

RESOLUTION NO. 2012-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARIBALDI ACTING AS CONTRACT REVIEW BOARD APPROVING A REQUEST FOR PROPOSAL DOCUMENT AND SAMPLE CONTRACT FOR THE GARIBALDI FIRE STATION / CITY HALL SEISMIC REHABILITATION PROJECT

WHEREAS, Garibaldi Municipal Code (GMC) §3.10.130, Public Contracts, provides for the Contract Review Board, at its discretion, to use request-for-proposal procedures for the selection of construction manager/general contractor (CM/GC) firms who will be required to establish guaranteed maximum prices for constructing public improvements; and,

WHEREAS, under GMC §3.10.130C, the City Council of Garibaldi, acting as the local contract review board, has approved the use of an alternate contracting method by which the City will select a CM/GC by request for proposal,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF GARIBALDI RESOLVES AS FOLLOWS:

Section 1. The Garibaldi City Council (Council) approves the Request for Proposals (RFP) for Construction Manager/General Contractor for the City of Garibaldi Fire Station Seismic Rehabilitation project, substantially in the form of the draft RFP, attached as **Exhibit A** and incorporated by reference into this resolution.

Section 2. The Council approves a Sample Contract for the Construction Manager / General Contractor for the City of Garibaldi Fire Station Seismic Rehabilitation project, substantially in the form of the draft Sample Contract, attached as **Exhibit B** and incorporated by reference into this resolution.

Section 3. The Council delegates to the City Manager the authority to make any necessary changes to Exhibits A and B for the purpose of soliciting for proposals.

Section 4. The Council hereby delegates to the City Manager the authority to conduct the CM/GC selection process described in the RFP. This authority includes, but is not limited to, creating the Evaluation Committee, determining the top-three proposers, conducting interviews and verifying references as is necessary to make a recommendation to the Council on the selection of the CM/GC.

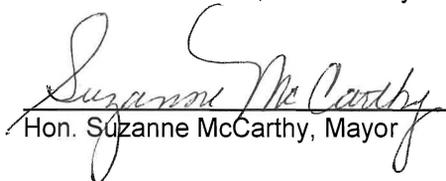
Section 5. This resolution is effective on the date of adoption by Council.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR, this 31st day of May, 2012.

ATTEST:



John O'Leary, City Manager


Hon. Suzanne McCarthy, Mayor

Attached – **Exhibit A** – Fire Station / City Hall Seismic Rehabilitation – Request for Proposal
Exhibit B – Fire Station / City Hall Seismic Rehabilitation – Sample Contract

REQUEST FOR PROPOSALS

FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR FOR THE CITY OF GARIBALDI FIRE STATION SEISMIC REHABILITATION

SECTION I: GENERAL INFORMATION

City of Garibaldi (City) solicits proposals for a construction firm interested in providing Construction Manager / General Contractor (CM/GC) services for the Garibaldi Fire Station Seismic Rehabilitation project. The proposals will be received per the following:

1 PROPOSALS DUE:

Deadline: 2:00 PM – Wednesday, July 11, 2012
To: John O' Leary, City Manager
City of Garibaldi,
107 6th Street, Garibaldi, OR 97118

2 MANDATORY PRE-PROPOSAL CONFERENCE: A mandatory pre-proposal meeting will be held at 1:30 PM on Thursday, June 20, 2012 at the Garibaldi Fire Station / City Hall, 107 6th Street, Garibaldi, OR 97118.

3 CM/GC APPROACH: The City has chosen the Construction Management / General Contractor (CM/GC) project approach over the more traditional design-bid-build in order to obtain the earliest occupancy of the Fire Station at a Guaranteed Maximum Price (GMP). In addition, the project sequencing, scheduling and logistics required to complete the work within the earliest reasonable time can best be achieved by the CM/GC approach. It is the intent of the City to enter into a contract with the selected CM/GC which will include pre-construction services with a GMP for the entire scope of work.

4 MINIMUM PRE-QUALIFICATIONS FOR GM/GC FIRMS: Certain minimum qualifications have been established in order for the proposers to be considered for the contracts described in the RFP.

- 4.1 Proposers shall have five or more years continuous experience as a currently incorporated construction firm that has completed at least four other projects of comparable size, cost and complexity during that time.
- 4.2 Proposers shall have completed at least two CM/GC projects within the State of Oregon with the last five years. The project(s) must have included key personnel (project manager and superintendent) assigned to this project. Key personnel's experience may be with the present employer or with a previous employer.
- 4.3 Proposers shall be capable of providing a 100% performance bond and 100% payment for labor and material bond for the project.
- 4.4 Proposers shall have key personnel available for the time and magnitude of the project throughout its duration. Key personnel assigned to the project shall

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maintain their assigned positions throughout the project unless requested to be removed by the City or unless substitutions are otherwise approved by the City.

- 4.5 Due to the fast paced timeline associated with this RFP, proposers may self-certify that they meet these requirements by filling out the enclosed prequalification statement. Prequalification is mandatory. Proposals that do not contain the signed Prequalification Statement will be deemed nonresponsive to this RFP and will be disqualified from further consideration.
- 5 **RFP METHOD:** The City will use the Request for Proposal (RFP) competitive procurement method. The process has several major components, including but not limited to: 1) RFP Notice; 2) Mandatory Pre-Proposal Meeting including walk-through of the project site; 3) Question / Answer Period; 4) Receipt of Proposal Response; 5) Proposal Evaluation, scoring and short list; 6) Reference Checks; 7) Interviews and scoring; 8) Recommendation to the City and Contracting Agency Approval; 9) Contract Negotiation.
- 6 **EVALUATION FACTORS:** CM/GC's responding to this RFP will be evaluated on several factors as set forth in the RFP, including but not limited to fee, qualifications, prior experience in similar or relevant projects, proposed cost control approach, proposed schedule, and overall project approach for the complete work.
- 7 **RFP CONTACT:** The primary contact person for this solicitation is John O'Leary, City Manager, City of Garibaldi. Between the period of time that the RFP is issued and the time when the Intent to Award is issued, please direct all contact regarding the solicitation and the CM/GC process or the evaluation process for this project to this individual, unless specially re-directed by RFP Contact.
- 8 **RFP DOCUMENTS:** A copy of the RFP specifications and documents are on file and may be obtained for review at the Information of Record address below. Request may also be made by contacting the RFP Contact.
- 9 **INFORMATION OF RECORD:** Until the Intent of Award is issued, the official source of information for this project ZCS Engineering, Inc. 900 Klamath Ave, Klamath Falls, OR 97601.
- 10 **INTERESTED PARTIES LIST:** As a courtesy, the City will provide copies of Addenda items (official changes / revisions / updates to the process or documentation) via email to CM/GC firms who register on the Interested Parties List, but is it important for all CM/GC firms to understand that it is their responsibility to check with the RFP Contact for regular updates. Please contact the RFP Contact, John O'Leary, to ensure your firm is on the Interested Parties List, if you have not already been informed that you are.
- 11 **CITY'S RIGHT TO CANCEL PROCESS OR REJECT PROPOSALS:** The City may cancel a solicitation process, or reject any proposal in whole or in part when it is in the City's best interest as determined by the City. This may include rejecting any proposal not in compliance with all prescribed public contracting procedures and requirements, and for good cause, rejection of all proposals upon a finding that it is in public interest to do so. If the City chooses to reject the proposal in part, it may in certain instances provide notice of any correction or modifications to prospective CM/GC firms who

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originally submitted proposals, solicit supplemental information from them, and set an expedited deadline for their supplemental submissions.

SECTION II: OVERVIEW OF PROJECT

The City is undertaking the seismic rehabilitation of the existing Fire Station located at 107 6th Street, Garibaldi, OR 97118. The existing building was originally built and dedicated in 1950 and has received at least two additions since then. The building is a two story concrete masonry bearing wall structure with a timber framed roof and second floor structure.

1. **PROJECT COMPONENTS:** In general, the Fire Station Seismic Rehabilitation project may include the following components:
 - 1.1 Asbestos Abatement. An abatement study and survey will be provide by the City
 - 1.2 Interior demolition and support of existing structure as required to implement the rehabilitation plan
 - 1.3 Specialized shallow foundation underpinning and installation of new elements in tight confined spaces. Necessary concrete forming and placement for the support of the new seismic and gravity systems
 - 1.4 Structural steel fabrication and erection necessary for the seismic rehabilitation
 - 1.5 Seismic attachments at the second floor and roof for the seismic rehabilitation
 - 1.6 Potential new electrical wiring throughout the building. This item is to be a design building item. This work will complement the seismic rehabilitation efforts as required
 - 1.7 New exterior siding package incidental to the seismic rehabilitation
2. **CONSTRUCTION BUDGET:** The construction budget will not exceed \$300,000.

SECTION III: OVERVIEW OF SERVICES NEEDED:

1. **CM/GC FUNCTION:** The CM/GC will advise the City and the Design Team in the completion of design process and will coordinate and manage the construction process as a member of the Project Team with the City and Design Team. The CM/GC shall be skilled in developing schedules, preparing construction cost estimates at the schematic design, design development and construction stages, performing value engineering, analyzing alternative designs, costs and constructability issues, studying labor conditions, understanding construction methods and techniques, and coordinating and communicating these activities through the design and construction phases to all members of the Project Team. In addition, the CM/GC shall be familiar with the local labor and subcontracting market.

The CM/GC shall serve as the general contractor for the Project.

For clarification, the CM/GC will act as the City representative for purposes of executing sub-contractors, but the City does reserve the right to deny award of any sub-contract.

2. **PRE-CONSTRUCTION PHASE:** During the Pre-construction Phase, the CM/GC shall work with the Design Team to analyze the design and recommend modifications for

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improving the constructability of the facility and providing the City with the highest quality facility within the specified time frames and budget.

- 3 **CONSTRUCTION PHASE:** During the Construction Phase, the CM/GC shall manage the construction, provide and pay for all materials, tools, equipment, labor, professional and non-professional services, and shall perform all other acts and supply all other items necessary to fully and properly perform and complete the work defined in the sample contract attached to this RFP, as well as those services defined in "CM/GC Scope of Services" of this RFP and other services as may be contractually agreed upon between the CM/GC and the City. All other work will be competitively bid and awarded by the CM/GC.

The City will serve as the contracting agency for the project. The Local Contract Review Board has approved this procurement process.

SECTION IV: CM/GC SCOPE OF WORK

The CM/GC shall provide the services described in the sample contract document, *CM/GC Sample Agreement between Owner and Construction Manager as Constructor where basis for payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price*, as well as the following:

1 **INTEGRATED APPROACH:**

- 1.1 An integrated project team approach shall be required. This includes participating in design meetings led by ZCS to help establish project budgeting and best value considerations.

Note: ZCS has almost completed schematic level planning documents. It is anticipated that the CM/GC will be joining the project team as the Construction Document Phase commences.

2 **PRECONSTRUCTION SERVICES:**

- 2.1 Upon authorization to proceed, provide preliminary evaluation of the budget, program and other documents prepared by ZCS and their consultants.
- 2.2 During the course of the design, consult with the City and the Design Team regarding design and construction planning for rehabilitation work, selection of materials and systems, construction feasibility, materials and labor availability, time requirements, costs, Alternative designs and materials, budgets and economics. Attend meetings with the City and Design Team to be held at the City of Garibaldi.
- 2.3 Prepare scheduling, cost estimates, value-engineering recommendations, review Design Team's documents for constructability, and provide different options for sequencing of the work
- 2.4 Provide estimating and cost control services. Provide recommendations to the City for keeping costs within the project budget. Prepare estimates and estimate reconciliations at major design milestones. Develop a project budget and reporting system and provide monthly cost status reporting, including cash flow

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projections.

- 2.5 Review and provide advice on the Design Team's documents for completeness, adequate detailing, compliance with program and adherence to codes or applicable agency requirements.
- 2.6 Implement a cost-loaded scheduling system for use during the preconstruction and construction phases.
- 2.7 Implement all long-lead procurement items and recommend and implement an early purchase phase project approach if warranted.
- 2.8 Submit for and obtain all required permits and retain copies for the City's permanent files. The project will be built under the jurisdiction of the Tillamook County Community Development – Building Department Division, the City of Garibaldi Department of Planning Department, the City of Garibaldi Fire Department, and City of Garibaldi Public Works Department. The City will pay for all plan check and building permit fees and any required System Development Charges. CM/GC will apply for all other permits and pay the permit fees.
- 2.9 Perform labor, vendor and supplies analysis. Develop bid packaging strategy that encourages maximum participation by Minority and Women Owned Emerging Small Businesses Enterprises; local contractors, subcontractors, vendors and labor resources as well as diversity of workforce. Implement bid process that conforms to the City's requirements.
- 2.10 Plan for construction. Work with the Design Team to prepare early bid packages for specific portions of the Project, such as asbestos abatement, demolition, foundation and structural framing, or other portions of work.
- 2.11 Recommend bid package strategy to the Design team. It is anticipated that the work of the project will be divided into bid packages consisting of separate trade contracts, with the CM/GC acting as the general contractor to these separate subcontractors. Perform subcontractor, supplier and labor analysis. Develop interest in the project and provide lists of possible subcontractors and suppliers. Encourage maximum participation by local contractors, suppliers, vendors, and labor resources. Develop a bidder prequalification process.
- 2.12 Develop a Guaranteed Maximum Price proposal for the entire project based on at least 75% completed Construction Documents prepared by the Design Team.
- 2.13 Publicly advertise and competitively bid all the work of the Project to the subcontractors, as stated in the Special Provisions of this RFP and per public bidding requirements. The subcontracts will be between the CM/GC and the subcontractors. The schedule for the project will be guaranteed by the contract between the City and the CM/GC. The contract and/or subcontracts will contain liquidated damages provisions, in the event of late completion.
- 2.14 Distribute bid documents and addenda prepared by the Design Team. Include subcontract and bidding conditions particular to the CM/GC's operations and in keeping with public contracting requirements. Facilitate bidder questions and

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responses. Conduct Pre-Bid Conferences and site visits.

- 2.15 Prepare final construction estimates for each bid package before it goes to bid. Review and report on all bids comparing these to final estimates.
- 2.16 Receive and publically open all bids and conduct bid analysis. Award contracts. Conduct Pre-Construction Conferences. These bid packages shall be bid and awarded in conformance with Garibaldi Municipal Code and State of Oregon Public Contracting Code.

3 CONSTRUCTION PHASE SERVICES

The CM/GC shall manage the construction, specifically including but not limited to the following:

- 3.1 Provide all construction supervision, coordination, inspection, labor, materials, tools, construction equipment and subcontracted items necessary for the Project.
- 3.2 Establish procedures for submittals, requests for information, payment requests, change orders and other procedures. Maintain logs, files and other documentation.
- 3.3 Maintain and update the Master Schedule.
- 3.4 Conduct regular site progress meetings with the City and Design Team representatives, at least monthly. Promptly produce and distribute minutes of all such meetings.
- 3.5 Coordinate the work of subcontractors and vendors. Provide regular and on-going quality inspection, ensuring that the work complies with the contract documents and all applicable codes and regulations.
- 3.6 Establish a change order processing system. The City expects a Guaranteed Maximum Price to include any contingency for the CM/GC's use to cover cost considered reimbursable as cost of the work under the CM/GC contract, and no change orders for that work would be necessary. Any change orders may include such things as changes in scope of work, systems, kinds and quality of materials, finishes or equipment at the request or upon approval of the City. No other changes orders will be issued.
- 3.7 Establish and implement a cost reporting system that tracks and reports status of Subcontractor, vendor and supplier payments, change orders, contingency and overall project budget status.
- 3.8 Report progress of the work and recommend such action as may be necessary to keep the project on schedule and within budget. Review all subcontractor requests for time extensions and make recommendations to the City.
- 3.9 Establish a subcontractor payment process. Inspect the work to verify the status of work performed and materials stored, and certify all subcontractor payment requests. Use cost-loaded CPM schedule for calculating subcontractor payments. Verify compliance with prevailing wage rate requirements.
- 3.10 Provide comprehensive Monthly Payment reports, including cost status, quality

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control reports, RFI, submittal and potential change order status and status of outstanding issues.

- 3.11 Establish and maintain Quality Control (QC) program.
- 3.12 Establish tracking of and participation of local subcontractors, vendors, suppliers and local labor force. Provide monthly summary report in a format agreeable to the City.
- 3.13 Establish and implement Drug Testing and Safety Plans in accordance with ORS 279C.505(2).
- 3.14 Provide training to the City's operational and maintenance staff. Prepare Operations and Maintenance Manuals and As-Built Documentation on marked up copies of the contract documents including drawings and specifications, as defined in the contract documents.
- 3.15 Upon completion of the project, provide the City with a Final Report and Final GMP Reconciliation.
- 3.16 Prior to the end of 30 days after a certificate of occupancy is provided to the City conduct a review meeting with the City and Design Team to review whether it was actually in the best interest of the City to use the Alternate Contracting Method (CM/GC) for the project.
- 3.17 Prior to completion of the one year warranty period conduct a review of the project with the City and the Design Team to identify any issues that are covered by the warranty and in need of correction, repair, or replacement.

4 COORDINATION OF CONTRACTS

The above is considered as a general overview of the scope of services expected from the CM/GC but is not intended to relieve the CM/GC of professional responsibility to perform services in all areas necessary for the City to have a completed, fully operational Fire Station meeting or exceeding its current condition, on schedule and within budget, at the end of the contract term.

SECTION V: PROJECT SCHEDULE:

Preliminary Fire Station Schedule:

RFP Proposals and Selection:	June – July 2012
Design Finalization and GMP Determination:	July – August 2012
Construction:	September 2012 – January 2013

SECTION VI: SPECIAL REQUIREMENTS

Any firm proposing should note the following special requirements concerning the management of the Project:

- 1 **GMP DETERMINATION:** It is the intent of the City to enter into a contract with the selected CM/GC where the basis of payment is Cost of the Work Plus a Fee with a Guaranteed Maximum Price (GMP) for the entire scope of the work. Prior to the award

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of the construction contract, the CM/GC shall provide the City with a GMP, which will include estimated construction costs, CM/GC fees, and contingency costs. A full description of items that make up the GMP, including all details, will be required, consistent with the provisions of the contract. If the City determines that the project is to be completed in phases, it will notify the Contractor if it wishes the GMP to be set for each discrete phase.

The final construction cost shall be the GMP less any contingency costs that were **NOT** used. The CM/GC will also provide the City with a Public Works Bond, Performance and Payment bonds for the amount of the initial pre-construction services, as well as insurance certificate (s) upon execution of the CM/GC contract. As the project progresses, the Performance and Payment bonds will be adjusted to reflect the full value of the contract.

2 **CONTRACTOR PROVIDED OPPORTUNITIES:** The selected CM/GC will be required to develop a plan demonstrating good faith efforts to provide opportunities for local sub-contractors, Minority and Women Owned Businesses and Emerging Small Enterprise. The plan shall also include the CM/GC's approach encouraging a diverse work force. Local contractors are defined as contractors, subcontractors, vendors, and material supplies residing and doing business within the City of Garibaldi and surrounding regions for at least the last 12 months. The CM/GC will be expected to provide a monthly status report.

3 **SUB-CONTRACTOR PROCESS:** The process used to award construction contracts by the CM/GC will be monitored by the City and the CM/GC will issue status reports on a monthly basis. The CM/GC will be required to follow these procedures:

- 3.1 The CM/GC must publicly advertise for all sub bid packages at least ten (10) days in advance of the bid closing date in publications of record.
- 3.2 The GM/GC must publicly solicit, receive and open bids, and award contracts. The bid opening will be attended by the City personnel and so much be held within five (5) mile radius of the project site.
- 3.3 All bids will be required to be written and submitted to a specific location at a specific time.
- 3.4 The CM/GC must make good faith effort to obtain at least three (3) bids for all sub bid packages.
- 3.5 The CM/GC must adhere to all public bidding requirements. The CM/GC's sub-contracting records are considered public records, unless exempt. The CM/GC must award the work of each sub bid package to the lowest responsible bidder.
- 3.6 If the CM/GC cannot obtain three (3) acceptable bids, the CM/GC will be required to provide written explanation to the City and a recommendation for how the CM/GC desires to proceed with awarding the work. The CM/GC will be required to obtain written approval from the City to proceed with award of a contract under these circumstances.
- 3.7 If the CM/GC elects to perform any of the construction of the identified sub bid

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packages with its own forces, the work must still be competitively bid as described above and the CM/GC must submit the lowest price in order to be awarded a contract for this work. For these sub bid packages, where the CM/GC wishes to submit a competitive bid, bids will be delivered directly to the City's project manager, and the City will administer and open these bids.

- 3.8 The CM/GC will resolve any and all sub-contractor protests.
- 3.9 While the City has a strong desire to encourage opportunities for local contractors, suppliers, and labor resources, all work must be awarded under the competitive bidding requirements described above.

SECTION VII: LEGAL INFORMATION

- 1 **CONTRACT FORMAT:** The City will negotiate with the CM/GC using a standard contract. The contract terms which may be negotiated include the details of contract performance, methods of construction, timing assignments of risk, fee and costs, and other matters that affect cost or quality
- 2 **COMPLIANCE WITH LAW:** All CM/GC firms must be "Equal Opportunity Employers" and comply with the appropriate provisions of state and federal law. All firms shall be required to comply with ORS 656.017 regarding Worker's Compensation. Firms are required to be registered with the State of Oregon Construction Contractors Board or the proposal will not be received or considered. The project requires that a contractor or subcontractor to be licensed under ORS 468A.720 for asbestos abatement. No proposal will be received or considered by the City unless the proposal contains a statement as to whether the firm is a resident Proposer as defined in ORS 279A.120.
- 3 **PREVAILING WAGE RATES:** Prevailing wage rates for public works contracts in Oregon are required for this Project. No proposal will be received or considered by the City unless the proposal contains a statement that the firm will comply with the provisions of ORS 279C.800 – 279C.870 or 40 U.S.C. 276a.
- 4 **CITY OWNERSHIP OF DOCUMENTS:** All documents, reports, proposal submittals, working papers or other material submitted to the City from the CM/GC firm shall become the sole and exclusive property of the City, the public domain (except for materials deemed to be excluded as trade secrets), and not the property of the CM/GC firm. The CM/GC firm shall not copyright, or cause to be copyrighted, any portion of any said documents submitted to the City as a result of this solicitation.
- 5 **PUBLIC RECORDS:** Notwithstanding any requirements to make Proposals open to public inspection, to the extent allowed by law the City may withhold information exempt or conditionally exempt from disclosure under Oregon Public Records law on the following conditions: 1) If the proposer reasonably believes there are any grounds for exempting information for disclosure under such law, the proposer shall mark the information on the Proposal accordingly; 2) Many exemptions are conditioned upon official or judicial determinations. It shall be the Proposer's obligation to establish that the information is exempt from disclosure; 3) The proposer shall defend, indemnify, and hold the City harmless from any claim or administrative appeal, including costs, expenses and any attorneys fees, related to a request to disclose information which Proposer has labeled as

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confidential. The City will not keep confidential information about cost, price, and delivery, which may be open to public inspection. Generally any resulting contract is a public record. The City shall be entitled to use information which the Proposer has labeled as confidential, in whole or in part, for proposal evaluation and may make copies for this purpose. Any restrictions related to the information marked confidential do not apply, if the City has the right to or has obtained the information from another source.

- 6 **NO GUARANTEE OF CONTRACT:** This request for CM/GC does not commit the City to award a contract and to pay any cost incurred by companies responding to the proposal. Any and all costs incurred by a prospective CM/GC firm associated with the submission of a Proposal, interview, contract negotiation, and related expenses are solely the responsibility of that firm.
- 7 **MECHANICS LIENS OR STOP NOTICES:** The resultant contract shall at all times indemnify and hold the City harmless from all claims, losses, demands, damages, cost, expenses or liability costs for labor or materials in connection with construction, repair, alteration or installation of structures, improvements, equipment or facilities, and from the cost of defending against such claims, including attorney's fees and costs.

SECTION VIII: PROTEST PROCESS

- 1 **PROTEST OR PROCESS AND SOLICITATION:** For public improvement contracts, a prospective Proposer may protest specifications or contract terms and conditions pursuant to OAR 137-049-0260(3), (4) and (5). Unless otherwise specified in the RFP, the protest shall be filed with the RFP Contact no later than 10 calendar days before the proposal opening.
 - 1.1 **PROPOSER'S WRITTEN PROTEST SHALL INCLUDE:**
 - a. A detailed statement of the legal and factual grounds for the protest;
 - b. A description of the resulting prejudice to the Proposer; and
 - c. A statement of the desired changes to the Contract terms and conditions, including any specifications.
 - 1.2 **A PROPOSER SHALL MARK ITS PROTEST AS FOLLOWS:**
 - a. "Contract Provision Protest"; and
 - b. RFP Document number (or other information as specified in the RFP document).
 - 1.3 **CITY RESPONSE:** The City is not required to consider a Proposer's request for change or protest after the deadline established for submitting such request or protest. The City shall provide notice to the applicable Person if it entirely rejects a project. If the City agrees with the Proposer's request or protest, in whole or in part, the City shall either issue an Addendum reflecting its determination under OAR 137-049-0260 or cancel the solicitation under OAR 137-049-270.
 - 1.4 **EXTENSION OF CLOSING:** If the City receives a written request for change or protest from a Proposer in accordance with this rule, the City may extend the RFP due date if the City determines an extension is necessary to consider the

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request or protest and issue an Addendum, if any, to the RFP Document.

2 PROTEST OF INTENT TO AWARD: Anyone responding to the Request for Proposal who is not recommended for award by the evaluation committee may protest the recommendation, which is also the Intent to Award, to the City of Garibaldi City Council, in accordance with Garibaldi Municipal Code 3.10.170:.

- 2.1 **FORMAT:** Any protest must be made in writing, be received before the contract is awarded by the City, clearly state the grounds for the protest, and indicate what condition(s) resulted in the proposal not being recommended for award. Any protest which does not comply with the applicable procedures may be rejected.
- 2.2 **TIMING:** Any protest must be received by the City no later than five business days after notice of the City's decision was mailed. Upon receipt of the protest, the City shall notify the proposer recommended for award of the protest and the evaluation committee. The Proposer and the evaluation committee shall have three (3) calendar days from the date the protest was filed to respond to the protest in writing, if they so desire.
- 2.3 **CITY RESPONSE:** When a protest is filed, the City shall prepare written analysis of the protest, and make a recommendation to the City of Garibaldi City Council as to appropriate action to be taken.
- 2.4 **THE GROUNDS FOR PROTEST ARE:**
 - a. The evaluation committee has failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the solicitation materials.
 - b. Different criteria were used to evaluate different proposals.
 - c. The evaluation committee unfairly applied the evaluation criteria to a proposal.
 - d. A member or members of the evaluation committee had a relationship with a proposer that represented a conflict of interest.
 - e. The criteria used to evaluate the proposals did not pertain to the services or products requested.
 - f. A member or members of the evaluation committee demonstrated bias toward a proposal or proposer.
 - g. The City abused its direction in rejecting the protester's proposal as nonresponsive.
 - h. The evaluation of the proposals is otherwise in violation of any provisions of ORS 279A, B, or C.
 - i. All higher ranked proposals are nonresponsive.
- 2.5 **REVIEW OF PROTEST CRITERIA AND DECISION:** The City shall present the issues orally or in writing at a public meeting. The appellant shall then have ten

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(10) minutes to specifically address the protest criteria and the evaluations committee's recommendation, and the recommended proposer(s) shall have a total of ten (10) minutes to respond, divided among them as they wish.

If a protest is timely filed, a hearing by the City Council will be scheduled within ten business days after the notice of protest is forwarded by the city manager and conducted no later than fourteen business days after receipt of notice of protest. At the hearing the City of Garibaldi City Council shall consider the evaluation committee's recommendation, the allegations of the protest, and the city manager's investigation before rendering a final decision and shall state the conclusions reached and reasons, either in writing or on record. Any decision to overturn the recommendation shall be based on a finding that one of the grounds for protest occurred to the substantial prejudice of the appellant.

SECTION IX: RFP PROCESS

- 1 **RFP POSTED:** Public notice of the RFP will be published in appropriate publications.
- 2 **MANDATORY PRE-PROPOSAL MEETING:** A **MANDATORY** pre-proposal meeting, including tour of the site and existing facility, will be held at 1:30 PM on Wednesday, June 20, 2012 at the Garibaldi Fire Station, 107 6th Street, Garibaldi, OR 97118. A representative from each CM/GC firm is required to attend. CM/GC firms not represented will be disqualified. The Mandatory Pre-Proposal Meeting will be the opportunity to discuss the project with the City and the Design Team. A written addendum will be issued no later than Friday, June 29, 2012 to formalize any City responses to oral questions that are confirmed in writing and raised by the firms at the meeting.
- 3 **WRITTEN QUESTIONS AND ADDENDA**
 - 3.1 Questions regarding the information contained in the RFP must be submitted to the RFP Contact no later than 5:00 PM PST, Monday, June 25, 2012. All questions must be **RECEIVED** by the RFP contact by the specified date and time. No oral questions will be accepted other than at the Pre-Proposal Meeting. E-mail questions to the addresses below.
 - a. For technical questions / clarifications:
Russ Carter, ZCS Engineering, Inc.
Russc@zcsengineering.com
 - b. For Questions regarding the RFP process:
John O'Leary, City Manager, City of Garibaldi
john@ci.garibaldi.or.us
 - 3.2 All questions received by the parties listed above that require clarification or modifications to the terms and conditions of the RFP will be answered by addenda to this RFP. Addenda will be emailed to those on the Interested Parties List no later than Friday, June 29, 2012. Anonymity of the source of the specific questions will be maintained in the written response for the duration of the CM/GC selection process.

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- 4 **ADDENDA:** If in the City's opinion, additional information or interpretation is necessary; such information will be supplied in the form of an addendum. Addenda shall have the same binding effect as though contained in the main body of the RFP. Any oral instructions or information concerning the specifications or other information given out by the City or Design Team to prospective firms shall not bind the City. All addenda shall be issued by the RFP Contact.
- 5 **PROTEST OF SOLICITATION PROCESS:** Protest of the specifications or contract terms and conditions pertaining to the RFP must be submitted in writing to the RFP Contact no less than ten (10) days before the proposal opening. All responses will be made in the form of addendum and sent to all firms on the Interested Parties List. (See Section VIII: Protest Process subsection 1).
- 6 **RFP PROPOSAL DUE AND OPENED:** Interested CM/GC firms' proposals must be received no later than 2:00 PM Wednesday, July 11, 2012. Submittals shall be mailed or delivered to:

John O'Leary, City Manager, City of Garibaldi
107 6th Street
Garibaldi, OR 97118

RFP's will be opened in by the RFP Contact at City of Garibaldi City Hall. Since this process involves an RFP and not a straight Bid, the names but not cost proposals of participants submitting proposals may be announced. Information is available and all proposals may be reviewed at the City of Garibaldi, 107 6th Street, Garibaldi, OR 97118 by appointment only, once the Intent of Award is announced.
- 7 **LATE SUBMISSIONS:** A proposal shall be considered late if received at any time after 2:00 PM PST, on Wednesday, July 11, 2012. Proposals received after the specified date and time will be rejected and returned unopened.
- 8 **INITIAL EVALUATION:** Proposals submitted in response to this solicitation will be reviewed and scored by the Evaluation Committee comprised of the City Manager, the EOR, and at least three (3) members appointed by the City Manager who have relevant background and experience in construction including public works projects.
 - a. Jay Marugg, Fire Chief
 - b. Martin McCormick, Assistant Fire Chief,
 - c. *To Be Announced*
- 9 **SHORTLIST:** The top three (3) proposer finalists will comprise a shortlist and be invited to an interview by the Committee. The City will provide the top three (3) finalists with written notice. A Proposer not included in the shortlist may protest. For information regarding the Protest process see Section VIII of this RFP.
- 10 **REFERENCES:** References for the finalists will be checked by members of the Committee. Response information will be provided to all members of the Committee.
- 11 **INTERVIEWS:** Location to be the City of Garibaldi, 107 6th Street, Garibaldi, OR 97118.

Interviews with the top finalists are expected to occur between Monday, July 16 and Friday, July 20, 2012. All CM/GC firms should ensure they are available during this date range.

- 12 **FINAL EVALUATION:** The results of the proposal evaluations, interviews and reference checks shall be used to determine a final ranking for the finalists.
- 13 **SELECTION:** The evaluation committee will provide a recommendation to the City of Garibaldi City Council for their consideration and approval. For information regarding the Protest of Intent of Award, refer to Section VIII [2] of this RFP.
- 14 **CONTRACT NEGOTIATIONS:** Upon City Council approval of the Evaluation Committee's recommendation, the City will proceed to negotiate a contract with the approved CM/GC firm. If negotiations are not successful, the City may break off negotiations and begin negotiations with the number two ranked CM/GC firm, and so forth until a contract is negotiated. The City Council must approve and make final award of Contract.
- 15 **CONTRACT BASED ON GMP AGREEMENT:** It is the intention of the City to enter into a contract with the selected CM/GC which will include a Fixed Fee for the Pre-Construction activities up through submittal of a GMP and a fixed fee for remaining CM/GC services as part of the total GMP. If the City is unable to successfully agree upon a GMP for the project with the selected CM/GC, the City reserves the right to terminate the Contract and commence negotiations with the next ranked finalist. Upon termination of the Contract the City will accept assignment of long-lead subcontracts previously agreed to and awarded. The City reserves the right to reject any and all proposals.
- 16 **CONTRACTOR WITHDRAWAL FROM PROCESS:** Once submitted, any firm proposing may withdraw the proposal at any time prior to the day of opening. However, all proposals shall be irrevocable for a period of sixty (60) days from the day of the opening.

SECTION X: RFP SCHEDULE:

The milestones for the selection process are defined below. **The dates are approximate and SUBJECT TO CHANGE.**

Activity	Date
1. Request for proposals announcement	June 6, 2012
2. Mandatory pre-proposal conference	June 20, 2012 1:30 pm
3. Last day to submit questions for clarification	June 25, 2012 5:00 pm
4. Addendum issued	June 29, 2012 5:00 pm
5. Last day to submit proposals	July 11, 2012 2:00 pm
6. Evaluation Committee meets	July 12, 2012

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- 7. [No earlier than] Evaluation Committee interviews minimum top three proposers July 16, 2012
- 8. [No earlier than] Notice of Intent to Award July 17, 2012
- 9. [No earlier than] Award Contract July 31, 2012
- 10. [No earlier than] Begin CM/GC Design-Construction Aug 6, 2012

SECTION XI: EVALUATION CRITERIA

Proposals will be evaluated on the basis of the following areas and points assigned:

<u>Evaluation Criteria</u>	<u>Maximum Possible Points</u>
Cover Letter	0 points
Firm Experience	15 points
CM/GC and Related Experience	15 points
Key Personnel Experience	20 points
Overall Project Understanding / Approach	15 points
Scheduling Approach	5 points
Cost Control	15 points
Fee	10 points
References	5 points
Maximum Possible Points	100 points

SECTION XII: SUBMISSION REQUIREMENTS

- 1 **RESPONSE FORMAT:** The responses shall be organized in the manner and shall be presented in the same sequence as indicated below. Any deviation from the format may result in the Evaluation Committee being unable to locate specific information which may result in a loss of points.
 - 1.1 Proposals shall be limited to twenty-five (25) 8-1/2x11 pages total, including all exhibits and/or attachments. 11x17 sheets and fold-outs should not be used. All pages shall be numbered. The following pages are exempt from the 25 page limit: cover and back of submittals, a one page cover letter, a one page table of contents, resumes of key personnel, tab and blank divider pages, certified letter from bond and surety company, and the non-collusion and proposal forms.
 - 1.2 The Proposals shall be tabulated in separate sections in response to the detailed proposal requirements. All material shall be in 8-1/2x11 format, bound vertically on the 11" side. No other material shall be submitted.
- 2 **DOCUMENTS REQUIRED:** Proposal Packages must include the following:

EXHIBIT A - RESOLUTION APPROVING A REQUEST FOR PROPOSAL DOCUMENT AND SAMPLE CONTRACT FOR THE GARIBALDI FIRE STATION / CITY HALL SEISMIC REHABILITATION PROJECT

- 2.1 Response documents and all requested additional related items such as resumes, schedules, bonding certificates etc.
- 2.2 Statement of Prequalification (Attachment A)
- 2.3 Statement of Assurance (Attachment B)
- 2.4 Demonstrated Drug Testing Program (Attachment C)

- 3 NUMBER OF RESPONSES REQUIRED:** Proposers shall submit ONE ORIGINAL AND SIX (6) COPIES of the total proposal and attachments. In addition, Proposers shall submit one CD, DVD, or thumb drive with a copy of the complete RFP in PDF file format.

SECTION XIII: CONTRACTOR'S RESPONSE DOCUMENT:

Proposals must reply to each of the following items. Responses must appear in the same order listed below. Concise and direct answers are encouraged.

- 1 **COVER LETTER:** A letter of introduction stating that the applicant wishes to be considered for the project. Include full name of firm or joint venture, RFP contact person, email address, mailing address, telephone and facsimile numbers. If joint venture, the relationship of the two parties shall be indicated in terms of percentage participation in the work and in the fee.
- 2 **FIRM EXPERIENCE:**
 - 2.1 Firm Description: Provide a brief description of your firm's history, the type of work you have performed and your capabilities. Include an Annual Volume of Figures for the past five years and current bonding capacity. Provide a certified letter from your bonding or surety company that certifies your firm's bond history, existing bonded contracts and current, total bonding capacity. If a joint venture, provide the information for each of the firms involved. List the sub-consulting firms that will be part of your team during the Pre-Construction phase of the work.
 - 2.2 Project Experience: Describe overall firm experience, and provide a listing, in chronological order, in chart format, of your firm's last (5) completed projects of \$250,000 or more performed within the last 5 years. Include completion date; name of owner; contact person; and current phone number; name of Architect, contact person and current phone number; name of contractor and construction manager; and contact person name and telephone number for each; location of job; description of job (i.e., remodel or new construction, Schools, Seismic Rehabilitation, etc.); final construction contract amount; total dollar amount of change orders;
 - a. Specific Facility Experience: Describe specific experience, and provide a listing as indicated above of your firm's experience in the following types of facilities, including all information indicated above:
 - i. Public Agencies and Public Contracting: Describe your firm's experience on projects for public agencies and performed under public contracting statutes and requirements.
 - ii. Seismic Rehabilitation and Remodeling: Describe your firm's

experience on projects where Seismic Rehabilitation and Remodeling was done to existing unreinforced brick buildings.

3 CM/GC AND RELATED EXPERIENCE: Describe firm experience with CM/GC-GMP projects for the public sector. The listing should follow the format described above in the previous item, but should include both the original GMP and the final cost of the Work. (If the firm's public sector CM/GC-GMP experience is limited, experience with pure CM, General Contractor, Design/Build or CM/GC-GMP for the private sector may be discussed.)

4 Key Personnel Experience:

- 4.1 Organization of Team: Provide a project organization chart showing your proposed staff for this job, including all professional staff in the following areas; project management; estimating; pre-construction and construction phase services. Identify your Project Manager, Project Executive, and Site Superintendent.
- 4.2 Team Member Resumes; Include resumes for all individuals listed in the chart. Indicate the proposed percentage or full time equivalent (FTE) that each person will work on this project during the 1) Phase I – Pre-Construction Services, and 2)Phase II – Construction Phase Services. (100% = 1.0 FTE). The resumes shall include each individual's education, work history, length of tenure with your firm, and relevant, prior experience.
- 4.3 Additional Team Members: For those individuals that are not full time, describe how they will work on the project. If your proposal involves individuals from more than one firm, describe prior experience, if any, of the firms and individuals work with each other, and how the proposed team will work for this project.

By listing the individuals in the proposal, the firm assures that these individuals will work on the project at an approximate minimum of the percentages shown. The City reserves the right to request a substitution of personnel if deemed to be in the best interest of the City.

Should the firm be invited to an interview, the key personnel listed above will need to be in attendance and questions may be directed solely to them. At a minimum, the Project Manager, Superintendent and Project Executive dedicated to the project shall be in attendance at any interview.

5 OVERALL PROJECT UNDERSTANDING / APPROACH:

- 5.1 Organizing the Project: Describe your firm's overall CM/GC plan for completing the project. Discuss your approach to reviewing the program, and services to be provided during design and managing construction. Within the parameters described in this RFP, how would you organize and monitor the work to ensure quality, function, timely completion and cost within or under budget? What will be done by your firm to guarantee the GMP will be achieved with the City's budget as required?
- 5.2 Phasing and Packaging: Given the available project information, describe how your firm will develop phasing and bid packaging for the project.

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- 5.3 Project Management: Describe how your firm will approach the project management and construction management aspects of this project. How will your firm ensure that the City's needs are met?
 - 5.4 Organizational Tools: Discuss your firm's approach to providing the successful CM/GC services based on prior experience, including cost, schedule and quality effectiveness. Include specific examples of actual products, such as estimates, progress reports, schedules, constructability reviews, value engineering studies, forms, general conditions budgets, organizational structures, etc.
 - 5.5 Problem Solving: Describe your approach to problem solving for this project. Describe the largest challenge your firm faced within the last five years in working on similar projects, and how you resolved that challenge.
- 6 **SCHEDULING APPROACH:** Describe how your firm will ensure the City's schedule requirements are met. Specifically, how will your firm organize your work, staffing, and coordination of team members in order to ensure that all schedule milestones are achieved? How will your firm report progress and mitigate delays? Describe prior experience and approach with fast-track phased construction bid packages. What has been your recent experience on fast-track phased construction in terms of completion of bid packages?
- 7 **COST CONTROL:** Give a description of how your firm will manage the work to control costs and optimize savings during the pre-construction and construction phases.
- 8 **FEE:** Provide a proposal of fees and costs as follows:
- 8.1 State the total Construction Phase fee as a percentage of the cost of the work for services described in the RFP and attachments.
 - 8.2 Provide a "Not to Exceed Cost" as described in the Pre-Construction Services for the services described in the RFP and attachments.
- Please note: Estimates for fees and costs shall be accompanied with a detailed breakdown. This fee information, while a critical element of the evaluation/selection process, will also be used in the negotiation of the final agreement.
- The Fee criteria will be evaluated based on clarity of the cost breakdown, the cost itself, and what is included or excluded in the breakdown of cost.
- 9 **REFERENCES:** Provide at least three (3) references for projects of similar size and scope including client name, key contact's name, address, email, and phone number.

ATTACHMENT A
PREQUALIFICATION STATEMENT

PROJECT TITLE: FIRE STATION SEISMIC REHABILITATION
Construction Manager / General Contractor

PROJECT LOCATION: Garibaldi, Oregon

Proposers must meet certain minimum Prequalification Criteria in order to be eligible to submit proposals. In the interest of expediting the contract awards and reducing preparation expense to potential Proposers, The City of Garibaldi will allow Proposers to self-certify that they meet the following pass/fail Prequalification Criteria and are therefore eligible to propose on this procurement:

Bonding Capacity: The Proposer must be capable of providing, for the full term of the project and one year after completion, a 100% Performance Bond and 100% Payment Bond for a project valued up to 100% of the construction costs, estimated to be up to \$300,000 for this CM/GC Contract.

Do you meet these criteria (Yes or No)?

Specialized Experience: The Proposer must have completed at least two projects of similar or greater scope, which have been contracted under either ORS rules and regulations or similar large public bodies in the Northwest United States (Alaska, Washington, Oregon, Idaho, Montana, Northern California) within the last five years.

Do you meet these criteria (Yes or No)?

Availability: The Proposer's anticipated work in terms of time and magnitude for the time period September, 2012 through January, 2013, must accommodate this project, including availability of key personnel for this project.

Do you meet these criteria (Yes or No)?

Licenses: The Proposing firm and its subcontractors must be licensed to do business in the State of Oregon. This means that the firms must have current Oregon Construction Contractors Board registration.

Do you meet these criteria (Yes or No)?

If not, how do you propose conforming to this requirement?

Signature of authorized person

Title of authorized person

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END OF DOCUMENT

**ATTACHMENT B
STATEMENT OF ASSURANCES**

PROJECT TITLE: FIRE STATION SEISMIC REHABILITATION
Construction Manager / General Contractor

PROJECT LOCATION: Garibaldi, Oregon

- 1) The undersigned attests that he/she has the authority and/or responsibility to represent the organization submitting this Proposal in all phases of the Request for Proposal (RFP) process and in this Statement of Assurances.
- 2) The Firm understands that this RFP is considered an integral part of the RFP process, and RFP terms shall be binding on the Firms. Failure of the successful Firm to accept these obligations in a Contract as authorized by the Statement of Assurances may result in cancellation of an award.
- 3) The proposer accepts all terms and conditions contained in this RFP and the RFP and Proposal Response, and any modifications will be made part of the contract documents. It is understood that all proposals become part of the public file on this matter, unless limited and specific information is identified and exempt under Oregon Public Records Law.
- 4) The undersigned understands that any false or substantially incorrect statement in the RFP or Statement of Assurances may disqualify this Proposal from further consideration or any further Contract.
- 5) Firm understands that in responding to the RFP, Firm agrees to comply with all applicable federal, state, and local laws, regulations and requirements related to the RFP and performance of any resulting Contract, including but not limited to those referenced in this RFP.
- 6) The undersigned acknowledges receipt of and agrees to be bound by addenda numbered _____ through _____, inclusive and any additional addenda issued until intent of Award has been posted.
- 7) The Firm certifies that the Contractor can meet the insurance requirements outlined in the proposed Contract (Insurance Coverage Required) and that the Firm understands that such coverage must be kept active during the entire term of the Contract, if selected. Contractor shall commence no work under this contract until the Contractor and every subcontractor has a public works bond filed with the Construction Contractors Board in accordance with ORS 279C.830 and all other bonding and insurance requirements have been met and a Notice to Proceed has been issued.
- 8) Non-Collusion: The undersigned certifies that:
 - a) This bid has been arrived at independently and is being submitted without collusion with any other vendor of materials, supplies, equipment or services to limit independent bidding or competition, and
 - b) The contents of this bid have not been communicated by the undersigned or its employees or agents to any person not an employee or agent of the undersigned or its surety on any bond furnished with the bid, and will not be communicated to such person prior to the official opening of the bid.
- 9) The Contractor is a resident Contractor _____ or nonresident Contractor _____ of the State of Oregon as defined in ORS 279A.120.
- 10) The Undersigned certifies that they are in compliance with requirements for construction contractors or landscape contractors and are registered and bonded with the State of Oregon Construction Contractors Board as follows:

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(a) Registration NO. _____ Expiration Date: _____

11) The Undersigned agrees, if awarded a contract, that they will comply with the provisions of **ORS 279C.800 – 279C.870** or **Davis-Bacon 40 U.S.C 3141 et seq** as applicable, pertaining to the payment of the prevailing wage rates. By signing below the Undersigned agrees that he/she affirmatively acknowledges the following:

(a) Compliance with ORS 279C.838 and 40 USC 3141 et seq (if both state and federal Davis-Bacon applies. IF the state rate is higher, the contractor and every sub-contractor shall pay at least the state rate); or compliance with ORS 279C.840 (Davis-Bacon does not apply, and only the state prevailing rate of wage is to be paid); or compliance with 40 USC 3141 et seq (only Davis-Bacon rate of wage applies, or is the highest one for all of the job categories).

12) In the event the Proposer is awarded the contract and fails to complete the work within the time frame specified, including extensions granted, liquidated damages shall be paid to the City as outlined in the General Conditions attached in the Project Manual.

13) By signing this page Contractor hereby certifies that s/he has not discriminated against minority, women or emerging small business enterprises in obtaining any required sub-contracts, and Contractor hereby certifies that to the best of Contractor's knowledge, s/he is in compliance with all Oregon Tax laws described in ORS 305.380(4).

I, the undersigned, have read and thoroughly understand the requirements, special provisions, Proposal Instructions and all other Conditions of the RFP issued by the City of Garibaldi for the Fire Station Seismic Rehabilitation. I have read and understand the entire contract provisions included in the RFP and agree to abide by and fulfill the requirements thereof if awarded the Contract as a result of this RFP.

Firm Name: _____

Address: _____

Phone: _____ **Fax:** _____

Authorized Representative's Signature: _____

Type or Print Name: _____

Representative's Title: _____

Date: _____

Federal Business I.D. No. _____

NOTARY:

Subscribed and sworn before me this _____ day of _____, 20_____.

_____ Notary Public for the State of _____.

My commission expires _____.

END OF DOCUMENT

**ATTACHMENT C
DEMONSTRATED DRUG TESTING PROGRAM**

PROJECT TITLE: FIRE STATION SEISMIC REHABILITATION
Construction Manager / General Contractor

PROJECT LOCATION: Garibaldi, Oregon

ORS 279C.505 requires that all public contracts contain a provision requiring contractors to demonstrate that an employee drug-testing program is in place. Proposer is therefore required to certify that Proposer has an employee drug-testing program in place that applies to all employees, and will maintain a drug testing program at all times during the performance of the Contract awarded. Failure to maintain a program shall constitute a material breach of contract.

Proposer states that the Proposer:

CHECK ONE: () Does () Does not Comply with the following:

Proposer has a drug-testing program in place and in compliance with ORS 279C.505(2) which applies to all employees. Proposer shall maintain a drug-testing program at all times during the performance of the Contract awarded. Failure to maintain such a program shall constitute a material breach of contract.

I, the undersigned, a duly authorized representative of the Proposer, hereby certify that the answers to the foregoing questions and all statements therein contained are true and correct.

Signature of the authorized Representative

Printed Name: _____

Firm: _____

Representative's Title or Position: _____

Telephone No: _____

END OF DOCUMENT