

REQUEST FOR QUALIFICATIONS

BY
RUTHERFORD COUNTY BOARD OF
COMMISSIONERS

FOR
CONSTRUCTION MANAGER AT RISK
AND
PROVIDING A GUARANTEED MAXIMUM PRICE
FOR THE CONSTRUCTION

OF

RENOVATIONS TO THE EXISTING
RUTHERFORD COUNTY DETENTION
CENTER

198 NORTH WASHINGTON STREET
RUTHERFORDTON, NC 28139

TO PROVIDE PROFESSIONAL CONSTRUCTION
MANAGEMENT SERVICES DURING PORTIONS OF THE
DESIGN PHASE AND, IF THE GMP IS APPROVED,
DURING THE CONSTRUCTION OF THE PROJECT
THROUGH TRADE CONTRACTS HELD BY
CONSTRUCTION MANAGER

ADVERTISEMENT FOR QUALIFICATIONS

RUTHERFORD COUNTY CONSTRUCTION MANAGER AT RISK RENOVATIONS TO THE EXISTING RUTHERFORD COUNTY DETENTION CENTER

The Rutherford County Board of Commissioners is accepting proposals for Construction Manager at Risk for the renovations to the Existing Rutherford County Detention Center located in Rutherfordton, NC until 3:00 pm on October 13, 2016 at the Rutherford County Finance Officer, 289 N. Main St., Rutherfordton, NC 28139.

Qualified Construction Managers at Risk are also being asked to provide proposals for the demolition and renovation of portions of the existing Rutherford County Detention Center to create new inmate cells, new secured entrance and other modifications.

Qualified Construction Managers at Risk firms will be reviewed to determine their ability to provide services for the renovations. Selection of the Construction Manager at Risk firm will be at the sole discretion of Rutherford County Commissioners.

Qualifications Questionnaire, Instructions to Proposers and other project information is available by contacting Mr. Aubrey Clay at Aubrey.Clay@rutherfordcountync.gov.

A mandatory pre-proposal conference will be held at the Rutherford County Detention Center Conference Room on October 6, 2016 at 10:00 AM.

QUALIFICATIONS QUESTIONNAIRE

REQUEST FOR PROPOSALS
BY
THE RUTHERFORD COUNTY COMMISSIONERS

FOR

CONSTRUCTION MANAGER
AT RISK

AND

PROVIDING A GUARANTEED MAXIMUM
PRICE

FOR

THE RENOVATIONS TO THE EXISTING DETENTION CENTER

Instructions:

THE FOLLOWING QUESTIONNAIRE IS DESIGNED TO ASSIST PROPOSERS IN RESPONDING TO THE RFP. NOTHING IN THIS QUESTIONNAIRE SHALL BE CONSTRUED TO PREVENT THE PROPOSER FROM ATTACHING ADDITIONAL INFORMATION NOT REQUESTED HERE BUT WHICH THE PROPOSER BELIEVES RESPONSIVE TO THE RFP. CONVERSELY, NOTHING IN THIS QUESTIONNAIRE SHALL BE CONSTRUED AS A WAIVER BY THE OWNER FROM EXPECTING ANY ADDITIONAL INFORMATION FROM THE PROPOSER NOT REQUESTED HERE BUT OTHERWISE REQUESTED IN THE RFP.

Proposer's Name:

Address _____

Phone _____ Fax _____

E-mail _____

List all licenses by name and license number held in the State of North Carolina (including but not limited to contractor's licenses, business licenses, etc.) and provide a copy of your most recent license application.

Profile of Proposer

a. Give corporate history of firm including:

- (1) year first organized _____
- (2) Organizational structure, (e.g. LLC, Corp., Partnership, etc.) _____
- (3) state of incorporation _____
- (4) years in business _____
- (5) corporate officers _____
- (6) major shareholders/partners _____
- (7) years providing CM at Risk related services _____
- (8) number of projects providing CM at Risk related services _____
- (9) number of years/projects/type providing other construction related services _____

Attach evidence of authority to do business in North Carolina.

- b. Annual dollar workload listed for each of the last five (5) years inclusive of projects per year:

2016	<u>#projects</u>	<u>\$</u>	<u>tot.</u>
2015	<u>#projects</u>	<u>\$</u>	<u>tot.</u>
2014	<u>#projects</u>	<u>\$</u>	<u>tot.</u>
2013	<u>#projects</u>	<u>\$</u>	<u>tot.</u>
2012	<u>#projects</u>	<u>\$</u>	<u>tot.</u>

- c. List projects for which firm is currently committed including:
- (1) name & location of each project;
 - (2) time frame to complete each project; and
 - (3) \$ value of each project.

- d. Attach letter from surety company or its agent licensed to do business in North Carolina verifying proposer's capability of providing adequate performance and payment bonds for this project.

- e. List all construction projects where proposer has performed work for public entities, including but not limited to schools, universities, counties, cities, states, the federal government or any agencies of the state or federal government as a CM@ Risk, general, electrical, mechanical or plumbing contractor, over the past 10 years. Identify role on each project.

- f. List by case name and case number all pending litigation in which proposer is involved as a party or proposer's officers are involved as parties in their official capacity. Include cases pending in any Federal or State jurisdiction, court, commission, regulatory body or other authority having the power to determine the rights of parties appearing before it. Also list all arbitrations proposer is involved in as a party and the name, location and owner of the property at issue.

- i. Within last five (5) years, has any contract for construction or CM at Risk services of proposer's been considered in default, suspended or terminated for cause? If so, please attach an explanation of the matter including the name and location of the project, the name and address of the owner's representative, and all pertinent details of the default, suspension or termination.

- j. Within the last five (5) years, has proposer's contract or any portion of the work connected to the contract been completed by the Owner or proposer's surety? If so, please attach an explanation providing the name and location of the project, the name and address of the owner's representative, and all pertinent details of the matter.

- k. Within the last five (5) years, has proposer been debarred or suspended for any reason by any federal, state or local government procurement agency or refrained from bidding on a public project due to an agreement with such procurement agency? If so, please attach a full explanation.

- l. Within the last five (5) years, has proposer been named in any action, administrative proceeding, or arbitration in which it was alleged that the proposer failed to comply with N.C. Gen. Stat. Chapter 22C, or any similar state or federal statute requiring the prompt payment of subcontractors? If so, please attach a full explanation.

- m. Within the last ten (10) years, has the proposer or any predecessor or related entities, or any officers, shareholders/partners or key personnel of the proposer ever been convicted of or pleaded guilty to any crime (a) related to the bid process for contracts on public or private projects or (b) involving fraud or misrepresentation? If so, please attach a full explanation.

Project Experience - List three projects of similar size and complexity performed by proposer in the past seven years:

For the projects listed above where CM at Risk services were provided, list

- (a) the Guaranteed Maximum Price (if given), or if not given, the estimated cost provided by you, and
- (b) the total cost of the project at completion.

Please attach an explanation for each project where total project cost exceeded GMP or estimated project cost by greater than 10 per cent (10%).

For the three (3) projects listed above, attach project owner references including the name, address, telephone, and e-mail address of the project owner representative.

Key Personnel

1. List of key personnel who will be assigned to the project (specifying project phase, if applicable)

Attach sworn statement that the above persons will be exclusively assigned to this project for its duration (or until completion of the present phase to which they will be assigned).

2. For each person listed above, list what aspects of pre-construction or Construction the person will handle. For those persons who will divide their time between pre-construction and construction phases, please indicate what percentage of their time will be devoted to each phase.

3. For each person listed in response to No. 1 & 2 above, list his/her experience with proposer firm, other prior and relevant experience in construction/design, and the person's location. For each project that the person was involved in identify dollar value of the project, delivery method used and that persons role on the project.

4. Attach the resumes of each person listed in response to No.'s 1 & 2 above.

This the ____ day of _____, 2016.

Proposer Company Name

By: _____

Title: _____

Attest:

(SEAL)

VERIFICATION

I HEREBY CERTIFY THAT THE RESPONSES OF _____
ARE CORRECT AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE AND FOR
THOSE RESPONSES GIVEN WHICH ARE BASED ON INFORMATION *AND* FOR
BELIEF, THOSE RESPONSES ARE TRUE AND CORRECT BASED ON MY
PRESENT BELIEF AND INFORMATION.

This the ____ day of _____, 2016.

By: _____

Title: _____

Questionnaire

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APPENDIX F

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____ personally came before me this day and acknowledged that he is _____ of _____ and by that authority duly given and as an act of _____, the foregoing instrument was signed by _____, its _____, attested by him/herself as Secretary, and sealed with the common seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the day of _____, 2016.

Notary Public

My commission expires: _____

I. SECTION 1-- INSTRUCTIONS TO PROPOSERS

A. DEFINITIONS

1. **CONSTRUCTION MANAGER** means an entity properly licensed as a general contractor under the law of the State of North Carolina to provide the services provided for in this RFP, and for the purposes of this contract also means a Construction Manager At Risk.
2. **CONSTRUCTION MANAGER AT RISK** (Hereinafter sometimes referred to as: the CM) means a Construction Manager that has contracted to give a Guaranteed Maximum Price for the construction of the Project, and has assumed the risk of the actual cost of the construction exceeding that Guaranteed Maximum Price.
3. **OWNER** means the Rutherford County Board of Commissioners
4. **PROJECT** means all structures, buildings, site work, or other improvement to real property of every kind and nature provided for or reasonably inferable from the Construction Documents published at the end of the design phase of the project by the Project Designer.
5. **PROJECT DESIGNER** means the firm or firms of architects *or* engineers or both (and their consultants) which have undertaken to design the Project pursuant to a contract with the Owner (Hereinafter: the Design Contract).
6. **PROJECT BUDGET** is set forth in the RFP data sheet and outlines various fees and reserves retained by the owner which must be deducted from the project budget to arrive at an Amount Available for Construction. All costs included in the Guaranteed Maximum Price must be within the Amount Available for Construction.

B. SUMMARY

1. The object of this Request For Proposal (RFP) is for the Owner to select a Construction Management (CM) firm AT RISK to provide professional construction management services during the design and the construction of the Project as described in this Request for Proposal (RFP).
2. The CM contract will be performed in two phases. Phase I will include the pre-construction phase services and the preparation and submission of the Guaranteed Maximum Price (GMP). Phase II will include the award and management of numerous principal and specialty trade contracts for others to provide the actual construction of the Project. Because the CM will be providing only professional services for the benefit of the owner based on a fee for such services, this procurement will be made in accordance with provisions of G.S. 143-64.31 which require that firms qualified to provide such services be selected on the basis of demonstrated competence and qualification for the type of professional service required without regard to fee and thereafter negotiate a contract for those services at a fair and reasonable fee with the best qualified firm.
3. The Construction Manager will be an integral member of the Project Team, consisting of representatives from the Owner, the Project Designer, and other consultants, as required. Generally, it will be the responsibility of the Construction Manager to integrate the design and construction phases, utilizing his skills and knowledge of the general contracting, to develop schedules; prepare detailed project construction estimates; study labor conditions; and, in any other way deemed necessary, to contribute to the development of the project during the pre-construction / design phase. During the construction phase, the CM will be responsible for effecting the construction of the project within the Guaranteed Maximum Price (GMP) and providing all necessary construction services through Trade Contractors selected as hereinafter provided.
4. Upon selection of the construction management firm by the Owner, the resulting contract will authorize the CM to provide pre-construction phase services only, including without limitation the provision of a Guaranteed Maximum Price for the final completion of the Project by the CM.
5. Subsequently, at the end of the pre-construction phase, and in accordance with the terms and conditions of this RFP, the CM will ordinarily execute a contract to include the accepted Guaranteed Maximum Price and to authorize the CM to receive bids and award Trade Contracts to accomplish the construction of the Project.

6. All work performed under this contract shall be in accordance with the General Conditions of the Contract hereinafter set as modified or supplemented by any Contract Amendments, Special Conditions, or other Contract Documents as listed hereinafter, any addenda, and other components of the Contract.
7. The Owner anticipates award of a contract with the successful construction management firm upon completion of fee negotiations.

C. PRE-PROPOSAL CONFERENCE

1. A Pre-Proposal Conference inclusive of site tour will be held as set forth on the foregoing Data Sheet.
2. A walk through of the Detention Center area will be conducted immediately following the Pre-Proposal Conference.
3. **ATTENDANCE AT THE PRE-PROPOSAL CONFERENCE IS MANDATORY.**

D. DUE DATE AND TIME

1. One (1) original plus ten (10) copies (for a total of 11) of the Proposal must be received at the Rutherford County Finance Office as set forth on the foregoing Data Sheet in order to be considered. Submission of three (3) electronic copies of the proposal either on a CD or a flash drive are also strongly encouraged, but does not substitute for the required written copies. Proposers are requested to clearly mark the "Original" set of the Proposal.
2. Each proposal shall be properly labeled with the date and time the proposals are due, the title of the project, and the name of the person, firm, or corporation making the proposal.
3. The Owner will evaluate the proposals as hereinafter provided.
4. Proposers mailing proposals shall allow sufficient mail delivery time to insure timely receipt by the Rutherford County Finance Office. Proposals or unsolicited amendments to proposals arriving after the due date and time will not be considered.
5. **LATE PROPOSALS CANNOT BE ACCEPTED.** Proposals are to be delivered to the Rutherford County Finance Office and clearly designated as Proposal for this RFP. The Owner recommends against use of mail or delivery services that will not guarantee delivery directly to this office. Proposals delivered to any other location will not be considered "received" until they arrive at the location specified above. This Owner will not waive delay in delivery resulting from need to transport a proposal from another location, or error or delay on the part of the carrier.

E. QUESTIONS AND INQUIRIES

Questions and inquiries shall be directed to the individual(s) referenced with the Rutherford County Planning Department as noted in the Proposal for this RFQ. The Rutherford County Planning Department Office will be open during normal business hours and business days.

F. TERMINOLOGY

All references in this RFP to the Construction Manager, Proposer, Project Designer/Engineer, and other person or persons are made relative to the singular person, male gender (e.g "he", "him", "his", etc.) These are intended only as generic terms relative to number and gender and are employed solely to simplify text and to conform with commonly used construction specifications language.

G. SITE INVESTIGATION

By submitting a proposal the Proposer acknowledges that he has investigated and satisfied himself as to the conditions affecting the work, including but not restricted to those bearing upon transportation, disposal, handling and storage of materials, availability of labor, water, and electric power. Any failure by the Proposer to acquaint himself with the available information will not relieve him from responsibility for estimating properly the cost of successfully providing the services required. The Owner shall not be responsible for any conclusions or interpretations made by the Proposer of the information made available by the Owner.

H. EVALUATION PROCEDURE

1. After the closing date for receipt of Proposals, the Owner shall open the Proposals and initially classify the Proposals as:
 - 1.1 Complete and acceptable.
 - 1.2 Incomplete or otherwise unacceptable.
2. Offerers whose proposals are unacceptable shall be so notified.
3. An Owner's "Pre-selection Committee" will evaluate the complete and acceptable Proposals (including required Qualification Material) that are timely and properly submitted.
4. The Pre-selection Committee will form a shortlist of three firms whose proposals, in the judgment of the committee, offer the most desirable plans for the provision of services considering, among other things, the experience, expertise, and reputation of the proposing firm, together with due consideration of proffered quality, performance and the time specified in the proposals for the performance of the contract.
5. The Pre-selection Committee may receive oral presentations from each of the shortlisted firms. NOTE: The Owner reserves the right to make an award based on initial offers without receiving oral presentations. The Owner reserves the right to request clarifying information from any and all Proposers at any time during the evaluation process.
6. The Pre-selection Committee will rank the top three shortlisted firms in priority order based on the criteria outlined in this RFP.

I. RIGHT TO REJECT PROPOSALS AND WAIVE INFORMALITIES

1. The Owner reserves the right to cancel this RFP at any time before the date set for the receipt of proposals.
2. The Owner reserves the right to reject either all proposals after the opening of the proposals but before award, or any proposal, in whole or part, when it is in the best interest of the Owner. For the same reason, the Owner reserves the right to waive any minor irregularity in a proposal.

J. LICENSES AND QUALIFICATION

1. Proposers must possess all licenses required by North Carolina law, including, at a minimum, an unlimited general contractor's license in the building classification under N.C. Gen. Stat. Chapter 87, and shall submit proof of current licensing with their proposal.
2. The Owner reserves the right to require that the Construction Manager demonstrates that it has the skills, equipment and other resources to satisfactorily perform the nature and magnitude of work necessary to complete the project within the proposed contract schedule.

K. CLARIFICATIONS AND ADDENDA

1. Should a Proposer find discrepancies in the RFP documents, or should he be in doubt as to the meaning or intent of any part thereof, he must, not later than **seven (7) working days prior to the proposal due date**, request clarification in writing from the Rutherford County Planning Department, which may issue a written Addendum to the RFP. Requests shall include the RFP name.
2. Oral explanations or instructions with respect to the RFP will not be binding; only written Addenda may be relied upon. Any Addenda resulting from these requests, or from questions raised at the mandatory pre-proposal meeting, will be mailed to all listed holders of the RFP's no later than **three(3) calendar days** prior to the proposal due date.
3. Any addendum amendments to the RFP must be acknowledged with submission of the proposal.

L. ECONOMY OF PREPARATION

Proposals should be prepared simply and economically, providing a straight forward, concise description of the Proposer's offer to meet the requirements of the RFP.

M. CONFIDENTIAL PROPRIETARY INFORMATION

Proposers should give specific attention to the identification of those portions of their proposals which they deem to be confidential, proprietary information or trade secrets, and provide any justification of why such materials, upon request, should not be disclosed by the Owner under North Carolina public records laws. Proposals will be publicly opened. Proposers must clearly indicate each and every section that is deemed to be confidential, proprietary or a trade secret as required by statute. It is NOT sufficient to preface your entire proposal with a proprietary statement.

N. PROPOSAL AFFIDAVIT

The Proposal Affidavit included in Appendix F must be executed by each responding Proposer and submitted with the Proposal.

O. MULTIPLE / ALTERNATIVE PROPOSALS

Proposers may not submit more than one (1) proposal nor may Proposers submit an alternate to this RFP.

P. INCURRED EXPENSES

The Owner will not be responsible for any costs incurred by any Proposer in preparation and submittal of a proposal.

END OF SECTION I

II. PROPOSALS AND EVALUATION

A. PROPOSAL SUBMITTALS

Responses to the RFP are to consist of the following:

1. **Verification of Minimum RFP Requirements:** All Proposers will be required to submit evidence of compliance with the Minimum Requirements of this RFP.
2. **Proposal Submittal:** All Proposers will be required to submit one (1) original and ten (10) copies (for a total of 11) of the Proposal. Submission of three (3) electronic copies of the proposal either on a CD or a flash drive are also strongly encouraged, but does not substitute for the required written copies.
3. **Transmittal Letter:** A transmittal letter prepared on the Proposer's business stationery must accompany the Proposal Submittal. The purpose of this letter is to transmit the Proposal. Therefore, it should be brief, but shall list all items contained within the Proposal. The letter must be signed by an individual who is authorized to bind the Proposer to all statements contained in the Proposals.
4. **Signing of Forms:** The Proposal, if submitted by an individual, shall be signed by the individual; if submitted by a partnership or joint venture, shall be signed by such member or members of the partnership or joint venture as have authority to bind the partnership or joint venture; if submitted by a corporation, shall be signed by an officer, and attested by the corporate secretary or an assistant corporate secretary. If not signed by an officer, there must be attached a copy of that portion of the by-laws or a copy of a board resolution, duly certified by the corporate secretary, showing the authority of the person so signing on behalf of the corporation. Signatures shall be under seal, i.e.: indicated by the word "(Seal)" following signature of individual and partner bidders, and indicated by affixing the Corporate Seal at corporate signatures.

B. PROPOSAL REQUIREMENTS

Minimum Requirements: The following information **must** be furnished in the proposal. Failure to include any of the items listed below *may* disqualify response. Criteria are listed in order of importance; however, no point value is assigned to any criterion by the Owner, rather all criteria will be considered together with greater weight given to first-listed criteria. Proposer should describe in detail and provide evidence supporting the qualifications below. **All Proposers are to compile their Proposals in the order listed below.**

1. A Proposer, to be considered, must have a minimum of five (5) years of experience as a Construction Manager or General Contractor in providing the Pre-Construction and Construction Phase Services. This is a minimum requirement and firms with additional experience will receive additional consideration.
 - 1.1 Each proposer is to submit information on three projects of similar scope and complexity that have been completed by the proposer within the past seven years or be substantially complete (available for use for its intended purpose). The information for each project shall include specific details on the extent to which preconstruction and construction phase services were provided. Experience with a wide variety of building types and building clients is acceptable.
 - 1.2 Proposers shall clearly indicate the type of contract under which the pre-construction and construction phase services were provided for the three similar projects (e.g general contract, CM agency, CM at risk, design-build, etc.).
2. Key Personnel
 - 2.1 Provide a detailed but concise resume (inclusive of educational background and all prior work experience) on each of the key personnel **only** to be assigned to this project. Such personnel should include, but are not be limited to, the Project Manager, Field Superintendent(s) and other key personnel who may be required. A Project Executive (by whatever name called) must also be named in Key Personnel but need not be exclusively assigned to this Project.
 - 2.2 Within your description include the following on each individual:
 - 2.3 Experience with your firm as well as other prior experience, noting the role played by the person.

- 2.4 Specify percentage of time to be committed to this project during both the pre-construction and construction phases.
- 2.5 Note where these key personnel are located (e.g., local office in what geographic location, main headquarters in what geographic location, etc.).
- 2.6 Note which of the following items (under headings of Preconstruction and Construction) will be handled by which key person; in addition, please identify person who will handle overall management of this project:
 - 2.6.1 Pre-Construction: Design review, constructability issues, cost model estimates, schedule, value analysis, and procurement.
 - 2.6.2 Construction: Coordination of subcontractors, trades people, vendors, suppliers, Safety, Quality control/inspections, shop drawing review, change order review, claims resolution, schedule control, commissioning, and payment approval.
- 2.7 On the page opposite to the resume / background of each individual, please show the corporate organizational chart for this project and where this person is positioned.
- 2.8 Name and Qualifications of the firm/personnel providing interdisciplinary coordination/constructability review of Contract Drawings and Specifications. Provide detailed description of the process to be used.
- 2.9 Include a statement from your firm committing to assigning these proposed personnel if your firm is the selected CM firm.

3. References:

Provide three (3) references per the experience list above. The references must be project owners or project owner representatives. Provide a contact name, address, telephone number and project name and location for each reference. Such references are to be from different projects; that is, only one reference per project is allowed. The Owner reserves the right to contact references given as well as any other source available. Such references will be held in the strictest confidence.

4. Project Planning:

4.1 Provide a descriptive summary, developed in response to the RFP, as to your firm's approach to the following items including, but not limited to, all information noted below:

4.1.1 **Value Analysis:** Describe the process by which your firm performs value analysis so as to achieve an appropriate balance between costs, aesthetics, sustainable design and function.

4.1.2 **Cost Model / Estimates:** Provide the cost model format used on one of the completed projects provided under the Experience Section.

4.2.5 **Request for Information (RFI), and shop drawings:**
Describe your firm's approach to handling these documents to insure accuracy and timeliness.

4.2.6 **Quality Control:** Describe how your firm implements quality control throughout construction. Provide samples / examples of your quality control program inclusive of applicable documentation.

5. Profile of Proposer: Provide the following on your firm
 - 5.1 Brief history of your firm inclusive of the year in which your firm commenced providing the Construction Management at Risk services.
 - 5.2 Provide annual dollar workload volume inclusive of number of projects on a per year basis for the last five (5) years and indicate what percentage of such work is CM at Risk, GC or other (name).
 - 5.3 Provide list of current projects on which your firm is committed, the dollar volume of each and the time frame for each.
6. Financial Stability: Provide current audited financial statement.
7. Bonding Capability: Provide a letter from a surety company licensed to issue bonds in the State of North Carolina or that has an agent licensed to do business in the State of North Carolina indicating the Proposer's capability to provide adequate performance and payment bonds for this Project.

C. SELECTION CRITERIA

In selecting the three firms to be presented to the Board of County Commissioners, the Pre-selection Committee should take into consideration in the evaluation of the proposals such factors as:

- 1.1 Workload that is fully able to accommodate the addition of this project.
 - 1.2 Record of successfully completed projects of similar scope without major legal or technical problems.
 - 1.3 Previous experience with the Owner, a good working relationship with Owner representatives, has completed projects in a timely manner and has performed an acceptable quality of work.
 - 1.4 Key personnel that have appropriate experience and qualifications.
 - 1.5 Relevant and easily understood presentations.
 - 1.6 Completion of CM-at-Risk projects in which there was little differences between the GMP and final cost.
 - 1.7 Projects that were completed on or ahead of schedule.
 - 1.8 Construction administration capabilities, including technology systems to manage construction and payment progress.
 - 1.9 Proximity to and familiarity with the area where the project is located.
 - 1.10 Other factors that may be appropriate for the project.
2. All proposers will be notified in writing of the identity of the proposers selected for consideration on the shortlist.

D. CONTRACT NEGOTIATION AND AWARD

1. After the three firms have been notified of the action by the selection committee, the Owners representatives along with the Rutherford County Attorney will discuss with the selected construction manager-at-risk ~~for~~ appropriate services and information about the project.
2. The Owners Representative will request in writing a detailed fee proposal from the selected Construction Manager. Owner representatives, in coordination with the Owner's Attorney, will attempt to negotiate a fair and equitable fee consistent with the project program and the professional services required for the specific project. In the event a fee cannot be agreed upon, the Owner shall terminate the negotiations and shall repeat the notification and negotiation process with the next ranked Construction Manager on the selection list. In the event a fee cannot be agreed upon with the second-ranked Construction Manager, the process will be repeated with the third-ranked Construction Manager. If a fee still cannot be agreed upon, the Board of Education shall review the history of negotiations and make appropriate determinations including program adjustments so as to lead to a negotiated contract with one original three firms selected. Such renegotiation with the firms shall be carried out in the original selection order. The negotiation process will continue until a fee has been determined that is agreed to by the Board of County Commissioners and the Construction Manager.
3. Following successful negotiation, the Owner shall award the contract in the exercise of its discretion as by law provided.

E. CONSTRUCTION MANAGER FEE AND CONTRACT

The Construction Manager will submit a fee proposal in two parts; part one will cover pre-construction services; part two will cover construction services. The entire fee will be negotiated at one time, however, the initial CM contract will be for pre-construction services. The construction services fee will be a part of the GMP contract.

END OF SECTION II