Schedule and will issue an addendum if it modifies this RFP Schedule.

Event	Time / Date / Deadline
District Issues RFP and Contract Documents Available	July 2, 2024
Mandatory Pre-Proposal Conference and Site Walk	July 11 2024 at 1:00PM
Deadline for Contractors to submit RFI questions regarding this RFP	July 23, 2024 at 4:00PM
District to respond to Contractors' questions regarding this RFP (Final Addendum)	August 1, 2024
Deadline for Contractors to submit Proposal	August 6, 2024 at 2:00PM
Potential Contractor Interviews	August 22, 2024
District Negotiations with Contractor	August 23, 2024
District Board approves successful Contractor	September 24, 2024

This RFP is a formal request for proposal. This RFP is not an offer by the District to contract with any party responding to this RFP. The District reserves the right to reject any and all Proposals. The District also reserves the right to amend this RFP as necessary. District will not provide any oral clarifications or modifications to the RFP or the requirements hereof. No employee, office, agent, or representative of the District is authorized to provide oral clarifications or modifications to the RFP. Contractors shall not rely on any oral clarification or modification to the RFP. All Proposals and attachments submitted to the District in response to this RFP shall remain property of the District.

1. GENERAL INSTRUCTIONS, REQUIREMENTS AND INFORMATION

- 1.1. **License:** Contractor is required to possess one or more of the following State of California Contractor License(s): **B**. The Contractor's license(s) must be active and in good standing at the time of the submitting its Proposal and must remain so throughout the term of the Contract.
- 1.2. **Labor Code Requirements:** Pursuant to Labor Code §1773, the Director of the Department of Industrial Relations (DIR) of the State of California has determined the generally prevailing rates of wages in the locality in which the Work is to be performed. To perform work on this project, Contractor and all of its subcontractors are required to be registered as public works contractors with the Department of Industrial Relations (DIR) pursuant to Labor Code §1725.5. Only contractors with an active registration may perform work on a public works project. The rates are set forth in a schedule which may be found on the DIR website <http://www.dir.ca.gov>. Any Contractor to which a contract is awarded must pay the prevailing rates, post copies thereof at the job site, provide payroll records when required, and otherwise comply with applicable provisions of state law.
- 1.3. **Prevailing Wages:** Prevailing wage requirements apply to all public works projects and must be followed per Article 17 of the General Conditions of the Request for Proposals. The applicable prevailing wage determination during preconstruction is the one in effect on the date the RFP is first published in a newspaper of general circulation. Here, the applicable prevailing wage determination for preconstruction services referenced in the published RFP advertisement is **2024-1. The applicable prevailing wage determination for a contract amendment that adds a Guaranteed Maximum Price (GMP) for**

construction services is based on the date the Prime Contractor first published an advertisement for that District defined GMP phase to subcontractors. Contractors should review the Labor Compliance Bulletin issued September 4, 2021, for further details. The following is a link to the Department of Industrial Relations (DIR) website to obtain rate information, and any applicable predetermine increases www.dir.ca.gov/oprl/dprevagedetermination.htm.

- 1.4. **Project Stabilization Agreement (PSA):** As mentioned in RFPQ Solicitation **LB24-0496-42-00-00**, this project is subject to the Project Stabilization Agreement (PSA) adopted by the Board of Education on July 28, 2009, and as subsequently amended. The complete agreement is available for viewing and downloading at <https://sandiegounified.org/PSA>. The successful Contractor and all Subcontractors regardless of tier, will be required to execute a PSA Letter of Assent (LOA) prior to starting work, whereby Contractor and Subcontractors agree to conform to all terms and conditions set forth in the PSA.
- 1.5. **Skilled and Trained Workforce:** Contractors performing on District projects must comply with the District's PSA, which alleviates the Contractor's statutory reporting requirement regarding the employment of a "skilled and trained workforce" as defined in Public Contract Code section 2601 and required by Education Code §17407.5. Contractors should review the "**Project Stabilization Agreement and Skilled and Trained Workforce**" section of the Master Facilities Lease in the **Sample Master Site Lease and Master Facilities Lease Agreements**.
- 1.6. **Withdrawal of Proposals:** Proposals may not be withdrawn by any Contractor for a period of **Ninety (90) days** after the opening of Proposals. During this time, all Contractors shall guarantee prices quoted in their respected Proposals.
- 1.7. **Examination of Contract Documents:** Each Contractor shall become fully acquainted with conditions relating to the Work to fully understand the facilities, difficulties, and restrictions related to the execution of the Work. Contractors shall thoroughly examine and be familiar with the Drawings and Specifications and all other Contract Documents. The failure of any Contractor to receive or examine any of the Contract Documents, forms, instruments, addenda, or other documents, or to visit the site(s) and be acquainted with the existing conditions shall in no way relieve any Contractor from obligations with respect to its Proposal or to the contract. The submission of a Proposal shall be taken as prima facie evidence of compliance with this section.
- 1.8. **Project Geotechnical Report:** Geotechnical reports have been prepared for the Project(s) and are available for information and reference only with the rest of the digital Contract Documents. The report, in its entirety, is not part of the Contract Documents. The geological boring logs and boring site location plan will be a part of the Contract Documents (See Appendix of the Technical Specifications). The opinions expressed in the report are those of the geotechnical engineer and represent interpretations of the subsurface soil conditions, text, and results of the analyses conducted by the geotechnical engineer. The District (Owner) will not be responsible for interpretations or conclusions drawn from this data by the Contractor.
- 1.9. **Interpretation of Contract Documents:** If any person contemplating submission of a Proposal for the proposed Project is in doubt as to the true meaning of any part of the Drawings, Specifications, or other portions of the Contract Documents, or finds discrepancies in, or omissions from the Drawings, Specifications, or other portions of the Contract Documents, a written request for an interpretation or correction thereof shall be submitted as a request for information ("**RFI**") to the District as indicated in the RFP Schedule. Any Contractor submitting such a request is solely responsible for its prompt delivery. Any interpretation or correction, or other modification of any portion of the Contract documents will be made only by Addendum duly issued by or on behalf of the District and

the District will provide a copy of each Addendum, if any, to each Contractor that has obtained a set of the Contract Documents. The District will not be responsible for any other explanations or interpretations of the Contract Documents. No Contractor may rely upon any oral interpretation, correction, or modification. Failure of a Contractor to request interpretation, correction, or modification of known discrepancies in, or omissions in the Drawings, Specifications, or other portions of the Contract Documents shall be deemed an acknowledgment by the Contractor that if awarded the Contract for the Work, the Contractor will remedy any discrepancies and omissions at no additional cost to the District.

- 1.10. **Addenda and Amendments:** This document and any attachments, appendices, and addenda will be available online from PlanWell. Contractors are responsible for ensuring that electronic communication is functioning and that online documents are accessible. Should there be any questions or uncertainty that documents cannot be accessed or questions are not being received, Contractors are responsible for following up with the District by e-mail at jalmond@sandi.net. Contractor is responsible for obtaining and verifying all addenda issued by the District. Failure of a Contractor to obtain and acknowledge all addenda in its Proposal may result in its proposal being deemed as non-responsive or incomplete. Addenda issued pursuant to the above shall be made a part of the Contract Documents.
- 1.11. **Delivery of Bonds and Certificates:** Unless otherwise specified, the successful Contractor shall, within five (5) business days after written notification by the District, sign and deliver to the District: the Labor and Material Payment Bond, Performance Bond, certificates of insurance, and other required documents. In the event the successful Contractor fails or refuses to so deliver such documents by the deadline date, the District may award the work to the next qualified Contractor. *The penal sums of the Labor and Materials Payment Bond and the Performance Bond shall each be in an amount equal to the Total Direct Cost of the GMP (GCs, GRs, and Divisions 02-33). The District will determine if the amount of a particular bond can be less than the total Contract Price depending on the phases of each of the Projects, but the successful Contractor must be prepared to provide bonds in an amount equal to the Total Direct Cost of the GMP (GCs, GRs, and Divisions 02-33).* Bonds required by the Contract Documents shall be accepted by the District on District provided forms, only if issued and duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California, and financially secured through an authorized agent with an office in California.
- NOTE:** *The District is not requesting bonds for the preconstruction services of the project. However, bonds are required for each construction GMP phase of the Project(s).*
- 1.12. **Inspection of Facilities:** The District reserves the right to inspect the facilities of the Contractor, including but not limited to its office located within seventy-five (75) miles of District's main offices, prior to award of the contract. If the District determines that after such inspection the Contractor is not capable of performance within the District's standards, its proposal will not be considered. The findings and decisions of the District shall be final.
- 1.13. **DVB Participation Program Policy:** All Proposers must comply with the District's Disabled Veteran Business (DVB) Participation Program attached hereto as Attachment No. 3.
- 1.14. **EBE Participation Program Policy:** All Proposers must comply with the District's Emerging Business Enterprise (EBE) Program attached hereto as **Attachment No. 7**.
- 1.15. **Public Records:** All Proposals and other documents responding to the RFP will become the exclusive property of the District and subject to the California Public Records Act (PRA), Government Code §6250, *et seq.* Those elements in a Proposal that are trade secrets as

that term is defined in Civil Code §3426.1(d) or otherwise exempt by law from disclosure and which are prominently marked as “TRADE SECRET,” “CONFIDENTIAL,” or “PROPRIETARY” may not be subject to disclosure. The District shall not be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of the Court. A Contractor that indiscriminately identifies all or most of its RFP or subsequent proposal as exempt from disclosure without justification may be deemed non-responsive. In the event the District is required to defend an action on a PRA request for any of the contents of an RFP or subsequent proposal marked “Confidential,” “Proprietary,” or “Trade Secret,” the Contractor agrees, by submission of Proposal, to defend and indemnify the District from all costs and expenses, including attorneys’ fees, in any action or liability arising under the PRA. ***The District will no longer provide a courtesy letter allowing contractors an additional opportunity to redact a submitted proposal. If the contractor would like to submit a redacted proposal for the District to produce in response to a potential future PRA request, email a copy of the redacted proposal (including Attachments No. 3, 4, and 5) to the Contract Specialist within seven calendar days of the proposal submission due date/time. If the District does not receive a redacted proposal by that deadline, the District will produce the original RFP proposal submission, subject to applicable exceptions, if we receive a PRA request for this RFP.***

- 1.16. **Cone of Silence:** During the evaluation of the Responses and at any point leading up to award of a contract, contact shall only be through the Contract Specialist identified in the RFP. Contractors shall neither contact (directly or indirectly) nor lobby (directly or indirectly; *for example, mentioning a District-pending award in a proposal submission*) evaluators, Board of Education Trustees, District Management, or anyone else at the District during the process. Attempts to contact, lobby, and/or influence the District, in any form, are strictly prohibited and may result in disqualification of that Contractor.
- 1.17. **Contractor Debriefs:** Effective January 13, 2022, the District will no longer perform proposal debriefs for LLB construction projects.

2. CONTENTS OF PROPOSAL

Contractors must review this RFP and especially this section carefully to understand how to prepare the separate components of their Proposal. Each Proposal must include the separate components:

- **Hage Elementary School Whole Site Modernization:** Fee for Preconstruction Services.
- **Hage Elementary School Whole Site Modernization:** Fee for GMP No. 1 Construction Services. Unless the contract for the Project has been otherwise terminated, the District will direct the Contractor to provide a final GMP at a later date after DSA and all other authorities with competent jurisdiction have approved the plans and the Contractor and District agree on the timing and structure to advertise and solicit subcontractor pricing.

2.1. GENERAL REQUIREMENTS

- 2.1.1. **Cover Letter:** Provide a cover letter for the proposal. Letter to include the following:
 - 2.1.1.1. License Number and a copy of CSLB license status
 - 2.1.1.2. DIR Number and a copy of DIR registration status
- 2.1.2. **Proposed Contractor Team:** Include all key and support personnel and other members of your team that will be involved in this Project. Include specifically the résumés of all personnel who would be performing services, for both

preconstruction and construction for the Contractor related to the Project. Define the role of each person and outline his or her availability, individual experience, responsibilities, and relevant similar project experience. Indicate personnel who will serve as primary contact(s) for the District. Include the name(s), résumé(s), project experience summary, addresses, telephone numbers, email addresses of the company manager and staff member(s) in your organization who will be assigned to work with the District and who will be authorized to make recommendations and decisions regarding work.

2.1.3. **Current Work Commitments / Project Limitations.** Specify the current and projected workload of Contractor for the duration of this Project. Provide a statement of all recent, current, or anticipated contractual obligations with general anticipated schedules and values.

2.1.3.1. **Contractor’s Limitation or Surety Restrictions:** Provide a letter from the Contractor’s Surety that indicates Contractor’s bonding capacity, limitations, and/or Surety restrictions related to the value of Project that Contractor can contract for and can effectively perform.

2.1.4. **Exceptions to the LLB Contract Documents:** Pursuant to the Contractor Acknowledgement of Master Site and Facilities Leases for RFPQ LB24-0496-42-00-00, each Contractor has agreed to be bound by the terms and conditions set forth in the District’s standard lease-leaseback contract form, and is only permitted to negotiate, if needed, related to Project-specific scope items in this RFP. **NOTE: The District will not consider any substantive changes to the Contract Documents.**

2.1.5. **Emerging Business Enterprise (EBE) Program:** The District has an Emerging Business Enterprise (EBE) Program, attached hereto as part of **Attachment No. 7** that recognizes Small Business Enterprises (SBEs) and Minority- (MBE), Women- (WBE), Disabled Veteran (DVB) business enterprises, and other broadly recognized designations. EBE goals and requirements are listed in the Request for Proposals and Qualifications.

2.1.5.1. Contractors are required to provide an EBE Participation Plan as indicated in **Attachment No. 7**, listing the following:

2.1.5.1.1. Contractors own EBE designation (if applicable) and any EBE sub-consultants and teaming partners.

2.1.5.1.2. Identify Contractor’s EBE Small Business Liaison Officer (SBLO) and provide contact information and résumé. Contractor shall inform the District of any personnel changes in advance of the meetings and/or deliverables described below.

2.1.5.1.3. Contractor’s proposed EBE outreach and participation strategy specific to meeting the EBE goals for this Project. This Plan should also include a project specific schedule of outreach activities.

2.1.5.1.4. Signed Contractor Statement of EBE Commitment form, provided in **Attachment No. 3**.

2.2. PRECONSTRUCTION SERVICES

2.2.1. **Total Charges for Preconstruction Services and Other Pricing Factors:** Provide your total price for Preconstruction Services for the Project on the Form attached to this RFP as **Attachment No. 4**. Also, include all pricing components required in **Attachment No. 4**. Contractors must completely fill out the below information. If any lines are left blank, the District will calculate that line at the highest category rate submitted by the Contractor. Contractor may enter zero (\$0.00 / 0%) however, Contractor will not be allowed to modify this value at the GMP submission or a later date. **To be determined "TBD", Not Applicable "N/A", "To Be Negotiated", or a range of values will not be accepted.**

2.2.1.1. **No Detailed Guaranteed Maximum Price:** Unless the contract for the Project has been otherwise terminated, the District will direct the Contractor to provide a final GMP at a later date after DSA has approved the plans and the Contractor and District agree on the timing and structure to advertise and solicit subcontractor pricing. The Contractor must submit their GMP proposed cost percentages as part of **Attachment No. 4**. For reference only, section 2.3 below describes the final GMP and related requirements pertinent to the Project.

2.2.2. **Designated Subcontractors List:** No Subcontractors List is required at time of submitted preconstruction Proposal for the Project. Subcontractor list is required at time of submitted GMP for the Project.

2.2.3. **Preconstruction and Construction Services Schedules.** Provide the following requested information for both preconstruction and construction.

2.2.3.1. Statement Understanding the District's scope of work specified herein;

2.2.3.2. Description of how Contractor will manage the preconstruction and construction according to priority of work including sequencing and/or phasing input.

2.2.3.3. Describe any challenges/obstacles associated with the implementation of the Project scope.

2.2.3.4. Provide suggestions to the timeline or obstacles that could benefit the overall cost to implement the Project. Provide suggestions to key milestones proposed that appear difficult to achieve.

2.2.3.5. Provide Gantt chart (or similar) proposed draft schedules for preconstruction and construction. Provide enough detail to identify significant milestones, all critical path items, durations, sequencing and/or phasing for major scope of work components.

2.3. CONSTRUCTION SERVICES (FOR REFERENCE ONLY, NOT REQUIRED AS PART OF THE PRECONSTRUCTION SERVICES PROPOSAL)

2.3.1. **Detailed Guaranteed Maximum Price:** Provide a Guaranteed Maximum Price ("GMP") to include all materials, labor, and all other costs to perform all work to construct the Project. Provide a GMP on form incorporated as **Attachment No. 4**, including all pricing components required on the form. Contractors must completely fill out the following information (2.3.1.1.), including all pricing components required on the form. If any lines are left blank, the District will calculate that line at the highest category rate submitted by the Contractor. Contractor may enter zero

(\$0.00 / 0%) however, Contractor will not be allowed to modify this value at the GMP submission or a later date. **To be determined “TBD”, Not Applicable “N/A”, “To Be Negotiated”, or a range of values will not be accepted.** **NOTE:** *The District has revised the GMP structure of incorporating Allowance(s) and a Contractor Contingency (if used) without any mark-up at Contract initiation, instead allowing Contractors to mark-up, using predetermined District directed values, at time of requested use during the construction of the Project.*

2.3.1.1. **Interest Charge for Financing Portion of the GMP:** Contractors must be prepared to finance a portion of the GMP for a period of time. Although the exact amount and duration may be adjusted at the District’s discretion, it is anticipated that the financing for the Project GMP will be for twelve (12) months, after completion of the Project GMP, during which time the District will make monthly Lease Payments of 1/12 of the total financed amount, plus an agreed-upon interest charge. Provide the District with your proposed interest charge for the amount financed in **Attachment No. 4.**

2.3.2. **Designated Subcontractors List:** Contractors must submit one copy with the Proposal, of the Designated Subcontractors List attached hereto as **Attachment No. 3**, for those subcontractors that will perform Services in excess of (½ of 1%) of the GMP for any portion of the Project, including labor, rendering of service, or specially fabricating and installing a portion of the Project or improvement. Failure to submit this list when required shall result in the Proposal being deemed non-responsive or incomplete and the Proposal will not be considered. The identified subcontractors shall be afforded the protections of the Subletting and Subcontracting Fair Practices Act. (Public Contract Code §4100, et seq.).

2.3.3. **DVB Contractor Declaration:** Contractors must submit a complete “DVB Contractor Declaration” element of Attachment No. 3, to list the Disabled Veteran Businesses (DVBs) at all tiers that the Contractor and its subcontractors are committing to use on the Project. The Declaration must include the DVB subcontractor/suppliers’ full addresses, contact information, work to be performed or supplies to be provided, California DVBE Certification Numbers or Small Business Administration SDVOSB Certification Numbers, and estimated dollar value and corresponding percentage of the Total GMP at the time of submitting its GMP Submittal(s).

2.3.4. **Schedule of Values:** Contractors must submit their proposed preliminary Schedule of Values attached hereto as **Attachment No. 5**. The District expects your Schedule of Values to include the information indicated in the attached form. After DSA approval, the District will provide an **updated Attachment No. 5** for the Contractor to complete and submit with their GMP.

3. DISTRICT’S EVALUATION CRITERIA

3.1. The Contractor will be selected based on the “best value” as determined by the District based on the following factors:

HAGE ELEMENTARY SCHOOL WHOLE SITE MODERNIZATION

Contents of Proposal	Item	Possible Proposal Points
2.1.2	A. Proposed Contractor Team for Preconstruction Services	25
	B. Proposed Contractor Team Specific to Construction Services	25
2.1.3	Current Work Commitments / Project Limitations	25
2.1.5	Emerging Business Enterprise (EBE) Program	10
2.2.1	Compensation (Attachment No. 4)	30
2.2.3	Schedule/Timeliness	50
Total Possible Points		165

- 3.2 The District may, at its sole discretion, interview some or all of the Contractor(s) that submit a Proposal.
- 3.3 If the District elects to conduct interviews, the method of determining the awarded Contractor will be based solely on the interview score. In other words, the District will NOT combine the scores of the proposal and the interview evaluations.
- 3.4 If the District elects to conduct interviews, the criteria for the interview will be at the District’s discretion, based upon the proposals received. Contractors will be notified in writing of the topic(s) to be included in the interview evaluation. Contractor(s) can expect the format to be question and answer, no presentation will be permitted.
- 3.5 Scoring for the interview will be provided at the interview.
- 3.6 The District reserves the right to investigate the qualifications of all Contractors under consideration and to confirm any part of the information furnished by the Contractor, or to require other evidence of managerial, financial or technical capabilities which are considered necessary for the successful performance of the work. Proposals will be evaluated according to the entire responses provided.
- 3.7 Once the Proposals have been reviewed, District staff may choose to begin negotiations with the Contractor that District staff, in its opinion, believes offers the best value to the District based on receiving the highest best value score, and may commence negotiations of services with that Contractor. The scope specific final exceptions for this project will be mutually agreed upon by both parties and will be memorialized in the Master Site Lease

and Master Facilities Lease within the specific item as well as documented in **Exhibit H, Supplementary Conditions (including Negotiated Changes and Clarifications to the Contract)**.

- 3.8 If the District is unable to successfully negotiate a satisfactory contract with terms and conditions the District determines to be fair and reasonable, the District may then commence negotiations with the next Contractor that it believes offers the next best value, in sequence, until a contract is reached or determination is made to reject all Proposals.
- 3.9 Final selection of a Contractor shall be at the sole discretion of the District's Board of Education at a public meeting after recommendation from District staff. A single Contractor will be selected for delivery and financing of the Project.
- 3.10 If a commitment is made, it will be to the most qualified respondent meeting the evaluation criteria of this RFP, and with whom the District is able to successfully negotiate the terms and conditions of the required Contract, as **Attachment No. 6** to this RFP.

ATTACHMENT NO. 1 – PROJECT DESCRIPTION AND SCOPE OF WORK

1. **BACKGROUND**

San Diego Unified School District’s capital improvements are funded by four General Obligation bond measures, Propositions S, and Z, and Measures U and YY. In an effort to provide a quality school in every neighborhood, the district is using Propositions S and Z, and Measures U and YY funds to repair, renovate, and revitalize district schools. As part of the General Obligation bond measures, Hage Elementary School has been identified and approved for the Whole Site Modernization.

2. **PRELIMINARY ANTICIPATED PROJECT SCHEDULE** (Subject to change at the District’s discretion)

Preconstruction Services	September 25, 2024 – January 6, 2026
Construction Services GMP No. 1	January 7, 2026 – August 23, 2028

HAGE ELEMENTARY SCHOOL WHOLE SITE MODERNIZATION

Attachment No. 1 outlines the scope of the preconstruction services and the general project scope. Once the design is completed the Project Documents will require relevant agency review and approval including but not limited to the Division of the State Architect (DSA), California Geological Survey (CGS), the Dept. of Environmental Health (DEH), the City of San Diego, applicable Utility Companies, and/or other agencies.

The Services for the Project is divided into Preconstruction and Construction Services. Refer to the Project Schedule outlined above.

Preconstruction Services for the Project continues through Board of Education approval of the GMP for the Project and is anticipated to be **sixteen (16)** months.

3. **PRE-CONSTRUCTION PHASE SERVICES FOR PROJECT**

Preconstruction services for the Project shall be, as defined in Education Code section 17400(b)(4), to include the services generally described below and as further outlined in the Master Facilities Lease, Exhibit I. Preconstruction Services are to include but are not limited to design/constructability and coordination review, field investigation, schedule and construction sequencing development, value engineering, BIM coordination, detailed cost estimating, including variables and options in order to meet District’s budget EBE goals in accordance with Exhibit K of the Master Facilities Lease, development of different trade bid package scopes of work, and bidding and preparation of the Total Guaranteed Maximum Price (GMP) and lease payment schedule.

Commencement or completion of the Preconstruction Services does not obligate the District to proceed with Construction and Post-Construction Services, with the selected LLB Contractor. The approximate duration for the design phase is **eight months (8)** months, followed by a **six (6)** month period for DSA and City of San Diego Approvals. The Scope of Work is anticipated to include the following:

- 3.1. Input and review of design and construction documents, constructability review (not code level plan checks) for clarity, consistency, coordination, schedule, phasing, budget (one formal Constructability report for each expected GMP package). Back-checks to be

performed once design team has addressed review comments and prior to DSA approval for each GMP package. The LLB Contractor will work in a collaborative manner during the design process with the district staff, the Architect, and the CM, as applicable. The LLB Contractor will be expected to review the design and construction documents at 100% design development, 50% construction documents, 100% construction documents, and post DSA approval, prior to bidding. The LLB Contractor should provide input on construction methodology and detailing based on the goals and objectives of the design to incorporate the strengths of their team.

- 3.2. Contractor to perform field investigation on site at the District's request to assist in reducing unforeseen conditions. Activities may include but are not limited to pot holing for underground utility location and invert elevation information, destructive testing, providing small openings in walls or ceilings to inspect the enclosed conditions, field inspection of existing conditions with specialty subcontractors, etc.
- 3.3. Perform detailed estimates at each design phase milestone as stated in item 3.1 using the District's Uniform Cost Estimating template (to be provided by District Project Manager in Excel to awarded Contractor). This includes an update to the 100% construction documents estimate following DSA approval prior to the District's approval to advertise the bid. Contractor to provide a detailed estimate of general conditions and requirements as part of each required design phase milestone estimate.
- 3.4. Undertake value engineering analysis and prepare report with recommendations to the District to maintain established construction budget at each design phase milestone as stated in item 3.1.
- 3.5. Attend regular meetings with the Design Team, and District Representatives. Meeting frequency to be determined upon the commencement of preconstruction services, but contractor should expect meetings to occur once every two (2) weeks at a minimum. Contractor is responsible for all meeting minutes during preconstruction phase.
- 3.6. BIM Coordination including clash detection. Architect to provide BIM model at onset of preconstruction services and provide updated versions of the model as design progresses. BIM model expected to be Level of Development (LOD) 300 at time of DSA approval.
- 3.7. Assist in developing the construction phasing and sequencing plan of the project. Contractor to provide input on alternate viable project construction sequence/phasing strategies for the project that could potentially benefit the overall project schedule and cost. Contractor to provide phasing plan graphics for review with District team and to be utilized in presentations with District management and school site Principal for input and approval. District project manager can provide examples of graphics formatting. Contractor to assist in development of move coordination plans as required by the phasing and sequencing plan.
- 3.8. Provide a detailed Construction CPM schedule that identifies the critical path within each Construction Phase. Contractor will be required to provide high level projected cost loading of the schedule to identify general cash flow requirements for the construction phase in order to assist District in NTP value planning. Contractor to update preliminary cost loaded schedule at each design phase milestone including prior to GMP award of construction services after presentation and acceptance of the negotiated GMP by the District.
- 3.9. Develop Scopes of Work for the different trade contractors and advertise for bids to obtain a minimum of 3 bids for each trade package. The scope of work bid packages will be made available to the District in advance of the bid phase for review and comment. The contractor will not include quantified contingency and allowance requirements in the bid packages without prior written approval from the District. The GMP shall be developed through a

public competitive sub-bid selection process. A minimum of three bids is expected for each trade. If the LLB Contractor plans to self-perform any work, LLB Contractor must submit a sealed bid directly to the District Contract Specialist a minimum of 48 hours in advance of the bid due date for the subcontractors. LLB Contractor will provide the District with a copy of their bid advertisement and subsequent addenda. Contractor will be required to submit a detailed estimate for any work less than ½ of 1 percent of the construction project. Generally speaking, preparation of the GMP will require a minimum of nine (9) weeks. The exact duration shall be mutually agreed upon by both parties prior to advertisement. The solicitation schedule may be broken down as follows:

- 3.9.1. Four and one-half weeks for bidding of trade contractors by LLB Contractor.
 - 3.9.2. Two weeks for preparation of initial GMP by LLB Contractor.
 - 3.9.3. One week for review of GMP by District.
 - 3.9.4. One and one-half weeks for District and LLB Contractor to further clarify issues with Design Team and review proposed Value Engineering ideas.
 - 3.9.5. One week for LLB Contractor to make revisions and submit final GMP and associated supporting documents for Board approval.
 - 3.9.6. One and one-half weeks for District final review and submission.
 - 3.9.7. Two and one-half weeks for Board review and approval.
- 3.10. District expects the LLB Contractor to engage with different subcontractors during the Preconstruction Phase to seek input regarding constructability, cost estimating, value engineering, etc. Identify what trades are planned for inclusion in the bid packages. All costs associated with any subcontractor input shall be included in the LLB Contractor's Preconstruction Phase cost. The District expects the LLB Contractor to seek competitive bids and will not be obligated to use any of the subcontractors engaged during the Preconstruction Phase, for the Construction. Any subcontractors engaged during the Preconstruction Phase and selected for Construction must be identified in the GMP Proposal.
- 3.11. Contractor to provide bid comparison spreadsheet for review with the District within 48 hours of bid date. Contractor to provide digital files of subcontractor bids to District for District download.
- 3.12. Develop the proposed GMP and proposed lease payment schedule. The GMP proposal shall include the written rationale for the price and objectively verifiable documentation of the costs to perform the services under the Facilities Lease, including documentation of the costs to perform any subcontract work reserved to a designated subcontractor in the proposal. Contractor to provide digital files of final best value subcontractor bids to District for District download as part of final GMP package.

4. **CONSTRUCTION AND POST-CONSTRUCTION SERVICES:**

FOR INFORMATION ONLY. WILL BE PRICED AFTER ALL PLANS ARE DSA APPROVED AND CONTRACTOR AND DISTRICT AGREE TO ADVERTISE AND SOLICIT SUBCONTRACTOR PRICING.

The LLB Contractor shall not proceed with any work unless and until the GMP is approved by the Board of Education at a public meeting and a Notice to Proceed with Construction Phase work is issued by the District. No work for which a contractor is required to be licensed in accordance with

Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code, and for which Division of the State Architect approval is required, can be performed before receipt of the required Division of the State Architect approval.

The construction phase is anticipated to be **thirty (30)** months, followed by a post-construction occupancy phase of twelve (12) months.

4.1. Whole Site Modernization

Construct off/on-site work as necessary to support the buildings and associated improvements. Services generally required are execution of subcontracts, provide on-site support and logistics including but not limited to temporary construction office trailers and equipment, supervise and direct the work, ensure a safe project/site, participate in project meetings, manage the construction costs, coordinate the work with the different subcontractors in an efficient manner, update the monthly construction schedule, coordinate equipment start-up and acceptance testing, training, prepare record construction documents, and close-out of the project. Reference Division 1 Specification Requirements. **The school site will be occupied during the construction phase.**

The LLB Contractor shall not proceed with any work unless and until the GMP is approved by the Board of Education at a public meeting and a Notice to Proceed with Construction Phase work is issued by the District. No work for which a contractor is required to be licensed in accordance with Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code, and for which Division of the State Architect approval is required, can be performed before receipt of the required Division of the State Architect approval.

5. PROJECT DESIGN SCOPE OF WORK DESCRIPTION

Project Scope of Work

- Hage Elementary School Whole Site Modernization (WSM) will include building improvements to all six existing buildings, improvements to existing portable classrooms (eleven are existing to remain and two of those are NIC; a total of nine are to receive improvements), and a new building (Building 7). Building 1 will receive an entry addition.
- The portable building at the NE corner of campus is NIC (it is an after-school program called Harmonium).
- Site improvements to support the WSM.

Site Improvements:

- Site work to support existing building improvements, building addition, and new building.
- Campus improvements will provide new vehicular access and large drop-off area in front of the new Kindergarten Building (Building 7). This includes accessibility improvements and landscape improvements along the existing drop-off area in front of Administration.
- Eleven of the twenty-two existing relocatable classrooms will be demolished to make way for new landscaped outdoor learning spaces and improved playground space. The enhancements will improve site accessibility in these areas.
- A new canopy structure with signage will be installed at Administration to complement a small addition to this building, including signage indicating the path of travel to the new Administration single point of entry.
- Existing drop-off parking will be demolished to make way for the new Kindergarten Building, including the addition of a new shade structure and playground.
- Fire access will be provided to the new Kindergarten Building by adding a loop off of the existing fire lane that circulates through the existing asphalt playground. The designated 20' wide fire lane will branch off the existing fire lane and circulate in full around the new building, reconnecting with

the existing fire lane in the parking lot (the fire lane in this parking lot will be added as part of the separate Solar PV project; the WSM project will connect to it). The existing paving/ base will be demolished at the new designated fire lane and a new heavy traffic section/ base will be provided.

- The existing fenced school parking in front of Administration will remain. Minor improvements will be made to improve traffic flow in conjunction with construction of the additional parking lot in front of the new Kindergarten Building.
- POT and entry improvements will be added at the main entrance in front of Administration.
- A graphics theme will be developed and integrated with new site/ building signage and wayfinding components to create a cohesive and unique graphical school identity.
- Two of the three play structures will be replaced with new; the play structure at Building 1 will be demolished and replaced with specialized SPED equipment. There will also be a new artificial turf field.
- The playground will be patched/repaired/slurried as required. There will be upgrades to the existing hard courts and there will be new outdoor learning areas. New planters/landscaping will be incorporated throughout; the backsides of new planters will be used for biofiltration.
- New fencing will be installed throughout.
- Areas of regrading will be required.
- A new BESS will be designed, to be located near the MSB on the South side of Building 4.

Building 1 – Administration and UTK Classrooms:

- Administration will be reconfigured to provide a single point of entry (w/ key card reader), an expanded lobby area, reception desk/ control point for visitor access to the Admin and main campus.
- Front reception/ clerical area will be reconfigured and a new conference room will be provided.
- The Health office will be reconfigured and expanded. The all-gender toilet in the Health office will be improved for ADA access, with new fixtures and finishes.
- The all-gender staff toilet will be improved for ADA access, with new fixtures and finishes.
- The two UTK classrooms will be used as SPED classrooms. Each classroom has a restroom and both will be efficiently expanded to sufficiently accommodate SPED requirements.
- All renovated spaces will include new flooring, new wall finishes, new plumbing fixtures, and new mobile storage. All doors will be replaced, including interior and exterior. Existing windows to remain. Ceilings are to remain, except tiles are to be replaced as required. FA is to remain to the extent possible. Ceiling fans and lighting are to remain and all Reznor units (which are inactive) are to be removed. Mechanical registers are to remain.
- The building exterior will be repainted.
- New roofing.

Building 2 – Classrooms:

- Classroom Building 2 interior spaces will be slightly reconfigured. One wall currently separating two classrooms will be relocated to make way for an appropriately sized SPED classroom and new Hygiene Room. An existing classroom will be utilized as a Motor Lab/Sensory Room, with equipment room. Another existing classroom will be subdivided into the Counseling Department with two private offices and a separate entrance to a Resource Room.
- All renovated spaces will include new flooring, new wall finishes, new plumbing fixtures, and new mobile storage. All doors will be replaced, including interior and exterior. Existing windows are to remain. Ceilings are to remain to the extent possible; tiles are to be replaced. FA is to remain to the extent possible. Where the ceilings are to remain, the ceiling fans and lighting are to remain. All Reznor units (which are inactive) are to be removed and the existing gas line is to be capped above a new gypsum board infill ceiling in those locations. Mechanical registers are to remain.
- The building exterior will be repainted.
- New roofing.

Building 3 – Media Center:

- The Media Center is to receive finish upgrades.

- All renovated spaces will include new flooring, new wall finishes, new plumbing fixtures, and new mobile storage.
- All doors will be replaced, including interior and exterior. Existing windows are to remain. Ceilings are to remain to the extent possible; tiles are to be replaced as required. FA is to remain to the extent possible. Where the ceilings are to remain, the ceiling fans and lighting are to remain. All Reznor units (which are inactive) are to be removed and the existing gas line is to be capped above a new gypsum board infill ceiling in those locations. Mechanical registers are to remain.
- The building exterior will be repainted.
- New roofing.

Building 4 – Classrooms:

- Classroom Building 4 will receive finish upgrades.
- All renovated spaces will include new flooring, new wall finishes, new plumbing fixtures, and new mobile storage.
- All doors will be replaced, including interior and exterior. Existing windows are to remain. Ceilings are to remain to the extent possible; tiles are to be replaced as required. FA is to remain to the extent possible. Where the ceilings are to remain, the ceiling fans and lighting are to remain. All Reznor units (which are inactive) are to be removed and the existing gas line is to be capped above a new gypsum board infill ceiling in those locations. Mechanical registers are to remain.
- The Boys and Girls toilets will receive ADA upgrades, new sinks, and new toilet partitions.
- The Custodian closet will receive a new mop sink and the existing electric water heater is to remain.
- The building exterior will be repainted.
- New roofing.

Building 5 – Multi-Purpose and Kitchen:

- Building 5 includes the Multi-Purpose Room and Kitchen. Both are to receive significant upgrades.
- All renovated spaces will include new flooring, new wall finishes, and new plumbing fixtures. All doors will be replaced, including interior and exterior. Existing windows to remain where possible and unless noted otherwise on the plans. Ceilings are to be replaced. FA is to remain to the extent possible. New fire alarm will be required in the kitchen. Ceiling fans and lighting are to remain and Reznor units (which are inactive) are to be removed.
- The Multi-Purpose space will receive a new stage, new AV equipment, new ceiling, and new lighting. The mechanical unit, with associated ductwork, serving this space is being assessed for replacement.
- The serving kitchen will be reconfigured and will receive all new equipment. The existing serving windows (both interior to the MPR and exterior to the lunch shelter) are to be infilled and new doors are to be added at the North and South ends to allow for circulation in and out of the serving area.
- In the existing Counseling room, the door will be relocated from the East to the West side of the room, which will be outside of the entry gates. This will allow parents to enter this space while preserving the single point of entry at the Admin office.
- The building exterior will be repainted.
- New roofing.

Building 6 – Classrooms:

- Classroom Building 6 will receive finish upgrades.
- All renovated spaces will include new flooring, new wall finishes, new plumbing fixtures, and new mobile storage.
- All doors will be replaced, including interior and exterior. Existing windows are to remain. Ceilings are to remain to the extent possible; tiles are to be replaced as required. FA is to remain to the extent possible. Where the ceilings are to remain, the ceiling fans and lighting are to remain. All Reznor units (which are inactive) are to be removed and the existing gas line is to be capped above a new gypsum board infill ceiling in those locations. Mechanical registers are to remain.
- The Boys and Girls toilets will receive ADA upgrades, new sinks, and new toilet partitions.
- The Mens and Womens toilets will receive ADA upgrades, new sinks, and new toilet partitions.

- The Custodian closet will receive a new mop sink and the existing electric water heater is to remain.
- The building exterior will be repainted.
- New roofing.

Portables:

- Eleven of the existing twenty-two portables are to remain. Two of the eleven portables to remain are NIC. The remaining nine will receive the same finish upgrades as the existing buildings. The restroom relocatable building currently under construction is also to remain and will be NIC.
- All doors will be replaced, including interior and exterior. Existing windows are to remain. Ceilings are to remain to the extent possible; tiles are to be replaced as required. FA is to remain to the extent possible. Where the ceilings are to remain, the ceiling fans and lighting are to remain. All Reznor units are to be removed and the existing gas line is to be capped. Mechanical registers are to remain.
- The ramps are non-compliant and will need to be upgraded.
- The exteriors will be repainted.

Building 7 – New Kindergarten Building:

- A new building for UTK/K building will be constructed on the existing blacktop/parking area at the North side of campus. This will include eight classrooms, each with a restroom, four additional restrooms for staff and student use, mechanical, electrical, and storage.
- The building will have exterior circulation with covered walkways. The roof will have several large penetrations to allow natural light into the covered walkways.

ATTACHMENT NO. 2 – DISTRICT’S SUBCONTRACTOR PREQUALIFICATION INFORMATION

**ATTACHMENT NO. 2 IS NOT DUE AT THE TIME OF PROPOSAL.
REQUIRED AFTER DSA APPROVED PROJECT DOCUMENTS
HAVE BEEN ADVERTISED BY AWARDED CONTRACTOR**

PREQUALIFICATION REQUIREMENTS. Every subcontractor to the Contractor seeking to perform work for this Contract, regardless of trade, tier, or value of the work, is required to be prequalified. Prequalification Applications must be received by the respective dates indicated in the RFP Schedule and remain in good standing throughout the duration of this RFP. **Applications submitted after the date and time indicated in the RFP Schedule may not be approved in time for this solicitation.** Visit sandiegounified.org/contractor-prequalification or email Prequal@sandi.net for more information.

PREQUALIFICATION STATUS. Subcontractors are solely responsible to verify their current prequalification status. Subcontractors may verify their prequalification status by sending an email to the contact below, by logging into the SDUSD PlanetBids Vendor Portal (Prime/MEP contractors), or by going to the contractor prequalification site (above) to see a current list of prequalified contractors.

MEP SUBCONTRACTORS: Mechanical, electrical, or plumbing (“MEP”) subcontractors, regardless of value of their work, with the following license classifications are required to be prequalified by the District: C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46.

NEW OR RENEWAL OF EXISTING PREQUALIFICATIONS FOR MEP SUBCONTRACTORS.
Subcontractors must be a registered SDUSD PlanetBids vendor to complete the prequalification process. Go to tinyurl.com/SDUSD-PlanetBids and login as a vendor, then click the menu on the left, and select prequalification to get started.

PREQUALIFICATION CONTACT: All prequalification inquiries must be submitted to the Construction Contracts Assistant at Prequal@sandi.net. Note in your email the specific project you are interested in.

NOTE: *Subcontractor prequalification is not required at the preconstruction phase. However, subcontractor prequalification will be required for each Guaranteed Maximum Price (GMP) phase of the Project(s).*

**ATTACHMENT NO. 3 – DVB PARTICIPATION DOCUMENTATION AND DESIGNATED
SUBCONTRACTORS LIST**

**DISABLED VETERAN BUSINESS (DVB)
PARTICIPATION PROGRAM OVERVIEW AND RESOURCES**

1. **Disabled Veteran Businesses (DVBs).** DVBs include Small Business Administration (SBA) certified Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) and California Department of General Services (DGS) certified Disabled Veteran Business Enterprises (DVBEs).
2. **DVB Participation Program Policy.** Through the DVB participation program, the District encourages contractors to ensure maximum opportunities for the participation of DVBs in the Work of the Contract.

Pursuant to the board-approved resolution in support of DVBs approved on May 10, 2011, the District has replaced the good faith effort with a mandatory requirement of 3% for DVB participation in all construction related contracts, including Master Facilities Leases. Contractor must meet or exceed 3% DVB participation. The failure of any Contractor to strictly comply with the District's DVB Participation Program Policy will result in rejection of a Contractor's Guaranteed Maximum Price (GMP) submittal(s) for non-responsiveness or incompleteness. Businesses that act as Brokers, Fronts and Pass-throughs are not permitted; all DVBs must provide a Commercially Useful Function.

The District's commitment to the achievement of DVB Participation Requirement for the Work of the Contract shall not, however, result in the District's discrimination in the award of the Contract on the basis of ethnic group identification, ancestry, religion, age, sex, race, color, or physical or mental disability.

Information regarding the DVB participation program, including links to find certified DVBEs and certified SDVOSBs is available at www.sandiegounified.org/DVB.

3. **Definitions.** Definitions for terms and acronyms used in this DVB Participation Program Policy are included in Exhibit K of the Master Facilities Lease.
4. **Participation Requirement**
 - 3.1 **Participation Requirement Defined.** The term "Participation Requirement" is a numerically expressed condition of DVB participation in performing the Work of the Contract.
 - 3.2 **DVB Participation.** The Proposal of a Contractor shall be deemed responsive only if the Contractor commits to achieving or exceeding the DVB Participation Requirement of three percent (3%) across the Project. The Contractor's commitment to achieving or exceeding the Participation Requirement will not by itself render the proposal of such Contractor to be qualified.
DVB participation may be achieved using DVBs at any contractor tier and may include subcontractors, suppliers, manufacturers, equipment providers, certain types of professional services like Building Information Modeling (BIM), Stormwater Pollution Prevention Plan (SWPPP) and/or Right of Way consultants, and other ancillary services related to the completion of the contract like utility locating services, site security, trailer cleaning services, trucking companies, and others.
DVBEs are required to have a current and valid certification from the DGS for the business type and classification as listed on the proposal. SDVOSBs are required to have a current and valid certification from the SBA relevant to the bid (e.g., NAICS Code); self-certification will not be accepted.
 - 3.3 **Exclusions.** The District expressly prohibits brokers, pass-throughs and fronts.

3.4 **DVB Specific Substitution Requirements.** See Exhibit G Article 5 for DVB specific substitution process requirements.

5. **DVB Program Reporting**

5.1. **DVB Contractor Declaration.** Contractors must submit a complete “DVB Contractor Declaration” element of Attachment No. 3, to list the DVBS at all tiers that the Contractor and its subcontractors are committing to use on the Project. The Declaration must include the subcontractor/suppliers’ full addresses, contact information, work to be performed or supplies to be provided, California DVBE Certification Numbers or federal Small Business Administration SDVOSB Certification Numbers, and corresponding percentage of the Total GMP at the time of submitting its GMP Submittal(s).

NOTE: Designated DVB Participation Documentation is not required for Preconstruction Services-only elements of the Work. However, it will be required at time of GMP development/submittal(s). If Contractor has incorporated DVB subconsultant(s) as part of their preconstruction team, submit a copy of DVB Contractor Declaration as a part of your Preconstruction RFP submittal, form available from Contract Specialist upon request.

5.2. **DVB Subcontracting Report.** Contractor will be required to submit a “Prime Contractor’s Subcontracting Report” at the culmination of each GMP. This report summarizes the DVB participation achieved throughout the Project and compares this to the original commitments made in the DVB Contractor Declaration form.

5.3. Per Master Facilities Lease, Exhibit C, 5.2.6 “Timing of the Lease Payment and Interest Due on Lease Payments”, the DVB Subcontracting Report is required to be submitted as one condition towards the execution of the Memorandum of Commencement (MOC). The District will approve the Report when the Contractor has met the DVB participation mandatory requirement. This form is included in Exhibit K of the Master Facilities Lease.

6. **SB588 DVBE Subcontracting Reporting.** Senate Bill 588 (SB588), which is codified in Mil. & Vets. Code, applies to all contracts awarded as of January 1, 2021, with a commitment to use DVBE subcontractors that involve an expenditure of state funds. State funded projects will be identified upon Contract award by the Contract Specialist. Contractor must certify all payments have been made to the DVBE subcontractors by submitting the Prime Contractor’s DVBE Subcontracting Report (DGS PD 810P) to the District.

The Report must include (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.) Failure to submit this Report within 30 days’ notice from the District will result a permanent withholding of \$10,000 from the final payment or the full payment if less than \$10,000. The District accepts certified DVBS.

7. **DVB Resource Information**

District’s Disabled Veteran Business Participation Tip Sheet	http://www.sandiegounified.org/DVB
Small Business Association (SBA) Dynamic Small Business Search (DSBS) SDVOSB database	https://dsbs.sba.gov/

State of California DVBE database	https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx
Veterans In Business (VIB) Network	www.vibnetwork.org

8. **Outreach Team.** The District’s Business Outreach Team can also be reached for assistance:
- a. Karen Linehan, Outreach Program Manager at klinehan@sandi.net; or
 - b. Alma D. Bañuelos, Business Outreach Coordinator at abanuelos@sandi.net; or
 - c. Sidney Hucklebridge-Key, Lease-Leaseback Outreach Coordinator at shucklebridge@sandi.net.
9. **List of Attachment No. 3 Documents.** Electronic forms are available upon request by email to Outreach Team.
- 9.1. **Lease-Leaseback Contractor Statement of Emerging Business Enterprise Commitment**
 - 9.2. **DVB Contractor Declaration**
 - 9.3. **Subcontractors List**



Business Outreach, Lease Leaseback Projects
Facilities, Planning and Construction

**LEASE-LEASEBACK CONTRACTOR
STATEMENT OF EMERGING BUSINESS ENTERPRISE COMMITMENT**

Company Name: _____

Project Name: _____

INFORMATION/INSTRUCTIONS:

Pursuant to the Request for Proposal and Master Site and Master Facility Lease documents, Contractor is required to develop a project specific Emerging Business Enterprise (EBE) Participation Plan on this Agreement. EBEs include small business and woman-, minority-, and disabled veteran-owned business enterprises. Contractor shall hereby commit to the following (affirm by checking the boxes next to the statements and execute below):

- Contractor understands that the San Diego Unified School District (District) has a mandatory three percent (3%) requirement for Disabled Veteran Business (includes DVBE and SDVOSB) participation on all construction projects regardless of value.
- Contractor understands that the District’s goals for Lease-Leaseback project are as follows: EBE is 50%, DVB is 5%, MBE is 8%, WBE is 7% and SBE is 40%. While EBE goals are not mandatory, Contractor understands that the District’s Board of Education strongly supports and encourages engaging EBEs in District construction projects.
- Contractor commits to engaging EBE subcontractors, suppliers, equipment providers, and manufacturers in this project to the fullest extent possible.
- Contractor commits to proactively working with the District’s Business Outreach Team in an effort to engage EBEs in this project.
- The Contractor’s EBE participation commitment shall be based upon the anticipated net Guaranteed Maximum Price, including; Preconstruction services, all Subcontract costs, Contractor self-performed work, General Conditions, Fees, Allowances, Overhead and Profit, Bonds and Insurance, and any awarded alternatives.
- By signing this Statement of EBE Commitment, I agree to the above statements and certify under penalty of perjury that the information provided is true and correct.

Printed Name: _____

Title: _____

Signature: _____

Date: _____

**ELECTRONIC TEMPLATE AVAILABLE VIA REQUEST TO OUTREACH TEAM
FACILITIES PLANNING & CONSTRUCTION :: 4860 Ruffner Street San Diego, CA 92111**

DISABLED VETERAN BUSINESS (DVB) CONTRACTOR DECLARATION

1. **GENERAL INFORMATION:**

Prime Contractor Name: _____

Is the Prime a DVB? Yes No

Project Name: _____

2. **CERTIFICATION:** By executing and submitting this DVB Contractor Declaration, I represent to the District that each DVB identified is duly and properly certified/verified in conformity with the District's DVB Participation Program Policy and all applicable laws. I also acknowledge that the District has a mandatory requirement of **three percent (3%)** for DVB participation on all construction projects regardless of value and certify that our company **will meet or exceed 3%** DVB participation on this project. **I understand that if the District cannot verify the participation requirement with the subcontractors/suppliers listed, the proposal will be deemed non-responsive. No exceptions.**

Total GMP Including All Costs and Allowances	Total DVB Dollar Value (\$) Committed	Total DVB Percentage (%) Committed

3. **AUTHORITY TO EXECUTE:** The individual executing this DVB Contractor Declaration on behalf of the bidder warrants and represents to the District that they are duly authorized to execute this document on behalf of the Contractor.

I declare under penalty of perjury under the laws of the State of California that the preceding information is true and correct.

Signature: _____

Printed Name: _____

Date: _____

4. **DVB SUBCONTRACTOR/SUPPLIER LIST:**

Complete all shaded columns at time of bid. You may attach additional pages if necessary. Contractor shall submit within 24 hours of the bid opening a complete DVB Contractor Declaration with ALL columns completed. Subcontractors/suppliers listed MUST possess a current and valid California Department of General Services DVBE certification or SDVOSB verification letter from the Department of Veteran's Affairs Center for Verification and Evaluation or their percentage will not count toward the participation requirement.

DVB Subcontractor/Supplier: Company Name & Address Contact Person: Phone & Email	CA DVBE Certification # or SDVOSB Verification Letter Date	Hiring Contractor	Work to be performed or specific supplies provided for this contract. Provide UNSPSC Classification Number(s)	Estimated DVB Dollar Value (\$)	Corresponding % of Total GMP

DVB Subcontractor/Supplier: Company Name & Address Contact Person: Phone & Email	CA DVBE Certificatio n # or SDVOSB Verification Letter Date	Hiring Contractor	Work to be performed or <u>specific</u> supplies provided for this contract. Provide UNSPSC Classification Number(s)	Estimated DVB Dollar Value (\$)	Correspondi ng % of Total GMP

SUBCONTRACTORS LIST

CONTRACTOR TO PROVIDE A FINAL SUBCONTRACTORS LIST AT A LATER DATE AFTER DSA HAS APPROVED THE PLANS AND THE CONTRACTOR AND DISTRICT AGREE ON THE TIMING AND STRUCTURE TO ADVERTISE AND SOLICIT SUBCONTRACTOR PRICING.

Under Public Contract Code section 4100 et. seq. known as the Subletting and Subcontracting Fair Practices Act, all subcontractors (defined under Public Contract Code section 4113 and Business & Professions Code section 7026) to the prime contractor performing work in excess of 0.5% of the bid must be listed. **At time of bid**, Contractor must list the name and location of business, contractor’s license number, trade/portion of work, and the DIR Registration Number of every listed subcontractor. **Within twenty-four (24) hours of the bid opening**, provide all required information on the Subcontractors List per Public Contract Code section 4104(a)(3)(A).

Percentage of Contract Value: The Bidder shall stipulate what percentage of work a subcontractor will perform in relation to the total bid value.

List all DVB subcontractors in the DVB bidder declaration due at time of bid as well as in this subcontractors list. If a subcontractor is performing more than one trade, please **list all trades separately** in case there is a need for a subcontractor substitution after awarding the contract.

PROPOSER’S COMPANY NAME: _____

Trade/Portion of the Work	Subcontractor Name and CSLB License Number	CSLB License Classification	Subcontractor Business Address	% of Total Contract Price	DIR Registration Number

ATTACHMENT NO. 4 – PRECONSTRUCTION SERVICES AND OTHER PRICING FACTORS
 (To be submitted as part of each Contractor’s Proposal)

PROPOSER’S COMPANY NAME: _____

HAGE ELEMENTARY SCHOOL WHOLE SITE MODERNIZATION
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Contractor will invoice for Preconstruction Services as identified in **Attachment No. 6** to this RFP, which is based on identified hourly fees (**at or below the rates indicated in the Contractor’s RFPQ response**) as monthly payments based on a percentage of completion for each of the six (6) categories listed below. Contractor will provide a total fixed fee cost for the Preconstruction Services based on the identified outlined scope of work and deliverables. All reimbursable, printing, and reprographics costs are to be included within the fixed fee cost for the Preconstruction Services. Any adjustments or changes to the anticipated project schedule are not subject to additional preconstruction fees unless the District requests and approves of additional scope or work and/or additional deliverables. Any additional fees will be separately proposed, negotiated and authorized under separate NTP(s). **NOTE:** NTP(s) related to additional fees may require prior authorization by the Board of Education.

PRECONSTRUCTION SERVICES.

Project Budget (for information only): \$26,213,142		
	% OF PRECON FEE	FIXED FEE COST
General Services	%	\$
Review of Design Documents including Constructability Review and BIM Coordination	%	\$
Value Engineering	%	\$
Project Cost Estimating	%	\$
Construction Schedule and Phasing Plan	%	\$
Construction Planning and Bidding	%	\$
Preconstruction Services:	Total 100%	\$

OTHER PRICING FACTORS (at or below the amount indicated in your RFPQ response).

NOTE: “TBD”, “N/A”, “to be negotiated”, or a range of values will not be accepted. Contractors must completely fill out the information below. If any lines are left blank, the District will calculate that line at the highest category rate submitted by the Contractor. Contractor may enter zero (\$0.00 / 0%) however, Contractor will not be allowed to modify this value at the GMP submission or a later date.

Personnel Hourly Rates for Preconstruction & Construction Phases of the Project	Hourly Rates (Fully Burdened)	Annual Increase, if any (Not to exceed 2% per year)
Vice President	\$	%
Project Executive	\$	%
Project Director	\$	%

Sr. Preconstruction Manager	\$	%
Preconstruction Manager	\$	%
MEP Preconstruction Executive	\$	%
Sr. MEP Manager	\$	%
Sr. Project Manager	\$	%
Project Manager	\$	%
Assistant Project Manager	\$	%
Sr. Project Engineer	\$	%
Project Engineer	\$	%
Assistant Engineer	\$	%
Procurement Manager	\$	%
Procurement Agent	\$	%
Sr. Field Engineer	\$	%
Field Engineer	\$	%
Sr. Superintendent	\$	%
General Superintendent	\$	%
Superintendent	\$	%
Assistant Superintendent	\$	%
Field Operations Manager	\$	%
Project Accountant	\$	%
Sr. Project Administrator	\$	%
Project Coordinator	\$	%
Labor Compliance Admin	\$	%
BIM Manager	\$	%
BIM Engineer	\$	%
BIM Coordinator	\$	%
VD&C Engineer	\$	%
Constructability Reviewer	\$	%
Safety Director	\$	%
Sr. Safety Manager	\$	%
Safety Manger	\$	%
Quality Control Manger	\$	%
Sr. Scheduler	\$	%
Scheduler	\$	%
Franchise Utility Coordinator	\$	%

Chief Estimator	\$	%
Sr. Estimator	\$	%
Estimator	\$	%
Estimating Coordinator	\$	%
Assistant Estimator	\$	%
Small Business Liaison Officer	\$	%
Small Business Liaison Officer Assistant	\$	%
Carpenter Foreman	\$	%
Carpenter	\$	%
Laborer Foreman	\$	%
Laborer	\$	%
Total Value of Contractor's General Conditions and General Requirements in its performance of the Work for the Project as a good faith estimate. This value should include all the anticipated items identified in Attachment No. 5 and be based on the estimated budgets stated above. (Attachment No. 5 Schedule of Values to be submitted with this proposal).	\$	
Pricing Information for Construction Phase (at or below the amount indicated in your RFPQ response)	COST/ PERCENTAGE	
Fee / Profit (as a percentage of direct costs) if any, that is in addition to any mark-up.		%
Contractor Bond Cost (as a percentage of direct costs).		%
Subcontractor Bond Cost (<i>If applicable</i> , as a percentage of direct costs).		
Insurance Cost (as a percentage of direct costs).		%
Builders Risk Insurance Cost (<i>If applicable and directed by District's Risk Management</i> , as a percentage of direct costs).		N/A
Earthquake Insurance Cost (<i>If applicable and directed by District's Risk Management</i> , as a percentage of direct costs).		N/A
Other Costs (identify in sufficient detail for evaluation, either as a lump sum or a percentage of direct costs).	\$	%
Contractor Contingency (as a percentage of direct costs). May be used at the Contractor's request only upon obtaining the District's prior written approval as further defined in Exhibit C of the Master Facilities Lease. <i>Not to exceed 3%.</i>		%
Post-Construction Estimated Financed Amount is anticipated to be less than five percent (5%) of the GMP over twelve (12) months, financed and paid over the post construction period. State the Contractor's proposed interest charge (financing percentage) for this Project.		%

FOR INFORMATION ONLY – NOT REQUIRED FOR RFP: Contractor is expected to adhere to the District Standards set forth below when submitting pricing for the subsequent GMP phase of the project.

DIRECT COSTS:		
Divisions 02 00 00 - [Insert last spec section]		\$ -
Division 01 00 00 (General Conditions & General Requirements)		\$ -
Subtotal A (Direct Costs)		\$ -
INDIRECT COSTS:		
Fee/Profit (as a percentage of direct costs) if any, that is in addition to any mark-up	%	\$ -
Subcontractor Bond Cost (If applicable, as a percentage of direct costs)	%	\$ -
Insurance Cost (as a percentage of direct costs)	%	\$ -
Builders Risk Insurance (If applicable and, directed by District's Risk Management, as a percentage of direct costs)		TBD
Earthquake Insurance (If applicable and, directed by District's Risk Management, as a percentage of direct costs)		TBD
Subtotal B (Indirect Costs)		\$ -
Contractor Bond Cost (as a percentage of Subtotals A+B)	%	\$ -
Subtotal C (Subtotal A+B+ Contractor Bond Cost)		\$ -
Contractor Contingency (as a percentage of direct costs). May be used at the Contractor's request only upon obtaining the District's prior written approval as further defined in Exhibit C of the Master Facilities Lease. <i>Not to exceed 3%.</i>	%	\$ -
Allowances		\$ -
Subtotal D (Contractor Contingency + Allowances)		\$ -
GRAND TOTAL (SUBTOTALS A+B+C+D)		\$ -
Post-Construction Estimated Financed Amount is anticipated to be less than five percent (5%) of the GMP over twelve (12) months, financed and paid over the post construction period. State the Contractor's proposed interest charge (financing percentage) for this Project.		%

Rebates/Benefits. Describe in detail all terms and conditions of any rebate program and/or any other offering or benefit to the District available with your proposed solution. *Provide on separate sheet if necessary.*

Name of Rebate Program	Terms and Conditions of Rebate	Savings/Benefit to the District

FOR REFERENCE ONLY – NOT REQUIRED FOR RFP

Value Engineering/Accessories/Optional Products/ Modifications.

Item No.	Spec Section	Description	Cost Savings
1.			\$

ATTACHMENT NO. 5 – PRECONSTRUCTION SERVICES SCHEDULE OF VALUES

SCHEDULE OF VALUES AS A GOOD FAITH ESTIMATE IS DUE WITH PROPOSAL.

FOR DISTRICT REFERENCE ONLY – CONTRACTOR TO PROVIDE A FINAL SCHEDULE OF VALUES AT A LATER DATE AFTER DSA HAS APPROVED THE PLANS AND THE CONTRACTOR AND DISTRICT AGREE ON THE TIMING AND STRUCTURE TO ADVERTISE AND SOLICIT SUBCONTRACTOR PRICING AS PART OF THE GMP.

NOTE: “TBD”, “N/A”, “to be negotiated”, or a range of values will not be accepted. Contractors must completely fill out the information below. If any lines are left blank, the District will calculate that line at the highest category rate submitted by the Contractor. Contractor may enter zero (\$0.00 / 0%) however, Contractor will not be allowed to modify this value at the GMP submission or a later date.

PROPOSER’S COMPANY NAME: _____

HAGE ELEMENTARY SCHOOL WHOLE SITE MODERNIZATION
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SPEC. SECTION	GENERAL CONDITIONS & GENERAL REQUIREMENTS	VALUE
01 31 10	Vice President	\$
01 31 10	Project Executive	\$
01 31 10	Project Director	\$
01 31 10	Sr. Preconstruction Manager	\$
01 31 10	Preconstruction Manager	\$
01 31 10	MEP Preconstruction Executive	\$
01 31 10	Sr. MEP Manager	\$
01 31 10	Sr. Project Manager	\$
01 31 10	Project Manager	\$
01 31 10	Assistant Project Manager	\$
01 31 10	Sr. Project Engineer	\$
01 31 10	Project Engineer	\$
01 31 10	Assistant Engineer	\$
01 31 10	Procurement Manager	\$
01 31 10	Procurement Agent	\$
01 31 10	Procurement Admin	\$
01 31 10	Sr. Field Engineer	\$
01 31 10	Field Engineer	\$
01 31 10	Sr. Superintendent	\$
01 31 10	General Superintendent	\$
01 31 10	Superintendent	\$
01 31 10	Assistant Superintendent	\$
01 31 10	Field Operation Manager	\$
01 31 10	Project Accountant	\$
01 31 10	Sr. Project Administrator	\$
01 31 10	Project Coordinator	\$
01 31 10	Labor Compliance Admin	\$
01 31 10	BIM Manager	\$
01 31 10	BIM Engineer	\$

01 31 10	BIM Coordinator	\$
01 31 10	VD&C Engineer	\$
01 31 10	Constructability Reviewer	\$
01 31 10	Safety Director	\$
01 31 10	Sr. Safety Manager	\$
01 31 10	Safety Manger	\$
01 31 10	Quality Control Manger	\$
01 31 10	Sr. Scheduler	\$
01 31 10	Scheduler	\$
01 31 10	Franchise Utility Coordinator	\$
01 31 10	Chief Estimator	\$
01 31 10	Sr. Estimator	\$
01 31 10	Estimator	\$
01 31 10	Estimating Coordinator	\$
01 31 10	Assistant Estimator	\$
01 31 10	Small Business Liaison Officer	\$
01 31 10	Small Business Liaison Officer Assistant	\$
01 31 10	Carpenter Foreman	\$
01 31 10	Carpenter	\$
01 31 10	Laborer Foreman	\$
01 31 10	Laborer	\$
01 32 04	Schedule	\$
01 32 33	Photographs / Videos	\$
01 33 00	Submittals, Shop Drawings	\$
01 50 00	Field Offices	\$
01 50 00	Equipment	\$
01 50 00	Office Supplies	\$
01 73 00	Franchise Utility Coordinator	\$
01 77 00	Close-Out Documentation	\$
01 77 00	Punch List	\$
01 78 33	O & M	\$
01 78 39	Record Documentation	\$
01 79 00	Demonstration and Training	\$
01 81 13	CHPS	\$
01 91 13	General Commissioning	\$
01 31 00	BIM	\$
01 40 02	Testing	\$
01 50 00	Fencing / Barricades	\$
01 50 00	Dust Control	\$
01 50 00	Noise Barrier	\$
01 50 00	Temporary Utilities	\$
01 50 00	Project Sign	\$
01 50 00	Support Facilities	\$
01 50 00	Temporary Toilet Facilities and Handwash	\$
01 50 00	Security and Protection	\$
01 57 23	Storm Water Pollution Prevention Plan	\$
01 73 00	General Site / Street Cleanup	\$

01 73 00	Safety	\$
01 73 00	Surveyor	\$
01 74 19	Construction Waste Management	\$
01 77 00	Final Cleaning	\$
GRAND TOTAL		\$

ATTACHMENT NO. 6 – LEASE-LEASEBACK CONTRACT DOCUMENTS

MASTER SITE LEASE

EXHIBIT A Aerial Description of the School Site

EXHIBIT B Description of Project Site

MASTER FACILITIES LEASE

EXHIBIT A Aerial Description of the School Site

EXHIBIT B Description of Project Site

EXHIBIT C GMP, Other Project Cost, Funding, and Payment Provisions

EXHIBIT D RFP/GMP Attachment No. 4 GMP and Other Cost Components

EXHIBIT E RFP/GMP Attachment No. 5 Schedule(s) of Values for Each of the Project Site(s)

EXHIBIT F RFP/GMP Attachment No. 3 Designated DVB Participation Documentation and Designated Subcontractors List

EXHIBIT G General Conditions

EXHIBIT H Supplementary Conditions (Including Negotiated Changes and Clarifications to the Contract)

EXHIBIT I Terms and Conditions for Preconstruction Services

EXHIBIT J RESERVED

EXHIBIT K Emerging Business Enterprise (EBE) Program

EXHIBIT L Memorandum of Commencement Date

EXHIBIT M Construction Schedule(s) for the Project Site(s)

EXHIBIT N Executable Documents, Insurance Certificates, and Bonds to LLB Documents:

EXHIBIT O Division 1 Table of Contents

CONSTRUCTION DOCUMENTS

Plans, Technical Specifications, and Drawings and Appendices are Incorporated Under Separate Cover

ATTACHMENT NO. 7 – EBE PARTICIPATION PROGRAM POLICY

1. **EBE Participation Program Policy.** The District has an Emerging Business Enterprise (EBE) Program that recognizes Small Business Enterprises (SBE), Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Disabled Veteran Businesses (DVBs) which includes certified Disabled Veteran Business Enterprises (DVBES) and certified Service-Disabled Veteran-Owned Small Businesses (SDVOSBs), and other broadly recognized designations.

EBE participation can be achieved using subcontractors, lower tier subcontractors, suppliers, equipment providers, manufacturers, types of professional services like Building Information Modeling (BIM), Stormwater Pollution Prevention Plan consultants and Right of Way consultants, and other ancillary services related to the completion of the contract like utility locating services, site security, trucking companies, and others. EBE participation is based on the Total Contract Value, including; Preconstruction services, all Subcontract costs, Contractor self-performed work, General Conditions, Fees, Allowances, Overhead, and Profit, Bonds, and Insurance, and any awarded alternatives, and change orders.

Businesses that act as brokers, fronts, and pass-throughs are not permitted; all EBEs and DVBs must provide a Commercially Useful Function.

XBE. The term EBE is being phased out for the more modern industry standard term XBE. The new abbreviation XBE - X (any/diverse) B (Business) E (Enterprise) is being used instead to encompass a broader range of diverse business ownership. The terms EBE and XBE are interchangeable.

2. **EBE Participation Plan.** Prospective Contractors are required to provide an EBE Participation Plan listing its own EBE designation (if applicable), any EBE subconsultants and teaming partners, and describing the method for meeting the District's EBE participation goals throughout the Project. The Plan must include the following:
 - 2.1. Contractor's own EBE designation (if applicable) and any EBE sub-consultants and teaming partners.
 - 2.2. Identify Contractor's EBE Small Business Liaison Officer (SBLO) and provide contact information and résumé. Contractor shall inform the District of any personnel changes in advance of the meetings and/or deliverables described below.
 - 2.3. Contractor's proposed EBE outreach and participation strategy specific to meeting the EBE goals for this Project. This Plan should also include a project specific schedule of outreach activities.
 - 2.4. Signed Contractor Statement of EBE Commitment form, provided in Attachment No. 3.
3. **EBE Program Reporting**
 - 3.1. **Monthly EBE Report.** Contractor will submit each month with its Pay Application a completed, up-to-date, Monthly EBE Report with the most current award values in PDF and Excel format, sample provided in Exhibit K of the Master Facilities Lease, excel version available upon request to Business Outreach team. Data to be provided will include, but not be limited to, current project information, EBE name(s) and information, EBE tier, EBE contract award value(s), description of EBE's Work, EBE certification designation(s), contract amendments, and EBE participation values (\$ and %).
 - 3.2. **EBE Reports Back-up Documentation.** Contractor will submit each month to the Business Outreach Team back-up documentation for the Monthly EBE Report including copies of EBE Notice to Proceed cover pages, or relevant portions of Subcontract or Purchase Order Acknowledgements, or financial statements clearly identifying the EBE Contract Values/existence of bona fide professional relationships, proof of EBE certification(s), and proof of contract

amendments.

4. EBE Program Meetings

4.1. District Business Outreach staff will attend the project preconstruction meeting and present information about the reporting schedule, EBE Participation goals and requirements, review the Contractor’s proposed outreach Plan and methods, and identify any areas/trades where District Business Outreach staff could provide assistance in helping the Contractor meet its goals.

4.2. The following meetings will be held if the Contractor is not meeting or is not on track to meet its EBE participation goals.

4.2.1.50% completion EBE Status meeting with District Business Outreach staff to review Contractor’s EBE Participation results to date, subcontractors and/or suppliers proposed to complete the project, project schedule and subcontractors timing, and identify any areas/trades that require support from the District Business Outreach staff to meet Contractor’s goals.

The Contractor will conduct an audit at 50% completion. This audit must demonstrate actual EBE spend to date and is to be presented at the 50% completion EBE Status meeting. The 50% completion audit must also verify that EBEs listed on the Monthly EBE Report are still being used and confirm that the original DVB commitments made in the DVB Contractor Declaration during bid time are being met.

4.2.2. Substantial completion EBE Status meeting with District Business Outreach staff to review Contractor’s EBE Participation results, goals, and proposed outreach efforts; and identify any areas/trades that require support from the District Business Outreach staff to meet Contractor’s goals. A follow-on meeting may be set as deemed necessary and at the convenience of District Business Outreach staff to provide the Contractor with every opportunity to meet its EBE participation goals.

5. EBE Goals and Requirements

5.1. The District EBE Participation Goals for Lease-Leaseback Program procurements with bid advertisement dates after August 24, 2020, and until further notice are as follows:

EBE Business Classification	EBE Participation Goals
Overall EBE Goal*	50%
Disabled Veteran Business (DVB)	5%
	3% <i>minimum</i> requirement
Minority-Owned Business Enterprise (MBE)	8%
Women-Owned Business Enterprise (WBE)	7%
Small Business Enterprise (SBE)	40%
<i>*District tracks each EBE certification held; therefore, the total EBE goal may differ from the sum of the EBE categories</i>	

6. **EBE Definitions.** “Emerging Business Enterprise” (EBE) is the term used to include the small and diverse business classifications the District monitors and sets goals for. These include minority-, women-, disabled veteran, and small business enterprises. Definitions of these EBEs are included in Exhibit K of the Master Facilities Lease.