

May 13, 2019
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA
RFP Y19-815-JS/ADDENDUM #1
CONSTRUCTION MANAGER AT RISK SERVICES FOR THE ORANGE COUNTY CONVENTION CENTER
PHASE V MULTI-PURPOSE VENUE AND GRAND CONCOURSE IMPROVEMENTS

This addendum is intended to be incorporated into the bid documents of the project referenced above. The following items are clarifications, corrections, additions, deletions and/or revisions to and shall take precedence over the original documents. Underlining indicates additions, deletions are indicated by ~~strikethrough~~.

A. The following are questions / responses / clarifications:

Additional questions and answers will be posted in Addendum #2.

TERMS AND CONDITIONS:

9. MINORITY/WOMEN OWNED BUSINESS ENTERPRISE:

B. Proposers must include a minimum of 24% M/WBE inclusion at the management level. This can be achieved by the proposer: ~~having a M/WBE Joint Venture (JV), Partnership or Teaming agreement.~~

(1) Being an Orange County certified Minority/Woman Owned Business Enterprise, or

(2) Submitting a fully executed M/WBE Joint Venture (JV), Partnership, or Teaming Agreement.

i. **Joint venture agreement.** A contractual executed agreement joining together two or more business enterprises, one of which is an Orange County certified minority/woman owned business enterprise, for the purpose of performing on an Orange County contract. The certified minority/woman owned business enterprise must provide a percentage of value added services representing an equitable interest in the joint venture. All parties agree to share in the profits and losses of the business endeavor according to their percentage of equitable interest.

ii. **Partnership agreement.** A written executed agreement between two or more partners. One of the partners must be an Orange County certified minority/woman owned business enterprise. The agreement explains the relationship each partner has with the partnership business. All partners share ownership, as well as the responsibility for managing the company and the profits or losses generated. The partnership agreement also details the rights and obligations each individual has to the business.

- iii. **Teaming agreement.** An executed agreement between two or more businesses to act together solely for the purposes of pursuing a proposal. One of the businesses must be an Orange County certified minority/ woman owned business enterprise. The teaming agreement outlines the proposal responsibilities and obligations.

C. Joint Venture, Partnership, and Teaming Agreement Requirements. At a minimum, the following items must be included in ~~the selected~~ **all Joint Venture, Partnership, and Teaming Agreements:** (1) the name of agreement; (2) the term – which cannot terminate prior to Project completion; (3) purpose/objective; (4) place(s) of business; (5) management committee; (6) capital contribution; (7) capital account; (8) work responsibilities; (9) accounting book; (10) ownership of assets; (11) disputes, (12) insurance/fidelity bond; (13) rental of equipment; (14) surety; and (15) event of a loss.

If proposing as a **partnership or team**, the Partnership or Teaming Agreement **must additionally** identify: (1) which entity will serve as the fiscal agent to which the County will make payment; and (2) which entity will be the contracting entity with which any Project-related contracts will be executed.

If proposing as a **team**, the Teaming Agreement **must additionally** be executed by each participating team member in a manner that conveys that all team members have granted authority to the specifically identified contracting entity to, for Project-related work, be able to: (1) enter into contracts with the County and subcontractors on the team’s behalf; and (2) legally bind each individual entity throughout the duration of the Project.

~~C. **Joint venture agreement.** A contractual executed agreement joining together two or more business enterprises, one of which is an Orange County certified minority/woman owned business enterprise, for the purpose of performing on an Orange County contract. The certified minority/woman owned business enterprise must provide a percentage of value added services representing an equitable interest in the joint venture. All parties agree to share in the profits and losses of the business endeavor according to their percentage of equitable interest.~~

~~D. **Partnership agreement.** A written executed agreement between two or more partners. One of the partners must be an Orange County certified minority/woman owned business enterprise. The agreement explains the relationship each partner has with the partnership business. All partners share ownership, as well as the responsibility for managing the company and the profits or losses generated. The partnership agreement also details the rights and obligations each individual has to the business.~~

~~E. **Teaming agreement.** An executed agreement between two or more businesses to act together solely for the purposes of pursuing a proposal. One of the businesses must be an Orange County certified minority/ woman owned business enterprise. The teaming agreement outlines the proposal responsibilities and obligations.~~

14. All M/WBE Joint Venture, Partnership or Teaming proposers must complete and submit with their Proposal the form titled "Information for Determining Joint Venture, Partnership or Teaming Eligibility", (Form K) and a copy of the executed agreement between all joint venture, partnership or teaming parties. This joint venture, partnership, or teaming agreement must indicate the parties' respective roles, responsibilities and levels of participation for the project. ~~If proposing as a Joint Venture, Partnership or Teaming, the Joint Venture, Partnership or Team shall obtain and maintain all contractually required insurance in the name of the Joint Venture, Partnership or Team as required by the Contract.~~ Failure to timely submit a completed Form K along with an attached executed copy of the joint venture, partnership or teaming agreement may result in disqualification of your Proposal.

Question 1: This project includes a parking garage (or expansion of an existing garage) and I would like to confirm the following information:

- 1) -is design of the garage underway now?
- 2) -who is the design consultant designing the garage?
- 3) -does the current bid include construction of the garage?
- 4) -if not, when do you expect to advertise construction bids for the garage?

Response 1: The project does not include the construction or expansion of an existing garage.

Question 2: Section 27, Page 16 of the RFP references a "Weighted Criteria" that totals to "100". In that same section, it says "Proposers achieving a minimum of 400 points shall be qualified to advance to Phase II".

In other sections we see the ability to obtain up to 5 points for exceeding all three goals for MWBE at the JV level, MWBE at the subcontractor level, and the Minority/Workforce requirements.

We also see the ability to obtain up to 5 bonus points for a commitment to hiring dislocated workers in Orange County.

We also see the ability to earn 5 points if we have a service-disabled veteran on the prime contractor team, and an ability to earn up to an additional 10 points (2 per subcontractor) for hiring service-disabled veteran firms prior to submission of the response.

We also interpret that we can earn up to 4 points for the Senior PM position, and put to another 4 points for the PM position, providing certain requirements are met.

So all in all, we are able to account for up to 32 points (mix of base points and bonus points).

Could you please clarify the total number of available base points and bonus points, and how they are achieved? Is the "100" referenced in the "Weighted Criteria" points or a percentage?

In the description of points above totaling “up to 32 points”, have we interpreted each element correctly?

Response 2: Raw score can be up to 32 points. Applying the raw score to the weighted criteria can achieve up to 500 points. The SDV and Dislocated Workers are bonus points. Scoring is calculated using the Weighted Criteria. Below are some examples for reference:

If Similar Projects Completed by the Proposed Senior Project Manager (Form D) scores 1 point for each of the four (4) projects. 4×15 (Weighted Criteria) = 60 Similar Projects Completed by the Proposed Senior Project Manager points.

If a JV, Partner or Team scores 5 M/WBE points. 5×20 (Weighted Criteria) = 100 M/WBE Participation points.

Bonus points are added to the Score after all the Weighted Criteria scoring is completed. If you scored 390 points overall and you included 4 Dislocated Workers ($4 \times 1 = 4$ Points) and 3 Service Disabled Veterans ($3 \times 2 = 6$ Points) your new score would be 400 points.

RFP SCORING REFERENCES

WEIGHTED CRITERIA

The following criteria and weights shall be utilized in the evaluation of the Proposals:

<u>Criteria</u>	<u>Weight</u>
Similar Projects Completed by the Proposed Senior Project Manager (Form D)	15
Similar Projects Completed by the Proposed Project Manager (Form E)	10
Skills and Experience of the Project Team (Form F)	15
M/WBE Participation (Form B, J, K, M)	20
Location (Form C)	10
Volume of Work Previously Awarded by the County	5
Approach, Understanding, Scope Response (Form H)	25
TOTAL	100

BONUS POINTS FOR HIRING OF DISLOCATED WORKERS

Proposers may be awarded a maximum of five (5) bonus points for a commitment to hire dislocated workers residing in Orange County, Florida as fulltime employees for the duration of

the contract. One point will be awarded for each new full-time hire up to and including a maximum of five (5) points.

BONUS POINTS FOR HIRING REGISTERED SERVICE-DISABLED VETERANS

Additional point consideration will be available for those proposing to hire certified registered service-disabled veteran business enterprises. Proposers will receive the following point allocation:

- A. Registered service-disabled veteran business enterprise proposers competing as a prime contractor shall receive five (5) points;
- B. Registered service-disabled veteran business enterprise proposers with registered service-disabled veteran business enterprise subcontractors on their team shall receive two points for each subcontractor up to a maximum of ten (10) points;
- C. Proposers with registered service-disabled veteran business enterprise subcontractors on their team shall receive two points for each subcontractor up to a maximum of ten (10) points.

The following scoring criteria will be utilized to evaluate the proposer's M/WBE participation for the Construction Manager at Risk project only using the completed Project Team (Form B) and the Equal Opportunity Workforce Schedule (Form J):

5 Points

The proposer exceeds **ALL three** of the following

- Greater than **25%** M/WBE Joint Venture, Partnership, or Teaming **AND**
- Greater than **28%** Certified Orange County M/WBE sub contractor utilization **AND**
- Greater than **27%** Minority/Women workforce

4 Points

The proposer complies with the **24%** Joint Venture, Partnership or Teaming, **27%**

Certified Orange County M/WBE sub contractor utilization, **26%** Minority/Women workforce and exceeds **two** of the following

- Greater than **25%** M/WBE Joint Venture, Partnership, or Teaming **AND/OR**
- Greater than **28%** Certified Orange County M/WBE sub contractor utilization **AND/OR**
- Greater than **27%** Minority/Women workforce

3 Points

The proposer complies with the **24%** Joint Venture, Partnership or Teaming, **27%**

Certified Orange County M/WBE sub contractor utilization, **26%** Minority/Women workforce AND exceeds **one** of the following

- Greater than **25%** M/WBE Joint Venture, Partnership, or Teaming **OR**
- Greater than **28%** Certified Orange County M/WBE sub contractor utilization **OR**
- Greater than **27%** Minority/Women workforce

2 Points

The proposer complies with the **24%** Joint Venture, Partnership or Teaming, **27%**

Certified Orange County M/WBE sub contractor utilization, **26%** Minority/Women workforce

- **24%** Joint Venture, Partnering or Teaming **AND**
- **27%** Certified Orange County M/WBE sub contractor utilization **AND**
- **26%** Minority/Women workforce

1 Point

The proposer has a written statement that they will comply with Orange County M/WBE participation as it relates to the M/WBE subcontract utilization and the Minority/Women workforce

- **27%** Certified Orange County M/WBE sub contractor utilization **AND**
- **26%** Minority/Women workforce

0 Points

The proposer will not comply with the Orange County M/WBE requirement as it relates to the subcontractor utilization and the workforce goals for this RFP.

Question 3: We understand that the definition of “Dislocated Workers” is “unemployed workers registered with Career Source Central Florida”. Would you please confirm?

Response 3: Yes, this is correct.

Question 4: Please confirm the statement made during the May 1, 2019 Pre-Proposal Conference “the MWBE credit program outlined in the RFP does not apply to this project”?

Response 4: The Business Development Division has not received any requests to date. Therefore, it would not be applicable to this project, because the process takes 30 days to process.

Question 5: On Form J, please confirm it is your intent that the information provided is the CM’s plan to achieve the workforce goals as stated in the May 1, 2019 Pre-Proposal Conference?

Response 5: The proposers should denote the M/WBE professional staff that is currently employed with their firm(s).

- B. All other terms and conditions of the RFP remain the same.
- C. The Proposer shall acknowledge receipt of this addendum by completing the applicable section in the solicitation or by completion of the acknowledgement information on the addendum. Either form of acknowledgement must be completed and returned not later than the date and time for receipt of the proposal.

Receipt acknowledged by:

Authorized Signature

Date Signed

Title

Name of Firm