

REQUEST FOR QUALIFICATIONS (RFQ)

Delivery Method: ☐ Prequalification for Design-Bid-Build
 ☒ Construction Management at Risk (Step 1 of 2)
 ☐ Design-Build (Step 1 of 2)
 ☐ Other, Specify: _____

Issue Date: March 11, 2022

Project Name: New Theatre and Fine Arts Renovation

Project Code: 215-18544

Commodity/Service: Construction Services

Owner: Commonwealth of Virginia
 University of Mary Washington

Issuing Agency & Address: University of Mary Washington
 Eagle Village Executive Offices/Procurement Services/Suite 480
 Attn: RFQ UMW 22-1379
 1125 Emancipation Highway
 Fredericksburg, VA 22401

Location of Work: Fredericksburg, VA; University of Mary Washington Main Campus

All inquiries for information shall be submitted in writing by e-mail, no later than April 1, 2022.

To: Patricia Canciglia

Phone #: 540-654-1237

e-mail: pcancigl@umw.edu

NO QUESTIONS WILL BE ANSWERED BY PHONE

All responses to the e-mailed inquiries will be answered by April 7, 2022 and posted to the eVA website, if available, or the UMW Procurement Site in the form of an addendum.

PRE-PROPOSAL CONFERENCE: NONE

ELECTRONIC PROPOSALS WILL NOT BE ACCEPTED. IF PROPOSALS ARE MAILED, SEND DIRECTLY TO ISSUING AGENCY SHOWN ABOVE; IF PROPOSALS ARE HAND DELIVERED, CONTACT PAT CANCEGLIA BY APRIL 7, 2022 TO COORDINATE A TIME FOR DELIVERY.

Sealed proposals for furnishing the services described herein will be received until 4:00 P.M. local time on April 12, 2022. Proposals must reach the above address by deadline stated.

In compliance with this Request for Qualifications, including all provisions and attachments referenced herein, and subject to all the terms and conditions set forth herein, the undersigned offers and agrees to furnish the services described. It is understood that this proposal may be modified, by mutual agreement in subsequent negotiations.

Name and Address of Submitting Firm:

_____	Date:_____
_____	By_____
_____	(Signature in Ink)
_____	Typed Name:_____
_____	Title:_____
_____	Telephone No.(_____)_____
FEIN/SSN # _____	

Virginia Contractor License Number: _____

1. Project Description:

The project contains two components, the first is a new facility containing approximately 60,700 gross square feet of space for the Theatre and Dance Department. The second component is the renovation of DuPont, Melchers and Pollard Halls containing approximately 79,500 gross square feet of space and the addition of approximately 8,950 gross square feet of space in support of both Music and Art & Art History departments. The renovation shall include plumbing, HVAC, electrical, life safety system upgrades, upgrade of material finishes, art safety process exhaust improvements in art studios, acoustic isolation and sound control improvements for music spaces, reconfigured & improved circulation including vertical circulation updates, and partition modifications as required for reconfiguration of spaces to accommodate user program. Phasing and selective use of swing space will be required to ensure that all departments can continue to function while the renovations and new construction are implemented, but with the departure of Theatre Department from DuPont and Klein, flex space will be available to allow phased renovation.

The project site for the new Theater Building is identified as the corner of William Street and Sunken Road and encompasses the area currently occupied by Marshall Hall. Site improvements will include arrival/ drop off; vehicular parking; service/loading area; accessible pedestrian connections to campus and surrounding community; demolition of Marshall Hall; up to 150 new parking spaces and outdoor space associated with the academic and performance program. Site retaining walls will be required on both sides of the building for vehicular access as well as low walls to terrace the new parking lot at Russell. Site work includes a new concrete pedestrian bridge that will connect and provide accessibility to Campus Walk over a significant grade change. Site investigation and design work for the demolition of Russell Hall, parking on the Russell Hall site and the extension of the pedestrian path and to the access drive to the Bell Tower are included as a part of this project.

The project site for the Fine Arts Renovation project encompasses the three existing historic buildings of DuPont Hall, Pollard Hall and Melchers Hall totaling over 88,400 SF. Site improvements will include an arrival/ drop off loop with accessible parking spaces at Dupont Hall; new accessible entrances at the corner hyphens between Pollard/Dupont and Melchers/DuPont and accessible pedestrian connections to campus walk and College Avenue; and an outdoor space or plaza defining the building entrances for Pollard Hall and Melchers Hall. Work at the back of the Klein Auditorium is also anticipated to improve the loading dock. This may be as simple as a lift but may also include some earthwork/grading and hardscape improvements.

Anticipated Construction Start Date: To be determined based on approval of construction funding

Anticipated Construction Duration: Estimated at over 36 months for the overall project

2. Justification for CM at Risk or Design-Build procurement methods:

The use of CM-at-Risk is considered advantageous as to the:

- Building Use and function in providing a new theater will require extensive experience and knowledge in providing state of the art technology that balances pedagogical requirements against performance requirements. Renovation of the Art spaces will require extensive mechanical experience in addressing renovation and current indoor air quality requirements.
- The extended project timeline for this pool funded project with a design phase that may extend well over two years (currently only funded for planning through preliminary design) and two major construction phases lasting approximately three years.
- Need for phasing for the new theater and the renovation of the three fine arts buildings that will benefit from a lead-lag phasing to minimize the overall duration of the project to reduce overall project costs and avoid impact to academic schedules.
- Complexity of the project in terms of size, technical nature of programs, historical issues involved with the renovations, two distinct construction sites, and need to modify schedule and bidding packages as opportunities are presented.
- Value engineering and constructability analyses for each phase of the project, but especially to identify alternative materials and methods of construction for the renovation work.
- Qualification of subcontractors and vendors experienced in theater construction and renovation of historic and mechanically intensive renovations. As well as ensuring increased participation of small businesses in accordance with Commonwealth goals.
- Cost control in addressing impacts currently experienced as a result of supply chain disruptions from COVID and to identify and address cost implications from the Commonwealth's recent prevailing wages legislation and its impact on labor costs.

See attached DGS 30-456 for further details.

3. Submission Requirements:

- a. **Six (6) copies are required, including one electronic copy via thumb drive. This includes one original, which shall be clearly marked, and five (5) additional copies. If any portion of your response is considered proprietary, a separate hard copy and thumb drive redacting proprietary information must be provided and appropriately marked "Redacted Version."**
- b. Submissions shall include the following documents in this order:
 - The completed signature page of this request
 - The completed CO-16 with referenced and required attachments (ie, bonding letter, project listings, organizational chart, key personnel resumes, the completed "CO-16 Crosswalk of Firm and Key Personnel Experience," etc).
 - Submission of evidence of SCC filing for your company.

- c. The Owner recognizes the possible existence of confidentiality agreements between an Offeror and previous clients and fully respects such agreements. Any information requested that is considered to be confidential between the Offeror and a previous client shall be marked proprietary by the Offeror.
- d. The Owner reserves the right to visit the office(s) of an Offeror to verify any claim(s) made by an Offeror regarding staff, facilities, capabilities, qualifications and any other reasonable concerns that may arise on the part of the Owner. In such an event, the Offeror must make every reasonable attempt to clarify any concerns expressed by the Owner.
- e. The Owner will not be responsible for any costs incurred by an Offeror in response to this RFQ.
- f. In the event the Offeror discovers an error in its submission, attention may be drawn to the error by providing a written amendment to the initial Qualifications submission. All amendments shall be received by the Owner on or before the date and time fixed for receipt of Qualifications. The Offeror shall define who is authorized to approve amendments/changes. If an error is discovered after the time and date of receipt of the RFQ response, the Offeror may withdraw from consideration, but the error correction will not be accepted by the Owner.
- g. As noted above, Offerors may contact, in writing, the designated Owner point of contact for any required clarifications on this RFQ. Offerors are to refrain from contacting the Owner personnel for purposes of requesting tours or for any other purpose relating to the project.

4. **Evaluation of Qualifications:**

Bidders' and Offerors' qualifications (as submitted on the attached CO-16) will be evaluated against the criteria specified herein.

- a. For CM at Risk and Design-Build only:
 - i. The Owner selection committee will thoroughly review the offerors' Qualifications submissions using the evaluation criteria defined in this RFQ. The committee will determine which Offerors' submissions demonstrated the greatest conformance with the requirements set forth in this RFQ; the committee will identify a "short list" of no fewer than three and no more than five Offerors to proceed to "Step 2" of the selection process, the receipt of the RFP.
 - ii. The owner will provide written notice to all firms which are not "short-listed" to allow for a 10 day appeal period.
 - iii. After the 10 day period has passed, the short-listed firms will be notified of their selection to move to the RFP stage and will be provided the RFP

Attachments:

- 1. CO-16 (to be completed by Bidders/Offerors in response to the RFQ and the qualification criteria provided herein).
- 2. Crosswalk

QUALIFICATION CRITERIA

I. **BONDING:**

A. **STANDARD BONDING:**

Contractor can secure bonding for this project in an amount equal to or greater than the estimated construction cost from a surety company (1) listed in the United States Department of Treasury, Federal Register, **Circular 570: Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies**; and (2) licensed to transact surety business in the Commonwealth of Virginia.

B. **SELF-BONDING PROGRAM:**

Contact Owner for additional details.

C. **CAPACITY:**

The capacity the organization has to meet the project schedule and demands given its current workload.

II. **EXPERIENCE AND PERFORMANCE ON PROJECTS OF SIMILAR SIZE AND SCOPE:**

This includes consideration of references and client feedback from past and ongoing projects and a demonstrated ability to maintain project schedule and budget.

Firm Experience:

The contractor or contractor's office that will handle this project has undertaken at least three (3) construction projects of similar or comparable scope within the last ten years including the following characteristics:

- (1) construction on a college/university campus or comparable institution;
- (2) construction of theatre, performing arts or comparable facility at least 60,000 GSF;
- (3) heavy renovation involving full MEP upgrades and structural revisions at least 75,000 GSF;
- (4) studio and visual arts facilities and spaces;
- (5) renovation of historically significant buildings including preservation and restoration;
- (6) management of construction projects in excess of \$40 million;
- (7) construction involving multiple construction sites and with limited site access;
- (8) compliance with the High Performance Building Act including Leadership in Energy and Environmental Design (LEED);
- (9) experience in the use of Building Information Modeling (BIM) both for clash detection and post occupancy use by owner; and
- (10) value engineering successes.

The projects shall be sufficiently comparable so that the agency may conclude that the contractor is familiar with and capable of handling the project(s) described herein.

Project Team/Staffing:

1. The successful organization shall provide and maintain an experienced, professional project team that is tailored to the size, complexity and scope of work of the Project. It is recognized that the composition of the team will vary in response to the particular phases and needs of the Project. However, the Proposer is obligated to provide sufficient staffing with the qualifications required to expertly manage all construction activities relating to the Project at all times.
2. By submitting a response, the Proposer agrees that no individual assigned to the Project shall be removed from the Project without the prior consent of the Owner.

3. If the Proposer wishes to reassign an individual from the team assigned to the Project to another Project, the Proposer must make a formal, written request to the Owner and must verify that the Owner has received the request not later than ten (10) working days prior to the intended date of reassignment.
4. The Owner will make the final, binding decision on a release from the Project of a member of the team not later than five (5) working days from the intended date of reassignment.
5. The above process may be waived in cases of personal emergency or extreme personal hardship or duress. The burden of proving such conditions to the Owner remains with the Proposer. In cases in which the Owner requests the removal of a member of the team for the remainder of the duration of the Project, the Proposer's Project Manager or Principal-in-Charge will act upon such cases promptly and will, within 72 hours, propose a replacement to the Owner.

Key Personnel Experience:

The Project Manager most likely to be assigned to this project has **served as Project Manager on at least three (3) projects in the last ten years of similar or comparable scope, one of those within the past five (5) years:**

- (1) construction on a college/university campus or comparable institution;
- (2) construction of theatre, performing arts or comparable facility at least 60,000 GSF;
- (3) heavy renovation involving full MEP upgrades and structural revisions at least 75,000 GSF;
- (4) studio and visual arts facilities and spaces;
- (5) renovation of historically significant buildings including preservation and restoration;
- (6) management of construction projects in excess of \$40 million;
- (7) construction involving multiple construction sites and with limited site access;
- (8) compliance with the High Performance Building Act including Leadership in Energy and Environmental Design (LEED);
- (9) experience in the use of Building Information Modeling (BIM) for clash detection; and
- (10) value engineering successes.

Equivalent or comparable experience may be considered, at the agency's sole discretion; however, it shall be sufficiently similar so that the agency may conclude that the proposed Project Manager is familiar with and capable of handling the project(s) described herein.

The Superintendent most likely to be assigned to this project has **served as Superintendent on at least three (3) projects in the last ten years of similar or comparable scope, one of those within the past five (5) years:**

- (1) construction on a college/university campus or comparable institution;
- (2) construction of theatre, performing arts or comparable facility at 60,000 GSF;
- (3) heavy renovation involving full MEP upgrades and structural revisions over 75,000 GSF;
- (4) studio and visual arts facilities and spaces;
- (5) renovation of historically significant buildings including preservation and restoration;
- (6) superintending of construction projects in excess of \$40 million;
- (7) construction involving multiple construction sites and with limited site access; and
- (8) experience in the use of Building Information Modeling (BIM) for clash detection.

Equivalent or comparable experience may be considered, at the agency's sole discretion; however, it shall be sufficiently similar so that the agency may conclude that the proposed Superintendent is familiar with and capable of handling the project(s) described herein.

III. JUDGMENTS:

Any judgment(s), whether one or several, entered against the contractor for breach of contract for construction within the past ten (10) years may be grounds for denying prequalification, at the agency's sole discretion, after due consideration of the date(s), amount(s), facts and circumstances.

IV. SUBSTANTIAL NON-COMPLIANCE:

Any of the following may be grounds for denying prequalification, at the agency's sole discretion, after review and consideration of the dates, facts and circumstances.

The contractor:

- in the last three (3) years has **received a final order for failure to abate or for a willful violation** by the US OSHA or by the Virginia Department of Labor and Industry or any other government agency; or
- has **paid liquidated damages** for failure to complete a project by the contracted date on more than two (2) projects in the last five (5) years; or
- has **paid actual damages** resulting from failure to complete a project by the contacted date on more than two (2) projects in the last five (5) years; or
- has **been terminated** for cause on a contract in the last five (5) years; or
- was **more than thirty (30) days late, without good cause**, in achieving the contracted substantial completion date where there was no liquidated damage provision on more than two (2) projects in the last three (3) years; or
- has **received more than two (2) cure notices** on a single project in the past two (2) years and/or more than one (1) cure notice on five (5) separate projects in the past five (5) years; or
- has **had repeated instances** on a project of **installation and workmanship deviations which exceed the tolerances in the standards referenced** in the contract documents. Documentation of such instances shall be the written reports and records of the owner's representatives on the project; or
- has **finally completed a project** more than 90 days after achieving substantial completion on two (2) or more projects in the last three (3) years, for reasons within the contractor's control. Documented delay of delivery of material necessary to perform remaining work or seasonal conditions that bear on performing the work or operating specific equipment or building systems shall be considered in mitigation; or
- has had **Performance or Payment Bond claims paid on its behalf** in the last three (3) years.

NOTE: *If the agency intends to deny prequalification based on any of the above, it shall obtain written documentation evidencing same, pursuant to Section 2.2-4317 of the Code of Virginia, prior to such denial.*

V. CONVICTIONS:

Any of the following may be grounds for denying prequalification, at the agency's sole discretion, after review and consideration of the dates, facts and circumstances.

The contractor or any officer, director, project manager, procurement manager, chief financial officer, partner or owner of the construction company in the past ten (10) years:

- a) has **been convicted** on charges relating to **conflicts of interest**;
- b) has **been convicted** on charges relating to any **criminal activity** relating to contracting, construction, bidding, bid rigging or bribery;
- c) has **been convicted** on charges relating to **employment of illegal aliens** on construction projects.
- d) has **been convicted**: (i) under Va. Code Section 2.2-4367 et seq. (Ethics in Public Contracting); (ii) under Va. Code Section 18.2-498.1 et seq. (Va. Governmental Frauds Act); (iii) under Va. Code Section 59.1-68.6 et seq. (Conspiracy to Rig Bids); (iv) of a criminal violation of Va. Code Section 40.1-49.4 (enforcement of occupational safety and health standards); or (v) of violating any substantially similar federal law or law of another state.
- e) has **been fined or adjudicated of** having failed to abate a citation for building code violations by a court or a local building code appeals board.

VI. DEBARMENT & ENJOINMENT:

The following may be grounds for denying prequalification, at the agency's sole discretion, after review and consideration of the dates, facts and circumstances:

The contractor or any officer, director, project manager, procurement manager, chief financial officer, partner or owner of the construction company in the past ten (10) years: has been **debarred or enjoined** by any agency or political subdivision of the Commonwealth of Virginia, by any agency of the United States or by any agency of another state.

VII. AGENCY QUALIFICATION CRITERIA:

In addition to the information provided above, qualifications to be considered in evaluating responses include:

1. The Preconstruction Services Manager most likely to be assigned to this project has **served as Preconstruction Services Manager on at least three (3) projects in the last ten (10) years of similar or comparable scope, one of those within the past five (5) years:**
 - (1) construction on a college/university campus or comparable institution;
 - (2) construction of theatre, performing arts or comparable facility at least 60,000 GSF;
 - (3) heavy renovation involving full MEP upgrades and structural revisions at least 75,000 GSF;
 - (4) studio and visual arts facilities and spaces;
 - (5) renovation of historically significant buildings including preservation and restoration;
 - (6) construction projects in excess of \$40 million;
 - (7) compliance with the High Performance Building Act including Leadership in Energy and Environmental Design (LEED);

- (8) experience in the use of Building Information Modeling (BIM) for clash detection; and
- (9) value engineering successes.

Equivalent or comparable experience may be considered, at the agency's sole discretion; however, it shall be sufficiently similar so that the agency may conclude that the proposed Preconstruction Service Manager is familiar with and capable of handling the project(s) described herein.

The Owner may also consider other aspects of the qualifications statements as it deems appropriate in evaluating the responses.

VIII. SMALL BUSINESS PARTICIPATION:

CM at Risk only:

1. Target Goal: Under Executive Order 35, July 3, 2019 Cabinet Secretaries and all executive branch agencies have been directed to continue and advance the following on a race and gender neutral basis: Exceed a target goal of 50% of all capital outlay spending with small businesses certified by DSBSD.
2. At the RFQ stage, offerors will be evaluated based upon small business participation and compliance on previous projects; see the CO-16 for required information.
3. At the subsequent RFP stage, "short-listed" offerors will be required to submit additional small business information as stipulated in the RFP. This will include a proposed small business participation percentage. The small business participation percentage is based upon the total of the "cost of the construction work" + the "general conditions fee" components of the Guaranteed Maximum Price (GMP) + the preconstruction services fee. This minimum small business participation level does not include and is not based upon bonding costs, nor the following components of the GMP: the "insurance and taxes fee," the "CM fee," nor the "CM contingency." To be included, the firm must be certified by the Virginia Department of Small Business and Supplier Diversity (DSBSD) as a "small business."
4. Large businesses are encouraged to mentor, partner with, and seek opportunities with small businesses. These opportunities include the subcontracting of both traditional trades (i.e.: mechanical, electrical, plumbing) and management/consulting services (i.e.: project management, site supervision, estimating, scheduling, value engineering, etc.)
5. In an effort to involve small businesses, the CM/GC and the Subcontractors are to undertake the following actions during pre-construction and construction with regard to the procurement of materials and services on the Project:
 - The work to be performed by subcontractors to the CM/GC will be procured by publicly advertised competitive sealed bidding to the maximum extent practicable. At a minimum, this includes the requirement for the CM/GC to post invitation for bid notices in appropriate newspapers; CM/GCs will provide a recommendation regarding which newspapers to advertise in.
 - During the preconstruction services phase when the detailed small business plan is finalized, also utilize qualified small business solicitation lists prepared by the CM/GC and any other resources engaged for such purposes by DSBSD to identify small business entities with the potential to provide products and services to the Project.

- The CM/GC is required to complete an outreach program; program shall include establishing, scheduling and actively promoting the Project small business participation at meetings, fairs and other events designed to raise awareness of the Project's desires for securing small business participation. At such meetings, fairs, etc., the CM/GC shall provide adequate representation to provide explanations and instructions to those in attendance regarding the processes to follow for small business participation on the Project.
 - When economically and managerially feasible, divide the overall work of the Project into small tasks or quantities to permit increased participation of small businesses.
 - Where the requirements of the work permit, establish work schedules to encourage the participation of small businesses.
 - The CM/GC shall take reasonable steps to subcontract with small business, small women-owned and small minority owned business should any additional subcontracting opportunities arise during the course of the Project.
6. During project execution, the CM/GC must demonstrate compliance with the small business participation levels proposed by the CM/GC and accepted by the offeror at the RFP stage. Demonstration of compliance may include the following information; however, the offeror may specify other methods of demonstrating compliance for review and acceptance by the Owner:
- Providing documentation that verifies that organizations are qualified to represent themselves as DSBSD-registered small business organizations.
 - At a minimum, provide a monthly summary of small business subcontracts awarded in the prior month and cumulatively to date on the Project, showing small business, small women-owned and small minority-owned business amounts separately (by firm name). Report shall include the percentage (expressed in terms of dollar value) of subcontracts awarded to small business organizations as a percentage of the total requirement as defined above showing small business, small women-owned and small minority-owned business amounts separately.

Design-Build only:

1. Target Goal: Under Executive Order 35, July 3, 2019, Cabinet Secretaries and all executive branch agencies have been directed to continue and advance the following on a race and gender neutral basis: Exceed a target goal of 50% of all capital outlay spending with small businesses certified by DSBSD.
2. At the RFQ stage, offerors will be evaluated based upon small business participation and compliance on previous projects; see the CO-16 for required information.
3. At the subsequent RFP stage, "short-listed" offerors will be required to submit additional small business information as stipulated in the RFP. This will include a proposed small business participation percentage. To be included, the firm must be certified by the Department of Small Business and Supplier Diversity (DSBSD) as a "small business".
4. Large businesses are encouraged to mentor, partner with, and seek opportunities with small businesses. These opportunities include the subcontracting of both traditional trades (i.e.: mechanical, electrical, plumbing) and management/consulting services (i.e.: project management, site supervision, estimating, scheduling, value engineering, etc.)

5. During project execution, the offeror must demonstrate compliance with the small business participation levels proposed.