



**MULTNOMAH  
COUNTY**

**REQUEST FOR PROPOSALS  
For  
RFP No. P10-10163**

**EAST COUNTY COURTS PRE-CONSTRUCTION AND CM/GC SERVICES  
REISSUE**

**PROPOSALS DUE:            **NOT LATER THAN 4:00 PM, APRIL 5, 2010**  
**LATE PROPOSALS SHALL NOT BE CONSIDERED****

**Submit Proposals to:**            **ATTN: Paula Rickman, Senior Procurement Analyst**  
**Multnomah County    *Procurement #P10-10163***  
**Central Procurement & Contract Administration**  
**501 SE Hawthorne Blvd Ste 400**  
**Portland OR 97214**

**Refer ALL Questions to:**            **Paula Rickman, CPPB**  
**Senior Procurement Analyst**  
**Phone: (503) 988.5111, Ext 24380**  
**Email: paula.j.rickman@co.multnomah.or.us**

**Pre-Proposal Conference:**            **There is no pre-proposal conference planned for this**  
**Solicitation**

Electronic copies of attachments, if any, can be obtained from the Multnomah County Purchasing Website at:  
<http://www.multcopurch.org>

All Proposal documents shall be submitted in hard copy. Electronic or facsimile submissions shall be rejected.

**Multnomah County**  
**Facilities and Property Management**  
**RFP #P10-10163**  
**EAST CO. COURTS PRE-CONSTRUCTION & CM/GC SERVICES REISSUE**

**TABLE OF CONTENTS**

<b>PART</b>	<b>TITLE</b>	<b>PAGE #</b>
<b>PART 1</b>	<b>Purpose and Overview</b>	
<b>Section 1.1</b>	Purpose and Overview	3
<b>Section 1.2</b>	Project Description	4
<b>Section 1.3</b>	Goals, Values and Other Important Considerations	5
<b>Section 1.4</b>	Minimum Proposer Requirements	5
<b>Section 1.5</b>	Contract	5
<b>Section 1.6</b>	Procurement Timelines	6
<b>Section 1.7</b>	Miscellaneous	6
<b>PART 2</b>	<b>Scope of Services Information</b>	
<b>Section 2.1</b>	Scope of Pre-Construction Services	7
<b>Section 2.2</b>	Scope of Construction Services	7
<b>Section 2.3</b>	Scope of LEED® - Related Services	7
<b>PART 3</b>	<b>Proposal Format, Evaluation and Selection</b>	
<b>Section 3.1</b>	Proposal Format	8
<b>Section 3.2</b>	Proposal Elements (Evaluation Weight)	8
<b>Section 3.3</b>	Evaluation Process	14
<b>PART 4</b>	<b>Proposal Requirements</b>	
<b>Section 4.1</b>	Proposal Submission	15
<b>Section 4.2</b>	Clarification or Protest of Specifications	15
<b>Section 4.3</b>	Cost of Preparation of Proposal	16
<b>Section 4.4</b>	Protests	16
<b>Section 4.5</b>	Confidentiality	16
<b>Section 4.6</b>	Cancellation	17
<b>Section 4.7</b>	Rejection of Proposals	17
<b>Section 4.8</b>	Disputes	17
<b>Section 4.9</b>	Clarification of Proposals	17
<b>Section 4.10</b>	Not Used	17
<b>Section 4.11</b>	Publicity	17
<b>Section 4.12</b>	Collusion	17
<b>PART 5</b>	<b>Contract Terms and Conditions</b>	
<b>Section 5.1</b>	County Contract	18
<b>Section 5.2</b>	Insurance Requirements	18
<b>Section 5.3</b>	EEO Certification Requirement	18
<b>Section 5.4</b>	Americans with Disabilities Act	18
<b>Section 5.5</b>	Recyclable Products	18
<b>Section 5.6</b>	M/W/ESB Participation	18
<b>Section 5.7</b>	Anti – Discrimination Clause	19
	<b>ATTACHMENTS</b>	
<b>Attachment 1</b>	<i>Offeror Representations and Certifications Form</i>	20
<b>Attachment 2</b>	<i>CM/GC Agreement (A102-2007 Agreement document and Exhibits A-G are posted on the CPCA website)</i>	21
<b>Attachment 3</b>	<i>EEO Certification</i>	22

**Multnomah County**  
**Facilities and Property Management**  
**RFP #P10-10163**  
**EAST COUNTY COURTS PRE-CONSTRUCTION & CM/GC SERVICES REISSUE**  
**PART 1 - PURPOSE and OVERVIEW**

**1.1 PURPOSE AND OVERVIEW:**

This Request for Proposals is part of a process to secure services of a CM/GC Service Provider for pre-construction services and construction management / general contractor services for the Project.

The Facilities and Property Management Division of the Department of County Management, Multnomah County Oregon (the "County") requests proposals (individually, a "Proposal", and collectively, "Proposals") for pre-construction services and construction management / general contractor services (the "CM/GC Services") from qualified firms (the "CM/GC Service Provider" or "Proposer"). Proposals will be considered for CM/GC Services related to the proposed East County Courts Project in Gresham, Oregon (the "Project"). The purpose of the solicitation is to secure Proposals from CM/GC Service Providers who have prior experience in pre-construction services and construction management / general contractor services for projects similar in scope and scale.

Project Phases:

The work on this project is divided into two phases:

- *Phase 1 - Pre-Construction Services:* Phase 1 is for pre-construction services. The scope of work of that phase is included in, and will be governed by **Attachment 2 – The CM/GC Agreement ("The CM/GC Agreement")**.
- *Phase 2 – CM/GC Construction Services:* Phase 2 includes construction, management and completion of all construction work elements necessary to deliver the entire Project within the required schedule at the agreed upon Guaranteed Maximum Price (GMP). Phase 2 CM/GC Services work is also governed by The CM/GC Agreement.

Contract Process:

The contractor selected under this RFP will be expected to sign the CM/GC Agreement and will, at a minimum, perform the Phase 1 pre-construction services scope of work set forth in that agreement. Thereafter, the County retains the right to:

- Proceed with construction of the project utilizing the CM/GC services of the contractor in which case the County will negotiate the following terms of the CM/GC Agreement with the contractor: The GMP, insurance requirements, the construction schedule, and the dollar amount assigned and any other details related to liquidated damages. All other terms and conditions of CM/GC Agreement are non-negotiable.
- Issue a new solicitation for CM/GC services.
- Issue a request for bids for construction of the Project.
- Take any action that may be in the County's best interest, including termination of the Contract for convenience.

The CM/GC Service Provider will be responsible for working with various County representatives, the A/E Service provider (LRS Architects, Inc.), various consultants, and Shiels Oblatz Johnsen, Inc., (collectively, the Project Team”) on this Project. Shiels Oblatz Johnsen, Inc. (SOJ) will provide Project Management services for all aspects of the Project, including administration of all contracts of the Project Team, oversight of the Project activities, and as the single point of communications through which all Project – related information will pass.

In addition, the CM/GC Service Provider will be expected to contribute to public presentations, and to provide information for the Multnomah County website updating the Project throughout design and construction for the benefit of the public.

The selected Proposer is expected to possess strong experience in providing:

- pre-construction services
- CM/GC construction services
- accurate cost estimating
- detailed value engineering analysis
- management of construction schedules
- management of M/W/ESB programs and bidding procedures
- involvement in development and execution of sustainable building practices

The selected Proposer will be engaged at a very early stage in the development of the design, and will be expected to provide informed recommendations and opinions regarding detailed elements of the Project and to assist in the Owner’s decision – making process.

Multnomah County strongly encourages the participation of Minority-Owned, Women-Owned, and Emerging Small Businesses (M/W/ESB) and Organizations in providing these services.

## **1.2 PROJECT DESCRIPTION:**

The site for the Project is approximately four acres located directly South of the intersection of Stark Street and 185th Avenue in the Rockwood Community of Gresham, Oregon. The Project scope includes a fully improved extension of 185th Avenue to the first driveway access south of the new building. The remainder of the site area will be developed for parking and continuation of the 185th R.O.W. to the property at the south end of the parcel (Wood Shop).

The Project building is envisioned as a two to three-story structure comprising of approximately 35,000 to 40,000 square feet of occupied space. The building will include up to 3 Civic Courtrooms and related spaces for the State of Oregon District Court, and offices for the Multnomah County District Attorney.

Proposers are encouraged to access the general information regarding the Project available from the County’s website at <<http://www.multcopurch.org>>, which includes the Amended FAC-1 Document (“Amended FAC-1 Document”) approved by the Multnomah County Board of Commissioners on October 1, 2009, and a copy of the presentation to the Board of Commissioners. It should be noted that the stated Project Cost Estimate and Project Schedule included in the FAC-1 are preliminary. It will be the intent of the County and SOJ to deliver this project for significantly less than the stated Project Cost Estimate, and to deliver the project

sooner than stated in the Project Schedule.

### **1.3 GOALS, VALUES AND OTHER IMPORTANT CONSIDERATIONS:**

Important Project objectives include, but are not limited to, the following:

- Identity: While the building must reflect the prominence and importance of Multnomah County's and the State of Oregon's commitment to providing justice and due process of law to all members of the community, it must also reflect fiscal responsibility to the taxpayers with the use of durable, sensible materials and systems, and a more restrained use of costlier finishes and features.
- The facility must be flexible, efficient, durable, and economical to operate and maintain. The facility is intended to last 50 – 80 years.
- The County is committed to achieving a high level of participation from M/W/ESB subcontractors, vendors and suppliers.
- Regarding energy efficiency and sustainability, the County is committed to achieve LEED™ Gold Certification, Architecture 2030 Challenge requirements, and compliance with the 1-1/2% Solar Program from the Oregon Department of Energy.
- The County anticipates delivery of the Project significantly under the preliminary budget and ahead of the preliminary schedule.
- All workers on this Project shall be paid in accordance with provisions of the Bureau of Labor & Industries (BOLI) Prevailing Wage Rates for Public Works Projects in the State of Oregon.

### **1.4 MINIMUM PROPOSER REQUIREMENTS:**

- Proposal must be **time-stamped** at the CPCA Reception Desk prior to the date and time set forth in Section 1.6.
- A signed Offeror Representations and Certifications form (**Attachment 1**) must be included with your Proposal submission.
- Proposer must have a valid Oregon Construction Contractors Board (CCB) License. Insert this number in the designated blank on Attachment 1.
- Proposer must have a physical presence within the Portland Metropolitan area with a permanent office identified on the business records of Proposer and at least one employee of the Proposer operating out of the office.

### **1.5 CONTRACT**

The successful Proposer will be required to sign the CM/GC Agreement (Attachment 2). See Section 1.1 above.

## 1.6 PROCUREMENT TIMELINES:

ACTIVITY	DATE (ALL TIMES LOCAL)
RFP copies provided by Multnomah County Central Procurement and Contract Administration (CPCA)	March 19, 2010 8:00 a.m. – 5:00 p.m.
<b>Last day to submit questions</b> to Multnomah County Central Procurement and Contract Administration (CPCA)	<b>March 26, 2010</b> <b>No later than 4:00 p.m.</b>
<b>Proposals due</b> from CM/GC Service Providers	<b>April 5, 2010</b> <b>No later than 4:00 p.m.</b>
Notification of standing provided to respondents	April 12, 2010
Oral Interview(s), if held	April 14, 2010 time to be identified

The County reserves the right to deviate from the above schedule.

## 1.7 MISCELLANEOUS

The CM/GC Service Provider must comply with County contract requirements, insurance requirements contained in this RFP (**Attachment 2 – CM/GC Agreement**), and other federal, state, and local laws and regulations governing services purchased under the contract that will originate from this RFP.

Proposals shall remain valid for a period of 180 calendar days following the closing date set for receiving Proposals. All material submitted for any portion of this solicitation shall be the property of the County, and will not be returned to Proposers / CM/GC Service Providers.

Proposers are welcome to examine the Project site at their option. Access to the interior of the vacant Kentucky Fried Chicken and the Bowling Alley will not be provided. These structures will be abated as necessary and demolished by separate contract prior to the scheduled start of construction.

Unless notified or specified otherwise, all days are calendar days.

**Multnomah County**  
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**PART 2 - SCOPE OF SERVICES INFORMATION**

**2.1 PHASE 1 - SCOPE OF PRE-CONSTRUCTION SERVICES:**

The scope of pre-construction services is defined in, and will be provided under the terms of, **Attachment 2 – The CM/GC Agreement.**

**2.2 PHASE 2 - SCOPE OF CONSTRUCTION SERVICES:**

The Phase 2 Construction Services work includes construction management and completion of all construction necessary to deliver the Project, including the street improvements for 185<sup>th</sup> Avenue. These services will be provided under the terms of **Attachment 2 – The CM/GC Agreement.**

**2.3 SCOPE OF LEED™- RELATED SERVICES:**

The LEED™ program requires a comprehensive and coordinated approach to Contractor-required documentation throughout both Phase 1 and Phase 2 of the Project. These services will be provided under the terms of **Attachment 2 – The CM/GC Agreement.**

**Multnomah County  
Facilities and Property Management  
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**EAST COUNTY COURTS PRE-CONSTRUCTION & CM/GC SERVICES REISSUE  
PART 3 - PROPOSAL FORMAT, EVALUATION and SELECTION**

**3.1 PROPOSAL FORMAT:**

All text must be legible and easily read. The page size of the Proposal shall not exceed 8-1/2" x 11", or, if fold-out charts are essential, all such pages shall be on 11" x 17" sheets and "Z" - folded to 8-1/2" x 11" size (counted as two pages if printed on one side, four pages if printed on both sides). All text should be printed single-space on white recycled content paper using a font size no smaller than 10 point. Margins shall be clean and clear.

Responses to the Proposal Elements in Section 3.2, A – F, shall be presented in distinct sections and appropriately labeled. Each page should be numbered consecutively on the bottom right side of each page.

**Page limitation: The total number of pages must not exceed 30 pages. Any pages exceeding 30 will not be evaluated.** The following **do not** count against the page limit:

- A cover letter. A cover letter of one page is permitted but not required. The contents of the cover letter will not be scored.
- Divider sheets separating sections of the proposal
- Any documents permitted to be provided in an Appendix
- Signed acknowledgement of all addenda
- Attachment 1 - Representations and Certifications

A completed and signed copy of **Attachment 1 - Proposer Representations and Certifications** is required to be included with the Proposal.

**3.2 PROPOSAL ELEMENTS (EVALUATION WEIGHT)**

The Proposal shall contain responses to six (6) Proposal elements ("A" – "F") described below (each an "Element") in the order listed. Elements "A" through "F" each have a maximum associated evaluation weight (points). Proposals that do not include responses to each requirement or question in each Proposal Element may be rejected in the County's sole discretion. The Proposer shall respond to each Element specifically and completely unto itself, i.e. do not indicate "see next section" or "see attachment". Please respond to the Proposal Elements questions in the order outlined below.

**PROPOSAL ELEMENTS:  
30 pages maximum  
(for elements A-F)  
100 Points = total maximum available**



**A. Qualifications (20 points maximum)**

Describe the Proposer's qualifications. The proposer shall demonstrate its capacity and ability to perform building pre-construction and construction services by providing the following information:

1. Provide the Proposer's general information and the organizational and ownership structure. Clarify the number of years the company has been in continuous operation, and the annual gross dollar volume for construction work for each calendar year including 2004 through 2009. Provide a detailed project organization chart showing staff to be assigned to the Project during Phase 1 pre-construction and Phase 2 construction, and indicate the role title of each person assigned for the Project. If the Proposer is a joint venture or any structure other than a single firm, identify the company(s) responsible for Phase 1 pre-construction services and Phase 2 construction services. Identify all projects this same joint venture or other structure has completed during the last five years, and provide office locations and current contact information for all entities to be providing any portion of the Phase 1 pre-construction and/or Phase 2 CM/GC construction services.
2. Submit information regarding key personnel that the Proposer will assign to this Project, including a detailed description of their roles and responsibilities for this Project, and relevant experience and expertise that can be applied to the challenges and objectives of this Project. Clarify their roles for both Phase 1 pre-construction and Phase 2 CM/GC construction. Affirm that no team member on the Proposer's team will be removed from the Project without the County's prior notice and approval. **Detailed resumes are to be included in the Appendix, and will not count as part of the total page limit for the Proposal.**
3. Describe any special or unique benefits your firm can provide as part of the Phase 1 pre-construction and/or Phase 2 CM/GC construction services that are especially well-suited for this Project, and that may not be available to the same degree from other contracting companies of similar size and experience as your firm.
4. Provide a narrative describing whether the Proposer is currently engaged in any claims, arbitration / mediation, litigation or other legal actions, either as plaintiff or defendant, or is under threat or threatening such action. If so, describe the circumstances. If no such action has occurred, clearly state this.

State whether since 2004, as a result of litigation or arbitration / mediation, the Proposer has made or has been ordered to make settlement to a plaintiff or claimant, or has been found in violation of a regulatory statute, and whether such violation has resulted in a fine, disbarment or other action by statutory agencies. If so, describe the circumstances. If no such action has occurred, clearly state this.

Provide your firm's Accident Injury Incident Rate for the past five years. Describe any OSHA violations and abatement efforts within the last five years. Provide a letter from your surety stating the bonding capacity of the company, joint venture or entity submitting a response to this RFP. **The surety letter is to be included in the Appendix, and will not count as part of the total page limit for the Proposal.**

## **B. Similar Projects (15 points maximum)**

Provide narrative and optional graphic material to describe up to seven projects similar to the East County Courts Project in scope, scale, type and complexity that have been completed by your firm in the past ten years. The project descriptions should include information regarding the following:

1. Type of facility, location, architect and client description, size of project in square feet, final construction cost and final cost per square foot, number of courtrooms if applicable, duration of construction in months, and year of completion of Project. Clarify if each project is new construction, renovation or addition, and break out area and cost of each type of construction. Also, provide **current** contact information for the owner's representative and architect or project manager involved in the project. Clarify any of your current team members' roles on these projects.
2. Identify the level of LEED® certification or other sustainable program measurement achieved. Clarify your firm's specific role during preconstruction and construction regarding these programs, and include measured statistics such as percent of trash recycled for the project.
3. Identify the level of M/W/ESB participation achieved. Clarify your firm's specific role during preconstruction and construction to facilitate this.
4. Describe how your firm managed costs, schedule and quality. Describe any special contribution you feel your firm's involvement brought to each project.

## **C. Pre – Construction Services (15 points maximum)**

Provide a narrative of your firm's approach to pre-construction services that responds to the following:

1. For this Project, what are the biggest challenges you expect to encounter, and how will your firm deal with them? How will the involvement and services of your staff complete the transition from the Phase 1 pre-construction to the Phase 2 construction services if a construction agreement is executed with your firm? Characterize your approach to partnering and communications with project team members.
2. Cost Estimating: Provide a narrative and optional graphic tools to describe your firm's approach to cost estimating, resource utilization, and procedures for staying current on costs, etc.
3. Value Engineering: Provide a narrative and optional graphic tools to describe your firm's approach to Value Engineering. Use examples from past projects to illustrate the tools and methods utilized.
4. Sustainable Building Practices: Provide a narrative and optional graphic tools to

describe your firm's approach and involvement in sustainable building practices and programs such as LEED®. Clarify the depth of your firm's experience with these practices. Illustrate what was achieved in the one single project where the highest level of involvement, coordination and performance in sustainable building practices was applied by your firm.

5. Bidding: Provide a narrative to describe how your firm would manage sub-contractors and their involvement in the bidding process under a CM/GC scenario. Clarify at what point in the sequence of the major milestone estimates (described in Section 2.1) these estimates would be based on historical data, and when sub-contractor bids would be utilized.

**D. Construction Services (20 points maximum)**

1. Construction Project Team: Provide a narrative clarifying the team members and their roles during Phase 2 construction. Explain who will be stationed at the site, and off-site assignments, and their percentage of time commitments. Also, explain how their roles might change throughout the course of construction.
2. Project Safety and Security: Provide a narrative and optional graphic tools explaining programs and procedures your firm will implement to ensure safety of the public and all construction workers at and near the Project site. Explain programs or methods for site security (on a 24 hour / 7 day per week basis) for the site confines, stored materials and work in place.
3. Project Schedule: Provide a narrative and optional graphic tools to illustrate the Proposer's track record on delivery of projects in relation to the schedule, using three (3) projects presented in Proposal Element A. Clarify how the original schedule was developed, and what were the reasons for any deviations to the delivery date. Describe the specific procedures and tools that would be implemented by the Proposer to establish and maintain the schedule, and to garner opportunities to improve the schedule.
4. Project Budget: Provide a narrative and optional graphic tools to illustrate the Proposer's track record on delivery of projects in relation to the budget, using three (3) projects presented in Proposal Element A. Clarify how the original budget was developed, and what were the reasons for any significant deviations to the overall cost. Describe the specific procedures and tools that would be implemented by the Proposer to establish and maintain the budget, and to garner opportunities to lower overall Project costs.
5. Provide a list of all construction disciplines the Proposer would be capable of performing with the Proposer's own forces.

**E. M/W/ESB SUBCONTRACTING PLAN (10 points maximum)**

Multnomah County is committed to providing M/W/ESB firms with bidding opportunities on subcontracts for this Project. The County strongly encourages Proposers to maximize their efforts to solicit bids from M/W/ESB subcontractors, vendors and material suppliers. Proposers are required to submit subcontracting plans for Phase 1 pre-construction and Phase 2 construction. Please respond to the following:

1. Describe the approach and activities that will be performed during Phase 1 pre-construction to achieve maximum M/W/ESB contractor utilization that addresses the following:
  - Methods for identifying subcontracting opportunities during Phase 1 pre-construction and Phase 2 construction.
  - Methods and strategies for outreach, notification and utilization of M/W/ESB subcontractors.
  - Determine technical and other assistance that will be provided to M/W/ESB subcontractors.
  - Describe how Proposer will measure success for each item listed above. List measurable goals.
  
2. Describe the approach and activities that will be performed during Phase 2 construction to achieve maximum M/W/ESB contractor utilization that addresses the following:
  - Methods and strategies for outreach, notification and utilization of M/W/ESB subcontractors.
  - Determine technical and other assistance that will be provided to M/W/ESB subcontractors.
  - Describe how Proposer will track MWESB utilization, payments and reporting.
  - Describe how Proposer will measure success for each item listed above.
  
3. Past Performance: Provide a narrative and optional graphic tools to illustrate the Proposer's M/W/ESB efforts, over the last 5 years, that:
  - Defines methods and strategies utilized.
  - Provides volume of contracts awarded, dollar value of contracts awarded, and overall percentage of total prime contract value for M/W/ESB subcontracts on previous projects.

**F. Fees for Phase 1 Pre-Construction and Phase 2 CM/GC Construction Services (5 points maximum for Phase 1 Pre-Construction + 15 points maximum for Phase 2 Construction = 20 points maximum)**

Phase 1 Pre-Construction Services: Provide your firm's fee for the Phase 1 Pre-Construction services for the scope outlined in Attachment 2 – The CM/GC Agreement, Article 2. Project schedule information is included in the FAC-1 document referred to under Section 1.2 of this RFP. The fee shall be presented with the following detail:

- A breakdown of the tasks.
- Key staff members and their classification assigned to each task.
- Projected labor hours for each classification per task.
- Hourly rates by classification per task for all staff including the direct labor cost and

the billable labor cost (multipliers for all firms must be listed).

- Sub-contractor costs per task and sub-contractor mark-up.
- Include an estimate of expenses and a list of expenses assumed.
- Tally all task totals along with a grand total.

The Phase 1 Pre-Construction fee will be the basis for the Agreement for Phase 1 Pre-Construction services with the County.

Using the FEES WORKSHEET provided below, state the Phase 1 Pre-Construction Fee as a Not-To-Exceed lump sum. Note that as clarified in Section 1.1 of this RFP, award of the Phase 2 CM/GC Construction Services is not guaranteed. Do not show any discount or waiver of the fee based on award of the Phase 2 work. The fee should be a lump sum for Phase 1 work without regard to whether the County elects to proceed with or cancel the Phase 2 work.

Phase 2 CM/GC Construction Services: Provide your firm’s CM/GC Profit & Overhead Fee (“Fee”) for Phase 2 CM/GC Construction Services for the scope outlined in Attachment 2 – The CM/GC Agreement, assuming a Cost of Work figure of \$12,100,000. The figure of \$12,100,000 is a conceptual figure provided at this time for all Proposers to use as a basis for Fee comparison. The Fee will become a contract term and will be used to establish the GMP for the Contract, using a new negotiated Cost of the Work which will be established per the Agreement.

The FEES WORKSHEET provided below is to be re-produced with the requested information added ONLY, and included in the Proposal.

<b>FEES WORKSHEET</b>
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<b>PHASE 1 PRE-CONSTRUCTION FEE:</b>
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PHASE 1 PRE-CONSTRUCTION FEE	In the box on the right, provide your firm's Phase 1 Pre-Construction Fee expressed in dollars. This figure must match the grand total provided in the Proposer's Phase 1 Pre-Construction fee breakdown.	\$ _____
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<b>PHASE 2 CM/GC CONSTRUCTION FEE:</b>
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COST OF THE WORK (SEE ABOVE):	\$12,100,000
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CM/GC PROFIT & OVERHEAD FEE	In the box on the right, provide your firm’s CM/GC Profit & Overhead Fee, expressed as a percentage of an assumed Cost of the Work of \$12,100,000	_____ %
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### **3.3 EVALUATION PROCESS:**

This Request for Proposals is intended to secure services of a CM / GC Service Provider for Phase 1 pre-construction and Phase 2 CM/GC construction services for the Project. The County will designate an Evaluation Committee to review RFP responses (Proposals). The Evaluation Committee will consist of at least three members (each an "Evaluator"). After reviewing each written Proposal submitted, each Evaluator independently assigns a draft score to each evaluation criterion based on the written Proposals.

Next, the Evaluation Committee meets to discuss the proposals. Each Evaluator will then independently review their draft scores of the written proposals and finalize them. Final scoring of the written proposals by each Evaluator will then be summed. The County may award the contract to the highest scoring Proposer at this time.

If Oral Evaluations are to be held, the three highest scoring Proposers will be identified, notified of their status, then offered an opportunity to move on to the optional final phase of the selection process, the Oral Evaluation. The County reserves the right to adjust up or down the number of proposers offered Oral Evaluations, when there is a natural break in scores that indicates that more or fewer than three proposers have a reasonable chance to become the highest scoring proposer or if otherwise in the best interests of the County. Proposers who do not advance to the Oral Evaluation phase will also be notified of their status. Note in Section 1.6 that there is a very brief period between candidates being notified they have been granted an Oral Evaluation, and when the Oral Evaluations occur.

The same criteria used to evaluate the Proposals will be used to evaluate the finalists during the Oral Evaluation, if held. No additions, deletions or substitutions may be made to the Proposal material during the Oral Evaluations that cannot be viewed as clarification.

For the Oral Evaluations:

- The Proposer must send no more than four (4) individuals to the Oral Evaluation.
- The CM/GC Contract Representative/day-to-day Project Manager must be one of the Proposer representatives at the Oral Evaluation.
- The Proposer will have up to 45 minutes to discuss their Proposal and for Evaluation Committee questions and CM/GC Service Provider responses.
- No changes to the submitted Proposal may be presented or discussed, except to clarify questions from the Evaluation Committee.
- A list of questions from the Evaluators may be submitted to Proposers prior to the Oral Evaluations.

After the Oral Evaluation, if held, each Evaluator shall independently assign a score to each evaluation criterion and the scores for the oral evaluation will be summed. The oral evaluation scores and the written evaluation scores will be summed resulting in a combined final score. The contract will be awarded to the highest scoring Proposer.

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**EAST COUNTY COURTS PRE-CONSTRUCTION & CM/GC SERVICES REISSUE**  
**PART 4 - PROPOSAL REQUIREMENTS**

**4.1 PROPOSAL SUBMISSION**

Proposers must submit one UNBOUND original and nine complete bound copies of the Proposal to the CPCA office:

Multnomah County Central Procurement and Contract Administration  
Attention: Paula Rickman, Senior Procurement Analyst  
501 SE Hawthorne, Suite 400  
Portland, OR 97214

**Proposals are to be received no later than 4:00 p.m. on the date specified under Procurement Timelines, Section 1.6 of this RFP. PROPOSALS MUST BE TIME STAMPED AT THE CPCA RECEPTION DESK BY THE STATED CLOSING DATE.** All Proposals that are not time-stamped by the closing date shall be considered late and may be rejected in the County's sole discretion.

Proposals shall be submitted in a sealed envelope marked with the Proposal title, RFP number, and name and address of the Proposer. If the numbers of copies do not fit into an envelope, enclose all copies in a box, seal it and mark the top with the Proposal title, RFP number, and the name and address of the Proposer. Please use the minimum amount of tape necessary to seal the box.

**4.2 CLARIFICATION OR PROTEST OF SPECIFICATIONS**

Any Proposer requiring clarification of the information or protesting any provision herein, must submit specific questions or protests of specifications in writing to:

Paula Rickman, Senior Procurement Analyst  
Multnomah County Central Procurement and Contract Administration  
501 SE Hawthorne, Suite 400  
Portland, OR 97214-3587  
Phone (503) 988-5111, Ext. 24380  
Fax (503) 988-3252  
Email: paula.j.rickman@co.multnomah.or.us

**The closing date for submitting such questions or protests to specifications is no later than the date specified under Procurement Timelines, Section 1.6 of this RFP.** If the County determines that additional information or clarification is necessary, such information or clarification will be supplied in addenda that will be sent by e-mail to all persons or firms known to have received this RFP from CPCA. All such addenda shall have the same binding effect as though contained in the main body of the RFP. Oral instructions from County managers, employees or agents to prospective Proposers shall not bind the County. The CPCA Manager

shall issue all Addenda not less than five (5) calendar days prior to the Proposal closing date.

#### **4.3 COST OF PREPARATION OF PROPOSAL**

Costs incurred by any Proposer in preparation of a Proposal to this RFP shall be the responsibility of the Proposer.

#### **4.4 PROTESTS**

Proposers may protest only deviations from laws, rules, regulations, or procedures set forth in this RFP. Disagreement with the judgment of individual evaluators or the collective judgment of the evaluation committee may not be protested.

The following procedure applies to all protests:

- A. All protests must be in writing and physically received by the CPCA Manager no later than 4:00 p.m. on the fifth calendar day after the postmarked notice of intent to award or disqualification. Address protests to:

Protest to RFP No. P10-10163  
Attention: CPCA Manager  
Multnomah County Central Procurement and Contract Administration  
501 SE Hawthorne, Suite 400  
Portland, OR 97214

- B. Protests must specify the grounds for the protest including the specific citation of law, rule, regulation, or procedure upon which the protest is based. As noted earlier, the judgment used in scoring by individual Evaluators is not grounds for protest.
- C. Protests not filed within the time specified above, or which fail to cite the specific law, rule, regulation, or procedure upon which the protest is based shall be dismissed.

#### **4.5 CONFIDENTIALITY**

Multnomah County is required to disclose non-exempt public documents pursuant to ORS 192.410-192.505). ORS 192.502(4) exempts the County from disclosing information submitted in response to a solicitation where the information is such that it “should reasonably be considered confidential.”

A Proposer who determines that information within a proposal meets the statutory requirement and desires that such information remain confidential shall mark the pages containing such information with the word “CONFIDENTIAL.”

If a Proposer marks every page of a proposal as “CONFIDENTIAL” the statutory requirement is not met; any proposal so marked will not be deemed to have been submitted in confidence and, upon request, the entire proposal will be disclosed.

The County will keep properly marked information confidential unless ordered to release the information and materials by the District Attorney pursuant to ORS 192.460.

After award, the contract executed by the County and the successful Proposer will be a public



document subject to disclosure. No part of the contract can be designated as confidential.

#### **4.6 CANCELLATION**

The County reserves the right to cancel this RFP process or award of the contract any time before execution of the contract by both parties if cancellation is deemed to be in the County's best interest. In no event shall the County have any liability for such cancellation of award. The Proposer assumes the sole risk and responsibility for all expenses connected with the preparation of its Proposal.

#### **4.7 REJECTION OF PROPOSALS**

The County reserves the right to reject any or all Proposals to this RFP.

#### **4.8 DISPUTES**

In case of any doubt or differences of opinions as to (1) the items or service to be furnished in the Proposals, or (2) the interpretation of the provisions of this RFP, the decision of the County shall be final and binding upon all parties.

#### **4.9 CLARIFICATION OF PROPOSALS**

The County reserves the right to request clarification of any item in a Proposer's Proposal or to request additional information necessary to properly evaluate a particular Proposal. All requests for clarification and responses shall be in writing. Except for requests and responses related to a clarification necessary to evaluate whether a Proposal has met minimum requirements, all requests for clarification and responses shall be provided to each Evaluation Committee member.

#### **4.10 NOT USED**

#### **4.11 PUBLICITY**

Any publicity giving reference to this Project, whether in the form of press releases, brochures, photographic coverage, or verbal announcement, shall be done only after prior written approval of the County.

#### **4.12 COLLUSION**

A Proposer submitting a Proposal hereby certifies that: (1) no officer, agent, or employee of the County has a financial interest in such Proposal, (2) that the Proposal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer, and (3) the Proposer is competing solely on its own behalf without connection with, or obligation to, any undisclosed person or firm.

**Multnomah County  
Facilities and Property Management  
RFP #P10-10163**

**EAST COUNTY COURTS PRE-CONSTRUCTION & CM/GC SERVICES REISSUE  
PART 5 - CONTRACT TERMS AND CONDITIONS**

**5.1 COUNTY CONTRACT**

After evaluation of Proposals and Oral Evaluations, if held, the County will issue a notice of intent to award a contract limited to Phase 1 pre-construction services to the Proposer whose Proposal is ranked highest. After expiration of the protest period described herein or after the County has provided a final response to any protest (whichever date is later), the County intends to negotiate a contract with the highest ranked Proposer. A sample copy of the contract is attached as **Attachment 2**. The County reserves the right to negotiate final Contracts that are in the best interest of the County.

The County may terminate negotiations if the Proposer is not negotiating in good faith or the County determines that further negotiations with the Proposer will not result in the parties agreeing to the terms and conditions of final contracts in a timely manner.

Upon termination of negotiations, the County may then commence serial negotiations with the next highest ranked Proposer, and so on as necessary, until a final contract is reached.

**5.2 INSURANCE REQUIREMENTS**

The insurance limits indicated in **Attachment 2** shall apply to the contract(s) that will originate from this RFP.

**5.3 EEO CERTIFICATION REQUIREMENT**

Contracts in excess of \$75,000 which originate from this RFP are subject to the County's Equal Employment Opportunity (EEO) requirements, and will include vendor certification as indicated in **Attachment 3** to this RFP. Contractors must be certified before a contract is executed.

**5.4 AMERICANS WITH DISABILITIES ACT**

Proposer must comply with all applicable requirements of federal and state civil rights law and rehabilitation statutes.

**5.5 RECYCLABLE PRODUCTS**

The County encourages use of recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this RFP.

**5.6 M/W/ESB PARTICIPATION**

The County strongly encourages the participation of Minority, Women and Emerging Small Businesses in this and all County projects, programs and services.

**5.7 ANTI-DISCRIMINATION CLAUSE**

Proposer shall not discriminate based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, or political affiliation in programs, activities, services, benefits or employment. Proposer shall not discriminate against minority-owned, women-owned or emerging small businesses. Proposer shall include a provision in each sub-contract requiring subcontractors to comply with the requirements of this clause.

\* \* \* \* \*

# Solicitation ATTACHMENT 1

## OFFEROR REPRESENTATIONS AND CERTIFICATIONS

### FAILURE TO COMPLETE AND SIGN THIS FORM SHALL RESULT IN REJECTION OF THE OFFER

The undersigned, having full knowledge of the specifications for the goods or services specified herein, offers to furnish any and/or all goods or services as described herein at the prices offered and within the time specified and agrees that this offer shall be irrevocable for 30 calendar days after the date offers are due or for such longer period as may be specified in this solicitation.

OFFEROR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_ WEB SITE: \_\_\_\_\_

TAXPAYER ID NUMBER: \_\_\_\_\_ DATE/STATE OF INCORPORATION: \_\_\_\_\_

BUSINESS DESIGNATION:  Corporation  Sole Proprietor  Partnership  S Corporation  Non-Profit  Other \_\_\_\_\_

OFFEROR IS REGISTERED TO DO BUSINESS IN OREGON \_\_\_\_ YES \_\_\_\_ NO If answer is NO, the undersigned agrees to become registered in Oregon prior to contracting. Visit <http://www.filinginoregon.com/>

OREGON CCB LICENSE NUMBER: \_\_\_\_\_

MWESB CERTIFICATION: Number \_\_\_\_\_  Minority Owned  Woman Owned  Emerging, Small  N/A

#### ASSURANCES - The Offeror attests that:

1. The person signing this offer has the authority to submit an offer and to represent Offeror in all phases of this procurement process;
2. The information provided herein is true and accurate;
3. The Offeror is a resident bidder, as described in ORS 279A.120, of the State of \_\_\_\_\_, [insert State] and has not discriminated against any minority, women, or emerging small business enterprises in obtaining any required subcontracts, in accordance with ORS 279A.110; "Resident bidder" means a bidder that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the bid, has a business address in this state and has stated in the bid whether the bidder is a "resident bidder". ORS 279A.120 (1) (j);
4. Any false statement may disqualify this offer from further consideration or be cause of contract termination; and
5. The Offeror will notify the CPCA Procurement Analyst immediately of any change in the information provided on this form.

#### CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS - The Offeror certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;
2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses listed in paragraph 2. of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;
5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

**Where Offeror is unable to certify to any of the statements in this certification, Offeror shall attach an explanation to its offer. The inability to certify to all of the statements may not necessarily preclude Offeror from award of a contract under this procurement.**

#### SIGNATURE OF AUTHORIZED PERSON

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name & Title \_\_\_\_\_

Contact Person for this procurement: \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Solicitation ATTACHMENT 2  
CM/GC AGREEMENT**

Due to the size of this document, it is made available electronically on the CPCA website, [www.multcopurch.org](http://www.multcopurch.org) Click on “Current Bid and Proposal Opportunities” and scroll down to the project listing.

**Attachment 3 – Equal Employment Opportunity Certification Statement**

**Every Contractor executing a contract for more than \$75,000 must complete this Exhibit.**

Equal Employment Opportunity (EEO) means eliminating barriers to ensure that all employees are considered for the employment of their choice and have the chance to perform to their maximum potential. EEO practices include, but are not limited to, fairness at work, hiring based on merit and promotion based on talent. It concerns all aspects of employment including recruitment, pay and other rewards, career development and work conditions.

All County Contractors signing new contracts with the County must complete this form. A Contractor who signs Part 1 and later adds employees during the period of performance of any County Contract must immediately notify the County of the change in status and submit an updated form with Part 2 signed. Failure to submit an updated form may result in termination of all existing contracts.

**CERTIFICATION**

I certify under penalty of perjury that [*check Part 1 or Part 2*]:

**PART 1.** Contractor has no employees. Should Contractor hire employees at a later date during the term of the contract Contractor will immediately notify the Department that issued contract and submit an updated Certification with Part 2 completed.

--Or--

**PART 2.** Contractor has employees. Contractor, as an Equal Opportunity Contractor, does not:

- (1) Discriminate against employees or applicants based on race, color, religion, sex, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or source of income;
- (2) Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics;
- (3) Coerce the political activity of any person;
- (4) Deceive or willfully obstruct anyone from competing for employment;
- (5) Influence anyone to withdraw from competition for any position so as to improve or injure the employment prospects of any other person;
- (6) Give an improper preference or advantage to anyone so as to improve or injure the employment prospects of that person or any other employee or applicant.

**CONTRACTORS SIGNATURE:**

Company Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_