

CCTC-Main Campus-Academic/Student Services
Building Construction
State Project Number – H59-6174-PD

Request for Qualifications – RFQ
To Provide
Construction Management
At Risk Services

NOTE: The only official source for this solicitation document is the one cited in the advertisement in the *South Carolina Business Opportunities (SCBO)* Online Edition. Acquiring this document from source(s) other than SCBO, may mean this document has been updated or amended. Answers to questions, addenda, clarifications, postings/notices will be available online at:

<https://www.cctech.edu/about/doing-business-with-us/>

Central Carolina Technical College is not responsible for any reader's failure to heed this direction.

Qualifications are due:
December 17, 2021 @ 4:30 PM EDT

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Attachment 1—Clauses For Use in CMR RFQ

Written submittals of Qualifications to provide Construction Management at Risk Services for the construction of **Central Carolina Technical College's Academic /Student Services building.**

1. Introduction

1.1 Purpose of Procurement

- 1.1.1 Central Carolina Technical College hereinafter sometimes referred to as "CCTC" or "Owner," plans to construct a new two story, approximately 34,000 sq. ft. building on main campus at 506 N. Guignard Drive, Sumter, SC 29150 to allow the college to consolidate all student services in one building, rather than being spread out between three separate buildings as they are currently. The structure will be located in an area that is currently a parking lot in the center of campus, across from the college's new greenspace courtyard, and near several other academic buildings.
- 1.1.2 It is the responsibility of each Respondent to examine the entire RFQ; to seek clarification in writing; and to review its submittal for accuracy before submitting the document. Once the submission deadline has passed, all submissions will be final. The Owner may, in its sole discretion, request clarification from any individual Respondent relative to their submission and reserves the right to ask for additional information from all parties that have submitted qualification statements.
- 1.1.3 The Owner is not obligated to request clarifications or additional information but may do so at its discretion. The Owner reserves the right to extend the deadline for submittals.
- 1.1.4 Construction Management at Risk (CM-R) is the chosen project delivery method for this project.
- 1.1.5 The design team selected for this project will be in place by early January, 2022, and will have experience with CM-R projects and construction administration.
- 1.1.6 The Owner chose the CM-R delivery method specifically to allow concurrent design and construction activities, with the CM-R providing constructability reviews and other pre-construction services essential to the overall success of the project. The CM-R will have a fiduciary role and responsibility to the Owner. The CM-R must act in the best interests of the Owner, using its best efforts to perform in an expeditious and cost-effective manner consistent with the Owner's program requirements and budget.
- 1.1.7 Failure to comply with all requirements contained in this RFQ may result in rejection of the submission and disqualification from further consideration.
- 1.1.8 Central Carolina Technical College makes no guarantee that an award will be made as a result of the RFQ, and reserves the right to accept or reject any or all submittals; waive any informalities, irregularities or minor technical inconsistencies; or delete any item or requirement from this RFQ or any resultant contract when deemed to be in the Owner's best interest. Any and all representations made within a Statement of Qualification shall be binding on the Respondent.

1.2 CM-R Requirements

- 1.2.1 The South Carolina Code §40-11-320 and Regulation 19-445.2145(N): Contractors seeking CM-R work must be registered both as a Construction Manager and as a General Contractor with the South Carolina Constructor's Licensing Board through LLR (Labor, Licensing, & Regulation). The CM-R General Contractor must have a license group designation covering the total cost of construction.
- 1.2.2 The CM-R must be able to provide 100% Performance and 100% Labor and Material Payment Bonds for the total cost of construction.
- 1.2.3 Prior to contracting for a Guaranteed Maximum Price (GMP) all construction management services provided by a CM-R must be paid as a fixed fee. Construction may not commence for any portion of the work until after the Owner and the CM-R contract for a GMP regarding that portion of the construction.
- 1.2.4 During the performance of any contract resulting from this solicitation, the CM-R agrees as follows: The CM-R will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, national origin, place of birth, or physical handicap. CM-R must have a history of being non-discriminating and will not discriminate on the basis of race, creed, color, sex, or national origin in any of its employment practices, or procurement practices with respect to the work force of the firm, or procurement services in connection with this project. An affirmative action plan must be maintained for both work force and procurement practices.

1.3 Project Objectives

- 1.3.1 Sustainability: this project will be pursuing Two Green Globes Certification, per the South Carolina Energy Independence Act of 2007, §48-52-830.
- 1.3.2 The CM-R and the design professionals will each separately be responsible for comprehending the Owner's project requirements, accurately translating those requirements into a Basis of Design, and incorporating all into complete construction documents. With these, the CM-R will deliver a finished project satisfactory of the Owner's project requirements.
- 1.3.3 The CM-R will be responsible for pricing and value engineering issues. At an appropriate point during the project, The Owner will ask the CM-R to commit to a guaranteed maximum price (GMP) for the project. The CM-R shall competitively solicit all construction subcontracts, materials and other work appropriate for competitive pricing but is free to use qualification factors other than price to select construction subcontractors that will deliver the greatest value to the State of South Carolina and Central Carolina Technical College.
- 1.3.4 In selecting a CM-R, the Owner will emphasize experience of the firm and of assigned personnel in providing like functions on projects of similar magnitude and complexity as this project. Selection preference will be towards firms that have depths of knowledge and resources for general contracting, scheduling, contract coordination, compliance, and

budget control, as well as familiarity with SC State Laws, ordinances, and codes applicable to Central Carolina Technical College.

- 1.3.5 It is the responsibility of each submitter to examine the entire Request for Qualifications (RFQ). Seek clarifications in writing, and review its submittal for accuracy before submitting their qualifications. The Owner may request clarification from any individual submitter relative to their submission and reserves the right to ask for additional information from all parties that have submitted qualifications. Each firm must describe their experience if multiple firms are proposed as one team. If applicable, indicate by firm, those qualifying as a certified minority owned business by including their SC Minority Business Enterprises certification number.
- 1.3.6 Qualified Small, Minority and Women Owned Businesses are encouraged to respond to this request.
- 1.3.7 The Owner encourages the CM-R to utilize qualified small and minority owned subcontractors throughout construction. Conducting orientation meetings in the local community for small, minority and women owned businesses is strongly encouraged.
- 1.3.8 The Owner's goal to occupy the new building is **July 3, 2023**.

1.4 Project Assumptions

- 1.4.1 The Owner expects all parties to this project to work closely together and deal appropriately with project conditions to finish the job successfully. A spirit of cooperation and collaboration among all service providers is of utmost importance to the Owner.
- 1.4.2 The CM-R as a part of its pre-construction services, will assist with developing a strategy for the best approach for the successful completion of the project. For example, without limitation, the CM-R will provide guidance and assistance in the preparation of a schedule and a reliable cost estimate.

1.5 Definition of Terms

- 1.5.1 Whenever the terms "RFQ" or "RFP" are used, the reference to this Request for Qualifications or a future Request for Proposal or portions thereof, together with any exhibits, attachments, or addenda it may contain.
- 1.5.2 Whenever the terms "shall," "must," "will" or "is required" are used in the RFQ/RFP, the referenced task is a mandatory requirement of this RFQ/RFP. Failure to meet any mandatory requirement will be cause for rejection of a submittal.
- 1.5.3 Whenever the terms "can," "may," or "should" are used in the RFQ/RFP, the referenced specification is discretionary. Although the failure to provide any items so termed will not be cause for rejection, the Selection Committee may consider such failure in evaluating the submittal.
- 1.5.4 Whenever the terms "apparent successful" or "top-ranked," or "highest-ranked" firm or "Offeror" are used in this document, the reference is to the firm that the Selection

Committee ultimately judges to have submitted the best case satisfying the needs of the Owner in accordance with the RFQ/RFP. The selection of an apparent successful firm does not necessarily mean the Selection Committee accepts all aspects of the firm's submittal or proposal.

- 1.5.5 Whenever the term "submittal" is used in the RFQ, the reference is to the response offered by a firm in accordance with the RFQ. The initial submittal **only responds to the RFQ portion of this document.** Subsequently, only firms pre-qualified based on their initial submittal will be invited to respond with a technical proposal to the RFP for this project.
- 1.5.6 Whenever the term "Selection Committee" is used in the RFQ, the reference is to the state representatives responsible for administering and conducting the evaluation and selection process of the RFQ.
- 1.5.7 "Construction Manager at Risk" (CM-R) is a project delivery method in which the Owner awards separate contracts – one for architectural and engineering services to design the project and the second to a construction manager at-risk for both construction management services and construction of the project.
- 1.5.8 "Design Professional" and "Designer of Record" both refer to the project's architect or design engineer, whose responsibilities generally include programming of the facility and, at the completion of all construction, providing the Owner with Record Drawings.
- 1.5.9 "Building Commissioning" refers to a formal and systematic process of documentation, adjustment, testing, verification, and training, focused on quality assurance and performed specifically to ensure that the finished facility operates in accordance with the Owner's documented project requirements and the construction documents.
- 1.5.10 "Commissioning Provider" refers to the entity or person providing building commissioning services of the project.
- 1.5.11 "Guaranteed Maximum Price" (GMP) means a price for all costs for the construction and completion of the project, or designated portions thereof, including all construction management services and all mobilization, general conditions, profit and overhead costs of any nature, and where the total contract amount, including the contractor's fee and general conditions, will not exceed a guaranteed maximum amount.
- 1.5.12 "Owners Project Requirements" is a written document that details the functional requirements of a project and the expectations of how it will be used and operated.
- 1.5.13 "Qualifications Submittal" and "Initial Written Submittal" both refer to a firm's response to the RFQ solicitation.
- 1.5.14 "Qualifications Based Selection" and "QBS" both refer to a procurement process for the selection of professional construction services for public projects. It is a competitive contract procurement process whereby firms submit qualifications to a procuring entity (CCTC) who evaluates and selects the most qualified firm for the project scope of work.

- 1.5.15 As-Built Drawings are prepared by the contractor that reflect on-site changes the contractor made in the course of construction per the owner-contractor contract.
- 1.5.16 Record Drawings are prepared by the architect and reflect on-site changes made for the owner per the owner-architect contract.

2. General Instructions

2.1 Building Program

- 2.1.1 Quality
The project will be designed and constructed to a level of quality and timeliness that reflects the long-term use of Central Carolina Technical College.
- 2.1.2 CM-R Contract Format
The South Carolina Division of Procurement Services, Office of State Engineer (OSE) Version of AIA Documents A133-2009 and A201-2017, both located in Appendix J of the *OSE Manual for Planning and Execution of State Permanent Improvements, Part II – 2021 Edition* with modifications of the AIA A201 for use with the AIA A133, found in Appendix C.2; may be viewed at <https://procurement.sc.gov/manual> . Modifications to the RFQ and RFP document by the CM-R will not be accepted.

2.2 Selection Process

- 2.2.1 Request for Qualifications
This is an RFQ (Request for Qualifications) document and will be used for the short listing of CM-R firms for the RFP (Request for Proposal) for this solicitation. Only those firms short listed will be deemed pre-qualified to submit a technical proposal in response to the RFP for this solicitation.
- 2.2.2 Selection Committee
The selection of CM-R providers will be by a Selection Committee comprising representatives of the Office of State Engineer (non-voting), project architect (non-voting) and Central Carolina Technical College.
- 2.2.3 Point of Contact
The public's contact for information and clarification about the project is:

Beth Young – VP for Business Affairs/Capital Projects Manager
Central Carolina Technical College
youngbe@cctech.edu
(803) 778-7802 – direct line

- 2.2.4 Pre-qualifying, Proposals, Interviews Selection of the CM-R will be a multi-step process:
 - a. Initial Written Submittal (Qualifications Statements)

The Selection Committee will receive and review statements of qualifications and performance data in response to the RFQ. The Selection Committee will evaluate all firms first against a set of criteria, provided in this document, to determine which firms are most qualified and best suited for this project. Qualifications alone will narrow the field to prequalify a minimum of three (3) firms. The pre-qualified firms will be invited to respond to a Request for Proposal (RFP).

- b. Submission of a Statement of Qualifications indicates the Respondent's acceptance of the evaluation techniques and a recognition that subjective judgments must be made by the Owner during the evaluation process.

2.2.5 Fee Proposals

Statements of Qualifications shall not include any information regarding Respondent's fees, pricing, or other compensation. Inclusion of such information shall result in disqualification from further consideration. Such information will be solicited from firms qualified by the Owner to participate in step two of the selection process.

2.3 Scope of Work Overview

The CM-R's services shall conform to recognized standards of professional practice. The contract will identify specifics.

- 2.3.1 The CM-R will work in concert with the Design Professionals toward successful completion of the project within the schedule and the stated cost limitation, in compliance with the contract documents, and adhering to the requirements of the Authority Having Jurisdiction.

- 2.3.2 The CM-R, through in-house staff or outside consultants/contractors, shall serve as the Construction Manager and Constructor, and shall provide all pre-construction and construction management services and activities necessary for the construction and completion of this project. The services described in this RFQ are representative and shall not be considered as exhaustive.

- 2.3.3 Pre-construction services shall include but are not limited to the following:

- a. Evaluate the selected site for construction and make recommendations for the best approach for building construction.
- b. Participate in design meetings as required to facilitate the design process.
- c. Evaluate the design during development, provide analysis of alternate construction methods and materials for potential quality, cost, and enhancements.
- d. Evaluate construction documents for constructability, maintainability, potential problems, errors, and compliance with the construction budget.
- e. Assist in development of a comprehensive design and construction schedule, coordinating activities to accomplish the completion of the project by the earliest date possible within the stated cost limitation.

- f. Provide cost estimating, cost management, value analysis, and value engineering.
- g. Provide cost estimating of alternative means, methods, materials, and configurations of the design.
- h. Provide cost estimating of the individual construction packages.
- i. Develop a construction budget to be maintained throughout design and construction.

2.3.4 Construction Phase Services shall include but are not limited to the following:

- a. Develop requirements for safety, quality assurance, and schedule adherence.
- b. Maintain on-site staff for construction management.
- c. Maintain a system for tracking timely submittal, review, and approval of submittals.
- d. Coordinate, conduct, and document regular construction meetings.
- e. Prepare and submit change order documentation for review and approval by Design Professional and the Owner.
- f. Maintain on-site records and submit monthly progress reports to the Design Professional and Owner.
- g. Maintain quality control and ensure conformity to contract documents.
- h. Reconcile construction requirements with the construction budget.
- i. Assist the Owner as needed with permits and inspections required by Authority Having Jurisdiction.
- j. Develop and maintain a detailed design and construction schedule (CPM) incorporating critical path method sequencing of construction activities and milestones necessary for completion of the project by the desired identified completion date.
- k. Document activities associated with the administration, management, and construction of the project.
- l. Monthly, certify all work in place and approve all sub-contractor and vendor payment requests.
- m. Coordinate with and respond to the Commissioning and Green Globes consultant(s).
- n. Develop As-Built drawings for presentation to the Design Professional and Owner upon project completion.
- o. Resolve punch list items in a timely and professional manner.

- p. Coordinate post-completion activities, including start-up testing, as well as the assembly of guarantees, operating manuals, closeout documents, training, and Owner’s final acceptance.
- q. Monitor, coordinate, and resolve all warranty complaints to the satisfaction of the Owner during the one-year general warranty period.

2.3.5 Guaranteed Maximum Price (GMP)

At an appropriate point in the project, subject to contractual negotiations, the CMR shall issue to the Owner a GMP backed by a surety bond. The project shall be constructed within this GMP. To the extent professionally responsible, the CM-R will overlap the Design Development and Construction Phases when components are conducive to early construction starts and reflected in a master project schedule.

2.4 Schedule of Events

The following Schedule of Events represents the Owner’s best estimate of the schedule that will be followed. The Owner reserves the right, at its sole discretion, to adjust this schedule as it deems necessary. Adjustments to the Schedule of Events will be posted at:

<https://www.cctech.edu/about/doing-business-with-us/>

EVENT	DATE
RFQ Advertisement in SCBO.	Nov. 19, 2021
Deadline for written questions on RFQ – 4:30 PM EDT.	Dec. 3, 2021
Response to RFQ questions by close of business.	Dec. 10, 2021
RFQ submittals due – 4:30 PM EDT.	Dec. 17, 2021
Selection Committee review of RFQ submittals	Dec. 20 – Jan. 18
Issue RFP to pre-qualified firms	Jan. 19, 2022
RFP - Pre-proposal conference with pre-qualified firms by Zoom (time TBA)	Jan. 21, 2022
Deadline for written questions for RFP – 4:30 PM EST	Jan. 21, 2022
Response to RFP questions by close of business.	Jan. 28, 2022
RFP Technical Proposals due – 4:30 PM EST	Feb. 4, 2022
CM-R interviews	Feb. 10, 2022
Posting of Intent to Award	Feb. 11, 2022
Protest period ends	Feb. 22, 2022

*NOTICE: Adjustments in event dates may be made as deemed necessary by CCTC.

3. Initial Written Submittal – Qualifications Submission Format and Requirements (Responses to Request for Qualifications (RFQ)).

3.1.1 Physical Submittal

All responses to the RFQ shall be provided in a bounded booklet suitable for recycling, with a minimum of 10-point font, in Times New Roman or Calibri (Body). Seven (7) hard copies plus one (1) pdf file on a flash drive of the submittal are required. Each submittal is limited to 30 single

pages. The front and back covers will not count toward the page count. Responses should be concise, clear, and relevant. Submitter's cost incurred in responding to this RFQ is the submitter's alone and the Owner does not accept liability for any such costs.

- 3.1.2 Responses are limited to a maximum thirty (30) pages printed on standard (8 1/2" x 11") paper, printing on front and back of a single sheet of paper counts as one page. The type is to be a minimum of 10-point font, in Times New Roman or Calibri (Body) with 1-inch margins. Front of pages are to be numbered. Each submittal must include a transmittal letter. The transmittal letter or "Letter of Interest" will not count toward the page limit. The cover sheet and table of contents (required) sheets do not count toward the page limit. The cover sheet should identify your submittal. A table of contents must be included to identify each section. Placing multiple sections on a single page is acceptable. If more than one item in the table of contents begins on the same page, you may do so and place all corresponding sections on that one page. Any affidavits, certifications, or signed statements called for in this RFQ must be included in the appendix and will not count toward the page limit. Please do not place or request to place in the appendix any additional information not explicitly required by this RFQ.
- 3.1.3 Submittals of qualifications will be accepted until the time and date shown in the Schedule of Events (Section 2.4). The deadline for submission of submittals is **December 17, 2021 by 4:30 PM EDT** and is a **firm deadline**. Any submittals arriving after the prescribed date and time will not be accepted. It is the sole responsibility of the Offeror to make sure his/her submittal is delivered to the address listed in the RFQ by the deadline. For information, Central Carolina Technical College's offices close Monday – Friday at 4:30 PM. Qualification packages are not to be delivered to any other address other than the one listed below.
- 3.1.4 Firms should deliver their submittals in a sealed package. The name and address of the firm should appear on the outside of the package, and the package should reference the project title and state project number, i.e. RFQ for CM-R Services, "CCTC-Main Campus-Academic/Student Services Building Construction, Project Number H59-6174-PD."
- 3.1.5 The official delivery address is, whether in person, FEDEX, UPS or by courier:
- Beth Young—Building 300B
Central Carolina Technical College
492 North Guignard Dr.
Sumter, SC 29150
- 3.1.6 Proposers shall not contact any members of the Selection Committee, employees of Central Carolina Technical College, design professionals, or OSE until after award of the contract. Contacting individuals other than the Project Manager (Beth Young) may result in grounds for elimination from the selection process.

Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be addressed by formal addendum. It is the responsibility of all respondents to obtain this information in a timely manner. All such addenda issued by the Owner before the proposals are due are part of the RFQ, and respondents shall acknowledge receipt of and incorporate each addendum in its Response to the RFQ.

- a. Questions must be submitted no less than ten (10) business days prior to the date of submission of the Request for Qualifications. All questions must be submitted in writing (by email is acceptable) to the Project Manager listed below.
- b. Respondents shall consider as binding only those clarifications and interpretations that the Owner issues by addenda five (5) business days prior to the submittal deadline. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing the reply to the RFQ.

3.1.7 Questions regarding the RFQ solicitation are to be in writing and submitted via email to youngbe@cctech.edu by the deadline specified in Schedule of Events (Section 2.4). Answers, responses, and clarifications will be posted at <https://www.cctech.edu/about/doing-business-with-us/> by the date listed for responses in the Schedule of Events (Section 2.4). **No questions or answers will be provided over the phone.** All binding information will be provided in a written response and posted at the web address above.

3.2 Initial Written Submittal Prerequisite (Pass/Fail) Criteria –

These items are to be included, but do not count toward the maximum 30 individual page total.

Firms must meet the criteria listed immediately below. Firms that do not meet these criteria are **automatically disqualified** from further evaluation.

Firm MUST be properly licensed at the time of submission to provide Construction Management-at-Risk services and General Contracting BD5 in the state of South Carolina. Copies of valid South Carolina licenses must be provided at the time of submission.

Firm MUST demonstrate (insurance company letter) that appropriate Worker's Compensation and Liability Insurance coverage for this project can be obtained from a firm or firms licensed in the state of South Carolina.

Contractors General Liability Insurance policy and must be insured in the following amounts without limiting any of the obligations or liabilities of Contractor. Contractor shall procure from a company or companies lawfully authorized to do business in South Carolina, with a current A.M. Best rating of no less than A rating and maintain that rating for the duration of the contract. Insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work and the results of that work by the contractor, his agents, representatives, employees, or subcontractors. Coverage shall be at minimum: (1) Commercial General Liability, including products-completed operations, personal and advertising injury, with limits no less than \$2,000,000 per occurrence. If a general aggregate limit applies, the general aggregate limit shall be twice the required occurrence limit. Auto Liability - covering any auto or if Contractor has no owned autos, hired, and non-owned autos, with limits no less than \$2,000,000 per accident for bodily injury and property damage. Workers' Compensation: As required by the State of South Carolina, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$2,000,000 per accident for bodily injury or disease. Every applicable Using Governmental Unit, and the officers, officials, employees and volunteers of any of them, must be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts or equipment furnished in connection with such work or operations. The Owner reserves the right to require additional limits and coverage in the final contract.

Firm MUST demonstrate (insurance company letter) that a Builder's Risk Insurance Policy and other insurance as required for this project can be obtained from a firm or firms licensed in the state of South Carolina.

Firm MUST demonstrate (letter from bonding company) that a Payment and Performance Bond for the total cost of the work can be obtained from a firm or firms licensed in the state of South Carolina. The anticipated construction cost is \$12 million to \$13 million. The bonding firms must have an "A" minimum rating of performance as stated in the most current publication of "Best Key Rating Guide, which company shows a financial strength rating of at least five (5) times that portion of the anticipated Total Construction Cost that does not include operations, maintenance, and finance.

Firm MUST demonstrate a sustained and superior commitment to workplace safety in all activities. Firm shall provide its OSHA incidence rates for recordable injuries and illnesses for the previous three years and shall relate those rates to current industry averages. Firm shall also provide its Experience Modification Rates for the previous five years. Rates which exceed industry averages by more than 10% may be grounds for disqualification from further consideration.

Firms or any component firm of a joint venture MUST NOT appear on the Federal Government's Excluded Parties List System or in any debarment or suspension list maintained by the Office of State Engineer. A notarized affidavit to this effect shall be provided.

3.3 Evaluation Criteria

The Selection Committee will evaluate the submittals uniformly based upon the criteria listed in the table below. Each major category of criteria is listed in order of importance. The services being sought under this RFQ are considered professional in nature. Consequently, the evaluation of submittals will be based upon consideration of the demonstrated qualifications and capabilities of the Offeror. Absent modification by addendum, factors to be considered in the evaluation will be limited to the following:

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RFQ CRITERIA	
MAJOR CATEGORY	CRITERIA ELEMENTS
Depth of Resources - Personnel Capability with Relevant Experience [#1 below]	<ul style="list-style-type: none"> • Project Superintendent. • Project Manager. • Project Executive.
Firm's General CM-R Project Experience [#2 below]	<ul style="list-style-type: none"> • Experience with pre-construction and construction services. • Experience on public agency/higher education projects. • Claims and litigation record and any pending legal actions.
Firm's Specific Project Experience and Statement of Why the Firm Should be Selected for this Project [#3 see next page]	<ul style="list-style-type: none"> • Experience with projects similar to this Project. • Unique ability to provide services for this project.
Financial Information	<ul style="list-style-type: none"> • Financial stability based on its ratio of current assets to current liabilities and other evidences provided.
Clarity of Submittal	<ul style="list-style-type: none"> • Extent to which the instructions in the RFQ were followed and information is clearly presented.
Location of Firm's Proposed Office in Relation to Project Site	<ul style="list-style-type: none"> • Ability of project team to respond promptly and timely to project needs during pre-construction and construction.

RFQ CRITERIA:

- 1) In assessing the Depth of Resources, the Selection Committee will consider the extent to which:
 - Each team member has had prior experience with CM-R delivery.
 - The principal partners have previously worked together on a successful CM-R project of similar scope, cost and schedule requirements.
 - Each partner has had prior experience with construction projects for public agencies of the State of South Carolina, especially in higher education.
 - The positive reputation of each firm as attributable to the personnel on the proposed CM-R team.
 - Personnel resumes are commensurate with the experience of the firm.

- 2) In assessing the General Project Experience, the Selection Committee will consider the extent to which, for the Proposer's recent CM-R projects having reached substantial completion:
 - a) The clients look favorably upon future work with this firm.
 - b) A history of excellence in performance as shown by:
 - Contributions to the final design are positive, value-centered and contribute to the overall success of the project.
 - Construction has satisfied owner program requirements.
 - Solutions to construction issues have been creative.
 - Construction has been within the initial GMP budget (allowing for owner-requested changes).
 - Construction quality has proven to be cost-effective on a life-cycle basis.
 - Minimal errors and omissions.
 - Reliable cost estimating.
 - Constructor has maintained a clean, safe construction site.
 - Projects have been completed on schedule.
 - Projects have been completed with few change orders (excluding owner-originated changes).
 - Constructor has offered opportunities for true value engineering savings that reflect both initial and long-term effectiveness.

- Constructor has effectively managed subcontractors.
 - Constructor has proactively handled punch lists.
 - c) A history of integrity and true partnership is shown by:
 - Constructor has complied with building codes, regulations, and contract terms and conditions.
 - Constructor has built to the final design specifications.
 - When required, change orders have reflected reasonable pricing.
 - Constructor has promptly honored warranty repair and replacement.
- 3) In assessing the Summary Selection Statement, the Selection Committee will consider the extent to which, for the Proposer's most recent projects having reached substantial completion that demonstrate an understanding of and experience in meeting the specific challenges of the construction of the new Academic/Student Services Building.
- a) The clients look favorably upon future work with this firm.
- b) A history of excellence in performance as shown by:
- Contributions to the final design are positive, value-centered and contribute to the overall success of the project.
 - Construction has satisfied owner program requirements.
 - Solutions to construction issues have been creative.
 - Construction has been within the initial GMP budget (allowing for owner-requested changes).
 - Construction quality has proven to be cost-effective on a life-cycle basis.
 - Minimal errors and omissions.
 - Reliable cost estimating.
 - Constructor has maintained a clean, safe construction site.
 - Projects have been completed on schedule.
 - Projects have been completed with few change orders (excluding owner-originated changes).
 - Constructor has offered opportunities for true value engineering savings that reflect both initial and long-term effectiveness.
 - Constructor has effectively managed subcontractors.
 - Constructor has proactively handled punch lists
 - The proposed management plan demonstrates well-defined lines of authority, responsibility and communication
 - The response demonstrates an appropriate understanding of the project requirements and the problems that may be encountered during execution.

3.4 Qualification Submittal Contents

The qualification submittal should contain the following information in the following order and should utilize the numbering format below:

1. Letter of Interest. Briefly tell why your firm is interested in this project.
2. Firm's Description
 - a. Company Name
 - b. Address, zip code, and telephone number.

- c. Basic company information – number of years in business, state of residency or incorporation, satellite office closest to Sumter, SC, type of business – Sole proprietorship, Corporation, LLC, joint venture, etc. For joint ventures that have not completed at least three (3) relevant projects together, each firm should describe its qualifications separately but hold the unified submittal to the set page limit of thirty (30) pages (front and back) maximum.
 - d. Name and email address of the **primary contact** related to this RFQ.
 - e. Succinctly describe the history and growth of your firm(s).
3. Regarding litigation with owners, subcontractors, and design professionals, list any active or pending litigation and explain circumstances. Describing litigation as “not relative” is not what the committee is looking for. The Selection Committee understands that litigation happens in the construction industry and is often necessary to protect business interest.
 4. List litigation the firm has been involved in during the past five (5) years.
 5. List and briefly describe projects that your firm has completed in the past five (5) years in the role of CM-R that were valued at \$10 million or higher.
 6. Has the firm ever failed to complete any work awarded or been removed from any project? If so, explain.
 7. Give references to which your company has provided services of a nature and quality like those described herein. This reference information should include a short paragraph describing the service(s) provided, together with the following:
 - a. The name of the organization to which the services were provided.
 - b. Project location.
 - c. Dates during which services were performed.
 - d. Brief description of the project.
 - e. A current contact name, together with organizational title, at the firm.
 - f. The contact’s current address, email address, and telephone number.
 - g. List major trade contractor references (company, contact, telephone and email address)
 8. Provide a statement of disclosure which will allow the Owner to evaluate possible conflicts of interest. (This disclosure requirement is not about giving the Owner permission regarding our contacting your references. It is about revealing relationships that your company might have with persons of your company and not of your company who are directly involved in the decision making regarding this project.) If your company has no conflicts of interest, your statement should affirm that as fact, and you may do so succinctly.

9. If the firm has multiple offices, the qualification statement should include information about the parent company and branch offices separately. Identify the office from which the project will be managed and that office's proximity to the project site. Parent company (or general office) financial information totals will be acceptable if "parent" or "general office" means that it is financially responsible for the liabilities of the branch office. If the parent company is not responsible, meaning that its financial resources are not available to the office that will perform the contract, it will be misleading to the Owner to offer the financials of any office other than the one with the prospect of a contract with the Owner.

10. Financial Responsibility

- a. List your total annual billings for each of the past three (3) calendar years. If forming a partnership, list them separately by firm.
- b. What percentage of your firm's work has been negotiated during the past three (3) years?
- c. Supply firm's Current Ratio (Current Assets/Current Liabilities) experience for the last five (5) years with a signed statement. This signed statement is to be placed in the appendix and will not count toward your page limit.

11. Personnel Capacity

Provide general information about the firm's personnel resources, including classifications and numbers of employees, the locations and staffing of relevant offices. Provide a list of qualified and available personnel resources identifying experience and ability of key personnel. The key personnel, at a minimum, are the proposed project pre-construction manager and other key personnel of the team, i.e., construction specialist and cost estimator, the project superintendent, and CM-R project manager, project director, and the executive in charge of the project. At this stage, firms may list more than one person qualified and available for the proposed project.

12. Relevant Project Experience

List only projects that were contracted to the firm that performed the work for the owner. Do not list projects where the firm was not the prime or projects where an employee was working under a previous employer. Relevant project experience includes similar building type and delivery method relevant to this type of project constructed using the CM-R delivery method or performing as a general contractor on similar types and sizes of projects. Describe no more than five (5) and no fewer than three (3) projects in order of most relevant to least relevant that demonstrate the firm's capabilities to perform the project associated with this RFQ. For each project, the following information will be provided:

- a. Project name
- b. Project location
- c. Dates during which services were performed
- d. Physical description e.g., square footage, number of stories, site development, etc.

- e. Brief description of project
- f. Services performed
- g. Statement of performance versus Owner expectations in the area of cost, quality, and schedule
- h. Owner's reference contact information

13. Statement of Why the Proposing Firm Should Be Selected

This section provides each firm the opportunity to provide specific information that differentiates them from others in the competition. This statement is limited to two (2) pages of the allotted page total.

14. Affirm your compliance with the clauses (numbers 1 – 12) contained on the following pages, Attachment 1.

[END OF RFQ – REQUEST FOR QUALIFICATIONS]

CLAUSES FOR USE IN CONSTRUCTION MANAGEMENT AT-RISK RFO

1. **Disclosure of Conflicts of Interest or Unfair Competitive Advantage** : You warrant and represent that your offer identifies and explains any unfair competitive advantage you may have in competing for the proposed contract and any actual or potential conflicts of interest that may arise from your participation in this competition or your receipt of an award. Without limitation, an unfair competitive advantage exists where a contractor competing for award possesses either proprietary information that was obtained from a government official without proper authorization or source selection information (as defined in Regulation 19-445.2010(C)) that is relevant to the contract but is not available to all competitors, and such information would assist that contractor in obtaining the contract. If you have an unfair competitive advantage or a conflict of interest, the state may withhold award. Before withholding award on these grounds, an Offeror will be notified of the concerns and provided a reasonable opportunity to respond. Efforts to avoid or mitigate such concerns, including restrictions on future activities, may be considered.
2. **CERTIFICATION OF INDEPENDENT PRICE DETERMINATION: GIVING FALSE, MISLEADING, OR INCOMPLETE INFORMATION ON THIS CERTIFICATION MAY RENDER YOU SUBJECT TO PROSECUTION UNDER SECTION 16-9-10 OF THE SOUTH CAROLINA CODE OF LAWS AND OTHER APPLICABLE LAWS.**
 - a. By submitting an offer, the Offeror certifies that—
 - 1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other Offeror or competitor relating to—
 - (a) Those prices;
 - (b) The intention to submit an offer; or
 - (c) The methods or factors used to calculate the prices offered.
 - 2) The prices in this offer have not been and will not be knowingly disclosed by the Offeror, directly or indirectly, to any other Offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
 - 3) No attempt has been made or will be made by the Offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.
 - b. Each signature on the offer is considered to be a certification by the signatory that the signatory—
 - 1) Is the person in the Offeror's organization responsible for determining the prices being offered in this offer, and that the signatory has not participated and will not participate in any action contrary to paragraphs 2.a(1) through 2.a(3) of this certification; or
 - 2) (a) Has been authorized, in writing, to act as agent for the Offeror's principals in certifying that those principals have not participated, and will not participate in any action contrary to paragraphs 2.a(1) through 2.a(3) of this certification [As used in this subdivision 2.b(2)(a), the term "principals" means the person(s) in the Offeror's organization responsible for determining the prices offered in this bid];
 - (b) As an authorized agent, does certify that the principals referenced in subdivision 2.b(2)(a) of this certification have not participated, and will not participate, in any action contrary to paragraphs 2.a(1) through 2.a(3) of this certification; and
 - (c) As an agent, has not personally participated, and will not participate, in any action contrary to paragraphs 2.a(1) through 2.a(3) of this certification.
 - c. If the Offeror deletes or modifies paragraph 2.a(2) of this certification, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.
3. **CERTIFICATION REGARDING DEBARMENT AND OTHER RESPONSIBILITY MATTERS:**
 - a. By submitting an offer, Offeror certifies, to the best of its knowledge and belief, that-
 - 1) Offeror and/or any of its Principals-
 - (a) Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any state or federal agency;
 - (b) Have not, within a three-year period preceding this bid, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of bids; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
 - (c) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph 3.a(1)(b) of this provision.

- 2) Offeror has not, within a three-year period preceding this bid, had one or more contracts terminated for default by any public (Federal, state, or local) entity.
- b. "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).
 - c. Offeror shall provide immediate written notice to the Procurement Officer if, at any time prior to contract award, Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
 - d. If Offeror is unable to certify the representations stated in paragraphs 3.a, Offeror must submit a written explanation regarding its inability to make the certification. The certification will be considered in connection with a review of the Offeror's responsibility. Failure of the Offeror to furnish additional information as requested by the Procurement Officer may render the Offeror nonresponsible.
 - e. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph 3.a of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - f. The certification in paragraph 3.a of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly or in bad faith rendered an erroneous certification, in addition to other remedies available to the State, the Procurement Officer may terminate the contract resulting from this solicitation for default.
4. **ETHICS CERTIFICATE:** By submitting a offer, the Offeror certifies that the Offeror has and will comply with, and has not, and will not, induce a person to violate Title 8, Chapter 13 of the South Carolina Code of Laws, as amended (ethics act). The following statutes require special attention: SC Code § 8-13-700, regarding use of official position for financial gain; SC Code § 8-13-705, regarding gifts to influence action of public official; SC Code § 8-13-720, regarding offering money for advice or assistance of public official; SC Code §§ 8-13-755 and 8-13-760, regarding restrictions on employment by former public official; Section 8-13-775, prohibiting public official with economic interests from acting on contracts; SC Code § 8-13-790, regarding recovery of kickbacks; SC Code § 8-13-1150, regarding statements to be filed by consultants; and SC Code § 8-13-1342, regarding restrictions on contributions by contractor to candidate who participated in awarding of contract. The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision. If contractor participates, directly or indirectly, in the evaluation or award of public contracts, including without limitation, change orders or task orders regarding a public contract, contractor shall, if required by law to file such a statement, provide the statement required by SC Code § 8-13-1150 to the procurement officer at the same time the law requires the statement to be filed.
5. **RESTRICTIONS APPLICABLE TO OFFERORS & GIFTS:** Violation of these restrictions may result in disqualification of your bid, suspension or debarment, and may constitute a violation of the state Ethics Act.
- a. After issuance of the solicitation, ***Offeror agrees not to discuss this procurement activity in any way with the Owner or its employees, agents or officials.*** All communications must be solely with the Procurement Officer. This restriction may be lifted by express written permission from the Procurement Officer. This restriction expires once a contract has been formed.
 - b. Unless otherwise approved in writing by the Procurement Officer, ***Offeror agrees not to give anything to the Owner, any affiliated organizations, or the employees, agents or officials of either, prior to award.***
 - c. Offeror acknowledges that the policy of the State is that a governmental body should not accept or solicit a gift, directly or indirectly, from a donor if the governmental body has reason to believe the donor has or is seeking to obtain contractual or other business or financial relationships with the governmental body. SC Regulation 19-445.2165(C) broadly defines the term donor.
6. **NONRESIDENT TAXPAYER REGISTRATION AFFIDAVIT INCOME TAX WITHHOLDING (IMPORTANT TAX NOTICE - NONRESIDENTS ONLY):**
- a. Withholding Requirements for Payments to Nonresidents: SC Code § 12-8-550 requires persons hiring or contracting with a nonresident conducting a business or performing personal services of a temporary nature within South Carolina to withhold 2% of each payment made to the nonresident.
 - b. The withholding requirement does not apply to:
 - 1) payments on purchase orders for tangible personal property when the payments are not accompanied by services to be performed in South Carolina,
 - 2) nonresidents who are not conducting business in South Carolina,
 - 3) nonresidents for contracts that do not exceed \$10,000 in a calendar year, or

- 4) payments to a nonresident who
 - (a) registers with either the S.C. Department of Revenue or the S.C. Secretary of State and
 - (b) submits a Nonresident Taxpayer Registration Affidavit - Income Tax Withholding, Form I-312 to the person letting the contract.
- c. For information about other withholding requirements (e.g., employee withholding), contact the Withholding Section at the South Carolina Department of Revenue at 803-898-5383 or visit the Department's website at: www.sctax.org.
- d. This notice is for informational purposes only. This Owner does not administer and has no authority over tax issues. All registration questions should be directed to the License and Registration Section at 803-898-5872 or to the South Carolina Department of Revenue, Registration Unit, Columbia, S.C. 29214-0140. All withholding questions should be directed to the Withholding Section at 803-898- 5383.
- e. Please see the "NONRESIDENT TAXPAYER REGISTRATION AFFIDAVIT INCOME TAX WITHHOLDING" form (Form Number I-312) located at: <http://www.sctax.org/forms/withholding/i-312-form>.

7. SUBMITTING CONFIDENTIAL INFORMATION:

- a. For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the word "CONFIDENTIAL" every page, or portion thereof, that Offeror contends contains information that is exempt from public disclosure because it is either
 - 1) a trade secret as defined in SC Code § 30-4-40(a)(1), or
 - 2) privileged & confidential, as that phrase is used in SC Code § 11-35-410.
- b. For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the words "TRADE SECRET" every page, or portion thereof, that Offeror contends contains a trade secret as that term is defined by SC Code § 39-8-20 of the Trade Secrets Act.
- c. For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the word "PROTECTED" every page, or portion thereof, that Offeror contends is protected by SC Code § 11-35-1810.
- d. All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Do not mark your entire bid as confidential, trade secret, or protected! If your bid or any part thereof, is improperly marked as confidential or trade secret or protected, the State may, in its sole discretion, determine it nonresponsive. If only portions of a page are subject to some protection, do not mark the entire page.
- e. By submitting a response to this solicitation, Offeror
 - 1) agrees to the public disclosure of every page of every document regarding this solicitation or request that was submitted at any time prior to entering into a contract (including, but not limited to, documents contained in a response, documents submitted to clarify a response, & documents submitted during negotiations), unless the page is conspicuously marked "TRADE SECRET" or "CONFIDENTIAL" or "PROTECTED",
 - 2) agrees that any information not marked, as required by these bidding instructions, as a "Trade Secret" is not a trade secret as defined by the Trade Secrets Act, and
 - 3) agrees that, notwithstanding any claims or markings otherwise, any prices, commissions, discounts, or other financial figures used to determine the award, as well as the final contract amount, are subject to public disclosure.
- f. In determining whether to release documents, the State will detrimentally rely on Offeror's marking of documents, as required by these bidding instructions, as being either "Confidential" or "Trade Secret" or "PROTECTED".
- g. By submitting a response, Offeror agrees to defend, indemnify & hold harmless the State of South Carolina, its officers & employees, from every claim, demand, loss, expense, cost, damage or injury, including attorney's fees, arising out of or resulting from the State withholding information that Offeror marked as "confidential" or "trade secret" or "PROTECTED".

- 8. SOLICITATION INFORMATION FROM SOURCES OTHER THAN OFFICIAL SOURCE:** South Carolina Business Opportunities (SCBO) is the official state government publication for State of South Carolina solicitations. Any information on State agency solicitations obtained from any other source is unofficial and any reliance placed on such information is at the Offeror's sole risk and is without recourse under the South Carolina Consolidated Procurement Code.

9. **TAX CREDIT FOR SUBCONTRACTING WITH MINORITY FIRMS:** Pursuant to SC Code § 12-6-3350, taxpayers, who utilize certified minority subcontractors, may take a tax credit equal to 4% of the payments they make to said subcontractors. The payments claimed must be based on work performed directly for a South Carolina state contract. The credit is limited to a maximum of fifty thousand dollars annually. The taxpayer is eligible to claim the credit for 10 consecutive taxable years beginning with the taxable year in which the first payment is made to the subcontractor that qualifies for the credit. After the above ten consecutive taxable years, the taxpayer is no longer eligible for the credit. The credit may be claimed on Form TC-2, "Minority Business Credit." A copy of the subcontractor's certificate from the Governor's Office of Small and Minority Business (OSMBA) is to be attached to the contractor's income tax return. Taxpayers must maintain evidence of work performed for a State contract by the minority subcontractor. Questions regarding the tax credit and how to file are to be referred to: SC Department of Revenue, Research and Review, Phone: (803) 898-5786, Fax: (803) 898-5888. The subcontractor must be certified as to the criteria of a "Minority Firm" by the Governor's Office of Small and Minority Business Assistance (OSMBA). Certificates are issued to subcontractors upon successful completion of the certification process. Questions regarding subcontractor certification are to be referred to: Governor's Office of Small and Minority Business Assistance, Phone: (803) 734-0657, Fax: (803) 734-2498. Reference: SC Code § 11-35-5010 – Definition for Minority Subcontractor & SC Code § 11-35-5230 (B) – Regulations for Negotiating with State Minority Firms.
10. **CLARIFICATION (NOV 2007):** Pursuant to SC Code § 11-35-1520(8), the Procurement Officer may elect to communicate with you after opening for the purpose of clarifying either your offer or the requirements of the solicitation. Such communications may be conducted only with Offerors who have submitted an offer which obviously conforms in all material aspects to the solicitation. Clarification of an offer must be documented in writing and included with the offer. Clarifications may not be used to revise an offer or the solicitation. [SC Code § 11-35-1520(8); SC Reg.19-445.2080]
11. **DISCUSSIONS & NEGOTIATIONS (NOV 2007):** Submit your best terms from a cost or price and from a technical standpoint. Your proposal may be evaluated and your offer accepted without any discussions, negotiations, or prior notice. Ordinarily, nonresponsive proposals will be rejected outright. Nevertheless, the State may elect to conduct discussions, including the possibility of limited proposal revisions, but only for those proposals reasonably susceptible of being selected for award. If improper revisions are submitted, the State may elect to consider only your unrevised initial proposal. [SC Code § 11-35-1530(6); SC Reg 19-445.2095(I)] The State may also elect to conduct negotiations, beginning with the highest ranked Offeror, or seek best and final offers, as provided in SC Code § 11-35-1530(8). If negotiations are conducted, the State may elect to disregard the negotiations and accept your original proposal.
12. **OPEN TRADE REPRESENTATION (JUN 2015):** By submitting an offer, Offeror represents that Offeror is not currently engaged in the boycott of a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade, as defined in SC Code § 11-35-5300.