

**UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY**



**REQUEST FOR QUALIFICATIONS  
FOR  
CONSTRUCTION MANAGEMENT AT RISK SERVICES**

**COBURN HALL – ADDITION AND RENOVATION  
THE UNIVERSITY OF MASSACHUSETTS – LOWELL**

**UMBA PROJECT NO. 16-L1**

**April 12, 2017**

**Statements of Qualifications Due: April 26, 2017 at 2:00pm**



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**SCHEDULES AND ATTACHMENTS**

**SCHEDULE A:** Project CM at Risk Qualifications Application

**SCHEDULE B:** Equal Employment Opportunity and Affirmative Action Questionnaire

**ATTACHMENT A:** Procedures of the University of Massachusetts Building Authority for the Procurement of Construction Management at Risk Services pursuant to M.G.L. c. 149A, §§ 1-13 (dated February 17, 2010)

**ATTACHMENT B:** Authority’s Minority and Women Project Participation Requirements

**REQUEST FOR QUALIFICATIONS  
FOR  
CONSTRUCTION MANAGER AT RISK SERVICES**

**SECTION 1 – NOTICE OF REQUEST FOR QUALIFICATIONS**

The University of Massachusetts Building Authority (the “Authority”) requests Statements of Qualifications from firms interested in providing construction manager at risk services for the Coburn Hall – Addition and Renovation at the University of Massachusetts Lowell located in Lowell, Massachusetts (the “University”) and referred to as UMBA Project No. 16-L1.

Submission of Statement of Qualifications shall be submitted and **must be received by the deadline at or before 2:00pm on April 26, 2017** (unless such date and/or time is extended in writing pursuant to an Addenda issued by the Authority). Statements of Qualifications shall be delivered to:

**University of Massachusetts Building Authority  
Attention: Patricia A. Filippone, Executive Director  
One Beacon Street, 31<sup>st</sup> Floor, Boston, MA 02108**

Each respondent shall submit six (6) hard copies, and two (2) electronic PDF (on disks or flash drives) of its complete Statement of Qualifications with all required forms, attachments, supporting documentation and information, clearly marked “Statement of Qualifications for Construction Management at Risk Services, Coburn Hall – Addition and Renovation, UMass – Lowell, UMBA Project No. 16-L1”. Each Statement of Qualifications shall clearly identify the responding firm’s name, business address, the contact person responsible for the Statement of Qualifications and the telephone number of the contact person. Messenger and other types of delivery services are the agents of the respective respondents, and the Authority assumes no responsibility for delivery or receipt of Statement of Qualifications documents.

The project delivery method for construction will be Construction Manager at Risk with a Guaranteed Maximum Price (“GMP”) pursuant to M.G.L. Chapter 149A. This Request for Qualifications (“RFQ”) is the first phase of a two-phase procurement process, and is issued in accordance with: (i) the Authority’s enabling legislation, Chapter 773 of the Acts of 1960, as amended; (ii) M.G.L. c. 149A §§ 1-13; (iii) the Authority’s Procedures for the Procurement of Construction Management at Risk Services pursuant to M.G.L. c. 149A §§ 1-13 (dated February 17, 2010), a copy of which is attached hereto and marked as **Attachment A**; and (iv) all other applicable laws and regulations.

Through this RFQ process, the Authority is pre-qualifying firms interested in providing public construction management at risk (“CM at Risk”) services for the Project. The Authority will evaluate submitted Statement of Qualifications based upon the identified evaluation criteria and will select those responding firms it deems best qualified for the project. Only those responding firms deemed best qualified will be invited to submit a proposal in response to a detailed Request for Proposals (“RFP”) for the Project which will be issued shortly after the completion of the pre-qualification process to begin the second phase of the procurement. It is the Authority’s goal



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to select and engage a firm to serve as the Construction Manager for the Project commencing with the Schematic Design Phase.

**Firms interested in being pre-qualified must demonstrate that they have prior experience as a Construction Manager on at least three (3) completed CM at Risk projects in the Commonwealth of Massachusetts of a similar type, size, complexity and cost as the Project as it is described below.**

The Authority reserves the right to reject any or all Statement of Qualifications submitted in response to this RFQ or to take any other action, as the Authority may deem to be in its best interest.

There will be no public opening and reading of the Statement for Qualifications.

## **SECTION 2 – EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION AND AFFIRMATIVE ACTION**

The Authority is committed to equal employment opportunity and non-discrimination on all of its projects and will take affirmative action to ensure equal employment opportunity and to eliminate discriminatory barriers. The Authority will consider Respondents' demonstrated commitment to equal employment opportunity and affirmative action in qualifying firms for the Project.

The Project will have the following participation goals for minority business enterprises (MBE) and women business enterprises (WBE) and for workforce utilization:

Combined MBE/WBE participation goal: 10.4%  
Construction workforce: Minorities: 15.3%; Women: 6.9%

The Authority's specific requirements relating to participation in the Project by MBE, WBE, and minorities and women are set forth in the attached **Attachment B**.

## **SECTION 3 – OVERVIEW OF PROJECT**

### **3.0 THE UNIVERSITY OF MASSACHUSETTS – LOWELL**

The University of Massachusetts Lowell (UMass Lowell) is located in the historic, industrial city of Lowell, 25 miles northwest of Boston, along the banks of the Merrimack River. It is a major public institution of higher education with more than 17,500 students. Since 2007, the University of Massachusetts Lowell has been in the midst of a period of dramatic physical growth and transformation. Over the past decade, total enrollment and research expenditures have nearly doubled. Enrollment growth is expected to continue, though at a less dramatic pace, resulting in an overall enrollment of about 20,000 by the fall of 2020. These trends have prompted an active capital program which is now underway.



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The University of Massachusetts Lowell has been a member of the University of Massachusetts system since 1991. Its urban campus comprises over 60 buildings with 4.7 million GSF and over 200 acres, on three campuses: North, South, and East. North Campus is the historic campus of the Lowell Technological Institute, and is home to the College of Science, Francis College of Engineering, and Manning School of Business. East Campus is primarily comprised of residence halls, administration and research functions, as well as the Tsongas Arena.

The University of Massachusetts Lowell South Campus was historically the site of Lowell State College prior to its merger into the University of Lowell in the 1970s and affiliation with the University of Massachusetts in the 1990s. In part as a result of this legacy, the South Campus remains primarily the home of the Colleges of Fine Arts, Humanities, and Social Sciences; Health Sciences; and the Graduate School of Education. South Campus also includes several residence halls, a central dining hall, a library, and various performing arts venues.

### 3.1 PROJECT DESCRIPTION

#### **A. Concept**

Opened in 1897, the 60,000 GSF Coburn Hall was the original building for the Lowell Normal School and remains one of the university's oldest and most architecturally significant buildings. Recent projects, following the 2011 South Campus Sector Plan, have reinforced Coburn Hall's importance as an icon and centerpiece for South Campus:

- Health and Social Sciences building
- McGauvran Center renovation
- South Dining Hall demolition
- South Campus Mall construction anchored by Coburn Hall.

With continued enrollment growth, and the strategic goal of addressing deferred maintenance, the university now seeks to renovate and build an addition to Coburn Hall. Coburn has remained largely intact with minor renovations as needed to support contemporary institutional use. Primarily an academic building, Coburn presently houses 16 classrooms and over 25 offices.

#### **B. Architectural and Building Systems Upgrades and Improvements**

- As the signature building on South Campus, respect and maintain the building's historic and iconic character and restore its important role in the academic life of the campus. Additionally, the building has been found to be eligible for listing on the National Register of Historic Places so exterior work must be sensitive to historic considerations.
- The design will support strategic and academic goals, with flexibility to adapt to evolving pedagogy and curriculum.
- Code updates, improving access to and function of existing spaces to meet instructional and academic office space needs.
- Create an implementation plan with phases as necessary that makes the best use of resources to support the strategic plan and academic growth needs.
- Improve energy efficiency and address deferred maintenance. The space program for the building will house faculty and leadership offices for several academic programs as well as



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classroom and collaboration space. Although subject to revision, it is currently anticipated that the addition will be approximately 20,000 sf.

The estimated construction cost is not to exceed \$35 million. The wage rates to be paid on the Project shall be not less than the Prevailing Wage Rates, in effect from time to time, as established by the Commonwealth of Massachusetts – Division of Occupational Safety in conformance with M.G.L. c. 149, §§ 26–27D.

The Authority has engaged Compass Project Management, Inc. to serve as the Owner’s Project Manager (“OPM”) in connection with the Project.

The Authority has also hired a design team (the “Design Team”) to provide design services for the Project. The Design Team is led by CBT Architects (the “Architect”) and it includes, RFS Engineers (MEP), Engineers Design Group (Structural), Nitsch Engineering (Civil), Tighe & Bond (Geotechnical), and Carol Johnson, (Landscape).

### 3.2 PRELIMINARY PROJECT SCHEDULE

It is anticipated that the selected construction manager (the “CM”) will be under contract in June 2017 so that the CM may advise the Authority and the Design Team during the Schematic Design, Design Development, and the Construction Documents Phases of the Project.

If required by the Authority, or recommended by the selected CM and approved by the Authority, certain portions of the construction work, including, but not limited to, remediation, demolition, site-preparation, site utilities, and foundations, may be started prior to the Design Team’s completion of the Construction Documents for the Project. In addition, early packages may be issued by the Design Team during the Pre-Construction Phase for the purchase of long-lead time materials such as structural steel and other materials or equipment.

The current Project schedule for the U Mass Lowell – Coburn Hall Additions and Renovations anticipates that some early work may commence in the Spring of 2018 however most likely full mobilization will not occur until June 2018. Substantial Completion of the entire project is expected to occur in October 2019 and the University expects to occupy the facilities no later than January 2020. Respondents must be prepared to have their full teams available to work beyond Substantial Completion, if necessary and required by the Authority.

Time is of the essence, and liquidated damages will apply.

### 3.3 SCOPE OF SERVICES

The CM shall be responsible for complete construction management services for all phases of the Project. The specific work to be performed by the CM includes both Pre-Construction Phase and Construction Phase services. The nature of the work in each of the phases is substantially different. At each phase, the Authority in its sole discretion shall determine whether to proceed to the next phase or terminate Construction Management services on the Project. A definitive



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scope of services will be included in the RFP to be issued by the Authority with respect to the Project. It is anticipated that the services described in Sections 3.4 and 3.5 will be required.

Throughout all phases of the Project, the CM will be responsible for working closely and cooperatively with the Authority, the Architect, and the University to effect a high-quality new construction and renovation project that meets the needs of the Authority and the University in the most economical and efficient manner. The selected CM will be expected to coordinate efforts with those of the University on elements within its scope of services that may impact University operations and other ongoing University projects.

### 3.4 SCOPE OF PRE-CONSTRUCTION PHASE SERVICES

During the Pre-Construction Phase of the Project, the CM shall be responsible for cost estimating, scheduling, value engineering, recycling cost and value analysis, systems life cycle cost analysis, demolition and constructability reviews, and bidding, and shall assume responsibility for the completeness of the construction documents prepared by the Design Team to eliminate claims that may arise from gaps, ambiguities, conflicts, overlaps, errors or omissions in the construction documents. Throughout the Pre-Construction Phase, the CM shall work closely with the Authority, the OPM (which shall represent the Authority), the Design Team, and, as appropriate, the University on the specific tasks listed below, and shall provide all other services required for projects of the type, scope and complexity of the Project and customarily provided by a construction manager at risk during the pre-construction phase of a project:

#### 3.4.1 Design Review

The CM shall work with the Authority, the University and the Design Team by reviewing the design drawings and the construction documents. The CM's review shall take into account quantity and quality of materials, safe demolition and construction on an active campus, and removal and where possible reuse or recycling of materials, systems and equipment to ensure that the design drawings and construction documents will result in a cost effective approach, minimum lifecycle cost, an efficient design, and a safe and efficient construction and demolition project. The CM's review shall seek to eliminate gaps, inconsistencies, ambiguities, conflicts, errors, omissions, and overlaps in the construction documents, and shall also seek to eliminate areas of conflict and overlap of work to be performed by the CM's subcontractors. The CM shall participate in design decisions by providing information, estimates, options, and recommendations regarding construction materials, methods, systems, phasing, and costs that shall provide the highest quality facilities within the Project budget and schedule.

#### 3.4.2 Project Management and Communications

The CM will provide a Web-based project management system to ensure that Project information and documentation is accessible to all Project team members.





### 3.4.3 Development and Updating of the Master Project Schedule

The CM, with input from the Authority and the Design Team, shall develop and update on a periodic basis a Master Project Schedule that organizes all Project-related activities and phases, and shall update the Schedule at least monthly.

### 3.4.4 Phasing Plans

The CM, with input from the Authority and the Design Team, shall develop a master Project phasing plan.

### 3.4.5 Logistics Plan

The CM, with input from the Authority, the University and the Design Team, shall develop a Project logistics plan. The plan must include maintaining required means of access/egress between the Project site and the remainder of the University campus during all phases of construction, remediation and demolition, and shall minimize disruption to the campus community and visitors.

### 3.4.6 Hazardous Materials Abatement

The CM shall develop a plan for the safe removal and legal disposal of any hazardous materials within or on the Project site.

### 3.4.7 Value Engineering

At each of the major milestones on the Project schedule, the CM shall provide a written analysis of all value engineering opportunities in connection with the Project for building materials, systems and equipment and for the recycling thereof, and shall perform life cycle cost analyses for major building elements.

### 3.4.8 Demolition and Constructability Review

The CM shall check the construction documents for completeness and coordination of work among the trades, shall perform demolition and constructability reviews at appropriate intervals as required by the Authority during the development of the construction documents, and shall make recommendations to the Authority, the University and the Design Team regarding necessary modifications to the construction documents.

### 3.4.9 Project Quality

The CM's demolition and pre-construction design reviews shall seek to provide recommendations to the Authority and the Design Team to improve the resulting quality of the demolition and construction processes. The construction shall be appropriate for



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an institution of higher education, and shall provide a facility with a minimum service life of fifty (50) years.

#### 3.4.10 General Conditions Planning

The CM shall provide recommendations and information to the Authority and the Design Team regarding the general conditions requirements for the Project to ensure cost efficient use of all general conditions items. The CM shall review the assignment of responsibilities for temporary Project facilities and equipment, materials and services for common use of all Project participants, and shall verify that such requirements and assignment of responsibilities are included in the Contract Documents.

#### 3.4.11 Long-Lead Materials

The CM shall work with the Design Team to identify, coordinate and expedite the ordering and timely delivery of materials or equipment with long lead times.

#### 3.4.12 Labor Requirements

The CM shall provide an analysis of the types and quantities of labor and subcontractor resources required for the Project and review the availability of appropriate categories of labor and subcontractors required for critical phases with the Authority and the Design Team. The CM shall also provide an analysis of the availability of MBE and WBE subcontractor resources and women and minority workforce resources. The CM shall make recommendations for actions designed to minimize adverse effects of labor shortages. Neither the Construction Manager nor any Subcontractor, regardless of tier, shall engage or utilize an employee leasing firm or temporary labor agency to supply labor for this Project except with the prior written approval of the Authority, which approval the Authority shall have no obligation to provide.

#### 3.4.13 LEED Review

The CM will participate as a member of the Project's "Green Team," which will be comprised of members of the Design Team, the Authority, and other Project stakeholders identified by the Authority. The Green Team will establish and implement the sustainable design goals for the Project.

The Project will be designed to meet a minimum of LEED Silver level certification for New Construction/Renovation as defined by the U.S. Green Building Council's then-current version of the applicable LEED Rating System. The CM will coordinate closely with the Design Team throughout the Project to develop and implement the LEED process. While the requirement is to meet at a minimum LEED Silver certification, it has not been determined that the project will be submitted to the USGBC for actual certification.



#### 3.4.14 Building Information Modeling (BIM)

The CM shall coordinate with the Design Team to develop alternative approaches for utilizing BIM on the Project and shall employ the use of Building Information Modeling software that is acceptable to the Authority. As a renovation, the CM may be required to provide laser confirmed building as-buils utilizing laser or similar scanning as well as development of a baseline digital model of the existing building to utilize for coordination and modeling. Any such service shall be coordinated with the Designer's BIM capacity.

#### 3.4.15 Cost Control Management

With input from the Design Team, the CM shall prepare full and complete cost estimates at appropriate intervals during the design (schematic design and design development) and the development of the construction documents. All estimates shall be provided in form, substance, and detail acceptable to the Authority (Construction Specification Institute ("CSI") or similar). The CM shall evaluate each of these estimates against the Authority's construction budget and, where necessary, shall recommend appropriate action in order to correct and/or avoid potential cost overruns. The Construction Manager shall compare and reconcile its cost estimates with any cost estimates prepared by the Design Team, the OPM or the Authority's other cost estimating consultant, if any, to identify and resolve cost differences. Authorization to proceed to the next phase shall be contingent upon the acceptance of the CM's building cost estimates as compared to the Authority's construction budget.

##### 3.4.15.1 Interval Cost Reporting

The CM shall provide periodic cost feedback at regular intervals, not less than every two weeks, to the project team to facilitate strong integration of cost reporting into design development. At such periods not less than two weeks, the CM shall receive design updates from the design team indicating the nature and scope of design development for that period. The CM shall develop a cost report acceptable to the project team which shall document the cost impacts, if any, of such design development. The CM should expect this intensive cost feedback to occur from design development through construction documents.

##### 3.4.15.2 Final Cost Estimate

At the completion of the Construction Document Phase, the CM shall prepare a final full and complete update to the cost estimate. The CM shall compare and reconcile its final cost estimate with any cost estimates prepared by the Design Team, the OPM or the Authority's other cost estimating consultant, if any, to identify and resolve cost differences. The CM shall also assist the Design Team and the Authority in developing the final life cycle cost analysis, value engineering documents and all required information to meet the most current ASHRAE Building Commissioning Standards.



#### 3.4.16 Regulatory Approvals

With input from the Authority and the Design Team, the CM shall monitor design phase activities related to obtaining all required regulatory approvals, and shall provide support to the permitting process as may be required by the Design Team or the Authority.

#### 3.4.17 Trade Contract and Subcontract Procurement

The CM shall work with the Authority and the Design Team to develop materials necessary for and shall participate in the qualification, procurement and award of trade contracts and all other contracts for the furnishing of labor, materials, equipment, or other services in connection with the Project, in accordance with procedures developed by the Authority, and in a manner that will meet the Authority's goal of ensuring equal employment opportunity, eliminating discriminatory barriers, and meeting the Authority's MBE, WBE and workforce utilization goals for the Project.

#### 3.4.18 Summer Exploratory

The CM, in conjunction with the Designer and OPM, shall develop a detailed program of exploration for the existing Coburn Hall building for the Summer of 2017. The direct cost for such exploratory program, or subsequent repair work, shall not be included in the preconstruction fee and shall be reimbursed to the CM. However, the staff management of such exploratory shall be included in the preconstruction fee. The building will be made available for a one month period for such exploratory during the month of July. The purpose of the exploratory will be to inform and improve the design and final design documents. Specifically, the exploratory will seek to accomplish the following items, not limited to:

- a. Investigations required by the hazardous material consultant
- b. Document existing site utilities
- c. Understand structure to allow for creative thinking around potential interior re-structuring
- d. Survey for existing conditions – both for accurate plans but also for demo scope
- e. Uncover existing interior construction details
- f. Uncover structural and envelope conditions to minimize risk
- g. Document existing conditions to coordinate MEP runs
- h. Confirm critical interface conditions between the addition and the existing building

### 3.5 SCOPE OF CONSTRUCTION SERVICES

The construction work of the Project covers full construction services, and specifically includes all services, labor, materials, tools, equipment, contractor-supplied insurance, bonds and supervision necessary to permit, remediate, construct, and demolish the Project, and to provide all other work and services described in the Contract or required to construct a project of the size, complexity and scope of the Project.



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The CM shall furnish construction administration and management services to construct, remediate and demolish the Project in an expeditious and economical manner consistent with the interests of the Authority and the University. Throughout the Construction Phase, the CM shall work closely with the Authority, the OPM (which shall represent the Authority), the Design Team, and, as appropriate, the University on the specific tasks listed below and all other work that is ordinarily performed by a construction manager during the construction phase of a project:

3.5.1 Execute Sub-Contracts

The CM shall execute written contracts or purchase orders with all trade contractors and subcontractors approved by the Authority in each trade, which contracts and purchase orders shall be in such form as shall be required or approved by the Authority.

3.5.2 Permits and Utility Back Charges

The CM shall obtain and pay for all required remediation, disposal, demolition, and construction-related permits, and all development charges and utility back charges.

3.5.3 Bonds

The CM shall furnish performance and payment bonds as required by the Contract Documents.

3.5.4 Insurance

The CM shall furnish all insurance necessary for itself and for the Project as required by the Contract Documents, unless otherwise indicated that the Authority will furnish on-site builder's risk insurance. Insurance will be provided through the Authority's owner-controlled insurance program for this project.

3.5.5 On-Site Management

The CM shall provide all necessary construction management, supervisory, and clerical staff for the proper management of the remediation, demolition, and construction of the Project, shall provide and maintain a construction site office, and provide, for the duration of the Project, all site management, supervision, coordination, and administration necessary to meet the requirements of the Contract Documents and to complete the Project within the requirements of the Master Project Schedule. The CM shall also provide an office and all necessary computer and other office equipment necessary for the Authority's full time onsite representative.

3.5.6 Subcontractors

The CM shall manage, schedule, supervise, and coordinate the work of all subcontractors and others engaged in the remediation, demolition, and construction of the Project.



### 3.5.7 Administrative Procedures

With input from the Authority and the Design Team, the CM shall, following the Authority's standards, implement procedures for reviewing and processing requests for information or clarifications and interpretations of the Contract Documents; shop drawings, samples, and all other submittals, contract schedule adjustments, change order Qualifications, Qualifications for substitutions, payment applications, as-built drawings, and maintenance of logs.

### 3.5.8 Supervision of Construction

The CM shall continuously supervise and observe all remediation, demolition, and construction work in progress to ensure that the work is proceeding in accordance with the Contract Documents, and shall supervise construction activities to assure conformance with all applicable environmental requirements, including any sustainability initiatives set forth in the construction documents.

### 3.5.9 Meetings

The CM shall attend weekly project meetings and other construction progress meetings with the Authority's representatives and the Design Team, as required to facilitate coordination of the work and to implement construction safety and quality control programs on the site, and shall also conduct regular meetings at the site with the subcontractors. Meetings shall be held at times and locations convenient to the Authority.

### 3.5.10 Safety Program

The CM shall develop and implement a Project-wide safety program as required by the Authority and its insurers, which shall include monitoring and enforcement of the program for subcontractors.

### 3.5.11 Labor Harmony

The CM shall endeavor to promote harmony and cooperation between the CM's staff and trade labor and other persons or entities employed by the University and by the Authority for the Project. Throughout the course of the Project, the CM shall ensure labor harmony among all persons employed on the Project by the CM and all subcontractors and suppliers.

### 3.5.12 Reports

#### 3.5.12.1 Daily Logs:

The CM shall maintain a detailed daily log of all events occurring on the Project site relating to the Project. Such log shall include a daily listing of the Construction Manager



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manpower and equipment, Subcontractor manpower and equipment, relevant weather information, activities undertaken on the Project site, and names and purposes of all visitors to the Project site. Copies of such daily logs shall be distributed daily (by noon for work performed on the preceding day) to the OPM from the mobilization date (or date that work first occurred on site – whichever is earlier) until the date of final acceptance (or date that all punch list work is completed – whichever is later) and shall be in form and detail acceptable to the Authority.

#### 3.5.12.2 Weekly Reports:

The CM shall provide a system of weekly Project monitoring and reporting. Such reports and other information shall be written and included in the weekly progress reports to be submitted to the Authority in accordance with the Contract Documents. The CM shall furnish to the Authority on a weekly basis from the mobilization date (or date that work first occurred on site – whichever is earlier) until the date of final acceptance. The Weekly Progress Report shall be submitted no later than Wednesday for the preceding week, in form and detail acceptable to the Authority

#### 3.5.12.3 Monthly Reports:

The CM shall furnish to the OPM monthly reports concerning the progress of the work which address: (a) compliance with the remediation, demolition, and construction schedule, (b) progress made by each subcontractor, (c) status of any required shop drawings and submittals, (d) status of change orders, (e) status of Requests for Information (RFIs), (f) other matters relating to the progress of work as directed by the Authority, (g) impact and mitigation plan, and (h) such other information as the Authority may require, including, but not limited to, information regarding MBE and WBE utilization, minority and women participation as labor, and apprentice development and utilization. In addition, and as requested, the CM shall meet to report to the Authority on remediation, demolition, and construction progress at regular intervals throughout the Project.

#### 3.5.13 Substantial Completion

The CM shall determine when each subcontractor's work is substantially complete and prepare a list of incomplete work and work which does not conform to the requirements of the construction documents.

#### 3.5.14 Record-Keeping

The CM shall maintain complete and accurate records, including (a) correspondence, (b) meeting notes and minutes, (c) shop drawings and submittals, (d) construction documents including change orders, (e) clarifications and interpretations of the construction documents issued by the Design Team, (f) progress reports including observations of testing performed, (g) as-built drawings in AutoCAD and PDF format, and (h) all other Project related documents. Throughout the Project, the CM shall



maintain a Web-based project management system which provides all Project team members with access to Project information and documentation.

#### 3.5.15 Construction Kickoff Meeting

With the OPM, the CM shall conduct a construction kickoff meeting with appropriate representatives from the CM's team, the Design Team, and as appropriate or necessary, the University staff. The CM shall prepare for the meeting documents that establish job procedures (e.g., for managing project communications, for ensuring job-site safety and compliance with the established safety program, for scheduling meetings and field testing/inspections, and for processing clarifications, change orders, shop drawings, progress payments).

#### 3.5.16 Update the Master Project Schedule

The CM shall update the Master Project Schedule each month, or as may otherwise be required by the Contract Documents, and each week shall provide "look ahead" schedules to forecast the next three (3) weeks of daily activity on the Project. Separate sections in the Master Project Schedule shall be developed for the Project. The CM shall review and approve the subcontractors' schedules for compliance with the individual requirements of each trade subcontract and the overall Master Project Schedule. The CM shall review and approve subcontractors' proposed remediation, demolition, and construction schedule for logic, reasonableness, and conformance to the requirements of the Contract Documents, compliance with the individual requirements of each trade subcontract, and the overall Master Project Schedule. The CM shall conduct a daily review of the subcontractors' progress and conformance with monthly updated construction schedules.

#### 3.5.17 Payment Requests

Prior to submitting the first application for payment, the CM shall submit a detailed and accurate schedule of values to the Design Team and the Authority for review and approval. The CM shall also review and approve as appropriate the subcontractors' monthly applications for payment and shall compare the requested payments to the actual work completed in accordance with the approved schedule of values. The CM shall combine applications for payment and other invoices and prepare an application and certification for payment (using AIA Form G702 and G703), from the approved schedule of values, which shall include any requested application of the Owner's Construction Contingency.

The CM shall submit, on a weekly basis, all required certified payroll reports and workforce reports and shall also regularly remind all subcontractors to submit, on a weekly basis, all required certified payroll reports and workforce reports. Weekly certified payroll reports must be submitted from the first day the CM / subcontractor performs any work on the site (including mobilizing equipment / material) to the last day the CM / subcontractor is on the site (including demobilization) whether or not the CM or





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subcontractor has been on site and must be submitted on forms of the Massachusetts Division of Occupational Safety. Workforce utilization reports must be submitted on forms designated by the Authority. These certified payroll reports and workforce utilization reports shall be submitted to the Authority through the OPM.

#### 3.5.18 Project Cash Flow

Upon commencement of Construction Phase services, the CM shall submit a detailed Project cash flow projection showing how the GMP is anticipated to be spent on a month to month basis throughout the anticipated construction period. Thereafter, the CM shall provide monthly updated cash flow projections and historical actual cash flow for each month of remediation, demolition, and construction.

#### 3.5.19 Campus Operations and Weekly Construction Impact Report

The CM shall work with the Authority and University representatives in order to minimize any construction-related disruption of campus operations. The CM shall coordinate with the Authority and University representatives the scheduling of any work that may have an impact on campus operations and provide a weekly “construction impact report” advising the Authority and the University of any activities that are likely to interfere with ongoing operations. The construction impact report must also be included as part of the three (3) week look-ahead schedule described in Section 3.5.16 above.

#### 3.5.20 Clarify Design

The CM shall coordinate and address subcontractors’ RFIs with the Design Team. RFIs shall be tracked through the field office by the CM. The Design Team shall be responsible for interpretations and clarifications of the Contract Documents. The Design Team shall prepare sketches to clarify Contract Documents where necessary. The CM shall be responsible for managing the clarification and interpretation process.

#### 3.5.21 LEED Coordination and Supervision

The CM will coordinate with the Design Team throughout the Project to develop and implement the LEED process. The CM will be responsible for implementing the appropriate means and methods as well as providing proper documentation for means, methods and products used by them or their subcontractors consistent with the specific Project LEED goals.

#### 3.5.22 BIM

As the BIM model is developed, and throughout the Project, the CM will coordinate with all trade contractors and non-trade contractors, and shall utilize the BIM model to avoid and resolve conflicts related to the different trade elements of the Project where BIM modeling is applicable. All source documentation and data generated for the Project will



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be provided to the Authority and will become the property of the Authority upon completion of the Project. The CM shall work with the Authority and the University to determine the format of the final BIM product to ensure that, upon completion of the Project, it will serve as an effective tool for the ongoing maintenance of the Project.

### 3.5.23 As-Built Drawings

Throughout the Construction Phase of the Project, the CM shall develop and maintain accurate and detailed as-built drawings, and shall monitor the subcontractors to ensure that other such drawings are prepared accurately, thoroughly, and in a timely manner. At the completion of the Project and prior to submission of its final application for payment, the CM shall submit to the Design Team for review and approval a complete set of as-built drawings. The as-built documents shall be provided by the CM in both a “hard copy” of the as-built conditions, as well as electronic (AutoCAD, BIM and PDF) formats on disk.

### 3.5.24 Commissioning

The CM and the subcontractors shall participate in the commissioning of the Project, and shall be responsible for the startup, testing, balancing and adjusting of the Project’s mechanical, electrical and plumbing systems and equipment and any other systems or equipment identified by the Authority in order to satisfy the testing program developed by the Authority’s Commissioning Agent.

### 3.5.25 Staff Training

The CM shall coordinate all training for University representatives regarding the operation and maintenance of all building systems.

### 3.5.26 Punch List and Project Closeout Procedures

The CM shall develop and implement procedures for the orderly completion of punch list items, and for the final inspection, testing, programming, and initial operation of all equipment and systems. The CM shall meet with the Authority’s Commissioning Agent to establish the protocols and procedures that will be required for all building systems. The CM and the subcontractors shall participate, as required by the Authority’s Commissioning Agent in startup, testing and adjusting of the Project’s mechanical, electrical and plumbing systems in order to satisfy the testing program developed by the Commissioning Agent. The CM shall prepare a recommendation for final acceptance of the Project after the CM has corrected deficient work and satisfied all contract conditions precedent to achieving substantial and final completion. The CM shall prepare a final payment request and final report.



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3.5.27 Project Closeout Documents

CM shall provide to the Authority's representatives a complete set of contract files, which shall be in both paper and electronic (AutoCAD, BIM, and PDF formats) form, and shall include, but not be limited to, as-built drawings, operation and maintenance manuals, warranties, and as applicable, material stocks.

3.5.28 Post-Construction Responsibilities

The CM shall ensure performance of all warranty obligations, resolution of all claims, and other post-construction requirements.

3.6 QUALITY

The selected CM for the Construction Phases of the Project shall construct facilities of high quality, durability, operability and maintainability. In addition, the Project will require a level of design and construction consistent with all applicable federal, state and local laws and regulations.

3.7 SAFETY

The CM shall maintain a safe, organized and workable site, in addition to requiring a level of remediation, demolition, and construction work consistent with all applicable federal, state and local laws and regulations.

3.8 LIQUIDATED DAMAGES

Time is of the essence with regard to completion of the Project. The CM will be assessed liquidated damages in the event the CM fails to achieve Substantial Completion of the Project, or any portion or phase thereof specifically designated by the Substantial Completion date established for the Project.

**SECTION 4 – PREPARING TO SUBMIT STATEMENT OF QUALIFICATIONS**

4.1 OBTAINING THE RFQ

It is the responsibility of each firm desiring to submit a Statement of Qualifications (SOQ) to obtain the RFQ and any and all Addenda that may be issued in connection with the RFQ.

4.2 NO PRE-SUBMITTAL CONFERENCE OR SITE TOUR

No pre-submittal conference or site tour will be conducted at this RFQ Phase.



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#### 4.3 PRE-SUBMITTAL PREPARATION

Respondents are advised to review all sections of this RFQ carefully because failure of any Respondent to make a complete or responsive submission as described herein may result in rejection of the Statement of Qualifications.

#### 4.4 COSTS OF PREPARING SUBMITTAL

All costs and expenses, including but not limited to legal costs, associated with developing or submitting a response to this RFQ, or associated with oral or written clarification thereof, including all presentation materials and related costs and travel expenses, shall be borne solely by the Respondent, and under no circumstances shall the Authority be responsible for any such cost or expense incurred by any Respondent. The Authority assumes no responsibility for any such costs and expenses.

#### 4.5 REVISIONS TO REQUEST FOR QUALIFICATIONS

The Authority may modify this RFQ prior to the deadline for submission by issuance of an addendum or addenda. The Authority may extend the deadline for submission if, in the Authority's judgment, it is necessary for any reason.

#### 4.6 QUESTIONS AND REQUESTS FOR CLARIFICATIONS

Requests for information or clarification of the intent or content of the RFQ, and any other questions from prospective Respondents regarding the Project or this RFQ must be submitted in writing to the OPM in the manner set forth in Section 4.8, and must be received by the OPM on or before **5:00 pm on April 19, 2017**.

#### 4.7 ADDENDA

The Authority shall post on its website ([www.umassba.net](http://www.umassba.net)) any addenda developed either pursuant to Section 4.5 or which address those questions received by the OPM in accordance with Section 4.6 which, in the Authority's opinion, require clarification or interpretation, or will have a material effect on the RFQ (or the Project). All Addenda will be distributed not less than five (5) days prior to the date on which submissions are due. The Authority may decline to answer any inquiry. It shall be the sole responsibility of firms desiring to submit Statement of Qualifications to ascertain the existence of any and all addenda issued by the Authority, whether or not an addendum received by them. Only written communications via addendum posted on the Authority website shall be binding. Oral statements, clarifications or interpretations provided at any time will have no standing and may not be relied upon, except to the extent confirmed in a written addendum.

#### 4.8 COMMUNICATIONS BETWEEN THE AUTHORITY AND RESPONDENTS

Prospective respondents shall not communicate with Authority, the Design Team or the University or any of their representatives, at any time during the RFQ process except through



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written questions submitted prior to the deadline as set forth in Section 4.6. All questions must be **submitted in writing by email only**, directed to the OPM:

Compass Project Management, Inc.  
Christy Murphy  
cmurphy@compasspminc.com

#### 4.9 LATE SUBMITTALS

Any Statement of Qualifications which is not received by the Authority by the date and time for submission hereinafter set forth herein will be determined to be late and shall not be considered.

#### 4.10 CANCELLATION OR MODIFICATION OF REQUEST FOR QUALIFICATIONS

The Authority reserves the right to modify this RFQ, in whole or in part, prior to the date fixed for submission, by issuance of an addendum or addenda, which shall be posted on the Authority's website ([www.umassba.net](http://www.umassba.net)). The Authority may extend the deadline for submission if, in the Authority's judgment, such extension is necessary for any reason. It is the responsibility of each responding firm desiring to submit a Statement of Qualifications to obtain the Request for Qualifications and any and all addenda that may be issued in connection with the RFQ. The Authority may cancel or modify this RFQ and solicitation, in whole or in part, or reject all submissions received in response to this RFQ if such action is determined to be in the best interest of the Authority.

#### 4.11 ACCEPTANCE OF SUBMITTALS

The Authority reserves the right to accept or reject any or all Statements of Qualifications, in whole or in part, received as a result of this Request. Statements of Qualifications that are incomplete, conditioned, or are otherwise not in conformance with this RFQ may be rejected at the sole discretion of the Authority.

#### 4.12 ECONOMY OF PREPARATION

A Statement of Qualifications may be considered non-responsive if it includes extraneous information not specifically requested in this RFQ. The clarity and conciseness of submissions will be valued over sheer volume.

#### 4.13 CLARIFICATION OF STATEMENTS OF QUALIFICATION

The Authority reserves the right to request clarification of any aspect of any submission and/or to request additional information that might be required to fully evaluate it.

#### 4.14 USE OF INFORMATION SUBMITTED TO THE AUTHORITY

By submission of a Statement of Qualifications, each Respondent acknowledges and agrees that all documentation and/or materials submitted with its RFQ shall become and remain the property



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of the Authority. The Authority shall have the right to use all or any portions of the submissions as it considers necessary or desirable in connection with the Project.

#### 4.15 PUBLIC RECORDS

The Authority shall have no obligation to treat any information submitted in or in connection with a Statement of Qualifications as proprietary or confidential, with the exception of the audited financial statement which is deemed confidential. The Authority's obligation with respect to protection and disclosure of such information shall at all times be subject to applicable laws, including the Massachusetts Public Records law. The audited financial statement shall remain confidential and shall not be a public record to the fullest extent permissible under the law.

#### 4.16 STATUS OF REQUEST FOR QUALIFICATIONS

This Request for Qualifications is solely a request for information. It does not represent an offer nor does it confer any rights on any Respondent.

### **SECTION 5 – FORMAT FOR SUBMITTALS**

#### 5.1 GENERAL

Each submittal shall contain all of the information set forth below and should be arranged in the order indicated.

Every Statement of Qualifications must be signed under pains and penalties of perjury by a duly authorized representative of the Respondent CM Firm, and Statements of Qualifications failing to conform to this requirement shall not be considered. Respondents are advised that notarizing a document is not the same as signing a document under the pains and penalties of perjury and that notarizing the Statement of Qualifications alone does not satisfy this mandatory requirement.

#### 5.2 TRANSMITTAL LETTER

Each submittal must include a covering letter addressed to the Authority's Pre-Qualification Committee with executive summary, signed by an individual authorized to bind the Respondent, detailing the key elements and factors that differentiate the Respondent firm from other firms. Joint ventures must provide information about the nature of the joint venture including the approximate percentage participation by each joint venture partner and the division of responsibility among the joint venture partners. This letter/executive summary should not exceed six (6) pages.

#### 5.3 QUALIFICATIONS APPLICATION

Each Respondent must complete the CM at Risk Qualifications Application (**Schedule A** to the RFQ). Joint ventures must provide the requested information about the joint venture as well as each of the joint venture partners.



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#### 5.4 ORGANIZATIONAL CHART AND STAFF QUALIFICATIONS

As described in further detail in Section 5.9, each submittal shall include an organizational chart and a resume and references for each and every person who will have any management responsibility, direct or indirect, for both the Pre-Construction Phase and the Construction Phase of the Project, including but not limited to project executives, project managers, field superintendents and field engineers. Joint ventures must identify the company that employs each individual listed.

References submitted must include references from the architect and the owner's project manager for each of the three (3) projects completed by the Respondent that are most similar to this Project. The Project Managers and the Project Superintendents serving on the Project are expected to be those identified in the Statement of Qualifications, and such individuals must be fully available to devote the necessary time and attention to the Project to ensure timely and effective performance of the required work during the Pre-Construction Phase and timely and complete delivery of the Project. Applicants who can demonstrate specific experience, both as a firm and individual team members, in the successful application of design phase services similar to those noted herein shall be viewed favorably.

#### 5.5 STATEMENT OF FIRM EXPERIENCE

Each Statement of Qualifications must include a list and description of all remediation, demolition, and construction projects of similar size, quality, complexity and scope that the Respondent has constructed **and completed** within the last six (6) years and which are located within the continental United States for which the total remediation, demolition, and construction cost was at least \$26 million dollars (\$26,000,000.00) and for which it served as Construction Manager. For each project, the following information must be provided:

- Project Name
- Project Location
- Project Description, including number of square feet, type of project and scope and whether renovation and/or new construction
- Contract Amount, including initial contract sum, value and number of change orders and final contract sum including change orders
- Preconstruction Phases – start and end dates
- Design Phases – start and end dates
- Construction Phases – start and end dates, include initial contract dates for substantial and final completion and actual date of substantial and final completion
- Key staff utilized on the project
- Owner Contact – name, company, current telephone number
- Designer Contact – name, company, current telephone number
- Capacity in which the proposing organization performed work, i.e. general (prime) contractor, construction manager at risk, construction manager for fee, design/builder at risk, design/builder for a fee, sub (trade) contractor, joint venture partner, design-builder, part of a design-build team, etc. Also, if the proposing organization did not



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- perform the entire project, specify the dollar value of work performed by the proposing organization.
- Whether BIM was utilized by the Respondent on the project, and if so how it was utilized.
- Whether the project was LEED certified, and if so at what level
- Other Project Reference Person familiar with the proposing organization's work on the project – identify the person's name, company, current telephone number and relationship to the project

#### 5.6 STATEMENT OF FINANCIAL STABILITY

Each Respondent must include the following financial information for the Respondent firm and any other evidence of the firm's stability and ability to provide the required services for both the Pre-Construction Phase and the Construction Phases of the Project:

- Audited financial statements for the most recent fiscal year, including balance sheet, income statement, and statement of cash flows.
- List of bank and accounting references.

#### 5.7 LETTER FROM SURETY COMPANY EVIDENCING BONDING CAPACITY

Each Respondent must include a letter from a surety company that is licensed to do business in the Commonwealth and whose name appears on United States Treasury Department Circular 570 on the surety company's letterhead (or a letter from a surety agent with attorney in fact authority and an original power of attorney accompanying the letter) confirming that it will provide the respondent firm with payment and performance bonds for the Project in an amount equal to or greater than 110 per cent of the estimated construction cost of the Project. If the Respondent is a joint venture this letter may reference the joint venture's bonding capacity or separate letters for each individual joint venture partner may be submitted.

The letters should also include statements whether any surety which has issued a performance bond on behalf of the Respondent has ever completed the work in its own name or financed such completion on the Respondent's behalf and, if so, provide details.

#### 5.8 STATEMENT OF FIRM INFORMATION

Each Respondent must provide the following information, and joint ventures must provide the requested information about the joint venture as well as each of the joint venture partners:

- A. Identify any judgments outstanding and claims, arbitration proceedings and suits pending against your organization or its officers.
- B. Identify any law suits or requested arbitration filed by the firm with regard to construction or construction management contracts within the last five (5) years.
- C. State whether, within the last five (5) years, the Respondent (or any of its officers or directors in their official capacities) has been defaulted, terminated, or have had





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any liquidated damages or other contractual penalties for failure to timely or properly perform a contract assessed against you and indicate the current status of any litigation involving those transactions.

- D. List all litigation or arbitration proceedings (if any) including out-of-court settlements, initiated by or against the Respondent within the past five (5) years, and all pending cases regardless of when they were filed. For each, list the name of the project, the project location, and the court or arbitration docket number and location. Briefly describe, using a separate sheet if necessary, the circumstances and disposition of each case. Specifically identify and provide details of each instance of claims or legal proceedings by or against a public or private owner. Please note that generalized statements such as “litigation arising in the ordinary course of doing business” are not acceptable.
- E. List all OSHA violations (if any) within the past five (5) years under the Respondent’s present business name or any past business name. Provide the date(s), detailed description and disposition for each such citation.
- F. Provide a complete and accurate description of all significant worker injuries which occurred on the Respondent firm’s job sites within the past five (5) years.
- G. List and provide a complete and accurate description of any and all criminal convictions against the Respondent firm and/ or any individual member of the Respondent’s proposed team during the past ten (10) years related to the injury or death of any employee or contract worker.
- H. List and provide a complete and accurate description of all proceedings brought within the past five years, against the Respondent or any owner or partial owner of the firm, or any person in any way associated with or employed by the firm, to debar, suspend, disqualify or otherwise preclude the firm from bidding or offering a proposal on contracts with any municipality or any agency or department of the Commonwealth of Massachusetts, other states, or the Federal Government.
- I. Provide the address of your Massachusetts office, and indicate whether it constitutes your home office, a branch office, one of your principal places of business or otherwise, and state the number of years you have maintained an office in Massachusetts.
- J. State the total dollar value of the work being performed by the Respondent during the current year and performed during the prior five (5) years:

2017: \$ \_\_\_\_\_

2016: \$ \_\_\_\_\_

2015: \$ \_\_\_\_\_

2014: \$ \_\_\_\_\_



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2013: \$ \_\_\_\_\_

2012: \$ \_\_\_\_\_

- K. If your organization was not formed in Massachusetts, indicate the State in which it was organized, and indicate whether you are currently authorized to do business in Massachusetts, as well as the date such authorization was obtained.
- L. Safety Record: Respondent MUST insert below its experience modifier for the three most recent years (including current year, if available) and attach documentation from its insurance carrier of its Workers’ Compensation Experience Modifier for each of those years. Joint ventures must attach such documentation for each individual joint venture partner.

<u>Year</u>	<u>Workers Compensation Experience Modifier</u>
2017:	_____ (current year)
2016:	_____
2015:	_____
2014:	_____

- M. Provide a detailed description of all issues relating to labor harmony or lack thereof on all projects undertaken within the past five (5) years.

5.9 DESCRIPTION OF PROJECT TEAM

Each Statement of Qualifications must include the following information:

1. Identification of the Project Team. Identify the key staff proposed for the Project, including the Cost Estimator, the Principal-In-Charge, the Project Executive, the Project Managers, the Project Superintendents, and others with overall responsibility for completion of each phase of the Project. Describe the specific project responsibilities for each key staff member who will be involved during the Pre-Construction Phase, and for each key staff member who will be involved during the Construction Phase. Provide a resume for each project team member, which outlines the individual’s academic and professional achievements including the number of years of experience dealing with similar projects and tenure with the firm. Provide the name, company and current telephone number for at least three (3) professional references for each key staff member. Please provide a cross reference for each team member to any project listed in Item 5.5 above.
2. Description of the Project Team’s background and experience with construction management projects.



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3. Description of the Project Team’s experience with particular attention to identifying projects in which similar services (selective demolition, renovation, academic, building type), including BIM utilization, were performed.
4. Background data on all consulting firms that will play a role in the Project, including an identification of any such firm that is an MBE or WBE.
5. List of all construction management and other similar projects of comparable size and complexity that have been **completed** within the past six (6) years with a contract value of at least \$26 million. For each project, provide a complete description, including estimated and actual project costs, estimated and actual project schedule, photographs, and contact/reference person(s) and their contact information.
6. Provide three (3) references of persons who are familiar with the work of your Project Team. In addition, provide three (3) references of persons who are familiar with the work and professional skills of your proposed construction project manager, and construction project superintendent.

#### 5.10 CERTIFICATE OF ELIGIBILITY AND UPDATE STATEMENT

Each Respondent must attach both (a) a current Certificate of Eligibility (issued by DCAMM) showing respondent is certified in General Building Construction with appropriate single project limits and aggregate limits for the Project, and (b) a completed Update Statement. Joint ventures which are not yet DCAMM certified as a joint venture must submit a Certificate of Eligibility and Update Statement for each individual joint venture partner.

#### 5.11 EXAMPLES OF PROJECT MANAGEMENT REPORTS AND OPERATING PHILOSOPHY

Each Respondent must submit specific examples (no more than three) of Project Management Reports that were prepared by Respondent on one or more of the Construction Manager projects identified in Section 5.5 In addition each Respondent may, at its option, include a brief statement of its operating philosophy. If information on a Respondent’s operating philosophy is contained in its Executive Summary the information should not be repeated, but should be referenced.

#### 5.12 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION QUESTIONNAIRE

Each Respondent must complete and submit the Equal Employment Opportunity and Affirmative Action Questionnaire provided in **Schedule B**. Joint ventures must complete and submit the Equal Employment Opportunity and Affirmative Action Questionnaire provided in **Schedule B** for each individual joint venture partner.

#### 5.13 EXAMPLES OF PRIOR EXPERIENCE ON SUSTAINABLE CONSTRUCTION AND LEED-CERTIFIED BUILDINGS

Each Respondent must submit a list of prior project experience involving sustainable construction and LEED certified buildings.



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5.14 LISTS OF PROJECTS IN PROGRESS, COMPLETED PROJECTS AND CERTIFICATION PAGE FROM MOST RECENT DCAMM APPLICATION FOR CERTIFICATION

Each Respondent must attach a copy of those portions of Respondent's most recent application for DCAMM certification that contains the listings of the Respondent's Projects in Progress and its Completed Projects. Specifically, Respondent must submit copies of:

- (a) Section F. Projects in Progress;
- (b) Section G. Completed Projects; and
- (c) Signed and dated final page, Section J. Certification, showing the date the Application for Certification was submitted to DCAMM

all copied from their most recent Application for Prime/General Contractor Certificate of Eligibility submitted to DCAMM's Certification Office.

5.15 REFERENCES

By submitting a Statement of Qualifications, a firm expressly authorizes the Authority and its representatives to contact all named references, by phone, correspondence, or other means regarding the past performance of the firm and any of the proposed team members identified in the Statement of Qualifications.

5.16 TECHNICAL SUBMITTAL

Each Submittal shall include the following information at a minimum, and must demonstrate to the Authority that the Respondent is capable of performing the services required of the CM for this Project:

- A. Management Plan. The submittal shall include a thoughtful, coherent proposed Management Plan for the Project, which describes in detail the firm's proposed approach to meeting the Project goals – including schedule management, budget management, and quality management goals. Quality, cost, and time control procedures for the duration of the Pre-Construction and Construction Phases must be described. The Plan must also include organization charts, proposed schedule and phasing concepts, subcontractor outreach and bidding plans, a description of the actions that the firm proposes to take to ensure equal employment opportunity and staffing and subcontractor diversity, and a description of the methods the firm proposes to use in order to optimize communication between and coordination among project participants.
- B. Staffing Plan. The proposing firm shall also provide a staffing plan, which shall include a chart to describe in detail the staff it will assign to the Project during each phase of the Project (including each of the following project phases: Schematic Design, Design Development, Construction Documents, Preparation of Subcontractor Bids, solicitation of Subcontractor Bids, Construction and Commissioning. The chart should clearly indicate the anticipated duration (in



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months) of each phase, and the number of man-hours per month budgeted for each staff level for each phase.

## SECTION 6 – EVALUATION AND SELECTION

### 6.1 SELECTION PROCESS

The Pre-Qualification Committee appointed by the Authority, as required by M.G.L. c. 149A, will evaluate all complete Statements of Qualifications that are responsive to this RFQ and received by the deadline, and will select those responding firms it deems best qualified for the project.

### 6.2 SCHEDULE

The Authority expects to adhere to the following schedule, but reserves the right to modify this schedule as may be necessary and/or convenient:

Issuance of RFQ	April 12, 2017
Deadline for Submission of Questions	By 5:00pm on April 19, 2017
Answers to Questions posted on website of Authority	April 21, 2017
Deadline for Submission of Statement of Qualifications	By 2:00pm on April 26, 2017
Determination of pre-qualified firms	May 2017
Issuance of Request for Proposals to pre-qualified firms	May 2017

### 6.3 SUBMITTAL FORMAT

Statement of Qualifications must be submitted in the format outlined in Section 5 of this RFQ, Format for Submittals, with each of the topics addressed in full and labeled in a manner consistent with the provisions of Section 5.

### 6.4 COMPLETENESS OF SUBMITTALS

Each submittal will be reviewed to determine if it is complete prior to actual evaluation and the Authority reserves the right to eliminate from further consideration any Statement of Qualifications deemed to be substantially or materially non-responsive to this RFQ. The Authority reserves the right in its sole discretion to waive minor irregularities.

### 6.5 SUBMISSION OF STATEMENT OF QUALIFICATIONS

Statement of Qualifications shall be submitted and received by the Authority as described in Section 1 of this RFQ.



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## 6.6 EVALUATION CRITERIA

### 6.6.1 General

The respondent must submit all of the information and documentation listed in this RFQ. Selection of the respondent for Phase One, the prequalification process, will be based on the submitted information and materials, information on prior project performance, information obtained from references, information obtained from governmental agencies and entities, information contained within DCAMM certification files, and such other information as may be obtained. A comprehensive evaluation will be made of the various provisions of each Submittal.

### 6.6.2 Minimum Requirements

Respondents must be licensed to do business in the Commonwealth of Massachusetts.

The proposing firm shall have significant experience as the Construction Manager at Risk on public projects of similar size and complexity in the Commonwealth of Massachusetts. Specifically, the proposing firm must have completed CM services on a GMP basis for the construction of at least three (3) building projects of similar size, scope, complexity and quality within the past six (6) years, each of which had a total construction cost of not less than \$26 million Dollars (\$26,000,000).

Respondents must demonstrate that they possess sufficient financial resources and stability, and are otherwise financially responsible and able to satisfactorily perform and complete the Project.

Respondents must demonstrate a commitment to equal employment opportunity and affirmative action.

### 6.6.3 Qualification Criteria

- Respondent's ability to demonstrate that they possess the capability, capacity and experience to perform construction management services for a project of the size and scope of the Project and on the terms set forth in this RFQ, including specifically the advisory services required for the Pre-Construction Phase and the construction, management, oversight and cost control services required during the Construction Phase.
- Respondent's ability to demonstrate that the proposed Project Superintendent, Project Manager and Team possess the capability, capacity and experience with projects of similar size, scope and delivery, specifically related to experience with renovation and additions to historically significant buildings, and are qualified to meet the specific requirements of this Project.
- Respondent and their proposed project teams ability to integrate active building exploratory and interval cost reporting to maintain cost control throughout the design process and through construction.



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- Respondent's ability to demonstrate an understanding of the Project goals, particularly the quality standards required, the dates for substantial completion of each phase, and an ability and commitment to meet those goals and dates.
- Respondent's references from owners, architects, or engineers indicating that they have completed work similar to the Project for which the Statement of Qualifications is being submitted in a satisfactory and timely manner. If delays occurred, evidence explaining and exonerating the Respondent shall also be provided.
- Respondent's record of harmonious, cooperative, non-adversarial and honest relationships with owners, as well as with architects, engineers, consultants, subcontractors and suppliers on prior projects.
- Management team and organization for the Project
- Financial status
- Prior project experience
- Litigation and performance/termination history
- Safety record
- History of compliance with MBE/WBE participation and workforce goals
- Quality of performance on prior projects
- Reference information
- Volume of current work
- Experience with sustainable construction and LEED-certified buildings
- Experience utilizing BIM

## 6.8 INTERVIEWS

The Authority may, at its sole option, request that Respondents make oral presentations. The Respondent's proposed Project Superintendent and Project Manager for the Project must attend and participate in any such requested presentation meeting.

**SCHEDULE A**

**CM at RISK QUALIFICATIONS APPLICATION**





## CM at RISK QUALIFICATIONS APPLICATION

Firm Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Address (if different from mailing address): \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_ Email: \_\_\_\_\_

Firm acknowledges Addenda numbered \_\_\_\_\_ . (list all)

**1. BUSINESS INFORMATION Complete Sections A, B, C and those of Sections D through H that apply**

**A. Type of business entity** (corporation, partnership, joint venture, etc.): \_\_\_\_\_

**B. Number of years in business as a Construction Manager** \_\_\_\_\_

**C. Number of years in business under current business name:** \_\_\_\_\_

List all other business names firm has operated under and the time frames for each:

\_\_\_\_\_

\_\_\_\_\_

**D. If firm is a corporation, provide the following information:**

State of incorporation: \_\_\_\_\_ Date of Incorporation: \_\_\_\_\_

Name of President: \_\_\_\_\_

Name of Vice President: \_\_\_\_\_

Name of Secretary or Clerk: \_\_\_\_\_

Name of Treasurer: \_\_\_\_\_



If firm is a foreign corporation, is it registered to do business in Massachusetts? \_\_\_\_\_  
 If yes, provide the date of the first such registration \_\_\_\_\_

N.B. If firm is a foreign corporation and is selected, it is required under M.G.L. c. 30, §. 39L to obtain from the Massachusetts Secretary of State, One Ashburton Place, 17th floor, Boston, MA a certificate stating that the corporation is registered to do business in Massachusetts, and to furnish said certificate to the awarding authority prior to the award.

**E. If firm is a partnership or joint venture, provide the following information:**

Type of partnership/joint venture: \_\_\_\_\_ Date of organization: \_\_\_\_\_

Name of each partner or venturer:

\_\_\_\_\_

\_\_\_\_\_

Is partnership or joint venture registered in Massachusetts? \_\_\_\_\_

If firm is a foreign limited partnership and is selected, it will be required under M.G.L. c.30, §.39L to obtain from the Massachusetts Secretary of State, One Ashburton Place, 17th floor, Boston, MA a certificate stating that the partnership is registered to do business in Massachusetts, and to furnish said certificate to the awarding authority prior to the award.

For each general partner or venturer that is a corporation, provide the following information (use additional sheets if necessary):

Name of corporation: \_\_\_\_\_

State of incorporation: \_\_\_\_\_

President: \_\_\_\_\_

Secretary or Clerk: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Name of corporation: \_\_\_\_\_

State of incorporation: \_\_\_\_\_

President: \_\_\_\_\_

Secretary or Clerk: \_\_\_\_\_

Treasurer: \_\_\_\_\_



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**F. If firm is individually owned, provide the following information:**

Name of Owner: \_\_\_\_\_

Date of organization: \_\_\_\_\_

Owner's Residence Address: \_\_\_\_\_

Names under which firm does business: \_\_\_\_\_

Business Address: \_\_\_\_\_

If selected firm is an individual doing business under a different name, then they must furnish evidence of any required DBA filings.

**G. If firm is a limited liability company, provide the following information:**

State of Organization: \_\_\_\_\_ Date of Organization: \_\_\_\_\_

Name of Manager or Managing Entity: \_\_\_\_\_

Name of person authorized by the Massachusetts Secretary of State to execute documents:

\_\_\_\_\_

If firm is a foreign limited liability company, is it registered to do business in Massachusetts? \_\_\_\_\_ If yes, provide the date of the earliest registration in Massachusetts \_\_\_\_\_

If the Manager is an entity, then provide the same information for the managing entity as described in section D through F.

N.B. If firm is a foreign limited liability company and is selected, it is required under M.G.L. c.30, §.39L to obtain from the Massachusetts Secretary of State, One Ashburton Place, 17th Floor, Boston, MA a certificate stating that the corporation is registered to do business in Massachusetts, and to furnish said certificate to the awarding authority prior to the award.

H. If the firm is other than one of the forms of business entity listed above, describe it and name the principals:

\_\_\_\_\_



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## 2. LICENSING AND PERFORMANCE INFORMATION

List all jurisdictions and trade categories in which the firm is legally licensed or otherwise qualified to do business and for each jurisdiction provide registration and license numbers where applicable:

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List the categories of work that your firm normally performs with its own forces:

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## 3. REFERENCES

Provide three trade references below including for each: name of reference, current contact person, telephone number and address:

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Provide two bank references below, include name of reference, current contact person, telephone number and address:

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*Failure to accurately and completely provide the information in this Application and in the Statement of Qualifications and all supporting documentation requested may result in the disqualification of a Respondent.*

*This form **MUST** be signed by an officer of the firm or an individual so authorized by an officer of the firm who has personal knowledge regarding the information contained herein and submitted with the Statement of Qualifications.*



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TO THE UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY:

The undersigned declares that he or she has carefully examined all the documents contained in the CM at Risk Request for Qualifications (RFQ) solicitation for the Project referenced in the header above, and certifies to the best of his/her knowledge, that the Statement of Qualifications submitted herewith fully complies with all of the requirements of the RFQ and all addenda and clarifications issued in regard to the RFQ.

The undersigned further certifies that he or she (or, if he or she is the authorized representative of a company, the company) is the only person interested in this Statement of Qualifications and any subsequent proposal; that it is made without any connection with any other person making any submission for the same work; that no person acting for, or employed by, the Commonwealth of Massachusetts is directly or indirectly interested in this Statement of Qualifications or any subsequent proposal, or in any contract which may be made under it, or in expected profits to arise therefrom; that the undersigned Respondent has not influenced or attempted to influence any other person or corporation to file a Statement of Qualifications or subsequent proposal or to refrain from doing so or to influence the terms of the Statement of Qualifications or any subsequent proposal of any other person or corporation; and that this submission is made in good faith without collusion or connection with any other person applying for the same work.

The undersigned further certifies under penalties of perjury that the undersigned is not debarred from doing public construction work in the Commonwealth of Massachusetts under the provisions of section twenty nine F of chapter twenty nine, or any other applicable debarment provision of any other chapter of the General Laws or any rule or regulation promulgated thereunder, and further is not debarred from doing public construction work under any law, rule or regulation of the federal government.

The undersigned states that he or she has carefully examined all of the information provided and representations made in this Statement of Qualifications and the documents submitted with the Statement of Qualifications including all schedules, forms and materials, and certifies to the best of his/her knowledge, that this Statement of Qualifications in its entirety is complete, true and accurate.

SIGNED UNDER THE PENALTIES OF PERJURY:

Signature: \_\_\_\_\_  
(*Signature of Authorized Representative*)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Date: \_\_\_\_\_

**SCHEDULE B**

**EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION  
QUESTIONNAIRE**



# University of Massachusetts Building Authority

## MEMORANDUM

TO: Current UMBA Contractors

SUBJECT: Equal Employment Opportunity, Non-Discrimination and Affirmative Action Survey

The University of Massachusetts Building Authority is committed to equal employment opportunity and non – discrimination on all of its projects. In September, 2010, the members of the Authority approved a resolution authorizing the use of affirmative action plans in the hiring of design and construction firms. In August 2011, the Authority adopted the “Combined Goals” of 10.4% MBE/WBE for construction and 17.9% for design currently utilized on DCAM projects and has begun implementation of an Affirmative Action Plan designed to ensure equal employment opportunity and eliminate discriminatory barriers in the selection of designers and contractors for its projects.

The Authority is now in the process of determining the existing level of participation of minority owned businesses (MBE’s), women owned businesses (WBE’s), and minority and women individuals on current Authority projects. The attached survey is designed to provide data to be analyzed as part of this process. Your responses will not affect your existing contract. However, a similar survey will be a part of future Authority procurements and responses to those surveys could affect selection for work on other projects.

For purposes of this survey, “minority” means a person who meets one or more of the following definitions:

1. American Indian or Native American: all persons having origins in any of the original peoples of North America and who are recognized as an Indian by a tribe or tribal organization.
2. Asian: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands, including, but not limited to China, Japan, Korea, Samoa, India, and the Philippine Islands.
3. Black: All persons having origins in any of the Black racial groups of Africa, including, but not limited to African Americans, and all persons having origins in any of the original peoples of the Cape Verdean Islands.
4. Eskimo or Aleut: All persons having origins in any of the peoples of Northern Canada, Greenland, Alaska and Eastern Siberia.
5. Hispanic: All persons having their origins in any of the Spanish – speaking peoples of Mexico, Puerto Rico, Cuba, Central or South America, or the Caribbean Islands.

Please complete and return this survey as soon as possible, but no later than \_\_\_\_\_.

Thank you for your participation.

Patricia Filippone  
Executive Director



# University of Massachusetts Building Authority

## EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION AND AFFIRMATIVE ACTION SURVEY FOR CONTRACTORS

UMBA Project Name and Project No.: \_\_\_\_\_

Company Name: \_\_\_\_\_

Person Responsible for EEO/Affirmative Action Compliance

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Tel: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Is this company a MBE?    \_\_\_ Yes    \_\_\_ No

Is this company a WBE?    \_\_\_ Yes    \_\_\_ No

Company Diversity:

Type of Employee	Total No. of Employees	No. of Women Employees	No. of Minority Employees*
Senior Management			
Project Management			
Other pre-construction and construction staff			
Field Supervisors			
Other Field Staff			
Administrative Staff			
Office Staff			

\*See attached memo for definition of minority.

In connection with this project, please identify the following:

(a) Number of minority workers from your company engaged on this project \_\_\_\_\_ and identification of the minorities that they represent \_\_\_\_\_

(b) Number of female workers from your company engaged on this project \_\_\_\_\_.

(c) Positions on this project in which minority or female workers are engaged \_\_\_\_\_.

Does your company have an affirmative action plan    \_\_\_ Yes    \_\_\_ No





# University of Massachusetts Building Authority

If yes, please attach copy

Please outline below what affirmative action steps your firm uses in its hiring process

(a) Is there an equal employment opportunity statement in the job descriptions that you issue?  
 \_\_\_\_\_ Yes      \_\_\_\_\_ No

(b) Is there an equal employment opportunity statement in the job applications that your firm uses?  
 \_\_\_\_\_ Yes      \_\_\_\_\_ No

(c) Where do you advertise jobs?  
 Local Newspapers: \_\_\_\_\_ Yes      \_\_\_\_\_ No  
 If yes, list publications: \_\_\_\_\_

On-line advertising: \_\_\_\_\_ Yes      \_\_\_\_\_ No  
 If yes, identify websites: \_\_\_\_\_

Other: \_\_\_\_\_ Yes      \_\_\_\_\_ No  
 If yes, identify \_\_\_\_\_

Other Affirmative Action steps: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Please list each trade contractor, subcontractor and sub-subcontractor you have engaged for this project and indicate whether MBE and/or WBE, number of women and minority workers from those firms employed on the Project to date, and the dollar value of the contract.

**Add additional lines as needed:**

Name of Trade Contractor/Subcontractor/ Sub-subcontractor and type of work done on Project	MBE	WBE	#Employees	#Minority	#Women	Contract Value



# University of Massachusetts Building Authority

Name of Trade Contractor/Subcontractor/ Sub-subcontractor and type of work done on Project	MBE	WBE	#Employees	#Minority	#Women	Contract Value

Did you implement any affirmative action efforts in selecting these trade contractors, subcontractors and/or sub-subcontractors?  Yes  No

If yes, please outline actions below

Do your weekly workforce reports identify race, ethnicity and gender of workers?:  
 Yes  No  N/A

\_\_\_\_\_  
 (Signature of authorized representative)

\_\_\_\_\_  
 (Printed Name of authorized representative)

\_\_\_\_\_  
 (Contact Information of Signatory)

**ATTACHMENT A**

**PROCEDURES OF THE UNIVERSITY OF MASSACHUSETTS BUILDING  
AUTHORITY FOR THE PROCUREMENT OF CONSTRUCTION MANAGEMENT AT  
RISK SERVICES PURSUANT TO M.G.L. C. 149A, §§ 1-13 (DATED FEBRUARY 17, 2010)**



## University of Massachusetts Building Authority

### *Procedures for the Procurement of Construction Management at Risk Services Pursuant to M.G.L. c.149A, §§ 1-13*

#### **1.0 Introduction**

The following constitutes the procedures of the University of Massachusetts Building Authority (the “Authority”) relating to the procurement of construction management at risk (“CM at Risk”) services pursuant to the Massachusetts General Laws, Chapter 149A, sections 1 thru 13 inclusive (“Chapter 149A”). The procedures outlined below (the “Procedures”) will be used for Authority projects involving the construction, reconstruction, installation, demolition, maintenance or repair of any building estimated to cost not less than \$5,000,000 to be procured using the CM at Risk delivery method under authority of Chapter 149A and any regulations promulgated thereunder.

The Authority will seek CM at Risk services from contractors and other entities, including joint ventures, that have the appropriate DCAM Certification of Eligibility in the category of General Building Construction. The Authority has established a two (2) phase sealed competitive process for the selection of a CM at Risk firm, hereinafter referred to as the “CM” or the “CM Firm,” with which the Authority may enter into a contract to provide construction management at risk services for a particular project. During the first phase, the Authority will “pre-qualify” entities through dissemination of a publicly-advertised Request for Qualifications (“RFQ”). During the second phase, the Authority will solicit proposals to provide CM at Risk services from the pre-qualified firms, through a Request for Proposals (“RFP”) issued by the Authority. At the conclusion of the RFP phase, the Authority will award a contract to the highest ranked proposer, with whom it is able to successfully negotiate.

#### **2.0 Overview of Selection Process**

2.1 *Prequalification Committee (Phase One).* The Authority will appoint a prequalification committee to review and evaluate all of the firms that respond to the RFQ issued by the Authority with respect to the project. The prequalification committee will be comprised of one (1) representative of the designer, the Authority’s project manager, and at least two (2) other representatives of the Authority (the “Prequalification Committee”).

2.2 *Request For Qualifications (Phase One).* After the appointment of the Prequalification Committee, the Authority will solicit CM Firms by inviting interested firms to respond to a publicly-advertised RFQ. CM Firms will be requested to submit their qualifications only, following the format that may be identified in the RFQ. The RFQ shall comply with the requirements of Chapter 149A, including matters of content and public advertising. The



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### *CM at Risk Procedures under M.G.L. c.149A*

Prequalification Committee will evaluate the qualifications of all CM Firms and select qualified firms to participate in the RFP Phase (Phase Two) of the selection process.

2.3 *Selection Committee (Phase Two)*. In Phase Two, the Authority will appoint a selection committee, which selection committee may be the same as the Prequalification Committee appointed by the Authority in Phase One. The selection committee will be comprised of one (1) representative of the designer, the Authority's project manager, and at least two (2) other representatives of the Authority (the "Selection Committee"). The Selection Committee will evaluate and rank the proposals submitted in response to the RFP issued by the Authority.

2.4 *Request for Proposals (Phase Two)*. After the appointment of the Selection Committee, the Authority will solicit proposals from CM Firms that are pre-qualified in Phase One. The RFP shall comply with the requirements of Chapter 149A, including matters of content and public advertising. The CM at Risk contract shall be awarded to the CM Firm that submits the highest ranked proposal with which the Authority is able to successfully negotiate.

### **3.0 Request For Qualifications (Phase One)**

3.1. *Purpose*. The Authority shall utilize a Request for Qualifications in order to pre-qualify CM Firms to participate in the Request For Proposal stage (Phase Two) of the selection process.

3.2 *Prequalification Committee*. Prior to issuing a RFQ, the Authority shall establish a Prequalification Committee the role of which shall be to review and evaluate the Qualification Statements received in response to the RFQ. The Prequalification Committee shall be comprised of no fewer than four (4) persons and shall include the Authority's project manager, a representative of the designer, and at least two (2) other representatives of the Authority.

3.3 *Advertisement*. The Authority will publicly notice the RFQ at least two (2) weeks prior to the deadline for submitting responses to the RFQ. The public notice of the RFQ shall be: (a) published in a newspaper of general circulation in the area in which the project is located; (b) published in the Central Register; and (c) listed on the COMPASS system. The Authority will make copies of the RFQ available to all interested firms on an equal basis.

3.4 *Minimum Contents of the RFQ*. The Authority shall issue a RFQ, which shall include, at a minimum, the following information:

- (a) a general description of the project that may include, if available, preliminary concept designs and key factors important to the final selection;
- (b) identification of the owner, the designer, and the owner's project manager;



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- (c) a specific description of the scope of services that the CM Firm will be requested to provide during the design, pre-construction, and construction phases;
- (d) a general description of the anticipated project schedule and estimated construction cost for the project;
- (e) a description of the submission procedures including the time, date, and place for submission of responses to the RFQ, and information regarding the general time frame in which the Authority will respond to said responses;
- (f) a description of the format to which the responses to the RFQ shall conform, including the number of copies required to be submitted;
- (g) a general description of the qualifications evaluation procedure and criteria;
- (h) a description of the evaluation criteria that will be used in the CM Firm selection process;
- (i) a strict prohibition against any unauthorized communication or contact with the Authority or others involved with the project, outside of official pre-proposal meetings conducted by the Authority, if any; and
- (j) a statement indicating that the RFQ process is being used to pre-qualify CM Firms that may be invited to submit a proposal in response to a RFP pursuant to these Procedures.

The RFQ may also impose a limit on the size and number of pages to be included in the response to the RFQ.

3.5 Qualification Statements. The RFQ shall provide that interested CM Firms shall submit a Qualification Statement (the “Qualification Statement”) in response to the RFQ, that every Qualification Statement must be signed under pains and penalties of perjury by a duly authorized representative of the submitting CM Firm, and that a Qualification Statement failing to conform to the foregoing requirement shall not be considered by the Prequalification Committee. The RFQ shall inform prospective responders that notarizing a document is not the same as signing a document under the pains and penalties of perjury and that notarizing the Qualification Statement alone does not satisfy this mandatory requirement.



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The RFQ shall provide that a Qualification Statement submitted in response to the RFQ shall include, at a minimum, the following:

- (a) a cover letter addressed to the Authority's Prequalification Committee for the project;
- (b) an executive summary detailing the response to each evaluation criteria, if any are set forth in the RFQ, as well as the key elements and factors that differentiate the submitting firm from other responders;
- (c) completion of an application, such as the AIA Document A305, 1986 edition, or an SF330 or other similar application form that may be identified in the RFQ, providing general business information and financial capacity of the submitting firm;
- (d) a list of lawsuits and arbitrations to which the firm is a party relating to construction contracts within the last three (3) years, including, if applicable, any convictions or fines for violations of state or federal law;
- (e) a project organization chart identifying key project personnel whom the submitting firm proposes will have primary responsibility over the specific project, including any key subconsultants identified in the RFQ for the project, and a description of the respective roles and responsibilities of each identified person;
- (f) an audited financial statement for the most recent fiscal year, which financial statement shall remain confidential and shall not be deemed a public record to the fullest extent permissible under the law;
- (g) a letter from a surety company confirming the CM Firm's ability to provide performance and payment bonds in the full amount of the estimated construction cost for the project;
- (h) detailed information on the firm's safety record including its workers' compensation experience modifier for the prior three (3) years;
- (i) evidence of the firm's compliance record with minority business enterprise and women business enterprise inclusion goals and workforce inclusion goals, if applicable;
- (j) information regarding the firm's experience on prior projects of similar scope, cost, and complexity including references from



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owners and architects (and current contact information) of no fewer than three (3) such projects within a specified period of time;

- (k) information regarding the firm's experience on prior projects delivered using construction management at risk methods, including references from owners and architects of such projects (and current contact information for them);
- (l) a detailed list of any and all projects on which the firm was terminated, failed to complete the work, or paid liquidated damages to the owner within the past five (5) years, with an appropriate explanation of the circumstances surrounding each incident;
- (m) a summary of the firm's project management capabilities including specific examples of prior project management reports or other illustrations of the firm's operating philosophy, policies, and procedures;
- (n) a Certificate of Eligibility issued by the Massachusetts Division of Capital Asset Management and Maintenance (DCAM), pursuant to section 44D of G.L. c.149, showing a capacity rating sufficient for the project;
- (o) a current DCAM Update Statement; and
- (p) any other relevant information that the Authority determines to be desirable.

3.6 *Qualification Statement Evaluation Process.* The Prequalification Committee shall evaluate each Qualification Statement using the evaluation criteria provided in the RFQ. The Prequalification Committee in its discretion may elect to conduct an interview with any CM Firm that submitted a Qualification Statement if, in the opinion of the Authority, an interview is necessary to determine whether such CM Firm should be deemed qualified. Only CM Firms determined by the Prequalification Committee to be qualified pursuant to the qualifications evaluation and criteria described in the RFQ will be selected to participate in Phase Two of the selection process.

The Prequalification Committee shall pre-qualify a minimum of three (3) CM Firms. During Phase Two, the Authority shall not accept proposals submitted by firms not pre-qualified by the Prequalification Committee. The decision of the Prequalification Committee shall be final and binding and shall not be subject to appeal except on the grounds of fraud or collusion. If the Prequalification Committee is not able to pre-qualify a minimum of three (3) CM Firms, the Authority shall either: (i) re-advertise the project pursuant to G.L. c.149A; (ii) procure the project pursuant to the provisions of sections 44A to 44J, inclusive, of G.L. c.149; or (iii) procure the project pursuant to any other method of procurement authorized by law.





#### **4.0 Request For Proposals (Phase Two)**

4.1 *Purpose.* The Authority shall utilize a Request for Proposal process in order to evaluate CM Firms pre-qualified in Phase One and to make a final selection of a CM Firm with which to enter into contract negotiations for the project.

4.2 *Selection Committee.* Prior to issuing a RFP, the Authority shall establish a Selection Committee, the role of which shall be to review and evaluate proposals submitted by pre-qualified CM Firms. The Selection Committee shall be comprised of no fewer than four (4) persons including the Authority's project manager, a representative of the designer, and at least two (2) other representatives of the Authority. The Authority may appoint any or all of the same individuals who served on the Prequalification Committee to serve as members of the Selection Committee for the same project.

4.3 *Minimum Contents of the RFP.* The Authority shall issue a RFP to each pre-qualified CM Firm that incorporates the elements of the RFQ and which RFP also includes, but may not be limited to, the following additional information:

- (a) the date, time and place for submission of proposals;
- (b) a description of the submission requirements including separate price and technical components;
- (c) information concerning the project scope including any preliminary design information, geotechnical reports, existing condition surveys and specifications that may be available;
- (d) information on the project schedule including design deliverables, site availability, and occupancy expectations;
- (e) a detailed description of the scope of work and deliverables expected from the CM Firm during the preconstruction phase and the construction phase;
- (f) the minority business enterprise and women business enterprise inclusion goals and workforce inclusion goals for the building project;
- (g) a description of the communication guidelines to be followed during the procurement process including any measures to assure that the selection process will be open and fair;
- (h) the form of contract between the Authority and the CM Firm, including general and supplemental conditions, and any incentive



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provisions allowable under Chapter 149A or any damages for delay provisions;

- (i) the budget for the project;
- (j) a schedule of cost items including fee items, cost of the work items, and cost of general conditions items;
- (k) specific information on the proposal evaluation criteria including any rating system that will be used to evaluate and rank proposals;
- (l) a timetable and process for establishing the guaranteed maximum price (“GMP”) for the CM at Risk contract, including, if known, the level of design that will serve as the basis for the GMP and limitations on the amount and use of contingency; and
- (m) a list of the trade contractor classes of work to be required in the trade contractor prequalification plan.

4.4 Price Proposal. The RFP shall require the submission of separate price and technical proposals. The price proposal shall be submitted separately from, but at the same time as, the technical proposal in a separately sealed envelope. All price information shall be submitted with appropriate back-up in sufficient detail as required by the RFP. The price proposal shall include the following information:

- (a) the preconstruction services fee, including appropriate detail, subject to the maximum preconstruction services fee as may be established by the Authority for the project;
- (b) the fee for construction services, including an explanation of the basis for the fee, subject to the maximum construction services fee as may be established by the Authority for the project;
- (c) the estimated general conditions costs with appropriate break-down thereof; and
- (d) the construction contingency, including an explanation of the proposed use thereof.

4.5 Technical Proposal. The RFP shall require the submission of a separate technical proposal which shall include:

- (a) a detailed project approach, including both preconstruction and construction phase services;



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- (b) supplemental relevant project references;
- (c) the project team members with position descriptions and relevant time commitments of those team members throughout the course of the project;
- (d) a specific construction management plan indicating CM Firm's approach to controlling costs, schedule, quality, documents and claims;
- (e) preliminary definition of trade contractor and subcontractor bid packages and scopes of work, and anticipated workers compensation payroll class codes involved in the trade contractor scope of work;
- (f) affidavit of prevailing wage compliance pursuant to sections 26 through 27D, inclusive, of G.L. c.149;
- (g) a commitment letter from a surety company licensed to do business in the commonwealth and whose name appears on United States Treasury Department Circular 570 stating the surety's willingness to bond the building project in the full sum of the contract at 110 percent of the budget for the building project;
- (h) a technical challenges and potential solutions plan consisting of a detailed discussion of the project's technical challenges and potential alternative solutions;
- (i) any specific qualifications or exceptions to the terms of the form of contract, general conditions, or supplemental conditions as included in the RFP; and
- (j) any other information deemed necessary or desirable by the Authority.

4.6 Selection Process. Upon receipt of the proposals in response to the RFP, the Selection Committee shall evaluate and rank each proposal in accordance with the criteria set forth in the RFP, which criteria may include any component of the technical and price proposals. The Selection Committee may elect to interview all of the pre-qualified CM Firms who submitted proposals in response to the RFP. If interviews are conducted, the Selection Committee may, but shall not be required to, consider the interview when making its evaluation of the CM Firms. The decision of the Selection Committee shall be final and not subject to appeal except on the grounds of fraud or collusion. The list and ranking of CM Firms shall be certified by the Authority and made available as a public record after such negotiations are complete and a contract has been executed with a CM Firm.

4.7 Contract Negotiations. The Authority shall establish a schedule and process for contract negotiations and execution of a contract between the Authority and the highest ranked CM Firm and shall commence non-fee negotiations with the highest ranked CM Firm pursuant to said schedule and process. At the conclusion of the negotiations, the Authority and the CM Firm



shall initially execute a contract for construction management at risk services, which contract may initially be limited to pre-construction services. The CM contract shall utilize a cost-plus not to exceed guaranteed maximum price form of contract, which contract shall be acceptable to the Authority in all respects. The CM contract shall stipulate that the Authority be entitled to monitor and audit all project costs as it deems necessary and prudent. If the Authority determines that negotiations with the highest ranked CM Firm will not result in a contract acceptable to the Authority, the Authority shall terminate negotiations with the highest ranked CM Firm and shall commence negotiations with the next highest ranked CM Firm. The process shall continue until the Authority has reached an acceptable contract with one of the pre-qualified CM Firms.

4.7.1 *GMP Negotiation Schedule and Process.* The Authority shall establish a schedule and process for determining the GMP and execution of the GMP Amendment to the selected CM Firm's contract, which shall comply with the following minimum requirements:

- (a) the GMP shall be established based on construction documents developed to a minimum of sixty (60) percent completion;
- (b) the GMP shall include a pricing structure that specifically identifies the following costs: (a) general conditions, (b) cost of the work, (c) construction contingency, and (d) fee (or profit). The GMP shall be the maximum price payable to the CM Firm for all project costs subject to modification only in accordance with the changes provisions of the CM contract. The GMP may include an Owner's Contingency if the Authority chooses to include such an item. The contract or the GMP Amendment shall allow the Authority to monitor and audit all costs associated with the GMP;
- (c) the GMP Amendment may allow for incentives related to various performance objectives so long as the total dollars available to the CM Firm from incentive provisions shall not exceed one percent (1%) of the estimated construction cost. However, the GMP Amendment shall not include any incentive provisions related to the sharing of savings between the final GMP and the final cost of construction services;
- (d) the GMP Amendment shall be executed before the commencement of any construction work; provided, however, the Authority may choose to authorize the commencement of construction work on so-called early construction packages prior to the execution of the GMP Amendment. If, in the opinion of the Authority, the project requires the implementation of one or more early construction packages, the Authority and the CM Firm shall execute a separate CM contract Amendment setting forth the scope of work and price of each early construction package. The CM Firm shall be required to provide payment and performance bonds covering the full value of each early construction package. Each early construction package



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Amendment shall specify the cost of the work, the general conditions cost, and the CM fee, if any;

- (e) if an early construction package is authorized by the Authority, the early construction package scope of work shall be subject to the trade contractor selection process for the stated scope of work only;
- (f) in the event that a GMP cannot be successfully negotiated between the Authority and the CM Firm within the schedule established by the Authority or on terms acceptable to the Authority, any existing trade contractor or subcontractor agreements between the CM Firm and a trade contractor or subcontractor for work associated with an early construction package shall be assigned to the Authority or to another CM Firm designated by the Authority in writing without the assent of the trade contractor or subcontractor. The Authority, the CM Firm, the trade contractors, and the subcontractors shall be bound by the terms of their respective trade contractor and subcontractor agreement;
- (g) the GMP Amendment to the CM Firm's contract shall include the following information:
  - (i) a detailed schedule of values including a line item breakdown by trade of all costs associated with construction services including any costs for early construction packages that are to be included in the GMP;
  - (ii) dollar amounts of the CM Firm's contingency;
  - (iii) dollar amounts for the general conditions costs;
  - (iv) dollar amount of the CM Firm's fee, including any fee associated with an early construction package;
  - (v) a detailed list of all drawings, specifications, and other information on which the GMP is based;
  - (vi) a list of allowances and a statement of their basis;
  - (vii) a list of any technical assumptions or clarifications on which the GMP is based;
  - (viii) the dates for substantial and final completion on which the GMP is based; and
  - (ix) a schedule of applicable alternates and unit prices;



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- (h) within five (5) business days after the execution of the GMP Amendment, the CM Firm shall provide all required performance and payment bonds in the amount of the GMP.

4.7.2 *Failure to Reach Agreement.* In the event that the Authority is unable to negotiate a GMP with the CM Firm in accordance with the schedule and procedure established by the Authority, the Authority may commence non-fee contract and GMP negotiations with the next highest ranked CM Firm in accordance with a revised schedule and procedure established by the Authority. In the event that a contract and GMP Amendment cannot be successfully negotiated between the Authority and the next highest ranked CM Firm within the schedule established by the Authority and on terms acceptable to the Authority, the Authority shall terminate the Chapter 149A process and shall instead procure the project in accordance with sections 44A to 44J, inclusive, of G.L. c.149. Following such termination, the Authority may not use the Chapter 149A CM at Risk delivery method for the same building project unless the building project has been materially changed in form or function.

## **5.0 Trade Contractors and Subcontractors**

5.1 *Definitions.* The term “trade contractor” shall be defined as those firms performing any sub-bid classification of work listed in section 44F of G.L. c.149, or any other sub-bid class of work specifically identified by the Authority for the project, provided that the sub-bid work meets or exceeds the threshold sum identified in subsection (1) of section 44F of G.L. c.149. The term “subcontractor” shall refer to those subcontractors who are not trade contractors.

5.2 *Applicability.* The Authority shall establish separate processes with respect to the prequalification of trade contractors. If the actual cost of trade contractor work falls below the threshold sum identified in subsection (1) of section 44F of G.L. c.149, the CM Firm may award such contracts using any reasonable and fair selection method, so long as such selection method documented in writing by the CM and approved by the Authority in writing prior to implementation.

5.3 *Self-Performed Work.* The CM Firm may submit its qualifications to bid on trade contract or subcontract work in accordance with this Section provided that: (a) the CM Firm customarily performs the work for which it submits qualifications; (b) the CM Firm performs such work with employees on its own payroll; (c) the CM Firm meets all requirements of the trade contractor or subcontractor selection process; and (d) the CM Firm does not participate as a member of any prequalification or selection committee relative to a trade for which it seeks to submit qualifications and/or bids. In such cases, the Authority shall appoint a person to carry out the prequalification and selection committee responsibilities of the CM Firm.

### 5.4 *Trade Contractor Selection Process.*

5.4.1 *Trade Contractor Prequalification.* The Authority shall issue a Trade RFQ in order to solicit Qualification Statements from all interested trade contractors, and to pre-qualify



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trade contractors to participate in the project. The Authority shall develop a Trade RFQ for each category of trade contractor work. Any entity performing trade contractor work on the project shall be pre-qualified in accordance with the trade prequalification process described in this Section.

5.4.2 Trade Prequalification Committee. Before issuing a request for qualifications for trade contractor work, hereinafter referred to as a Trade RFQ, the Authority shall establish a Trade Prequalification Committee for the purpose of reviewing and evaluating Qualification Statements received from trade contractors in response to a Trade RFQ. The Trade Prequalification Committee shall be comprised of one (1) representative of the designer, one (1) representative of the CM Firm, and two (2) representatives appointed by the Authority (the “Trade Prequalification Committee”).

5.4.3 Advertisement of Trade RFQ. Each Trade RFQ shall be advertised at least two (2) weeks prior to the deadline for submitting responses to the Trade RFQ. The advertisement shall be (i) published in a newspaper of general circulation in the area in which the project is located, (ii) published in the Central Register, and (iii) listed on the COMPASS system. The public notice and advertisement shall appear at least 2 weeks prior to the deadline for submitting responses to the Trade RFQ, and shall contain the following information, at a minimum:

- (a) the date, time and place for submission of Qualification Statements;
- (b) relevant information about the project and the bidding process;
- (c) specific criteria for trade contractor prequalification and selection;
- (d) a statement indicating that the RFQ will be used to pre-qualify trade contractors that will be invited to submit a bid; and
- (e) a statement that the procurement process does not include a public opening of Qualification Statements received from trade contractors, but indicating that responders’ names will be posted.

The CM Firm shall provide detailed information describing the scope of work required for each category of trade work, which description shall serve as the basis for the Trade RFQ. The Trade RFQ shall require only the information set forth below in this paragraph, and shall identify the specific point allocation for each category of information. The Authority will use its discretion in allocating points among the subcategories, consistent with the total points for the category as indicated below.

- (A) Management Experience (50 points total with a minimum requirement of 25 points necessary to be pre-qualified):
  - (i) Ownership – including name, title, years with firm of each of the owners of the business;



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- (ii) Personnel – including names, titles, years with the firm, education, construction experience, and a list of projects completed by each person identified;
  - (iii) Similar Project Experience – detailed information on similar projects completed within that period of time specified in the Trade RFQ. Such information shall include the project name and general description, description of the scope, original trade contract sum, final trade contract sum with a detailed explanation of any differences, and the original completion date and final completion date with a detailed explanation of any differences;
  - (iv) Terminations – a list of any projects on which the trade contractor was terminated or failed to complete the work.
  - (v) Lawsuits – a list of lawsuits commenced within the last three years in which the trade contractor is a defendant or defendant-in-counterclaim. Such list does not have to include lawsuits involving primarily personal injury or workers' compensation claims, or where the sole cause of action involves the trade contractor's exercise of its rights for direct payment under section 39F of G.L. c.30.
  - (vi) Safety Record – a three (3) year history of the trade contractor's workers' compensation experience modifier.
- (B) References (30 points with a minimum requirement of 15 points necessary to be pre-qualified):
- (i) Clients – a list of references for all projects listed in A(iii) above including the project name, client's name, address, telephone and fax number, and contact person. The trade contractor should ensure that such contact information is current and usable.
  - (ii) Credit – a list of a minimum of 5 credit references, including telephone and fax number of contact person from key suppliers, vendors and banks. The trade contractor should ensure that such contact information is current and usable.
  - (iii) Public Project Record – a list of all completed public building construction projects as defined in section 44A of G.L. c.149 during past three (3) years with client's name, address, telephone and fax number and contact person. The trade contractor should ensure that such contact information is current and usable.





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- (C) Capacity to Complete Projects (20 points with a minimum requirement of 10 points necessary to be pre-qualified):
  - (i) Annual revenue for prior three (3) fiscal years. There shall be no requirement for submission of financial statements.
  - (ii) Revenue under contract for the next three (3) fiscal years.
- (D) Mandatory Requirements (for which no points are assigned):
  - (i) Commitment Letter for payment and performance bonds at 110 percent of the estimated trade contract value from a surety company licensed to do business in the Commonwealth and whose name appears on United States Treasury Department Circular 570.
  - (ii) a Certificate of Eligibility issued by DCAM pursuant to section 44F of G.L. c.149 for each category of trade work for which the trade contractor seeks to be pre-qualified.
  - (iii) a current DCAM Update Statement.

5.4.4 Trade Contractor Qualification Statements. Each Trade RFQ shall provide that every Qualification Statement submitted in response to a Trade RFQ must be signed under pains and penalties of perjury by a duly authorized representative of the submitting CM Firm, and that a Qualification Statement failing to conform to the foregoing mandatory requirement or any other mandatory requirement set forth in the RFQ shall not be considered by the Trade Prequalification Committee. The RFQ shall also inform trade contractors that notarizing a document is not the same as signing it under the pains and penalties of perjury and therefore that notarizing the Qualification Statement alone does not satisfy this mandatory requirement.

5.4.5 Trade Contractor Evaluation. Qualification Statements submitted by trade contractors shall be reviewed and scored by the Trade Prequalification Committee. The Authority may provide an additional 5 points to the total score of each DBE, MBE or WBE trade contractor who is certified by SOMWBA and participates in the Trade Prequalification Process. All trade contractors who achieve a score of 70 points or greater shall be pre-qualified and entitled to submit a bid. The Authority shall notify the pre-qualified trade contractors of their approval to submit a bid in that trade as well as the schedule and timing for the issuance of the Request for Bids, if known. The decision of the Trade Prequalification Committee shall be final and binding and not subject to appeal except on the grounds of fraud or collusion.

An individual trade contractor's score shall be made available to the trade contractor upon request, but shall not be a public record as defined in section 7 of chapter 4 and shall not be open to public inspection to the fullest extent possible under the law. In addition, financial information provided by a trade contractor in response to the Trade RFQ shall remain



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confidential and shall not become a public record as defined in section 7 of chapter 4 and shall not be open to public inspection to the fullest extent possible under the law.

5.4.6 *Trade Contractor Bidding Process*. Pre-qualified trade contractors shall be invited to submit a bid within their trade pursuant to a Request for Bids. The Request for Bids shall include, but may not be limited to, the following information:

- (a) the date, time and place for submission of bids,
- (b) fully detailed drawings and specifications for a particular trade in order to provide for full competition of each item of material to be furnished under the trade contract in accordance with G.L. c.30 and c.149;
- (c) a description of the trade contractor's scope of work, including alternates and allowances, if any;
- (d) a project schedule indicating the planned sequence and duration of the trade contractor's work;
- (e) a list of all pre-qualified trade contractors for a particular scope of work;
- (f) a bid form that shall require, without limitation, a listing of price, addenda, alternates and allowances, if any, for the trade work; certification that the trade contractor will perform the complete trade work with employees on its own payroll, except for work customarily performed by sub-trade subcontractors within the trade; the names of all sub-trade contractors to be used if awarded the trade contract with the contract sum for each sub-trade contractor, and anticipated workers compensation payroll class codes involved in the trade contractor scope of work;
- (g) an affidavit that all sub-trade contractors named on the bid form have been pre-qualified by the trade contractor using criteria similar to the criteria used in the trade prequalification process;
- (h) an affidavit of tax compliance;
- (i) an affidavit of prevailing wage compliance pursuant to sections 26 through 27D, inclusive, of G.L. c.149;
- (j) a non-collusion affidavit;



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- (k) a requirement for the trade contractor to post a five (5) percent bid bond from a surety company licensed to do business in the commonwealth and whose name appears on U.S. Treasury Department Circular 570; but, the bid bond shall be returned to the bidder if the bidder is not selected as the trade contractor;
- (l) the budget for the entire project, as well as the budget for the trade contractor scope of work as provided in the GMP, if available, or as provided in the most recent budget for the project; and
- (m) a trade contractor agreement form including all exhibits.

Bids shall be opened publicly by the Authority and a contract shall be awarded to the lowest prequalified bidder. Any bid which does not include the bid bond or affidavits required or any response in which the information requested is incomplete, conditional, or obscure or which contains any additions not required in the request for bids shall be rejected. If the Authority receives fewer than three (3) responsive bids for any trade and the lowest bid exceeds the estimated cost of the work for which the bids are requested, the CM Firm shall attempt to negotiate an acceptable price with the lowest prequalified bidder. If the negotiations are unsuccessful, the CM Firm shall terminate negotiations with the lowest prequalified bidder and shall initiate negotiations with the trade contractor who was the second lowest prequalified bidder. If the CM Firm is unsuccessful in negotiating an acceptable price with the lowest prequalified bidder and second lowest prequalified bidder, the CM Firm, on behalf of and with the consent of the Authority, may solicit additional bids, utilizing the Subcontractor Selection Process established by the Authority for those subcontractors not interested in providing sub-bid work.

**5.4.7**        *Trade Contractor Agreements.* Trade contractors selected by the CM Firm shall return an executed trade contract, consistent with the form specified in subsection (k) of Section 8 of Chapter 149A, including the required performance and payment bonds, insurance certificate, and any other form or exhibit that may be required by the Authority in the Request for Bids to the CM Firm within ten (10) business days of receipt of the trade contract from the CM Firm. The CM Firm shall execute a trade contract with each trade contractor.

**5.5**        *Subcontractor Selection Process.* For subcontractors who are not trade contractors as defined herein and whose work has an estimated cost at or exceeding the threshold sum identified in subsection (1) of Section 44F of G.L. c.149, the CM Firm shall provide the Authority with a detailed written description of the qualifications that a subcontractor must have in order to perform the work successfully as well as a list of three (3) subcontractors that the CM Firm believes meet such qualifications. The Authority may, without the approval of the CM Firm, eliminate subcontractors proposed by the CM Firm and may consider additional subcontractors as long as such additional subcontractors are reasonably acceptable to the CM Firm.



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Once all of the approved subcontractors are identified, the CM Firm shall prepare a list of approved subcontractors for each specific scope of subcontractor work. The CM Firm shall develop detailed bidding information and provide such information to each subcontractor on the list of approved subcontractors and invite each approved subcontractor to submit a written bid for the work. The CM Firm shall indicate the bidders who are selected to be awarded a subcontract and shall provide to the Authority a written explanation as to the reason for the award of a subcontract.

If the CM Firm submits a bid to self-perform subcontract work, all bids shall be transmitted to the Authority's project manager. The project manager shall present a list of the bids submitted by approved subcontractors to the Authority and shall indicate the bidders who are selected to be awarded a subcontract.

If the cost of the subcontract work falls below the threshold sum identified in subsection (1) of section 44F of G.L. c.149, the CM Firm may award contracts using any reasonable and fair selection method, so long as such selection method is approved by the Authority.

5.5.1 Subcontractor Agreements. The CM Firm may utilize the statutory form of trade contract, or a different form of subcontract acceptable to the Authority.

5.6 Application of Other Laws. Sections 26, 27, 27A, 27B, 27C, 27D, 29, 29C, and 34A of chapter 149, and sections 39F, 39J, 39K, 39N, 39O, 39P and 39R of chapter 30 shall apply to all building projects using the construction management at risk delivery method set forth in Chapter 149A.

*End of  
Document*

**ATTACHMENT B**

**Authority's Minority and Women Project Participation Requirements**

## UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY MINORITY AND WOMEN PROJECT PARTICIPATION REQUIREMENTS

The University of Massachusetts Building Authority is committed to equal employment opportunity, non-discrimination and affirmative action on all of its projects. The Authority has established participation goals for minority and women business enterprises as well as minority and women workers to be employed on all Authority projects. These goals are as follows:

- Construction: Combined MBE/WBE 10.4%
- Design: Combined MBE/WBE 17.9%
- Construction Workforce – Minorities: 15.3%; Women: 6.9%

The following information is provided to ensure compliance with these goals.

### **DEFINITIONS**

**Minority:** For the purpose of meeting the participation goals, minority means a person who meets one or more of the following definitions:

1. American Indian or Native American: all persons having origins in any of the original peoples of North America and who are recognized as an Indian by a tribe or tribal organization.
2. Asian: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands, including, but not limited to China, Japan, Korea, Samoa, India, and the Philippine Islands.
3. Black: All persons having origins in any of the Black racial groups of Africa, including, but not limited to African Americans, and all persons having origins in any of the original peoples of the Cape Verdean Islands.
4. Eskimo or Aleut: All persons having origins in any of the peoples of Northern Canada, Greenland, Alaska and Eastern Siberia.
5. Hispanic: All persons having their origins in any of the Spanish –speaking peoples of Mexico, Puerto Rico, Cuba, Central or South America, or the Caribbean Islands.

**MBE Status:** A minority owned business shall be considered an MBE only if it has been certified as a minority business enterprise by the Massachusetts Supplier Diversity Office (formerly the State Office of Minority and Women Business Assistance (SOMWBA)) or another state or federal agency.

**WBE Status:** A women owned business shall be considered a WBE only if it has been certified as a women business enterprise by the Massachusetts Supplier Diversity Office or another state or federal agency.

**MBE/WBE Participation:** The percentages are percentages of total contract fee.

1. If the Construction Manager or any other contractor is itself an MBE or WBE, MBE/WBE participation credit shall be given in an amount equal to its entire contract price.
2. If the Construction Manager is a joint venture with one or more MBE or WBE joint venturers, MBE/WBE participation credit shall be given to the joint venture as follows: a) If the joint venture is certified by a state or federal agency as an MBE or WBE, MBE/WBE credit shall be given to the joint venture in an amount equal to the entire contract price; b) If the joint venture is not certified, then participation credit shall be given for the value of the work that is performed by the MBE or WBE joint venturer(s) and for the value of the work that is performed by each MBE or WBE Trade Contractor or non-Trade Contractor.
3. If an MBE or WBE supplies but does not install equipment or materials, MBE/WBE participation credit shall be given only if the MBE or WBE supplier is regularly engaged in sales of equipment or supplies to the construction industry from an established place of business. MBE/WBE participation credit shall be given the full amount of the purchase only if the MBE or WBE supplier manufactures the goods or substantially alters them before resale. In all other cases, MBE/WBE participation credit shall be given for 50% of the purchase.

**Workforce Participation Goals:** The workforce participation goal percentages are percentages of hours available in each trade.

## **REQUIREMENTS**

Subject to the procurement requirements of Mass. Gen. Laws c. 149A, and the Authority's related procedures, the Authority requires that all Construction Managers and Trade Contractors to make maximum possible efforts to reach the applicable participation goals. Such efforts may include, but are not limited to the following activities:

- Develop and implement outreach plans for MBE and WBE participation.
- Document MBE and WBE availability and response to outreach.
- Conduct bid package opportunity analysis. The purpose of this analysis is to identify core and ancillary opportunities to which MBE and WBE Trade Contractors and non-Trade Contractor may be invited to participate and bid. In performing this task, care should be taken in breaking down or combining elements of work into economically feasible units to facilitate MBE and WBE participation.
- Include and highlight participation goals in advertising, procurement and subcontracts.
- Designate an individual to be responsible for oversight and documentation of compliance efforts; anti-discrimination and anti-harassment efforts and enforcement; and meeting participation goals.
- Host pre-construction meetings to reinforce the policy and participation goals and identify foreseeable barriers. At these meetings, develop

specific, written plans that will enable all subcontractors to successfully meet the goals.

- Develop and implement a process for daily, weekly and monthly monitoring.
- Develop and implement strategies and consequences to address non-compliance.
- Prepare a monthly report, to be submitted electronically to the owner's project manager that includes description of compliance efforts, compliance data, and analysis of compliance progress.
- Require that each subcontractor designate a compliance person for this project.
- Maintain, and require that subcontractors maintain, records reasonably necessary to ascertain compliance.

### **DOCUMENTATION**

The Authority requires the submission of the following documentation on forms provided by the Authority (see copies attached) to evidence efforts, progress and compliance with the program. The Authority may also require other reasonable documentation to support the program.

- Contractor MBE/WBE Outreach Plan
- Contractor Monthly MBE/WBE Outreach Plan Progress Report
- MBE/WBE Schedule for Participation
- MBE/WBE Letter of Intent
- Request for Reduction/Waiver of MBE/WBE Requirements
- Contractor's Weekly Workforce Report (2 pages)
- Monthly Workforce Report

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**UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY  
CONTRACTOR MBE/WBE OUTREACH PLAN**

UMBA Project No. \_\_\_\_\_ Project Name \_\_\_\_\_ Project Location \_\_\_\_\_  
 Name of Contractor \_\_\_\_\_ Date \_\_\_\_\_

Describe with specificity the steps you will take to inform MBEs and WBEs of project opportunities and encourage their participation in this project.

<b>Outreach Activities</b> Describe with specificity the steps you will take to inform MBEs and WBEs of project opportunities and encourage their participation in this project.	<b>Describe when each activity will be implemented</b>	<b>Describe how you will measure the effectiveness of each specific activity</b>

Attach additional pages as needed.

**UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY  
CONTRACTOR MBE/WBE OUTREACH PROGRESS REPORT**

UMBA Project No. \_\_\_\_\_ Project Name \_\_\_\_\_ Project Location \_\_\_\_\_  
 Name of Contractor \_\_\_\_\_ Date \_\_\_\_\_

**This report should document the progress and outcomes of each of the activities outlined in the Outreach Plan previously submitted.**

Outreach Activity	Date implemented or reasons for not implementing	Outcomes	Remediation and/or substitute activities if necessary

Attach additional pages as needed.

**UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY**

**SCHEDULE FOR PARTICIPATION  
BY MINORITY AND WOMEN BUSINESS ENTERPRISES  
(For TRADE SUBCONTRACT PACKAGES on CM AT RISK PROJECTS)**

UMBA Project Number: \_\_\_\_\_ Project Location: \_\_\_\_\_  
 Project Name: \_\_\_\_\_ Construction Manager: \_\_\_\_\_  
 Trade Package Name/No.: \_\_\_\_\_ Bidder/Subcontractor: \_\_\_\_\_

- A. The Apparent Low Bidder must within seven (7) working days of the opening of the Trade Contractor Bids submit a completed Schedule for Participation listing each and every MBE and WBE firm it will utilize with the scope of work and dollar value commitment for each firm and their overall MBE/WBE dollar value commitments. This form must be accompanied by a Completed LETTER of INTENT for each firm listed, signed by both the bidder/subcontractor and the MBE or WBE firm and a copy of the firm's current CERTIFICATION LETTER from the Massachusetts Supplier Diversity Office (SDO) (formerly SOWMBA) or another state or federal agency.
- B. Trade Subcontractor must submit its completed Schedule for Participation, Letters of Intent and SDO or other state or federal agency Certification Letters to the UMBA Owner's Project Manager and the Construction Manager within time set forth above. See Section \_\_\_ of the Request for Bids for list of Prequalified Trade Contractors.

**CERTIFICATION:**

The Bidder agrees that if awarded the contract it will expend at least the amount of the contract set forth below for MBE/WBE participation. For purposes of this commitment, MBE and WBE designation means that a business has been certified by SDO or another state or federal agency as a MBE, WBE or M/WBE. Additional rules and requirements may be set forth in the contract between UMBA and the Construction Manager. The Bidder must indicate the MBE/WBE firms it intends to utilize on the project as follows (attach additional sheets as necessary):

Company Name & Address (If Bidder is a MBE or WBE, list name here)	MBE or WBE	Describe MBE/WBE Scopes of Work (clarify "Labor Only", "Material Only" or "Labor and Material")	If Supplier, indicate Total Value of Supplies (50% of total counts Toward Participation)	Total Dollar Value of Participation
1.				
2.				
3.				
4.				
5.				

MBE Goal: \$ \_\_\_\_\_ Total Dollar Value of MBE Commitment: \$ \_\_\_\_\_

WBE Goal: \$ \_\_\_\_\_ Total Dollar Value of WBE Commitment: \$ \_\_\_\_\_

The undersigned hereby certifies that he/she has read the terms and conditions of the contract with regard to MBE/WBE participation and is authorized to bind the undersigned firm to the commitment set forth above.

Name of Firm: \_\_\_\_\_

Business Address: \_\_\_\_\_ Print Name of Signatory: \_\_\_\_\_

\_\_\_\_\_ Title: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Date: \_\_\_\_\_

**UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY**

**LETTER OF INTENT  
MINORITY AND WOMEN BUSINESS ENTERPRISES PARTICIPATION**

(To be completed by MBE or WBE and submitted by the Trade Contractor to UMBA's Owner's Project Manager and the Construction Manager within ten (10) working days after the opening of the Trade Contractor Bids.)

UMBA Project Number \_\_\_\_\_ Project Name \_\_\_\_\_

Project Location \_\_\_\_\_

To \_\_\_\_\_  
Name of Construction Manager

Indicate Certification agency and type: SOWMBA or other state or federal agency \_\_\_\_\_:

Check appropriate category: \_\_\_\_\_ MBE \_\_\_\_\_ WBE \_\_\_\_\_ M/WBE

1. This firm intends to perform work in connection with the above project.
2. This firm is currently certified by SDO (formerly SOMWBA) or the other indicated state or federal agency to perform the work identified below, and has not changed its minority/women ownership, control, or management without notifying SDO or the other state or federal agency within thirty (30) days of such a change.
3. This firm understands that if the Trade Contractor referenced above is awarded the contract, the Bidder intends to enter into an agreement with this firm to perform the activity described below for the prices indicated. This firm also understands that the above-referenced firm, as Trade Contractor, will make substitutions only as allowed by the terms of the Contract.
4. This firm understands that under the terms of the contract, only work actually performed by an MBE or WBE will be credited toward MBE/WBE participation goals, this firm cannot assign or subcontract out any of its work without prior written approval of the University of Massachusetts Building Authority, and any such assignment or subcontracting will not be credited toward MBE/WBE participation goals.

**MBE/WBE PARTICIPATION**

Section/Item Number (If Applicable)	Describe MBE/WBE Scopes of Work (Clarify "Labor Only", "Material Only" or "Labor and Material")	If Supplier, indicate total value of Supplies (50% of total counts toward participation)	Dollar Value of Participation

Total Dollar Value: \$ \_\_\_\_\_

Name of MBE/WBE Firm \_\_\_\_\_

Business Address \_\_\_\_\_

Print Name of Authorized Signatory \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Title \_\_\_\_\_

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Date \_\_\_\_\_

UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY

REQUEST FOR REDUCTION OR WAIVER  
OF MINORITY/WOMEN BUSINESS ENTERPRISE PARTICIPATION GOALS  
(For TRADE CONTRACTOR and TRADE SUBCONTRACTOR packages on  
Construction Manager at Risk Projects)

UMBA Project Number: \_\_\_\_\_ Project Location: \_\_\_\_\_

Project Name: \_\_\_\_\_ Construction Manager: \_\_\_\_\_

Firm requesting reduction/waiver \_\_\_\_\_

Category of work for which reduction/waiver is sought \_\_\_\_\_

Identified MBE/WBE Goal: \_\_\_\_\_ % Reduction sought \_\_\_\_\_

Please note that the University of Massachusetts Building Authority reserves the right to reduce or waive the MBE/WBE participation goal established for this Contract upon written request made by a Trade Contractor Bidder within the time frame set forth in the Request for Bids. Such written request must demonstrate to the satisfaction of the Authority that it is not feasible for a Trade Contractor Bidder, which is not itself an MBE or WBE, to meet the goals established for this Contract based upon any or all of the following: (i) actual MBE and WBE availability, (ii) the geographic location of the project to the extent related to MBE or WBE availability, (iii) the scope of the work, (iv) the percentage of work available for MBEs and WBEs, and (v) other relevant factors, including a **documented** inability by the prospective Bidder to obtain commitments from MBE and WBE subcontractors sufficient to meet the MBE/WBE goal after having made a diligent, good faith effort to do so.

Explain in detail why reduction or waiver is needed \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Provide documentation of efforts made to engage MBEs and WBEs, including at a minimum, the following:

1. List all items of work under the Contract that the Bidder made available to MBEs and WBEs.

\_\_\_\_\_  
Identify all items of work that the Bidder did not make so available and state the reasons for not making such work available to MBEs and WBEs. \_\_\_\_\_

\_\_\_\_\_  
Where commercially reasonable, explain how subcontracts were divided into units capable of being performed by MBEs and WBEs. \_\_\_\_\_

2. Describe and document evidence that you sent written notices soliciting bids or proposals to perform the items of work made available by the Bidder for MBEs and WBEs to all MBEs and WBEs qualified to perform such work. Identify: (i) each MBE and WBE solicited, and

(ii) each MBE and WBE listed in the Supplier Diversity Office (formerly SOMWBA) directory under the applicable trade category that was not solicited and reasons. For each MBE and WBE solicited: (a) state the dates that notice was mailed, (b) provide a copy of the written notice(s) sent, (c) provide evidence that you made reasonable efforts to follow up the written notices sent to MBEs and WBEs with telephone calls or personal visits in order to determine with certainty whether the firms were interested in performing the work (Phone logs or other documentation must be submitted), and (d) provide a statement of the response received from each firm solicited, including the reason for rejecting any MBE or WBE that submitted a bid or proposal. \_\_\_\_\_

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3. Evidence of efforts made to assist MBEs and WBEs that needed assistance in obtaining bonding or insurance, or lines of credit with suppliers if the inability of MBEs or WBEs to obtain bonding, insurance, or lines of credit is the reason given for the Bidder's inability to meet the MBE/WBE goals.

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4. Provide any other information supporting the request for a waiver or reduction in the M/WBE participation goal, including without limitation evidence that you the Bidder placed advertisements in appropriate media and trade association publications announcing the Bidder's interest in obtaining bids or proposals from MBEs and WBEs, and/or sent written notification to MBE and WBE economic development assistance agencies, trade groups and other organizations notifying them of the Contract and the work to be subcontracted by the Bidder to MBEs and WBEs.

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5. Provide any other information reasonably requested by the Authority to show that the Bidder has taken all actions that could reasonably be expected to achieve the MBE/WBE participation goal.

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Name of Firm: \_\_\_\_\_

Business Address: \_\_\_\_\_ Print Name of Signatory: \_\_\_\_\_

\_\_\_\_\_ Title: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Date: \_\_\_\_\_







