REQUEST FOR PRE-QUALIFICATION
OF DESIGN-BUILD ENTITIES

FOR
Victor Valley Community College District
NEW SCIENCE/HEALTH BUILDING

AT

Victor Valley Community College District
18422 Bear Valley Road
Victorville, CA 92395
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OF DESIGN-BUILD ENTITIES

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Victor Valley Community College District

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INTRODUCTION

1.1 Project Purpose

The VICTOR VALLEY COMMUNITY COLLEGE DISTRICT will be inviting Design-Build proposals from qualified firms to perform the planning, design, construction, and warranty maintenance for the New Science/Health Building on the Victor Valley College Main Campus.

This RFQ Phase is the first phase of a two-phase process, the second being the Request for Proposals (RFP) phase. The RFQ phase comprises a screening process to narrow the pool of applicants to more a limited number deemed sufficiently qualified to produce the project and submit a responsible bid.

The RFP phase will be used to select and award the final design-build contract for the New Science/Health Building.

1.2 Project Description

This project constructs a new permanent 15,470 ASF / 22,100 GSF science and health/nursing laboratory building on the main campus at Victor Valley College. It will be in the form of a one story building located adjacent the existing one story Science Building and on the west side into an existing parking lot (the above square footages are current estimates and subject to change). It is currently budgeted using 2013/14 California Community College Cost Guidelines as follows (subject to change):

- Budget for the design-build team associated costs (design, estimating, bidding, contractor management, labor and material, and contingency) = $11,815,000.
- Not included in those amounts is a budget allocation for Group II (movable furniture and equipment), yet to be determined.

New Science Labs

The new lab building alters the original plan to add on directly to the west wall of the existing science building. It will instead be a detached building roughly 20'-to- 30' away from the existing science building and connected via either an indoor or outdoor covered corridor. Detaching the new building is to encourage the development of exterior natural lighting and windows and to avoid certain code upgrades to the existing building, such as toilets otherwise required if the project were considered an “addition”. Construction and appearance should match or be highly compatible with the existing science building construction.

It will add four science laboratories, two life science (anatomy) and two physical science (general chemistry and digital physical science). In addition provision for future science labs are to be made to serve the college science lab requirements for its master planned build-out size of 20,000 students. These will comprise two additional life science labs and two additional physical science labs of the
approximate same size as the four science labs currently in the project scope. This future addition should also be sited so as not to affect the new nursing/allied health labs that are part of this project.

To accommodate the movement of science lab supplies and equipment between the new physical and life science labs and their respective existing prep spaces in the existing building, a covered and wind protected walkway with smooth paving (no raised thresholds) will be required.

Office and related space for a science dean and support staff is included and located as centrally as possible to serve both the new and existing science staff offices.

**New Nursing/Allied Health Labs**

Across a shared indoor hallway from the new science labs are new laboratories and offices for the Health/Nursing programs, including Skills labs and SIM (simulation) labs for training in five health specialties: OB/Gyn, Pediatrics, ICU, Medical/Surgical Patient Room, and Psychology. Each SIM Lab will have an individual Control Room accommodating video camera operation and an individual Debriefing Room for approximately 10 students for live observation and critique, both rooms using one-way glass.

The project also includes a digital nursing lab and a prep room to accommodate independent learning in the nursing disciplines and nursing offices and support spaces.

The new nursing lab and office facility will be constructed using a raised access floor system with displacement air conditioning for future flexibility and energy savings. [The same raised floor system should be considered for the new science labs for ease of installation and access to piping and electrical/networking, but with a downdraft air conditioning system wherein the under floor cavity is 100% exhausted to address the event of hazardous material spillage or pipe failure.]

The new nursing/allied health offices should be located so as to be as near as possible to the existing Nursing Building on the north. The existing Nursing Building will continue to accommodate part of the nursing program and most of its administrative offices (that building will likely be remodeled as a future secondary effects project).

**Site Development**

The new building will be free standing with the exception of the indoor or covered connections to the existing science building. A goal is to create an attractive landscaped courtyard space in between the existing building and the new science labs. That will be augmented by full building perimeter landscaping, including wind dissipating walls as required to mitigate the daily and seasonal west-southwest prevailing winds. Vehicular access to the existing biology service entrance shall be preserved in the new design.

Parking lost by the construction of this new building (about 100 stalls) will be replaced in this project by new parking located across Jacaranda St. to the west.
and constructed in advance of removal of the existing parking. Also in advance of construction at the main building site is relocation of accessible parking stalls currently falling within the project site. This will be accomplished through restriping and additional curb cuts in an area of the parking lot south of the project site. Remaining parking within the building site area will be redone as necessary to restore paving, curbing, and landscaping damaged or worn by construction activities.

Underground utilities and connection to the existing Central Plant as required to serve the new building are also included.

**Environmental Considerations**

The intent of the district is to design this project to Leed “Silver” as a minimum. Inclusive can be daylighting strategies and shading, and even active energy production such as photovoltaics and solar water heating. At this time, it is not anticipated that the full Leed certification will be required, only design to the Leed points required to reach a Silver level. Additionally, it is the district’s goal that the project maximize rebates from the Southern California Edison’s “Savings by Design” program. Water conservation is a goal in terms limiting city water use through retention of storm water runoff and in the handling of waste or recycled water.

**Building Utilization**

For the 2010 Fall Semester, the existing Science Building laboratories were used at 133.3 percent of capacity. The Allied Health/Nursing Building laboratories were used at 424.5 percent of capacity. In addition, the Health programs also used the Technology Center Lab room 143 and Lower Portable room 7 (at 173.2 percent of capacity). These data demonstrate a clear need for additional science and health laboratory classrooms.

1.3 **Bridging Documents**

Victor Valley College has prepared “Bridging Documents” for this project. These documents will be provided to the selected qualified Design Build Teams as part of the later RFP process. These documents will provide guidelines as to Space Programming with Adjacencies which may be in schematic floor plan drawing format. Specifications for finishes and equipment on a room by room basis will also be included. In addition Architectural Guidelines including Technical Specifications will be part of the Bridging Documents. An Existing Site and Building Conditions package (compiled from current drawings and specifications/surveys) will be provided.

Current Electrical Distribution System and Mechanical Infrastructure Assessments of the campus have been completed and will also be provided.
INSTRUCTIONS TO APPLICANT QUALIFIERS
FOR
REQUEST FOR PRE-QUALIFICATION OF
DESIGN-BUILD ENTITIES

Victor Valley Community College District

NEW SCIENCE/HEALTH BUILDING AT

Victor Valley Community College District
18422 Bear Valley Road
Victorville, CA 92395
REQUEST FOR QUALIFICATIONS

FOR

DESIGN-BUILD SERVICES

VICTOR VALLEY COMMUNITY COLLEGE DISTRICT

SCIENCE / HEALTH BUILDING

NOTICE IS HEREBY GIVEN that the Victor Valley Community College District (“District”) invites design-build entities as defined by Education Code Section 81701 (c) (“Design-Build Entities”), to complete and submit a Pre-Qualification Questionnaire and all other information requested as provided below, in compliance with Assembly Bill 1000 and as amended by Senate Bill 614 for the design and construction of the following project (“Project”):

NEW SCIENCE/HEALTH BUILDING

This project constructs a new permanent 15,470 ASF / 22,100 GSF science and health/nursing laboratory building on the main campus at Victor Valley College. Design-build team associated scope (design, estimating, bidding, contractor management, construction labor and material, and contingency – District’s not to exceed estimate $11,815,000). College district associated scope (agency review and approvals, survey and soil reports, environmental compliance, testing, inspection, bridging services, Group II Equipment, and district project management).

Design-Build Entities who wish to be considered for receipt of the District’s Request for Proposals for the design and construction of the Project must submit a Pre-Qualification Questionnaire and other information as required by the District’s Request for Pre-Qualification of Design-Build Entities for Design-Build of the “Project”. Copies of the Request for Pre-Qualification are available at the District’s Facilities Construction Office 18422 Bear Valley Road, Victorville, CA 92395 and will also be available at the MANDATORY Pre-Qualification Conference, which will be conducted on October 22, 2012 commencing promptly at 10:00 a.m. at Board Room of Administration Building #10, 18422 Bear Valley Road, Victorville, CA 92395. All Pre-Qualification Questionnaires and other information requested in the Request for Pre-Qualification for submission by Applicant Qualifiers (“Pre-Qualification Submittals”) shall be prepared in conformance with the Request for Pre-Qualification using the forms referenced in or attached thereto. Pre-Qualification Submittals shall be hand delivered to, or be received by mail at the District’s Facilities Construction Office, Victor Valley Community College District 18422 Bear Valley Road, Victorville, CA 92395 at any time Monday through Friday during regular working hours of 9:00 a.m. to 3:00 p.m., up to and including December 4, 2012. The Applicant Qualifier assumes full and sole responsibility for timely receipt of its complete Pre-Qualification Submittal at the stated location designated for receipt thereof.

The District shall select from the Applicant Qualifiers a limited “short-list” of the most-qualified of the Pre-Qualified Design-Build Entities, who will then be provided with the Request for Proposals and invited to submit Design-Builder Proposals for the Project. An honorarium will be paid in accordance with the terms of the Request for Proposals to those Pre-Qualified Design-Build Entities that are invited to submit Design-Builder Proposals and who do not receive Award of the Design-Build Contract for the Project.

Questions shall be directed in accordance with the Request for Pre-Qualification to: Victor Valley Community College District’s Facilities Construction & Administrative Services Office Michelle Messer, RFP Coordinator, Facilities Construction, 18422 Bear Valley Road, Victorville, CA 92395. (760) 245-4271, ext. 2199 or ext. 2250. Or via Email at: Michelle.Messer@vvc.edu
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ARTICLE 1 DEFINITIONS

1.1 GENERAL

Capitalized terms shall have the meanings assigned to them in the General Conditions, which are included as part of the Design-Build Contract attached hereto as Attachment No. 1 and incorporated herein as part of the Pre-Qualification Documents. Capitalized terms not defined in the General Conditions shall have the meanings assigned to them in, or (if none is assigned) as reasonably understood to apply to them by the context of, the portion of the Pre-Qualification Documents where such terms are used.

1.2 DESIGN-BUILD ENTITY MEMBERS

The term “Design-Build Entity Member(s)” as used in the Pre-Qualification Documents means any and all of the individuals, corporations, partnerships, joint ventures or other associations of persons or legal entities that hold an ownership interest in the Design-Build Entity or that share in the profits and losses of the Design-Build Entity. If a Design-Build Entity Member, or a firm having an ownership interest in a Design-Build Member, is itself a partnership, joint venture or other association of persons or legal entities, then the term Design-Build Entity Member includes any and all of the individuals, corporations, partnerships, joint ventures or other associations of persons or legal entities that holds an ownership interest in or that share in the profits and losses of such Design-Build Entity Member or firm.

1.3 GENERAL CONTRACTORS, ARCHITECT OF RECORD, PRINCIPAL ENGINEERS, ELECTRICAL AND MECHANICAL SUBCONTRACTORS

The capitalized terms General Contractors, Architect of Record, Principal Engineers, Electrical Subcontractor(s) and Mechanical Subcontractor(s) shall have the meanings assigned to them in the Pre-Qualification Questionnaire.
2.1 SUMMARY OF REQUEST FOR PROPOSAL PROCESS

2.1.1 Informational Summary. The provisions of this Section 2.1 are intended to summarize for Applicant Qualifiers the process that the District intends to follow in respect to issuance of its Request for Proposal, consideration of Design-Builder Proposals from Pre-Qualified Design-Build Entities and Award of the Design-Build Contract. This summary is provided for the convenience of the Applicant Qualifiers and should not be interpreted as a complete or definitive statement of all procedures, conditions, requirements or standards that may apply to any of the aforementioned processes and the District reserves the right, at any time and in the exercise of its sole and absolute discretion, to modify such procedures, conditions, requirements or standards, by changes, additions or deletions thereto.

2.1.2 Phase Design-Build Competition. The process for Award of the Design-Build Contract is a design-build competition. The design-build competition will be conducted in two phases. Phase 1 (the Pre-Qualification Process) consists of the Pre-qualification of a “short-list” of three (3) Pre-Qualified Design-Build Entities (unless there are four (4) or fewer Applicant Qualifiers, in which case fewer than three (3) Pre-Qualified Design-Build Entities may be selected) who, based on the scoring by District’s Pre-Qualification Selection Committee of their responses and other information provided in response to the Pre-Qualification Questionnaire, are determined to be the most qualified to design and construct the Project. The procedures and forms for Pre-Qualification are set forth in the Request for Pre-Qualification, of which these Instructions are a part. Each of the Pre-Qualified Design-Build Entities on this “short-list” of Pre-Qualified Design-Build Entities will then be provided a Request for Proposals and invited to submit Design-Builder Proposals for the Project. Phase 2 (the RFP process) is the process for final selection from among the Pre-Qualified Design-Build Entities that submit Design-Builder Proposals (“Proposers”) of one (1) Proposer to receive the Award of the Design-Build Contract. Selection of the successful Design-Build Entity in Phase 2 shall be based upon pre-established criteria set forth in the Request for Proposal, which shall include both cost and non-cost factors. Award of the Design/Build Contract shall be made to that Proposer whose Design-Builder Proposal is determined by the District to be overall the best value to the District.

2.1.3 Experience. Credit for experience as one or more of the non-cost evaluative factors in the design-build competition shall be based only on design-build experience and California school design and construction experience.

2.1.4 Award. The Board of Trustees for the District will issue a written decision supporting its Award of the Design-Build Contract to the successful Design-Build Entity, stating in detail the basis of the Award. The identity of the successful Design-Build Entity shall be publicly announced, along with its overall combined rating on the Request for Proposal evaluation, the District’s ranking of the successful Design/Build Entity in relation to the other Pre-Qualified Design-Build Entities to whom the Request for Proposal was issued and their respective price proposals, and a summary of the District’s rationale for the Award.

2.1.5 Design-Build Contract. A copy of the proposed Design-Build Contract that the District contemplates issuing to the successful Design-Build Entity is attached hereto as Attachment No. 1. District reserves the right, exercised in its sole discretion, at any time prior to Award to unilaterally change, by addition, modification or deletion, any of the terms of
the Design-Build Contract in accordance with the procedures therefore set forth in the RFP
Documents.

2.1.6 Proposal Bond, Payment and Performance Bonds, Insurance. Each Pre-Qualified Design-Build Entity that is invited to submit a Design-Builder Proposal for the Project shall be required, without limitation, to deliver to the District a Proposal Bond as security to ensure that the successful Design-Build Entity will, if it receives the Award, enter into the Design-Build Contract and deliver the other Post-Award Submittals required by the RFP Documents. Additionally, the Design-Build Entity that is selected for Award of the Design-Build Contract shall possess and be required to submit evidence of: (1) sufficient bonding to cover the full contract price for non-design services utilizing bond forms that are consistent with the bond forms developed by the Department of General Services pursuant to subdivision (i) of Section 14661 of the California Government Code; (2) errors and omissions insurance coverage sufficient to cover all design and architectural services required by the Design-Build Contract; and (3) all other insurance coverage as required to be provided by the Design-Builder under the terms of the Design-Build Contract.

2.1.7 Subcontractors. All subcontracts with Subcontractors who are not Design-Build Entity Members of the successful Design-Build Entity and who are not otherwise required to be pre-qualified pursuant to Paragraph 4.3.18, below, shall be awarded by the successful Design-Build Entity in accordance with the process set forth in the Request for Proposal and shall provide for public notice of the availability of work to be subcontracted, a fixed date and time on which the subcontracted work will be awarded and shall afford to the Subcontractors the protections contained in Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code.

2.1.8 Labor Compliance. The successful Design-Build Entity to whom the Award of the Design-Build Contract is made will be required to comply with all of the applicable provisions of the California Labor Code (including, without limitation, payment of prevailing wages, maintenance and submission of weekly certified payrolls and hiring of apprentices) and shall be required to execute a Letter of Assent stating the terms of any existing Labor Agreement to the District.

2.1.9 Interested Parties. General Contractors and Architects of Record will not be allowed to participate in the Request for Proposal process in any capacity, either as Design-Build Entity Members or as Subcontractors or Subconsultants, to more than one Design-Build Entity. Consultants or Subconsultants to the District who (1) are participants or advisors to the District or College in respect to the design-build competition for the Project, or (2) provide professional services and advice to the District or College in respect to any other project being proposed for construction, or under construction, at the campus of the College, shall not be allowed to participate as a Design-Build Entity Member or as a Subconsultant or Subcontractor, of any Tier, to a Design-Build Entity.

2.1.10 RFP Submittals. Design-Builder Proposals submitted by Pre-Qualified Design-Build Entities who are selected by the "short-listing" process summarized in Paragraph 2.1.2, above, to receive a Request for Proposals shall include, without limitation, completed schematic plans (including elevations, layouts and a site plan), an electronic three-dimensional model, and one colored rendering.

2.1.11 Discussions, Negotiations and Limited Negotiations. The District reserves the right, but shall not have the obligation, as part of the RFP process to hold Discussions, Negotiations and/or Limited Negotiations with, and/or to request Best and Final Offers from, those Pre-Qualified Design-Build Entities who are invited to submit and who
submit Design-Builder Proposals. Procedures for Discussions, Negotiations, Limited Negotiations and Best and Final Offers shall be set forth in the Request for Proposals and/or in instructions issued to Proposers in accordance with the Request for Proposals.

2.1.12 Honoraria. An honorarium in the amount of $15,000 shall be provided to each Proposer who submits a Design-Builder Proposal in accordance with the terms of the RFP Documents and does not receive the Award of the Design-Build Contract; provided, however, that the District shall have no obligation to pay such amount or any other amount, either as an honorarium or in any other form, in any of the following circumstances: (1) the Request for Proposals is withdrawn by the District (whether or not a new Request for Proposals is thereafter issued) prior to the deadline in the RFP Schedule for submission of Design-Builder Proposals; (2) the Proposer fails to submit its Design-Builder Proposal prior to the deadline in the RFP Schedule for submission of Design-Builder Proposals; or (3) the Proposer’s Design-Builder Proposal materially fails to comply with the requirements of the RFP Documents; or (4) the Proposer is disqualified at any point in the RFP process from participating further in the RFP process. Such honorarium is deemed to constitute the sole and exclusive remuneration and the sole liability of District to such unsuccessful Proposers for their participation in the RFP process.

2.1.13 Confidentiality and Ownership of Proposals. Save and except as otherwise provided in the final sentence of this Paragraph 2.1.13, all Design-Builder Proposals and other design materials, rendering, models and other information submitted by Proposers shall be deemed the sole and exclusive property of the Proposer and all copyrights thereto shall be held by the Proposer. Save and except as otherwise provided in the final sentence of this Paragraph 2.1.13, the District shall make reasonable efforts, consistent with Applicable Laws, to maintain confidentiality of any portions of a Design-Builder Proposal that the Proposer clearly marks as “PROPRIETARY” in accordance with the terms of the RFP Documents. Nothing contained herein shall be interpreted as establishing or creating any obligation on the part of the District to refrain from disclosing and discussing with any or all competing Proposers information or designs contained in a Design-Builder Proposal that constitute designs, details, design approaches or construction means, methods, techniques or procedures that are generic or that otherwise constitute matters of general knowledge within the construction industry; provided, however, that the District shall refrain at all times during the RFP process and prior to Award of the Design-Build Contract from attributing such generic information or matters of general knowledge to a particular competing Proposer or Design-Build Proposal. The aforesaid obligations of the District with respect to maintaining the confidentiality of Design-Builder Proposals shall constitute the District’s sole and exclusive obligation of confidentiality, in lieu of any other obligations under Applicable Laws, to any Proposer with respect to the matters contained within its Design-Builder Proposal. Notwithstanding the foregoing, Design-Builder Proposals and other design materials, rendering, models and other information submitted by the Proposer who receives the Award of the Design-Build Contract shall, upon Award and at all times thereafter in perpetuity, be: (1) the sole and exclusive property of the District; (2) all copyrights thereto shall be deemed assigned to and held by the District; and (3) the Proposer shall retain no property, copyright or other proprietary rights with respect thereto.

2.1.14 Changing of Team Members. No changes in or additions to Design-Build Entity Members or to the list of Subconsultants or Subcontractors that have been pre-qualified pursuant to the District’s Pre-Qualification process for the Project shall be permitted after the deadline in the RFP Schedule for submission of Design-Builder Proposals, except with the prior written authorization of the District which authorization may
be granted or withheld in the District’s sole discretion. By way of example and without limitation to the foregoing, any person or entity who is either (1) a Design-Build Entity Member, or (2) a Subconsultant or Subcontractor that has been pre-qualified for the Project pursuant to the District’s Pre-Qualification process, shall not be “switched out” or substituted with other persons or entities after the deadline in the RFP Schedule for submission of Design-Builder Proposals.
ARTICLE 3 APPLICANT QUALIFIER REPRESENTATIONS

3.1 Each Applicant Qualifier, by submitting its Pre-Qualification Submittal, represents that:

3.1.1 Compliance with Pre-Qualification Documents. Its Pre-Qualification Submittal is made in compliance with the Pre-Qualification Documents.

3.1.2 Attendance at Pre-Qualification Conference. The Applicant Qualifier attended the mandatory Pre-Qualification Conference.

3.1.3 Due Authorization. The signer(s) of its Pre-Qualification Questionnaire on behalf of the Applicant Qualifier are authorized to do so on behalf of the Applicant Qualifier and any signer of its Pre-Qualification Questionnaire that is a corporation is duly incorporated, authorized to do business and in good standing under the laws of the State of California.
ARTICLE 4 PRE-QUALIFICATION DOCUMENTS, SCHEDULE AND PROCEDURES

4.1 PRE-QUALIFICATION DOCUMENTS

4.1.1 Pre-Qualification Documents. The Pre-Qualification Documents consist of the following: (1) Advertisement for Request for Pre-Qualification of Design-Build Entities; (2) these Instructions to Applicant Qualifiers (including, without limitation, all attachments hereto); (3) Pre-Qualification Questionnaire; and (4) (if any) Pre-Qualification Addenda.

4.1.2 Pre-Qualification Submittals. The following documents are required to be submitted to the District by Applicant Qualifiers in order to be considered for Pre-Qualification:

1. completed and signed Pre-Qualification Questionnaire in the form attached hereto as Attachment No. 2; and

2. all other documents or information requested by the Pre-Qualification Questionnaire or these Instructions to Applicant Qualifiers.

4.2 PRE-QUALIFICATION, REQUEST FOR PROPOSAL AND AWARD SCHEDULE

4.2.1 Pre-Qualification Schedule. The following is the anticipated schedule for the Pre-Qualification process and for the issuance of the Request for Proposals and Notice of Intent to Award the Design-Build Contract:

1. Advertisement for Pre-Qualification: 10/8/12 & 10/15/12
2. Pre-Qualification Conference: 10/22/12
3. Deadline for Requests for Clarification: 10/26/12
4. District response to Clarifications: 10/30/12 5:00pm
5. Pre-Qualification Submittals Due: 12/4/12 3:00pm
6. Notice of Selection of Pre-Qualified Entities: 12/11/12
7. Issuance of Requests for Proposals: 12/18/12
8. Design-Builder Proposals Due: 2/20/13 5:00pm
9. Design-Build Entity Presentations: 2/27/13 1 1/2hrs. Per Presentation
10. Notice of Intent to Award of Design-Build Contract: 3/6/13
11. Award of Design-Build Contract (tentative): 3/12/12
12. Design and Construction: (36 Months)
4.2.2 Public Proceedings. All proceedings related to the Pre-Qualification of Applicant Qualifiers, other than the Pre-Qualification Conference, shall be closed to the public.

4.2.3 Changes to Pre-Qualification Schedule. The District reserves the right, at any time, to make additions, modifications or deletions to any of the events or dates that comprise the Pre-Qualification Schedule. Changes made prior to issuance of the Request for Proposal shall be made by issuance of a Pre-Qualification Addendum. Changes to any dates set forth in the Pre-Qualification Schedule that are made after issuance of the Request for Proposal shall be made by issuance of an RFP Addendum in accordance with the terms of the RFP Documents changing the RFP Schedule. References in the Pre-Qualification Documents to the Pre-Qualification Schedule or dates in the Pre-Qualification Schedule shall mean the Pre-Qualification Schedule and dates set forth in Paragraph 4.2.1, above, as adjusted by any changes thereto made pursuant to this Paragraph 4.2.3.

4.3 PRE-QUALIFICATION PROCEDURES

4.3.1 Selection of Pre-Qualified Design-Build Entities. The District will select from all of the Applicant Qualifiers three (3) Applicant Qualifiers (unless there are four (4) or fewer Applicant Qualifiers, in which case fewer than three (3) Applicant Qualifiers may be selected) who, based on the scoring by the Pre-Qualification Selection Committee of their responses and other information provided in response to the Pre-Qualification Questionnaire, are determined to be the most qualified to design and construct the Project. The selection of those Pre-Qualified Design-Build Entities who will receive the Request for Proposals pursuant to the foregoing “short-listing” process will be based on objective evaluation of the information requested in the Pre-Qualification Documents and provided by the Applicant Qualifier in its Pre-Qualification Submittal, including, without limitation, the Applicant Qualifier’s answers to the Pre-Qualification Questionnaire.

4.3.2 Pre-Qualification Selection Committee. The Pre-Qualification Selection Committee will conduct on behalf of the District the evaluation, ranking and selection of the Pre-Qualified Design-Build Entities who will receive a Request for Proposals and be invited to submit a Design-Builder Proposal for the Project. The identities of the members of the Pre-Qualification Selection Committee shall not be disclosed by the District to the Applicant Qualifiers.

4.3.3 Unauthorized Communications, Lobbying. Unless and except requested to do so in writing by the District’s Director Business Services, Applicant Qualifiers, Design-Build Entity Members and their Subconsultants and Subcontractors shall not communicate, either verbally or in writing, with: (1) any member of the Pre-Qualification Selection Committee; (2) any consultant or professional retained by the District for the purpose of providing the District or College advice or professional services in respect to the Project or the Pre-Qualification or RFP process; (3) any member of the Board of Trustees of the District; or (4) any employee or representative of the District or College. Without limitation to the foregoing, Applicant Qualifiers are advised that lobbying is not permitted with any District personnel or members of the Board of Trustees. “Lobbying”, as used herein, is defined as any action taken by an individual, firm, association, joint venture, partnership, or corporation seeking to influence the governmental decision of District personnel or the members of its Board of Trustees on matters related to the Pre-Qualification or RFP processes or Award of the Design-Build Contract for the Project.
4.3.4 Pre-Qualification Conference. A mandatory Pre-Qualification Conference will be conducted on, 10/22/12 commencing promptly at 10:00 a.m. at Facilities Office, Victory Valley Community College, 18422 Bear Valley Road, Victorville, CA 92395. Attendance at the Pre-Qualification Conference is a condition to Applicant Qualifiers right to be considered for Pre-Qualification by the District.

4.3.5 Licensing. Except as permitted by Parts .1 or .2 of this Paragraph 4.3.5, each Applicant Qualifier must possess at the time of submission of its Pre-Qualification Submittal and at all times during the Pre-Qualification and RFP processes an active Class B (general contracting) or Class A (general engineering) contractor’s license issued by the California Contractors State Licensing Board that is in good standing. If the Applicant Qualifier is a Design-Build Entity that is a joint venture consisting of two or more individuals, firms, partnerships, corporations, associations or other organizations in which at least one of such joint venturers holds an active Class B (general contracting) or Class A (general engineering) contractor’s license issued by the California Contractors State Licensing Board that is in good standing, then such Design-Build Entity shall be entitled, notwithstanding the absence of separate joint venture license, to apply for Pre-Qualification and to be considered for Award of the Design-Build Contract; provided, however, that any Design-Build Entity that is selected to receive Award of the Design-Build Contract must possess, at the time of Award of the Design-Build Contract, a separate joint venture Class B (general contracting) or Class A (general engineering) contractor’s license issued by the California Contractors State Licensing Board that is in good standing. In addition to the licensing requirements set forth in this Paragraph 4.3.5 applicable to Applicant Qualifiers, all persons or entities acting as architects, engineers or subcontractors that the Applicant Qualifier is obligated to pre-qualify pursuant to Paragraph 4.3.18, below, shall possess, at the time of submission by the Applicant Qualifier of its Pre-Qualification Submittal, all licenses required by Applicable Laws to be issued for the contracting and performance of the particular professional service and/or trade work with respect to which pre-qualification of such person or entity is required by the Pre-Qualification Documents.

4.3.6 Skilled Labor Availability. In addition to any other requirements set forth in the Pre-Qualification Documents, each Applicant Qualifier (or its General Contractor, if the Applicant Qualifier is not the General Contractor) must meet the minimum requirements for “skilled labor force availability” of California Education Code Section 81703 (c), (2), (F), meaning that an agreement exists with a registered apprenticeship program, approved by the California Apprenticeship Council, which has graduated apprentices in each of the immediately preceding five years; provided, however, that this graduation requirement shall not apply to programs providing apprenticeship training for any craft that has not been deemed by the Department of Labor and Department of Industrial Relations to be an apprenticeable craft in the five years prior to enactment of the act adding California Education Code Section 81703. Failure to comply with such requirements shall be grounds for disqualification without further consideration of the Applicant Qualifier’s Pre-Qualification Submittal.

4.3.7 Safety Record. In addition to any other requirements set forth in the Pre-Qualification Documents, each Applicant Qualifier (or its General Contractor, if the Applicant Qualifier is not the General Contractor) must meet the following: (1) the minimum requirements for an acceptable “safety record” as defined in Education Code Section 81703 (c), (2), (G), meaning that (a) its experience modification rate for the most recent three-year period is average of 1.00 or less, and (b) its average total recordable injury or illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category, or that it is a party to an alternative
dispute resolution system as provided for in Section 3201.5 of the California Labor Code; and (2) the minimum requirements set forth in Attachment No. 3 attached to these Instructions to Applicant Qualifiers. Failure to comply with any of the foregoing requirements shall be grounds for disqualification without further consideration of the Applicant Qualifier's Pre-Qualification Submittal.

4.3.8 Submission. Pre-Qualification Submittals shall be hand delivered to, or received by mail at, Facilities Office, Victor Valley Community College, 18422 Bear Valley Road, Victorville, CA 92359

Attention: District’s Facilities Construction & Administrative Services Office any time Monday through Friday during regular working hours of 9:00 a.m. to 3:00 p.m., up to and including 3:00 pm on December 4, 2012. Except as permitted by Paragraph 4.3.17 below (concerning updating of information due to new or changed circumstances) or as provided in the final sentence of this Paragraph 4.3.8, submissions after the aforesaid deadline will not be considered. The Applicant Qualifier assumes full and sole responsibility for timely receipt of its complete Pre-Qualification Submittal at the aforesaid location designated for receipt thereof. Pre-Qualification Submittals that are received after the deadline specified in these Instructions to Applicant Qualifiers shall be returned, unopened; provided, however, that a late Pre-Qualification Submittal may be considered if it is the only Pre-Qualification Submittal received.

4.3.9 Requests for Clarification. The Applicant Qualifier is solely responsible to seek clarification, if needed, of any portion of the Pre-Qualification Documents. All requests by Applicant Qualifiers for clarification of the Pre-Qualification Documents must be submitted between the hours of 9:00 a.m. and 3:00 p.m. and prior to the deadline in the Pre-Qualification Schedule for Requests for Clarification October 26, 2012, by hand delivery, mail, fax or e-mail to the following: Facilities Office, Victor Valley Community College, 18422 Bear Valley Road, Victorville, Ca 92395 Attention: Michelle Messer, District’s Facilities Construction & Administrative Services Office Email address: Michelle.Messer@vvc.edu Requests for clarification received after that time will not be responded to. Failure by an Applicant Qualifier to seek clarification of any portion of the Pre-Qualification Documents shall not relieve the Applicant Qualifier from its representations as set forth hereinabove nor serve as the basis for any claim by the Applicant Qualifier that it was mistaken or misled in connection with the preparation of its Pre-Qualification Submittal.

4.3.10 Pre-Qualification Addendum. Interpretations, corrections and changes by the District of the Pre-Qualification Documents will be made by Pre-Qualification Addendum. Interpretations, corrections and changes of the Pre-Qualification Documents made in any other manner shall not be relied upon and will not be binding. Notice of issuance of a Pre-Qualification Addendum that is issued prior to the original or revised deadline for submission of Pre-Qualification Submittals shall be given only to the Design-Build Entities who attend and sign-in at the Pre-Qualification Conference and only to the address provided by them at the Pre-Qualification Conference. Notice of Pre-Qualification Addenda that are issued after the original or revised deadline for submission of Pre-Qualification Submittals shall be given only to the Applicant Qualifiers who have submitted Pre-Qualification Submittals in accordance with the requirements of the Pre-Qualification Documents. Notice by the District of a Pre-Qualification Addendum shall be effective if by hand delivery, mail, facsimile or e-mail. The District also anticipates (but shall not be obligated for) making Pre-Qualification Addenda available for review on the
Failure of an Applicant Qualifier to receive a Pre-Qualification Addendum shall not entitle the Applicant Qualifier to an extension of the Pre-Qualification Schedule nor shall it permit the submission of any additional Pre-Qualification information after the deadlines set forth in the Pre-Qualification Schedule.

4.3.11 Applicable Laws. All Pre-Qualification Submittals must be submitted, filed, made and executed in accordance with Applicable Laws, whether such Applicable Laws are expressly referred to herein or not.

4.3.12 Sealed Envelope. All Pre-Qualification Submittals shall at the time of delivery be enclosed in a sealed opaque envelope. Said envelope, as well as any other, outer envelope or packaging in which said envelope may have been placed by Applicant Qualifier or the carrier for delivery, shall be addressed and delivered as provided in these Instruction to Applicant Qualifiers and shall be clearly and conspicuously labeled with the Project name, the Applicant Qualifier’s name and address and an identifying name of the Project for which the Pre-Qualification Submittal is submitted.

4.3.13 Deposit. Pre-Qualification Submittals shall be deposited at the location designated in Paragraph 4.3.8, above, prior to the deadline set forth in the Pre-Qualification Schedule.

4.3.14 Delivery. Deposit of Pre-Qualification Submittals shall be by hand delivery or mail. Electronically transmitted Pre-Qualification Submittals will not be considered. The Applicant Qualifier shall assume full responsibility for timely delivery of its Pre-Qualification Submittal at the location designated therefor in these Instructions to Applicant Qualifiers.

4.3.15 Withdrawal, Resubmission. Pre-Qualification Submittals may be withdrawn at any time upon written notice to the District at the place for receipt of Pre-Qualification Submittals. Pre-Qualification Submittals withdrawn prior to the deadline for receipt thereof as set forth in the Pre-Qualification Schedule may be resubmitted up to the deadline for submission thereof as provided for in the Pre-Qualification Schedule.

4.3.16 Rejection by District. Without limitation to any of the District’s other rights under the Pre-Qualification Documents or Applicable Laws, the District reserves the right, exercised in its discretion, to reject any or all Pre-Qualification Submittals that fail to comply with the requirements of the Pre-Qualification Documents or that contains any information that is untrue or misleading. The District further reserves the right, exercised in its sole and absolute discretion, to withdraw and cancel its Request for Pre-Qualification (before or after receipt of Pre-Qualification Submittals) and/or reject all Pre-Qualification Submittals.

4.3.17 Updated Information. If, due to new or changed circumstances occurring after the deadline in the Pre-Qualification Schedule for submission of Pre-Qualification Submittals, any information provided by an Applicant Qualifier becomes inaccurate, the Applicant Qualifier must immediately notify the District and provide updated accurate information in writing, under penalty of perjury and signed in the same manner as required for Pre-Qualification Submittals. The foregoing provision shall not be interpreted as granting Applicant Qualifiers the right after the deadline in the Pre-Qualification Schedule for submission of Pre-Qualification Submittals to correct information that was inaccurate or incomplete at the time the Pre-Qualification Submittals was submitted or to submit any new information that is for the purpose of or that would have the effect of improving upon or enhancing the responses or other information provided in the Pre-Qualification Submittal.
Consideration of such updated information is in the sole discretion of the District.

4.3.18 General Contractor, Architect of Record, Principal Engineers and Subcontractors. The Applicant Qualifier shall provide all information requested by the Pre-Qualification Questionnaire pertinent to the Pre-Qualification of the following, whether or not they are Design-Build Entity Members: General Contractor, Architect of Record, Principal Engineers and Subcontractors in the following trades: mechanical and electrical. With respect to any of the Subcontractors in the aforesaid specialty trades only that are not Design-Build Entity Members, the Applicant Qualifier may, as an alternative to pre-qualifying a single person or entity to perform the work of the aforesaid trade, pre-qualify more than one Subcontractor for each such trade for which it will later accept bids or prices for a portion of the Project.

4.3.19 References. The District reserves the right, but assumes no obligation, to conduct interviews of references provided by Applicant Qualifiers in its Pre-Qualification Submittals. Whether or not the District elects to conduct interviews, the District assumes no responsibility to determine the accuracy of references provided in the Pre-Qualification Submittals, including, without limitation, contacting or interviewing references and other sources available. If contacted, each reference will be asked the same questions from a list of questions pre-prepared by the District.

4.3.20 Subsequent Information. The District reserves the right, in its discretion, to adjust (by increasing or decreasing), limit, suspend or rescind the Pre-Qualification scoring, rating or ranking of an Applicant Qualifier or disqualify an Applicant Qualifier based on subsequently-learned information that the District determines could have adversely affected the scoring, rating or ranking of the Applicant Qualifier if such information had been included in the Applicant Qualifier’s Pre-Qualification Submittal. Without limitation, the foregoing, in the event that as a result of such subsequent-learned information the scoring, rating and rank of an Applicant Qualifier that is the subject of the such information is changed such that it is thereafter ranked lower than a competing, previously lower-ranked Applicant Qualifier, then the District shall have the right, but not the obligation, to extend an invitation to participate in the RFP process to such previously lower-ranked Applicant Qualifier (or, if such Applicant Qualifier declines the invitation, to extend an invitation to the next in order of the previously lower-ranked Applicant Qualifier whose rank, after such adjustment, is above the rank of the Applicant Qualifier who was the subject of such information).

4.3.21 Signatures. Each Pre-Qualification Questionnaire must be signed under penalty of perjury in the manner designated at the end thereof, by a representative of the Applicant Qualifier that is authorized to contractually bind the Applicant Qualifier and by each of the constituent persons or entities that comprise the Design-Build Entity that is the Applicant Qualifier. The information provided by the Applicant Qualifier is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification.

4.3.22 Waiver of Irregularities. The District reserves the right to waive minor or clerical irregularities, errors or omissions in the information contained in any Pre-Qualification Submittal or in regard to any Applicant Qualifier’s compliance with Pre-Qualification process, and to make all final determinations with respect to the information provided in any Pre-Qualification Submittal.

4.3.23 Costs and Expenses. Applicant Qualifiers shall bear, at their own expense and without reimbursement by the District, all costs and expense associated with
their participation in the process of Pre-Qualification for the Project.

4.3.24 Notices. Notices by the District to Applicant Qualifiers issued after the deadline in the Pre-Qualification Schedule for submission of Pre-Qualification Submittals shall be deemed delivered and received by the Applicant Qualifier if provided by delivery, mail, facsimile or e-mail to the Design-Build Entity at the address provided by the Applicant Qualifier at the Pre-Qualification Conference or at the address set forth in Section I, Part A of the Pre-Qualification for the “Contact Person” for the Applicant Qualifier.

4.3.25 Signing Services. Signing services shall be made available upon written request received by the District’s Director Business Services at the address for receipt of Design-Build Proposals at least three (3) business days prior to the date that such services are required.
ARTICLE 5 SCORING OF APPLICANT QUALIFIERS

The rating of the Applicant Qualifiers will be based on the following sections of the Pre-Qualification Questionnaire: Part II Essential Requirements for the Applicant Qualifier; Part III Team Member Questions; and Part IV Projects Completed and References (provided, however, that scoring of interviews of references shall be optional in the discretion of the District). Those Applicant Qualifier’s who are not disqualified (based on either their failing to achieve minimum passing scores in their responses to individual sections of the Pre-Qualification Questionnaire or on other grounds for disqualification set forth in the Pre-Qualification Documents) will then be ranked by the Pre-Qualification Selection Committee based on their scores received, and the most qualified Applicant Qualifiers will be invited pursuant to the “short-listing” process described in Paragraph 2.2.2, above, to participate in Phase 2, the Request for Proposal process.
ARTICLE 6 NOTICE AND APPEAL OF DISTRICT DECISION

6.1 NOTICE OF SELECTION

The District will issue a Notice of Selection of Pre-Qualified Design-Build Entities in accordance with the Pre-Qualification Schedule to all Applicant Qualifiers who have completed and submitted Pre-Qualification Submittals. Such Notice may, or may not, include a statement of the final ranking of the Applicant Qualifiers; however, information on the ranking of Applicant Qualifiers will be made available during debriefings.

6.2 DEBRIEFING

After the issuance of the Notice of Selection of Pre-Qualified Design-Build Entities, the District will make available for those requesting it an opportunity for a debriefing. Debriefings will be conducted in accordance with the Pre-Qualification Schedule. At the pre-qualification debriefing, summaries of the scoring and ranking of Pre-Qualification Submittals will be reviewed. Copies of Pre-Qualification Submittals will not be provided nor will there be point-by-point comparisons of competing Pre-Qualification Submittals.

6.3 APPEAL OF DISTRICT DECISION

6.3.1 Appeal. Any Applicant Qualifier submitting a Pre-Qualification Submittal to the District may file an appeal of the District's decision in its Notice of Selection of Pre-Qualified Design-Build Entities, provided that each and all of the following are complied with:

1. the appeal is in writing;

2. the appeal is filed and received by the Facilities Construction & Administrative Services not more than ten (10) Days following the date of issuance of the District's Notice of Selection of Pre-Qualified Design-Build Entities; and

3. the written appeal sets forth, in detail, all grounds for the appeal, including without limitation all facts, supporting documentation, legal authorities and argument in support of the grounds for the appeal. Any matters not set forth in the written appeal shall be deemed waived. All factual contentions must be supported by competent, admissible and creditable evidence.

6.3.2 Failure to Comply. Any appeal not conforming to, or not submitted within the time period required by, this Section 6.3 may be rejected as invalid.

6.3.3 Review and Decision. The Executive Director in his/her discretion shall review and evaluate the basis of the appeal and shall provide a written decision to the Applicant Qualifier submitting the appeal concurring with or denying the appeal. The written decision of the Executive Director shall be final, unless overturned by the Chancellor or his/her designee.
ARTICLE 7 ATTACHMENTS

The following Attachments and Exhibits which are attached hereto and incorporated as part of the Pre-Qualification Documents by this reference:

Attachment No. 1: Form of Design-Build Contract
Attachment No. 2: Pre-Qualification Questionnaire
Attachment No. 3: Pre-Qualification Scoring Method

END OF INSTRUCTIONS