

**INVITATION TO PREQUALIFIED FIRMS TO
SUBMIT A PROPOSAL FOR OWNER'S
REPRESENTATIVE SERVICES
Cape Elizabeth Schools & Town of Cape Elizabeth
Presented March 30, 2023**

KEY DATES

Proposal Request Issued	March 30, 2023
Site Walk	A site walk is being offered on <u>April 6, 2023</u> , at <u>4:00/pm</u> . This is not required, and your participation is not part of our evaluation criteria. <i>Contact crecord@capeelizabethschools.org by April 4th at 2:00/pm if you would like to participate.</i>
** Pre-submission Questions from Candidates to Cape Elizabeth	March 31, 2023 – April 18, 2023
Response to Questions from Cape Elizabeth to Candidate	Responses to candidate questions will be forwarded to all candidates on the following dates: April 8, 2023, April 15, 2023, and April 21, 2023.
Proposals Due to the Town of Cape Elizabeth	April 28, 2023, until 2:00 pm Submit 1 original, 12 copies, and one electronic copy (PDF)
Candidate Interviews	Interviews will be scheduled between May 8, 2023 and May 19, 2023
Decision and recommendation to the Town Council and School Board	Recommendations to the Town Council and School Board will be developed by May 31, 2023.

** Questions regarding this package will be accepted by email from pre-qualified firms. Please submit questions to the Superintendent at crecord@capeelizabethschools.org and the Town Manager at matthew.sturgis@capeelizabeth.org
The responses will be emailed to all pre-qualified candidate organizations.

Proposal packages will be accepted at the Cape Elizabeth School Department
320 Ocean House Road Cape Elizabeth, ME 04107 until 2:00 P.M. on April 28, 2023.
Send to the attention of Dr. Christopher Record, Superintendent
Please submit one original and 12 copies, and forward one electronic copy (PDF) to the above email addresses.

BACKGROUND

Your firm has been pre-qualified to submit a project proposal to provide Owner's Representative services to the Cape Elizabeth School Building Advisory Committee (SBAC).

The Cape Elizabeth School Department has conducted a building needs assessment and has worked with an architectural/engineering firm to develop both Conceptual and Schematic Design plans for the new construction of Pond Cove Elementary School and Cape Elizabeth Middle School and renovations of Cape Elizabeth High School. The school bond referendum failed in a November 2022 town vote. Information regarding the previous referendum project may be found at <https://www.capeelizabeth.com/SBACOwnersRepRFPDocuments>.

The Cape Elizabeth Town Council and School Department have formed a joint School Building Advisory Committee (SBAC). The SBAC will select the Owner's Representative. The selected firm will be responsible and contract for all the services described in "Exhibit 2: Owner's Representative Scope of Services" of the Request for Qualifications used to pre-qualify firms, including the design phase, bidding and award phase, construction phase, post-construction phase, and warranty phase.

Given this project background, however, the Owner's Representative must first assist the SBAC to develop a revised solution to our town's school building needs that will be acceptable to Cape Elizabeth's citizens and that will go to the voters in 2024. To some extent, this requires that the Owner's Representative provide services some of which may fall outside the traditional scope of services. Proposals should include and emphasize in particular detail how the candidate firm proposes to help the SBAC achieve its objectives in this first stage, in addition to the full scope of Owner's Representative services for the project as a whole.

In this first stage, the SBAC requires that the Owner's Representative work closely with and guide the SBAC to accomplish these Tasks:

Task 1 – Analysis of the extensive work that has been completed to date for our three schools and the development of a detailed and efficient program to address the academic and infrastructure needs of our schools. The output of this Task is the information required to accomplish the work in Task 2.

Task 2 – Development of a selection process for an Architecture and Engineering design team to assist in the development of a range of options for the building plan that considers prioritization of need, benefits of each option, risk factors, financial impact, and opportunity costs.

Task 3 – Directing the work of the Architects and Engineers in the design of a range of options, as described above, that meet the programmatic, facility, and cost requirements of the citizens' of Cape Elizabeth.

Task 4 – Seek citizen input on an ongoing basis and educate and inform the public throughout the process.

Task 5 – In concert with the town’s financial advisor, explore funding options and alternative funding sources.

Task 6 – Development of a recommendation of a building plan for further development and pricing and preparation for referendum submission.

Additional information: Candidates should be aware that concurrent with identifying an Owner’s Representative, the SBAC is seeking consulting services of a third party to complete a community survey and is developing a communication strategy to ensure citizens are kept apprised of the work of the SBAC. The survey work is separate from this proposal.

SCOPE OF SERVICES

During this first stage of the SBAC’s work on the above objectives and Tasks, Owner’s Representative services will include, but may not necessarily be limited to the following:

1. Assist in the completion of a full analysis of previous work including prioritization of needs in order to develop a detailed and efficient program. The outcome of this program should allow for a range of building and renovation options that address the academic and infrastructure needs of our schools.
2. Develop an RFP selection process for a design team to bring solution ideas to conceptual design along with associated costs, benefits, risks, and opportunity costs. Assist the SBAC in grounding the design team in project history and ensure that the design team understands and adheres to the program.
3. Work closely with the SBAC to review proposed designs and assist with the evaluation of the work products, the cost, associated benefits, risks, and opportunity costs.
4. Guide the SBAC through a process in the development of a recommendation to the citizens, Town Council and School Board.
5. Work with the SBAC to present work products to the citizens, School Board, Town Council, and others as necessary.
6. Work closely with the SBAC and the town’s financial advisor to develop recommendations on funding options and opportunities.
7. Assist with the development and communication of the project that will go to referendum.

Following this first stage and a successful referendum vote, the selected firm will provide the other

contracted services as described in “Exhibit 2: Owner’s Representative Scope of Services”.

PROPOSAL SUBMISSION REQUIREMENTS

The proposal response package must be organized in the following form and include the following information (missing or incomplete information may be grounds for disqualification). **An original proposal, 12 copies of the proposal, and one electronic copy (Adobe PDF) must be submitted.**

- 1. Letter of Interest-** The firm/company shall provide a cover letter containing the respondent’s interest in providing Owner’s Representative services and any other information that would assist the Cape Elizabeth SBAC in making a selection.

- 2. Company Information-** The firm/company shall provide a brief summary of itself, including the following information:
 - Name of company and parent company, if any.
 - Name of company’s primary areas of service.
 - Address of principal office and office from which project will be managed.
 - Name, address, telephone number, and email address of the principal contact person to receive notifications and to reply to inquiries from the Town and/or the SBAC.
 - Legal form of ownership.
 - Years engaged in the above services under your present name and all prior names by which the firm was known.
 - Professional resume of assigned principal and others assigned as applicable.

- 3. Public School Projects**
 - Public school projects in Maine are subject to 5 MRSA §1743-A, which requires competitive bidding by sealed bids. Please assume this project will be competitively bid and awarded to the lowest contractor, and describe how you will help the Owner (what methods you will recommend the Owner use throughout the project) to navigate problems associated with competitive bidding.
 - Please explain your experience with large public projects that are competitively bid.
 - Please explain how you would advise and assist the Owner with scheduling and implementing pre-qualification of contractors under 5 MRSA §1743 – 1749 (*“The public official may require, from a firm proposing to bid on public work duly advertised, a standard qualification statement and a letter from a licensed bonding company confirming that the firm has the financial capacity to perform the work before furnishing that person with plans and specifications for the proposed public work advertised...Whenever the public official is not satisfied with the sufficiency of the answers contained in such a questionnaire and financial statement of such persons, he may refuse to furnish such persons with plans*

and specifications on public work duly advertised, and the bid of any person to whom plans and specifications have not been issued may be disregarded.”)

4. Project Approach & High-Level Plan

- Describe how you will approach the project, with particular emphasis on how the candidate firm will help the SBAC achieve its above-stated objectives and Tasks in the first stage to achieve a successful referendum vote.
- Include a high-level phased project plan with projected timeframes for each Task in the first stage.

5. Estimated Cost of Services

- Provide a detailed fee proposal and scope of services for each of the identified Tasks to bring the School Building project to a referendum. Include
 - Hourly Rates of proposed team - List all staff hourly rates and projected time for the project duration.
 - Total hours and fee for each Task. Reimbursable items: List items that will be requested as reimbursable on top of the fee. All reimbursement expenses shall be at the actual expense incurred by the Owner's Representative without markup.
 - Staff/ Firm Monthly Rates - should schedule exceed beyond currently planned duration.
 - Estimated total lump sum for the first stage of this project.
- Provide the basis for the cost proposal you will use following a successful referendum for the remaining phases of the Project, namely, the design phase, bidding and award phase, construction phase, post-construction phase, and warranty phase.

6. Workload Statement

Provide your current availability and details on your firm's current and future workload and ability to provide this project with the attention it requires for the project duration.

7. Insurance

Please provide a certificate of all applicable insurance coverages and limits, including commercial general liability, professional liability, motor vehicle liability, and worker's compensation.

8. Conflict of Interest

Please identify any potential conflicts of interest and disclose any connection to the school, town, or other entities associated with the project.

EVALUATION CRITERIA

The SBAC will consider (in no particular order) the following factors, among others, in evaluating responses: experience, price, references, capabilities, past performance, qualifications, the ability to clearly articulate approach and overall quality, thoroughness, and responsiveness to the requirements as stated. Particular emphasis will be placed upon the candidate's proposal to assist the SBAC to complete its Tasks in the first stage.

SELECTION PROCESS

The SBAC will evaluate proposals as follows:

1. Proposal Evaluation – Completeness and other pertinent evaluation criteria as identified above.
2. Presentation (30 minutes) – Applicability of project approach and other items stated in the submission requirements and proposal content above.
3. Interviews (30 mins) – Response to interview questions conducted by the full SBAC.
4. SBAC will meet to assess each of the above and select.

The SBAC in the exercise of its sole discretion reserves the right to reject any or all proposals; cancel the RFP; re-advertise for new proposals; negotiate with any firm; exercise its judgment in evaluating proposals; waive any irregularities or nonconformities in a proposal; and recommend award of a contract to a firm even though the proposal is not the lowest cost.

EXHIBIT 2: OWNER’S REPRESENTATIVE SCOPE OF SERVICES

The role of the Owner’s Representative is to represent the Owner’s interests and provide Program Management for the development and completion of a high quality, timely, cost-effective project, including design and construction, equipment and materials, through final completion, and if requested, the warranty period. Services include the following:

A. GENERAL

1. Facilitate communications, teamwork and trust between the Owner, Contractor, and Architect, in conformance with Owner/Architect and Owner/Contractor agreements.
2. Prepare for and if requested attend meetings of the Owner’s School Building Advisory Committee, participate in and keep a summary record of Committee deliberations.
3. Communicate with the Owner. The “Owner” means the School Building Advisory Committee, or that Committee’s co-designees, if any, one of whom shall be a representative of the council and the other of the school board, or their joint designee, if any.
4. Guide the committee in the development of a budget for each phase of the project.
5. Perform such other associated duties as are assigned by the Owner.
6. Help Owner understand material provided by the Architect and General Contractor, including the implications of recommendations.
7. Maintain project files consistent with professional standards and as required by Owner.
8. Develop schedule and basis of compensation of Owner’s Representative’s deliverables and additional services, if any.

B. ANALYSIS OF PREVIOUS BUILDING PROJECT DESIGN PROCESS & PRODUCT

1. Complete an analysis of the work completed between 2015 and 2022, and subsequent recommendations to address the needs of the school facilities.
2. Based upon the above analysis, provide recommendations to the School Building Advisory Committee for next steps, including a cost/risk/benefit consideration of alternative approaches.

C. DESIGN PHASE (Including all phases of project design)

1. Ensure the design meets the Owner’s needs, as established by the School Building Advisory Committee and in accordance with applicable laws, regulations, and Maine Department of Education guidelines for major capital school construction projects.

2. Assist with the Project concept and concept budget (or later design stage if specified by Owner) to be presented to voters at referendum.
3. At the conclusion of the Design Development phase:
 - a. Provide recommendations to Owner regarding conformance with cost estimate and budget, schedule, phasing, document quality and stage of development, and other project criteria.
 - b. Review project costs, including construction cost estimates, against budget and make recommendations for corrective action as needed, which may include design modifications and selection of project elements to be bid as alternates.
 - c. Assist Owner with pre-qualification of contractors.

D. BIDDING PHASE – AT CONCLUSION OF THE DESIGN DEVELOPMENT PHASE

1. Assist Owner in the bidding phase.
2. Assist the Owner in understanding filed subcontract and General Contractor bid analysis.
3. Assist Owner regarding bid alternates, value engineering, scope, and contract negotiation alternatives.

E. CONSTRUCTION PHASE

1. Be on the site as agreed with Owner and otherwise requested by Owner to monitor the progress of the work, identify and mitigate risks, to facilitate timely responses among the project team members, stakeholders, and Owner, and to assist in the smooth progression of the work.
2. Assist the Architect and Owner with review of the Construction Schedule developed by the General Contractor. Review weekly, or periodically as directed by the Owner, current critical issues, the updated schedule, and current RFI, Submittal, and Change Order logs.
3. Represent the Owner, as directed, at construction and pay requisition meetings.
4. Attend progress meetings on site with the General Contractor and Architect and advise on procedures, progress, quality of work, and schedule. Review meeting minutes and track action items, areas of responsibility, due dates, and general accuracy.
5. Issue a monthly progress report to the Owner and Architect that includes an updated schedule (based upon schedules provided by General Contractor), as well as a discussion of current critical issues, general progress and quality of the work, potential problems, overall status of the project, and suggest solutions as required. If schedule may be or has been adversely impacted, suggest a recovery schedule and work collaboratively with effected parties.

6. Meet with the Owner as requested to review and discuss construction progress and quality, and general conformance with the contract documents.
7. Work with Owner to update project budget on a monthly basis, identify variances between actual and budgeted costs. Recommend corrective action.
8. Review the Submittal Log to ensure that all submittals required by the contract documents are submitted and processed in a timely fashion. Report problems to the Owner.
9. Work with the Architect and General Contractor to prioritize submittals for review based on lead times for materials addressed in given submittals.
10. Review Change Proposals and Change Orders and advise Owner.
11. Assist Architect and Owner in review, evaluations and documentation of claims and recommend actions to Owner.
12. Review log of all Requests for Information (RFI) to assure that none are overlooked and that all are responded to in a manner that preserves the schedule and the budget. Problems shall be reported to the Owner.
13. Review all Invoices for Architect Services and make recommendations prior to approval and payment by the Owner.
14. Review Monthly Progress Payments presented by the General Contractor and evaluate the Architect's recommendations whether amounts being invoiced are compatible with the progress of the Work and approved Change Orders. If the Owner's Representative believes that the invoice is inconsistent with the progress of the work, he or she shall meet with the Architect to discuss the basis for the billing and propose adjustments if needed prior to making a recommendation to the Owner for approval of payment.
15. Ensure that recorded drawings are being maintained.
16. Review with the Architect proposed substitutions of significant material or equipment and make recommendations to the Owner relative to quality, durability, cost, and schedule impact.
17. Report project-related Contractor-Subcontractor relations, jobsite problems and job coordination issues to Owner.
18. Report to Owner any differences that may occur between the Architect and Contractor regarding execution of the work.
19. Inspect the work for the purpose of quality control and conformance with the drawings and specifications. Any deficiencies found will be discussed with the Architect for review as necessary.

20. Communicate on behalf of the Owner with the Contractor and Architect on performance and completion issues.

F. POST-CONSTRUCTION PHASE.

1. Observe final testing and startup of all utilities, systems and equipment. Assist with creation of punch list and coordinate punch list items to be completed or corrected with the Architect and General Contractor.
2. Assist Owner in scheduling training for maintenance personnel on mechanical and electrical systems with the General Contractor. Review submittal to Owner of warranties, keys, record documents and operating manuals.
3. Review project close-out package with the Architect to verify that all requirements are satisfied.
4. Verify receipt of Certificates of Occupancy, completion of punch list items and review of Record drawings.
5. Review final pay application and recommend release of retainage based upon completion of the contract requirements.

G. WARRANTY PHASE

1. Coordinate requests for warranty work from Owner with Architect to aid timely completion of the required work.
2. Assist Owner with correction of work during one-year warranty period.