

ARTICLE 0: INSTRUCTIONS TO GC/CM BIDDERS

0.1 Explanation to Prospective Bidders

Any prospective bidder desiring an explanation or interpretation of the solicitation, specifications, RFP, etc., must make a request in writing to the Engineering & Architectural Services project manager no later than seven (7) days before the bid due date. Oral explanations or instructions given before the award of a contract will not be binding. Any information given to a prospective bidder concerning a solicitation will be furnished promptly to all other prospective bidders as an addendum to the solicitation, if the information is necessary to submitting bids or if the lack of it would be prejudicial to other prospective bidders.

0.2 Preparation of Bids

The bidder shall include the following in their bid:

- Preconstruction services fee
- GC/CM Fee percentage
- Specified general conditions work

The Total Contract Cost (TCC) contract will include:

- The fixed amount for the specified general conditions work
- The negotiated MACC
- The GC/CM fee percentage applied to the MACC

The estimated MACC is to facilitate the GC/CM selection process. The negotiated MACC shall be determined by negotiation between the selected GC/CM firm and the Owner during the design process, no earlier than 90% design completion.

The bid provided by the GC/CM will become part of the criteria used to evaluate proposals. The Owner shall proceed to negotiate a contract with the responsible firm with the best combined proposal and price.

0.3 Form of Bid

The bidder shall not make any other entries, modifications, or qualifications to the bid. Failure to comply in full with these requirements shall be grounds for the bid being declared non-responsive.

The bidder shall complete all other required information on the bid proposal form, including signature in ink by an authorized official of the firm. Failure to complete the bid proposal form in full may result in a bid being declared non-responsive.

The bidder shall submit the proposal form in a sealed envelope delivered to:
Department of Enterprise Services, Facilities Division, Engineering and Architectural Services

Mail to: PO Box 41476
Olympia, WA 98504-1476

Hand Deliver to: Main Lobby
1500 Jefferson Street SE
Olympia, WA 98501

The bid must be received prior to 3:00 p.m., Thursday, January 14, 2016 at:
Department of Enterprise Services, Facilities Division, Engineering & Architectural Services
Mail to: PO Box 41476, Olympia, WA 98504-1476 or hand delivered to: Main Lobby, 1500
Jefferson Street SE, Olympia, WA

0.4 Bid Guarantee

The bidder shall furnish a bid guarantee in the form of a firm commitment, such as a bid bond, postal money order, certified check or cashier's check, payable to the Washington State Treasurer, in an amount equal to at least 5% of the *Pre-construction Services (Lump Sum)* estimated cost by the time set for receiving the bid. If the bidder fails to furnish a bid guarantee, the bid will be determined non-responsive. The Owner will return bid guarantees other than bid bond, which becomes the property of the Owner.

The bidder will allow the Owner 60 days for acceptance of its bid. The bidder will submit an executed contract within fifteen (15) days after receipt of the contract forms from the Owner. Upon successful completion of the MACC negotiation, the GC/CM shall submit an insurance certificate and payment and performance bond.

The Owner may terminate the award of the contract if the apparent successful bidder fails to execute all contractual documents or provide a bond and insurance as required by the solicitation within the time specified.

In the event a bidder discovers an error in its bid following submission of its bid to the Owner, the bidder may request to withdraw its bid under the following conditions:

- Submittal of timely written notification of the bidder's intent to withdraw the bid due to an error.
- The bidder must provide documentation of the claimed error to the satisfaction of the Owner.
- The Owner will approve or disapprove the request for withdrawal of the bid in writing. If the bidder's request for withdrawal of its bid is approved, the bidder will be released from further obligation to the State of Washington.

0.5 Acknowledgment of Addenda to Invitations for Bids

The bidder shall acknowledge receipt of any addenda to this solicitation by identifying the addenda numbers and dates in the space provided for this purpose on the bid form. Failure to acknowledge addenda may result in the bid being declared non-responsive.

0.6 Site Investigation and Conditions Affecting the Work

The Contractor acknowledges that it has taken steps necessary to ascertain the nature and location of the work, and that it has investigated and satisfied itself as to the general and local conditions which can affect the work or its cost, including but not limited to:

- Conditions bearing upon transportation, disposal, handling and storage of materials.
- The availability of labor, water, electric power and road.
- Uncertainties of weather, river stages, tides or similar physical conditions at the site.
- The conformation and conditions of the grounds.
- The character of equipment and facilities needed preliminary to and during the work.

The Contractor also acknowledges that it has satisfied itself as to the character, quality and quantity of surface and subsurface materials or obstacles to be encountered insofar as this information is reasonably ascertainable from an inspection of the site. Any failure of the Contractor to take the actions described and acknowledged in this paragraph will not relieve the Contractor from responsibility for estimating properly the difficulty and cost of successfully performing the work.

0.7 Taxes

The bid amount *shall not* include Washington State Sales Tax (WSST) on the total submitted bid. All other taxes imposed by law, including B&O taxes, shall be included in the bid amount. The calculation of B&O taxes is based on the estimated Maximum Allowable Construction Cost (MACC). The Owner will include WSST in progress payments. The Contractor shall pay the WSST to the Department of Revenue and shall furnish proof of payment to the Owner upon request.

0.8 Diverse Business Inclusion Plan and Participation

1. In accordance with the Legislative findings and policies set forth in Chapter 39.19 RCW, the state of Washington encourages participation in all of its contracts by firms certified by the Office of Minority and Women's Business Enterprises ("OMWBE"), and set forth in RCW 43.60A.200 for firms certified by the Washington State Department of Veterans Affairs, and set forth in RCW 39.26.005 for firms that are Washington Small Businesses. Participation may be either on a direct basis or on a Subcontractor basis. However, no preference is included in the evaluation of GC/CM Finalists' Diverse Business Inclusion Plans submitted at the time of interviews, and no minimum level of MWBE, Washington Small Business, or Washington State certified Veteran Business participation is required as a condition for receiving an award of the GC/CM Contract. Any affirmative action requirements set forth in any federal Governmental Rules included or referenced in the Contract Documents will apply.
2. If a GC/CM finalist wishes to be considered a diverse business, then the GC/CM shall submit evidence of certification by the OMWBE, the Washington State Department of Veterans Affairs, or by self-certification as a Washington Small Business in the Washington Electronic Business Solution ("WEBS"). Firms must be certified at the time of interview to qualify for consideration. Interested firms may contact OMWBE at <http://www.omwbe.wa.gov/> or (360) 664-9750 or toll free (866) 208-1064, or DVA at <http://www.dva.wa.gov/BusinessRegistry/Search.aspx> or (800) 562-0132 option '1', or for Washington Small Business self-certification visit WEBS at: <http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistrati on.aspx> or contact WEBS Customer Service at: WEBSCustomerService@des.wa.gov or call (360) 902-7400.
3. The agency goals are: 10% Minority-Owned Business certified by the OMWBE, 6%, Women-Owned Business certified by the OMWBE, 5% Veteran-Owned Business certified by the Washington State Department of Veterans Affairs. 5% Washington Small Businesses self-identified in the WEBS: <http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistrati on.aspx> (WEBS). These goals are voluntary. GC/CM finalists shall pursue targeted outreach to Diverse Businesses. Further, the selected GC/CM shall advertise opportunities for subcontractors in a manner reasonably designed to provide Diverse

Businesses capable of performing the work with timely notice of such opportunities, and all advertisements shall include a provision encouraging participation by Diverse Businesses. Advertising may be done through general advertisements (e.g. newspapers, journals, etc.) or by soliciting bids directly from Diverse Businesses. The GC/CM shall provide Diverse Businesses that express interest with adequate and timely information about plans, specifications, and requirements of the Project.

4. The GC/CM finalist shall not create barriers to open and fair opportunities for all businesses, including Diverse Businesses, to participate in on this Project and to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services. In considering offers from and doing business with subcontractors and suppliers, the GC/CM shall not discriminate on the basis of race, color, creed, religion, sex, age, nationality, marital status, or the presence of any mental or physical disability in an otherwise qualified disabled person.
5. Diverse Business Inclusion Plan

To be considered responsive, the GC/CM finalists must submit the Diverse Business Inclusion Plan Supplement, as part of their interview that will be incorporated into their contract, if awarded. The responses should reflect good faith efforts for diverse business inclusion. Zero contribution in the inclusion plan is not considered a good faith effort. A range of 1% to 3% contribution to the agency goal would be a low result for the expected good faith effort, a 4% to 6% contribution to the agency goal would be a better result for the expected good faith effort, and a 7% to 10 % or greater contribution to the agency goal would be a best result for the expected good faith effort. The Diverse Business definition – includes Washington small business, microbusiness, and mini-business as defined in RCW 39.26.010, and Veteran-owned businesses as defined in RCW 43.60A.010. If the proposed subcontractors are self-identified diverse businesses, the GC/CM will encourage and support state efforts for their certification with the appropriate Washington State agencies.

The GC/CM finalists must include an anticipated list of diverse subcontractors or suppliers who may provide services or otherwise assist the GC/CM in fulfilling its obligations for the project. The GC/CM must provide the following information regarding their plans for including diverse team members.

Identify any subcontractors who are certified by the OMWBE or the Washington State Department of Veterans Affairs (DVA).

In accordance with [Chapter 39.19 RCW](#), the state of Washington encourages participation in all of its contracts by OMWBE certified firms.

In accordance with RCW 43.60A.200, the state of Washington encourages participation in all of its contracts from firms certified by DVA certified firms.

In accordance with RCW 39.26.005, the state of Washington encourages participation in all of its contracts from Washington small businesses.

Agency goals:

- ✓ 10% Minority Owned Business certified by the Washington State Office of Minority and Women Business Enterprises
- ✓ 6%, Women Owned Business certified by the Washington State Office of Minority and Women Business Enterprises
- ✓ 5% Veteran Owned Business certified by the Washington State Department of Veterans Affairs
- ✓ 5% Washington Small Businesses self-identified in the Washington Electronic Business Solution
<http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx> (WEBs).

These goals are voluntary. No preference will be included in the evaluation of bids, no minimum level of MWBE or Veteran-Owned or Washington Small Business participation will be required as a condition for receiving an award and proposals will not be rejected or considered non-responsive on that basis.

For information on certified firms, GC/CM finalists may contact:

- OMWBE at <http://www.omwbe.wa.gov/> or (360) 664-9750.
- DVA at <http://www.dva.wa.gov/BusinessRegistry/Search.aspx> or (360) 725-2200.
- DES Business Diversity and Outreach Manager, Servando Patlan
Servando.patlan@des.wa.gov or (360) 407-9390 for a list of self-certified Washington Small Businesses that downloaded this solicitation and allowed their contact information to be shared.

Please complete this **Diverse Business Inclusion Plan Supplement** for submittal at time of interview.

Scopes where the Diverse Businesses are not yet determined or committed	When do you anticipate making a decision?	Y/N					Anticipated sub-contract \$ amount
		Do you anticipate using a State Certified Women Business?	Do you anticipate using a State Certified Minority Business?	Do you anticipate using a State Certified Veteran Business?	Do you anticipate using a Washington State Small Business?	Can only a Sole Sourced Business do the work?	
							\$
							\$
							\$
							\$
							\$
Total Amount Not Yet Committed to a Sub/Supplier:							\$

The GC/CM finalist commits to a good faith effort to achieve the proposed subcontract amounts with diverse business subcontractors by at least hosting three (3) supplier outreach events for businesses registered with the state of Washington in the Washington State Electronic Business Solution, WEBS; including those registered as state certified minority businesses, women businesses, veteran businesses, and businesses self-certified as Washington Small Businesses in WEBS. The state will assist in coordinating event invitations to these businesses.

Subcontracting

Subcontracting means direct performance of commercially useful work through subcontracting as part of the proposed project team.

DIVERSE Expert

Identify the person within your team to manage your DIVERSE inclusion responsibility.

DIVERSE Expert Name: _____

DIVERSE Expert Firm: _____

DIVERSE Expert Contact Information: _____

DIVERSE Expert responsibilities would typically include, but are not limited to:

- Outreach to qualified DIVERSE firms.
- Submit and discuss updates on a regular basis to the state project manager, to indicate DIVERSE utilization and discuss progress.
- Ongoing outreach to DIVERSE firms for work the contract may require, including any new scopes.
- Assist DIVERSE firms to perform successfully.

A qualified DIVERSE Expert brings knowledge of the identity, capabilities and capacities of DIVERSE subcontractors and suppliers; experience recruiting and working with DIVERSE firms for construction; and assisting DIVERSE firms to develop working relationships with contracts.

Strategies

Describe the strategies and selection processes you intend to use to achieve meaningful DIVERSE utilization in the contract. Describe your strategies, the scopes of work that have greatest DIVERSE opportunities and how you would balance those scopes that have less DIVERSE opportunity.

Mentoring Program

If any of the DIVERSE subcontractors listed above are participating in a mentoring or capacity building program with your company, please identify which and describe your program.

The Department of Enterprise Services will review the submitted inclusion plan for good faith effort and the maximum opportunity to contribute toward the Department of Enterprise Services goals.

0.9 Apprenticeship Requirement

Apprenticeship participation requirement shall be 15% of the total labor hours. In accordance with RCW 39.04 the State of Washington requires **Apprenticeship Participation** for projects of a certain cost. On applicable projects the bid advertisement and Bid Proposal form shall establish a minimum required percentage of apprentice labor hours compared to the total labor hours. Bidders may contact the Department of Labor and Industries, Specialty Compliance Services Division, Apprenticeship Section, P.O. Box 44530, Olympia, WA 98504-4530, or by phone (360) 902-5320 to obtain information on available apprenticeship programs.

The selected GC/CM shall determine the best method of obtaining apprentice participation and shall provide an apprentice utilization plan for Owner review and approval prior to proceeding with the buy-out phase of the project. The selected GC/CM shall submit a completed "Statement of Apprentice/Journeymen Participation" form provided by the Owner with each payment request.

The GC/CM's performance in meeting the apprentice requirement for this project will be evaluated and may be considered when selecting GC/CM's for future projects.

0.10 Submission of Bids

Proposals must be submitted before the time shown on the Bid Proposal form in a clearly marked separate sealed envelope.

Any modification to the price proposal shall be submitted in sealed envelopes prior to the time shown, shall be addressed to the office specified in the solicitation, and shall include:

- The time specified for receipt
- The project number and description
- The name and address of the bidder

The only acceptable evidence to establish the time of receipt at the office designated in the solicitation is the time/date stamped or hand printed by the Owner's representative on the bid wrapper or other documentary evidence of receipt maintained by the Owner. Any bid or modification of a bid received after the times specified will not be considered.

A bid will be considered responsive if it meets the following requirements:

- It is received at the proper time and place
- It meets the stated requirements of the bid proposal
- It is submitted by a licensed/registered contractor within the State of Washington at the time of bid opening and is not banned from bidding by the Department of Labor and Industries
- It is accompanied by a bid guarantee, if required

All bids will be formally opened Thursday, January 14, 2016 at 1500 Jefferson Street, Olympia, WA 98501 at approximately 3:10 p.m. A bid may be withdrawn in person by a bidder's authorized representative before the opening of bids. The bidder(s) representative will be required to show ID and sign on the bid summary sheet before it is released. The Owner reserves the right to accept or reject any or all bid proposals and to waive informalities.

0.11 Bid Results

After the bid opening, bidders may obtain bid results on the DES website at: <https://fortress.wa.gov/ga/apps/EASBids/BidResult.aspx>. Bid results will be posted within 24 hours after bid opening.

0.12 Contract Award

The contract award will be based on the combined submittal scores, interview, and the total project bid. The initial contract award will be for pre-construction services only. Award of construction services is contingent upon the successful MACC negotiations. Award of future services is contingent upon successful MACC negotiations and Legislative funding approval.

The contract will only become effective when signed by the Owner. Prior to the Owner's signature, any and all costs incurred shall be the sole responsibility of the bidder.

Note: AIA Payment Bond and Performance Bond forms (A312) are required upon successful completion of MACC negotiations. *These forms will not be provided by the Owner.*

0.13 Partnering

Partnering will be required throughout the project. The GC/CM, A/E firm and the Owner may choose the form of team collaboration to be used during the project. The intent of partnering is to encourage productive communication, improve the level of mutual trust, respect and cooperation, and expedite issue resolution.

0.14 LEED Certification

LEED Silver certification is not a requirement of the project. The project team is encouraged to utilize sustainable practices, methods, and materials throughout the project.

0.15 Reciprocity

- In accordance with RCW 39.04.380 effective March 30, 2012 the state of Washington is enforcing a **Reciprocal Preference for Resident Contractors**. Any public works bid received from a nonresident contractor from a state that provides an in-state percentage bidding preference, a comparable percentage disadvantage must be applied to the bid of that nonresident contractor.

A nonresident contractor from a state that provides a percentage bid preference means a contractor that:

- a) is from a state that provides a percentage bid preference to its resident contractors bidding on public works contracts.
- b) at the time of bidding on a public works project, does not have a physical office located in Washington State.

The state of residence for a nonresident contractor is the state in which the contractor was incorporated or, if not a corporation, the state where the contractor's business entity was formed.

All nonresident contractors will be evaluated for out of state bidder preference. If the state of the nonresident contractor provides an in-state contractor preference, a comparable percentage disadvantage will be applied to their bid prior to contract award.

This section does not apply to public works procured pursuant to RCW 39.04.155, 39.04.280, or any other procurement exempt from competitive bidding.

- For a public works bid received from a nonresident contractor from a state that provides an in-state percentage bidding preference, a Comparable Percentage Disadvantage (CPD) will be applied to the bid of that nonresident contractor. The CPD is the in-state contractor percent advantage provided by the contractor’s home state.

For the purpose of determining the successful bidder, multiply the Nonresident Contractor bid amount by the CPD. The “bid amount” shall be the total of the base bid and all accepted alternate bid items. The CPD shall be added to the Nonresident Contractor bid amount which equates to the Nonresident Disadvantage Total. The Nonresident Disadvantage Total shall be compared to the Washington contractor bid amounts. The bidder with the lowest total shall be the successful bidder. See example below.

EXAMPLE: Alaska Nonresident Contractor Bid Amount	\$100,000
<u>Multiplied by the Alaska CPD</u>	<u>x 0.05</u>
Alaska CPD Total	\$ 5,000
Alaska Nonresident Contractor Bid Amount	\$100,000
<u>Alaska CPD Total</u>	<u>\$ 5,000</u>
Nonresident Disadvantage Total	\$105,000*

- * Note – If the Nonresident Disadvantage Total is lower than all other Washington contractor bid amounts, the Alaska Nonresident Contractor is the successful bidder and will be awarded a contract for the bid amount of \$100,000.
If the Nonresident Disadvantage Total is higher than a Washington contractor bid amount, the successful Washington bidder will be awarded a contract for the bid amount.

- A. The Contract will only become effective when signed by the Owner. Prior to the Owner’s signature, any and all costs incurred shall be the sole responsibility of the bidder.