

ORDINANCE NO. 26-16**AN ORDINANCE ESTABLISHING A PUBLIC BIDDING
PROCEDURE FOR CONSTRUCTION MANAGER AT RISK
PROPOSALS FOR A MUNICIPAL COURTHOUSE
FACILITY AND A TWO-LEVEL PARKING FACILITY AT
THE CITY OWNED PROPERTY LOCATED AT 120 N.
ELMWOOD AVENUE AND 123, 137 & 139 W. LIBERTY
STREET.**

WHEREAS: This Council has determined that the construction manager at risk method of project delivery to be made for a municipal courthouse and two-level parking facility at City owned property located at 120 N. Elmwood and 123, 137 & 139 W. Liberty is the most appropriate method to obtain the best quality, service, performance, efficiency, and price for the project; and

WHEREAS: This Council finds that the construction manager at risk method of project delivery of public bidding set forth in this Ordinance complies with Medina City ordinances and laws for public improvements which exceed \$25,000 in cost shall be made to the lowest and best bidder after public advertising in a manner prescribed by the Council and that this Council shall not be required to accept any bid;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MEDINA, STATE OF OHIO:**

SEC. 1: The Mayor is hereby authorized to employ a construction manager at risk process for construction of the municipal courthouse and two-level parking facility through a two-step process whereby a public request for qualifications from potential bidders shall be made, and upon receipt of such qualifications, a determination shall be made by the Mayor that no fewer than three to be considered to be the most qualified to provide the required construction management services for the municipal courthouse and two level parking facility. The selected construction managers will be invited to submit a proposal for evaluation. Upon receipt and review of the proposals, the Mayor shall negotiate a contract with the construction manager ranked most qualified to perform the required services at a compensation determined in writing to be fair and reasonable. The contract shall then be submitted to Council for their review and approval. Council shall not be required to accept any contract proposal and may reject any and all contract proposals.

SEC. 2: The City of Medina shall hereby seek professional services of construction management firms with experience in planning, management and construction delivery of a courthouse and parking garage facilities pursuant to the request for qualifications, a copy of which is attached hereto and incorporated herein as "Exhibit A."

SEC. 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: February 8, 2016

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: February 9, 2016

SIGNED: Dennis Hanwell
Mayor

Effective date – March 9, 2016

Request for Qualifications (CM at Risk Contract)
State of Ohio Standard Forms and Documents

CRD 26-16
Exh. A

Administration of Project: Local Agency

Project Name	Medina Municipal Courthouse and Parking Facility	Response Deadline	Date	Time	local time
Project Location	120 North Elmwood	Project Number	989		
City / County	City of Medina, OH / Medina County	Project Manager	Patrick Patton		
Owner	City of Medina	Contracting Authority	Local Agency		
Delivery Method	CM at Risk	Prevailing Wages	State		
No. of paper copies requested (stapled, not bound)	6	No. of electronic copies requested (PDF)			1

Submit the requested number of Statements of Qualifications (Form F110-330) directly to Patrick Patton at ppatton@medinaoh.org or at Medina City Hall, 132 N. Elmwood Avenue, Medina, OH 44256. See Section G of this RFQ for additional submittal instructions.

Submit all questions regarding this RFQ in writing to Patrick Patton at ppatton@medinaoh.org with the project number included in the subject line (no phone calls please). Questions will be answered and posted to Opportunities page on the OFCC website at <http://ofcc.ohio.gov> on a regular basis until one week before the response deadline. The name of the party submitting a question will not be included on the Q&A document.

Project Overview

A. Project Description

This project is funded by the City of Medina, Medina, Ohio. The project includes construction of a new municipal courthouse and an adjacent parking facility. The City of Medina has determined to use the Construction Manager at Risk project delivery model for the construction of these facilities.

- Construct a two story municipal courthouse
- Construct a two story parking facility adjacent to the municipal courthouse
- The existing Masonic Temple building on this site will be demolished prior to the commencement of construction under separate contract.
- It is expected that by the time the CMR is selected and contract awarded, the drawings will be in the design development phase.

Professional design services are being acquired by the Contracting Authority under a separate contract.

The Program of Requirements ("POR") will be developed as a part of this project by the Architect/Engineer ("A/E").

All aspects of the project and related issues will be implemented and operated consistent with the Contracting Authority and/or Owner's policies and procedures.

Add additional project description here...

B. Scope of Services

The selected Construction Manager at Risk ("CM"), as a portion of its required Scope of Services and prior to submitting its proposal, will discuss and clarify with the Contracting Authority and/or Owner, the breakdown of the Agreement detailed cost components, to address the Owner's project requirements and refine the project schedule.

As required by the Agreement, and as properly authorized, provide the following categories of services: provide constructability review comments on documents produced by the A/E during the Schematic Design, Design Development, and Construction Document stages; develop and maintain estimates of probable construction cost, value engineering, project schedules, and construction schedules; lead and manage the Subcontractor Prequalification and Bidding process, Construction and Closeout Stage.

Refer to the *Ohio Facilities Construction Manual* for additional information about the type and extent of services required for each. A copy of the standard Agreement can be obtained at the OFCC website at <http://ofcc.ohio.gov>.

Request for Qualifications (CM at Risk Contract) continued

The preconstruction and construction services are generally described below. Subcontracts including but not limited to Plumbing, Fire Protection, HVAC, Electrical and AV/Technology will be awarded by the CM to prequalified vendors using a competitive process. The parties will engage in an "open book" pricing method in which all subcontracted work shall be based upon competitive pricing that will be reviewed by the Contracting Authority and/or Owner, the A/E and the CM. The Contracting Authority and/or Owner shall have access to all books, records, documents and other data in the CM's possession related to itself, its subcontractors and material suppliers pertaining to bidding, pricing or performance of the Agreement.

Preconstruction Services: The CM will work cooperatively with the Contracting Authority and/or Owner, A/E, and Project Team, and will provide, among other services, schedule development, estimate development, Guaranteed Maximum Price (GMP) proposal, subcontractor prequalification and bidding, constructability review, permits, budgeting, value engineering, and preconstruction planning throughout the preconstruction stages. When the drawings and specifications are at the stage of completion specified in the Agreement, such partially completed documents (the "Basis Documents") shall be provided to the CM, together with the A/E's detailed listing of any incomplete design elements and the A/E's statement of intended scope with respect to such incomplete elements (the "Design Intent Statement"). Contingent upon the Contracting Authority's approval of the GMP, the parties will enter into an amendment to the Agreement establishing the Contract Sum ("GMP Amendment"). If the proposed Contract Sum exceeds the Project Budget established for construction, then the Contracting Authority may terminate the agreement with the CM and seek proposals from other firms for completion of the Project.

Construction Services: The CM shall construct the Project pursuant to the construction documents and in accordance with the schedule requirements. The CM shall hold all subcontracts and shall be fully responsible for the means and methods of construction, project safety, project completion within the schedule agreed upon in the preconstruction phase, compliance with all applicable laws and regulations including monitoring compliance with all EDGE, equal employment, and prevailing wage requirements, and submitting monthly reports of these activities to the Contracting Authority. All subcontracts shall be on the subcontract form prescribed by OAC Section 153:1-03-02. The Contracting Authority reserves the right to approve the CM's selection of subcontractors and any supplemental terms to the form subcontract.

For purposes of completing the Relevant Project Experience Matrix in Section F of the Statement of Qualifications (Form F110-330), below is a list of relevant scope of work requirements for this RFQ:

1. Construction Manager-at-Risk Preconstruction Services
2. Construction Manager-at-Risk Construction Services
3. Construction Manager-at-Risk Contract Sum (Guaranteed Maximum Price) Pricing Experience
4. Constructability Review Experience
5. Experience with Courthouse Construction
6. Experience with Parking Facility Construction

C. Funding / Estimated Budget

Total Project Cost	\$10,460,000.00	State Funding	\$ 0.00
Construction Cost	\$8,811,000.00	Other Funding	\$10,460,000.00

D. Anticipated Schedule

CM Preconstruction Services Start	05 / 16
Construction Stage Notice to Proceed	02 / 17
Substantial Completion of all Work	10 / 18
CM Services Completed	12 / 18

E. EDGE Participation Goal

Percent of the CM's total compensation excluding CM's Contingency* 0%

*Preconstruction Stage Compensation plus Contract Sum minus CM's Contingency

F. Evaluation Criteria for Selection

Selection Criteria: The CM will be selected using (i) qualifications-based process during the Request for Qualifications (RFQ) stage to develop a short list and (ii) best value process during the Request for Proposal stage. The qualifications-based criteria for the RFQ is included in this announcement. The best value criteria used in evaluating proposals from short listed firms will include such factors that are determined to derive or offer the greatest value to the State and Owner, combining both qualifications and fee.

Short List: Each firm responding to this RFQ will be evaluated and selected based on its qualifications and the qualifications and experience of the particular individuals identified as the candidate's proposed team for the Project. After evaluating the responses to this RFQ, the Contracting Authority will select a short list of no fewer than three candidates

Request for Qualifications (CM at Risk Contract) continued

that it considers to be the most qualified, except if the Contracting Authority determines that fewer than three firms are qualified, it will only select the qualified firms.

Request for Proposal: The short-listed firms shall be sent a Request for Proposal ("RFP") that will invite the firms to submit pricing proposals containing their proposed preconstruction stage compensation, construction stage personnel costs, itemized construction stage general conditions costs, construction stage contingency percentage, and construction stage fee percentage. The short-listed candidates will also receive (i) form of Agreement with the Contracting Authority containing the contract terms and conditions, (ii) set of the most recent design documents and (iii) proposed Project schedule.

Pre-Proposal Meeting: Prior to submitting a response to the RFP, the short-listed firms will be invited to meet individually with the Contracting Authority and/or Owner. The purpose of the pre-proposal meeting is to permit the short-listed firms an opportunity to ask the Contracting Authority and/or Owner questions in an individual setting to help the firms prepare their responses to the RFP. The Contracting Authority will notify each short-listed firm to schedule individual times for the pre-proposal meetings.

Interview: After submitting responses to the RFP, the short-listed firms will be interviewed by the Contracting Authority and Owner. The purpose of the interview will be to meet the proposed Project team, become familiar with key personnel, and understand the project approach and ability to meet the stated objectives for the Project. Please be prepared to discuss with specificity the firm's capacity to conduct this work in compliance with the timetable, budget and EDGE expectations. The Contracting Authority will notify each short-listed firm to schedule individual times for the interviews.

Selection Schedule: Tentative schedule is subject to change.

Qualification Statements Due	Date
RFP issued to the Short-Listed Firms	Date
Pre-Proposal Meetings	Date
Proposals Due	Date
Interviews	Date
Selection of CM	Date

Cancellation and Rejection: The Contracting Authority reserves the right to reject all proposals and cancel at any time for any reason this solicitation, any portion of this solicitation or any phase of the Project. The Contracting Authority shall have no liability to any proposer arising out of such cancellation or rejection. The Contracting Authority reserves the right to waive minor variations in the selection process.

G. Submittal Instructions

Firms are required to submit the current version of Statement of Qualifications (Form F110-330) available via the OFCC website at <http://ofcc.ohio.gov>.

Electronic submittals should be combined into one PDF file named with the project number listed on the RFQ and your firm's name. Use the "print" feature of Adobe Acrobat or similar software for creating a PDF rather than using a scanner. If possible, please reduce the file size of the PDF. In Acrobat, go to Advanced, then PDF Optimizer. Also, please label the CD or DVD and the sleeve with the project number and firm name if applicable.

Paper copies of the Statement of Qualifications, if requested, should be stapled only. Do not use special bindings or coverings of any type. Cover letters and transmittals are not necessary.

Facsimile copies of the Statement of Qualifications will not be accepted.

Unless otherwise noted or exempt, all documents submitted to the Contracting Authority in response to this RFQ and subsequent RFP are public and will be available for inspection at the conclusion of the selection process. The following information shall remain confidential and will not be released: (1) Proposal Form(s), except for cost category subtotals which will be transferred to the Best Value Rating Form; (2) Financial Capacity; and (3) Bonding/Insurance.

Proposers are requested to submit the following information in response to this RFQ within Section H of Form F110-330.

1. **Summary:** Provide a summary, on one page or less, describing why your firm/team is the most qualified for the Project.
2. **Bonding/Insurance:** Provide evidence of capacity to provide bonding in the amount of the construction budget (e.g. a letter from your Surety agent stating that one or more Sureties will issue Bonds in the amount of the construction budget if your team is selected) and a copy of the firm's certificate of insurance showing the firm's

Request for Qualifications (C/M/ at Risk Contract) continued

current limits of liability for commercial general liability, employer's liability, business automobile liability, and professional liability insurance.

3. Management Systems: Describe the scheduling and cost control systems the firm would propose to use for the Project
4. Self-Performed Work: Indicate whether the firm intends to self-perform any work on the Project through a competitive process and, if so, the nature of the work and capability to self-perform.
5. Estimating: Demonstrated track record of performance of in-house estimating on projects comparable to the Project.
6. Scheduling: Demonstrated track record of performance of managing projects to the original schedule.

Firms are requested to identify professional registrations, memberships and credentials including but not limited to: LEED GA, LEED AP, LEED AP+, CCCA, CCM, CCS, CDT, CPE, DBIA, and any other appropriate design and construction industry credentials. Identify that information on the resume page for individual in Block 22, Section E of the F110-330 form.

CM at Risk Selection Rating Form

State of Ohio Standard Forms and Documents

Project Name Medina Municipal Courthouse and Parking Facility Proposer Firm _____
 Project Number 989 City, State, Zip _____

Selection Criteria		Value	Score
1. Primary Firm Location and Workload (Maximum 10 points)			
a. Proximity of firm to project site	Less than 50 miles	5	
	50 miles to 100 miles	2	
	More than 100 miles	0	
b. Amount of contracts awarded by Contracting Authority in previous 24 months	Less than \$100,000	5	
	\$100,000 to \$500,000	2	
	More than \$500,000	0	
2. Primary Qualifications (Maximum 40 points)			
a. Project management lead	Experience / ability of project manager to manage scope / budget / schedule / quality	0 - 10	Max = 30
b. Project administration lead	Experience / ability to effectively administer project controls and processes	0 - 5	
c. Technical staff	Experience / ability of technical staff to develop accurate estimates and schedules	0 - 15	
d. Construction administration staff	Experience / ability of field representative to identify and solve issues during construction	0 - 10	
3. Key Consultant Qualifications (Maximum 10 points)			
a. Key consultants	Experience / ability of key consultants to perform effectively and collaboratively	0 - 5	
b. Proposed EDGE-certified Consultant participation*	One point for every 2 percent increase in Services compensation** over the EDGE participation goal	0 - 5	
4. Overall Team Qualifications (Maximum 10 points)			
a. Previous team collaboration	Less than 3 sample projects	1	Max = 3
	3 to 4 sample projects	2	
	More than 4 sample projects	3	
b. LEED*** Registered / Certified project experience	Registered projects	1	Max = 2
	Certified projects	2	
c. BIM project experience	Training and knowledge	1	Max = 3
	Direct project experience	3	
d. Team organization	Clarity of responsibility / communication demonstrated by table of organization	0 - 2	
5. Overall Team Experience (Maximum 30 points)			
a. Previous team performance	Past performance as indicated by evaluations and letters of reference	0 - 10	
b. Experience with similar projects / delivery methods	Less than 3 projects	0 - 3	
	3 to 4 projects	4 - 6	
	More than 4 projects	7 - 10	
c. Budget and schedule management	Performance in completing projects within original construction budget and schedule	0 - 5	
d. Knowledge of Ohio Capital Improvements process	Less than 3 projects	0 - 1	
	3 to 4 projects	2 - 3	
	More than 4 projects	4 - 5	

* Must be comprised of consulting firm(s) and NOT the lead firm
 ** Preconstruction Stage Compensation plus Contract Sum minus Subcontracted Work, Self-performed Work, and CM's Contingency
 *** Leadership in Energy & Environmental Design administered by the Green Building Certification Institute

	Subtotal
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Notes:

Evaluator:
 Name _____

Signature _____ Date _____