

SOUTH WHIDBEY SCHOOL DISTRICT

- FACILITIES MODERNIZATION & UPGRADES BUNDLE GC/CM PROJECT (W/NO ASSP)

1. Regarding 7. Public Body Construction History

- a. The answer refers to Exhibit 2 for a matrix summary, however no information was provided for the required response pertaining to “Small-, minority-, women-, and veteran-owned business participation planned and actual utilization.” Please provide any related information.

SWSD has no previous experience in utilization of small and disadvantaged business enterprises. As a small, rural School District, SWSD has not had any significant, large capital construction work in more than 20 years. The largest project in the past 10 years was our recent seismic upgrade project at a value of \$1.4M that was delivered using D/B/B. We will be relying on the experience of our selected/contracted GC/CM Contractor and the guidance of our GC/CM Consultant (Parametrix) to help us determine reasonable goals and craft a successful outreach and inclusion plan for our project work.

2. Regarding 10. Subcontractor Outreach:

- a. While the Application does indicate GC/CM procurement documents will include a clause for the GC/CM to “actively and in good faith provide opportunities for underutilized businesses”, does the District plan to set goals for inclusion of small-, minority-, women-, and veteran-owned business participation?

Refer to the response to Question #1 above.

- 1) Is there going to be any scoring criteria for the RFP/RFQ solicitation responses for utilization of DBE/MBE/WBE businesses?

Yes, this is required by RCW 39.10.360. Our RFQ will require the Contractor to provide their performance history in utilization of small and disadvantaged business enterprises and will additionally request them to provide a project-specific outreach and inclusion plan for our project.

- 2) If there is going to be a scoring criterion, can you please elaborate on how this criterion will be utilized when scoring the RFP/RFQ solicitation responses?

The criteria will carry a weighted, possible point value and each proposer will be scored on this criterion based on the completeness, thoughtfulness and appropriateness of their response.

- 3) How will participation be tracked and recorded for actual utilization?

The District does not have a system in place. This will be determined in collaboration with the selected GC/CM.

- 4) How else will SWSD encourage underrepresented participation?

As mentioned above, we will determine the specifics of our outreach and inclusion plan with our selected/contracted GC/CM Contractor and GC/CM Consultant. Additional means of encouraging participation of small and disadvantaged business enterprises may include, but not be limited to:

- Construction trades networking events, geared towards subcontractors and suppliers, who are small or disadvantaged business enterprises, to expose them to the opportunities available on our project.
- Posting of the RFQ for GC/CM Contractor services and notices of subcontractor bidding with the WA State OMWBE.
- Development of smaller and more discipline-specific subcontractor bid packages, so that they're more applicable to a small or disadvantaged subcontractor.
- GC/CM Contractor mentorship and assistance programs focused on subcontractors and suppliers, who are small or disadvantaged business enterprises.

3. Question for the response under Section 4:

CAPITAL PROJECTS ADVISORY REVIEW BOARD

PROJECT REVIEW COMMITTEE

QUESTIONS RE: PROJECT APPLICATION

Meeting Date: May 23, 2024

- a. Please elaborate what you mean by having the GC/CM during design "... to give input on the QA/QC of drawings and specifications..."

GC/CM best practices encourage bringing the GC/CM Contractor onboard the team by no later than the end of schematic design so that they can provide meaningful input on project design, value engineering and constructability. Our RFP will have a specification section related to Preconstruction Services that describes design phase tasks required of the GC/CM, including value engineering, constructability review and design/construction document QA/QC. There will also be a specification section that includes a matrix of cost allocation and indicates that as part of the Preconstruction Services costs, the GC/CM shall "*Review design drawings and specifications and comment on errors, omissions, inconsistencies and coordination issues.*"

- b. What is the Owner's expectation of the Designer of Record team in regard to the quality of their work product i.e., the design?

The requirements/expectations of the Architect in the Owner/Architect Agreement utilized for GC/CM has no substantial deviations from the Owner/Architect Agreement for a D/B/B project. The Owner's expectation is that the A/E of Record will perform its services consistent with the professional standard of care based on what a reasonable and prudent A/E would do under similar circumstances. There is not an expectation of perfection. Additionally, because the Owner contracts the A/E directly in GC/CM, the Spearin Doctrine is still applicable and, as such, the Owner warrants the information, plans and specifications that they provide to the GC/CM Contractor for the purposes of bidding and construction.

4. Question for the response under Section 6

- a. Response states "... The Parametrix PM/CM consultant team will not have signature authority for changes in the contract value. The District's Superintendent has signature authority for up to \$75,000. Anything larger than that amount would need to go to the School Board for approval and signature."

- 1) Considering the estimated cost of the project, and fast-paced schedule, this financial authority constrain is concerning as it may not support the quick decision-making process that is necessary for the District to get the intended benefits from using GC/CM project delivery. Please address this concern in a more tangible manner than having regular meetings to keep the District informed and focused on timely issue resolution.

The District is currently reviewing the Superintendents signature authority and will determine whether the current level of authority is adequate for a project of this size and scope. If an increase in the level of signature authority is deemed necessary, we will propose a change for consideration by the SWSD School Board.

- b. Additionally, "Use of any of these contingency funds by the GC/CM requires approval by the District, but the District cannot unreasonably withhold use of the contingency."

- 1) Please explain what the District defines to be unreasonable withhold of contingency use.

The construction manager's contingency is intended to be utilized and managed cooperatively by the GC/CM Contractor and the Owner. The proposed GC/CM Agreement has very detailed language on what the contingency funds can and cannot be utilized for. It also includes very detailed information related to:

- The timeliness of Contractor notification of a cost impact
- The timing of the submittal of related costs and schedule impacts by the Contractor
- Specifics related to reimbursable and non-reimbursable costs of the work
- The level of cost estimate and schedule detail that the Contractor must provide to substantiate the cost and schedule related impacts for changes in the work

If the Contractor submits the documentation, required by the Agreement, to substantiate reasonable/appropriate notification, cost impact, schedule impact and the appropriateness of use the GC/CM Contingency, an Owner should reasonably agree to the Contractor's request.

5. Others:

- a. Can you clarify your RFFP Submittal Deadline & Opening on August 2, then notifying the proposers of the preliminary results on August 5. It appears this is not a public opening.

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The RFFP Submittal is the “sealed bid for the percent fee” that is referenced in RCW 39.10.360(4). This is, in fact, a “public” opening. Anyone in attendance at that opening will witness the preliminary scoring results “live” at that opening. However, RCW 39.10.360(5) states that “The public body shall notify all finalists of the selection decision and make a selection summary of the final proposals available to all proposers within two business days of such notification.” The time period between August 2nd-5th (Friday-Monday) is intended to allow the District to confirm scoring outcome then develop and issue the “selection summary” as required by statute.

- b. Please provide your top 3 significant lessons learned that are being applied to this project. What is their significance
This question is irrelevant to the PRC’s decision of whether the project qualifies for use of GC/CM delivery and is beyond the authorized criteria to be utilized by the PRC panel to determine qualification.
- c. Who performs your audits and what kind of audits and what is the frequency?
This question is irrelevant to the PRC’s decision of whether the project qualifies for use of GC/CM delivery and is beyond the authorized criteria to be utilized by the PRC panel to determine qualification. Selection of the project auditor will not be made until much later in the project.
- d. What results have you received by including a subcontractor outreach paragraph?
We assume this is related to including an “outreach paragraph” as one of our criteria for the RFQ. Please refer to the response to question 2.a.4 above.
- e. How will you measure success on this project?
This question is irrelevant to the PRC’s decision of whether the project qualifies for use of GC/CM delivery and is beyond the authorized criteria to be utilized by the PRC panel to determine qualification.
- f. Please explain if the local permitting AHJ(s), whether the County or City, or both, been informed and are onboard with the permitting approach to support the GCCM delivery for this project?
This question is irrelevant to the PRC’s decision of whether the project qualifies for use of GC/CM delivery and is beyond the authorized criteria to be utilized by the PRC panel to determine qualification.