

OFFICE OF PUBLIC EDUCATION FACILITIES MODERNIZATION

DESIGN-BUILD SERVICES
BURROUGHS ELEMENTARY SCHOOL ADDITION

Solicitation #: GM-09-M-0914-FM

Addendum No. 3
Issued: October 7, 2009

This Addendum Number 03 is issued by e-mail on October 7, 2009. Except as modified hereby, the Request for Proposals (“RFP”) remains unmodified.

Item #1

Requests for Information: Below is a list of questions about the Project and the Office’s responses.

1. What is current size of existing water service to the building? **RESPONSE: Please refer to existing building drawings located on the box.net website (<http://www.box.net/shared/bfkbfu0zg>).**
2. The RFP indicates a warming kitchen but if you look at the plan provided with RFP #E-SD-3 page 7 it indicates a dashed line which looks like a hood and a range and equipment under it .We need direction on which way to go -- #1 warming kitchen or #2 food prep kitchen with hood, make-up, fire suppression system, etc. **RESPONSE: The plan attached to the RFP does not contemplate a range or grill. Thus, neither a hood or fire suppression system would seem to be required for that configuration. The Offeror’s base bid should assume this configuration. Offerors, however, will also be required to provide an add/alternate price for a full kitchen. Plans for a similar kitchen will be posted on the box.net website by Thursday, October 8th. Please note that these plans were developed for H.D. Cooke Elementary School and that these plans are intended only as a guide as to the type and quantity of equipment that would be required in a full kitchen. A revised Form of Offer Letter is attached and should be used in lieu of the version previously issued.**
3. Does OPEFM have CAD files of the existing site and building conditions, and will the selected Design-Builder be provided usable copies of such files? **RESPONSE: Please see response to question no. 1 above for the only existing building files. OPEFM does not have CAD files.**
4. Is the school site or building exterior under any historic designation and will the project require any related review and approval process? **RESPONSE: See Addendum No. 2, Item #3.**
5. During the pre-proposal meeting OPEFM stated that its intention was to make the new kitchen compatible with “fresh food” preparations. However, the RFP documents include instructions for a “Warming Kitchen” limited to handling food that is prepared off-site. Please clarify intent as design and equipment requirements are different for each. **RESPONSE: Please see response to question #2 above.**

6. Instead of a traditional design-build arrangement where the architect and builder are separate legal entities, does OPEFM welcome submissions by design-build team where the architect and builder are a single legal entity? **RESPONSE: OPEFM has no objection to such an approach. Offerors are advised, however, that the scoring system set forth in the RFP will continue to apply. To the extent a single entity is providing both of these services, it is suggested that Offerors should (i) clearly explain the experience in both areas (i.e. construction and design); and (ii) identify and provide resumes for the key design personnel involved. The Offeror will also need to ensure that the necessary professional services are performed by engineers and architects that are duly licensed to provide such services in the District of Columbia.**

Item #2

The bid date has been extended. Proposals are due by **Tuesday, October 13, 2009 at 5 pm EDT**. Proposals that are hand-delivered should be delivered to OPEFM's new office space in RFK stadium, located through the Lot 4, Gate F entrance.

- End of Addendum No. 3 -

Attachment B

[Design Builder's Letterhead]

[Insert Date]

District of Columbia Office of Public Education Facilities Modernization
2400 East Capitol Street, SE
Washington, D.C. 20007

Att'n: Mr. Allen Y. Lew
Executive Director

Reference: Request for Proposals
Design-Build Services for Burroughs Elementary School Addition

Dear Mr. Lew:

On behalf of [insert name of bidder] (the "Offeror"), I am pleased to submit this proposal in response to the Office of Public Education Facilities Modernization's (the "Office" or "OPEFM") Request for Proposals (the "RFP") to act as the Design-Builder for the proposed construction of the Burroughs Elementary School Addition. The Offeror has reviewed the RFP and the attachments thereto, any addenda thereto, the Educational Specifications and the proposed Form of Contract (collectively, the "Bid Documents") and has conducted such due diligence and analysis as the Offeror, in its sole judgment, has deemed necessary in order to submit its Proposal in response to the RFP. The Offeror's proposal, the Design Fee, the Preconstruction Fee, and the Design-Build Fee (as defined in paragraph A), and the Target GMP (as defined in paragraph B are based on the Bid Documents as issued and assume no material alteration of the terms of the Bid Documents. (Collectively, the proposal, the Preconstruction Fee, the Design-Build Fee, and the Target GMP are referred to as the "Offeror's Bid".)

The Offeror's Bid is as follows:

- A. The Design Fee is: \$ _____
- Increase to Design Fee to provide a full kitchen: \$ _____
- The Preconstruction Fee is: \$ _____
- Increase to Preconstruction Fee to provide a full kitchen: \$ _____
- The Design-Build Fee is: \$ _____
- Increase to Design-Build Fee to provide a full kitchen: \$ _____

The Offeror acknowledges and understands that the Design Fee, Preconstruction Fee, and the Design-Build Fee are firm, fixed prices and other than as permitted in the Form of Contract will not be subject to further adjustment. The Offeror also acknowledges that ten (10%) of the

Design-Build Fee is at-risk and the selected Offeror will only be entitled to such amount as set forth in the Form of Contract.

- B. The Target Guaranteed Maximum Price is: \$ _____
Increase to Target GMP to provide a full kitchen: \$ _____

The Target GMP should represent the Offeror's best estimate, based on the information currently available, of the Project's expected cost. In the event that the Final GMP exceeds the Target GMP by more than Five Percent (5%), the Design-Builder will forfeit one-half of the Preconstruction Fee and Ten Percent (10%) of the Design Fee.

- C. In addition, the Offeror hereby represents that, based on its current rating with its surety, the cost of a payment and performance bond is [Insert Rate].

The Offeror's Bid is based on and subject to the following conditions:

1. The Offeror agrees to hold its proposal open for a period of at least sixty (60) days after the date of the bid.
2. Assuming the Offeror is selected by the Office and subject only to the changes requested in paragraph 5, the Offeror agrees to enter into a contract with the Office on the terms and conditions described in the Bid Documents within ten (10) days of the notice of the award. In the event the Bidder fails for do so, the Office shall have the right to levy upon the Offeror's bid bond.
3. Both the Offeror and the undersigned represent and warrant that the undersigned has the full legal authority to submit this bid form and bind the Offeror to the terms of the Offeror's Bid. The Offeror further represents and warrants that no further action or approval must be obtained by the Offeror in order to authorize the terms of the Offeror's Bid. In addition to any other remedies that the Office may have at law or in equity, the Office shall have the right to levy upon Bidder's Bid Bond in the event of a breach of this paragraph 3.
4. The Offeror and its principal team members hereby represent and warrant that they have not: (i) colluded with any other group or person that is submitting a proposal in response to the RFP in order to fix or set prices; (ii) acted in such a manner so as to discourage any other group or person from submitting a proposal in response to the RFP; or (iii) otherwise engaged in conduct that would violate applicable anti-trust law.
5. The Offeror's proposal is subject to the following requested changes to the Form of Contract: [INSERT REQUESTED CHANGES. OFFERORS ARE ADVISED THAT THE CHANGES SO IDENTIFIED SHOULD BE SPECIFIC SO AS TO PERMIT THE OFFICE TO EVALUATE THE IMPACT OF THE REQUESTED CHANGES IN ITS REVIEW PROCESS. GENERIC STATEMENTS, SUCH AS "A MUTUALLY ACCEPTABLE CONTRACT" ARE NOT ACCEPTABLE. OFFERORS ARE FURTHER ADVISED THAT THE OFFICE WILL CONSIDER THE REQUESTED CHANGES AS PART OF THE EVALUATION PROCESS.]

Mr. Allen Y. Lew

[DATE]

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6. The Offeror hereby certifies that neither it nor any of its team members have entered into any agreement (written or oral) that would prohibit any contractor, subcontractor or sub-consultant that is certified by the District of Columbia Office of Department of Small and Local Business Enterprises as a Local, Small, Resident Owned or Disadvantaged Business Enterprise (collectively, "LSDBE Certified Companies") from participating in the work if another company is awarded the contract.

7. This bid form and the Offeror's Bid are being submitted on behalf of [INSERT FULL LEGAL NAME, TYPE OF ORGANIZATION, AND STATE OF FORMATION FOR THE OFFEROR].

Sincerely,

By: _____

Name: _____