

**September 12, 2023**

# **May 2023 Bond Program**

**BROWNWOOD INDEPENDENT SCHOOL DISTRICT**



**RFQ # 09-2023**

**REQUEST FOR QUALIFICATIONS FOR  
CONSTRUCTION MANAGER @ RISK SERVICES**

**ONE STEP PROCESS**

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## CONSTRUCTION MANAGER SELECTION SCHEDULE

- First Advertisement 09/12/2023
- Request for Proposals/Qualifications Release 09/12/2023
- Second Advertisement 09/19/2023
- Receive Proposals 09/28/2023 at 2:00 p.m.
- Submit the following:  
Ten (10) Bound Copies 09/28/2023
- Review Qualifications 10/2/2023
- Board Approval of Construction Manager @ Risk 10/16/2023

Note: District may alter the schedule if it is determined that a schedule alteration would better allow the District to select the best possible firm. Vendors may contact district for any modifications.

\*The language in the advertisement and other places herein this document may use the phrase "proposal" to mean "RFQ". Submitters may use either phrase on their package submission but should clearly state on the cover of the delivery product that the package is for the "Construction Manager At Risk" "RFQ", or "Proposal" so that the District can clearly separate out construction RFQ's from other deliveries not related to this competitive procurement. Submitters should understand and do acknowledge by submission that this is a request for qualifications and that this is NOT a request for proposals in the traditional sense the term "proposal" may be used.

By submission of the RFQ, submitters agree that all submitted materials are the property of the Brownwood ISD and that all responses and any and all costs related to any part of this RFQ are submitted voluntarily and without charge to the District. Submitter agrees by submission of this RFQ that there shall be no liability to the District related to the submission of this RFQ.

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**PROJECT(S) DESCRIPTION**

May 2023 Bond Projects include a new Indoor Facility Complex: New 100-yard indoor multi-purpose facility, 20 yards of outdoor turf, and renovation of Snodgrass facility.

Construction Budget: \$13,500,000

Ten (10) bound and sealed copies of the Request for Qualifications must be submitted **on or before 09/28/2023 @ 2:00 PM CST**, at the following address:

**Bond Program Manager  
Brownwood Independent School District  
2707 Southside Drive  
Brownwood, TX 76801**

The package containing your RFQ response should be plainly marked as follows:

**Proposal for  
Construction Manager-At-Risk  
Brownwood ISD  
May 2023 Bond Program  
Closes, 2:00 PM CST, Thursday, 09/28/2023**

By submitting a response to this RFQ, each respondent agrees to waive any claim it has or may have against the Owner (Brownwood ISD), the Engineer, the Architect, and their respective employees and offices, arising out of or in connection with the administration, evaluation, or recommendation of any bid; waiver of any requirements under the Bid Documents; or the Contract Documents; acceptance or rejection of any bids; and award of the Contract.

By submitting a response, each respondent agrees to exhaust its administrative remedies under Owner's (Brownwood ISD) District Policy or the Disputes Clause of any resulting contract before seeking judicial relief of any type in connection with any matter related to this solicitation, the award of any contract, and any dispute under any resulting contract.

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## **SELECTION PROCESS**

### **Step One**

1. The selection process for this project will be accomplished in a one-step process as provided in the Texas Public Education Statute, Chapter 44, Subchapter B.
2. The District will receive, publicly open, and read aloud the names of the offerors submitting a Request for Qualifications. Include in the Request for Qualifications supplemental forms included as:
  - Appendix B – Fee Proposal
  - Appendix C – Felony Conviction Notice
  - Appendix D – Suspension and Debarment Certification
  - Appendix E – Certification of Residency
  - Appendix F – Non-Appropriation Provision
  - Appendix G – Indemnity Affidavit of Contractor
  - Appendix H – Conflict of Interest Questionnaire
3. Per the schedule published in this document, the District will evaluate and rank each submission in relation to the criteria set forth in the request for construction management at risk qualifications.
4. A selection committee appointed by the Administration and/or the School Board of Trustees and may consist of representatives from the Brownwood Independent School District, Board members, community members, or other interested parties.
5. Submissions will be evaluated and ranked by the selection committee. The final selection of a Construction Manager @ Risk for this project will be based on a combined evaluation of qualifications and cost of services to determine the best value to the District. The District reserves the right to waive any informality and to reject or accept any or all Proposals.

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## **REQUEST FOR QUALIFICATIONS QUESTIONNAIRE**

Vendors should obtain an electronic copy of the questionnaire and complete the answers to the questions below.

Please provide the following information in the sequence and format prescribed by this questionnaire. Supplemental materials providing additional information may be attached, but the information requested below is to be provided in this format.

**1. Firm Information:**

Name of firm:

Address of principal office:

Phone, Fax:

Email Address

Form of Business Organization (Corporation, Partnership, Individual, Joint Venture, Other?):

Year founded:

Primary individual to contact:

Home phone of primary individual:

Cell phone of primary individual:

**2. Organization:**

2.1 How many years has your organization been in business of construction in its current capacity?

2.2 How many years has your organization been in business under its present name?  
Under what other or former names has your organization operated?

2.3 If your organization is a corporation, answer the following:

- Date of incorporation
- State of incorporation
- President's name
- Vice-President's name(s)
- Secretary's name
- Treasurer's name.

2.4 If your organization is a partnership, answer the following:

- Date of organization
- Type of partnership (if applicable)
- Names of General Partner(s).

2.5 If your organization is individually owned, answer the following:

- Date of organization
- Name of owner.

2.6 If the form of your organization is other than those listed above, describe it and name the principals.

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### **3. Licensing:**

- 3.1 List jurisdictions and trade categories in which your organization is legally qualified to do business and indicate registrations or license numbers, if applicable.
- 3.2 List jurisdictions in which your organization's partnership or trade name is filed.

### **4. Experience:**

- 4.1 List the categories of work that your organization normally performs with its own forces. Would you propose to do any work with your own forces or to bid all work to subcontractors?
- 4.2 List any subcontractors in which your organization has some ownership and list the categories of work those subcontractors normally perform.
- 4.3 Claims and suits. (If the answer to any of the questions below is yes, please attach details.)
  - 4.3.1 Has your organization ever failed to complete any work awarded to it? Describe.
  - 4.3.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers? Please describe.
  - 4.3.3 Has your organization filed any lawsuits or requested arbitration with regard to construction contracts within the last 5 years? Please describe related circumstances.
- 4.4 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)
- 4.5 Current work:  
List the major construction projects your organization has in progress, giving the name and location of project, owner, architect, contract amount, percent complete and scheduled completion date.
- 4.6 Work over last 5 years:  
Provide details on no more than 10 major projects (particularly pre-engineered metal buildings) constructed by your organization over the last 5 years. List the projects in order of priority, with the most relevant project listed first. Provide the following information for each project listed:
  - Project name, location, contract delivery method and description
  - Contact Information for both Architect and Owner (please make sure info is current)
  - Color images (photographic or machine reproduction)
  - Final construction cost
  - Final project size in gross square feet
  - Completion date
  - Type of construction (new, renovation or expansion)

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## 5. Financial Information:

- 5.1 Attach a financial statement, preferably audited; include your organization's latest balance sheet and income statement showing the following items:
- Current assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses.)
  - Non-current assets (e.g., net fixed assets, other assets.)
  - Current liabilities (e.g., accounts payable, notes payable, (current), accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes.)
  - Non-current liabilities (e.g. notes payable.)
  - Capital accounts and equity positions (e.g., capital, capital stock, authorized and outstanding shares per value, earned surplus and retained earnings.)
- 5.2 Name and address of firm preparing attached financial statement and date thereof.
- 5.3 Is the attached financial statement for the identical organization names under item 1 above? If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent, subsidiary.)
- 5.4 Will the organization whose financial statement is attached act as guarantor of the contract for construction?
- 5.5 Provide name, address, and phone number for bank reference.
- 5.6 Surety: Name of bonding company, name and address of agent. In accordance with Texas Education Code § 44.038(l), if a GMP has not been determined at the time the contract is awarded, the Construction Manager shall deliver bonds within ten days after execution of the contract with penal sums equal to the project budget unless the Construction Manager furnishes a bid bond or other financial security acceptable to the District to ensure that the Construction Manager will furnish the required performance and payment bonds when a GMP is set.
- 5.7 Within the past 7 years has your organization, any officer or principal of your organization, or any predecessor filed for bankruptcy? (if yes, please detail)

## 6. Project Approach with Construction Manager @ Risk:

- 6.1 Describe your organization's concepts for working in a team relationship with the Owner and Architect during the design and construction of major projects. Describe your organization's methods for estimating costs, and for scheduling during the design/documents phases. Which (one or more) of your projects listed above best exemplify these concepts and experience?
- 6.2 Describe how your organization deals with material that requires long lead times during both preconstruction and construction phases.
- 6.3 Describe in graphic and written form, the proposed assignments and lines of authority and communication for each team member to be directly involved in the Project. Include resumes of Respondent's key personnel who will work on this Project. Be sure to note which projects the proposed project manager and superintendent have worked on. If those projects were not included in section 4, provide project information to include owner and architect contacts on at least 2 projects those key personnel have worked on.
- 6.4 Provide a summary of all Preconstruction and Construction services you will provide to the Owner and the Architect on this project.



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## 7. Safety:

7.1 Describe your safety program and safety philosophy.

## 8. Cost Information:

8.1 Savings:

Describe your organization's concept for the disposition of savings realized during construction. Is the full amount or a percentage thereof returned to the owner?

8.2 Cost Estimate:

Attach a sample conceptual cost estimate prepared during the design phase of a project, and a sample of the final cost estimate/breakdown used to fix the contract amount for the construction of the same project. (The identity of the project may be concealed. The intent is to see the nature and format of the cost information provided.)

8.3 Contingencies:

Respond to each of the following items by separate paragraph:

### Pre-Construction Services

- Describe your organization's concept for cost contingencies during all design phases. What is the maximum amount of contingency your organization proposes for each phase?

### Construction

- What is the maximum amount of your construction contingency your organization proposes for this phase?
- How do you propose to document changes to your contingency during construction?
- How are buy-out funds documented during the construction phase?
- Should buy-out funds be allocated to the contractors, owners, or a general construction contingency fund to be used by both the contractor and the owner?
- What is your organization's concept for the disposition of contingency funds after the completion of the project?

8.4 Cost Information:

Your firm would be required to make all cost information during design and construction available to owner and architect. Describe how this information would be furnished and how the owner and architect would be assured that it is complete and accurate.

## 9. References:

For the projects listed above, identify a representative of the Owner and a Representative of the Architect (provide name, telephone number and fax number) whom we could contact as references regarding your organization's services. References should include Owners of projects of comparable scope.

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## 10. Owner/Contractor Agreement:

The Owner will utilize the AIA Document A133-2019 contract unless specified by owner.

## 11. Fees and Pricing and Delivery Proposal (For Shortlisted Firms Participating in Step Two Only)

11.1 It is anticipated that Brownwood ISD will enter into a fixed-sum contract with the Construction Manager-at-Risk. Submit proposed fees by completing and submitting Appendix B with the proposal. The fee should be divided into two parts, as indicated in the following paragraphs.

### Preconstruction Services Fee

To include personnel expenses, project estimates, preliminary project schedule, value engineering and constructability reviews, overhead and profit, and other services described below, through the Design Phase portion of the Project.

### Construction Phase Services Fee

To include overhead and profit to administer the Projects' construction, including, but not limited to, the services listed below through the Construction Phase of the Project.

The fee quoted will not include direct project management expenses (on-site personnel expenses) or direct project expenses. These items shall be included in the Construction Manager's anticipated Indirect Costs.

Describe the method of payment your firm would desire, including when various fees would be due.

### Anticipated General Conditions

Please submit anticipated General Conditions. These represent minimum standards; if the Construction Manager anticipates additional General Condition items, they should be added to Appendix B of this RFQ.

## 11.2 General Conditions:

Include an itemized cost breakdown per project of all General Conditions that will be applicable to each of the projects. Include all site costs for the job personnel as well as all reimbursable overhead items. Include all bonds and insurance costs. The total amount shall be provided in dollar amount for each project. These figures will not be used in the evaluation but will be available to discuss during negotiations. This information shall be included on the Proposal Tabulation Form listed in Appendix B.

The following items are to be included in your "Fee" percentage rather than as General Conditions:

- Field office staff bonuses
- Off-site staff costs
- Vehicle mileage to the project site for field office staff
- Safety Supervisor inspections
- Personal computers/computer charges
- Mobile or two-way communication devices
- Vehicle rental, repair, insurance, and maintenance
- Project scheduling services (except for time of field office staff)
- Project accounting services (except for time of field office staff)

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CRITERIA FOR SELECTION

The Brownwood ISD Board of Trustees has adopted the following as the selection criteria and relative weights for this project:

**Without limiting its ability to consider any relevant factors, the District may apply the criteria listed in Appendix A.**

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## **44.34 NOTIFICATION OF CRIMINAL HISTORY OF CONTRACTOR**

(a) A person or business entity that enters into a contract with a school district must give advance notice to the District if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.

(b) A school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.

(c) This section does not apply to a publicly held corporation.

Added by Acts 1995, 74th Leg., ch. 260, ss. 1, eff. May 30, 1995.

## **ATTACHMENT 1**

### **PRE-CONSTRUCTION SERVICES (Minimum Required)**

- Establish project **GOALS AND PRIORITIES**
  - Establish procedures for decision making, review, etc.
  - Outline responsibilities of the Owner, the architect, construction manager, contractors and third parties.
  
- Develop an **OVERALL MANAGEMENT PLAN AND CPM MANAGEMENT** of critical design and construction dates in order to accomplish the stated objective.
  
- **DESIGN COST PLANNING**
  - Prepare computerized estimated system.
  - Develop, implement, and monitor cost model for continuous budget control.
  
- **CONSTRUCTION DOCUMENTS**
  - Review the drawings and specifications relative to bid packages.
  - Develop bid package requirements.
  - Schedule and conduct pre-bid conferences.
  - Review and analyze bids.
  - Update project budget and schedule consistent with actual bids.
  - Develop a detailed CPM network schedule.
  - Provide a Guaranteed Maximum Price for the project.

## ATTACHMENT 2

### CONSTRUCTION PHASE SERVICES (Minimum Required)

- Manage the **GMP DOCUMENTATION**, including:
  - Detailed quantity surveys, pricing.
  - Procurement strategy and implementation.
- **Establish the BUDGET BY BID PACKAGE**
- Prepare a detailed **SCHEDULE** derived from detailed quantities for each bid package to satisfy milestones.
- **SITE UTILIZATION STUDY**
  - Coordinate mobilization and plan logistical requirements.
  - Project office and material staging locations.
  - Ingress, egress.
  - Security requirements of owner.
- **Prepare SUBCONTRACTOR BID OR PROPOSAL PACKAGES, including:**
  - Project Manual, outlining the requirements of the construction.
  - Schedule (by bid or proposal package interface).
  - Detailed scope of work.
  - Detailed document listing.
  - Proposal forms for each bid or proposal package.
  - Form of contract and purchase order forms.
  - Insurance requirements.
  - Bonding requirements.
  - Prequalification of bidders/ proposers.
  - Other special requirements.
- **CONDUCT PRE-BID MEETINGS for each bid or proposal package, addressing:**
  - Project requirements.
  - Document review for specific questions.
  - Sequence/schedule review.
  - Site restrictions.
  - Other questions raised during discussions.
- **RECEIVE BIDS:**
  - Generate interest in vendors/contractors.
  - Advertise or solicit for bids/proposals.
  - Conduct bid/proposal openings.
  - Receive bids on all portions of the work, with the exception of work specifically approved by the Owner in advance when appropriate to schedule or logistics.
  - Prepare tabulations for each bid or proposal package.

## ATTACHMENT 2

### CONSTRUCTION PHASE SERVICES Page Two

- Review proposals for compliance with contract documents.
- Review apparent low vendor's qualifications, past experience and liquidity.
  
- **CONDUCT PROPER AWARD OF CONTRACTS/PURCHASE ORDERS:**
  - Conduct pre-award meetings.
  - Review schedule of values.
  - Review subcontractors' general conditions.
  - Review scope of work.
  - Identify shop drawing requirements.
  - Perform document review and specifications review.
  - Review contractors' personnel:
    - Project Managers
    - Superintendents
    - Foremen
  - Establish quality requirements and standards.
  - Review sequence and schedule.
  - Identify accounting requirements.
  - Review insurance requirements.
  - Review safety and security requirements.
  - Recommend award of contracts in written form for review and approval to the Owner/Architect indicating both the amount of the subcontract and any additional scope added by the Construction Manager.
  
- **PREPARE AND ISSUE AS CONSTRUCTION MANAGER:**
  - Contracts.
  - Rental agreements.
  - Budget adjustments for all transactions.
  - Computerized accounting for tracking and projections.
  
- **PROVIDE COORDINATION AND MANAGEMENT OF SUBCONTRACTORS:**
  - Establish site organization, including work and storage areas.
  - Establish jobsite management organization and jobsite procedures.
  - Maintain daily log for jobsite record.
  - Provide general conditions work to meet project requirements.
  - Prepare and issue change orders and contracts.
  - Prepare subcontractor change orders and contracts.
  - Monitor construction cost and projections.
  - Prepare and maintain cash flow projection for Owner.
  - Monitor and maintain quality control.
  - Shop drawing control.
  - Equipment and material control.
  - Provide and monitor overall progress and short interval scheduling.

## ATTACHMENT 2

### CONSTRUCTION PHASE SERVICES Page Three

- Prepare billings and progress payments.
  - Conduct subcontractor coordination meetings.
  - Provide coordination between subcontractors.
  - Prepare and receive requests for information.
  - Prepare agendas and conduct weekly safety and progress meeting.
  - Prepare and distribute weekly safety and progress meeting minutes.
  - Establish subcontractor progress payment procedure for processing and payment.
  - Monitor subcontractor pay applications.
- **BI-MONTHLY REPORT:**
    - Summarize project financial status.
    - Review and summarize past two weeks construction performance.
    - Project the coming fourteen-day construction activities.
    - Present status report on change orders – delays and time extensions.
    - Identify problems that threaten construction quality, cost, and schedule.
- Provide **CHANGE ORDER CONTROL:**
    - Implement system for change orders.
    - Allocate change order responsibilities.
    - Review change order requests from subcontractors.
    - Negotiate change orders with subcontractors.
    - Submit recommendations to Owner/Architect.
- Provide **CONTROL FOR THE EXPENDITURE OF CONTINGENCY AND ALLOWANCE FUNDS:**
    - Implement system for contingency and allowance funds.
    - Allocate responsibilities related to contingency and allowance funds.
    - Review change requests from subcontractors that affect contingency and allowance funds.
    - Negotiate amounts with subcontractors.
    - Submit recommendations to Owner/Architect.
- Establish a **QUALITY MANAGEMENT PROGRAM:**
    - All members of the team participate in the quality control effort.
    - Project Scope Review:
      - Intended purpose.
      - Are the project needs met?
      - Existing conditions reviewed.
      - Future needs.



## ATTACHMENT 2

### CONSTRUCTION PHASE SERVICES

#### Page Four

- Incorporate Restrictive Conditions in documentation to include:
    - Social environment, influence of neighbors, environmental impact.
    - Natural conditions, grounds and peripherals.
    - Research on legal requirements.
    - Research on existing structures, facilities.
  - Review of Design Development for:
    - Complete construction documents in the order they are to be purchased and constructed.
    - Complete documents for pre-purchased equipment.
    - Design compatibility with future operation and maintenance.
    - Constructability.
  - Coordinate schedule and assist independent testing and inspection agencies selected by the school district, involving the following work:
    - Underground piping
    - Soils
    - Concrete
    - Rebar
    - Miscellaneous steel
    - Structural steel
    - Mechanical systems
    - Electrical
    - Life safety systems
    - Energy management systems
    - Others as required
  - Work with area superintendents of subcontractors.
    - Prepare operations to minimize quality control problems.
  - Require formalized quality management program from subcontractors:
    - Ensure conformance to project's quality standards previously established.
  - Follow-up to assure correction of deficiencies on test reports.
- 
- **ACCOUNTING FUNCTIONS:**
    - Insurance requirements
    - Schedule of values review
    - Labor cost reports
    - Material cost reports
    - Unit cost reports
    - Monthly detail cost sheet
    - Monthly job costs
    - Accounts payable
    - Monthly project billing

## ATTACHMENT 2

### CONSTRUCTION PHASE SERVICES

Page Five

- **AUDITS:**

The Owner will retain the right to audit any or all accounting records of this project upon demand for up to 1 year after final completion of the work or final acceptance of the work by the Owner, whichever is later. The audits may include any or all payments made to subcontractors, companies, or individuals, for all work associated with this project, to the extent required for a complete accounting of all costs. The accounting method must clearly show the breakdown of the following as a minimum:

- Unit and material cost
- Invoices
- Specific wage rates (unburdened actual costs) for all trades (**see attached prevailing wage rates**)
- Documentation of actual burden and benefit costs for all personnel chargeable to the project.
- Premium time mark-ups for all trades, if any
- Contractor's fee
- Materials mark-up
- Subcontractors' mark-ups
- Insurance and bond costs
- Equipment and tool rental costs
- Any other documentation required

Audits may occur at regular or irregular intervals. The Construction Manager must be able to provide documentation required upon request within 24 hours during the duration of the project. Audits will use the proposal and bidding information as the basis for verification of costs at each audit. The Construction Manager is to provide certification and reconciliation of all project costs to Owner at the completion of the project.

- **JOB SAFETY OBJECTIVES:**

- Conduct weekly safety meeting:
- Implement project safety requirements.
- Review subcontractor safety programs.
- Subcontractor conformance, initiate knowledge of OSHA requirements:
- Subcontractor responsible for costs and damages.
- Submission of accident and injury reports.
- Subcontractor safety programs.
- Provide twenty new OSHA approved hard hats for District personnel or Board to be used for site visits.
- Require subcontractor safety representative.
- Require forty-eight hour reports.
- Require weekly tool box safety meeting.
- Maintain safety meeting minutes.
- Inform subcontractors of procedures.
- Enforce alcohol and drug programs by subcontractors.
- Implement and maintain clean-up.

## ATTACHMENT 2

### CONSTRUCTION PHASE SERVICES Page Six

- **JOB SITE SECURITY FUNCTIONS:**

- Monitor and control employees, vendor and public access to the jobsite.
- Monitor and control material and equipment deliveries to the jobsite.
- Monitor and control material and equipment being removed from jobsite through a material release form.
- Monitor and control site traffic.
- Monitor and perform periodic checks for alcohol and drugs.
- Monitor and control tools.
- Monitor material storage.
- Monitor trailers and all equipment within.
- Maintain proficiency first-aid and CPR programs.
- Monitor compliance with district's No Smoking policy.
- Monitor compliance with district's weapon-free zones.
- Monitor and control employee, vendor access or interaction with students and staff.
- Monitor and control compliance with District's harassment-free environment for students and staff.
- Monitor and control employee, vendor theft.

- **HUMAN RESOURCES:**

As construction managers, provide assistance and policies on Equal Employment Opportunity, minority and women-owned business enterprises, sexual harassment or discrimination, drug abuse program, labor relations, employment transfers or reassignments and assuring proper personnel for project requirements.

- **BACKGROUND CHECK AND FELONY CONVICTION NOTIFICATION:**

AGREEMENT/BID PACKAGE BETWEEN SCHOOL DISTRICT AND CONSTRUCTION MANAGER – (Note: The requirements for Felony Conviction Notification and Drug Testing will only be required for personnel who enter the job site and construction site **AFTER** the building has achieved Substantial Completion and during the Close-out and Warranty period of the project. No one will be allowed on the project site after Substantial Completion without complying with the regulations as stated below.)

Criminal History Background Checks and Drug Testing Construction Manager, all Subcontractors and all Sub-subcontractors shall ensure that any person assigned to perform work at any District location under the Contract meets the following criterion:

- No records in the Texas DPS Sex Offender Registration database.
- No felony convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for crimes involving sex, violence or any other offense against or injury to a child.
- No felony convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for the past seven (7) years, except for crimes involving sex, violence or any other offense against a child for which there is no time limit.

## **ATTACHMENT 2**

### **CONSTRUCTION PHASE SERVICES**

#### **Page Seven**

- No misdemeanor convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for crimes involving sex or any other offense against a child.
- No misdemeanor convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for the past seven (7) years for crimes involving violence.
- No positive drug test results. Drug test shall consist of a five-panel screen for drugs of abuse. Substances and cut-off levels shall be consistent with Department of Transportation requirements. All positive results shall be laboratory confirmed and independently verified by a Medical Review Officer (MRO).

Construction Manager shall perform and shall require, as a condition of contracting, all Subcontractors and Sub-subcontractors to perform criminal history background checks and drug testing on any person who is assigned to perform any work at any District location under the Contract and shall promptly produce to the Owner the district location under the Contract and shall promptly produce to the Owner the results of such background checks and drug testing upon request. A drug test will be demanded of any person noticeably under the influence of drugs or other related substances.

Construction Manager to provide 30 “Visitor” badges for check-out at the project office. A photo identification badge shall be issued to those persons meeting the screening criterion described in Section 1.1.1. Any person who is assigned to perform any work at any District location under the Contract shall be required to wear their identification badge while on site.

## **ATTACHMENT 3**

### **POST CONSTRUCTION PHASE SERVICES**

**Page Eight**

- **PROJECT POST CONSTRUCTION SERVICES:**
  - Final acceptance by the Owner is predicated on completion and submission of all items.
  - Provide operating and maintenance manuals.
  - Provide as-built drawings.
  - Secure and assemble warranties or guarantees.
  - Provide check-out of equipment.
  - Instruct operating personnel in equipment operating and maintenance procedures.
  - Assist in actual start-up of equipment.
  - Implement close-out procedures and ensure requirements are met:
    - Subcontractors' and vendors' final payment
    - Resolution of claims
    - Final change orders
    - Lien releases
    - Final lien waivers
    - Consent of sureties
  - Assist Owner in enforcement of warranties or guaranties.
  - Conduct walk-through with Owner and Contractor one year after project completion.

**Brownwood Independent School District**  
**May 2023 Bond Program**  
**RFQ # 09-2023**

**APPENDIX A**

**CM @ RISK EVALUATION FORM** (COMPLETED BY THE SELECTION COMMITTEE IN STEP ONE)

**RATING SCALE: Excellent: 5 Above Average: 4 Average: 3 Below Average: 2 Poor: 1**

**Company Names**

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**GENERAL QUALIFICATIONS OF FIRM** (30% of total rating)

1. How substantial is the firm’s experience in providing construction services for facilities of comparable size, complexity?
2. What is the respondent’s litigation record?
3. Does the firm’s longevity, organizational structure, licensing and financial information indicate that the firm is capable of undertaking these projects?
4. Does the firm’s current and projected workload indicate that the firm is capable of undertaking these projects?


**Subtotal**

**PROJECT APPROACH** (35% of total rating)

1. Does the description provided by the firm of its pre-construction and construction services evidence both understanding and capabilities in general and as it applies to these specific projects for Brownwood ISD?
2. Do the personnel proposed for these projects appear to have the appropriate experience and capabilities? Are the required personnel adequately staffed?
3. Do the firm’s methods for estimating cost and anticipating scheduling lead times meet the district’s needs?
4. Does the firm’s approach to contingency management during each phase of construction meet the district’s needs?
5. Does the description of cost transparency during design and construction bring confidence to the district that the firm will provide complete and accurate accounting?


**Subtotal**

**PAST PERFORMANCE** (35% of total rating)

3-5 of the most relative projects submitted will be evaluated for past performance by checking references with project's owner/architect. The following are a sample of the questions that may be asked:

1. How would you rate the firm's overall performance on your recently completed project?
2. Was there continuity in the firm's principal team throughout the life of the project?
3. Would you hire this firm to do another project with you in the near future?
4. How would you rate the firm's communication approach? Were problems identified early? Were solutions readily offered?
5. After completion, how would you rate the quality of the facility? Have you had many warranty claims?
6. Was there cost growth during construction? If so, was it caused by unforeseen conditions, contractor error/miscalculation or additional scope?


**Subtotal**

**Total**

**RANK**


**Brownwood Independent School District**  
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**RFQ # 09-2023**

Company Name: _____
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**APPENDIX B**  
**FEE PROPOSAL**

Fee Proposal based on:	Scheduled Start: _____
	Completion Date: _____

1. Construction Manager’s Fee:
 

Preconstruction Phase Services:	_____ %
Construction Phase Services	_____ %
  
2. Premium for 100% Performance and Payment Bonds (percentage of GMP) \_\_\_\_\_ %
  
3. General Liability, Automobile Liability and Umbrella Liability Insurance (percentage of GMP) \_\_\_\_\_ %
  
4. Builder’s Risk Insurance (percentage of GMP) \_\_\_\_\_ %
  
5. Indirect Costs are the following (provide attached spreadsheet with anticipated cost)

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>Superintendent (full time)</li> <li>Assistant Superintendents’ (as needed)</li> <li>Project Manager (as needed)</li> <li>Field Operations Manager (as needed)</li> <li>Secretarial Support</li> <li>Employee Benefits for above</li> <li>SS and Unemployment Taxes for above</li> <li>Workers Compensation Insurance for above</li> <li>Project Office Supplies</li> <li>Postage &amp; Express Shipping Charges</li> <li>Personnel Relocation</li> <li>Project Office Utilities</li> <li>Travel, Meals and Lodging</li> <li>Printing – Record &amp; Shop Drawings only</li> </ul> | <ul style="list-style-type: none"> <li>Job Office Rental</li> <li>Haul and Set-up Trailer</li> <li>Pick-up Truck Rental</li> <li>Fuel &amp; Maintenance for Pick-up Truck</li> <li>Two-Way Radios</li> <li>Project Office Telephones</li> <li>First-Aid Supplies</li> <li>Drug Screens</li> <li>Progress Schedules</li> <li>Accounting Fees</li> <li>Data Processing Fees</li> <li>Project Office Machines</li> </ul> |
|--|---|

6. Savings Split: Brownwood ISD \_\_\_\_\_ % CM \_\_\_\_\_ %



**Brownwood Independent School District**  
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Company Name: \_\_\_\_\_

**APPENDIX C**  
**FELONY CONVICTION NOTICE**

State of Texas Legislative Senate Bill No. 1, Section 44.034, Notification of Criminal History, Subsection (a) states, “a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.”

Subsection (b) states, “a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.”

**THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORATION**

I, the undersigned agent for the firm names below, certify that the information concerning notification of felony convictions has been reviewed by me and the following information furnished is true to the best of my knowledge.

**VENDOR’S NAME** \_\_\_\_\_

**AUTHORIZED COMPANY OFFICIAL’S NAME(PRINTED):** \_\_\_\_\_

A. My firm is a publicly-held corporation; therefore, this reporting requirement is not applicable.

**Signature of Company Official:** \_\_\_\_\_ **Date** \_\_\_\_\_

B. My firm is not owned nor operated by anyone who has been convicted of a felony:

**Signature of Company Official:** \_\_\_\_\_ **Date** \_\_\_\_\_

C. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s):  
\_\_\_\_\_

Details of Conviction(s):  
\_\_\_\_\_  
\_\_\_\_\_

**Signature of Company Official:** \_\_\_\_\_ **Date** \_\_\_\_\_

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**APPENDIX D**

Company Name: \_\_\_\_\_

**SUSPENSION AND DEBARMENT CERTIFICATION**

**Federal Law (A-102 Common Rule and OMB Circular A-110) prohibits non-federal entities from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods and services equal to or in excess of \$100,000 and all non-procurement transactions (e.g., sub-awards to sub-recipients).**

Firms receiving individual awards of \$100,000 or more and all sub -recipients must certify that their organization and its principals are not suspended or debarred by a federal agency.

Before an award of \$100,000 or more can be made to your firm, you must certify that your organization and its principals are not suspended or debarred by a federal agency.

I, the undersigned agent for the firm named below, certify that neither this firm nor its principals are suspended or debarred by a federal agency.

Name of Firm: \_\_\_\_\_

Signature of Authorized Official: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Brownwood Independent School District**  
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**APPENDIX E**

Company Name: \_\_\_\_\_

**CERTIFICATION OF RESIDENCY**

**Chapter 2252 of the Texas Government Code relates to Resident versus Nonresident and the requirements governmental entities must follow when awarding contracts to Nonresidents. The pertinent portion of the Chapter is as follows:**

**2252.001...**

"Resident" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

"Nonresident" refers to a person who is not a resident.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

**2252.002...**

A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in:

- (1) the state in which the nonresident's principal place of business is located; or
- (2) a state in which the nonresident is a resident manufacturer.

Please complete the appropriate statement below:

A. I certify that \_\_\_\_\_ is a Resident of  
(Company Name)

Texas as defined in Chapter 2252.

B. I certify that \_\_\_\_\_ is a Nonresident  
(Company Name)

of Texas as defined in Chapter 2252. Our principal place of business is:

\_\_\_\_\_  
(City and State)

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Brownwood Independent School District**  
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**APPENDIX F**

Company Name: \_\_\_\_\_

**NON-APPROPRIATION PROVISION**

**PROJECT: CMAR**  
**Brownwood Independent School District**

I understand and agree that a non-appropriation action can be involved by the school district against the project agreement in the event of any anticipated reduction or major change in revenues received by the school district from the State of Texas or local tax authority, and that no penalty will be assessed by the Contractor against the Agreement for work not in place.

**NAME OF OFFEROR:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**Subscribed and sworn to, this** \_\_\_\_\_ **day of** \_\_\_\_\_

**Notary:** \_\_\_\_\_  
Notary Public in and for the State of Texas  
My commission expires \_\_\_\_\_

**Brownwood Independent School District**  
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**APPENDIX G**

Company Name: \_\_\_\_\_

**INDEMNITY AFFIDAVIT OF CONTRACTOR**

**PROJECT: CMAR**  
**Brownwood Independent School District**

The Offeror named below agrees to and shall indemnify and hold harmless Brownwood ISD, its agents, trustees, officers, and employees from and against any and all suits, actions, losses, damages, liabilities, and claims of any character, type and description (including without limitation court costs and attorney’s fees, and all such other expenses of litigation) brought or made or on account of any injuries or damages received or sustained by any person or persons or property arising out of or occasioned by or connected with the submittal and consideration of its RFP process. Such indemnity shall apply where the above referenced suits, actions, losses, damages, liability, or claims arise in whole or in part from the negligence of Brownwood ISD.

The Offeror acknowledges that the Brownwood Independent School District is a political subdivision of the State of Texas and is required to conduct business in compliance with all applicable laws, rules and regulations, and agrees to conduct any business with the school district in compliance with all application laws, rules and regulations.

**NAME OF CONTRACTOR** \_\_\_\_\_

\_\_\_\_\_  
By: (Signature of Authorized Representative)

**Subscribed and sworn to, this** \_\_\_\_\_ **day of** \_\_\_\_\_

**Notary:**

\_\_\_\_\_  
Notary Public in and for the State of Texas  
My commission expires \_\_\_\_\_

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

## FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

### OFFICE USE ONLY

Date Received

**1 Name of vendor who has a business relationship with local governmental entity.**

**2**  Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3 Name of local government officer about whom the information is being disclosed.**

\_\_\_\_\_  
Name of Officer

**4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes       No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes       No

**5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

**6**  Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

**7**

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date

**Brownwood Independent School District**  
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**ATTACHMENT 4**

**CURRENT PROPOSED SCHEDULE AND SKETCH**