

REQUEST FOR QUALIFICATIONS

RFQ 13-01-01



CONSTRUCTION MANAGEMENT AT RISK CONTRACT SERVICES FOR STREETScape & OTHER CAPITAL PROJECTS

**ISSUED JANUARY 23 2013
BY THE TOWN OF LAUDERDALE-BY-THE SEA**

**RESPONSES DUE: FEBRUARY 20, 2013, 2:00 P.M.
AT TOWN HALL
4501 N. OCEAN BLVD.
LAUDERDALE-BY-THE-SEA, FLORIDA 33308**

RFQ TABLE OF CONTENTS

Section I – RFQ Schedule	Page 02
Section II – Introduction	Page 03
Section III - Scope of Work	Page 07
Section IV - Evaluation / Selection Process	Page 09
Section V - Submittal Format	Page 12
Essential Requirements Questionnaire	Page 14
Declaration	Page 27
Project Team Form	Page 28
Attachment 1: Certification of Various Matters	Page 29

Sealed written responses shall be received by the Town of Lauderdale-By-The-Sea (“TOWN”) no later than the date, time and at the location indicated below for receipt. Submittals by facsimile or in any way without an original signature are not acceptable. Submittals must include ONE (1) original, THREE (3) copies, and (ONE) electronic version capable of being duplicated and must include all information required.

SECTION I - RFQ SCHEDULE

Release RFQ	1/23/2013
Last Day for Questions	2/12/2013
<u>PROPOSAL DUE (Prior to 2:00 PM)</u>	<u>2/20/2013</u>
Evaluation Committee Review to Shortlist Proposers (Estimated)	week of 2/25/2013
Presentations/Ranking of Qualified Construction Managers (Estimated)	week of 3/4/2013
Town Commission Ranking and Approval to Negotiate With Highest Ranked Qualified Construction Manage(s) (estimated)	3/12/2013

The TOWN reserves the right to make multiple awards pursuant to this solicitation. After selection of Proposers deemed qualified by the Selection Committee and presentation of the ranking to the TOWN Commission, it is anticipated the Commission will authorize negotiations of continuing service agreements with one or more Proposer(s). After successful negotiation of the continuing service agreement, the proposed agreement(s) shall be presented to the TOWN Commission with a recommendation for award and execution. Any award shall be subject to execution of an agreement in form and substance approved by the TOWN Attorney. The agreement(s) shall be in the form of a continuing contract and shall include construction manager at risk (“CMR” or “CM at Risk”) services and termination provisions. Nothing shall preclude the TOWN from entering into more than one such agreement. If contract negotiations fail with any Proposer, the TOWN may undertake negotiations with alternative Proposers.

SECTION II INTRODUCTION

1. GENERAL

The TOWN has identified major capital projects within the TOWN boundaries with the goal to improve the TOWN's aesthetics, improve the pedestrian environment, attract private sector investment and promote economic growth and activity.

To implement these projects, the TOWN intends to contract with one or more firms to provide CM at RISK services to the TOWN. The intent of this Request for Qualifications (RFQ) is, through a competitive process pursuant to Florida Statutes, Chapter 287.055 (Consultants Competitive Negotiations Act), to select one or more firms with whom to negotiate an agreement.

The TOWN, in its Capital Improvement Program, has provided funding for significant streetscape, beautification, drainage and construction projects within the TOWN boundaries. The proposed improvements include, but are not restricted to installation of new drainage, streetscape, and parking improvements, including lighting, sidewalks, pavement and landscaping.

Two of the proposed improvements – streetscape and drainage improvements to Commercial Boulevard- are already in the final design stage and are funded for construction in the summer and fall of this year. Design and construction documents are available from the TOWN and the TOWN will seek input from the selected CM at RISK on modifications to the design to reduce construction time and costs or to improve the quality of the project within budgetary limitations.

2. ELIGIBILITY

Due to the requirement that the CM at RISK Proposers be readily available for meetings, discussions and work in TOWN, it will be necessary for any Proposer to have a full service office located within the tri-county areas of Miami-Dade, Broward or Palm Beach County. This office must be an active facility from which construction management services are routinely provided and not merely a post office box, mail drop, or office solely of a representative agent. The TOWN reserves the right to inspect any office designated by the Proposer to ensure compliance with this section.

Proposers must currently have a general contractor's license in the State of Florida and have held the license for a minimum of five (5) continuous years.

Proposers must have successful, prior experience providing CM at RISK services of a similar nature and similar magnitude, which would generally include projects with a GMP of \$1,000,000 or more.

Proposers must have previous municipal experience and must be licensed to practice general contracting in the State of Florida pursuant to Florida statutory requirements.

Proposers must be certified by the Florida Department of Transportation (FDOT) to work in the FDOT right-of-way and have past experience doing so.

3. CONTRACT TERM

The initial contract term will be for two (2) years. The TOWN reserves the right to extend the contract in 180 day increments for up to a total contract term, including extensions, of five (5) years, on the same terms, and conditions.

4. ANTICIPATED PROJECTS

Work expected to be accomplished under the initial two year term of the continuing service agreement is related to the following streetscape and drainage projects. No single project may exceed \$2,000,000 in accordance with Fla. Stats. Section 287.055.

1. Commercial Boulevard, from A1A to the beach, and portions of El Mar Drive and alleyways in that vicinity.
2. Commercial Boulevard, from Seagrape Drive to the Intracoastal Bridge and the public parking lots and sidewalks adjacent to Commercial Drive in that area.

Projects that may be undertaken during or subsequent to the initial agreement term may include:

1. Streetscape and drainage improvements on El Mar Drive.
2. Streetscape improvements on Commercial Boulevard, between A1A and Seagrape Drive.
3. Entryway improvements on A1A and on Town-owned property near the southern TOWN boundary.

Nothing precludes the TOWN from expanding or reducing the description of those projects. The TOWN does not guarantee any work to any Proposer and will only be bound by fully executed written agreements, approved by the Commission as required.

5. INSURANCE

The insurance described herein reflects the insurance requirements necessary to enter into an agreement with the TOWN. It is not necessary to have this level of insurance in effect at the time of submittal, however, the Proposer may be asked for evidence of insurability. The inclusion of certificates indicating that the insurance is currently carried or a letter from the insurance carrier indicating sufficient insurability will speed the review process.

The successful Proposer shall not commence any work on behalf of the TOWN until satisfactory proof of insurance, as required by TOWN, has been received and approved by the TOWN Finance Director.

The following insurance coverage shall be required.

1. **Worker's Compensation and Employer's Liability Insurance:** Coverage to apply for all employees for Statutory Limits as required by applicable State and Federal laws. The CM at RISK further agrees to be responsible for employment, control and conduct of its employees and for any injury sustained by such employees in the course of their employment.
 2. **Comprehensive Automobile and Vehicle Liability Insurance:** This insurance shall be written in comprehensive form and shall protect the TOWN and the CONTRACTOR against claims for injuries to members of the public and/or damages to property of others arising from the CONTRACTOR'S use of motor vehicles or any other equipment and shall cover onsite and offsite operations shall extend to any motor vehicles or other equipment whether the same is owned, non-owned, or hired. The limit of liability shall not be less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, Hired & Non Owned Auto Liability.
 3. **Comprehensive General Liability.** This insurance shall be written in comprehensive form and shall protect the TOWN and the CONTRACTOR against claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the CONTRACTOR or any of its agents, employees, or subcontractors. The limit of liability shall not be less than the amounts and coverages as follows:
 - Bodily injury: \$1,000,000 each occurrence \$2,000,000 aggregate
 - Property damage: \$1,000,000 each occurrence \$2,000,000 aggregate
- Coverage shall include Bodily Injury, Property Damage, Contractual Liability, Completed Operations, Products Liability and Independent Contractors coverage.
4. **Professional Liability.** This insurance shall be written in comprehensive form and be in an amount no less than \$1,000,000 for each occurrence and \$1,000,000 in the aggregate.
 5. **Excess Liability.** The selected Proposer shall provide excess liability insurance in the amount no less than \$2,000,000 for each occurrence and \$2,000,000 in the aggregate.

The TOWN reserves the right to increase or reduce the insurance requirements depending upon the scope of work assigned to the Proposer in a given project.

The successful Proposer shall furnish to the TOWN certificates of insurance evidencing the required insurance coverage within ten (10) days after notification of award of contract. The Certificates of Insurance shall name the types of policy(ies) provided and specifically name the TOWN as additionally insured. The TOWN reserves the right to require the CONTRACTOR to provide a certified copy of such policies or original endorsements upon written request by the TOWN. If a policy is due to expire prior to the completion of the services, renewal certificates of insurance or policies shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Each policy certificate shall be endorsed with a provision that not less than

thirty (30) calendar days' written notice shall be provided to the TOWN before any policy or coverage is cancelled or restricted. Acceptance of the certificate(s) is subject to approval of the TOWN Finance Director.

6. GOVERNING LAW

The agreements shall be governed by the laws of the State of Florida, and the venue for any legal action will be Broward County, Florida.

7. ETHICS

By submitting qualifications, the Proposer warrants and represents that its employees shall abide by the Code of Ethics for Public Officers and Employees, Chapter 112, Florida Statutes.

No officer or employee of the Town of Lauderdale-By-The-Sea, Florida, during his or her term of employment or for one year thereafter, shall have any interest, direct or indirect, in a contract or agreement executed as a result of this RFQ or in the proceeds thereof.

No Proposer shall give, solicit for, deliver or provide a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of Mayor or Commissioner. Any subcontractors hired by the Proposer must also adhere to this policy and it must be included in their contracts as well. All subcontractors hired by the Proposer for a particular project must be approved in advance by TOWN. These approvals will not be unreasonably withheld.

8. DRUG FREE WORKPLACE

The selected Proposer with whom an agreement will be negotiated will be required to verify they will operate a "Drug Free Workplace" as outlined in Florida Statute, Section 287.087.

9. PUBLIC ENTITY CRIMES

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases of real property to public entity, may not be awarded or perform work as a CM at RISK, construction contractor, supplier, or subcontractor under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Florida Statute, Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

10. TAXES

The CM AT RISK shall pay all applicable sales, consumer, use and other similar taxes required by law. The CM AT RISK is responsible for reviewing the pertinent state statutes involving the sales tax and complying with all requirements.

11. TOWN CONTACT INFORMATION

For additional information regarding this solicitation, please contact Project Manager Bill Cole at 954-640-4214 or email billc@lbts-fl.gov.

SECTION III- SCOPE OF WORK

1. INTENTION

The intent of this RFQ is for the TOWN to select one or more CMR firms capable of providing construction management services necessary to construct the improvements within the TOWN as outlined above.

For each project awarded to a CMR after execution of the continuing contract, the TOWN intends to use two (2) separate agreements to accomplish the CMR services for the project. The first agreement would be for the pre-construction services, identified as Phase I. The second agreement would be for construction services, identified as Phase II.

Based on the "Guaranteed Maximum Price" ("GMP") provided by the CMR under Phase I, the TOWN may or may not proceed with Phase II. If the GMP is not acceptable to the TOWN, the TOWN reserves the right to discontinue Phase II with that firm and may solicit a GMP from another firm or cancel Phase II entirely, without recourse or liability. The types of services required may include, but shall not be limited to, the following:

2. PHASE I

- A. Review the work that the architect, engineer and/or the TOWN prepare for the project within the existing site conditions.
- B. Submit to the architect, engineer and TOWN for consideration, appropriate cost and savings programs (value engineering).
- C. Coordinate competitive bidding and contracting for trade subcontractors.
- D. Calculate and provide a GMP for the project or each phase of the project.
- E. Develop a detailed schedule for the project (subject to negotiation with and approval by TOWN).

The TOWN reserves the right (but not the obligation) to negotiate with the CM at RISK an incentive payment that could increase the GMP if the project is completed earlier than scheduled and satisfies the quality requirements. The TOWN also reserves the right to require inclusion of a financial penalty provision that would decrease the GMP if the CM at RISK completes the project after the scheduled date of completion (including any allowances for delays caused by the TOWN or by issues outside the control of the CM at RISK.)

3. **PHASE II**

- A. Provide performance and payment bonds for the full value of the GMP.
- B. Ensure the successful, timely, and economical completion of the project.
- C. Coordinate and insure compliance with all insurance requirements.
- D. Abide by the provisions of grants if grant funds are being used to finance any part of a project.
- E. Report progress against the agreed-upon construction schedule and Schedule of Values for the project on a monthly basis to the TOWN.
- F. Coordinate construction management services, including but not limited to:
 - 1) Regular job site meetings.
 - 2) Maintaining and updating schedules.
 - 3) Overseeing quality assurance.
 - 4) Maintaining and providing copies of all contract documents.
 - 5) Insuring compliance with all safety programs.
 - 6) Coordination of all construction including maintenance of traffic.
 - 7) Communicating and responding to architects, engineers, field inspectors, project managers or other professionals assigned by the TOWN to the project.
 - 8) Communicate regularly with property owners and/or business operators affected by the construction, keeping them informed of project schedules and impacts on their operations.
 - 9) Minimize disruption to local businesses, residences and parking affected by the construction.
 - 10) Appear before the TOWN Commission to provide status reports as required.
 - 11) Provide and coordinate signage to assure the public knows affected businesses are open and also to direct to the available access for those businesses.

4. **SCOPE OF CONSTRUCTION SERVICES**

Work to be accomplished for a particular project may include, but is not limited to, the following services.

- A. Advice on and supervision of construction of:
 - 1) Undergrounding overhead utilities.
 - 2) Pedestrian improvements including walkways, sidewalks, plazas, stairs, steps, ramps, constructed seating benches.
 - 3) Installation of art elements.
 - 4) Landscape elements:
 - a. Trees (including relocation of any existing trees) Shrubs and groundcovers
 - b. Soil mixes
 - c. Installation techniques
 - d. Landscaped edges and buffers
 - e. Planting details and specifications
 - f. Irrigation
 - i. Piping and hydraulics design

- ii. Pump and/or well design
- iii. Water conservation devices
- 5) Reconfiguration or construction of public parking spaces or lots.
- 6) Paving and other hardscape materials:
 - a. Special pavement material options and patterns.
 - b. Curbs and paving borders.
- 7) Lighting-Electrical Engineering (Fixture selection, photometric analysis and location).
- 8) Walls, retaining walls.
- 9) Site furnishings.
- 10) Drainage systems.

- B. Base information review/identification of site design issues/opportunities.
- C. Cost estimating and value engineering.
- D. Roadway alignment plan coordination.
- E. Review and/or outline specifications for bidding.
- F. Qualification and selection of contractor and subcontractors construction details.
- G. Construction and technical specifications.

5. COMPOSITION OF PROJECT TEAM

Proposer must commit that the personnel and/or principals named in the proposal shall remain assigned to the TOWN’S projects throughout the period of the continuing contract unless provided for otherwise in writing. No substitution of personnel or principals will be allowed without submission of a written request including the qualifications and experience of the proposed replacement. The written approval of the TOWN will be required for any substitution.

SECTION IV - SELECTION/EVALUATION PROCESS

1. Proposers shall submit their qualifications and any other information required herein to the TOWN on or before the date and the time specified.
2. Each partner of any joint venture Proposer must separately meet the conditions and requirements of this RFQ. Proposer’s license may not have been suspended, put on probation or revoked at any time in the preceding five (5) years.
3. Limited liability corporations will be required to comply with a Guaranty of Obligations.
4. Proposer must provide a full set of audited financial statements for your most recent three (3) complete fiscal years, accompanied by either an audit or review report by an independent CPA.

The financial records provided are exempt from public disclosure under Florida Statute 119.071(1)(c). Therefore, if any Proposer is concerned with the disclosure of their records, such records should be placed in a separate envelope returned with their RFQ

response and marked as follows: “Confidential financial records under FL Statute 119.071(1)(c).)

5. A Selection Committee will review the submittals and provided there are sufficient responses to do so, will select a minimum of three (3) Proposers based on the initial selection criteria. The short-listed Proposers will be notified and a date will be set for oral presentations to the Selection Committee. The Selection Committee will then re-rank the finalists based on all information provided. The final ranking will then be recommended to the TOWN Commission for approval. The TOWN Commission has the authority to (including, but not limited to) approve the recommendation; reject the recommendation and direct staff to re-advertise the solicitation; or, review the responses themselves and/or request additional oral presentations and determine a ranking order, similar or differing from the prior rankings.
6. After the TOWN Commission has approved the ranking of the Proposers and authorized negotiations to proceed, TOWN staff will negotiate a continuing agreement with one or more of the top ranked Proposers. The final agreement negotiated between a Proposer and the TOWN will incorporate the contents of this RFQ, the entire proposal submitted by the Proposer and any other terms or conditions that the parties may agree to include by way of negotiation. If TOWN staff is unable to negotiate a satisfactory agreement with any Proposer, TOWN staff will terminate negotiations such Proposer. After one or more continuing contracts have been formally approved and executed by the TOWN, the contracting Proposers may be considered for a specific project agreement. Nothing shall preclude the TOWN from entering into agreements with more than one top-ranked Proposer as multiple projects are in design and may be constructed simultaneously.
7. The Committee will rank submittals based upon the following criteria:
 - A. Overall approach and methodology, which includes the Proposer’s approach to a project from initial involvement in contract document preparation through the final construction phases. This review includes methods used during construction to monitor a project and resolve issues as well as methods of sequencing and coordination among trades to minimize conflict and errors. 0-15 points
 - B. Prior experience during the previous five years with projects for a local government of similar size and complexity in a commercial area that is active day and night, seven days a week, with emphasis on beachfront or waterfront improvements, such as sidewalk widening, large promenades, complicated hardscape and landscape improvements, undergrounding of overhead utilities in compliance with FPL (Proposers must be FPL-approved/certified), Comcast, and AT&T standards and certifications, and roadway resurfacing, considering:
 - a. Number of similar projects,
 - b. Complexity of similar projects,0-25 points

- c. References from past projects, and
 - d. Safety record.
- C. Knowledge of site and local conditions: Demonstrate knowledge of the site, State, County, and TOWN requirements, codes, and ordinances. Proposers' knowledge of local contractors and suppliers who are capable of supplying quality workmanship and materials will be considered. 0-10 points
- D. Qualifications of Proposer's personnel (including subcontractors) considering the general and specific project related capability of the in-house office and field support, including previous experience with similar projects, and considering:
- a. Number of technical staff,
 - b. Qualifications of technical staff,
 - (1) Number of licensed staff,
 - (2) Education of staff, and
 - (3) Experience of staff.
- E. Scheduling/Cost Control. Proposer shall include for evaluation a description of the Proposer's general project management system, scheduling methods, and cost controls, indicating functions and capabilities, with emphasis on the Proposer's ability to prevent cost overruns or change orders. 0-10 points
- F. Accessibility of Proposer's office and personnel to the project location, considering:
- a. Proximity of office to project location, and
 - b. Number of staff at the nearest office.
- G. Financial Capability includes an evaluation of the resources and the working capital available and an evaluation of the Proposer's anticipated financial stability through completion of a project. The Proposer's ability to secure bonding shall be also be used as an indicator. 0-15 points
- Total 100 points

The Committee will have the option to use the above criteria for the initial ranking to short-list Proposers and may use a similar ranking system without points assigned to finalize the list of final Proposers.

Each firm should submit all documents available that provide evidence of capability to provide the CMR services required for the Selection Committee's review. The shortlisted firms may

then be contacted to provide public presentations regarding their qualifications and ability to furnish the required CMR services.

SECTION V - SUBMITTAL FORMAT

Information to be submitted should include the following minimum required items and be tabbed as indicated:

Title Page: Show the "Request for Qualifications" project title, project number, the name of the Proposer, address, telephone number, name of contact person and date.

- A. Table of Contents: Clearly identify the section, topic, and page number.
- B. The Essential Requirements Questionnaire and the Declaration pages below.
- C. Letter of Transmittal: Limit to one (1) or two (2) printed pages.
 - 1. Briefly state the Proposer's understanding of the work to be done and provide a positive commitment to perform the work.
 - 2. Give the names of the persons who will be authorized to make representations for the Proposer including their titles, addresses and telephone numbers.
- D. Profile of Construction Management Services:
 - 1. Describe the Proposer, including the size, range of activities, and other pertinent information.
 - 2. Provide an organizational chart.
 - 3. State whether the Proposer organization is national, regional or local.
 - 4. State the location of the office from which the CMR services are to be performed.
 - 5. Describe the organization of the proposed project team, detailing the level of involvement, field of expertise and estimated hours for each member of the team.
- E. Provide a list and description of similar municipal or other projects satisfactorily performed within the past five (5) years that have been completed under a CMR agreement. For each project listed, include the name and telephone number of a representative for whom the project was undertaken who can verify satisfactory performance. Describe experiences in conducting similar projects for each of the staff assigned to the project, as well as their relevant educational background. Provide history of projects completed in time and on/under budget, and projects for which liquidated damages were imposed.
- F. Provide information on any litigation (decided, settled or pending) the Proposer firm has been involved in within the last five (5) years.
- G. Describe what municipal staff support is anticipated for this type of project.

- H. Describe the Proposer's approach to performing the CMR services. This should include, at a minimum, the following points: overall plan for a CMR project, outlining major tasks and responsibilities, project time schedule and staff assigned.
- I. Provide a full set of financial statements for your most recent three (3) complete fiscal years, accompanied by either an audit or review report by an independent CPA. Internally prepared financial statements will not be accepted.
- J. Provide statement of ability to obtain required insurance. Include a completed insurance certificate listing the insurance company's name(s) for both Professional and General Liability Insurance and the dollar amounts of the coverage, or other evidence of insurance availability.

Interested firms should submit one (1) original, three (3) copies, and one electronic version on a compact disk or thumb drive capable of being copied, of all materials. **Please mark the original as "ORIGINAL"**.

Submittal packages should be marked on the exterior RFQ TOWN-13-01-01 CM at Risk Contract Services and addressed to Town Clerk, Town of Lauderdale-By-The-Sea, 4501 North Ocean Drive, Lauderdale-By-The-Sea, FL 33308.

SUBMITTALS MUST BE RECEIVED NO LATER THAN THE DATE SPECIFIED IN THE RFQ SCHEDULE IN SECTION I ABOVE.

No fax or e-mail copies will be accepted. Submittals received after the specified time and date will not be considered and will be returned unopened to the sender.

The TOWN Commission reserves the right to accept or reject any or all submittals, to waive any minor irregularities, to extend the deadline for submission, or to cancel the solicitation, when it is in the best interest of the TOWN.

VI. CONTRACT SECURITY

The successful Proposer(s) who execute an agreement must also provide a performance bond equivalent to 100% of the GMP. A warranty bond, equal to 25% of the actual cost of construction shall remain in effect after the project(s) is completed and for a period of two (2) years from the date of final approval by TOWN.

ESSENTIAL REQUIREMENTS QUESTIONNAIRE

You may use additional sheets as necessary to sufficiently respond to the below questions.

A Proposer may be disqualified if the answer to any of questions 1 through 5 below is “no.”

A Proposer may be disqualified if the answer to any of questions 6, 7, 8 or 9 is “yes.” Please provide an explanation if the answer to questions 6, 7, 8 or 9 is “yes”.

1. Proposer possesses a valid and current Florida contractor’s license for the project or projects for which it intends to submit a bid.

____ Yes ____ No

2. Proposer has or will obtain a general liability insurance policy with a policy limit of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate.

____ Yes ____ No

3. Proposer has current Florida workers’ compensation insurance policy/or is exempt because of no employees. (Specify one).

____ Yes ____ No

4. Have you attached your latest copy of a reviewed financial statement with accompanying notes and supplemental information?

NOTE: A financial statement that is not reviewed is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and this is not a substitute for the required financial statement.

(The financial records provided are exempt from public disclosure under Florida Statute 119.071(1)(c). Therefore, if any Proposer is concerned with the disclosure of their records, such records should be placed in a separate envelope returned with their RFQ response and marked as follows: “Confidential financial records under FL Statute 119.071(1)(c).”)

____ Yes ____ No

5. Have you attached a notarized statement from a surety insurer (approved by the Florida Department of Insurance) and authorized to issue bonds in the State of Florida, which states that

your current bonding capacity is sufficient for the magnitude of project for which you seek pre-qualification?

NOTE: The notarized statement must be from the surety company, not an agent or broker.

Yes No

6. Has your contractor's license been revoked at any time in the last five years?

Yes No

7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

Yes No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract?

Yes No

If the answer is "yes," state the beginning and ending dates of the period of debarment:

9. At any time during the last five years, has your firm, or any of its owners or officers, been convicted of a crime involving the awarding of a contract for a government construction project, or the bidding or performance of a government contract?

Yes No

ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

A. Current Organization and Structure of the Business

For Firms That Are Corporations:

1a. Date Incorporated: _____

1b. Under the laws of what state: _____

1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, and treasurer), or (b) the owner of at least ten per cent of the corporation's stock:.

Name: _____

Position: _____

Years with Company: _____

% Ownership: _____

Social Security #: _____

1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.

Person's Name: _____

Construction Firm: _____

Dates of Person's Participation with Firm: _____

For Firms That Are Partnerships:

1a. Date of formation: _____

1b. Under the laws of what state: _____

1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name: _____

Position: _____

Years with Company: _____

% Ownership: _____

1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person’s Name: _____

Construction Firm: _____

Dates of Person’s Participation with Firm: _____

For Firms That Are Sole Proprietorships:

1a. Date of commencement of business. _____

1b. Name of company owner. _____

1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person’s Name: _____

Construction Firm: _____

Dates of Person’s Participation with Firm: _____

For Firms That Intend to Make a Bid as Part of a Joint Venture:

1a. Date of commencement of joint venture.

1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm and structure of the firm _____

% Ownership of Joint Venture: _____

B. History of the Business and Organizational Performance

1. Has there been any change in ownership of the firm at any time during the last three years?

NOTE: A corporation whose shares are publicly traded is not required to answer this question.

____ Yes ____ No

If “yes,” explain on a separate signed page.

2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

____ Yes ____ No

If “yes,” explain on a separate signed page.

3. Are any corporate officers, partners or owners connected to any other construction firms?

NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

____ Yes No

If “yes,” explain on a separate signed page.

4. State your firm’s gross revenues for each of the last three calendar years:

2009 _____ 2008 _____ 2007 _____

5. How many years has your organization been in business in Florida as a CM at RISK under your present business name and license number? ___ years. During those years, how many projects were structured as CMR projects? _____. Provide owner names and size of each project.

6. Is your firm currently the debtor in a bankruptcy case?

___ Yes ___ No

If “yes,” please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

7. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

___ Yes ___ No

If “yes,” please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court’s discharge order, or of any other document that ended the case, if no discharge order was issued.

C. Licenses

1. List all Florida construction license numbers, classifications and expiration dates of the Florida contractor licenses held by your firm:

2. If any of your firm’s license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the contractor’s State Licensing Commission (CSLB) records who meet(s) the experience and examination requirements for each license.

3. Has your firm changed names or license number in the past five years?

Yes No

If “yes,” explain on a separate signed page, including the reason for the change.

4. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?

Yes No

If “yes,” explain on a separate signed page, including the reason for the change.

5. Has a State of Florida license(s) held by your firm been suspended within the last five years?

Yes No

If “yes,” please explain on a separate signed sheet.

D. Disputes

1. At any time in the last five years has your firm been assessed and paid liquidated or other damages or costs after completion or related to a project under a construction contract with either a public or private owner?

Yes No

If yes, explain on a separate signed page, identifying all such projects by owner, owner’s address, and the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

2. In the last five years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

Yes No

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

3. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

Yes No

If “yes,” explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor.

4. In the past five years has any claim against your firm concerning your firm’s work on a construction project been filed in court or arbitration?

Yes No

If “yes,” on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

5. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?

Yes No

If “yes,” on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

6. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

Yes No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

7. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

Yes No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

E. Criminal Matters and Related Civil Suits

1. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

2. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

3. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

Yes No

If “yes,” identify on a separate signed page the person or persons convicted, the court (the TOWN if a state court, the district or location of the federal court), the year and the criminal conduct.

F. Bonding

1. Bonding capacity: Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number: _____

2. If your firm was required to pay a premium of more than one per cent for a performance and/or payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

3. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

4. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

Yes No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies, which denied coverage; and the period during which you had no surety bond in place.

G. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

1. Has the Occupational Safety and Health Administration (OSHA) cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Commission has not yet ruled on your appeal, you need not include information about it.

Yes No

If “yes,” attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Commission and a decision has been issued, state the case number and the date of the decision.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Commission has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If “yes,” attach a separate signed page describing each citation.

3. Has the state or federal Environmental Protection Agency (EPA) or any Air Quality Management District or any Regional Water Quality Control Commission cited and assessed penalties against either your firm or the owner of a project on which your firm was the CM at RISK or general contractor in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Commission has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If "yes," attach a separate signed page describing each citation.

4. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

Yes No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business).

H. Prevailing Wage and Apprenticeship Compliance Record

1. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for the firm's failure to comply with the state's prevailing wage laws?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

Yes No

If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for

which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

I. Insurance Requirements

Each policy of insurance carried by the successful Proposer for this project shall be issued by an insurance company licensed to do business in the State of Florida with a rating of “A” or better and a financial size category of “V” or better according to the latest edition of “Bests”.

Attach a notarized statement from the Worker’s Compensation carrier specifying organization’s current Experience Modification rating for Worker’s Compensation in the State of Florida.

Required Attachments

Failure to provide the following attachments may be cause for disqualification for this solicitation.

Attachment 1 – Certification of Various Matters

DECLARATION

1. Acknowledgement and Release. By signature and date on this page, Proposer authorizes any financial institution, credit reporting agency and/or service, legal firm or any other type of business, agency or individual named within this document to release to the TOWN (or TOWN’s designated representative) any and all information as that information relates, or could relate, to the ability to evaluate the background, stability and general worthiness of the Proposer to perform current or future construction activities if awarded a contract by the TOWN.

- a. A photocopy of this page shall be deemed as valid as an original document.
- b. This Acknowledgement and Release shall remain in effect until such time as the Proposer, in writing, requests that the TOWN cease any attempt to evaluate himself/herself/themselves as potential CMR for construction work on TOWN

properties.

- c. Reserved Right. The TOWN reserves the right, for the sole purpose of evaluating a Proposer, to make other inquiries as permitted by law. Furthermore, the TOWN reserves the right to reject any or all applications.

AFFIDAVIT

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and understand their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of Florida, that the foregoing is correct.

Dated: _____

(Signature)

(Printed name and title)

PROJECT TEAM FORM

Federal I.D. No. _____

CMR

	Name of Individual Assigned to Project	Number of Years Experience	Education, Degrees
Principal-In-Charge	_____	_____	_____
Project Manager	_____	_____	_____
Asst. Project Manager	_____	_____	_____
Other Key Member	_____	_____	_____
Other Key Member	_____	_____	_____

RFQ ATTACHMENT 1- PROPOSER'S CERTIFICATION OF VARIOUS MATTERS

Note: This form is available in WORD format from the PROJECT MANAGER upon request.

PROPOSER:_____

THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL TO BE DEEMED RESPONSIVE. The undersigned guarantees the truth and accuracy of all statements and the answers contained herein.

I have carefully examined the Request for Proposal referenced above ("RFQ") and any other documents accompanying or made a part of this RFQ.

I hereby propose to furnish the goods or services specified in the RFQ. I agree that my proposal will remain firm for a period of 120 days in order to allow the TOWN adequate time to evaluate the proposals.

I certify that all information contained in this proposal is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this proposal on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if awarded the contract.

The firm and/or PROPOSER hereby authorizes the TOWN of Lauderdale-by-the-Sea, its staff or consultants, to contact any of the references provided in the proposal and specifically authorizes such references to release, either orally or in writing, any appropriate data with respect to the firm offering this proposal.

I further certify, under oath, that this proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a proposal for the same product or service; no officer, employee or agent of the TOWN or any other proposer is interested in said proposal; and that the undersigned executed this PROPOSER's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

If this proposal is selected, I understand that I will be expected to execute the TOWN's standard professional services contract, in the form approved by the TOWN Attorney.

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017 Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. I further certify, under oath, that neither the entity submitting this sworn statement, not to my knowledge, any of its officers, directors, executives, partners, shareholder, employees, members or agents active in the management of the entity has been convicted of a public entity crime subsequent to July 1, 1989.

I further certify that the firm and/or PROPOSER has not had a surety company finish work on any project within the last five (5) years.

I further certify that the firm and/or PROPOSER has not been found by a judge, arbitrator, jury, or a nolo contendere plea to have submitted a false or fraudulent claim to a public agency within the last ten (10) years.

I further certify that the firm and/or PROPOSER has not been disqualified, removed, or otherwise been prevented from bidding on, or completing a federal, state or local government project because of violations of law or a safety regulation, pursuant to Public Contract Code section 10162.

Name of Business

By: _____
Signature

Print Name and Title

Mailing Address

State of _____
County of _____

Sworn to and subscribed before me this ____ day of _____, 2013.

Notary Public

My Commission Expires: