

REQUEST FOR PROPOSALS
For Construction Manager/General Contractor (CM/GC) Services
Billings Public Works Department
W.O. 22-37 Landfill Drop-Off Building Repairs

SECTION 1 – GENERAL INFORMATION

1.1 Purpose

The City of Billings Public Works Department is requesting proposals from Construction Manager/General Contractor (CM/GC) contractors to provide CM/GC services for W.O. 22-37 Landfill Drop-Off Building Repairs.

1.2 Submission and Questions

Questions regarding this Request for Proposals (RFP) shall be submitted to:

City of Billings
Attention: Will Robbins
City Engineer's Office
2224 Montana Ave
Billings, MT 59101
(406) 657-8237
robbinsw@billingsmt.gov

from 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

1.3 Preparation Costs

The City shall not be responsible for RFP preparation costs, nor for costs including attorney fees associated with any (administrative, judicial or otherwise) challenge to the determination of prequalification. By submitting a proposal, each contractor agrees to be bound in this respect and waives all claims to such costs and fees.

SECTION 2 – RULES GOVERNING COMPETITION

2.1 Examination of Proposals

CM/GC contractors should carefully examine the entire RFP, any addenda thereto, and all related materials and data referenced in the RFP. CM/GCs should become fully aware of the nature of the Work and the conditions likely to be encountered in performing the Work.

2.2 Proposal Review Period

The time anticipated for City staff to review proposals received is seven (7) calendar days.

2.3 Confidentiality

The content of all proposals will be kept confidential until after selection of a CM/GC and a contract is awarded. At that time, all CM/GC's submitted qualifications and proposals will become public information.

2.4 Proposal Format

Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of the CM/GC's capabilities to satisfy the requirements of this RFP. Emphasis should be placed on:

- Conformance to the RFP instructions
- Responsiveness to the RFP requirements
- Overall completeness and clarity of content

2.5 Signature Requirements

All proposals must be signed. Any duly authorized agent of a contractor may sign the proposal. The name and title of the signing individual(s) must be clearly shown immediately below the signature.

2.6 Proposal Submission

Four (4) hard copies and one (1) electronic copy of the proposal must be received by the City no later than Monday, March 7, 2022 at 4:00 p.m. local time. Hard copies of the proposals must be under sealed cover and plainly marked. Proposals shall be delivered or mailed to:

City of Billings
Public Works - Engineering
Attn: Will Robbins
2224 Montana Ave
Billings, MT 59101
Email: robbinsw@billingsmt.gov

2.7 News Releases

News releases pertaining to the final selection of the contractor from the proposals shall not be made without prior written approval of the Public Works Department.

2.8 Disposition of Proposals

All materials submitted in response to this RFP become the property of the City of Billings. One copy shall be retained for the official files of the Public Works Department and will become public record after selection of a contractor and a contract is awarded.

2.9 Modification/Withdrawal of Proposals

A respondent may withdraw proposal at any time prior to the final submission date (Monday, March 7, 2022, 4:00 p.m.) by sending written notification of its withdrawal, signed by an agent authorized to represent the agency. The respondent may thereafter submit a new or modified proposal prior to

the final submission date. Modifications offered in any other manner, oral or written, will not be considered. A final proposal cannot be changed or withdrawn after the time designated for receipt, except for modifications requested by the City after the date of receipt.

2.10 Oral Change/Interpretation

No oral change or interpretation of any provision contained in this RFP is valid whether issued at a pre-submission conference or otherwise. Written addenda will be issued when changes, clarifications, or amendments to RFP documents are deemed necessary by the City.

2.11 Late Submissions

PROPOSALS NOT RECEIVED PRIOR TO THE DATE AND TIME SPECIFIED (MONDAY, MARCH 7, 2022, 4:00 PM) WILL NOT BE CONSIDERED AND WILL BE RETURNED UNOPENED AFTER RECOMMENDATION OF AWARD.

2.12 Rejection of Proposals

The City of Billings reserves the right to reject any or all proposals if determined to be in the best interest of the City.

SECTION 3 – SCOPE OF WORK

3.1 Project History

The City of Billings Solid Waste Division completed a project in February, 2021, that included a new Drop-Off Building. This is a 60,000 sf PEMB (pre-engineered metal building) used by customers as an indoor site to drop off garbage to be landfilled by City staff. A fire occurred in the west end of the building on January 19, 2022, causing substantial damages that have prevented the City from resuming operations inside the building.

A separate RFP (Request for Proposals) has been issued for Professional Engineering/Architectural services related to this project. The initial task of the chosen consultant will involve completing a thorough evaluation of repairs needed. The timeline for selecting a consultant is nearly parallel to that of the CM/GC selection, with a selection planned for March and contract award in April. The chosen consultant will participate in the CM/GC selection. The CM/GC selected through this RFP process will become a part of and work with the project team, including the chosen consultant and the City of Billings, to complete the project in the most timely and cost efficient manner possible.

3.2 Construction Manager/General Contractor (CM/GC) Responsibilities – Phase 1 Preconstruction

The CM/GC will work as an integral part of the project team to coordinate with the chosen consultant in developing and implementing a detailed scope of work for all required repairs. This will also include coordination between the project team and the City's insurance group to ensure all repairs will be covered by the insurance claim. The intent is that project goals and objectives are clearly understood, potential problems are resolved promptly, and upon completion, the

project is deemed a success by all. In conjunction with the chosen consultant, the successful CM/GC will provide preconstruction services by performing the following, non-exclusive, tasks:

- Actively participate in a kick-off meeting.
 - Project team introductions, expectations, communication control plan
 - Evaluate preliminary project schedule and milestones
 - Review major project risks, including cost, material/equipment availability, and permitting
- Determine the best means of making the east end of the Drop-Off Building operational for the City to resume partial service within the building prior to completing repairs throughout the rest of the building.
- Review the evaluation of repairs created by the consultant and determine an acceptable budget and schedule for the work.
- Assist the consultant and City in resolving problems, conflicts, errors, omissions, and ambiguities identified during review and evaluation of the repair scope of work with intent to improve the constructability, economy of the design, and schedule for completion.
- Notify the engineer and City, in writing, of all problems, conflicts, and/or deficiencies identified during the review and evaluation of the repair scope of work. The CM/GC will play an integral part in identifying and providing risk mitigation strategies.
- Provide input on alternative solutions to address challenges and identified deficiencies. Perform feasibility investigations on potential options or construction approaches.
- Provide information, cost estimates, and alternatives to facilitate decisions regarding project direction, construction impacts, and staging. The intent of this information sharing is to reduce the need to change the design late in project development, resulting from budget or schedule considerations.
- Review design/bidding documents in-progress and offer suggestions to improve completeness or clarity and to ensure completion of the project in the most efficient manner possible.
- Review in-progress design plans and provide input and/or alternate design concepts and offer suggestions with respect to means and methods, materials, innovations, and construction sequencing.
- Provide input to the project team regarding current construction industry practices, labor market, and material and equipment availability.
- Identify innovations for evaluation that will provide value to the project to reduce schedule and budget.
- May use subcontractors to supplement preconstruction services to provide the necessary expertise.
- Review, validate and/or propose alternate traffic staging and control concepts related to both City staff and public traffic within the Landfill as it relates to or may conflict with the repair project.
- Review and determine the feasibility of the project environmental commitments/permits.
- Provide preliminary quantity take-offs and construction cost estimates.
- Provide a final review and evaluation of the final plans and construction documents.

The CM/GC will provide cost estimates at each milestone as the team advances the design toward construction. Anticipated milestones for this project are 30%, 60%, 90% and 100%. At 100% design, the CM/GC shall provide a Guaranteed Maximum Price (GMP) and contingency.

3.3 Construction Manager/General Contractor (CM/GC) Responsibilities – Phase 2 Construction

The CM/GC will provide the necessary company resources and/or subcontractors to construct the project as designed. The design may not be delivered in a format typical of a traditional design/bid/build project. The CM/GC will coordinate with the consultant and City for procurement of materials and construction to meet the design intent and schedule.

- Potential repairs, as outlined by the insurance group's initial assessment, include but may not be limited to:
 - Replacement/repair of girts and girder beam webs on the west end of the building
 - Replacement of the majority of the purlins on the west end of the building
 - Replacement/repair of some of the cross bracing
 - Replacement of the siding and trim on the west wall
 - Replacement of the interior liner paneling and trim on the west wall and west end of the north wall
 - Replacement of the overhead door and controller on the west wall
 - Replacement of the metal roof sheeting on the west end of the building
 - Replacement, repair, and/or cleaning of all vents and exhaust fans on the roof
 - Replacement/repair of the steel skylight curb framing
 - Replacement of the polycarbonate skylight framing, glazing, and trim
 - Replacement of the translucent wall glazing panels on the north wall
 - Replacement, repair, and/or cleaning of the west concrete push wall
 - Test integrity of and confirm operation of dry fire sprinkler system
 - Pressure test piping
 - Inspection and testing of all sprinkler valves and controls
 - Replacement of sprinkler heads
 - Replacement of conduit, wiring, and electrical devices (lighting fixtures, etc.)
 - Inspection, cleaning, and testing of electrical switchgear and low voltage systems
 - Inspection and testing of the misting system
 - Inspection and testing of the exterior irrigation system

3.4 Cost Estimating Requirements

As noted in Section 3.2, cost estimates will be generated by the CM/GC during Phase 1 – Preconstruction. The cost estimates will be compared to estimates developed by the Engineer and/or insurance group. The project team will define the terms and format on which all estimates will be based. Supporting information and calculations documenting a production-based estimating process must be submitted with each estimate and will be reviewed in detail. Such documentation may include:

- Detailed prices and quantity take-offs, including all calculations to arrive at quantities
- Material costs
- Equipment ownership and operating costs
- Fully-loaded hourly labor rates (including employee benefits, payroll taxes and other payroll burdens)
- Detailed total cost for any portion of the work to be performed by subcontractors
- Subcontractor pricing should be production-based and include labor, materials, equipment and general conditions (including subcontractor bonds and insurance)

- Copies of quotes from subcontractors and suppliers for comparison and justification
- Crew composition (labor and equipment) and production rates for all operations
- Transportation and other facilities and services necessary for the proper execution of the work, whether temporary or permanent, and whether or not incorporated, or to be incorporated into the work
- All fixed equipment, site improvements, and utility and equipment installations
- Construction Phase Multiplier
- Project overhead, general condition costs, indirect costs
- GMP Contingencies and risks
- Allocated general and administrative expenses not accounted for in the Construction Phase Multiplier, such as bonds, non-exempt taxes, and insurances
- Memoranda, narratives, consultant's reports, and all other information included by the CM/GC to arrive at the price shown in the Cost Estimate or GMP; include a list of all assumptions and a description of the breakdown of all allowances.

3.5 Subcontracting

Subcontractors are selected at the discretion of the CM/GC. The CM/GC must make a good faith effort to select subcontractors that provide reasonable pricing and quality work. Key subcontractors identified in the RFP as a part of the CM/GC team must also agree to use production-based pricing, similar to the estimating requirements imposed on the CM/GC. The CM/GC will identify their selections during the design process, prior to the GMP finalization, as the team creates a solution that meets schedule, quality, and budget goals. The CM/GC is to update the description of the roles/scopes of each subcontractor as changes occur. Changes to key subcontractors must receive prior approval by the City.

3.6 Explanation of Guaranteed Maximum Price (GMP)

The GMP is the total itemized dollar amount agreed upon between the CM/GC and the City for constructing a specific portion of the project scope – excluding the fee for the Preconstruction Phase services. It includes, but is not limited to, all direct and indirect contractor costs associated with the construction, contracting, self-performance, and management of the project, including the preparation of the construction schedules, shop drawing preparation, construction labor, material costs, equipment costs, all traffic control, quality testing, survey, replacement of rejected work or materials, all punch-list and warranty work, all overhead costs, general condition costs, and fees. The CM/GC is required to provide estimate details to the City as part of the GMP submittal process.

The City may include multiple construction phases or early work construction packages that will result in the CM/GC providing Early Work Package GMP's for each package in the overall project, the summation of which equal the GMP for the whole project.

The GMP cost excludes the fees that are paid for services under the Preconstruction Services phase, as they will be covered in a separate Phase 1 - Preconstruction Services Agreement.

The GMP will include the CM/GC Construction Phase Multiplier, described in Section 3.7, which is a fixed-rate percentage for home office overhead and profit that will be applied to the total of all direct costs and indirect costs.

3.7 Contractor Selection Procedure and Contract Format

Each Proposer is required to submit a Technical Proposal and a Price Proposal (Construction Phase Multiplier). Technical Proposal content will be scored by a selection committee as described in Section 5. The CM/GC's Price Proposal will include the CM/GC's Phase 2 - Construction Phase Multiplier defined later in this section. The Technical Proposal score and Price Proposal score will be added to determine the Best Value proposal and to select the CM/GC.

The CM/GC contract is expected to be negotiated in two phases. The City and the CM/GC will initially negotiate a cost reimbursable contract for Phase 1 - Preconstruction Services.

Phase 1 – Preconstruction Services, Preconstruction Multiplier and GMP

Upon completion of the selection process, the City and the CM/GC will enter into Phase 1 – Preconstruction Services contract negotiations to define the hourly billing rate, direct expenses, and final scope of services. As a baseline for Phase 1 contract negotiations, proposers are required to submit employee hourly rates (for direct salary only) for the key personnel identified in the RFP. A multiplier of 50% will be applied to the hourly rates. This Multiplier is to compensate the CM/GC for all overhead and profit-type costs, exclusive of specifically identified direct costs that will be further defined in the Phase 1 contract negotiations. This multiplier will be applied to all the CM/GC's management and staff labor, and all subcontractor and subconsultant costs. If the City and CM/GC cannot agree on a negotiated Phase 1 services fee, the City reserves the right to begin negotiations with the proposer having the second-highest ranking proposal.

A Phase 2 – Construction Services contract amendment will not move forward unless the City agrees that the GMP provided during Phase 1 has been independently evaluated as fair, reasonable and defensible. If contract negotiations are not successful, the City reserves the right to cancel the agreement with the CM/GC according to Phase 1 contract provisions for discontinuance of work. If the City elects this measure, the City/project team will re-procure the work, and the CM/GC will not be eligible to bid on that work through the revised project delivery process. The CM/GC will not be entitled to recover any lost costs for the actual expenditures or any lost profits for the costs of a future Phase 2 contract should the GMP developed during Phase 1 not be successfully agreed upon with the City for any reason.

When Phase 1 is complete and there is agreement on the project schedule and GMP, the City and CM/GC will negotiate and finalize the Phase 2 contract amendment. In Phase 2, the CM/GC assumes the role described Section 3.3 above and constructs the project.

Phase 2 – Construction Services and the Construction Multiplier

Proposers are required to state their Construction Multiplier. The multiplier includes the CM/GC's profit and home office overhead (General and Administrative Costs) allocated to the project. The multiplier is identified as a percentage carried-out to two (2) decimal points, which will be applied to the Guaranteed Maximum Price (GMP) bid for all Phase 2 – Construction services. The fixed fee percentage will be used in the CM/GC's estimates and their GMP proposals. Home office overhead is defined as all auditable costs that are allocated to all the CM/GC's ongoing projects, including insurance that is maintained by the CM/GC as a general cost of doing business. This multiplier should not include any field indirect costs or direct costs of the project, risks or contingencies. The Construction Multiplier will be submitted separately from the Technical Proposal in a sealed envelope (or separate .PDF file if submitting electronically) and will be a scored component of the proposal as described in Section 5.

SECTION 4 – PROPOSAL SUBMISSION REQUIREMENTS

4.1 Pre-Proposal Meeting

A pre-proposal meeting will be held in the Maintenance Building conference/break room at the Billings Regional Landfill (5240 Jellison Road, Billings, MT) at 1:00 p.m. on Thursday, February 24, 2022. A walk-thru of the Drop-Off Building will be conducted following the meeting. The purpose of the meeting is to provide a forum for all concerned parties to see and discuss the proposed project and answer questions related to the RFP. In the event any discussions or questions at the pre-proposal meeting require, as determined by the City, official additions, deletions, or clarifications of the RFP, the City will issue an addendum to this RFP. No oral representations or discussions that take place at the pre-proposal meeting will be binding on the City.

4.2 General

The legal entity (CM/GC contractor) desiring consideration for this project will submit four (4) hard copies of their proposal and one (1) copy electronically (PDF), to the address listed in Section 1.2. The Proposal has a 5-page limit. Each page that contains text, graphs, drawings or other illustrations is considered in the page limit, whether single-sided or double-sided. The transmittal letter, signed addenda, resumes, front and back covers, and blank section dividers are not included in the page limit.

One page shall be interpreted as one side of a single-spaced, typed, 8-1/2" x 11" sheet of paper using no less than a 12-point font with top, bottom and side margins of no less than one inch. Headers and footers can be outside of these margins. Font size less than 12-point can be used in graphs, charts, drawings or other illustrations.

4.3 Transmittal Letter

Provide a proposal transmittal letter that identifies the legal entity (business structure) authorized to render CM/GC services. Include signed and dated copies of any addenda issued to the RFP.

4.4 Title Page (1 Page)

Include the date, business phone numbers, emails, addresses, and contact persons of the CM/GC participating companies. The title page must be signed by a corporate officer or other individual who has the authority to bind the firm. The typed or printed name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature(s).

4.5 Proposal Narrative (max of 4 Pages)

The narrative sections should be organized into the following three sections:

A. Project Team and Capability of the CM/GC Contractor (20 points)

A project technical review committee will consider how well the qualifications and experience of the CM/GC team members relate to the subject project. Provide a detailed organization chart showing relationships between management and key personnel for the various areas of service. Include a description of qualifications for the overall Project Manager, Construction Superintendent, and Project Estimator. State who will be the main point(s) of contact during

each project phase and where they will be physically located to support the project. Attach resumes (1-page recommended) of any key personnel.

List relevant projects completed in the last 10 years. Previous City of Billings projects should be noted. Minimum information for each project should include the project name, description, services performed, methods, innovations, location, year of completion, key team members and their roles, and client contact information.

Provide information indicating portion and type of work the contractor may self-perform as backup documentation of the contractor's approach.

Note that the contractor and associated key personnel contributing to the CM/GC team cannot change after contract award without the prior written approval of the City.

B. Strategic Project Approach (30 points)

The technical review committee will consider how the presented approaches for both the Phase 1 - Preconstruction and Phase 2 – Construction phases support overall project goals.

Discuss the planned approach to Phase 1 - Preconstruction, including:

- how project goals will be maximized and attained,
- interaction procedures for contributing design concepts, project features, and alternative solutions,
- approach for improving potential schedule issues and/or shortening overall schedule,
- approach for addressing constructability issues,
- design phase strategies to help reduce errors, omissions, improve quality, reduce construction costs and improve schedule

Discuss the planned approach to Construction, including:

- approach to managing quality,
- possible approach to getting east end of Building operational prior to completing work on west end,
- possible approaches and sequences that optimize project value,
- factors that would affect construction schedule, such as outside constraints, phasing, seasonal work, materials, and equipment and labor availability,
- anticipated project challenges, opportunities, and risk mitigation strategies,
- approach to ensuring safety for project personnel, City staff, and the public, and
- approach to selection of, communications with, and management of subcontractor(s), and enforcing schedules, quality, safety and compliance protocols with subcontracted work.

C. Approach to CM/GC Project Delivery Process (20 points)

The technical review committee will further evaluate how the CM/GC supports and adds value to the overall project team. Further discuss how the principles of collaboration, cooperation and trust between the Owner, Engineer and CM/GC will be established to resolve challenges to functioning as a team. Demonstrate that the key personnel proposed on this project have the ability and experience to successfully work in a collaborative team environment and provide specific examples from past project experience.

Discuss approach for maintaining cohesiveness of the team and working through conflict. Provide examples of team conflict from past project experience and specific approaches used to keep the team moving the project ahead on budget and schedule.

Describe the means and methods that will be used to support the design development and decision-making process during Preconstruction and Construction phases of the project, thereby helping to reduce errors, omissions, improve project constructability, reduce cost of construction, and shorten project schedule. Describe how the proposed processes will help the team decide which suggestions to use and the benefits and cost savings of CM/GC delivery.

Explain the process that will be used to identify, price and eliminate or reduce the risk of individual project activities, thereby helping to reduce construction costs, save time and improve project quality.

Address financial approach, including cost estimating and best value during project design. Describe the techniques utilized to produce accurate construction schedules.

4.6 Phase 2 – Construction Multiplier (10 points)

In a separate sealed envelope (or separate .PDF file if submitting electronically), proposers shall provide their Construction Multiplier as defined in Section 3.7.

SECTION 5 – PROPOSAL EVALUATION CRITERIA AND SELECTION PROCESS

A committee of individuals representing the City of Billings will evaluate the written Technical Proposal submitted by each proposer. Proposers are not to reveal elements of the Price Proposal (Construction Multiplier) in the Technical Proposal. The Technical Proposal and Price Proposal will be submitted in separate sealed packages (or separate .PDF files if submitting electronically). The Technical Proposal will be evaluated and scored by the selection committee prior to opening and scoring the Price Proposal.

The selection committee will evaluate and score the Technical Proposals on Project Team and Capability of the CM/GC Contractor (20 points), Strategic Project Approach (30 points) and Approach to CM/GC Delivery Process (20 points).

If deemed necessary, the City may request oral interviews with up to the top three (3) scoring proposers as an additional component of the Technical Proposal. If conducted, the oral interview will add a maximum of 30 points to the Technical Proposal score. The same questions will be asked of all those interviewed.

The maximum score of the Construction Phase Multiplier is 10 points and will be determined by comparing each proposer's Multiplier with the average value of all Multipliers submitted in response to this RFP. The highest scoring Multiplier will be the one that is closest to the average of all the Multipliers and will receive 10 points. The second highest scoring Multiplier will receive 8 points, and the third highest scoring Multiplier will receive 6 points.

The overall Best Value score will be assigned to the proposer having the highest combined total of the Technical Proposal score (70 or 100 points maximum) plus Price Proposal score (10 points maximum).

SECTION 6 – TENTATIVE SCHEDULE

The targeted project schedule is:

March 7, 2022	Deadline for receiving Proposals
March 7 – 14, 2022	Staff/team evaluation of Proposals
March 21 – 23, 2022	Interview dates (if necessary)
April 4, 2022	CM/GC contract scope and fee negotiations complete
April 25, 2022	City Council award of CM/GC contract
May 20, 2022	Agreement fully executed and formal Notice to Proceed issued to CM/GC contractor
June 17, 2022	Evaluation of repairs and Scope of Work complete
Summer, 2022	Begin construction/repair work
Late Summer/Fall, 2022	East end of Drop-Off Building returned to operable status
Spring/Summer, 2023	Full facility returned to operable status

(actual schedule to be discussed, coordinated, and agreed to with entire project team)