

# **Request for Proposals For General Contractor (Remodeling Work)**

This Request for Proposals (“RFP”) is Being Issued by:

**Scholar Academy**

928 N. 100 E.  
Tooele, UT 84074  
Ph: 435-566-6957

Date of RFP Issue: April 12, 2023

Deadline to Submit Proposals: May 3, 2023 by 5:00 p.m.

## I – KEY DATES

- A. Date of RFP Issue: April 3, 2023. The RFP will be posted on Scholar Academy’s website (<https://www.scholarcharter.org/>) from April 3, 2023 through May 3, 2023.
- B. Deadline to Submit Proposals: May 3, 2023 by 5:00 p.m.
- C. Mandatory Walk-Through/Site Visit: **Interested parties must participate in a mandatory walk-through/site visit of the property on Tuesday, April 18, 2023 at 3:30 p.m.** Any questions about this RFP outside of the walk-through/site visit must be submitted by email to Platte Nielson ([platte@academicawest.com](mailto:platte@academicawest.com)) by April 26, 2023 at 5:00 p.m. Any questions submitted after this date and time will not be answered. By April 28, 2023, Scholar Academy will post on its website (<https://www.scholarcharter.org/>) answers to all timely questions submitted by email. The attendance log, minutes of the site visit (including significant Q&A), copies of any documents distributed to attendees at the site visit, and any verbal modifications made to any of the solicitation documents will be published as an addendum to the RFP. **Failure to attend the mandatory site visit may result in the disqualification of any party that does not have an authorized representative attend the the mandatory site visit.**
- D. Opening of Proposals: May 3, 2023 at 5:00 p.m. at Academica West, located at 290 N. Flint Street, Kaysville, Utah 84037.
- E. Anticipated Contract Award Date: May 2023.
- F. Anticipated Contract Term: Approximately May 2023 to project completion.
- G. Commencement of Construction: As soon as May 27, 2023, but no later than June 2023.
- H. Completion of Construction: No later than August 7, 2023, unless another completion date is agreed upon by Scholar Academy.

## II – GENERAL INFORMATION

- A. Background of Scholar Academy. Scholar Academy (“Scholar” or the “School”) is a Utah nonprofit 501(c)(3) corporation and public charter school located in Tooele, Utah. Scholar serves students in grades K-8 and enrolls over 650 students each year. Scholar has a one-story school building that is approximately 53,499 square feet. The building was originally constructed in 2014 and since that time has had multiple additions to the building constructed.
- B. Purpose of RFP. **The School needs to add more instructional space to its building, including two new classrooms and two new intervention rooms. To accomplish this, the School will need to convert some of its lunchroom space to a new classroom, its locker room and adjoining hallway to a new classroom, and its courtyard to two new intervention rooms. In connection with this construction project, the School would also like to add some shelving to a storage room and change the swing direction of the storage room doors for egress purposes.**

**The purpose of this RFP is to solicit proposals from general contractors to complete all of the remodeling work summarized herein and reflected in the pre-bid set plans provided with this RFP. Additional details on the remodeling work is below.**

1. Converting a portion of the lunchroom space to a classroom. **This work will require adding a new wall to enclose the new classroom as well as adding a new door and a new sink in the new classroom.**

2. **Converting the boys' and girls' locker rooms to a classroom.** This work will require removing the interior walls, doors, and lockers in each locker room. It will also require removing the doors to the gymnasium in the adjoining hallway and replacing those doors with a new wall. It will further require adding a new wall and new door to the classroom on the other side of the adjoining hallway.
  3. **Converting the courtyard area to intervention rooms.** This work will require fully enclosing the courtyard area to make it into two intervention rooms. This work will include interior walls, doors, and a roof.
  4. **Changing door in storage room next to the gymnasium.** This work will require removing the existing doors to the storage room (which doors swing into the gymnasium) and replacing the doors so that they swing into the storage room.
  5. **Adding shelving in the storage room next to the gymnasium.** This work will require adding shelving along the north wall to match the shelving currently in the storage room.
- C. **Construction Plans.** SilverPeak Engineering is doing the design work on this project and is almost done with the construction plans. The plans were sent out to MEP consultants in the first week of April, and the School anticipates that a completed bid set will be ready to provide to interested parties around mid to late April. As soon as the bid set is ready, it will be posted to the School's website and sent out to interested parties (including any parties that attended the mandatory site visit). The pre-bid set plans provided with this RFP do not include the mechanical and electrical plans.
- D. **Construction Materials.** The construction materials used for the remodel work must match the materials used to construct the existing building. Some of the major construction materials include metal studs and sheetrock for the interior walls and steel decks, joists, and beams for the roof in the courtyard area. Wall heights and other architectural elements of the addition should match those of existing building.
- E. **Change in Scope of Project.** The School reserves the right to reduce or increase the scope of this project if the School, in its sole discretion, determines that it would be prudent for them to do so. **For example, the School may elect to not convert the courtyard area to intervention rooms at this time if that portion of the project cannot be completed by August 7, 2023.**
- F. **Award of Contract.** The contract will be awarded to the offeror whose proposal is determined to be the most advantageous to Scholar, taking into consideration all substantive evaluation criteria outlined in this RFP as well as cost. No other criteria will be used in the evaluation. Please note that the Utah Procurement Code requires that most cost information be evaluated independently from the substantive evaluation criteria. The final determination shall be in writing and shall be determined at the sole discretion of Scholar's Board. To the extent permitted by law, Scholar may reject any and all proposals and may waive any informality or technicality in any proposal received if Scholar's Board determines it would serve the best interests of the School.
- G. **Contract Documents.** The successful offeror selected by Scholar's Board pursuant to this RFP will be required to enter into a written guaranteed maximum price contract consistent with the acceptable services, terms, and conditions outlined in the successful proposal and the requirements set forth in this RFP.

### III – PROPOSAL INFORMATION

- A. **Proposals must be submitted to Scholar by email in compliance with Section V of this RFP. Proposals received by regular mail, hand delivery, telephone, fax, or any other unapproved form are not acceptable and may not be considered.**
- B. **The content of a proposal must address the requirements stated in Section V of this RFP.**
- C. **As stated above, proposals will be opened publicly at Academica West on May 3, 2023 at 5:00 p.m.** Proposals will be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. Only the names of offerors who submitted proposals will be identified at the opening of proposals.
- D. The School's Evaluation Committee may, for the purpose of assuring full understanding of and responsiveness to the RFP's requirements, enter into discussions or conduct interviews with, or attend presentations by, offerors who submit proposals.
- E. Offerors acknowledge that the School's issuance of this RFP does not obligate the School to accept any of the proposals submitted in response to this RFP, nor does it guarantee that the School will in fact accept any of the said proposals. To the extent permitted by law, the School and its Board reserves the right to accept or reject any or all proposals and/or to waive any or all formalities in any proposal or in the proposal process deemed to be in the best interest of the School. No agreement exists on the part of the School and any offeror until a written contract is approved and executed by the School.
- F. This RFP does not obligate the School to pay for costs of any kind whatsoever that may be incurred by an offeror or any third parties in connection with a proposal. All submitted proposals, responses, and supporting documentation shall become property of the School. The School shall not be liable to any offeror, person, or entity for any losses, expenses, costs, claims or damages of any kind arising out of, by reason of, or attributable to, the offeror responding to the RFP.
- G. At any time during the evaluation process, Scholar's evaluation committee may, with appropriate approval, request best and final offers, as provided for in Utah Code § 63G-6a-707.5, from responsible offerors who submit responsive proposals that meet any minimum qualifications, evaluation criteria, or score thresholds identified in this RFP.

### IV – SERVICE REQUIREMENTS

#### Expectations for the School

- A. The School owns the building in which the remodeling work will take place. The School will allow the winning offeror to have adequate access to the building and property to complete the work described in this RFP. In addition, School officials or representatives will be reasonably available to consult with and advise the winning offeror throughout the project.
- B. The School will pay for this project with existing funds.

#### Expectations for Offerors

- A. Offerors must hold current licensure to engage in the work described in this RFP.
- B. Offerors that utilize subcontractors must ensure the subcontractors have current licensure to engage in the work described in this RFP. Subcontractors must sign an approved lien release form and have adequate insurance before offerors disburse payments to them.

- C. Offerors must have adequate financing to fund their business and work obligations during the term of the contract.
- D. Offerors must have sufficient general liability and workers comp insurance as well as auto insurance on all vehicles used in their business.
- E. Offerors must have previously performed construction work for other public schools in Utah and completed projects similar in scope to the one described in this RFP.
- F. Offerors must have knowledge of and comply with any applicable construction reporting requirements for public schools in Utah.
- G. Offerors must comply with and follow instructions in this RFP.
- H. The winning offeror must act as a general contractor for the School on this project.
- I. The winning offeror must enter into a guaranteed maximum price written contract with the School within a reasonable deadline required by the School. In addition, the winning offeror must, upon request, agree to include a reasonable liquidated damages provision in the contract which requires an amount for each day the project goes beyond the scheduled completion date.
- J. The winning offeror must, upon request, secure a payment and performance bond in connection with the project.
- K. The winning offeror must meet all applicable legal requirements of charter school or school construction in the State of Utah and will comply with all applicable building codes, statutes, and rules governing charter school or school construction.
- L. The winning offeror must obtain all necessary and appropriate approvals, permits, and authorizations to commence work at the School's property as indicated herein, including any and all approvals from Tooele City.
- M. The winning offeror must be able to commence and complete the work described in this RFP within the timeframes described in **Section I**.

#### Expectations Regarding Pricing Proposal

- A. Offerors must include a total anticipated guaranteed maximum price to be charged by the offeror to complete the project.
- B. Scholar understands that because it has not yet provided offerors with a final set of construction plans, all pricing proposals submitted by offerors in response to this RFP will only be reasonable estimates based on the information with this RFP and the pre-bid set plans provided with this RFP. The final guaranteed maximum price to be charged by the winning offeror to complete this project will be agreed upon by the parties after construction plans are completed. Final pricing will be included in the guarantee maximum price contract entered into by the School and the winning offeror.

### **V – PROPOSAL REQUIREMENTS**

- A. **Submission of Proposals.** Proposals must be emailed to Platte Nielson at [platte@academicawest.com](mailto:platte@academicawest.com) by May 3, 2023 at 5:00 p.m. in PDF format as described in this paragraph. Proposals must be separated by cost and non-cost related information. All non-cost related information of a proposal (the information provided by an offeror in response to **Section**

**V(B)**) must be contained in one PDF file titled with a phrase similar to “Construction Proposal: Non-Cost Related Information.” All cost-related information of a proposal (the information provided by an offeror in response to **Section V(C)**) must be contained in a different PDF file titled with a phrase similar to “Construction Proposal: Cost-Related Information.” No cost information may be submitted in the PDF that includes non-cost information. All cost and non-cost proposal information must be separate.

**B. Content of Proposals – Non-Cost Related Information. Offerors must include the following non-cost information in their proposals:**

1. *Experience, Qualifications, and Abilities.* Provide information demonstrating that the offeror has the experience, qualifications, and abilities necessary to perform the work described in this RFP. The information must include at least the following:
  - a. Summaries, examples, and/or lists of past (and current, if any) projects where offeror has performed construction work for district or charter schools in Utah, including projects similar to the project described in this RFP;
  - b. Offeror’s key personnel and their qualifications and experience;
  - c. Offeror’s financial viability and ability to bond this project, if required;
  - d. References; and
  - e. Copy of the offeror’s valid Utah general contractor license.
2. *Management Plan.* Describe how the offeror will complete this project on time, on budget, and in a safe manner. Part of this description must include a proposed project schedule and a safety plan.

**C. Content of Proposals – Cost Related Information. Offerors must include the following cost information in their proposals:**

1. *Pricing.* Provide the total anticipated guaranteed maximum price to be charged by the offeror to complete this project. Pricing must be reasonably itemized. Include in the pricing the cost of a payment and performance bond covering the full value of the anticipated guaranteed maximum price to be charged by the offeror to complete this project (in the event a payment and performance bond is required).

**D. Selection and Scoring.** Selection of a general contractor will be based on offerors’ responses to the proposal content requirements in relation to the Evaluation Criteria set forth in **Section VI**. The successful proposal will address each of the required content requirements and clearly demonstrate how the offeror will meet or exceed the School’s needs. The Evaluation Criteria set forth in **Section VI** contains a numerical score for each of the proposal content requirements and proposals will be ranked based on their score. The Evaluation Committee will first subjectively score the non-cost portion of each proposal (the Evaluation Criteria Unrelated to Cost) based on offerors’ responses to the proposal content requirements contained in **Section V(B)**. The Evaluation Committee will then objectively score the cost portion of each proposal (the Evaluation Criteria Related to Cost) by using the following formula: Total Cost Points Possible x (Lowest Proposed Price/Proposal Price Being Evaluated). The offeror with the lowest proposed price (which proposed price is provided by offerors in response to the proposal content requirement in **Section V(C)**) meeting the requirements of the RFP will receive 100% of the cost points (30) and all other offerors will receive a portion of the cost points based on the formula above. **Note:** Proposals that are not compliant with **Section V** may not be considered.

**E. Submission of Protected Information.** Protection of disclosure of information submitted by an offeror in response to this RFP is governed by Utah’s Government Records Access and management Act in Utah Code Ann. § 63G-2-101 *et seq.* and Utah Administrative Code Rules R33-7-105 and R33-7-106. An offeror that desires to request protected status of any information

it submits to the School in response to this RFP must specifically identify the information that it desires to protect and the reasons that the information should be afforded protected status under the law. In making this request, the offeror shall comply with the requirements in Utah Code Ann. § 63G-2-305, Utah Code Ann. § 63G-2-309, and Utah Administrative Code Rule R33-7-105. In turn, the School will comply with Utah Code Ann. § 63G-2-309 and Utah Administrative Code Rule R33-7-106 with respect to disclosing such information. Submission of protected information in response to this RFP shall be deemed an acknowledgment and consent by the offeror that the offeror agrees with this paragraph and will indemnify, defend, and hold harmless the School, its members, directors, officers, staff, and agents from any and all liability relating to the proper disclosure of information provided by the offeror in response to this RFP, even if the offeror requested protected or other confidential status for the information.

- F. Submission of Proposals with Protected Business Confidential Information. In accordance with Utah Administrative Code Rule R33-7-107, if an offeror submits a proposal that contains information claimed to be business confidential or protected information, the offeror must submit two separate proposals:
1. One redacted version for public release, with all protected business confidential information either blacked-out or removed, and marked as “Redacted Version;” and
  2. One non-redacted version for evaluation purposes clearly marked as “Protected Business Confidential.”

Note: Proposal pricing may not be classified as business confidential and will be considered public information. In addition, an entire proposal may not be designated as “protected,” “confidential,” or “proprietary” and shall be considered non-responsive unless the offeror removes the designation.

## VI – EVALUATION CRITERIA

### Evaluation Criteria Unrelated to Cost

- A. Offeror’s Experience and Qualifications (40 points possible). This criterion is based on the information provided in response to the proposal content requirements contained in **Section V(B)(1)**. Added weight may be given to offerors who have worked successfully with charter schools and UDOT in the past.
- B. Offeror’s Management Plan (30 points possible). This criterion is based on the information provided in response to the proposal content requirements contained in **Section V(B)(2)**.

### Evaluation Criteria Related to Cost\*

- C. Pricing (30 points possible). This criterion is based on the pricing proposal provided in response to the proposal content requirements in **Section V(C)(1)**.

Total points possible based on Evaluation Criteria: 100 points

\* **NOTE:** Cost will be scored independently from the substantive evaluation factors.