



GAIL FARBER, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

54 June 14, 2016

LORI GLASGOW
EXECUTIVE OFFICER

May 31, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**ADOPT A REVISED COUNTY POLICY FOR
DESIGN BUILD PROJECT DELIVERY
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Approval of the recommended actions will revise the policy and mechanism previously approved by the Board for the County of Los Angeles to use the design build method as an alternative delivery method for capital projects.

IT IS RECOMMENDED THAT THE BOARD:

1. Find the proposed actions are exempt from the California Environmental Quality Act for the reasons stated in this Board letter.
2. Adopt the revised County Policy for Design-Build Project Delivery.
3. Approve the use of the design-build method of project delivery as an option for applicable County construction projects in excess of \$1 million.
4. Authorize the Director of Public Works or her designee to use design-build as an option for delivering applicable County construction projects; to implement the recommended revised policy for the use of design-build on individual projects; and to prepare, issue, and amend requests for proposals that will include prequalification questionnaires, evaluation criteria and methodologies, scoping documents, and final design-builder selection procedures.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On June 17, 2008, the Board approved the County's existing design-build policy and authorized Public Works to use this alternate project delivery method on appropriate projects in excess of \$2.5 million. The County has since been successfully using design-build as an alternative method to deliver applicable capital projects. Effective January 1, 2016, Public Contract Code (PCC), Section 20133, was repealed and replaced by PCC, Section 22160, et seq., which modified the requirements for the use of this alternate delivery method and lowered the threshold for the use of this alternate delivery method to \$1 million. In addition, the new legislation creates a new series of requirements to ensure the use of a skilled and trained work force on such projects. Design-build can be used for construction of building(s) and improvements directly related to construction of a building(s), County sanitation wastewater treatment facilities, and park and recreational facilities, but it cannot be used for other infrastructure, including streets and highways, public rail transit, or water resource facilities. Design-build may afford a more collaborative approach for project delivery, including providing benefits, such as reducing project cost, expediting project completion, or providing design features not achievable through the design-bid-build process. In addition, design-build may yield cost efficiencies by shifting certain liability and risk for cost containment and project completion to the design-builder.

The purpose of the recommended actions is to authorize the use of this newly revised design-build contracting authority to establish a revised policy for its use as an option for delivering capital projects in addition to traditional design-bid-build and job order contracting. The revised policy for design-build contracting is included as Enclosure A.

Under the traditional design bid build contracting method, the County initially retains an architectural/engineering specialist to prepare design plans and specifications, which the County then adopts and advertises. Thereafter, the County awards a construction contract to the contractor submitting the lowest responsible bid to perform the construction work.

By contrast, the design-build contracting method is one in which both the design and construction of a project are procured from a single entity. Under PCC, Section 22160, et seq. the County's selection of a design-builder may be based on either low bid or best value. The statute provides that if the selection is based on best value then the evaluation must be based, at a minimum, on price, technical design, construction expertise, and life cycle costs.

Public Works has developed the required standard documents and processes for implementing design-build contracting. These documents include a generic Request for Proposal (RFP), a prequalification questionnaire, evaluation criteria and methodology, and a design-builder selection procedure. A standard design-build contract has also been updated in consultation with County Counsel. The generic design-build RFP is included as Enclosure B.

Public Works will continue to consult with the construction industry, including representatives of the building trades and the surety industry, during the preparation of the questionnaire as needed. Public Works will continue to conduct additional outreach with the industry to assure that we are implementing the best practices in the industry.

Public Works will provide training for County stakeholders participating in delivering capital projects using the revised design-build process.

The process to procure a design-builder includes the following:

- Public Works will cause a program or project scoping documents and performance specifications to be prepared by duly licensed architectural/engineering professionals employed or retained by the County and Public Works will issue an RFP.
- As the first step of the RFP process, Public Works will use a prequalification questionnaire to obtain relevant information from interested design-build entities. That information will be evaluated and scored to create a short list of the designated number of best qualified design-build entities. As part of this prequalification process, the design-build entities will be required to provide an enforceable commitment to the County to use a skilled and trained workforce in accordance with PCC, Section 22164(c).
- As the second step of the RFP process, Public Works will invite the short listed design-builders to submit competitive technical and price proposals for design and construction of the project. The RFP will describe the significant factors that will be used in evaluating the proposals and the relative importance and weight assigned to each factor.
- Public Works will evaluate the design-build proposals from the short listed proposers and then recommend that the Board award of a design-build contract based upon either the specified best value criteria or to the lowest responsible bidder. The recommendation will indicate the basis for the recommended award. When specified in the RFP, the County may hold discussions or negotiations with responsive proposers before final scoring and determination of the best value proposer. When specified in the RFP, further negotiations may also be allowed with the best value proposer after it has been identified.

In evaluating options for delivering any project, Public Works will consider all available delivery methods to ascertain which contracting method best enables the County to meet the project goals and objectives. Once the parameters of the proposed project have been defined, such as the preliminary schedule, budget estimate, and delivery method, Public Works will select the most appropriate project delivery method with input from the Chief Executive Office (CEO) and the tenant department when applicable.

For complex or large projects where a substantial level of design effort is required by the proposing teams, the County may consider the use of stipends in recognition of the cost of preparing proposals for the benefit of the County and to provide the County with the ownership and right to utilize all information, design, drawings, specifications, and all other materials submitted by the proposers with the proposal for any purpose that the County shall deem appropriate in conjunction with the execution of the design-build project. If it is determined that stipends add value to the County, then the amount of stipends and their distribution would be specified in the RFP and only be paid to designated number of short listed, but unsuccessful proposers, meeting the criteria.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1). Use of design-build as a delivery method for capital projects promotes these goals by providing a single contract for design and construction, whereby certain liability for design errors and omissions and responsibility for cost containment and project completion are shifted to the design-builder.

FISCAL IMPACT/FINANCING

Every project will be evaluated on a case-by-case basis to assess any fiscal impacts. All costs will be funded by the specific capital project budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to PCC, Section 22160, et seq. unless additional action is taken by the State Legislature, the County's authority to use design-build contracting will only remain effective until January 1, 2025.

ENVIRONMENTAL DOCUMENTATION

The proposed action is not a project pursuant to California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378(b) of the CEQA Guidelines. The proposed action to update design-build policy is an administrative activity of government, which will not result in direct or indirect changes to the environment. Public Works will return to the Board as necessary for consideration of appropriate environmental documentation pursuant to CEQA before the approval of any activities that constitute a project under CEQA.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Not applicable.

CONCLUSION

Please return one adopted copy of this Board letter to the Department of Public Works, Architectural Engineering Division.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER
Director

GF:JQ:ss

Enclosures

c: Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office



**COUNTY OF LOS ANGELES
POLICY FOR DESIGN-BUILD PROJECT DELIVERY**

May 31, 2016

COUNTY OF LOS ANGELES
POLICY FOR DESIGN-BUILD PROJECT DELIVERY

PURPOSE

Public Contract Code (PCC) Section 22160 *et. seq.* was adopted by the California Legislature providing that a county may utilize an alternative procedure for bidding on construction projects in excess of \$1 million and may award the project using either the lowest responsible bidder or best value. The purpose of this policy is to establish parameters for the County of Los Angeles' use of design-build to deliver capital projects.

GOALS AND OBJECTIVES

The County of Los Angeles seeks to enhance the delivery of construction projects by using design-build as an alternative method for project delivery, and where applicable, to use the benefits inherent in design-build to better serve the people of the County.

The design-build method of project delivery affords a more collaborative approach, which may provide benefits, such as reducing project cost, expediting project completion, or providing design features, not achievable through the design-bid-build process. In addition, design-build may yield cost efficiencies by shifting certain liability and risk for cost containment and project completion with the design-builder (DB).

Design-build procurement permits selection of a team of building professionals based on either best value or the lowest responsible bidder. Determination of best value can be established on objective criteria including but not limited to:

1. Price
2. Technical Design and Construction Expertise
3. Design-Build Team Personnel and Organization
4. Proposed Work Plan and Schedule
5. Life Cycle Costs
6. Workforce Commitment and other applicable Board policies on hiring/labor programs
7. Oral Presentation

ADMINISTRATION

Department of Public Works will work with the Chief Executive Office and the tenant departments to develop the needs for the proposed project(s). The feasibility analysis and related project schedule will be assessed by Public Works to determine whether design-build is the appropriate delivery method for the project.

Public Works will develop a procedure to short-list design-build entities using a standardized questionnaire template statement of qualifications (SOQ). The short-listed DBs will be invited to submit technical and price proposals. Only technical proposals and accompanying price proposals received from the invited short-listed DBs will be accepted and reviewed.

Public Works may hold discussions or negotiations with responsive proposers and, upon completion of the proposal review process, may negotiate with the highest ranked DB to finalize the terms of the proposal and contract. Public Works will specify in the RFP applicable rules and procedures to be observed by the County to ensure that any such discussions or negotiations are conducted in good faith. Once evaluation is completed, the top three proposers will be ranked sequentially, according to defined best value criteria. Public Works will make recommendations to the Board of Supervisors regarding award of the design-build contract to the responsive and responsible proposer whose proposal is determined to provide the best value to the public.

Information submitted by DBs in response to the RFP that is exempt from disclosure under the Public Records Act will not become a public record.

IMPLEMENTATION

Upon receipt of a feasibility analysis, which includes an outline of the scope of work for a proposed project, Public Works will evaluate the information and prepare a preliminary project schedule and budget. In evaluating options for delivering the project, Public Works will consider all available delivery methods to ascertain which method best enables the County to meet the project goals and objectives.

Should design-build be deemed the best available method to deliver the project, Public Works will engage the services of an architect/engineer to serve as the scoping professional to prepare project scoping documents. Scoping documents may vary between projects, but will generally include a program, performance specifications, and in some cases, some level of plans that describe the project schematically. A project specific RFP will be developed establishing the requirements for submission of the DB Part A, SOQ and Part B Proposal consisting of technical and price proposals. It will also establish the evaluation and scoring criteria.

Part A – SOQ Questionnaire

An evaluation committee, assembled by Public Works, will short-list DBs. The evaluation will be based on a SOQ procedure established by Public Works using standard prequalification questionnaire and criteria. In preparing the standard

questionnaire, the County may consult with the construction industry, including representatives of the building trades, and surety industry. The questionnaire shall include, at a minimum, all of the following:

1. Information on the business relationship of the DB team members, including a list of all then-known partners, general partners, or association members known at the time who will participate in the design-build contract, including, but not limited to, mechanical subcontractors.
2. Evidence that members of the DB entity has completed or demonstrated the experience, competency, and capability to complete projects of similar size, scope, complexity, and schedule, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project. The DB entity must also provide a financial statement assuring that the DB entity has the capacity to complete the project.
3. Information on the history and status of required licenses, credentials, and registrations, including information on the revocation or suspension of same.
4. Evidence that establishes that the DB entity has the capacity to obtain required payment and performance bonding, liability insurance, and errors and omissions insurance.
5. Records on any past serious or willful violation of State and Federal occupational safety and health acts assessed against or settled with any member of the DB entity, and information concerning workers' compensation experience history and worker safety program.
6. Information concerning any debarments, removal, or disqualification from any Federal, State, or local government public works project, or findings that the DB or its members who submitted a bid on a public works project or key personnel were found to be not responsible.
7. Information detailing any instance where the DB entity or its owners, officers, members of the DB entity, or managing employees have defaulted on construction contracts.
8. Information detailing any instance where principal team members have violated contractor state licensing laws.
9. Information related to any member of the DB entity bankruptcies, including information concerning any work completed by a surety.
10. Information concerning judgment or settlement of claims between a member of the DB entity and owners of public works projects in excess of \$50,000 in the preceding 5 years.
11. A copy of the document creating the legal DB entity or in the case of a partnership or other association that is not a legal entity, a copy of the agreement creating the partnership or association and specifying that all partners or association members agree to be fully liable for the performance under the design-build contract.
12. Information verifying that the DB has the safety record in compliance with PCC Section 22164(b)(3)(G).
13. Commitment to Use Skilled and Trained Workforce - DB must execute the enforceable commitment form that the DB and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project that falls within an apprenticeable occupation in the building and construction trades, as those terms are defined in California PCC Section 22164(c).

The information required as part of the SOQ questionnaire must be verified under oath. Information provided that is not a public record under the California Public Records Act shall not be open to public inspection.

Part B – Technical and Price Proposal

Technical and price proposals in response to the RFP may only be received or evaluated from invited short-listed DBs. Public Works will evaluate and score proposals in accordance with the requirements and evaluation criteria stated in the RFP. PCC Section 22160, *et seq.* allows for design-build selection to be based on either low bid or best value. If best value is declared to be the basis of selection in the RFP, then the evaluation and scoring of proposals shall be based, at a minimum, on the following factors:

1. Price
2. Technical design and construction expertise
3. Design-Build Team Personnel & Organization
4. Proposed Work Plan and Schedule
5. Life Cycle Costs for at least 15 years
6. Workforce Commitment and Local Worker Hiring Program for Veterans (and other applicable Board required hiring programs)
7. Oral Presentation

Upon completion of the technical evaluations, the price proposals will be opened and the scores added to those of the technical proposals in accordance with a predetermined formula. If revised proposals have been requested, their scores will be considered to establish the final score. Once the evaluation is complete, the top three responsive proposers will be ranked sequentially according to defined best value criteria. When specified in the RFP, the County may hold discussions or negotiations with responsive proposers before final scoring and rank are determined.

Public Works may negotiate with the highest ranked DB to:

1. Make any adjustments to the proposed schedule
2. Reconcile the schedule of values with the design and construction schedules
3. Refine project scope

After negotiation, Public Works will make recommendations to the Board regarding award of the design-build contract and notify proposers of the actions taken. As with any other contract procurement process, the County reserves the right to not award a contract in its sole discretion, and the decision regarding contract award rests solely with the Board. Upon award of the contract, the County must publicly announce its award, along with a written decision supporting its contract award.

Stipends may be awarded to the proposers that submitted technical proposals, but were not awarded the contract in accordance with the conditions stated in the RFP. Environmental documentation will be prepared and approved in accordance with the California Environmental Quality Act.

PROTESTS

The County will handle and process any and all protests in connection with the DB solicitation in accordance to the County of Los Angeles Contracting Manual, Countywide Construction Contracting Policy Guidelines, No. P-05-04, "Bid Protests," dated March 31, 2003. Protests related to the solicitation and award of design-build contracts shall be patterned after, and comply with, the policy guideline for that policy that can be accessed at: http://ladpw.org/aed/construction_manual.pdf.

Upon completion of Part A SOQ evaluation process, the County will provide a list of the short-listed DBs invited to continue with the selection process. At such time, the County may give notice in writing to the DBs not invited of essential RFP criteria that the DB failed to meet. If a non-short-listed proposer decides to submit a protest, that proposer should provide all evidence, including any supporting documents, for reconsideration of the County's decision, and submit them to the County within the deadline specified in the County's notice. The County, at its discretion, may decide the protest without requesting further action.

Upon completion of Part B Proposal evaluation process, the County will select the best value proposer according to the defined best value criteria. At such time, the County may give notice, in writing, to the DBs who were not selected for award of the contract. The non-selected proposers may request debriefing within the timeframe specified in the notice to the proposers. If a non-selected proposer decides to submit a protest, that proposer should provide all evidence, including any supporting documents, for reconsideration of the County's decision, and submit them to the County within the deadline specified in the County's notice. The County, at its discretion, may decide the protest without requesting further action.

The proposer may elect to appear in person before the Board. The Board may decide to continue with the award of the contract, subject to resolution of the protest. A responsible official will review the merit of the protest and a written response will be provided by the County. All findings and specified remedies in the County's response will be considered final. The Board may suspend the award of the contract upon a finding that the protest has merit and is based on solid legal principles.

DEFINITIONS

As used in this policy:

Best Value means a value determined by evaluation of objective criteria that may include, but not be limited to, qualifications, experience, team members, work plan, schedule, price, features, functions, past performance, and life-cycle costs.

Project Scoping Documents means the information provided as part of a RFP for use in preparing technical and price proposals. Project scoping documents may include:

- Narrative project descriptions
- Operational and architectural programs
- Design drawings and other illustrations of building concepts
- Materials, systems, and equipment performance specifications
- Sequence of operation descriptions
- Schedule requirements for construction and occupancy of the completed project

Scoping Professional means an architect or engineer registered in the State of California who is retained or employed by the County and is responsible for the development and production of the project scoping and performance specification documents.

Price Proposal means the cost of all work necessary to design and build the project as described in the RFP. Such work may include, but not be limited to:

- Design and securing approvals of all authorities having jurisdiction to permit construction
- Mobilization, demolition, site preparation, construction, and installation
- Commissioning, start-up, and testing of the work
- Administrative and management services necessary to supervise and comply with requirements of regulatory agencies involved in its design, construction, and occupancy of the work

County means the County of Los Angeles, acting on behalf of the County of Los Angeles and/or any public entity for which the Board is the governing body.

Evaluation Committee means a committee assembled by Public Works to evaluate responses to the RFP.

Design-Builder means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

Prequalification means the process by which a design-build proposer/bidder is deemed sufficiently experienced, competent, and capable as to be prequalified to submit a proposal in response to the RFP. The County reserves the right to short-list prequalified design-build proposers/bidders, i.e., to limit the number of prequalified proposers/bidders that will be invited to submit technical and price proposals.

Project means the construction of a building or buildings and improvements directly related to the construction of a building or buildings and park and recreational facilities.

Request for Proposal means the information sent to interested parties, describing the requirements for the proposal to be submitted in consideration for selection as a DB to deliver the project and the method by which it will be evaluated. An RFP typically includes information on:

- Required reports, studies, and narrative information
- Required drawings, schedules, diagrams, and tables
- Required specifications and descriptions of materials, equipment, and products to be incorporated in the built work
- Evaluation criteria that lists and describes the relative importance of materials required to be submitted
- The form of proposals for the design-builds cost(s) and schedule(s) to deliver the project

Responsible Official means a person assigned by County to review the merits of any protests and will provide a written decision of the findings in accordance with the Countywide Construction Contracting Policy Guidelines, No. P-05-04, "Bid Protest," delegated by the Board.

Shortlisting means limiting the number of prequalified proposers that will be invited to submit technical and price proposals.

Stipends means compensation paid to unsuccessful proposers in recognition of the cost of preparing proposals for the benefit of the County.

Technical Proposal means the information submitted by prequalified design-build proposers/bidders in response to the RFP. Technical proposals may include both designs as well as construction aspects of the project as may be defined in the RFP. Contents of technical proposals may include, but not be limited to:

- Reports, studies, and narrative information
- Drawings, schedules, diagrams, and tables
- Specifications and descriptions of materials, equipment, and products to be incorporated in the built work
- Sequence of construction schedule(s)

Tenant Department means the County Department to whom the project will be turned over to occupy or operate upon project completion.

REQUEST FOR PROPOSALS

FOR

DESIGN-BUILD SERVICES

PROJECT NAME

ADDRESS

SPECS XXXX; C.P. XXXXX

DATE

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
900 SOUTH FREMONT AVENUE
ALHAMBRA, CA 91803**

**REQUEST FOR PROPOSALS
FOR
DESIGN-BUILD SERVICES**

PROJECT NAME

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EXHIBITS

- A. Part A SOQ Prequalification Questionnaire
- B. Section 00300, Price Proposal Form
- C. Section 00500, Design-Build Agreement (Sample)
- D. Section 00610, Bond for Faithful Performance
- E. Section 00620, Payment Bond for Labor and Materials
- F. Section 00700, General Conditions
- G. Section 00800, Supplementary Conditions
- H. Design-Build Manual
- I. Itemized Scoping Documents List
- J. Life Cycle Cost Methodology and Template
- K. Consultant Services Agreement (Sample) [TO BE INCLUDED FOR STIPENDS]
- L. Design Excellence Criteria
- M. Reference Form for County Reference
- N. Reference Form for Non-County Reference

[LIST ALL OTHER ATTACHED SCOPING AND OTHER DOCUMENTS]

ATTACHMENTS-(REQUIRED CERTIFICATION FORMS)

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**REQUEST FOR PROPOSALS
FOR
DESIGN-BUILD SERVICES**

(PROJECT NAME)

1 INTRODUCTION AND OVERVIEW

**THIS IS A QUALIFICATIONS-BASED, BEST VALUE SELECTION.
THIS IS NOT A LOW BID SOLICITATION.**

1.1 General:

The County of Los Angeles Department of Public Works (Public Works) is inviting Design-Build proposals from interested firms to perform the design, construction, and warranty maintenance for the [PROJECT NAME](Project) located at [ADDRESS].

The County's primary objective in utilizing the Design-Build approach for this Project is to bring the best available design and construction experience and expertise together to collaborate with the County as a team to successfully deliver this Project.

The County desires to select a cooperative, highly qualified Proposer to deliver a project that fully meets the County's established criteria using the Design-Build approach. This approach is intended to allow designers and contractors to work together to address the unique challenges of the Project.

The successful Proposer will be selected according to the selection process described herein in Section 3 and the evaluation criteria described in Section 5. This Request for Proposal includes two parts: Part A Statement of Qualifications (Part A SOQ), and Part B Proposal, consisting of a technical proposal and a price proposal (collectively Part B Proposal). All interested Proposers are invited to submit a Part A SOQ. Only those Proposers who are short-listed by the County after review of the Part A SOQ will be invited to submit a Part B Proposal

The purpose of the Part A SOQ is to provide the County with information to short list the Proposers and to determine if a Proposer is responsible and meets the minimum qualifications to satisfactorily perform the proposed work. Used in this context, the term Responsible has reference to trustworthiness, as well as quality, fitness, capacity, experience, and ability of the Proposer to satisfactorily perform the work.

The purpose of the Part B Proposal is to evaluate the proposals and rank the Proposers based on a determination of value provided.

1.2 Project Overview:

[PM TO PROVIDE GENERAL OVERVIEW OF PROJECT]

1.3 Definitions:

Definitions are provided in Exhibit F, General Conditions, to clarify the terms used in the RFP document.

1.4 Part A Statement of Qualification (SOQ) and Part B Proposal Schedule:

A tentative schedule is provided for information purposes only:

DATE	RFP issue date
DATE	Part A SOQ [PM to identify: Mandatory or Optional] Presubmittal conference/site visit
DATE	Part A SOQ submittals due to the County
DATE	Notification of short-listed Proposers
DATE	Invitation to short-listed Proposers to submit Part B Proposal
DATE	[PM to identify: Mandatory or Optional] Pre-proposal conference/site visit
TBD	Optional Presubmittal Meeting(s)
DATE	Part B Proposal due to the County
DATE	Oral Presentations
DATE	Notification of Final Ranking of Proposers/Notice of Selection
DATE	Award of Contract (Tentative)

The County reserves the right to revise this schedule at any time during the selection process.

1.5 Cost of Part A SOQ:

The County shall not in any way be liable or responsible for any costs incurred in connection with the preparation, submissions or presentations made in response to Part A SOQ.

The County shall not in any way be liable or responsible for any costs incurred in connection with the preparation, submittal, or presentation of any proposal submitted in response to any portion of this RFP.

[IF STIPEND USED, USE THE FOLLOWING FOR SECTION 1.5]

1.6 Cost of Part B Proposal - Stipends and Rights of Use

[CONTRACT ADMINISTRATOR TO CONFIRM NUMBER OF STIPENDS TO BE PAID OUT AND EDIT SECTION ACCORDINGLY]

1.6.1 According to the County's Design-Build policy, the County may choose to use aspects of all submitted, responsive Part B Proposal, once the Notice of Selection has been issued. This practice allows the County to incorporate another Proposer's ideas and solutions by paying a stipend. A stipend is a predefined payment to a Proposer in exchange for effort expended by the Proposer and the benefit received by the County from the submittal. The proposed stipend for the project is a predetermined amount (same amount for each Proposer) that is given to each Proposer who submits a qualifying proposal but is not selected.

1.6.2 Costs for developing and submitting proposals are the responsibility of each Proposer. Stipends in the amount of [XXXXXXXX] will be provided to each [CONTRACT ADMINISTRATOR TO CONFIRM NUMBER OF STIPENDS] eligible Part B Proposal Proposer meeting the eligibility criteria specified in this Section 1.6, and who is not awarded the Design-Build Agreement. The successful Proposer awarded the Design-Build Agreement will not receive a stipend.

1.6.3 The Proposers understand and agree that the stipend shall be the County's sole obligation to Proposers. Stipends will be paid to the eligible Proposers concurrent with the award of Design-Build Agreement. Exhibit K, Consultant Services Agreement, will be used to pay the stipend to each eligible Proposer.

1.6.4 The County may withdraw or withhold this offer of stipend in the following situations:

- 1.6.4.a. Withdrawal or cancellation by the County of the RFP prior to the Part B Proposal submittal date.
- 1.6.4.b. Failure of a Proposer to submit its Proposal on or before the Part B Proposal submittal date specified in Section 1.4 of this RFP, including revised dates specified in any subsequent notices.
- 1.6.4.c. Proposer withdraws Proposal at any time and does not timely resubmit as provided in Section 6.8, Modification and Withdrawal of Proposals, of this RFP.
- 1.6.4.d. Finding that a Proposer's submittal materially fails to meet the Part B Proposal requirements, and is determined to be nonresponsive.
- 1.6.4.e. Disqualification of a Proposer at any point within the Part B Proposal process, including, without limitation, a finding by the County that the Proposer is not responsive and/or not responsible.
- 1.6.5 In the event that the County cancels the RFP after all proposals are received, all Proposers submitting proposals that are determined to be eligible for stipends as set forth in Section 1.6.8 will receive stipends.
- 1.6.6 In consideration of the County's agreement to pay stipends, as discussed above, all Proposer(s) receiving a stipend understand and agree that they provide the County the ownership and right to utilize all information, design, drawings, specifications, and all other materials submitted by the Proposer with the Proposal for any purpose that the County shall deem appropriate in conjunction with the execution of this Project upon notification of the final ranking of the Proposers, or upon the determination by the County to issue a Request for Revised Proposals.
- 1.6.7 Notwithstanding the foregoing or anything else contained in these provisions, nothing shall prevent or limit a Proposer from also utilizing any ideas contained in its own proposal in its own conduct of business. The rights of the successful Proposer shall be governed by the terms of the Design-Build Agreement.
- 1.6.8 To be eligible for a stipend, a Proposer must:
 - 1.6.8.a. Satisfy the requirements of the RFP, including, without limitation, submitting a responsive proposal, and

1.6.8.b. Obtain a score of at least **65 percent** of the total available points for the technical proposal of the Part B Proposal.

1.6.8.c. Provide all information outlined in Section 4.2.

1.7 County's Ownership of Materials and Equipment:

Proposer acknowledges and grants to County a perpetual, unlimited, royalty-free, non-exclusive and irrevocable license for County (including, without limitation, its employees, contractors and agents) to use, copy, modify and create derivative works of all processes, materials, documents, reports and other information of all types, including computer models developed by the Proposer for the Project that is submitted, provided, or otherwise disclosed by Proposer as a result of this solicitation process. This grant of license includes, but is not limited to, rights to use any know-how disclosed or otherwise provided by Proposer or any of its subcontractors; rights to practice any inventions owned, controlled, or licensed by Proposer; and rights to use, copy, modify and create derivative works based on, incorporated in, or derived from the materials, documents, reports and other information of all types. Proposer also acknowledges that any and all associated intellectual property rights for any derivative works created by the County (including, without limitation, its employees, contractors and agents) shall be owned by the County.

1.8 Qualifications of Proposers and Subcontractors/Subconsultants

[CONTRACT ADMINISTRATOR TO CONFIRM IF LICENSE REQUIRED AT TIME OF CONTRACT AWARD FOR FEDERAL FUNDED PROJECTS]

1.8.1 The Proposer and each listed entity, including any listed subcontractor, must have a valid license issued by the Contractors' State License Board for the type of work proposed to be performed by the Proposer and each listed subcontractor.

1.8.2 Design professionals listed in any of the submitted documents must have valid professional licenses issued by the State of California for the discipline of work proposed to be performed by each listed design professional. The applicable license(s) is required at the time of Part B Proposal in order to be considered a responsive proposal.

1.8.3 In addition to the above, the Scoping Documents set forth specialty license requirements, experience requirements, and certification requirements. The apparent successful Proposer shall be required to demonstrate to the County's satisfaction that, at the time of the submittal of the Part B Proposal, the Proposer and its proposed subcontractors (whether required to be listed or not) that are known at

time of proposal submittal, possess these specialty license, experience, and certification requirements.

1.8.4 The required licenses for all Proposers and subcontractors/subconsultants shall remain valid throughout the term of the contract.

1.8.5 All Proposers will be evaluated for design excellence. The County's Design Excellence Criteria is provided in Exhibit L.

1.9 Prohibition from Involvement in Proposal Process:

In accordance with Board Policy No. 5.090, Consultant Independence, The County Board of Supervisors has adopted a Countywide policy that prohibits any person, or any firm or any subsidiary of a firm [collectively "firm"] from submitting a bid or Proposal in any County solicitation process where the person or firm assisted in the development or preparation of the solicitation document(s). Board Policy No. 5.090 states:

"Neither Consultant nor any subsidiary of or subcontractor to Consultant shall participate in any way in any future solicitation conducted by County that includes or is based upon any solicitation document that is developed as a result of the services rendered by Consultant under this Agreement. As this prohibition applies to subcontractors of the Consultant, Consultant shall notify any subcontractors providing services under this Agreement of this prohibition before they commence work under this Agreement. Any response to a solicitation submitted by Consultant or by any subsidiary of or subcontractor to Consultant in violation of this provision shall be rejected by County. This provision shall survive the expiration or other termination of this Agreement."

These Consultants include but are not limited to following individuals and firms:

- a. Name of Scoping Architect
- b. Name of Structural Engineer
- c. Name of Mechanical Engineer
- d. Name of other Scoping Professionals
- e. Environmental consultant, Geotechnical consultant, and Surveyor, etc [Contract Administrator to request consultant list from PM for names of above consultants and any additional names]

Proposers must not contact the individuals and firms listed above. All contacts shall be through the County's Contract Administrator listed immediately below. Contact with any firm or individuals listed in this Section (including principal, manager, or employee), during the RFP period, may be cause for immediate disqualification of the Proposer.

1.10 Contacts with County Employees:

As of the issue date of this RFP, and continuing until the date of award of Contract, all Proposers are specifically directed not to hold meetings, conferences, or technical discussions regarding either the Part A SOQ or the Part B Proposal with County employees unless otherwise requested by the Contract Administrator. During this period, questions regarding either the Part A SOQ or the Part B Proposal may be directed in writing to the Contract Administrator identified below:

Contract Administrator: [CONTRACT ADMINISTRATOR NAME]

County of Los Angeles Department of Public Works
Architectural Engineering Division
900 South Fremont Avenue, 8th Floor
Alhambra, California 91803-1331
Phone (626) 458-xxxx
E-mail: xxxxxxxx@dpw.lacounty.gov

Questions must be received 14 calendar days prior to each submittal deadline. Any questions received within 14 calendar days of the deadline may not be considered.

Contact with any other County official or employee, or any firm listed in Section 1.9 above (including principal, manager, or employee), during the solicitation period regarding either the Part A SOQ or the Part B Proposal may be cause for immediate disqualification of the Proposer.

1.11 Complete Sets of Scoping Documents

Complete sets of Scoping Documents provided by the County shall be used in preparing the Part B Proposal. The County does not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Scoping Documents.

Where certain Scoping Documents are not made available with the RFP or are issued in draft form at the time of issuance of the RFP, the County will issue final and complete versions of such documents at the time Proposers are invited to submit Part B Proposal.

1.12 Proposal Effective Period

All Proposal submissions shall remain in effect for a period of 180 calendar days from the Part B Proposal submittal date, or in the event the County issues a Request for Revised Proposal, 180 calendar days from the submittal of the Request for Revised Proposals. Proposers may withdraw their Proposals 181 calendar days after final proposals or Revised Proposals are submitted by submitting written notice addressed to Public Works.

1.13 Examination of RFP and Site

Before submitting a Part B Proposal, each Proposer is responsible to: a) examine the RFP and all attachments and exhibits thoroughly; b) visit the site to familiarize itself with field conditions that may in any manner affect cost, progress, or performance of the Work; c) and become familiar with Federal, State, and local laws, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the Work. Also, Proposer is required to provide County-written notice of errors, ambiguities, or discrepancies that it discovers in or among this RFP, including any documents attached thereto, as-built drawings of Site conditions, and actual Site conditions.

1.14 Performance and Other Bonds

Section 000700, General Conditions (Exhibit F), sets forth requirements as to performance bonds and other bonds (Refer to Exhibits D and E for samples). When the successful Proposer delivers the executed Agreement to the County, it shall be accompanied by the required contract security.

2 SCOPE OF SERVICES

[Per Public Contract Code section 22164 the required elements include, but are not limited to:

- Identification of basic scope and needs of the project
- The expected cost range of the project
- Any required technical design and construction expertise (e.g. OSHPD)
- Significant factors that the local agency reasonably expects to consider in evaluating qualifications.]

2.1 Project Description

[PM TO PROVIDE A DETAILED NARRATIVE DESCRIPTION OF THE

PROJECT, INCLUDING ANY UNIQUE ELEMENTS, FEATURES, AND REQUIREMENTS. INCLUDE ANY PROJECT SCOPE EXCLUDED FROM CONTRACT.]

[IN A SEPARATE PARAGRAPH, PROVIDE TYPE AND STATUS OF ENVIRONMENTAL DOCUMENT.]

[INCLUDE A DESCRIPTION OF ALTERNATES, IF ANY, AND INCLUDE A REFERENCE TO SECTION 001030, ALTERNATES, WHERE YOU DESCRIBE THE ALTERNATES]

2.2 Scope of Services

Proposals must be for a complete Design-Build project and must include all design, engineering, construction, procurement and installation of equipment (unless otherwise specified), permits, and warranty maintenance services. The Proposal price must contain all costs and fees for such services.

The Design-Builder shall be responsible for all turnkey design and construction services required for the completion of the Project in accordance with the Scoping Documents and the County's Design-Build Manual (Design-Builder) included as Exhibit H. The Scoping Documents are listed in Exhibit I, Itemized Scoping Documents List.

The Design-Builder's deliverables and services shall include, but are not limited to the following:

- a. Design and construction of the Project in compliance with any and all applicable codes, rules/regulations, and laws.
- b. Compliance with the Project's approved environmental documents provided by the County.
- c. Any and all design and engineering work.
- d. Any and all demolition, construction, and warranty maintenance work.
- e. Identifying and obtaining all required permits, inspections, and approvals for the Project.
- f. Procuring and installing all equipment, unless otherwise specified.
- g. Quality control and performance testing.
- h. Start-up and commissioning.

- i. Training of County employees in the use, operation, and maintenance of systems and equipment.
- j. Providing all operating manuals and documents.
- k. Warranty maintenance services.

2.3 Project Schedule

The anticipated Contract Time for this Project is xxxxx calendar Days, as defined in Section 000700, General Conditions, of the Project Manual and Section 001010, Project General Requirements, of the Project Manual.

[PM TO PROVIDE ANY ADDITIONAL SCHEDULE REQUIREMENTS, INCLUDING PHASING, FUNDING DEADLINES, ETC].

2.4 Project Design-Build Budget

- a. At the present time, the estimated cost range for the Design-Build contract is \$XXXXXXXXX to \$XXXXXXXXX.
- b. In addition to the Contract Sum agreed to by the County and the Design-Builder, the County will incorporate in the Agreement with the Design-Builder the Allowances specified in Section 001040, Allowances, of the Project Manual.

3 SELECTION PROCESS

3.1 Basis of Selection

- a. The County will award the Design-Build contract on the basis of a Best Value selection as provided for in Public Contract Code Section 22160, et. seq., and as specifically described in this solicitation.
- b. This RFP is comprised of two parts: the Part A SOQ, requesting all interested proposers to complete a Statement of Qualifications, which will be used to create a short-list of the highest ranked Proposers based on the Part A SOQ submittals; and the Part B Proposal, inviting those short-listed Proposers to submit proposals. The Part A SOQ is open to all interested parties. The Part B Proposal is limited to the Proposers short-listed under Part A.
- c. The County will assemble an Evaluation Committee, which will review and score the Part A SOQ and the Part B Proposal. The Evaluation Committee will review the Part A and Part B submittals based upon the evaluation criteria for each Part defined in Section 5

of this RFP. Those submittals that do not meet the requirements may be deemed nonresponsive and disqualified from further consideration. The Part B Proposal selection process may include oral presentations.

- d. The Evaluation Committee may request clarification of any portion of a Part A SOQ or Part B Proposal. A Proposer's response to such a request must be in writing and shall become part of the Proposer's proposal. If the Proposer fails to respond within the time indicated in the request, the Proposer may be deemed nonresponsive and its Proposal may be disqualified from further consideration.
- e. The selections will be made on the basis of qualifications, price, demonstrated competence, ability to meet County criteria, and technical response to the RFP without regard to race, creed, color, or gender.
- f. Public Works, at its sole discretion, reserves the right to reject any and all Proposals or waive minor deficiencies, irregularities, or technicalities in any proposal, if determined to be in the County's best interest.
- g. Proposer will be evaluated for design excellence which should be integrated throughout the design and construction of the project. County's Design Excellence Criteria is provided in Exhibit L.

3.2 Part A - SOQ Process

- a. A **mandatory/optional** presubmittal conference will be held at the **Department of Public Works' Headquarters, 900 South Fremont Avenue, Alhambra, California 91803, on DATE at TIME**, to review the Part A SOQ and answer questions from prospective Proposers **(optional language to be used if a pre-submittal conference is held).**

Proposers that provide all required information in the Part A SOQ will be deemed responsive. Failure to provide all the requested information in the Part A SOQ may be cause for disqualifying the Proposer as nonresponsive.

- b. The Evaluation Committee will score the Part A SOQ responses in accordance with the scoring criteria noted in each section of the Part A SOQ. Based on that scoring, the Evaluation Committee will create a list of Proposers who have met the minimum threshold scores

established in Section 5 of this RFP, scored from highest to lowest. A short-list of the three (3) highest ranked Proposers will be invited to submit a Part B Proposal. **All Proposers will be notified of the rankings and the short-list selections.**

- c. Prior to the County's issuance of invitations to the short-listed Proposers to submit Part B Proposal, the short-listed Proposers will be required to reconfirm in writing their intent to submit a Part B Proposal. If any of the invited Proposers withdraw from the RFP process or otherwise decline to submit a Part B Proposal, the County reserves the right to invite the next highest ranked Proposer(s).
- d. In the event the County determines that less than three proposers meet the required minimum qualifications to be short-listed, the County reserves the right to invite less than three proposers to submit Part B Proposal.

3.3 Part B Proposal Selection Process

- a. Invited Proposers will be requested to submit a Part B Proposal, offering Design-Build Services in accordance with Section 2, and in a format specified in Section 4 of this RFP.
- b. A [mandatory] pre-proposal conference [and site visit] will be held on **DATE**, at **TIME**, at **LOCATION ADDRESS** to answer questions concerning the RFP. Proposers [must attend] [are strongly encouraged to attend].
- c. Public Works will conduct optional presubmittal meetings with each Proposer who has been invited to a submit Part B Proposal, if requested by any Proposer. The purpose of these meetings will be to answer questions concerning the Project. Meetings will be held individually and confidentially with each Proposer. Requests for such meetings must be received in writing at least one week prior to the requested meeting date. Meetings will not be scheduled during the last week prior to the Proposal submittal due date.
- d. The Evaluation Committee will review all Part B Proposals and score them based upon the criteria outlined in Section 5 of this RFP. The technical proposal of the Part B Proposal will be evaluated and scored first. Finally, the price portions of the Proposals will be

weighted as specified in Section 5, to determine the best value Proposal. The Evaluation Committee will then rank the Proposers based on a determination of best value.

- e. Good faith negotiations will begin with the highest ranked Proposer. In the event that additional elements, changes, or enhancements to existing elements contained in this RFP may be required, Public Works reserves the right to negotiate with the highest ranked Proposer to cause these changes to be incorporated in the work product.
- f. Public Works will make a recommendation to the Board of Supervisors regarding award of a contract to the best value Proposer.
- g. Notwithstanding a recommendation of a department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a Proposer and the terms of any resultant agreement, and to determine which Proposer best serves the interests of the County. The Board of Supervisors is the ultimate decision-making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract.

3.4 Request for Revised Proposals

- a. At any time prior to contract award, the County reserves the right, at its sole discretion, to request the Part B Proposers to provide a revised Proposal.
- b. If a Request for Revised Proposals (RRP) is issued by the County, any changes to the RFP, including but not limited to changes in scope and evaluation criteria will be issued in an addendum. Applicable portions of the scores received by Proposers in connection with their previously evaluated Proposal may, in the County's discretion, be factored into the scoring of their revised Proposals, depending on the nature and magnitude of the changes outlined in the addendum.
- c. Upon conclusion of the County's evaluation of the revised Proposals, the Evaluation Committee will tally the total score for each Proposal and rank the Proposers.

3.5 Contract Award

- a. If the County determines to award a contract, it shall be awarded to the responsive and responsible Proposer whose Proposal is determined to have offered the best value, with preference to businesses that are certified by the County for various preference programs set forth in Section 5.2.4. The Board of Supervisors reserves the right to reject any or all Proposals or to waive in the public interest technical or inconsequential errors or discrepancies in the Proposals submitted.
- b. The Board shall have the right to delay the award of the contract for 180 days after the submittal of Part B Proposal and/or the submittal of the Revised Proposal, whichever occurs later, unless otherwise agreed to by the County and Proposers. Proposers may withdraw their Proposals 181 calendar days after final Proposals or RRP's are submitted by submitting written notice addressed to Public Works.
- c. Upon notification from Public Works, the selected Proposer will be required to deliver within fourteen (14) calendar days to the offices of Public Works certificate(s) issued by the insurance carrier(s), payment and performance bonds, and two (2) signed and notarized originals of the Design-Build Agreement.
- d. When the Board of Supervisors has formally awarded the Design-Build Agreement, the County will execute the contract and issue the fully executed contract to the Design-Builder followed by a Notice to Proceed.

4 PROPOSAL SUBMISSION REQUIREMENTS

The responses to the Part A SOQ and the Part B Proposal must be made according to the requirements set forth in this Section, both for content and for sequence. Noncompliance with these requirements or the inclusion of conditions, limitations, or misrepresentations, may be cause for rejection of the proposal. Responses shall be addressed and delivered to:

CONTRACT ADMINISTRATOR: [CONTRACT ADMINISTRATOR NAME]
County of Los Angeles Department of Public Works
Cashier's Office
900 South Fremont Avenue, Mezzanine Level
Alhambra, California 91803-1331

Submissions must be received by the specified submittal date.

SUBMISSIONS RECEIVED AFTER THE DEADLINE WILL NOT BE ACCEPTED.

4.1 PART A SOQ SUBMISSIONS REQUIREMENTS

- 4.1.1 Complete all requested information in Part A SOQ Prequalification Questionnaire and provide all documents requested in the Questionnaire, including signing and dating all of the required forms and certifications. Submit six (6) complete copies (one unbound copy and five bound copies) of the completed documents.
- 4.1.2 The Part A SOQ Prequalification Questionnaire is comprised of seven (7) sections as described below:
- a. Section 1: Addresses the technical requirements necessary to meet the minimum baseline qualifications for Design-Build work as set forth by the County.
 - b. Section 2: Proposer must agree that if invited to submit a Part B Proposal, they will include signed copies of all County required certifications necessary to provide services to the County.
 - c. Section 3: Addresses the organization, structure, and history of the Proposer; compliance with civil and criminal laws; and safety record.
 - d. Section 4: Provides the opportunity for the Proposer to demonstrate experience with similar types of projects as either a Design-Builder, or a traditional design or construction firm, along with an opportunity to highlight other positive information that the Proposer deems beneficial to the Project and should be considered by the County.
 - e. Section 5 - Enforceable Commitment and Agreement to Use Skilled and Trained Workforce: The Proposer must execute an enforceable commitment to the County that the Proposer and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project that falls within an apprenticeable occupation in the building and construction trades as defined in California Public Contract Code section 22164.
 - f. Section 6 - Commitment To Propose: The Proposer must certify that it will provide a full and complete Proposal in response to Part B Proposal for the Project, if invited by the County.
 - g. Section 7 – Oath of Truthfulness: The Proposer must declare under penalty of perjury under the laws of the State of

California that the information provided in the Part A SOQ submittal is correct.

4.2 PART B PROPOSAL SUBMISSIONS REQUIREMENTS

4.2.1 Proposals in response to the RFP must be submitted in the format as described below:

- a. All Proposals must be submitted in 8.5" x 11" format, but not larger than 11" x 17" format.
- b. Submit six complete bound copies of the technical proposal volume, one bound copy of the CBE Good Faith Effort Documentation volume, and one original Price Proposal Form (Section 000300) in a separate sealed envelope.
- c. Submit via flash drive, DVD, or external hard drive, an electronic file of the Proposal in PDF format.
- d. The content of the Proposal must be organized and tabbed as identified in Section 4.2.2 below.

4.2.2 Responses to the Part B – Technical and Price Proposals shall be comprised of **twelve** sections divided by tabs as described below:

- a. Tab-1 Cover Letter
- b. Tab-2 Table of Contents
- c. Tab-3 Design-Builder's Technical Design and Construction Expertise
- d. Tab-4 Design-Build Team Organization and Personnel
- e. Tab-5 Proposed Work Plan and Schedule
- f. Tab-6 Life Cycle Analysis
- g. Tab-7 Workforce Commitment, Local Worker Hiring Program (LWHP) for Veterans, and LWHP
- h. Tab-8 Price Proposal (In a Separate Sealed Envelope)
- i. Tab-9 Acceptance of Terms and Conditions
- j. Tab-10 Required Certification Forms

- k. Tab-11 CBE Good Faith Effort Documentation
- l. Tab-12 Plans and Other Deliverables

Tab 1 - Cover Letter

Cover letter shall provide a brief introduction of the Proposer and include the name and address of the organization submitting the proposal; whether the proposing firm is a sole proprietorship, partnership, corporation, or joint venture; and the name, address, telephone number, and e-mail address of the contact person who will be authorized to make representations for the organization. Include a statement affirming the Proposer's sound financial capability. In addition to a statement, attach the following to the Cover Letter:

A. Corporations or Limited Liability Company (LLC):

The Proposer shall submit the following documentation with the Proposal:

- a. A copy of a "Certificate of Good Standing" with the state of incorporation/organization.
- b. A conformed copy of the most recent "Statement of Information" as filed with the California Secretary of State listing corporate officers or members and managers.

B. Limited Partnership:

The Proposer shall submit a conforming copy of the Certificate of Limited Partnership or Application for Registration of Foreign Limited Partnership as filed with the California Secretary of State, and any amendments.

Tab 2 - Table of Contents

Table of Contents shall include an outline of the Proposal, identified by sequential page number and tab titles as described in this Section.

Tab 3 - Design-Builder's Technical Design and Construction Expertise

- A. This Section provides the Proposer the opportunity to demonstrate its experience and expertise in the design and construction of projects of similar size, scope, type, and complexity.

The Proposer is provided the opportunity to present no more than five projects, which best represent its overall success in delivery of Design-Build projects and/or other projects of similar size, scope, type, and complexity. The projects should be selected to highlight the Proposer's ability to deliver Design-Build projects, coordinate between the general contractor and the design professionals in a team atmosphere, and show an ability and expertise in coordination of sub-trade contractors and trade specific design professionals.

For each project submitted provide:

1. The project name, location, owner name, contract amount, and completion date (if not yet complete, indicate status).
2. Owner reference information including name, title, organization, and contact information for the project owner's representative.
3. A narrative describing the delivery method and the role of the Proposer in the delivery of the project.
4. A narrative describing how the Proposer's experience and lessons learned from the project will contribute to the successful delivery of this Project.
5. A brief narrative describing how the Proposer incorporated the principles of Design Excellence specified in Exhibit L into the design and delivery of the project.

B. Reference:

For each project presented pursuant to Paragraph A above, the Proposer shall obtain a reference on the applicable forms provided. A total of **five** references shall be submitted. Any reference received for projects not listed in Item A will not be scored. References for *County* projects shall be submitted using Exhibit M. References for *Non-County* projects shall be submitted using Exhibit N. For Non-County references, the reference must also complete the **Reference Survey** attached to Exhibit N.

Reference forms must be completed **in full** by personnel representing the reference, signed, and then either e-mailed or mailed directly to the Contract Administrator in a sealed envelope (with a postmark date) on or before the Proposal due date. Emailed references must be signed and sent via PDF. The County reserves the right to make the final determination on

which personnel will complete a reference submitted for a County project.

It is the Proposer's responsibility to ensure that its references respond promptly. **Late submission of Reference Forms will not be scored and accepted if emailed or postmarked after Proposal deadline.** Public Works may contact references for any reason during the solicitation process.

Tab 4 - Design-Build Team Organization and Personnel

- a. Provide an organizational chart of Proposer's team member-firms and key personnel and provide a narrative describing how the proposed framework will provide a logical division of responsibility and a clear line of authority for delivery of the Project. Indicate any experience of the firms and/or individuals working together on prior projects.
- b. Designate the Proposer's Project Manager who will have authority and responsibility for the overall daily management of the Project.
- c. Designate a State of California licensed architect and/or engineer as the Proposer's Design Manager who will have overall responsibility for design of the Project. Include description to show the Design Manager's experience with the design process and various aspects of Design Excellence.
- d. Provide resume information for all key personnel including experience, professional certification/license/registration, education, and relevant experience working as a member of a similar team. Include any previous design-build experience and experience on projects of similar size, scope, type, and complexity.

Tab 5 - Proposed Work Plan and Schedule

Proposed Work Plan - Provide a narrative description of the Proposer's approach to delivering the Project in accordance with the Scope of Services and within the established Project Schedule and Project Budget specified in Section 2 of this RFP. The Proposer's Work Plan should address in detail the following elements, at a minimum:

- a. Overall Management Plan

- b. Quality Assurance and Quality Control Plan for design and construction
- c. Integration and coordination of design and construction
- d. County Reviews
- e. Jurisdictional Approvals
- f. Schedule Administration
- g. Cost Control
- h. Packaging and Phasing
- i. Safety Plan
- j. Commissioning Plan
- k. Design Excellence
- l. Proposed Project Schedule

Provide a proposed Project schedule using the Critical Path Methodology (CPM) for delivery of the entire Project. The proposed schedule shall graphically illustrate the implementation of the Work Plan, and include all activities associated with the design, County reviews, jurisdictional approvals, procurement, construction, start-up and commissioning.

The proposed Project schedule shall serve as the basis for the Project Schedule required under Section 001310, Project Schedule, of the Project Manual.

Tab 6 - Life Cycle Cost Analysis

Proposer shall provide a Life Cycle Cost (LCC) analysis for the Heating, Ventilation, and Air Conditioning (HVAC) system [Project Manager can specify another system or additional systems depending on Project needs]. The LCC analysis study period shall span XX years [PM shall select number of years, but in no case less than 15 years to comply with Section 22164(f)(1)(C)] using the Life Cycle Cost Methodology and Template included in Exhibit J of this

RFP. The LCC analysis should demonstrate integration of Design Excellence objective to provide a durable, operationally efficient and easily maintainable building that has a low operational cost.

Tab 7 – Workforce Commitment, Local Worker Hiring Program (LWHP) for Veterans, and LWHP

i. Skilled and Trained Workforce Commitment

Provide a Work Plan outlining the Proposer's plan for the Proposer and its subcontractors at every tier to comply with the requirements for the use of a skilled and trained workforce as required by Public Contract Code 22164(c). Proposer shall demonstrate how it will document to the County, its commitment to comply with the above referenced requirement.

ii Local Worker Hiring Program for Veterans

In order to enhance employment opportunities for Veterans of the United States Armed Forces in the building and construction trades, the County of Los Angeles requires the contractor to demonstrate a good faith effort to hire Veterans and Eligible Spouses who reside in the County. The contractor shall demonstrate a good faith effort to employ Veterans who are residents of the County of Los Angeles to complete **a minimum of 5 percent** of the California Craft Project Worker Hours worked under the contract. The Proposer shall propose a plan that will meet the County's Local Worker Hiring Program for Veterans.

The Local Worker Hiring Program for Veterans shall be developed in addition to the requirements for a Skilled and Trained Workforce Commitment.

iii. Local Worker Hiring Program [OPTIONAL]

The Proposer shall propose a plan that will provide outreach to the local community emphasizing those areas within a XX mile radius of the Project but encompassing the boundaries of Los Angeles County for providing opportunities of employment to the surrounding neighborhoods.

The hiring plan shall address the level of work and training available for both the skilled and non-skilled workforce. Opportunities for developing trade skills shall also provide a development plan for growth within a given trade and a link to a possible apprentice program.

The Local Worker Hiring Program (LWHP) shall be developed in addition to the requirements for a Skilled and Trained Workforce Commitment and Local Worker Hiring Program for Veterans. The LWHP for Veterans is separate and apart from the Local Worker Hire Program (LWHP) and when a conflict exists, the Local Veteran Hiring Program shall take precedence.

Tab 8 - Price Proposal

Proposer must submit in a separate sealed envelope its price Proposal for the entire Project on the Price Proposal Form (Exhibit B). Envelope must be clearly marked "Price Proposal" and include the Proposer's name and Project name.

In order for a Proposer to include an equal as part of its proposal, the Proposer must have submitted the proposed equal to the County for review and the County must have accepted it as an equal as described in Section 6.12. As part of this tab, the Proposer must submit a list of all accepted equals included as part of its Proposal.

Tab 9 - Acceptance of Terms and Conditions

Proposer shall include a statement affirming the Proposer's acknowledgement and acceptance of, and a willingness to comply with all of the terms, conditions, and criteria contained in this RFP, including Indemnification and Insurance requirements, and any attachments and exhibits herein. Any and all parts of the submitted Proposal may become a part of any subsequent Contract between the selected Proposer and the County.

Tab 10 - Required Certifications and Forms

Proposer shall complete and submit the following certifications and forms with its Proposal. Except for the Contractor Employee Jury Service Program form, these forms are required only from the Proposer. The Contractor Employee Jury Service Program form must be completed and signed by the Proposer and its Subconsultants and Subcontractors:

- a. Best Management Practices (BMP) Requirement (Section 000310)
- b. Construction and Demolition Debris Recycling Requirements (Section 000311)

- c. Builders Risk Course of Construction Insurance Requirements (Section 000312)
- d. Proposal Bond (Section 000410)
- e. Subcontractor Listing and Subcontracting (Section 000430)
- f. Community Business Enterprises (CBE) Participation Form (Section 000435)
- g. Request for Local Small Business Enterprise (SBE) Preference Consideration and Community Business Enterprise (CBE) Firm/Organization Information Form (Section 000438)
- h. Equals (Section 000440)
- i. Non-collusion Affidavit (Section 000450)
- j. Greater Avenues for Independence/General Relief Opportunity for Work (GAIN/GROW) Participation Affidavit (Section 000460)
- k. 3-Year Contracting History (Section 000465)
- l. False Claims (Section 000470)
- m. Civil Litigation History (Section 000471)
- n. Criminal Convictions (Section 000472)
- o. Debarments (Section 000473)
- p. Labor Law/Payroll Violations (Section 000474)
- q. Contractor Employee Jury Service Program (Section 000485)
- r. Design-Builder's Industrial Safety Record (Section 000490)
- s. Injury & Illness Prevention Plan & Code of Safe Practices Affidavit (Section 000491)

- t. Bidder's Organization Questionnaire/Affidavit (Section 000492)
- u. Defaulted Property Tax Reduction Program (Section 000493)
- v. Avoidance of Conflict of Interest Certificate (Section 000494)
- w. Familiarity with the County Lobbyist Ordinance Affidavit (Section 000495)
- x. Proposer's EEO Certification Form (Section 000496)
- y. Request for Disabled Veteran Business Enterprise Preference Program Consideration Form (Section 000497)

Tab 11 - CBE Good Faith Effort Documentation

Submit, as a separate volume, documentation of Proposer's good faith efforts to meet the CBE participation goal specified in Section 6.33 of this RFP.

Tab 12 - Plans and other Deliverables

[PM to provide specific instructions and requirements related to design related submittals that are intended for evaluation as part of the selection process. Examples of such submittals may include a predefined level of design documents, alternative design solutions, and cost-saving proposals. Note, if Tab 12 is used, PM to amend evaluation criteria in Section 4.2.2 and Section 5.2 to allow for evaluation of such deliverables.]

5 EVALUATION CRITERIA

5.1 Part A SOQ Prequalification Questionnaire

- 5.1.1 All Proposers will respond to the SOQ by completing all sections of the SOQ Prequalification Questionnaire attached as Exhibit A. The SOQ submittals will be screened for format and completeness. Proposers will be deemed responsive if they provide all required information in the SOQ Prequalification Questionnaire. Any submittal failing to clearly present all of the requested information, or failing to be in the format requested, may be deemed nonresponsive and disqualified from further consideration.

5.1.2 The minimum threshold score for prequalification under Part A SOQ is 65%. [% TO BE DETERMINED BY PM] Any submittal not meeting this minimum threshold may be deemed nonresponsive and disqualified from further consideration.

5.1.3 Sections 1 through 7 of the SOQ Prequalification Questionnaire will be evaluated according to the following criteria

a. Section 1 – Essential Requirements for Prequalification:

All questions in this section are Pass/Fail. Proposer will be immediately disqualified if the answer to any of Questions 1.1 through 1.5, including any subparts, is "No." Proposer will be immediately disqualified if the answer to any of Questions 1.6 through 1.9 is "Yes."

b. Section 2 - Los Angeles County Required Certifications:

All questions in this section are Pass/Fail. Proposer must affirm that it has reviewed all County forms listed in this Section, and agree to complete and submit all such forms as part of its Part B Proposals if invited to submit. Failure to confirm a willingness to provide required certifications will be cause for disqualifying the Proposer as nonresponsive.

c. Section 3 - Organization, History, Organizational Performance, and Compliance with Civil and Criminal Laws, and Safety Record:

Certain questions in this section are only intended to obtain information from the Proposer and will be reviewed accordingly. The remaining questions in this section are intended for scoring purposes and will be scored according to the point scale following each question as noted in the SOQ Prequalification Questionnaire.

d. Section 4 - Recent Construction Projects Completed:

All questions in this section are intended for scoring purposes and will be scored according to the point scale specified following each question as noted in the questionnaire document.

e. Section 5 - Commitment to Use Skilled and Trained Workforce:

Proposer must execute the enforceable commitment form that the Proposer and its subcontractors at every tier, will use a skilled and

trained workforce to perform all work on the Project that falls within an apprenticeable occupation in the building and construction trades, as those terms are defined in California Public Contract Code Section 22164. Proposer will be immediately disqualified as nonresponsive if this Section is not completed and signed.

f. Section 6 – Commitment to Propose:

Proposer must complete and sign this Section. Proposer will be immediately disqualified as nonresponsive if this Section is not completed and signed.

g. Section 7 - Oath of Truthfulness:

Proposer must complete and sign this Section. Proposer will be immediately disqualified as nonresponsive if this Section is not completed and signed.

5.1.4 All Proposers that have not been disqualified and that have met the minimum threshold score requirement established in 5.1.2 will be deemed pre-qualified and will be ranked from highest to lowest scoring Proposer. The top three (3) ranked Proposers will be short-listed and invited to submit a response to Part B Proposal upon notification from Public Works.

5.2 Part B Proposal Evaluation Criteria

5.2.1 The Contract will be awarded based on best value. The responses to the Technical Proposal of the Part B Proposal shall be scored using an informed averaging evaluation method. In addition to price, the primary factors on which the RFP responses may be evaluated include, but are not limited to:

- a. Technical Design and Construction Expertise
- b. Design-Build Team Personnel & Organization
- c. Proposed Work Plan and Schedule
- d. Life Cycle Costs
- e. Workforce Commitment and Local Worker Hiring Program (LWHP) for Veterans and LWHP
- f. Oral Presentation

5.2.2 Proposers will be deemed responsive if they provide all required information in the correct format. Any submittal failing to clearly present all of the requested information, or failing to be in the format requested, may be deemed nonresponsive and disqualified from further consideration.

5.2.3 Each Proposal will be evaluated and scored according to the defined categories and points specified in the table below.

[PM AND SECTION HEAD TO REVIEW AND CUSTOMIZE TABLE BELOW FOR THEIR PARTICULAR PROJECT]

Tab	Evaluation Category	Points	Percentage
3	Technical Design and Construction Expertise		
4	Design-Build Team Personnel & Organization		
5	Proposed Work Plan and Schedule		
6	Life Cycle Cost		
7	Workforce Commitment and Local Worker Hiring Program (LWHP)		
	Oral Presentation		
TOTAL MAXIMUM POINTS		1,000	100%

[OTHER PRICE ITEMS TO BE CONSIDERED IN ADDITION TO PRICE PROPOSAL, ADJUST SCORING ACCORDINGLY]

[CA AND PM TO VERIFY THAT THE FIVE CATEGORIES (Tabs 3,4,5,6, and oral presentation) include Design Excellence description (ranging from 25 percent to 32 percent of total score)]

5.2.4 Price Proposal Evaluation Criteria

After the Evaluation Committee determines the total point scores for the Technical Proposal of the Part B Proposal, Public Works will divide each Proposer's [price] by that Proposer's total point score for technical proposal to determine that proposer's resulting price per point. The Proposal with the lowest resulting price per point will be deemed to represent the highest ranked, best value Proposal

Should one or more of the Proposers request and be granted the Local SBE Preference, or the Disabled Veteran Business Enterprise Preference, the price to be used in the price per point determination shall be adjusted as follows:

Local SBE Preference: Five percent of the lowest price proposed will be calculated, which shall not exceed \$50,000, and that amount will be deducted from the price submitted by all Local SBE Proposers who requested and were granted the Local SBE Preference.

Disabled Veteran Business Enterprise Preference: Eight percent of the lowest price proposed will be calculated and that amount will be deducted from the price submitted by all Proposers who requested and were granted the Disabled Veteran Business Enterprise Preference up to the maximum of \$50,000.

In no case shall any Preference be combined to exceed eight percent up to maximum of \$50,000 in response to this solicitation.

5.2.5 Scoring of Reference Forms

Each approved reference submitted in accordance with Section 4.2.2, Tab 3.B, will be reviewed and the total score given will be the aggregate score of all seven survey questions divided by 35 (the maximum score for all seven questions), then multiplied by **XX** to compute the total maximum score for each reference form. These total maximum scores for all **five** reference forms will then be added together as part of the overall score for each proposal.

Questions not answered and left blank shall receive zero points.

In addition to the references provided, County review will include the County's Contract Database and Contractor Alert Reporting Database (CARD), if applicable, reflecting past performance history on County or other contracts. This review may result in point deductions up to 100% of the total points awarded in this evaluation category. Additionally, a review of terminated contracts will be conducted which may result in point deductions. The number of active and resolved issues from CARD and CARD-related issues from any non-County reference will be added to determine if deductions are applicable. If deductions apply, deductions shall be based on the following:

Deductions shall be applied against the points awarded in the Reference section as follows:

- a. 100 percent if Proposer has two or more confirmed active CARD issues;
- b. 75 percent of points awarded for one confirmed active CARD issue; and
- c. 25 percent of points awarded if Proposer has three or more issues that were resolved within the last five years.

6 RFP GENERAL CONDITIONS

6.1 General Conditions:

This RFP is a solicitation for Proposals only, and is neither intended, nor to be construed as an offer to enter into an agreement or engage in any formal competitive bidding or negotiation pursuant to any statute, ordinance, rule, or regulation. Thus, the County reserves the unqualified right to reject any or all Proposals for any reason.

6.2 County's Responsibilities:

The County is responsible only for that which is expressly stated in this RFP or any future addenda/notice that may be issued to this RFP. County is not responsible for, and shall not be bound by, any representations otherwise made by any individual acting or purporting to act on its behalf.

6.3 Bid Security

6.3.1 Bid security is required of each Proposer at the time of the proposal submittal and shall be made payable to Los Angeles County, in an amount of ten percent of the Proposer's Base Price Proposal, in the form of cash, a certified check, a cashier's check, or a bid bond issued by a California-admitted Surety.

6.3.2 The bid security of the successful Proposer will be retained until such Proposer has executed the Agreement and Contract security, whereupon it will be returned; if the successful Proposer fails to execute and deliver the Agreement and furnish the required insurance and Contract security within 14 calendar days of notification from County, the County may annul the Notice of Award and the bid security of that Proposer may be forfeited. The bid security of any Proposer whom the County believes to have a reasonable chance of receiving the award may be

retained until the earlier of the effective date of the Contract or the 181st day after Proposal submittal. Bid security of Proposers other than the successful Proposer will be returned within 30 days of the notification of the final ranking and scores of the Proposers.

6.4 Compliance with RFP

Responses to this RFP shall be made according to the specifications and instructions contained herein. Failure to adhere to RFP instructions may be cause for rejection of any Proposal.

6.5 Truth and Accuracy of Representations

Substantially false, misleading, incomplete, or unresponsive statements and/or failure to adhere to the format herein described may be sufficient cause for rejection. The evaluation and determination of the fulfillment of the above requirement shall be in County's sole judgment and shall be final.

6.6 Acceptance of Terms and Conditions

Proposers understand and agree that submittal of a Proposal will constitute acknowledgment and acceptance of, and a willingness to comply with, all of the terms, conditions, and criteria contained in this RFP, including any attachments and exhibits herein. Any and all parts of the submitted Proposal may become part of any resultant contract between the selected Proposer and the County.

6.7 County's Changes to RFP:

County reserves the right to interpret or change any provisions of this RFP at any time prior to the Proposal submittal date. Such interpretations or changes shall be in the form of addenda/notice to this RFP. Such addenda/notice will become part of this RFP and may become part of any resultant Contract. Such addenda/notice will be made available to each person or organization who has registered through the Department of Public Works "Doing Business with DPW" website for this RFP at <http://dpw.lacounty.gov/general/contracts/opportunities/>. Should such addenda/notice require additional information not previously requested, a Proposer's failure to address the requirements of such addenda/notice may result in the Proposer not being considered.

County, at its sole discretion, may determine that a time extension is required for submittal of Proposals, in which case an addendum/notice shall indicate the new proposal submittal date.

6.8 Modification and Withdrawal of Proposals

Proposals may be modified or withdrawn by an appropriate document duly executed (in the manner that a Proposal must be executed) and delivered to the place where proposals are to be submitted or by a Proposer's representative with proper identification and verification at any time prior to the closing time for receipt of proposals

6.9 Consistency with Laws:

Any Agreement entered into by the Proposer shall be consistent with applicable federal, state, and local laws.

6.10 Public Records Act:

Responses to this solicitation shall become the exclusive property of the County. Absent extraordinary circumstances, at such time as (a) with respect to the recommended proposer's proposal, County completes Contract negotiations and obtains a letter from an authorized officer of the recommended Proposer that the negotiated Contract is a firm offer of the recommended Proposer, which shall not be revoked by the recommended Proposer pending the department's completion of the process under the applicable protest policy as set forth in this RFP and approval by the Board of Supervisors and (b) with respect to all other Proposers, Public Works recommends the recommended Proposer(s) to the Board and such recommendation appears on the Board agenda, Proposals submitted in response to this solicitation become a matter of public record, with the exception of those parts of each proposal which are justifiably defined by the Proposer as business or trade secrets, and plainly marked as "Trade Secret," "Confidential," or "Proprietary."

The County shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or otherwise by law. **A blanket statement of confidentiality or the marking of each page of the Proposal as confidential shall not be deemed sufficient notice of exception. The Proposers must specifically label only those provisions of their respective Proposal which are "Trade Secrets," "Confidential," or "Proprietary" in nature.**

In the event the County is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "confidential," "trade secrets," or "proprietary," Proposer agrees to defend and indemnify County from all costs and expenses, including reasonable attorneys' fees, incurred

in connection with any action, proceedings, or liability arising in connection with the Public Records Act request.

6.11 Protest Policy Review Process

The County will handle and process any and all protests in connection with this RFP according to the County of Los Angeles Contracting Manual, Countywide Construction Contracting Policy Guidelines, No. P-05-04, "Bid Protests," dated March 31, 2003. Proposers who wish to file a protest shall do so in accordance with the requirements specified in Construction Contracting Policy Guideline No. P-05-04, which is available at this website: <http://dpw.lacounty.gov/general/bids/BidProtests.pdf>.

6.12 Equals

6.12.1 Whenever any material, product, apparatus, equipment, or service (collectively "item") is specified or indicated in the Scoping Documents by brand, trade, patent, proprietary name or by the name of the manufacturer, the item so specified or indicated shall be deemed to be followed by the words "or equal," unless specifically indicated to the contrary.

6.12.2 An "equal" is any material, product, apparatus, equipment, or service that has been substantiated and formally Accepted by the County to be equal in all respects to the material, product, apparatus, equipment, or service specified in the Scoping Documents.

6.12.3 A formal request for the County's acceptance of any equal product, apparatus or equipment known by the Proposer at the time of Proposal shall be submitted for the County's review and acceptance by listing and describing each material, product, apparatus or equipment on Form 00440, Equals, no later than two weeks prior to the Part B Proposal submittal date. Lacking the County approval of an equal, Proposer is required to submit its Price Proposal according to the requirements specified in the Scoping Documents.

6.13 Alternatives

During the Proposal period, alternatives, if any, and the corresponding prices described by the Proposer in the Proposal will be reviewed, evaluated, accepted, or rejected and the proposed price will be adjusted accordingly. The review, evaluation, and price adjustment will be an interactive, mutually agreeable process between the Proposer and the County.

6.14 County of Los Angeles Lobbyist Ordinance

The County has enacted an ordinance regulating the activities of persons who lobby County officials. This Ordinance, referred to as the Lobbyist Ordinance, defines a County lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the Ordinance can be found in County Code Chapter 2.160. In effect, each person, corporation, or other entity who seeks a County permit, license, franchise, or contract must certify compliance with the Ordinance. As part of this solicitation process, it is the responsibility of each Proposer to review the Ordinance independently, as the text of said Ordinance is not contained within this RFP. Thereafter, each person, corporation, or other entity submitting a response to this RFP must certify that each County lobbyist, as defined by Los Angeles County Code, Section 2.160.010, that is retained by the Proposer is in full compliance with Chapter 2.160 of the County Code.

6.15 Gratuities

- 6.15.1 It is improper for any County officer, employee, or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion, or statement that the Proposer's provision of the consideration may secure more favorable treatment for the Proposer in the award of the Contract or that the Proposer's failure to provide such consideration may negatively affect the County's consideration of the Proposer's submittal. A Proposer shall not offer or give, either directly or through an intermediary, consideration, in any form, to a County officer, employee, or agent for the purpose of securing favorable treatment with respect to the award of the Contract.
- 6.15.2 A Proposer shall immediately report an attempt by a County officer, employee, or agent to solicit such improper consideration. The report shall be made either to the Public Works' Manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (213) 974-0914 or (800) 544-6861. Failure to report such a solicitation may result in the Proposer's submittal being eliminated from consideration.
- 6.15.3 Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

6.16 Consideration of GAIN/GROW Program Participants for Employment

As a threshold requirement for consideration for contract award, Proposers shall demonstrate a proven record of hiring participants in the County's Department of Public Social Services' Greater Avenues for Independence (GAIN) or General Relief Opportunity for Work (GROW) Program, or shall attest to a willingness to consider GAIN/GROW participants for any future employment opening if they meet the minimum qualifications for that opening. Additionally, Proposers shall attest to a willingness to provide employed GAIN/GROW participants access to the Proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities. Proposers who are unable to meet this requirement shall not be considered for contract award.

6.17 Child Support Compliance Program

Proposer is required to fully comply with all applicable State and Federal reporting requirements relating to employment reporting for its employees. Proposer is required to fully comply with all lawfully served wage and earnings assignment orders and notices of assignment. Failure to comply may be cause for termination of a Contract or initiation of debarment proceedings against the noncompliant Contractor (County Code Chapter 2.202).

6.18 Federal Earned Income Credit

Design-Builder shall notify its employees, and shall require each subconsultant to notify its employees, that they may be eligible for the Federal Earned Income Credit under the Federal Income tax laws. Such notice shall be provided in accordance with the requirements set forth in Internal Revenue Service Notice 1015. A copy of the notice is available at this website: <http://www.irs.gov/pub/irs-pdf/n1015.pdf>.

6.19 Recycled Bond Paper

Proposer shall be required to comply with the County's policy on recycled bond paper as specified in Design-Build Agreement, Recycled Bond Paper Section.

6.20 County Policy on Doing Business with Small Business

6.20.1 The County has multiple programs that address small businesses. The Board of Supervisors encourages small business participation in the County's contracting process by constantly streamlining and simplifying our selection process and expanding opportunities for small businesses to compete for our business.

- 6.20.2 The Local Small Business Enterprise Preference Program requires the company to complete a certification process. This program and how to obtain certification are further explained in Section 6.36 of this RFP.
- 6.20.3 The Jury Service Program provides exceptions to the Programs if a company qualifies as a Small Business. It is important to note that each Program has a different definition for Small Business. You may qualify as a Small Business in one Program but not the other. Further explanations of the Jury Service Program are provided in this RFP.
- 6.20.4 The County also has a policy on Doing Business with Small Business.

6.21 Indemnification and Insurance

- 6.21.1 The County's insurance requirements specify that Proposers should obtain coverage from insurance companies acceptable to the County who have a current A.M. Best rating of not less than A:VII. A Best rating of A:VII indicates that the company evidences strong financial strength and ability to meet their ongoing financial obligations to policyholders. Refer to Section 00700, General Conditions, and Section 00800, Supplementary Conditions (Exhibit G), for additional information on indemnification and insurance requirements.

6.21.2 Cancellation of or Changes in Insurance

Design-Builder shall provide County with, or Design-Builder's insurance policies shall contain a provision that County shall receive, written notice of cancellation or any change in Required Insurance, including insurer, limits of coverage, term of coverage or policy period. The written notice shall be provided to County at least ten (10) days in advance of cancellation for non-payment of premium and thirty (30) days in advance for any other cancellation or policy change. Failure to provide written notice of cancellation or any change in Required Insurance may constitute a material breach of the Contract, in the sole discretion of the County, upon which the County may suspend or terminate this Contract.

- 6.21.3 Failure to Maintain Insurance – Design-builder's failure to maintain or to provide acceptable evidence that it maintains the Required Insurance shall constitute a material breach of the Contract, upon which County immediately may withhold payments due to Design-Builder, and/or suspend or terminate this Contract. County,

at its sole discretion, may obtain damages from Design-Builder resulting from said breach. Alternatively, the County may purchase the Required Insurance, and without further notice to Design-Builder, deduct the premium cost from sums due to Design-Builder or pursue Design-Builder reimbursement.

6.22 No Payment for Services Provided Following Expiration/Termination of Agreement

Design-Builder shall have no claim against County for payment for any money or reimbursement, of any kind whatsoever, for any service provided by Design-Builder after the expiration or other termination of this Agreement. Should Design-Builder receive any such payment it shall immediately notify County and shall immediately repay all such funds to County. Payment by County for services rendered after expiration/termination of this Agreement shall not constitute a waiver of County's right to recover such payment from Design-Builder. This provision shall survive the expiration or other termination of this Agreement.

6.23 Conflict of Interest

No County employee whose position in the County enables him/her to influence the selection of a Design-Builder for this RFP, or any competing RFP, nor any spouse or economic dependent of such employees, shall be employed in any capacity by a Proposer or have any other direct or indirect financial interest in the selection of a Design-Builder. Proposer shall certify that he/she is aware of and has read Section 2.180.010 of the Los Angeles County Code as stated in Avoidance of Conflict of Interest Certificate.

6.24 Determination of Proposer Responsibility

6.24.1 A responsible Proposer is a Proposer who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible Proposers.

6.24.2 Proposers are hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may determine whether the Proposer is responsible based on a review of the Proposer's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Proposer against public entities. Labor law violations which are the fault of subconsultants and of which the Proposer had no knowledge shall not be the basis of a determination that the Proposer is not responsible.

- 6.24.3 The County may declare a Proposer to be non-responsible for purposes of this contract if the Board of Supervisors, in its discretion, finds that the Proposer has done any of the following: (1) violated a term of a Contract with the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or offense which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.
- 6.24.4 If there is evidence that the highest ranked Proposer may not be responsible, the Department shall notify the Proposer in writing of the evidence relating to the Proposer's responsibility, and its intention to recommend to the Board of Supervisors that the Proposer be found not responsible. The Department shall provide the Proposer and/or the Proposer's representative with an opportunity to present evidence as to why the Proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.
- 6.24.5 If the Proposer presents evidence in rebuttal to the Department, the Department shall evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the Proposer shall reside with the Board of Supervisors.
- 6.24.6 The terms shall also apply to proposed subcontractors of Proposers on County contracts.

6.25 Proposer Debarment

- 6.25.1 The Proposer is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the Proposer from proposing on, or being awarded, and/or performing work on other County Contracts for a specified period of time, which generally will not exceed five years but may exceed five years or be permanent if warranted by the circumstances, and the County may terminate any or all of the Proposer's existing Contracts with the County, if the Board of Supervisors finds, in its discretion, that the Proposer has done any of the following: (1) violated a term of a Contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a Contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged

in a pattern or practice which negatively reflects on same; (3) committed an act or offense which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

- 6.25.2 If there is evidence that the highest ranked Proposer may be subject to debarment, the Department shall notify the Proposer in writing of the evidence which is the basis for the proposed debarment, and shall advise the Proposer of the scheduled date for a debarment hearing before the Contractor Hearing Board.
- 6.25.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The Proposer and/or the Proposer's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether the Proposer should be debarred, and, if so, the appropriate length of time of the debarment. The Proposer and the Department shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.
- 6.25.4 After consideration of any objections, or if no objections are received, a record of the hearing, the proposed decision and any other recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 6.25.5 If a Proposer has been debarred for a period longer than five years, that Proposer may, after the debarment has been in effect for at least five years, submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the Proposer has adequately demonstrated one or more of the following: (1) elimination of the grounds for which the debarment was imposed; (2) a bona fide change in ownership or management; (3) material evidence discovered after debarment was imposed; or (4) any other reason that is in the best interests of the County.
- 6.25.6 The Contractor Hearing Board will consider requests for review of a debarment determination only where (1) the Proposer has been debarred for a period longer than five years; (2) the debarment has been in effect for at least five years; and (3) the request is in writing, states one or more of the grounds for reduction of the debarment

period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. After the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.

The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.

6.25.7 These terms shall also apply to proposed subcontractors of Proposers on County contracts.

6.26 County's Defaulted Property Tax Reduction Program

The prospective Contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program (Los Angeles County Code, Chapter 2.206). Prospective Design-Builders should carefully read the Defaulted Tax Program Ordinance, Section 000493 which is incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both contractors and their subcontractors.

Proposers shall be required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and shall maintain compliance during the term of any Contract that may be awarded pursuant to this solicitation or shall certify that they are exempt from the Defaulted Tax Program by completing Certification of Compliance with the County's Defaulted Property Tax Reduction Program, Section 000493 - Certified Required Forms. Failure to maintain compliance, or to timely cure defects, may be cause for termination of a Contract or initiation or debarment proceedings against the non-compliant contractor (Los Angeles County Code, Chapter 2.202).

Proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

6.27 Compliance with Jury Service Program

- 6.27.1 This Contract is subject to provisions of the County's ordinance entitled Contractor Employee Jury Service (Jury Service Program) as codified in Sections 2.203.010 through 2.203.090 of the Los Angeles County Code.
- 6.27.2 Unless Design-Builder has demonstrated to the County's satisfaction either that Design-Builder is not a Contractor as defined under the Jury Service Program (Section 2.203.020 of the County Code) or that Design-Builder qualifies for an exception to the Jury Service Program (Section 2.203.070 of the County Code), Design-Builder shall have and adhere to a written policy that provides that its employees shall receive from the Design-Builder, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the Design-Builder or that the Design-Builder deduct from the employee's regular pay the fees received for jury service.
- 6.27.3 For purposes of this Section, "Design-Builder" or "contractor" means a person, partnership, corporation or other entity which has a contract with the County or a subcontract with a County Design-Builder or contractor and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more County contracts or subcontracts. "Employee" means any California resident who is a full-time employee of Design-Builder. Full-time means 40 hours or more worked per week, or a lesser number of hours if: (1) the lesser number is a recognized industry standard as determined by the County, or (2) Design-Builder has a long-standing practice that defines the lesser number of hours as full-time. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program. If Design-Builder uses any Subcontractor and/or Subconsultant to perform services for the County under the Contract, the Subcontractor and/or Subconsultant shall also be subject to the provisions of this Section. The provisions of this Section shall be inserted into any such Subcontract and/or Subconsultant contract and a copy of the Jury Service Program shall be attached to the Contract.
- 6.27.4 If a Design-Builder does not fall within the Jury Service Program's definition of "Contractor" or if it meets any of the exceptions to the Jury Service Program, then the Design-Builder must so indicate in the Certification Form and Application for Exception and include with its submission all necessary documentation to support the

claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing the contractor's application, the County will determine, in its sole discretion, whether the Design-Builder falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.

6.27.5 If Design-Builder is not required to comply with the Jury Service Program when the Contract commences, Design-Builder shall have a continuing obligation to review the applicability of its exception status from the Jury Service Program, and Design-Builder shall immediately notify County if Design-Builder at any time either comes within the Jury Service Program's definition of Contractor or if Design-Builder no longer qualifies for an exception to the Program. In either event, Design-Builder shall immediately implement a written policy consistent with the Jury Service Program. The County may also require, at any time during the Contract and at its sole discretion, that Design-Builder demonstrate to the County's satisfaction that Design-Builder either continues to remain outside the Jury Service Program's definition of Contractor and/or that Design-Builder continues to qualify for an exception to the Program.

6.27.6 If a Design-Builder uses a subcontractor to perform services for the County under the Contract, the subcontractor shall also be subject to the provisions of the Jury Service Program, unless the subcontractor 1) does not fall within the definition of "contractor" or 2) meets one of the exceptions to the Jury Service Program. The provisions of the Jury Service Program must be inserted into any applicable agreement and a copy of the Jury Service Program shall be attached to the Agreement.

6.27.7 Design-Builder's violation of this Section of the Contract may constitute a material breach of the Contract. In the event of such material breach, County may, in its sole discretion, terminate the Design-Builder and/or bar Design-Builder from the award of future County Contracts for a period of time consistent with the seriousness of the breach.

6.28 Registration with the County of Los Angeles

Prior to a Contract award, all potential Design-Builders must register in the County's WebVen. The WebVen contains the Vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the Internet by accessing the County's home page at <http://camisvr.co.la.ca.us/webven/>. If awarded a contract and Design-

Builder does not have a valid vendor number, payments will be delayed until the Design-Builder is registered.

6.29 Confidentiality and Independent Contractor Status

As appropriate, Design-Builder shall be required to comply with the Confidentiality provision and the Independent Contractor Status provision contained in the Sample Consultant Services Agreement.

6.30 Notice to Employees Regarding the Safely Surrendered Baby Law

The Design-Builder shall notify and provide to its employees, and shall require each subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in the County of Los Angeles, and how to safely surrender a baby. The fact sheet is set forth in Attachment of this solicitation document. It is also available on the Internet at www.babysafela.org for printing purposes.

6.31 Notification to County of Pending Acquisitions/Mergers by Proposing Company.

The Proposer shall notify the County of any pending acquisitions/mergers of their company. This information shall be provided by the vendor on Form - Proposer's Organization Questionnaire/Affidavit. Failure of the Proposer to provide this information may eliminate its proposal from any further consideration. Proposer shall have a continuing obligation to notify County of changes to the information contained in Proposer's Organization Questionnaire/Affidavit Form during the pendency of this RFP by providing a revised Form to the County upon the occurrence of any event giving rise to a change in its previously-reported information.

6.32 Prevailing Wage Requirements

These services will consist of both prevailing wage work and non-prevailing wage work.

- a. The Project is a public work as defined in Section 1720 of the California Labor Code, and subject to compliance monitoring and enforcement by the Department of Industrial Relations (DIR). As such, the requirements of Labor Code Sections 1720 *et. seq.* shall apply, including but not limited to the following.
- b. A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to requirements of Section 4104 of the California Public Contract Code, or engage in the performance of any Contract for public works, unless currently registered with the

Department of Industrial Relations and qualified to perform public work pursuant to California Labor Code section 1725.5.

- c. The County shall not accept any bid nor award any Contract without proof of the contractor and subcontractor's current registration to perform the Project. A copy of the confirmed registration from the Department of Industrial Relations website (<https://efiling.dir.ca.gov/PWCR/Search.action>) must be attached in applicable part of the Proposal. A Proposal submitted by an unregistered contractor shall be basis for considering the bid non-responsive [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1].

- d. An inadvertent error in listing an unregistered subcontractor pursuant to Labor Code section 1725.5 in a Proposal shall be grounds for considering the proposal non-responsive, unless:
 - (1) The subcontractor is registered prior to the bid opening.
 - (2) Within 24 hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee specified in Subparagraph (E) of Paragraph (2) of Subdivision (a) of Section 1725.5.
 - (3) The subcontractor is replaced by another registered subcontractor pursuant to Section 4107 of the Public Contract Code.

- e. All contractors and subcontractors must furnish certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement) in a format prescribed by the Labor Commission.

- f. The prime contractor is required to post job site notices prescribed below:

8 Calif. Code Reg. §16451(d):

"This public works project is subject to monitoring and investigative activities by the Compliance Monitoring Unit (CMU) of the Division of Labor Standards Enforcement, Department of Industrial Relations, State of California. This Notice is intended to provide information to all

workers employed in the execution of the contract for public work and to all contractors and other persons having access to the job site to enable the CMU to ensure compliance with and enforcement of prevailing wage laws on public works projects.

"The prevailing wage laws require that all workers be paid at least the minimum hourly wage as determined by the Director of Industrial Relations for the specific classification (or type of work) performed by workers on the project. These rates are listed on a separate job site posting of minimum prevailing rates required to be maintained by the public entity which awarded the public works contract. Complaints concerning nonpayment of the required minimum wage rates to workers on this project may be filed with the CMU at any office of the Division of Labor Standards Enforcement (DLSE).

Local Office Telephone Number:

*Division of Labor Standards Enforcement Office
320 W. Fourth Street, Suite 450
Los Angeles, CA 90013
(213) 620-6330*

"Complaints should be filed in writing immediately upon discovery of any violations of the prevailing wage laws due to the short period of time following the completion of the project that the CMU may take legal action against those responsible.

"Complaints should contain details about the violations alleged (for example, wrong rate paid, not all hours paid, overtime rate not paid for hours worked in excess of 8 per day or 40 per week, etc) as well as the name of the employer, the public entity which awarded the public works contract, and the location and name of the project.

"For general information concerning the prevailing wage laws and how to file a complaint concerning any violation of these prevailing wage laws, you may contact any DLSE office. Complaint forms are also available at the Department of Industrial Relations website found at <http://www.dir.ca.gov/Public-Works/PublicWorks.html>."

- g. In addition, electronic certified payroll records must be submitted to the County through an online system designated by the County.

6.33 Community Business Enterprise (CBE) Participation

6.33.1 The County has adopted a Community Business Enterprise (CBE) Program, available for review at Public Works, which includes business enterprises owned by disabled veterans, disadvantaged business enterprises, and minority and women-owned business enterprises. The County has established an aspirational goal of 25 percent determined by total dollars awarded to CBE. All Proposers shall document good faith efforts it has taken to assure that CBEs are utilized when possible to provide supplies, equipment, technical services, and other services under this Contract. The County will evaluate the Proposer's good faith efforts to meet the CBE participation goal by reviewing the Proposer's documentation. Suggested criteria include, but are not limited to, the following:

- a. Proposer attended any preproposal meetings scheduled by the County to inform all Proposers of the CBE program requirements for the project.
- b. Proposer identified and selected specific items of the Project for which a subcontract could be awarded to be performed by CBEs to provide an opportunity for participation by those enterprises.
- c. Proposer advertised, not less than ten calendar days before the date the Proposals are due, in one or more daily or weekly newspapers, trade association publications, minority or trade-oriented publications, trade journals, or other media specified by the County for CBEs that are interested in participating in the project. This paragraph applies only if the County gave public notice of the Project not less than 15 calendar days prior to the date the Proposals are due.
- d. Proposer provided written notice of his or her interest in proposing on the Project to certified CBEs.
- e. Proposer followed up initial solicitations of interest by contacting the CBEs to determine with certainty whether the CBEs were interested in performing specific items of the project.

- f. Proposer provided interested CBEs with information about the Project and requirements for selected subconsultants.
- g. Proposer requested assistance from minority and women community organizations; minority and women Contractor groups; local, State, or Federal minority and women business assistance offices; or other organizations that provide assistance in the recruitment and placement of minority or women business enterprises, if any are available. Proposer used the services and assistance of the Small Business Administration and Minority Business Development Agency of the Department of Commerce, the County Office of Small Business, and other outreach agencies.
- h. Proposer negotiated in good faith with the CBEs, and did not unjustifiably reject as unsatisfactory proposals prepared by any CBE.
- i. Where applicable, the Proposer advised and made efforts to assist interested CBEs in obtaining bonds, lines of credit, or insurance required by these contract documents.
- j. Proposer's efforts to obtain CBE participation could reasonably be expected by the County to produce a level of participation sufficient to meet the goals and requirements of the County.
- k. Proposer commits to continued good faith effort in considering CBE participation throughout the term of the Contract, if awarded the Contract. County shall be notified of any future CBE participation.
- l. Proposer is a certified CBE.

6.33.2 The Proposer's CBE participation shall be reflected in the Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form.

6.33.3 Public Works will answer questions from Proposers regarding CBE participation.

6.33.4 The County strongly encourages participation by CBEs; however, the final selection will be made without regard to race, color, creed, or gender. The final selection will be based on the Proposer's ability to provide the best service and value to the County.

6.34 Best Management Practice (BMP) Requirements

- a. Design-Builder shall comply with the Los Angeles County Department of Public Works Construction Site Best Management Practices (BMP's) Manual, latest edition. A copy of the BMP Manual can be obtained at the Los Angeles County Department of Public Works Cashier's Office, 900 South Fremont Avenue, Alhambra, CA 91803, or call (626) 458-6959. Specific requirements for this Project are listed in Sections 000310, 001010, and 1054 (Projects less than one acre); 001055 (Projects one acre or greater).
- b. Design-Builder shall use Construction and Demolition Debris Recycling Best Management Practices. Specific requirements are listed in Section 001800. Copies of the Best Management Practices handbook are available at the Cashier's Office at the Department of Public Works at no cost to bidders.

6.35 Injury and Illness Prevention Plan (IIPP) and Code of Safe Practices (CSP) Affidavit

The Proposer shall submit Section 00491, injury and illness prevention plan (IIPP) AND CODE OF SAFE PRACTICES (CSP) affidavit at time of proposal submittal. The affidavit requires that the Proposer shall have an IIPP and a CSP which complies with Cal/OSHA Regulations, and that all subcontractors supplying employees to the jobsite will be required to prove to the Contractor that they have an IIPP and a CSP which complies with Cal/OSHA Regulations, and that their jobsite employees have been trained on IIPP and CSP.

Failure to submit this affidavit as required may result in a determination that the Proposer is nonresponsive.

6.36 Local Small Business Enterprise Preference Program (LSBE) (DELETE FOR FEDERAL PROJECTS)

In evaluating Proposals, the County will give preference to businesses that are certified by the County as a Local Small Business Enterprise (Local SBE), consistent with Chapter 2.204 of the Los Angeles County Code. A

Certified Local SBE is a business: 1) certified by the State of California as a small business enterprise, 2) having its principal office currently located in Los Angeles County for a period of at least the past 12 months; and 3) certified by the Countywide Contract Compliance Section of the Internal Services Department as meeting the requirements set forth in 1 and 2 above. Certified Local SBEs must request the SBE Preference in their Proposals and may not request the preference unless the certification process has been completed and certification affirmed. County must verify Local SBE certification prior to applying the preference. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified Local SBE.

The program provides for a five percent reduction from the price component of the Proposal for certified Local SBEs that are registered County vendors.

- a. For this solicitation, the preference to be granted to each Local SBE is five percent of the price component of the Proposal, up to the maximum of \$50,000.
- b. In all cases, the Local SBE Preference shall not exceed \$50,000 for any one solicitation.

Information about the State's small business enterprise certification regulations is in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Small Business Certification and Resources Website at <http://www.pd.dgs.ca.gov/smbus/default>.

6.37 Required Certification/Disclosure

Proposals must provide full disclosure on violations and civil/criminal legal actions as provided for on the required forms in Sections 000470, 000471, 000472, 000473, and 000474, of the Project Manual. Failure to complete these forms may result in a determination that the Proposer is nonresponsive. Failure to fully and accurately provide the requested information may result in a determination that the Proposer is not responsible.

6.38 Subcontractor Listing Requirements

6.38.1 California Public Contract Code Section 22166 shall govern the award of subcontracts and listing of subcontractors under this solicitation, and the Design-Build Contract.

6.38.2 Subcontractor Listing at Proposal Submittal

At the time of Proposal submittal, Proposer is required to list on the form provided at Section 000430, Subcontractor Listing and Subcontracting, of the Project Manual any Subcontractor that meets either of the following criteria:

6.38.2.A Any Subcontractor that, at the time of Proposal submittal, the Design-Builder elects to list as a Subcontractor to perform work or labor or render service to the Design-Builder in or about the construction of the work, in an amount in excess of one-half of one percent (0.5%) of the Design-Builder's Base Price Proposal, or who under subcontract to the Design-Builder specially fabricates and installs a portion of the work of improvement according to detailed drawings contained in the Scoping Documents in an amount in excess of one-half of one percent (0.5%) of the Design-Builder's Base Price Proposal, or;

6.38.2.B. Any Subcontractor performing a portion of the Work that the RFP specifies must be performed by a Subcontractor listed at the time of proposal submittal.

6.38.3 If the County identifies specific types of subcontractors in the RFP that must be included in the Design-Builder's team, the Proposer must identify those subcontractors in its Proposal. Proposer shall identify such subcontractors on the form provided at Form 000430, Subcontractor Listing and Subcontracting, attached to the RFP.

For each such listed Subcontractor, the Design-Builder is required to identify the Subcontractor's name, business address, license number, telephone number, e-mail address, and the portion of the work to be performed.

6.38.3 Subcontractor Listing after Contract Award

In addition to the subcontractor-listing information submitted by the Design-Builder on Form 000430 at the time of Proposal submittal, the Design-Builder shall submit to the county's Project Manager within thirty (30) days of award of any Subcontract with a value in

excess of one-half of one percent (0.5%) of the Design-Builder's Base Price Proposal, an updated List of Subcontractors on Form 000430. Subcontractors that will perform work with a value in excess of one-half of one percent (0.5%) of the Design-Builder's Base Price Proposal that were not listed by the Design-Builder at the time of Proposal submittal shall be awarded by the Design-Builder in accordance with the advertising requirements and selection process outlined in California Public Contract Code Section 22166(b). The updated List of Subcontractors shall include for all such Subcontractors: the Subcontractor's name, license number, business address, telephone number, e-mail address, and the portion of the Work to be performed by the Subcontractor.

6.39 Disabled Veteran Business Enterprise Preference Program (DVBE)

- a. The County will give preference during the solicitation process to businesses that meet the definition of a Disabled Veteran Business Enterprise, consistent with Chapter 2.211 of the Los Angeles County Code. A Disabled Veteran Business Enterprise vendor is defined as: 1) A business which is certified by the State of California as a Disabled Veteran Business Enterprise; or 2) A business which is certified by the Department of Veterans Affairs as a Service Disabled Veteran Owned Small Business (SDVOSB).
- b. Certified Disabled Veteran Business Enterprise vendors must request the preference in their solicitation responses and may not request the preference unless the certification process has been completed and certification is affirmed.
- c. In no case shall the Disabled Veteran Business Enterprise Preference Program price or scoring preference be combined with any other county preference program to exceed eight percent (8%) in response to any county solicitation.
- d. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified Disabled Veteran Business Enterprise.
- e. To request the Disabled Veteran Business Enterprise Preference, Proposer must complete and submit the Request for Disabled Veteran Business Enterprise Consideration form in Required Certification Form and submit along with supporting documentation with their proposal.

Information about the State's DVBE certification regulations is found in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Disabled Veteran Business Certification and Resources Website at <http://www.pd.dgs.ca.gov/>.

6.40 Contractor CARD Track/Monitoring Database

The County maintains databases that track/monitor Contractor performance history. Information entered into such databases may be used for a variety of purposes, including determining whether the County will exercise a Contract term extension option.

6.41 Time Off for Voting

Design-Builder shall notify its employees, and shall require each subcontractor to notify and provide to its employees, information regarding the time off for voting law (Elections Code Section 14000). Not less than 10 days before every Statewide election, every Contractor and subcontractor shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of Section 14000.

6.42 Consultant Background and Security Investigations

Background and security investigations of Design-Builder's staff may be required, at the sole discretion of the County, as a condition of beginning and continuing work under any resulting Contract. The cost of background checks shall be the responsibility of the Design-Builder.

6.43 Proposals Submitted

Only one proposal from an individual, firm, partnership, joint venture, corporation, or association may be submitted. Using the same or different names to submit additional proposals is not acceptable, and such Proposals will not be considered. If the County has reasonable grounds for believing that any Proposer has an interest in more than one Proposal for the work contemplated, the Proposal may be rejected as non-responsive and/or non-responsible. If the County has reason to believe that collusion exists among the Proposers, the Proposals will be rejected, and such Proposers and participants may be subject to debarment.

Americans with Disabilities Act (ADA) Information



Individuals requiring reasonable accessibility accommodations may request written materials in alternate formats, physical accessibility accommodations, sign language interpreters or other reasonable accommodations by contacting our departmental Americans with Disabilities Act Coordinator at (626) 458-4081, from 7:30 a.m. to 5:00 p.m., Monday through Thursday (excluding holidays). Persons who are deaf or hard of hearing may make contact by first dialing the California Relay Service at 7-1-1. Requests should be made at least one week in advance to ensure availability. When making a reasonable accommodation request, please reference **[AED-3]**.

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EXHIBIT I

ITEMIZED SCOPING DOCUMENTS LIST

The documents listed below (not in order of precedence) constitute the "Scoping Documents" as referenced in Section 2, Scope of Services, of this RFP:

[PM AND CONTRACT ADMINISTRATOR TO MAKE SURE THAT EACH OF THE DOCUMENTS BELOW CONTAINS A SPECS NO. AND A PROJECT NAME]

[CONTRACT ADMINISTRATOR TO INDICATE BY EACH ITEM WHETHER ITS ATTACHED TO RFP OR TO BE PROVIDED LATER WITH INVITATION TO RESPOND TO PART B]

1. Project Manual as specifically identified in Section 2.2 of the Design-Build Agreement;
2. Needs Assessment Report prepared by _____, dated; _____;
3. Feasibility Analysis Report prepared by _____, dated; _____;
4. Building Space Program prepared by _____, dated; _____;
5. Basis of Design Report prepared by _____, dated; _____;
6. Conceptual, Schematic, or Design Development Drawings prepared by _____, dated _____;
7. Project Manual, including but not limited to, General Conditions (Section 00700), Supplementary Conditions (Section 00800), Proposal Requirements, Contract Forms, General Requirements, and Technical Specifications, prepared by County of Los Angeles, dated _____;
8. CEQA/NEPA Environmental Document prepared by _____, dated _____;
9. Geotechnical Report prepared by _____, dated _____;
10. Alta/Topographic Survey prepared by _____, dated _____;
11. Hazardous Materials Survey Report prepared by _____, dated _____;
12. **[NOTE TO CONTRACT ADMINISTRATOR AND PM - ADD ANY ADDITIONAL TECHNICAL REPORTS AND STUDIES AS DETERMINED BY PM]**

EXHIBIT J

LIFE CYCLE COST METHODOLOGY AND TEMPLATE

The Life Cycle Cost (LCC) Analysis must follow the format and methodology defined herein to allow a fair comparison between proposals. This methodology establishes the framework for the calculation of the LCC in a tabular form, in the attached LCC Template (Template), including factors that shall be used by all Proposers. The LCC cost factors that have been entered into the template shall remain unchanged. An electronic version of the Template in Excel format will be provided by the County.

If the LCC analysis is being prepared for an HVAC system, a computer simulation of the energy consumption and cost for the HVAC system specified in the Scoping Documents shall be performed using the TRACE energy program by the Trane Company.

Cost Elements

At a minimum, the following cost elements must be incorporated in the LCC analysis:

1. **Initial Investment Cost**, including, but not limited to, purchase, acquisition, construction cost, design and other initial fees necessary for construction of the specific part of the project for which the LCC analysis is performed (Row 1 of Template).
2. **Rebates** include any available and substantiated rebates (Row 2 of Template).
3. **Equipment Replacement Cost** is the cost of the future equipment replacement and should be the same as calculated for the initial investment (Row 3 of Template).
4. **Year of Replacement** is to be determined based on the manufacturer recommendations or from published literature. This is only applicable if the replacement occurs within the LCC study period (Row 4 of Template). For HVAC equipment, use 2014 ASHRAE Handbook – HVAC Applications Table 4, page 36.3. Proposer shall provide back-up documentation for year of replacement for each piece of equipment.
5. **Residual Value** of a system or component is its remaining value at the end of the LCC study period. The Remaining Life of a system or component, in years, is to be included in Row 7 of the Template. The Residual Value at the end of the study period shall be calculated by linearly prorating its Initial Investment Cost. Thus, a piece of equipment with a useful life of 20 years that was installed 10 years before the end of the LCC study period has a Residual Value of 50 percent. The Residual Value at the end of the LCC study period is to be included in Row 8 of the Template.

6. **Annual Energy Costs** of electricity, gas, fuel, shall be calculated based on the actual rates charged by the utility companies based on season, time of the day, demand charges, etc. (Rows 11 and 14 of Template). Annual energy consumption must be calculated with an energy computer program capable of simulating the required system. The most recent version of the TRACE energy program by the Trane Company shall be used where applicable.
7. **Annual Water Cost** and associated costs shall be included where applicable (i.e. for a water cooled HVAC system) (Row 17 21? of Template).
8. **Annual Non-fuel Operation, Maintenance, and Repair (OM&R) Costs** shall be calculated by Proposer using any published literature, guidelines, or references with the condition that the source be the same for all alternatives of the LCC study (Row 20 26? of Template).

Discount Factors and Price Indices

The project-related costs occurring at different points in time must be made time-equivalent. The LCC method converts the future expenses by discounting them to their present values as of the base date. To simplify the calculations, the base date should be considered the year when the LCC calculations are done.

For finding the present value of future cost expenditures, the discount factors published annually (in April) by the Department of Energy (DOE), in the "Energy Price Indices and Discount Factors for Life Cycle Cost Analysis," a supplement of the Handbook 135 shall be used as follows:

- SPV (FEMP) factors for finding the present value of future single costs (non-fuel) such as replacement costs use Table A-1, DOE Discount Rate 3% column (Rows 5 and 9 of Template).
- UPV factors for finding the present value of future annually recurring uniform costs (non-fuel) are already included in the Template and shall not be changed. This factor was selected from Table A-2, DOE Discount Rate 3% column; (Row 21 28? of Template - filled in by Public Works).
- UPV (Modified) factors for finding the present value of future annually recurring uniform costs (non-fuel) that change from year to year at a constant escalation rate are already included in the Template and shall not be changed. This factor was selected from Table A-3, DOE Discount Rate (Row 18? of Template – filled in by Public Works).
- FEMP UPV discount factors adjusted for fuel costs (natural gas, electricity, distillate oil, liquefied petroleum gas) are already included in the Template and shall not be changed. This factor was selected from Table Ba-4, commercial columns. (Rows 12 15? and 15 19? of Template)

The Excel spreadsheet provided has all factors imbedded with the exception of the Replacement Cost Factor because it depends on the year of replacement. It is the responsibility of each Proposer to apply the correct factor according to the year of replacement. A sample of Table A-1 is provided in this exhibit. It is the responsibility of each Proposer to use the latest version of this table as published annually by DOE.

Length of Life Cycle

Refer to Section 4 of the RFP for the LCC study period.

Calculations

All cost elements and applicable present value factors shall be inputted in the Template, while maintaining the prescribed format. All required calculations are imbedded in the Template.

The present value for each cost element is obtained by multiplying the future cost by the respective present value factor.

The LCC cost is obtained by taking the summation of all present values pertinent to the system(s) as specified in the RFP.

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LIFE CYCLE COST TEMPLATE

Study Period: XX years

Based on NISTIR 85-3273-24 (Rev. 5/09) "Energy Price Indices and Discount Factors for Life Cycle Cost Analysis" April 2009

DISCOUNT RATE: DOE 3%

ITEM	REFERENCE ROW NUMBER	FACTORS SPV, UPV, FEMP UPV	SYSTEM 1 (i.e. HVAC)	SYSTEM 2 (If Required) (i.e. Glazing)
			Description	Description
INITIAL INVESTMENT COST - \$	(1)	-		
REBATES (governmental/utility)	(2)	-		
EQUIPMENT REPLACEMENT COST				
Replacement Cost	(3)	Table A-1 Factor depends on no. of years		
Year of replacement (Note 1)	(4)			
Factor - SPV	(5)			
Present Value - \$	(6)=(3)x(5)		0	0
EQUIPMENT RESIDUAL VALUE (if any)				
Remaining Life - years (Note 1)	(7)	Table A-1 Factor depends on no. of years		
Residual Value (prorated) (Note 2)	(8)			
Factor - SPV	(9)			
Present Value - \$ (end of cycle)	(10)=(8)x(9)		0	0
ELECTRIC ENERGY COST				
Annual Cost	(11)	Table Ba-4		
Factor - FEMP UPV	(12)		18.57	18.57
Present Value - \$	(13)=(11)x(12)		0	0
GAS COST				
Annual Cost	(14)	Table Ba-4		
Factor - FEMP UPV	(15)		22.98	22.98
Present Value - \$	(16)=(14)x(15)		0	0
WATER COST (for water cooled systems only)				
Annual consumption - 1000 gal		Table A-3a		
Annual Cost @\$0.03/1000 gal	(17)		0	0
Factor - UPV (Modified)	(18)		22.46	22.46
Present Value - \$	(19)=(17)x(18)		0	0
NON-FUEL OPERATION, MAINTENANCE AND REPAIR COSTS (OM&R)				
Annual Cost	(20)	Table A-2		
Factor - UPV	(21)		19.60	19.60
Present Value - \$	(22)=(20)x(21)		0	0
TOTAL PRESENT VALUE			0	0
	(23)=(1)+(2)+(6)+(10)+(13)+(16)+(19)+(22)			

Note 1: Input the exact number of years for replacement and remaining life at the end of LCC study period and select the corresponding SPV factors from Table A-1. If replacement occurs more than one time during the LCC study period, perform calculations for each replacement.

Note 2: Calculate the residual value prorating the replacement cost of the equipment based on its remaining useful life at the end of the LCC study period.

Exhibit A

Part A

DESIGN-BUILD

**STATEMENT OF QUALIFICATIONS
PREQUALIFICATION QUESTIONNAIRE**

PROJECT NAME

SPECS XXXX; C.P. XXXX

DATE

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
900 SOUTH FREMONT AVENUE
ALHAMBRA, CA 91803**

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SECTION 0 CONTACT INFORMATION

Design-Builder Name: _____ Check One: Corporation
Partnership
Sole Prop.
Joint Venture
Other

If Design-Builder is a sole proprietor or partnership:

Owner(s) of Company: _____

If Design-Builder is a Joint Venture:

NOTE: If proposing Design-Builder is a Joint Venture, each Joint Venture member-firm is required to fill out its own Section 1 of the Prequalification Questionnaire. Section 3 shall be completed by the Joint Venture member-firm holding the general contractor license under which the Work will be performed. Sections 2, 4, 5, and 6 shall be completed once only on behalf of the whole Joint Venture team.

List of Joint Venture Member-Firms: _____

Name of Joint Venture Member-Firm Completing this Questionnaire:

All Design-Builders:

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

Design-Builder's Contractor License Number(s):

SECTION 1: ESSENTIAL REQUIREMENTS FOR PRE-QUALIFICATION

All questions in this section are Pass/Fail, except for Question 1.10 which is for **Information Only**.

The Design-Builder will be immediately disqualified if the answer to any of questions 1.1 through 1.5, including any subparts (i.e., 1.2a, 1.2b, or 1.2c) is "No."

The Design-Builder will be immediately disqualified if the answer to any of questions 1.6 through 1.9 is "Yes."¹

The County reserves the right to ask for any additional information based on the responses provided, and will use this information, along with any other relevant information, to evaluate whether or not the Design-Builder is responsible to perform the proposed work.

1.1 Design-Builder possesses a valid and current **[INSERT PROPER LICENSE CLASS]** California Contractor's license.

Yes No Contractor License No. _____

1.2 Design-Builder has attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) confirming that the Design-Builder has the capacity to provide the following insurance policies:

1.2.a Comprehensive general liability insurance policy specific to the Proposed Project, with a policy limit of at least **\$2 million** per occurrence, **\$4 million** aggregate and **\$4 million** for products/completed operation aggregate. **[Contract Administrator to specify applicable limits above]**

Yes No

1.2.b Professional liability insurance policy specific to the Proposed Project with a policy limit of at least \$2 million per occurrence and \$4 million aggregate for work on a Design-Build Contract.

Yes No

1.2.c Automobile insurance policy specific to the Proposed Project with a policy limit of at least \$2 million per accident.

Yes No

¹ A contractor disqualified solely because of a "Yes" answer given to question 1.6, 1.7, or 1.9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

1.3 Design-Builder or Joint Venture Member-Firm has a current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.

Yes No

1.4 Design-Builder or Joint Venture Member-Firm has attached the latest copy of its reviewed or audited financial statement with accompanying notes and supplemental information.²

Yes No

NOTE: A financial statement that is neither reviewed nor audited 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 is not a substitute for the required financial statement.

1.5 Design-Builder has attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that Design-Builder's current bonding capacity is sufficient for the project for which Design-Builder seeks Prequalification, and (b) the amount of Design-Builder's current available bonding capacity.³

Yes No

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

1.6 Has Design-Builder's contractor's license, listed in Question 1.1 above, been revoked at any time in the last five years?

Yes No

1.7 Has a surety firm completed a contract on behalf of the firm holding the contractor's license, or paid for completion because the firm was default-terminated by the project owner within the last five (5) years?

Yes No

² Public Contract Code section 20101 (e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 percent of the qualifying amount provided in section 14837(d)(1)."

³ An additional notarized statement from the surety may be requested by the County at the time of submission of a bid, if this prequalification package is submitted more than 60 days prior to submission of the bid.

1.8 At the time of submitting this questionnaire, is Design-Builder or Joint Venture Member-Firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, by any public entity/agency.

Yes No

NOTE: If you are currently debarred and the debarment period will end prior to the proposed contract award date, you may answer no to the question and indicate the current debarment beginning and end dates on a separate sheet of paper.

1.9 At any time during the last five years, has Design-Builder or Joint Venture Member-Firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

Yes No

1.10 Provide the requested information for all the listed disciplines in the table below: **Information only**
[Project Manager and Section Head to determine required disciplines and trades to be listed below]

Professional Registrations	License No.	License Holder	Expiration Date	Has this license been revoked during the past 5 years
Architecture				
Civil				
Structural				
Mechanical				
Electrical				
Subcontractor License	License No.	License Holder (Responsible Person Name and Firm Name)	Expiration Date	Has this license been revoked during the past 5 years
Mechanical				
Electrical				
Low Voltage				

SECTION 2 LOS ANGELES COUNTY REQUIRED CERTIFICATIONS

All questions in this Section are Pass/Fail.

The Design-Builder will be immediately disqualified if the answer to any of the questions in this Section is "No."

The Design-Builder must affirm that it has reviewed all County forms listed in this section and agrees to fill and attach all forms listed below as part of the Part B - Technical and Cost Proposal if invited to submit

The following County required forms will be completed, signed, and attached to the Part B RFP Response:

- 2.1 00310 - Best Management Practices Requirements
Yes No
- 2.2 00311 - Construction and Demolition Debris Recycling Requirements
Yes No
- 2.3 00312 – Builder's Risk Course Construction Insurance Requirements
Yes No
- 2.4 00410 – Proposal Bond
Yes No
- 2.5 00430 – Subcontractor Listing and Subcontracting
Yes No
- 2.6 00435 – Community Business Enterprise (CBE) Participation Form
Yes No
- 2.7 00438 – Request for Local Small Business Enterprise (SBE) Preference Consideration and Community Business Enterprise (CBE) Firm/Organization Information Form
Yes No
- 2.8 00440 - Equals
Yes No
- 2.9 00450 - Non-collusion Affidavit
Yes No

- 2.10 00460 Greater Avenues for Independence/General Relief Opportunity for Work (Gain/Grow)
Yes No
- 2.11 00465 3-Year Contracting History
Yes No
- 2.12 00470 - False Claims
Yes No
- 2.13 00471 - Civil Litigation History
Yes No
- 2.14 00472 - Criminal Convictions
Yes No
- 2.15 00473 - Debarments
Yes No
- 2.16 00474 - Labor Law/Payroll Violations
Yes No
- 2.17 00485 - Contractor Employee Jury Service Program
Yes No
- 2.18 00490 – Design-Builder's Industrial Safety Record
Yes No
- 2.19 00491 - Injury & Illness Prevention Plan & Code of Safe Practices Affidavit
Yes No
- 2.20 00492 - Design-Builder's Organization Questionnaire/Affidavit
Yes No
- 2.21 00493 – Defaulted Property Tax Reduction Program
Yes No
- 2.22 00494 - Avoidance of Conflict of Interest Certificate
Yes No
- 2.23 00495 - Familiarity with the County Lobbyist Ordinance Certification Form
Yes No
- 2.24 00496 - Proposer's EEO Certification Form
Yes No

2.25 00498 – Request for Disabled Veteran Business Enterprise Preference Program Consideration Form
 Yes No

SECTION 3 ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS AND SAFETY RECORD

This Section includes additional questions regarding the business performance of the Design-Builder or the Joint Venture member-firm holding the general contractor license under which the Work will be performed. Some questions are for **Information Only**, while other questions are scored.

The County reserves the right to ask for any additional information based on the responses provided, and will use this information, along with any other relevant information, to evaluate whether or not the Design-Builder is responsible to perform the proposed work.

Current Organization and Structure of the Design-Builder – Information Only

3.1 For Firms that are Corporations or Limited Liability Corporations:

3.1.a Date incorporated: _____

3.1.b Under the laws of what state: _____

3.1.c 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 percent of the corporation's stock.

Name	Position	Years with Co.	% Ownership

3.1.d 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 (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

Person's Name	Construction Firm	Dates of Person's Participation with Firm

3.1.e If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.2 For Firms that are Partnerships:

3.2.a Date of formation: _____

3.2.b Under the laws of what state: _____

3.2.c Provide all the following information for each partner who owns ten percent (10%) or more of the firm.

Name	Position	Years with Co.	% Ownership

3.2.d 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 percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

3.2.e If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.3 For Firms that are Sole Proprietorships:

3.3.a Date of commencement of business: _____

3.3.b Social security number of company owner: _____

3.3.c 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 percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

3.3.d If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.4 For Firms that intend to Make a Bid as Part of a Joint Venture:

3.4.a Date of commencement of joint venture: _____

3.4.b Provide all of the following information for each firm that is a member of the joint venture that expects to bid on the project:

Firm Name	% Ownership Of Joint Venture

History of the Business and Organizational Performance

3.5 Has there been any change in ownership of the firm at any time during the last three years? **Information only**

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.

3.6 Is the firm a subsidiary, parent, holding company or affiliate of another construction firm? **Information only**

NOTE: Include information about other firms if one firm owns 50 percent 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.

3.7 Are any corporate officers, partners or owners connected to any other construction firms? **Information only**

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.

3.8 Does your firm have the qualified, experienced key personnel available to work on the proposed project during the indicated time period? The required positions include, but are not limited to: Project Executive, Project Manager,

Project Engineers, Project Superintendents, and Design Architects and Engineers. **Information Only**

Yes No

- 3.9 How many years has your organization been in business in California as a contractor under your present business name and license number?

Years in Business _____

3 years or less = 2 points

4 years = 3 points

5 years = 4 points

6 years or more = 5 points

- 3.10 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.

No = 3 points Yes = 0 points

- 3.11 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 3.10, 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.

No = 3 points Yes = 0 points

Licenses

- 3.12 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 License Board (CSLB) records who meet(s) the experience and examination requirements for each license. **Information only**

3.13 Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

Yes No

If "yes," please explain any mitigating circumstances on a separate signed sheet.

No = 5 points Yes = 0 points

3.14 Has the Architect Member of the Design-Builder had their California Architect's Registration revoked at any time in the last five years? **Information only**

Yes No If "yes," please explain on a separate signed sheet.

3.15 Provide a listing of any violations of the Contractors' State License (Chapter 9 commencing with Section 7000 of Division 3 of the Business and Professions Code), including violations related to the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding, or of Federal Insurance Contribution Act (FICA) withholding requirement settled against any member of the Design-Builder. **Information only**

3.16 Provide a listing of the names and positions of your firm's RME and/or RMO for the last five years. **Information only**

Disputes

3.17 At any time in the last five years, has your firm been assessed and required to pay liquidated damages of more than 30 days following completion of 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, 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.

No projects with liquidated damages of more than 30 days = 5 points
One project with liquidated damages of more than 30 days = 4 points

**Two projects with liquidated damages of more than 30 days = 3 points
Any other answer: no points**

- 3.18 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 been 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 3.2.c or 3.2.d on this form.

Yes No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification 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.

No = 5 points Yes = 0 points

- 3.19 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.

No = 5 points Yes = 0 points

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. Also, you may omit reference to all disputes with amounts of less than \$50,000.

- 3.20 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 sheet 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). **Information only**

- 3.21 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? **Information only**

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).

- 3.22 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 (payment), contract value, 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.

NOTE: Any payment ranging from 0% to 5% will be counted as one claim; any payment in excess of 5% of the contract value will be counted as two claims for the scoring of this question. Any payment in excess of 10% of the contract value will be counted as three claims for the scoring of this question.

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

- 5 points for "No," indicating no such claim
- 4 points for "Yes," indicating 1 such claim
- 3 points for "Yes," indicating 2 such claims

Subtract 5 points for "Yes," if more than 3 or more such claims

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes," indicating 1 such claim

4 points for "Yes," indicating 2 such claims

3 points for "Yes," indicating up to 3 or 4 such claims

Subtract 5 points for "Yes," indicating 5 or more such claims

3.23 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, the year of the refusal and any justification provided (include copies of this justification). On a separate sheet, explain the reason for the denial and provide a copy of the denial letter. The County reserves the right to reinstate points based on the responses provided.

5 points for "No"

4 points for "Yes," indicating 1 such instance

3 points for "Yes," indicating 2 such instances

0 points for "Yes," if more than 2 such instances

Criminal Matters and Related Civil Suits

3.24 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

No = 5 points Yes = subtract 5 points

3.25 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

No = 5 points Yes = subtract 5 points

3.26 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

No = 5 points Yes = subtract 5 points

Bonding

3.27 Have you attached a notarized letter from your surety identifying the name of the company, name of the agent, address and telephone number, bonding capacity, and bond premium rate for a performance and payment bond for the last three fiscal years? **Information only**

Yes No

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

3.28 Has CAL OSHA cited and assessed penalties against your firm for any "serious" or "willful" violations, as determined by OSHA, of its safety or health regulations in the past five years? (CAL OSHA Act 1973).

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board 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, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

- 5 points for "No"
- 4 points for "Yes," indicating 1 such instance
- 3 points for "Yes," indicating 2 such instances
- 0 points for "Yes," if more than 2 such instances

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

- 5 points for either "No" or "Yes," indicating 1 or 2 such instances
- 3 points for "Yes," indicating either 3 or 4 such instances
- 0 points for "Yes," if more than 4 such instances***

3.29 Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years? (OSHA Act 1970)

NOTE: If you have filed an appeal of a citation and the Appeals Board 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.

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

- 5 points for "No"
- 4 points for "Yes," indicating 1 such instance
- 3 points for "Yes," indicating 2 such instances
- 0 points for "Yes," if more than 2 such instances

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

- 5 points for either "No" or "Yes," indicating 1 or 2 such instances

3 points for "Yes," indicating either 3 or 4 such instances
0 points for "Yes," if more than 4 such instances

- 3.30 Has the Environmental Protection Agency (EPA), any Air Quality Management District, any Regional Water Quality Control Board, or any other environmental regulatory agency cited and assessed penalties of more than \$25,000 against either your firm or the owner of a project as a consequence of your firm's work, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board 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.

No = 5 points Yes = 0 points

- 3.31 Do you have a written safety program and is a copy attached?

Yes No

Yes = 5 points No = 0 points

- 3.32 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.)

5 points for "No"
3 points for "Yes," indicating 1 such instance of no more than 30 days in length
0 points for any instance greater than 30 days, or two or more instances of any length

Safety Record

3.33 (a) Has your firm maintained an Experience Modification Rate (EMR) with an average of 1.00 or less for the last three premium years? **Design-Builders with an average 3-year EMR rate above 1.00 will be immediately disqualified.**

Yes No

Attach a copy of your worker's compensation insurance carrier's Experience Modification Rate (EMR) letter for the last three premium years. A letter from the insurance broker is not acceptable.

Attach a separate sheet for the Design-Builder or each member (as appropriate) indicating the following information:

EMR year 1: _____
EMR year 2: _____
EMR year 3: _____
3 year EMR average: _____

3.33 (b) Does your firm's average total recordable injury or illness rate and average lost work rate for the most recent three year period exceed the applicable statistical standards for your firm's business category?

Yes No

3.33 (c) Is your firm a party to an alternative dispute resolution system as provided in section 3201.5 of the Labor Code?

Yes No

Contractors answering "yes" to 3.33(b) and "no" to 3.33(c) will be immediately disqualified.

Prevailing Wage and Apprenticeship Compliance Record

3.34 Has there been more than one instance (one identified occurrence involving up to five employees) during the last five years in which your firm was required to pay penalties for your own 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 how many instances occurred (each instance is defined as an occurrence involving a maximum of five employees; i.e. one time with seven employees would be counted as two instances) that resulted in penalties.

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

- 5 points for "No"
- 4 points for "Yes," indicating 1 such instance
- 3 points for "Yes," indicating 2 such instances
- 0 points for "Yes," indicating 3 or more such instances

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

- 5 points for either "No" or "Yes," indicating 1 such instance
- 4 points for "Yes," indicating 2 such instances
- 3 points for "Yes," indicating either 3 or 4 such instances***
- 0 points for "Yes," indicating 5 or more such instances***

3.35 During the last five years, has there been more than one instance (one identified occurrence involving up to 5 employees) in which your own firm has been penalized or required to pay penalties for failure to comply with the Federal Davis-Bacon prevailing wage requirements?

Yes No

If "yes," attach a separate signed page or pages describing how many instances occurred (each instance is defined as an occurrence involving a maximum of five employees; i.e. one time with seven employees would be counted as two instances) that resulted in penalties.

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

- 5 points for "No"**
- 4 points for "Yes," indicating 1 such instance**
- 3 points for "Yes," indicating 2 such instances**
- 0 points for "Yes," indicating 3 or more such instances**

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

- 5 points for either "No" or "Yes," indicating 1 such instance**
- 4 points for "Yes," indicating 2 such instances**
- 3 points for "Yes," indicating either 3 or 4 such instances**
- 0 points for "Yes," indicating 5 or more such instances**

- 3.36 Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by the County of Los Angeles.

- 5 points if at least one approved apprenticeship program is listed**
- 0 points for any other answer**

SECTION 4 RECENT CONSTRUCTION PROJECTS COMPLETED

In this section, the County is asking questions relevant to the Design-Builder's qualifications most closely related to the proposed project. Each question includes the scoring criteria. Section 4.1 shall be completed by the Contractor member of the Design-Builder. Section 4.2 shall be completed by the Architect member of the Design-Builder. Sections 4.3 through 4.11 shall be completed on behalf of the Design-Builder as a team.

The County reserves the right to ask for any additional information based on the responses provided, and will use this information, along with any other relevant information, to evaluate whether or not the Design-Builder is qualified to perform the proposed work.

CONTRACTOR MEMBER

- 4.1 **Contractor Member** - Use the following form to provide details for up to three projects in which the contractor member of the Design-Builder within the last five years, held, or was part of a joint venture or other legal entity that held a contract directly with a client or client organization on comparably sized (from 75% to 200% of the proposed project square footage) **PROJECT TYPE** projects as defined in this Request for Proposals, at least one of which was completed within the time frame specified above.

List all contracts for comparably sized **PROJECT TYPE** projects completed or underway in the last five years. Copy and fill in the attached form and label as: Attachment 4.1A, 4.1B, and 4.1C.

In the event the proposer does not have enough projects that fit within the exact parameters of the criteria identified above (from 75% to 200% of the proposed project square footage for a **PROJECT TYPE** building) to achieve the maximum available points (30), the proposer may provide additional information on similar projects which may fall outside the specified criteria. The County reserves the right to consider these other listed projects and assign points to the proposer as the County deems reasonable based on the information provided. If substitute projects are accepted by the County, in no event shall the Design-Builder be allowed to exceed eighty percent (80%) of the available points for these projects.

CONTRACTOR MEMBER

ATTACHMENT 4.1:

**COMPARABLY SIZED PROJECT TYPE
PROJECTS**

Project Name:	Original Contract Amount:*	Project Type:
Client Organization:	Final Contract Amount: *	A/E Name:
Project Location:	Completion Date	Contract Type:
Owner Contact Information (Name, telephone, & e-mail address)		Design-Build Low Bid Other (Describe below) _____
Project Description:		
Brief Description of Design Excellence Principles Incorporated into the Project (Form, Function, Environment, Technology and Process):		

In order to qualify for the **PROJECT NAME** project, the original amount may be escalated to current value utilizing annual rates of escalation of **XX** percent until **December 31, 2011**, and **XX** percent thereafter. These rates of escalation shall be applied to the Contract value from the date of Contract award.

*** NOTE: If these amounts are price- escalated to current value, show escalation computations in Project Description.**

Scoring: 5 Points for each qualifying project up to 3 projects (15 points total)

ARCHITECT MEMBER

- 4.2 **Architect Member** - Use the following form to provide details for up to three projects in which the architect member of the Design-Builder, within the last five years, has been the Architect of Record for design of comparably sized (from 75% to 200% of the proposed project square footage) **PROJECT TYPE** projects as defined in this Request for Proposals, at least one of which was completed or underway within the last three years.

List all contracts for comparably sized **PROJECT TYPE** projects completed or underway in the last five years. Copy and fill in the attached form and label as: Attachment 4.2A, 4.2B, and 4.2C.

In the event the proposer does not have enough projects that fit within the exact parameters of the criteria identified above (from 75% to 200% of the proposed project square footage for a **PROJECT TYPE** building) to achieve the maximum available points (30), the proposer may provide additional information on similar projects which may fall outside the specified criteria. The County reserves the right to consider these other listed projects and assign points to the proposer as the County deems reasonable based on the information provided. If substitute projects are accepted by the County, in no event shall the Design-Builder be allowed to exceed eighty percent (80%) of the available points for these projects.

ARCHITECT MEMBER

ATTACHMENT 4.2: COMPARABLY SIZED PROJECT TYPE PROJECTS

PROJECTS

Project Name:	Original Contract Amount:*	Project Type:
Client Organization:	Final Contract Amount: *	Contractor Name:
Project Location:	Contract Type:	
Completion Date	Design-Build	
Owner Contact Information (Name, telephone, & e-mail address)	Design Services Agreement with Design-Bulder or Contractor	
	Design Services Agreement with Other	
Project Description:		
Brief Description of Design Excellence Principles Incorporated into the Project (Form, Function, Environment, Technology and Process):		

In order to qualify for the **PROJECT NAME** project, the original amount may be escalated to current value utilizing annual rates of escalation of **XX** percent until **December 31, 2011**, and **XX** percent thereafter. These rates of escalation shall be applied to the Contract value from the date of Contract award.

*** NOTE: If these amounts are price- escalated to current value, show escalation computations in Project Description.**

Scoring: 5 Points for each qualifying project up to 3 projects (15 points total)

4.3 Design-Builder's Previous Experience Working Together and/or on Design-Build Projects

4.3a Does Design-Builder's Designer have design experience on a Design-Build Project? (2 Points)

List Project Name and brief description

4.3b Does Design-Builder's Contractor have construction experience on a Design-Build Project? (2 points)

List Project Name and brief description

4.3c Have the Design-Builder's Designer and Contractor worked together on a project? (2 points)

List Project Name and brief description

4.3d Have the Design-Builder's Designer and Contractor worked together on a Design-Build project? (4 points)

List Project Name and brief description

4.4 LEED Experience

4.4a Does Design-Builder's Designer have LEED experience on a Project? (2 Points)

List Project Name and brief description

4.4b Does Design-Builder's Contractor have LEED experience on a Project? (2 points)

List Project Name and brief description

4.5 Describe the advantages that you as a Design-Builder bring to the County if selected for this project.

NOTE: Explain how your firm will provide a benefit or service, which will result in increased quality, early completion, lower budget, certifications, accommodations, or some other tangible quantifiable direct benefit to the project or the Owner.

Maximum 10 points.

4.6 Design Excellence

- 4.6a For the Design-Builder's Contractor, list an example of a completed project that incorporated the principles of Design Excellence, and describe how Design Excellence was used to achieve the project's goals, including specific activities that were performed. (5 points)

List Project Name and brief description

- 4.6b For the Design-Builder's Architect, list an example of a completed project that incorporated the principles of Design Excellence, and describe how Design Excellence was used to achieve the project's goals, including specific activities that were performed. (10 points)

List Project Name and brief description

SECTION 5 ENFORCEABLE COMMITMENT AND AGREEMENT TO USE SKILLED AND TRAINED WORKFORCE

I certify on behalf of the Design-Builder as follows:

If selected as the Design-Builder on the **PROJECT NAME** project:

(check one applicable provision)

___ Design-Builder and all of its subcontractors at every tier shall comply with the requirements of Public Contract Code Section 22164(c) regarding the use of skilled and trained workforce to perform all the work on the **PROJECT NAME** project; and will provide the County with evidence, on a monthly basis, while the project is being performed, that Design-Builder and all of its subcontractors are complying with the requirements of Public Contract Code Section 22164(c).

OR (ONLY include if County has a PLA) – DELETE IF NOT APPLICABLE

___ Design-Builder and all of its subcontractors agree to be become a party to and accept the terms of the County's Project Labor Agreement, entitled _____, dated _____. A copy of the PLA is attached as Exhibit _____.

OR (if DB has a PLA)

___ Design-Builder is a party to an applicable Project Labor Agreement that binds the Design-Builder and all subcontractors at every tier, entitled _____, dated _____, a copy of which is attached hereto.

Note: This statement is a Pass/Fail statement. Any proposers that will not verify a commitment to comply with the requirements of Public Contract Code Section 22164(c) by checking the applicable provision above **shall not be shortlisted.**

Responsible Design-Builder Representative

Dated:

(Signature)

(Company and Position of Signatory)

SECTION 6 COMMITMENT TO PROPOSE

If selected as one of the three highest ranked proposers, I certify that I will provide a full and complete Part B RFP proposal for the **PROJECT NAME** project.

Note: This statement is a Pass/Fail statement. Any proposers that will not verify a commitment to provide a full and complete Part B RFP proposal will be immediately disqualified.

Authorized Design-Builder Representative

Dated:

(Signature)

(Company and Position of Signatory)

SECTION 7 OATH OF TRUTHFULNESS

I, the undersigned, certify and declare that I have read all the foregoing answers to this questionnaire and know 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 California, that the foregoing is correct.

Dated: _____

(Design Builder's Name)

(Architect/Contractor Member's
Name if separate entities)

(Company and Position of Signatory)

DRAFT

