REQUEST FOR PRE-QUALIFICATION
LEASE-LEASEBACK SERVICES

FOR
Victor Valley Community College District

VOCATIONAL COMPLEX EXPANSION & RENOVATION

AT
Victor Valley Community College District

18422 Bear Valley Road

Victorville, CA 92395

Submit Statement of Qualification no later than: April 6, 2015

To: Victor Valley Community College Facilities Department

Attention: Michelle Painter
(760) 245-4271, ext. 2199
Michelle.Painter@vvc.edu

KEY DATES

- RFQ Advertisement: March 11 & 13, 2015
- Submit all questions (RFIs) regarding RFQ: on or before: March 23, 2015
- Response to RFIs due back to proposers on or before: March 25, 2015
- RFQ Responses (Statement of Qualifications): due no later than April 6, 2015
- Shortlist Notification: April 13, 2015
- Tentative Interview dates: April 17, 2015
- Proposals / GMP due to District: April 30, 2015
- Board of Trustees authorization to execute Site Lease and Facilities Lease, including Construction Provisions and final GMP: Estimated June 9, 2015
- Expected Date of Substantial Completion: Estimated – August 2016

Stutz Law San Diego/1373/69/MI/RFQ-Lease-Leaseback 3.3.15.docx1
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EXHIBITS

EXHIBIT A: SITE LEASE .......................................................................................................................... 
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SECTION 1. PROJECT PURPOSE

The VICTOR VALLEY COMMUNITY COLLEGE DISTRICT (the “District”) is issuing a Request for Qualifications (RFQ) requesting Statements of Qualifications (SOQs) from contractors qualified to provide the District with services described in this document for the expansion and renovation of the District’s Main Campus Vocational Complex (the “Project”). This document describes the Project, the required scope of work, the selection process and the minimum information that must be included in the SOQs.

This RFQ Phase is the first phase of a two-phase process, the second being the Request for Proposals (RFP) phase.

- The RFQ phase: Consists of an open invitation to qualified Contractors to submit SOQs that propose their firm as best qualified to build the Project.
- The RFP phase: Based upon responses to the RFQ, the District will rank the contractors, create a list of finalists, and invite three or more of the top-ranked finalists to an interview and respond to a Request for Proposal which will include the proposed fee structure.

The District plans to enter into a Construction Services Agreement with the selected Contractor to develop a Guaranteed Maximum Price for the project, and expects thereafter to enter into a Sublease and Site Lease Agreements wherein the District will lease District owned property to the Contractor and the Contractor will agree to construct the Project pursuant to the District’s Construction Provisions and the Contractor’s responses to this RFQ and the District will receive incremental title to the constructed property in accordance with payments made. The District will pay for and take title to all improvements no later than completion of construction of the Project, at which time the leases will be terminated.

The contracts, if the District chooses to award them, will be awarded by the Board of Trustees pursuant to the provisions of Education Code 81335 et. seq.

The District reserves the right to cancel or modify the RFQ and/or RFP process at any time and to reject any or all responses to the RFQ and/or RFP.

SECTION 2. DEFINITIONS

Definitions shall be those provided in the Site Lease (Exhibit A), Construction Services Agreement (Exhibit B), Sublease (Exhibit C), and Construction Provisions (Exhibit D). See drafts of the leases, the agreement, and the construction provisions which form a part of this RFQ as Exhibit A, Exhibit B, Exhibit C, and Exhibit D.

SECTION 3. PROJECT BACKGROUND

This project constructs new Vocational Lab Buildings on the lower campus of Victor Valley College comprising approximately 925 ASF of new Auto /Diesel Mechanics lab space, 4,115 ASF of new Welding Labs and 6,240 of lecture classrooms, supported by public toilets and utility spaces. The new lab facilities will be equipped with the latest technologies for both Welding and Auto instruction. Additional Automotive space will include a service writer program, machine shop, and addition bay space with car lifts. Welding Technologies will be
equipped with an entirely new welding facility with state-of-art equipment. Five new lecture class rooms will include smart classroom technologies to enhance the learning experience. Some light renovation of existing spaces may also occur.

**SECTION 4. SUBMITTAL REQUIREMENTS**

4.1 **Submission of Statement of Qualifications (SOQ)**

To be considered for selection, Respondents must complete, sign, and submit this entire RFQ addressing all areas called out within the RFQ within their Statement of Qualifications.

The SOQ must be submitted no later than **April 6, 2015, no later than 3:00 p.m.** to:

Victor Valley Community College District:
Attn: Facilities Construction, Michelle Painter
Address: 18422 Bear Valley Road, Victorville, CA 92395
Attention: Michelle Painter, RFQ Coordinator

Respondents must submit one (1) unbound original, three (3) bound copies and an electronic CD/DVD or thumb drive copy of the completed SOQ in a sealed envelope or box identified as
“RFQ VICTOR VALLEY COMMUNITY COLLEGE DISTRICT ADMINISTRATION BUILDING 10” with the Respondent's name and address clearly indicated.

- Do not email or fax the submittals; emailed or faxed submittals will be rejected.
- Responses are limited to fifty (50) pages exclusive of the attachments required in RFQ-1.
- No Late SOQs will be accepted. Late SOQs will be returned to the submitter unopened.
- There will not be a public opening of SOQs.
- The District reserves the right to request, receive, and evaluate supplemental information and clarifications during its evaluation of SOQs and proposals.
- The District will conduct this process in a fair and impartial manner.
- The District reserves the right to waive non-material irregularities in any response.
- The District reserves the right to cancel or amend this RFQ or to extend the date responses are due. Incomplete SOQs or incorrect information may be cause for disqualification.
- Issuance of this RFQ does not commit the District to award a contract or to pay any costs incurred in preparation of a SOQ or any response to this RFQ.
- The District reserves the right to reject any or all SOQs.
- All materials submitted to the District will become the property of the District and will not be returned.
- All information submitted in response to the RFQ will be considered official information acquired in confidence and the District will maintain its confidentiality to the extent permitted by law.

4.2 **Amendments**

If Amendments to this RFQ are issued, Respondents must acknowledge receipt of Amendments in the cover letter of their RFQ responses. Failure to acknowledge and respond to any Amendments issued by the District may cause the Respondent’s Statement of Qualifications to be deemed non-responsive.
4.3 Questions

Any questions or requests for clarifications to this RFQ must be submitted in writing by email to the Facilities Construction Department, ATTN: Michelle Painter (Michelle.Painter@vvc.edu).

Answers to questions or requests requiring clarification to this RFQ will be posted on the District’s website. Questions must be submitted no later than March 23, 2015, at 4:00 p.m. Questions received after this deadline may be answered at the discretion of the District. Amendments will be posted on the District’s website (http://www.vvc.edu/offices/facilities).

SECTION 5. SELECTION PROCESS & TIMETABLE

The District intends to negotiate a contract with the Contractor most qualified, as determined by the District to be in the best interest of the District, at compensation that the District determines is fair and reasonable. Should the District be unable to negotiate a satisfactory contract with the Contractor considered the most qualified at a price the District deems reasonable, negotiations with that Contractor may be formally terminated. The District may then undertake negotiations with the second most qualified Contractor, as determined by the District to be in the best interest of the District, or may pursue other methods of project delivery.

5.1 Selection Process

Step 1 – Response to District’s RFQ

- Based on the requirements of the RFQ and review of the District-provided documents, Contractors will submit their Statements of Qualifications to provide the District with services described in this RFQ.
- The District’s Selection Committee will evaluate, score, and rank the SOQs.
- Based upon its evaluation of the RFQ responses, the District will invite the top-ranked Contractors to participate in interviews and to complete and submit responses to a Request for Proposal.

Step 2 – Interviews with Contractors Selected in Step 1

- Interviews will be held with each selected Contractor to discuss their approach and methods for carrying out the Project, budgetary range of construction costs, the Contractor’s approach to project scheduling, methodology for managing project costs, how the Contractor’s team brings value to the Project, and other subjects chosen by the Selection Committee.
- At a minimum, the individuals listed below must be present for the interview.
  - Preconstruction Project Manager
  - Construction Project Manager
  - Construction Superintendent
  - Project Estimator

At the Contractor’s option, Contractor may bring additional personnel but no more than 5 attendees total.

- The District’s Selection Committee will evaluate, score and rank the Contractors interviewed.
Step 3 - Evaluation of RFP Responses and Ranking of Contractors

- Based on the requirements of the RFP and review of the District-provided documents, the Contractors selected in Step 1 will submit written responses to the RFP, including a fee proposal form, to provide the District with fees for services described in the RFP. The RFP responses must be submitted in a sealed envelope marked to identify the Contractor. The RFP will not be opened until after the interviews have been concluded and the interviews have been evaluated, scored and ranked. The District will open the RFP responses and evaluate and score each Contractor’s response.

- Based on the evaluation of the RFQ responses, interview results, and RFP responses, the District will rank the contractors and select one or more Contractor(s) with whom to attempt to negotiate a Construction Services Agreement. If negotiations are not successful with the top-ranked contractor, the District will attempt to negotiate a contract with the second-ranked contractor and so on.

5.2 Selection Timetable

The following dates provide a general guideline and are subject to change by the District. Specific interview times will be arranged with top-ranked contractors after Step 1 of the selection process.

<table>
<thead>
<tr>
<th>TASK DESCRIPTION</th>
<th>DATE</th>
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<tbody>
<tr>
<td>RFQ Advertisement (beginning the RFQ process)</td>
<td>March 11 &amp; 18, 2015</td>
</tr>
<tr>
<td>Request for Clarification/Information Due</td>
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<td>RFQ Responses Due</td>
<td>April 6, 2015</td>
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<td>Short-list Contractors</td>
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<tr>
<td>Interview Selected Contractors</td>
<td>April 17, 2015</td>
</tr>
<tr>
<td>Issue RFP</td>
<td>April 17, 2015</td>
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<tr>
<td>RFP Responses Due</td>
<td>April 30, 2015</td>
</tr>
<tr>
<td>Negotiate Construction Services Agreement with top-ranked Contractor</td>
<td>May 15, 2015</td>
</tr>
<tr>
<td>Recommendation of award of Construction Services</td>
<td>June 9, 2015</td>
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SECTION 6. SCOPE OF WORK

The Contractor will work under the direction of the District’s Director of Facilities Construction and the District’s Architect. The Director of Facilities Construction will assist as the Project Manager and owner’s representative during all phases of the work, but will not act as construction manager for the Project.

- District’s Architect: Frick, Frick & Jette Architects
- District’s Program Manager: Steve Garcia, Director of Facilities Construction

6.1 Preconstruction Services

Programming, Design Development, and Construction Documents are currently being developed by the Architect and submitted to the Division of the State Architect during this RFQ / RFP process.

The District began the process of programming and design for the Project prior to determining to use the Lease-Leaseback construction delivery method and therefore does
not intend to execute a Preconstruction Services Agreement with the selected Contractor unless a need is determined to complete the construction documents. Should the District’s Director of Facilities Construction and Architect determine a need to include the selected Contractor in any part of preconstruction work, this work will be negotiated in a separate Preconstruction Services Agreement at a later date.

6.2 Construction Services

When the District proceeds with the construction phase of the Project, the selected Contractor will act as a general contractor pursuant to the Site Lease, Sub Lease Agreement and Construction Services Agreement and Construction Provisions to complete the Project’s construction for the GMP.

The District will require an open-book policy with the Contractor and its construction team. The District will require the selected contractor to submit a copy of all subcontractor bids, pricing backup, contingency breakdown and tracking, general conditions breakdown and tracking, and Contractor fees upon submission of the GMP. This information will be kept by the Director of Facilities Construction office for records throughout construction.

Lease amendments or changes to the GMP will be issued against an established project District Contingency for District-directed changes and unforeseen conditions only.

The Contractor shall hold all required licenses and be the financially responsible party for bonding and insurance.

SECTION 7. GUARANTEED MAXIMUM PRICE

Contractors are not required to include a Guaranteed Maximum Price (GMP) when responding to the RFQ. However, Contractors who are invited to respond to the RFP will be required to submit fee proposals based upon the estimated direct cost of construction stated above. At the completion of DSA approval on preconstruction documents or at a different mutually agreed-upon milestone, the selected Contractor will be required to provide a finalized GMP for the construction phase that includes the direct cost of construction plus the Contractor’s fees. The Contractor’s fees shall not exceed the fee percentages proposed in its RFP response multiplied by the actual direct cost of the construction.

The final project cost will be determined after bids for all subcontractors are taken. The following components, as defined in the Construction Provisions (Exhibit D) and the Draft GMP and Payment Provisions (Exhibit GP), will be included in the GMP:

- Direct Cost of the Work as determined by the subcontractor bids
- Contractor’s Construction Services fee (overhead and profit)
- Contractor’s bond costs and insurance costs
- Contractor’s Contingency

SECTION 8. STATEMENT OF QUALIFICATION FORMAT AND CONTENT

The Statement of Qualifications (SOQ) should be clear, concise, complete, well-organized, and demonstrate the Contractor’s qualifications.

The costs of proposal preparation and associated direct costs are the sole responsibility of the respondent and will not be reimbursed by the District. Responses are to be straightforward, clear, concise and specific to the requirements of the RFQ. The response
should not include extraneous publications such as published articles, directories or lengthy client lists. Submit only information that is pertinent. In order to be considered for selection, responders must submit the following documentation.

The points that have been assigned to each topic below are shown to the right of the title.

**SOQ Cover:**
Include the RFQ’s title and SOQ due date, the name, address, email, fax number and telephone number of the principal firm.

**Table of Contents:**
Include a complete and clear listing of headings and pages, and list attached documents.

**Letter of Introduction:**
Provide general company background and location of the Contractor’s offices and the ability of the Contractor to respond to the District’s requirements in a timely manner. Identify key team members including staff and all sub-consultants and include the title and signature of the Contractor’s contact person for this RFQ proposal. The signatory shall be a person with official authority to contractually bind the company. Recognize receipt of any amendments in this cover letter.

2. **Qualifications & Experience:** (15 points)
Provide a description of the Contractor’s experience, in the last seven (7) years, in providing general construction, CM at Risk services for California public owners, design-build or LLB services under Education Code 81335 et. seq. for Community Colleges and/or Education Code 17406 et. seq. for public schools. Alternatively, or in addition, describe experience providing LLB services for other public entities.

Provide at least three (3) (but not more than five) specific examples of projects, completed within the last seven (7) years, using LLB or alternative delivery methods. One of those projects may be currently under construction. Please note that if a Contractor believes that a project satisfies the requirements for Qualifications and Experience (Section 2) as well as requirements for Project Specific Experience (Section 3), the Contractor may use the project as an example for both sections.

3. **Project-specific Experience:** (20 points)
Provide descriptions of at least three (3) (but not more than five) projects, completed by the Contractor within the last seven (7) years, which are similar to the Project in the key aspects listed below. One of those projects may be currently under construction. Complete a project specific experience section for each project. Additional information, such as photographs or expanded project descriptions in 8½” x 11” format, is encouraged and may be included in this section.

Provide a written summary describing how the projects submitted collectively demonstrate evidence of the following:

1. Experience with modernization or renovation of buildings on active community College campuses.
2. Specific examples of preconstruction efforts saving project time and/or project funding.
3. Experience with projects of similar size, quality and type of construction.
4. Experience with projects executed as public works construction projects.
5. Experience with projects subject to the jurisdiction of the Division of the State Architect oversight or the direct oversight of a public agency’s inspection services. Unless at least two (2) of the projects submitted under this Section demonstrate

Unless at least two (2) of the projects submitted under this Section demonstrate experience with building types, building components or systems similar to those listed in Section 3 – Project Background and/or the Project Schematic Documents provided, the Contractor will receive a low score for this section.

4. Project Approach: (15 points)
Based upon review of the Attachments and Reference Documents provided with this RFQ, briefly describe the Contractor’s basic approach and methods for managing, scheduling and carrying out the Project. The District values collaboration and team building. Completing the project ahead of schedule is highly desirable. Also, please describe how your firm will address local participation in the project from subcontractors and vendors.

5. Qualifications of Proposed Staff and Team Organization: (15 points)
Provide a written description of the proposed project staffing and how the team is organized to meet the needs of the project. The District’s Selection Committee will consider the strength of the entire team.
In support of the written description, provide at least:
- Organization chart for the project that contains the names and job titles of the employees in key positions and as well as other proposed staffing.
- Resumes for employees in the key positions that demonstrate related work and technical experience.
- Matrix of which staff members have worked together on previous projects, indicating project names and dates.

6. Location: (5 points)
State the proximity of the Contractor’s local permanent office(s) to Victor Valley Community College District; a location within a 100-mile radius is preferred. State how long the office has been located at that location and whether the most local office will administer the Project.

8. Examined Financial Condition: (25 points)
Provide information of Financial Condition including a recent examined Financial Statement.

9. Claims and Litigation History (10 points)
Provide a comprehensive five-year summary of the firm’s claims litigation, arbitration and negotiated/settled history with previous clients, and public owners.

10. Safety Record and EMR (20 points)
Provide (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 an 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.
SECTION 9. EVALUATION FACTORS

The purpose of this Request for Qualifications, and the subsequent Request for Proposals, is to enable the District to select the most qualified firm. After making the selection, the District intends to enter into negotiations with that firm for construction of the Project pursuant to the Lease-Leaseback provisions of Education Code Section 81335 et. seq. The District will use the qualification-based selection process outlined herein. An Interview and Selection Committee composed of key District officials and consultants will review and evaluate all Statements of Qualifications, will conduct interviews, and will review and evaluate responses to the RFP. The Committee will consist of representatives from the District, the District’s Architect and the District’s Program Manager. It may also include others invited by the District.

Statements of Qualification received by the District will be evaluated according to the evaluation factors listed in this RFQ. During the RFQ evaluation, cost and price will not be evaluated. Cost and price information will be requested from Contractors selected to participate in the RFP process.

The District will compare and evaluate all qualifying SOQs and select a Contractor that, in the sole and absolute discretion of the District, can fully meet the requirements of the District, based upon the following factors:

- Conformance with the specified RFQ format and content.
- Demonstrated sufficient experience and technical competence of the Contractor, (including principal firm and sub-consultants) considering the types of service required; the complexity of the Project; record of performance; and the strength and adequate experience of the key personnel who will be dedicated to the project.
- Demonstrated ability to meet project budgets and timelines.
- Demonstrated ability to provide constructability reviews and value engineering.
- Demonstrated ability to provide exemplary construction services, including the identification and profile of key personnel assigned to the Project.
- Demonstrated ability to deliver projects of high quality construction.
- Ability and willingness to work collaboratively and cooperatively with District staff and Architect and other team members.
- Experience with public works projects.
- Experience with private or public works projects of similar type.
- Experience in working with the Division of the State Architect or similar agency.
- Financial resources and stability of the Contractor.
- Litigation history of the Contractor.
- Experience, expertise and knowledge of the lease-leaseback, or similar process.
- Staff capacity, depth and current workload.
- Nature and quality of the Contractor’s completed work.
- Geographical proximity of contractor’s permanent offices to the project site
- Experience with delivery of LEED Silver certified projects.

Contractors selected for interviews will be notified in writing. The District will specify the date, time, and location of their interviews and outline of the interview process.
SECTION 10. FORM OF AGREEMENT

The District intends to enter into agreement for the required services using the standard forms of agreement listed below and attached in draft form as Exhibits. The following documents are provided to the Contractor in electronic format to assist in the preparation of the response to this RFQ.

- Exhibit A – Draft Site Lease
- Exhibit B – Construction Services Agreement
- Exhibit C – Draft Sub-Lease
- Exhibit D - Draft Construction Provisions

During the Request for Proposal (RFP) process, Respondents must confirm, in their execution of the RFP, they have reviewed the standard forms of agreement and are in substantial agreement with their terms and conditions. After the RFP process is completed the District will be open to good faith negotiations and will consider the final selected Contractor’s proposed revisions to the terms and conditions to the Forms of Agreement.

SECTION 11. REFERENCE DOCUMENTS

Additionally, the following Reference Documents are provided to the Contractors in electronic format to assist in its preparation of the response to this RFQ

- Schematic level design documents