



DEPARTMENT OF EDUCATION
FACILITIES DEVELOPMENT BRANCH

RFQ

REQUEST FOR QUALIFICATIONS OF DESIGN-BUILD ENTITIES
TO DESIGN AND CONSTRUCT THE PROJECT:

KAPOLEI II ELEMENTARY SCHOOL

DOE JOB NO. – **Q82001-10**

KAPOLEI, OAHU, HAWAII

March 28, 2013

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I. PREAMBLE

This preamble is provided for informational purposes only to assist Offerors with understanding the unique features of this solicitation. It is not intended to address all of the requirements of the solicitation. In the event of discrepancies between the contents of this preamble and the solicitation, provisions of the solicitation will prevail.

A. Overview. This solicitation is for the qualifications phase (Phase I) of the design-build of the Kapolei II Elementary School Project. The Department of Education (DOE) approach to this contract is to structure a framework that will support a successful partnership between DOE and the Design-Build Entity (DBE) that will enable the completion of the Project within cost, on schedule, and to acceptable levels of quality and performance. DOE has, to the greatest degree practicable, stated its requirements on a performance basis, thus allowing and expecting the DBE to determine, using standard commercial best practices, what design solutions are appropriate. The DBE is expected to aggressively seek out innovative solutions to maximize budget and performance in response to these performance-based requirements.

In 2012, a charette steering committee was formed to develop design criteria and guidelines for Kapolei II Elementary School. Because of the involvement of the students, parents, teachers, and others in the community, the preliminary design criteria of the school was guided by their beliefs and values. The program developed by the community drove the design criteria of the school, allowing form to follow function.

Located in Kapolei, one of Oahu's fastest growing communities, the school will serve 750 kindergarten to fifth grade students. Design is expected to accommodate flexibility in the use of classroom spaces, use financial and facility resources cost effectively, utilize sustainable design principals, and provide a nurturing and exciting academic environment.

An Island School for the Future. Shaped by the vision of the community, Kapolei II Elementary School will emphasize an exploratory curriculum as an integral part of the vision of the school.

COMMUNITY-BASED DESIGN CRITERIA



The Task Force. A Task Force was established as a group of DOE staff; teachers, administrators, and representatives from the community; parents; students; and organizations who share an interest in the design and direction of the school.

The Steering Committee. A Steering Committee formed consisting of approximately 15 Task Force members who committed to participate in the conceptual design charette process full-time. They were responsible for representing the Task Force in making all the design criteria decisions throughout the charette sessions. Also joining the Steering Committee during the charette sessions were various members of the DOE, community business representatives and community organizations.

The Student Representatives. A group of students provided input on desired learning environments. Students provided review and comment as ideas were considered for incorporation into the final design criteria.

The Start of the Visioning Process. In the months prior to the charette the Task Force conducted meetings to develop a vision and educational plan. A common understanding of the needs of students and key educational concepts that would guide the design criteria of the school was formulated.



Characteristics of Elementary School Students:

In developing the educational plan, the Steering Committee came up with these characteristics of elementary school students:

- Dreamers, sociable, inquisitive, adventurous, uninhibited, tech savvy, energetic, teachable, dependent yet seeking independence, egocentric to empathic, happy with peers, happy to be at school, happy to please, bond with people, develop lasting relationships, loud, messy, curious, antsy, like to move around, distracted, respectful, love to run, impulsive, needy, trainable, have special needs, need nurturing areas, need instant gratification.

These characteristics should guide the design of the facility.

What the Students Want. A survey was conducted among elementary school students in the Kapolei/Makakilo area. Questions were posed to these students. Their responses were informative and will guide the design of the school. The questions and their answers are as follows:

1. Where do you learn/favorite places to learn?
 - Library, back table with lots of room, at my desk and with my classmates, at a back table where my teacher can help me
2. Tell us 3 or 4 things you would like to see in your school?
 - Quiet, cold air, shade and not too much sun coming in the windows, room to move around in
 - Air conditioning, room on the floor for lying around, more room, tables where I can do my work
 - Colors, furniture, equipment, bigger spaces, bright lights, everyone with their own computer
3. Name 3 or 4 things that would make your school the place to be.
 - More benches to sit in the morning, more room to wait in the morning, not too far to walk to class or courts, more water fountains, bigger playgrounds, better acoustics at cafeteria, big mirrors in girl's restrooms
4. What are your favorite subjects?
 - Math, science, reading
 - Robotics, lego's, school gardens, drama, singing, dancing, hula, basketball
5. When you are studying, do you like to be alone, in a small group, large group? Does it depend on the situation or the subject?
 - Like to be in a small group for studying and small groups for projects
6. When you are hanging out with friends, what kind of space/place do you want your school to have?
 - Trees, tables, benches, big pillows on floor in the library that we can use to read together
7. When you arrive at school, what are the first three (3) things that you do?
 - Go to my classroom, drop off my backpack outside, go to the cafeteria to eat or go to the bathroom, wait in line for my classroom to open
8. As you prepare to leave school, what are the last three (3) things that you do?
 - Put planner in my backpack, put away name tag, line up at door

This information focused the groups' attention on students and led to further developments in the school environment that would meet their unique academic, social and emotional needs.

KAPOLEI II ELEMENTARY SCHOOL'S VISION AND GUIDING PRINCIPLES

Vision. The Kapolei II Elementary School's vision and guiding principles were developed by the Task Force and guided the Steering Committee during the development of the design criteria package.

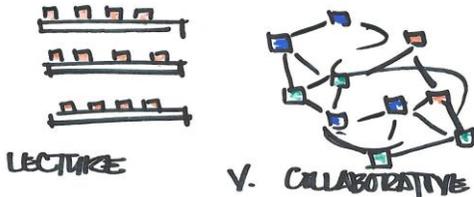
Kapolei II Elementary School's Vision. *“Nurturing a community of leaders, dreamers, explorers and global thinkers for a brighter future.”*

This statement guided the theme of the design criteria package. This vision was used to develop Kapolei II Elementary's identity:

The School's Identity:

- A place of warmth - A creative place
- A progressive place – A supportive place
- A place that develops the whole child
- A place rich in technology – A place where one can create
- A place where students will learn 21st Century skills
- A place that is caring and supportive

With this in mind, Kapolei II Elementary School will be a place that students will engage in a relevant curriculum, develop citizenship and become lifelong learners.



Team Integration. DOE expects to be involved in the design decision-making process as these solutions are determined, but recognizes the DBE's essential role of accountability for both design and construction of the Project. DOE in turn has established an incentive award fee structure that will readily and meaningfully reward such behaviors, but the award fee must be earned, i.e., superior performance and maximizing the budget— otherwise, there is no guarantee of payment. Trust that each partner will act in accordance with these expectations is essential to maintaining the relationship that will enable this contract to be successful.

B. Project Characteristics. As a result of the design-build project delivery method, the DBE is the single point of responsibility for performance of contracted requirements. The DOE intends to award a design-build, fixed price incentive with award fee contract for this Project. The incentive structure in the contract will facilitate and reinforce the partnering relationship that will be essential for the successful completion of this Project. The DBE will maximize customer satisfaction, and therefore the award fee earned, by effective management, innovation, and establishment of a cooperative, effective partnership with the DOE.

A two-phased, best value design-build selection process will be utilized for this source selection process. This solicitation, Phase I, is an unrestricted full and open competitive Request for Qualifications (RFQ). Only those three (3) most highly qualified Offerors (Priority List) from Phase I will be invited to submit proposals in response to the Phase II Request for Proposals (RFP). The purpose of Phase I is to seek qualifications based on relevant and recent past performance as well as the DBE's approach to the Project with respect to the overall evaluation criteria.

C. Guiding Principles. The overarching goal for the Project is to design and construct the Kapolei II Elementary School with a cost effective, flexible and sustainable design providing a nurturing and exciting academic environment to achieve a 21st Century School that will emphasize an exploratory curriculum as an integral part of the vision of the school. DOE seeks to work in an effective partnering relationship with the successful DBE to accomplish this goal and to encourage the successful DBE to collaborate with DOE to the maximum extent possible.

D. Challenges. The successful DBE will need creative solutions to address the following significant challenges:

- Completion by a set end date
- Constrained site, e.g., limited access, very limited lay-down area, etc.
- Managing the budget to achieve acceptable levels of quality in the completed project

E. Partnership. The degree of success of the Project will depend largely upon the nature of the relationship between the DBE and the DOE. The DOE's intent is to work with the DBE as an integrated team with common goals of improving quality and productivity, and achieving cost savings and other economies and efficiencies across the full spectrum of performance. To the greatest degree possible, the DOE intends to adopt commercial practices to accomplish these goals. The DOE will provide the DBE maximum flexibility to determine specific work methods that satisfy the performance based requirements in the contract. The DOE expects the DBE to participate in a formal Alternative Dispute Resolution (ADR) Partnering program with the DOE in continuous improvement activities, and proactively address risks and challenges to project success.

F. Conclusion. This Project presents the design and construction community with an opportunity to participate in a partnership for a successful 21st Century School that will emphasize an exploratory curriculum as an integral part of the vision of the school. The result of this Design-Build "done right" partnership will be a memorial project that results in an Island School for the Future.

II. NOTICE TO OFFERORS - REQUEST FOR QUALIFICATIONS (RFQ)

The State of Hawaii, Department of Education (DOE), Office of School Facilities and Support Services, Facilities Development Branch, is requesting Responses to this RFQ from qualified applicants (Offerors) to provide comprehensive design-build services for the design and construction of Kapolei II Elementary School, Oahu, Hawaii (Project). The purpose of this request is to pre-qualify a Priority List of Offerors who will compete in a best value selection process for the design-build services.

This Project is procured under and subject to Sections 103D-303, Hawaii Revised Statutes (HRS), and Sections 3-122-41 through 3-122-60; and Sections 3-122-108 through 3-122-139 Hawaii Administrative Rules (HAR), based upon competitive seal proposals. Nothing in this RFQ is intended nor should be interpreted as contravening the provisions of HRS or HAR. The DBE shall be fully knowledgeable of, and shall comply with, the applicable provisions HRS and HAR.

Additionally, DOE encourages the use of the Design-Build Institute of America (DBIA) Best Practices methods of design and construction. This is a two-phase competitive procurement. This first phase is the Request for Qualifications (RFQ) of Design-Build Entities (DBE's). The second phase will be a Request for Design-Build Proposals (RFP), available only to the Priority Listed Offerors.

The estimated Design-Build Budget for the Project is \$34,000,000.

The scope of the Project consists of the design and construction of a new elementary school facility at the Mehana development in Kapolei, HI.

The Project will be designed and constructed in a sustainable manner as verified by the US Green Building Council LEED for Schools 2009 (Silver) with a life expectancy of 50 years, or better, including natural daylighting, natural ventilation and other sustainable features.

The new facility will be approximately 78,404 net assignable square feet (NSF) in size, a complete and fully operational facility and will include:

- General Classrooms for K-5
- Special Ed (FSC) Type X & Y and pre-school classrooms
- Supplemental Classrooms
- Student Support rooms
- Itinerant Services room
- Administrative Center
- Support Functions located near the classrooms
- Dining/Multi-Purpose Cafeteria & Serving Kitchen
- Custodial Service Center
- Library Media Center & Computer Resource Centers

- Teacher Support Spaces & Additional Storage
- Outdoor Physical Education Areas & Parking to follow current zoning codes
- Provide shell space on site for a 4,000 sf Data Center to support the school
- Provide space on site (and utility connection points) for 4 peak portable classrooms & space set aside for future expansion for an additional classroom wing

Site improvements will include, but not limited to, utilities, vehicular access, noise control, parking, accessible pedestrian access, landscaping improvements and security.

The selected Design Build Entity (DBE) shall design and construct the Project according to the design criteria and programming provided by the DOE. The design criteria and programming includes diagrammatic plans and performance requirements. The Offerors will use the provided plans and specifications as a guide for their own unique designs. The basic programming may not be changed.

The preliminary project schedule and detailed instructions for this proposal are listed in this RFQ document. DBE's interested in pre-qualifying for this Project shall submit their sealed proposals to:

IF HAND-DELIVERED

Gaylyn Nakatsuka
Department of Education, Auxiliary Services Branch
1042 Young Street
Honolulu, Hawaii 96814

IF MAILED

Gaylyn Nakatsuka
Department of Education, Auxiliary Services Branch
1037 South Beretania St
Honolulu, Hawaii 96814

Responses to this Request for Qualifications (RFQ) are due by 2:00 pm, April 30. Responses received later than 2:00 pm, April 30, 2013 will not be considered. The prequalification process and award of the contract is projected to be in accordance with the Preliminary Project Milestone Schedule (see page 21). The Project required completion date is anticipated to be April 30, 2015.

The entire RFQ document can be viewed on the State Procurement Office (SPO) website.

A mandatory Pre-Proposal Conference is scheduled for 10:00 am, April 15, 2013 at Kapolei High School, 91-5007 Kapolei Parkway, Kapolei, HI to explain the design-build source selection process, view the Project site and clarify any questions regarding the Project.

To be eligible to submit a proposal, the Offeror must possess a valid State of Hawaii Contractor's License, Classification B. Offerors are solely responsible to review the Project requirements, determine the appropriate licenses required, and ensure that they, and all Design-Build Team Members, possess the necessary licenses for the work of the Design-Build Project.

Inquiries may be directed only to Planning Section:

Gaylyn Nakatsuka
Telephone (808) 377-8315
Facsimile: (808) 377-8300
Email: gaylyn_nakatsuka@notes.k12.hi.us

KATHRYN S. MATAYOSHI
SUPERINTENDENT
DEPARTMENT OF EDUCATION

Procurement Notice Posted on March 28, 2013

III. INSTRUCTIONS TO DESIGN-BUILD ENTITIES (DBE)

A. DEFINITIONS

1. General

Capitalized terms shall have the meanings assigned to them in the General Conditions, which will be included as part of the Design-Build Contract attached to the Request for Proposals (RFP).

Capitalized terms not defined in the General Conditions shall have the meanings assigned to them in, or (if none is assigned) as reasonably understood to apply to them by the context of, the portion of the Pre-Qualification Documents where such terms are used.

2. Design-Build Entity

The term “Design-Build Entity” (DBE) as used in the Pre-Qualification Documents means any corporation, limited partnership, partnership, or other association that has formed for the purpose of providing appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract. If a DBE, or a firm having an ownership interest in a DBE, is itself a partnership, joint venture or other association of persons or legal entities, then the term DBE includes any and all of the individuals, corporations, partnerships, joint ventures or other associations of persons or legal entities that holds an ownership interest in or that share in the profits and losses of such DBE.

3. Design-Build Entity Members

The term “Design-Build Entity (DBE) Member(s)” as used in the Pre-Qualification Documents means any member of a corporation, limited partnership, partnership, or other association that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract. If a DBE Member, or a firm having an ownership interest in a DBE Member, is itself a partnership, joint venture or other association of persons or legal entities, then the term DBE Member includes any and all of the individuals, corporations, partnerships, joint ventures or other associations of persons or legal entities that holds an ownership interest in or that share in the profits and losses of such DBE Member or firm.

4. General Contractor, Architect of Record, Structural Engineer

The capitalized terms General Contractor and Architect of Record shall have the meanings assigned to them in Attachment 1, the Pre-Qualification Questionnaire.

5. Proposer

The term Proposer or Proposers shall mean Pre-Qualified, Priority-Listed DBEs which submit Proposals in response to the Request for Proposals (RFP) for the design and construction of the Project at the DOE’s request.

6. Design-Build

The term “Design-Build” as used in this RFQ means only the design and construction of a Project under a single contract. If there was not a single contract for both design and construction of the referenced Project, it does not qualify as design-build. For example, neither CM at Risk nor Design Assist is considered to be design-build.

B. DESCRIPTION OF PROJECT

1. Type of Structure

The Project is to design and construct a new elementary school including all associated on-site improvements required for the project, connection to required utilities and storm drainage. This Project is to be a turn-key project to the Department of Education (DOE), that is complete, usable, and a fully operational facility.

Historic Ewa Plantation Style. Honoring the history of the region, the school building will have a simple roof form, deep overhangs and articulated windows of the Ewa Plantation residential style. Hip/gable roofs and generous eaves will provide protection from the sun. Clerestory windows at various location throughout the building will provide daylighting options which enhances learning. Cool, soothing exterior materials will add a feeling of comfort for the staff and students. Vibrant interior finishes and colors will enhance the performance aspect of the school.

2. Size and Capacity

The new facility will have a programmed area with storage of 78,404 square feet (NSF) in size and will include:

- 18 General Classrooms for K-2
- 18 General Classrooms for 3-5
- 2 Special Ed (FSC) Type X Classrooms
- 2 Special Ed (FSC) Pre-School Classrooms
- 2 Special Ed (FSC) Type Y Classrooms
- 2 Supplemental Classrooms
- 6 Student Support Rooms
- 1 Itinerant Services Room
- Administrative Center
- Support Functions located near the Classrooms to include:
 - 3 Counselor Offices
 - Special Services Conference Room
 - 2nd Counselor's Conference Room
- Dining/Multi-Purpose Cafeteria
- Custodial Service Center
- Serving Kitchen
- Library Media Center
- 2 Computer Resource Centers
- Teacher Support Spaces to include:
 - 1 Tech Training Room
 - 4 Teacher Collaboration Rooms
 - 2 Teacher Collaboration Rooms with space for a copier
- Additional Storage

- Outdoor Physical Education Areas to include:
 - Preschool fenced Outdoor Area
 - Grassed playfield and play equipment area for Kindergarten
 - Grassed playfield for grades K – 5
 - Covered Playcourt
- Parking to follow current zoning codes
- Provide space (and utility connections) on site for 4 peak portable classrooms
- Provide space set aside for future expansion for an additional Classroom Wing
- Provide shell space on site for a 4,000 sf Data Center to support the School

3. Location of Site

The Project will be sited on the Mehana Development located at Kapolei, Hawaii, on the Island of Oahu as indicated on the drawings (see Attachment 2) provided with this Request for Qualifications (RFQ).

4. Scope of Project

The scope of the Project includes: (1) the completed school design based on design criteria furnished by the DOE as part of the Request for Proposals (RFP) process, the successful DBE Proposal, and construction based on detailed Construction Documents prepared by the successful DBE that are approved by the DOE and the Island of Oahu for the aforesated Project, and incorporate the work of all disciplines necessary to design and construct the Project, including, without limitation, all structural and architectural elements, mechanical, plumbing, electrical, lighting, graphics, signage, fire alarm, sprinkler systems, security, CCTV devices, etc.; and (2) the completed site design (based on design criteria package and performance requirements furnished by the DOE as part of the RFP) and construction (based on detailed Construction Documents prepared by the successful DBE that are approved by DOE, City of Honolulu and County of Oahu and other applicable State and local agencies having jurisdiction) of all Site work, such as, but not limited to, grading, site utilities, sidewalks, and landscaping as required.

The DBE shall be in compliance with the Environmental Impact Statement (EIS) and prepare an Environmental Assessment (EA), and obtain all governmental permits, inspections and approvals. Provide documentation of life cycle operational cost analysis. The DBE will be responsible for the payment of all permit fees, expenses and related charges. The scope of work described herein may be modified prior to issuance of the RFP, in addition to modification hereto during the RFP source selection process and progress of the work.

5. Design-Build Budget

The Design-Build Budget for the design and construction of the project is currently established at approximately \$34,000,000. The DOE intends to fully utilize available funds to establish the required level of performance requirements. It is not DOE's desire to minimize the budget amount at the expense of either quality/performance or schedule. This amount includes all costs of the complete design, engineering, construction, supervision, management, building permits, installation of owner furnished furniture, fixtures and equipment (FF&E), compliance with all

applicable codes and agency requirements, and any and all items required for the completion of the Project per the Contract Documents, excepting therefrom costs for items specifically identified as not a part of the Design-Build Budget in Article B.6. The design-build services will be performed as a single contract with one entity identified as the DBE. See Article E.2. for the preliminary project milestone schedule. The final Design-Build Budget, which may be more or less than, or equal to, the amount just stated, will be set forth in the RFP Documents. Responses to the RFP will be required to include a total price proposal that is less than or equal to the Design-Build Budget. Prices submitted over the established Design-Build Budget will be rejected as non-responsive.

6. Contract Time

The estimated Contract Time allocated by the DOE for design and construction of phases of the Project from award of the Design-build contract to the point of Final Completion is currently established at approximately seventeen (17) months and MUST be completed and ready for occupancy no later than April 30, 2015. The final Contract Time, which may be more or less than, or equal to, the period of time just stated, will be set forth in the RFP Documents. Proposals will be required to include a proposed period of time for design and construction that is less than or equal to the Contract Time.

7. Liquidated Damages

The Design-Build Contract includes provisions for payment of liquidated damages to the DOE of \$2,000 per Calendar Day if the Design-Builder fails to Substantially Complete the Work within the Contract Time as adjusted for extensions of time permitted under the terms of the General Conditions of the Design-Build Contract. Additionally, those "Priority-Listed" Design-Build Entities who, after successfully completing the Pre-Qualification process, are invited to submit Design-Build Proposals, must include in their Design-Build Proposals a daily amount for liquidated damages payable by DOE to the Design-Build Entity for Compensable Delays, which amount shall under no circumstances exceed \$2,000 per Calendar Day. In accordance with the terms of the Design-Build Contract and General Conditions, such liquidated damages payable to the DBE shall constitute the DBE's exclusive compensation covering all costs, expenses and damages due to Compensable Delay that are incurred by the DBE and its Subcontractors and Subconsultants of every Tier. No other compensation to the DBE for costs, expenses or damages associated with Delay shall be permitted.

8. Prevailing Wages

The DBE shall observe and comply with all provisions of Chapter 104, HRS, the significant requirements of which are emphasized in the Department of Labor and Industrial Relations Publication No. H104-3, entitled "Requirements of Chapter 104 HRS Wages and Hours of Employees on Public Works Law".

9. No Warranty by DOE

DBEs are solely responsible to satisfy themselves as to the suitability of any surveys, estimates, projections, budgets, design concepts, technical criteria or similar information provided by the DOE relating to the proposed Project. Nothing stated in this RFQ or in any other information provided by the DOE shall be construed as implying the creation or existence of any warranty, express or implied, on the part of the DOE with respect thereto. Notwithstanding the foregoing limitations, the DOE will be responsible for those additional costs and delays which may be caused by the existence of unanticipated conditions which could only have been discovered through extensive excavation or destructive testing.

C. DESCRIPTION OF RFP PROCESS

1. Informational Summary

The provisions of this Section C are intended to summarize for Design-Build Entities (DBE) the process that the Department of Education (DOE) intends to follow in respect to issuance of this Request for Qualifications (RFQ) and subsequent Request for Proposals (RFP), consideration of Design-Build Proposals from Offerors and Award of the Design-Build Contract. This summary is provided for the convenience of the DBE and should not be interpreted as a complete or definitive statement of all procedures, conditions, requirements or standards that may apply to any of the aforementioned processes and the DOE reserves the right, at any time and in the exercise of its sole and absolute discretion, to modify such procedures, conditions, requirements or standards, by changes, additions or deletions thereto.

DOE encourages the use of the Design-Build Institute of America (DBIA) Best Practices methods of design-build project delivery “done right”.

2. Two-Phase Design-Build Competition

The process for Award of the Design-Build Contract is a design-build competition that will be conducted in two phases. **Phase 1** (the Pre-Qualification Process or RFQ) consists of the Pre-qualification of a “Priority-List” of three (3) Pre-Qualified Design-Build Entities who, based on the scoring by DOE’s Pre-Qualification Selection Committee of their RESPONSES TO THE RFQs and other information provided in response to the Pre-Qualification Questionnaire, are determined to be ranked the most highly qualified to design and construct the Project. The procedures and forms for Pre-Qualification are set forth in the RFQ, of which these Instructions are a part. Each of the Pre-Qualified DBEs on this “Priority-List” will then be provided an RFP and invited to submit Design-Build Proposals for the Project. **Phase 2** (the RFP process) is the process for final selection, from among the Pre-Qualified Design-Build Entities that submit Design-Build Proposals (“Proposers”), of which one (1) Proposer is to receive the Award of the Design-Build Contract. Selection of the successful DBE in Phase 2 shall be based upon pre-established criteria set forth in the RFP, which shall include both price and non-price factors and an oral Design-Build Presentation. Award of the Design-Build Contract will be made to that Proposer whose Design-Build Proposal is determined by the DOE to be the best overall value to the DOE.

3. Past Performance / Experience

Credit for past performance/experience as one or more of the non-price evaluative factors in the design-build competition shall be based primarily on: i) previous Hawaii experience, ii) school design and/or construction experience, and iii) previous design-build experience anywhere in the United States or U. S. Pacific Territories. Specifically, past performance in which the Designer AND Builder (and Key Trade Partners) have performed together on a particular Project(s).

4. Award

The DOE will issue a written decision supporting its Award of the Design-Build Contract to the successful Proposer, stating in detail the basis of the Award. The identity of the successful Proposer shall be publicly announced, along with its overall combined scoring on the RFP evaluation, the DOE's ranking of the successful Proposer in relation to the other Proposers and their respective price proposals, and a summary of the DOE's rationale for the Award.

5. Design-Build Contract

A sample of the proposed Design-Build Contract that the DOE contemplates issuing to the successful DBE will be included as an Attachment to the RFP. DOE reserves the right, exercised in its sole discretion, at any time prior to Award to unilaterally change, by addition, modification or deletion, any of the terms of the Design-Build Contract in accordance with the procedures set forth in the RFP Documents.

6. Payment and Performance Bonds, Insurance

The successful DBE, if it receives the contract award for the Project, shall be required, without limitation, to deliver to the DOE Performance and Payment Bonds. The Proposer which is selected for Award of the Design-Build Contract, shall possess and be required to submit evidence of: (1) sufficient bonding to cover the full contract price for non-design services utilizing bond forms that are approved by the DOE; (2) errors and omissions insurance coverage sufficient to cover all engineering design and architectural services required by the Design-Build Contract; and (3) all other insurance coverage required to be provided by the DBE, from an acceptable insurer, under the terms of the Design-Build Contract, including but not limited to:

- General Liability Insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate. The General Liability Insurance shall include the State as an Additional Insured.
- Builders Risk Insurance sufficient to cover the value of all building work constructed under this Contract. The limit shall be equal to the completed value of the work or property being installed and shall insure against all-loss excluding earthquakes and flood. The coverage shall be provided by a company authorized to write insurance in the State of Hawaii as an insurer.
- Automobile Liability Insurance covering all owned, non-owned and hired autos with a Combined single Limit of not less than \$1,000,000 per accident. The required limit of insurance may be provided by a single policy or with a combination of primary and excess policies.
- Worker's Compensation and Employers' Liability for all persons employed by the Design-Build Entity in carrying out the work under this contract. This insurance shall be in strict conformity with the requirements of the most current and applicable State of Hawaii Worker's Compensation Insurance laws in effect on the date of the execution of the contract.
- Professional Liability Insurance with limits of not less than \$1,000,000 per claim and \$2,000,000 annual aggregate.

- Umbrella Excess Liability Insurance of not less than \$5,000,000 for each occurrence and aggregate. The Umbrella Excess Liability Insurance shall include the State as an Additional Insured.

Other insurance as required by law and customary for similar construction projects.

7. Subcontractors

All subcontracts with Subcontractors shall be awarded by the successful DBE in accordance with the process set forth in the State of Hawaii law.

8. Interested Parties

General Contractors and Architects of Record will not be allowed to participate in the RFP process as members of more than one DBE. The Structural Engineer and other Subconsultants may be permitted to participate in the RFP process as members of more than one DBE. Consultants or Subconsultants to the DOE who are participants or advisors to the DOE in respect to the design-build competition for the Project shall not be allowed to participate in the RFQ/RFP process as a DBE Member or as a Subconsultant or Subcontractor, of any tier, to a DBE.

9. Design-Build Proposals

Design-Build Proposals submitted by Proposers in response to the RFP shall include, without limitation, ten (10) hard copies and one (1) CD ROM disk of the proposal including conceptual plans which include, a floor plan (including proposed furniture layouts), two (2) elevations, a colored site plan, and one (1) exterior colored rendering.

10. Discussions, Best and Final Offers

The DOE reserves the right, but shall not have the obligation, as part of the RFP process to hold Discussions, and/or to request Best and Final Offers from, the Proposers. Procedures for Discussions, Negotiations, Limited Negotiations and Best and Final Offers shall be set forth in the RFP and/or in instructions issued to Proposers in accordance with the RFP.

11. Conceptual Design Fees

Conceptual Design Fees in the amount of \$30,000.00 shall be provided to each Proposer which submits a Design-Build Proposal in accordance with the terms of the RFP Documents and does not receive the Award of the Design-Build Contract; provided, however, that the DOE shall have no obligation to pay such amount or any other amount, either as a conceptual design fee, stipend, or in any other form, in any of the following circumstances: (1) the RFP is withdrawn by the DOE (whether or not a new RFP is thereafter issued) prior to the deadline in the RFP Schedule for submission of Design-Build Proposals; (2) the Proposer fails to submit its Design-Build Proposal prior to the deadline in the RFP Schedule for submission of Design-Build Proposals; (3) the Proposer's Design-Build Proposal materially fails to comply with the requirements of the RFP Documents; or (4) the Proposer is disqualified at any point in the RFP process from

participating further in the RFP process. Such conceptual design fee shall constitute the sole and exclusive remuneration and the sole liability of DOE to such unsuccessful Proposers for their participation in the RFP process.

12. Ownership, Copyright.

Drawings, renderings, models, building designs, design approaches, design details, construction techniques, procedures, means and methods and other technical design and construction information contained within a Design-Build Proposal shall be deemed the sole and exclusive property of the DOE, all copyrights thereto shall be deemed assigned to and held by the DOE, and the Proposer shall retain no property, copyright or other proprietary rights with respect thereto; provided, however, that: (1) nothing herein shall be interpreted as prohibiting or limiting the right of any Proposer that does not receive Award of the Design-Build Contract to copy, use or incorporate such technical design information contained within its own Design-Build Proposal for its own use in connection the conduct of its business, trade or profession; and (2) with respect to the Proposer who receives Award of the Design-Build Contract, such Proposer's rights and obligations with respect to copying, use or incorporation of such technical design information in any projects or work other than the Project shall be governed by the terms of the Design-Build Contract. This paragraph shall not apply to any individual portion of the design that is copyrighted or patented as a pre-manufactured product.

13. Confidentiality of Design and Pricing Information Prior to Award.

DOE shall make reasonable efforts, consistent with applicable laws, to refrain from disclosing to competing Proposers prior to Award, the content of any information on design, prices or pricing that is contained in another Proposer's Design-Build Proposal.

14. Confidentiality of Pre-Qualification Packages.

The Pre-Qualification packages (Questionnaire answers and financial statements) submitted by DBEs are not public records and are not subject to public inspection. All such information provided will be kept confidential to the extent permitted by law. State law requires that the names of DBEs applying for pre-qualification status shall be public records subject to disclosure, and the first page of the Questionnaire will be used for that purpose.

15. Changing of Team Members

No changes in or additions to DBE Members who have been pre-qualified pursuant to the DOE's Pre-Qualification process for the Project shall be permitted after the deadline in the RFP Schedule for submission of Design-Build Proposals, except with the prior written authorization of the DOE, which authorization may be granted or withheld in the DOE's sole discretion. By way of example and without limitation to the foregoing, any person or entity who is either (1) a DBE Member, or (2) a key employee/personnel of a DBE Member who has been pre-qualified for the Project pursuant to the DOE's Pre-Qualification process, shall not be "switched out" or substituted with other persons or entities after the deadline in the RFP Schedule for submission of Design-Build Proposals.

D. DESIGN-BUILD ENTITIES' REPRESENTATIONS

1. Each Design-Build Entity (DBE), by submitting its Pre-Qualifications submittal, represents that:

a. Compliance with Pre-Qualification Documents. Its Pre-Qualifications submittal is made in compliance with the Pre-Qualification Documents.

b. Attendance at Pre-Proposal Conference. The Design-Build Entity (DBE) attended the mandatory Pre-Proposal Conference.

c. Due Authorization. The signer(s) of its' Pre-Qualification Questionnaire on behalf of the Design-Build Entity (DBE) are authorized to do so on behalf of the DBE and any signer of its' Pre-Qualification Questionnaire that is a corporation is duly incorporated, authorized to do business and in good standing under the laws of the State of Hawaii.

E. REQUEST FOR QUALIFICATIONS (RFQ) - PRE-QUALIFICATION DOCUMENTS, SCHEDULE AND PROCEDURES

1. Pre-Qualification Documents

The RFQ Pre-Qualification Documents consist of the following: (1) Posting of Design-Build Project and Opportunity to Pre-Qualify for Same; (2) these Instructions to Design-Build Entities (DBE) (including, without limitation, all attachments hereto); (3) Pre-Qualification Questionnaire; and (4) Pre-Qualification Addenda, if applicable.

a. Pre-Qualification submittals

The following documents are required to be submitted to the Department of Education (DOE) by DBEs in order to be considered for Pre-Qualification:

i) completed and signed Pre-Qualification Questionnaire in the form attached hereto as Attachment No. 1; and

ii) all other documents or information requested by the Pre-Qualification Questionnaire and these Instructions to DBEs.

2. Preliminary Project Milestone Schedule

The following is the anticipated schedule for the Pre-Qualification process, the issuance of the Request for Proposals (RFP), Award the Design-Build Contract and Project Completion:

Phase I – Request for Qualifications (RFQ)

28 Mar 2013	Issuance of RFQ
15 Apr 2013	Mandatory Pre-Proposal Conference
30 Apr 2013	Pre-Qualification submittals due from DBEs
29-30 May 2013	Interview up to 5 highest qualified DBE's (at DOE's discretion)
07 Jun 2013	Complete evaluations & selection (Priority Listed 3 DBEs)

Phase II – Request for Proposals (RFP)

10 Jun 2013	Release draft RFP
20 Jun 2013	1 st Proprietary Meeting with Priority Listed 3 DBEs
25 Jun 2013	Issuance of RFP
10 Jul 2013	2 nd Proprietary Meeting with Priority Listed 3 DBEs
15 Aug 2013	3 rd Proprietary Meeting with Priority Listed 3 DBEs
26 Aug 2013	Proposals Due
12 Sep 2013	Initial Evaluation of Proposals
20 Sep 2013	BAFO's due
26 Sep 2013	Oral Presentations
30 Nov 2013	Anticipated Contract Execution
04 Dec 2013	NTP – Design-Build Duration (17 months)
30 Apr 2015	Substantial Completion
15 Jul 2015	Start of School Activities

a. Changes to Pre-Qualification Schedule

The DOE reserves the right, at any time, to make additions, modifications or deletions to any of the events or dates that comprise the Pre-Qualification Schedule. Changes made after issuance of the Request for Qualifications shall be made by issuance of a Pre-Qualification Addendum. Changes to any dates set forth in the Pre-Qualification Schedule that are made after issuance of the Request for Proposal shall be made by issuance of an RFP Addendum in accordance with the terms of the RFP Documents changing the RFP Schedule. References in the Pre-Qualification Documents to the Pre-Qualification Schedule or dates in the Pre-Qualification Schedule shall mean the Pre-Qualification Schedule and dates set forth in Paragraph E.2. above, as adjusted by any changes thereto made pursuant to this Paragraph.

3. Pre-Qualification Procedures

a. Selection of Pre-qualified Design-Build Entities

The DOE will select from all of the DBEs three (3) Pre-Qualified DBEs who, based on the scoring by the Pre-Qualification Selection Committee of their RESPONSES TO THE RFQs and other information provided in response to the Pre-Qualification Questionnaire, are determined to be the most highly qualified to design and construct the Project. The selection of those Pre-Qualified DBEs who will receive the RFP pursuant to the foregoing "Priority-Listing" process will be based on objective evaluation of the information requested in the Pre-Qualification Documents and provided by the DBE in its Pre-Qualifications submittal, including, without limitation, the DBE's answers to the Pre-Qualification Questionnaire.

b. Pre-Qualification Selection Committee

The Pre-Qualification Selection Committee will conduct on behalf of the DOE the evaluation, ranking and selection of the Pre-Qualified DBEs who will receive the RFP and be invited to submit a Design-Build Proposal for the Project. The identities of the members of the Pre-Qualification Selection Committee shall not be disclosed by the DOE to the Offerors.

c. Unauthorized Communications, Lobbying

Unless and except as requested to do so in writing by the DOE, DBE Members shall not communicate, either verbally, electronically or in writing, with: (1) any member of the Pre-Qualification Selection Committee; (2) any consultant or professional retained by the DOE for the purpose of providing the DOE advice or professional services in respect to the Project or the Pre-Qualification or RFP process; (3) any member of the Hawaii State Board of Education; or (4) any employee or representative of the DOE except as designated in this RFQ document. Without limitation to the foregoing, Offerors are advised that lobbying is not permitted with any DOE personnel or any consultant or professional retained by the DOE for the purpose of providing the DOE advice or professional services in respect to the Project or the Pre-Qualification or RFP process. "Lobbying", as used herein, is defined as any action taken by an individual, firm, association, joint venture, partnership, or corporation seeking to influence the governmental decision of DOE personnel or any consultant or professional retained by the DOE for the purpose of

providing the DOE advice or professional services in respect to the Project or the Pre-Qualification or RFP process, on matters related to the Pre-Qualification or RFP processes or Award of the Design-Build Contract for the Project. Any such contact aforementioned will result in the immediate disqualification of the DBE Team.

d. Mandatory RFQ Pre-Proposal Conference

A **mandatory** Pre-Proposal Conference will be conducted on, April 15, 2013, commencing promptly at 10:00 am, at Kapolei High School, 91-5007 Kapolei Parkway, Kapolei, HI 96707. Attendance at the Pre-Proposal Conference is mandatory in order to be considered for pre-qualification.

e. Licensing

Except as otherwise permitted by this Paragraph E.3.e., each DBE must possess at all times during the Pre-Qualification and RFP processes an active Class B (general contracting) contractor's license issued by the State of Hawaii that is in good standing. If the DBE is a joint venture consisting of (2) two or more individuals, firms, partnerships, corporations, associations or other organizations in which at least one (1) of such joint ventures holds an active Class B (general contracting) contractor's license issued by the State of Hawaii that is in good standing, then such DBE shall be entitled, notwithstanding the absence of separate joint venture license, to apply for Pre-Qualification and to be considered for Award of the Design-Build Contract; provided, however, that any DBE that is selected to receive Award of the Design-Build Contract must possess, at the time of Award of the Design-Build Contract, a separate joint venture Class B (general contracting) contractor's license issued by the State of Hawaii that is in good standing. In addition to the licensing requirements set forth in this Paragraph E.3.e., applicable to Offerors, all persons or entities acting as architects or engineers, or that an Offeror would be obligated to pre-qualify pursuant to Paragraph E.3.n. below, shall possess, at the time of submission by the DBE of its Pre-Qualifications submittal, all licenses required by applicable laws relevant to the project location to be issued for the contracting and performance of the particular professional service and/or trade work with respect to which Pre-Qualification of such person or entity is required by the Pre-Qualification Documents.

f. Submission

One (1) Original and nine (9) copies of the Pre-Qualifications submittals shall be hand delivered to, or received by mail at:

IF HAND-DELIVERED

Gaylyn Nakatsuka
Department of Education, Auxiliary Services Branch
1042 Young Street
Honolulu, Hawaii, 96814

IF MAILED

Gaylyn Nakatsuka
Department of Education, Auxiliary Services Branch
1037 South Beretania Street
Honolulu, Hawaii 96814

Pre-Qualifications submittals will be accepted Monday through Friday during regular working hours of 7:45 am to 4:30 pm, up to and including, April 30, 2013, 2:00 pm. Facsimiles and emails will not be accepted. The submittals shall be marked "CONFIDENTIAL". Except as permitted by Paragraph E.3.m. (concerning updating of information due to new or changed circumstances) or as provided in the final sentence of this Paragraph E.3.f., submissions after the aforementioned deadline will not be considered. The DBE assumes full and sole responsibility for timely receipt of its complete Pre-Qualifications submittal at the aforesated location designated for receipt thereof. Pre-Qualifications submittals that are received after the deadline specified in these Instructions to DBEs shall be returned unopened; provided, however, that a late Pre-Qualifications submittal may be considered if it is the only Pre-Qualifications submittal received.

g. Requests for Clarification

The DBE is solely responsible to seek clarification, if needed, of any portion of the Pre-Qualification Documents. All requests by DBEs for clarification of the Pre-Qualification Documents must be submitted in writing no later than April 22, 2013, 4:30 pm, by hand delivery or fax to the following:

Project Coordinator: Gaylyn Nakatsuka
Department of Education, Facilities Development Branch, Planning Section
c/o: Department of Education, Auxiliary Services Branch
1042 Young Street
Honolulu, Hawaii, 96814
FAX (808) 377-8300

Requests for clarification received after that time will not receive a response. Failure by a DBE to seek clarification of any portion of the Pre-Qualification Documents shall not relieve the DBE from its representations as set forth hereinabove nor serve as the basis for any claim by the DBE that it was mistaken or misled in connection with the preparation of its Pre-Qualifications submittal. Responses to the requests for clarification will be made in writing and distributed to all DBEs.

h. Pre-Qualification Addenda

Interpretations, corrections and changes by the DOE of the Pre-Qualification Documents will be made by Pre-Qualification Addendum. Interpretations, corrections and changes of the Pre-Qualification Documents made in any other manner shall not be relied upon and will not be binding. Notice of issuance of a Pre-Qualification Addendum that is issued prior to the original or revised deadline for submission of Pre-Qualifications submittals shall be given only to the DBEs which attend and sign-in at the Pre-Proposal Conference and only to the address provided by them at the

Pre-Proposal Conference. Notice of Pre-Qualification Addenda that are issued after the original or revised deadline for submission of Pre-Qualifications submittals shall be given only to the DBEs who have submitted Pre-Qualifications submittals in accordance with the requirements of the Pre-Qualification Documents. Notice by the DOE of a Pre-Qualification Addendum shall be effective if by hand delivery, mail, facsimile or e-mail. The DOE also anticipates (but shall not be obligated for) making Pre-Qualification Addenda available for review on the DOE Website. Failure of a DBE to receive a Pre-Qualification Addendum shall not entitle the DBE to an extension of the Pre-Qualification Schedule nor shall it permit the submission of any additional Pre-Qualification information after the deadlines set forth in the Pre-Qualification Schedule.

i. Applicable Laws

All Pre-Qualifications submittals must be submitted, filed, made and executed in accordance with applicable laws, whether such laws are expressly referred to herein or not.

j. Sealed Package

All Pre-Qualification submittals shall at the time of delivery be enclosed in a sealed opaque package marked "CONFIDENTIAL". Said package, as well as any other outer envelope or packaging in which said package may have been placed by the DBE or the carrier for delivery, shall be addressed and delivered as provided in these Instruction to DBEs and shall be clearly and conspicuously labeled with the DBE's name and address and an identifying name of the Project for which the Pre-Qualification submittal is submitted.

k. Withdrawal, Resubmission

Pre-Qualifications submittals may be withdrawn at any time upon written notice to the DOE at the place for receipt of Pre-Qualifications submittals. Pre-Qualifications submittals withdrawn prior to the deadline for receipt thereof as set forth in the Pre-Qualification Schedule may be resubmitted up to the deadline for submission thereof as provided for in the Pre-Qualification Schedule.

l. Rejection by DOE

Without limitation to any of the DOE's other rights under the Pre-Qualification Documents or applicable laws, the DOE reserves the right, exercised in its discretion, to reject any or all Pre-Qualifications submittals that fail to comply with the requirements of the Pre-Qualification Documents or that contains any information that is untrue or misleading. The DOE further reserves the right, exercised in its sole and absolute discretion, to withdraw and cancel its' RFQs for any reason or no reason at all (before or after receipt of Pre-Qualifications submittals) and/or reject all Pre-Qualifications submittals.

m. Updated Information

If, due to new or changed circumstances occurring after the deadline in the Pre- Qualification Schedule for submission of Pre-Qualifications submittals, any information provided by a DBE

becomes inaccurate, the DBE must immediately notify the DOE and provide updated accurate information in writing, under penalty of perjury and signed in the same manner as required for Pre-Qualifications submittals. The foregoing provision shall not be interpreted as granting DBEs the right after the deadline in the Pre-Qualification Schedule for submission of Pre-Qualifications submittals to correct information that was inaccurate or incomplete at the time the Pre-Qualifications submittals was submitted or to submit any new information that is for the purpose of or that would have the effect of improving upon or enhancing the responses or other information provided in the Pre-Qualifications submittal. Consideration of such updated information is in the sole discretion of the DOE.

n. General Contractor and Architect of Record

The DBE shall provide all information requested by the Pre-Qualification Questionnaire pertinent to the Pre-Qualification of the following, whether or not they are DBE Members: General Contractor and Architect of Record submitted by the DBE as DBE Members.

The DBEs are encouraged to provide similar information for any other members of their integrated Design-Build Team.

o. References

The DOE reserves the right, but assumes no obligation, to conduct interviews and/or score references provided by DBEs in its Pre-Qualifications submittals. Whether or not the DOE elects to conduct interviews, the DOE assumes no responsibility to determine the accuracy of references provided in the Pre-Qualifications submittals, including, without limitation, contacting or interviewing references and other sources available. If contacted, each reference will be asked the same questions from a list of questions pre-prepared by the DOE. It is the DBE's responsibility to verify the accuracy, and present only current contact information, for all such references. The DOE also reserves the right to contact other known references, whether or not listed by the DBE, in the same manner described above.

p. Subsequent Information

The DOE reserves the right, at its discretion, to adjust (by increasing or decreasing), limit, suspend or rescind the Pre-Qualification scoring or ranking of a DBE or disqualify a DBE based on subsequently learned information that the DOE determines could have adversely affected the scoring or ranking of the DBE if such information had been included in the DBE's Pre-Qualifications submittal. Without limitation, the foregoing, in the event that as a result of such subsequent learned information the scoring and rank of a DBE that is the subject of the such information is changed such that it is thereafter ranked lower than a competing, previously lower-ranked DBE, then the DOE shall have the right, but not the obligation, to extend an invitation to participate in the RFP process to such previously lower-ranked DBE (or, if such DBE declines the invitation, to extend an invitation to the next in order of the previously lower-ranked DBE whose rank, after such adjustment, is above the rank of the DBE who was the subject of such information).

q. Signatures

Each Pre-Qualification Questionnaire must be signed under penalty of perjury in the manner designated at the end thereof, by a representative of the DBE that is authorized to contractually bind the DBE and by each of the constituent members of the DBE. The information provided by the DBE is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification.

r. Waiver of Irregularities

The DOE reserves the right to waive minor or clerical irregularities, errors or omissions in the information contained in any Pre-Qualifications submittal or in regard to any DBE's compliance with Pre-Qualification process, and to make all final determinations with respect to the information provided in any Pre-Qualifications submittal.

s. Costs and Expenses

DBEs shall bear, at their own expense and without reimbursement by the DOE, all costs and expense associated with their participation in the process of this Request for Qualifications (RFQ) / Pre-Qualification for the Project.

t. Notices

Notices by the DOE to DBEs issued after the deadline in the Pre-Qualification Schedule for submission of Pre-Qualifications submittals shall be deemed delivered and received by the DBE if provided by delivery, mail, facsimile or email to the DBE at the address provided by the DBE at the Pre-Qualification Conference as the "Contact Person" for the DBE.

u. Public Proceedings

All proceedings related to the Pre-Qualification of DBEs, other than the Pre-Proposal Conference, shall be closed to the public.

F. SCORING AND RANKING OF DESIGN-BUILD ENTITIES

1. Initial Scoring and Ranking

Information submitted by each Design-Build Entity (DBE) in Attachment No. 1 – Pre-Qualification Questionnaire Parts I, II, III and IV (certified and declared that all information is correct, complete and is true under penalty of perjury under the laws of the State of Hawaii) will be used as part of the evaluation process.

Part I – Information about Design-Build Entity Members; *(Information only – not scored)*

Part II – Essential Requirements for the Design-Build Entity; *(Pass – Fail)*

2. Written Proposal (100 points available)

The Selection committee will review the proposals of each DBE and rate each DBE in the following categories which are located in the Prequalification Questionnaire:

- a. Financial ability to perform the work required
- b. Material, equipment, facility, and personnel resources (to include Key Trade Partners) and expertise available, or the ability to obtain them, in order to meet contractual requirements
- c. Legal qualifications to contract with the State
- d. Experience and Ability – of the individuals DBE Member companies and the experience of the DBE as a Team (to include Key Trade Partners), with an emphasis on the DOE Project
- e. Project Staff – The credentials, past performance/experience of each key person’s ability to perform the work
- f. Knowledge of the Site and Local conditions – The DBE Member’s experience with similar sites and in the local area
- g. Management approach that shows how this Project would be completed within the stated delivery schedule and budget, citing previous projects the DBE has completed
- h. Statement of the DBE’s current workload and discuss its capability to deliver this Project in a successful manner
- i. References for the determination of a satisfactory record of performance and integrity

3. Scored Sections

The scoring and ranking of DBEs submitting a response to this RFQ will be based on the following Sections of the Pre-Qualification Questionnaire:

Part III – DBE Team Member Questions (Total 50 points), and

A. Team Member Questions for Builder – 40 points

B. Team Member Questions for Architect & Engineer(s) – 10 points

Part IV – Past Performance - Projects Completed and References (Total 50 points)

A. Personnel & References – 25 points

B. Design-Build, School, & Hawaii Projects & References – 25 points

The DOE encourages the use of the Design-Build Institute of America (DBIA) Best Practices methods of design and construction. DBE Team Members who have completed specific “design-build” training and/or carry a “DBIA Professional Certification” will be considered an asset in the selection process.

4. Priority List

Those DBEs, who are not disqualified (on grounds for disqualification set forth in the Pre-Qualification Documents), will then be ranked by the Pre-Qualification Selection Committee based on their scores received, and the most qualified DBEs will be invited pursuant to the “Priority Listing” process described in Paragraph E.3.a. above, to participate in Phase 2, the Request for Proposal (RFP) process.

5. Selection

The DOE's Representatives will convene the Selection Committee and brief all members on the scope of the project and the services required. The Committee will discuss the requirements of the project and the scoring procedures. The Committee will review and score the Pre-Qualifications submittals.

DOE reserves the right to seek clarification of the contents of the Pre-Qualifications submitted.

6. Selection Recommendation

Based on the above, the Committee will rank the DBEs and provide its findings to the DOE Superintendent with a recommendation to proceed with the three (3) highest ranked firms.

G. NOTICE AND APPEAL OF DOE DECISION

1. Notice of Selection

The Department of Education (DOE) will issue a Notice of Selection of Pre-Qualified Design-Build Entities in accordance with the Pre-Qualification Schedule to all Design-Build Entities (DBE) who have completed and submitted Pre-Qualifications submittals. Such Notice may, or may not, include a statement of the final ranking of the DBEs; however, information on the ranking of DBEs will be made available during debriefings.

2. Debriefing

After the issuance of the Notice of Selection of Pre-Qualified DBEs, the DOE will make available, for those requesting such Notice within three (3) working days after the posting of the Notice, an opportunity for a debriefing. Debriefings will be conducted in accordance with the Pre-Qualification Schedule. At the pre-qualification debriefing, a summary of the scoring and ranking of Pre-Qualifications submittals will be reviewed. Copies of Pre-Qualifications submittals will not be provided nor will there be point-by-point comparisons of competing Pre-Qualifications submittals.

3. Appeal of DOE Decision

Any DBE submitting a Pre-Qualifications submittal to the DOE may file an appeal of the DOE's decision in its Notice of Selection of Pre-Qualified DBEs, provided that each and all of the following are complied with:

- a. the DBE attended the Debriefing;
- b. the appeal is in writing;
- c. the appeal is filed and received by the DOE Facilities Development Public Works Administrator not more than five (5) working days after the date the Debriefing is completed;
- d. the written appeal sets forth, in detail, all grounds for the appeal, including without limitation all facts, supporting documentation, legal authorities and argument in support of the grounds for the appeal.

Any matters not set forth in the written appeal shall be deemed waived. All factual contentions must be supported by competent, admissible and credible evidence.

4. Failure to Comply

Any appeal not conforming to, or not submitted within the time period required by, this Section G.3. may be rejected as invalid.

5. Review and Decision

The Facilities Development Branch Administrator in his/her discretion shall review and evaluate the basis of the appeal and shall provide a written decision to the DBE submitting the appeal concurring with or denying the appeal. The written decision of the Facilities Development Branch Administrator shall be final.

6. Superseding Procedures

The provisions of this Section G. supersede and are in lieu of the provisions for appeal as may be otherwise established by the DOE pertaining to pre-qualification of contractors for competitive bidding of construction contracts.

H. ATTACHMENTS

1. The following Attachments are attached hereto and incorporated as part of the Pre-Qualification Documents by this reference:

- a. ATTACHMENT NO. 1 (PRE-QUALIFICATION QUESTIONNAIRE)
- b. ATTACHMENT NO. 2 (PRELIMINARY PROJECT AND SITE INFORMATION)

END OF INSTRUCTIONS