

# **Request for Qualifications**

**to provide**

# **Construction Management At-Risk Services**

**Qualifications Due: April 30, 2015; by 4:00 PM**

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Written Submittals of Qualifications to provide Construction Management at-Risk Services for the construction of streets, parks, and subsurface infrastructure to be conveyed to the City of Columbia in the Bull Street Neighborhood.

## 1. Introduction

### 1.1 Purpose of Procurement

- 1.1.1** Bull Street Development, LLC, hereinafter sometimes referred to as “Owner,” may demolish select structures, pavements and utilities and plans to construct streets, utility lines, landscaping, trails, streetscaping, street lighting and other similar and related improvements on parts of the Bull Street Campus in Columbia, SC. These improvements are intended to be conveyed to the City of Columbia and will be constructed according to their standards and requirements. The construction will take place on an active construction site where access will have to be maintained for other contractors. All construction will have to be complete before March 1, 2016.
- 1.1.2** Cost Expectations: The expected costs for the project construction are in the range of \$8 million. Approximate quantities and scope are expected to include:
- a. Approximately 6,000 LF of two-lane road paralleled on both sides by parking lanes, curbs and sidewalks with tree grates and trees.
  - b. Parking lanes utilizing brick pavers and a stone base for managing stormwater.
  - c. Within the road right of way approximately 6,000 LF of water line (2,500 LF of 12”, 2,500 LF of 8” and 1,000 LF of 6”) and 6,000 LF of gravity sanitary sewer (2,350 LF of 15”, 1,150 LF of 12” and 2,500 LF of 8”).
  - d. An additional 2,600 LF of gravity sanitary sewer installed outside of the road right of way including 1,300 LF of 24”, 250 LF of 18” and 1,050 LF of 15”.
  - e. Demolition of existing pavements and utilities within the proposed right of ways along with the demolition of a 100,000 SF warehouse structure.
  - f. Construction and landscaping of a 20+ acre park including a lake and trails.
- 1.1.3** “Construction Management at Risk” (CM-R) is the chosen project delivery method for this project (Please see the definition section below).
- 1.1.4** Owner has selected Davis & Floyd as engineer for the design work on the project. The design team is in the schematic design phase of the project.
- 1.1.5** Owner hopes to select its Construction Manager at Risk by a subsequent Request for Proposal, and expects to make the chosen firm a part of the design and pricing team for the completion of portions of the construction documents.
- 1.1.6** **SPECIAL CONSIDERATIONS FOR CM AT-RISK – South Carolina Code § 40-11-320 and Regs. 19-445.2145(N):** Firms seeking CM-R work must be registered both as a construction manager and as a general contractor with the SC Contractor’s Licensing Board. The construction manager at-risk’s General Contractor’s license must have a license group designation that will allow the construction manager at-risk to provide 100% Performance and 100% Labor and Material Payment Bonds for the entire project.
- 1.1.7** The selection of professional construction services will be by Qualifications-Based Selection (QBS) or “Technically Superior Proposal” method. Owner chose the CM-R delivery method specifically to allow concurrent design and construction activities, with the CM-R providing constructability reviews and other pre-construction services essential to the overall success of the project. The CM-R will have a fiduciary role and responsibility to the Owner. The CM-R must act in the best interests of the Owner, using its best efforts to perform the project in an expeditious and cost- effective manner consistent with the Owner’s program requirements and budget.

## **1.2 Project Objectives**

- 1.2.1** Sustainability: The final design will incorporate sustainable design solutions where appropriate.
- 1.2.2** The CM-R and the design professionals each will be responsible for comprehending the Owner's Project Requirements, accurately translating those requirements into a Basis of Design, and incorporating all into complete construction documents. With these, the CM-R will deliver finished facilities in satisfaction of the Owner's Project Requirements.
- 1.2.3** The CM-R will be responsible for pricing and value-engineering issues. At an appropriate point during the project, the Owner will ask the CM-R to commit to a Guaranteed Maximum Price (GMP) for the project.
- 1.2.4** The CM-R shall competitively select all construction subcontracts and other work appropriate for competitive selection but is free to use qualification factors other than price of work to select construction subcontractors that will deliver the greatest value to the project.
- 1.2.5** In selecting a firm, the Owner will emphasize experience of the firm and of assigned personnel in providing like functions on projects of similar magnitude and complexity as the proposed project. Selection preference will be toward firms that have depths of knowledge and resources for general contracting, scheduling, contract coordination and compliance, and budget control, as well as familiarity with state laws, ordinances, and codes applicable.
- 1.2.6** Because the Owner is committed to enhancing opportunities for all segments of the business community, compliance with the City of Columbia's Subcontractor Outreach Program (SOP) is required. Please find attached as Appendix A, the City of Columbia Subcontractor Outreach Program. The Program requirements should be considered the minimum requirements for making good faith efforts to maximize participation in the Project. Also as part of the requirements of the Subcontractor Outreach Program, the City has designated an aspirational goal of 40% DBE/DVBE and 35% LBE goal under the 20% Subcontracting requirement. Describe the firm's approach to meet or exceed the minimum requirements as well as how the firm would attempt to meet or exceed the aspirational goals. Give examples of previous projects with similar requirements and goals and the results of the firm's efforts.
- 1.2.7** For the purpose of determining the lowest responsible and responsive bidder on any qualifying contract valued above \$10,000, the Owner will evaluate any bid submitted by a Local Business Enterprise, as defined by the Ordinances of the City of Columbia, by discounting its bid by up to 5% of its actual bid amount (up to a maximum dollar value not to exceed \$500,000). If the aforementioned calculation results in the LBE bidder being ranked as the lowest responsible and responsive bidder, then the LBE bidder shall be offered the opportunity to accept the contract award at the same dollar amount bid by the lowest non-Local Business Enterprise bidder.
- 1.2.8** It is the responsibility of each submitter to examine the entire RFQ and RFP, seek clarification in writing, and review its submittal for accuracy before submitting their qualifications and, if shortlisted, their proposal. Once submission deadlines have passed, all submissions will be final. The Owner will not request clarification from any individual submitter relative to their submission but reserves the right to ask for additional information from all parties that have submitted qualifications. Each firm must describe experience if there are multiple firms proposed as one team. Please indicate, by firm, those qualifying as a minority firm.
- 1.2.9** Certified Small and Minority Business Enterprises as well as Qualified Local Business Enterprises are encouraged to respond to this request.
- 1.2.10** The Owner wishes to start construction work as soon as possible, and complete work by March 1, 2016, in order to be ready for use for baseball.

### 1.3 Project Assumptions

- 1.3.1 The Owner is receptive to working with multiple firms that desire to form a partnership to deliver the CM-R services anticipated under this project. In the event that two or more firms desire to establish a joint venture, it is expected that one firm from the group shall sign the state's contract as construction manager at-risk, and that all partner firms will be consultants to the firm that signs the contract.
- 1.3.2 The Owner expects all parties to this project to work closely together and deal appropriately with project conditions to finish the job successfully. A spirit of cooperation and collaboration among professional construction services providers is of utmost importance.
- 1.3.3 The CM-R, as a part of its pre-construction services, will assist with developing a strategy for the best approach for the successful completion of the project. For example without limitation, the CM-R will provide guidance and assistance in the preparation of a schedule and a reliable cost estimate.
- 1.3.4 It is the sincere intention of the Owner to make every effort to be fair and equitable in its dealings with all candidates for selection.

### 1.4 Definitions of Terms

- 1.4.1 Whenever the terms **"RFQ"** or **"RFP"** are used, the reference is to this Request for Qualifications or a future Request for Proposals or portions thereof, together with any exhibits, attachments, or addenda it may contain.
- 1.4.2 Whenever the terms **"shall," "must,"** or **"is required"** are used in the RFQ/RFP, the referenced task is a mandatory requirement of this RFQ/RFP. Failure to meet any mandatory requirement will be cause for rejection of a submittal.
- 1.4.3 Whenever the terms **"can," "may,"** or **"should"** are used in the RFQ/RFP, the referenced specification is discretionary. Therefore, although the failure to provide any items so termed will not be cause for rejection, the Selection Committee may consider such failure in evaluating the submittal.
- 1.4.4 Whenever the terms **"apparent successful"** or **"top-ranked"** or **"highest-ranking"** firm or Offeror are used in this document, the reference is to the firm that the Selection Committee ultimately judges to have submitted the case best satisfying the needs of the owner in accordance with the RFQ/RFP. The selection of an apparent successful firm does not necessarily mean the Selection Committee accepts all aspects of the firm's submittal or proposal.
- 1.4.5 Whenever the term **"submittal"** is used in the RFQ, the reference is to the response offered by a firm in accordance with the RFQ. The initial submittal responds only to the RFQ portion of this document. Subsequently, only firms shortlisted based on their initial submittal will be invited to respond with technical proposal submittals to the future RFP.
- 1.4.6 Whenever the term **"Selection Committee"** is used in the RFQ, the reference is to the owner appointed representatives responsible for administering and conducting the evaluation and selection process of the RFQ.
- 1.4.7 **"Construction Management at Risk" (CM-R)** is a project delivery method in which the owner awards separate contracts—one for architectural and engineering services to design the project and the second to a construction manager at-risk for both construction management services and construction of the project.
- 1.4.8 **"Design Professional"** and **"Designer of Record"** both refer to the project's architect or design engineer, whose responsibilities generally include programming of the facility and, at the completion of all construction, providing the owner with Record Drawings.
- 1.4.9 **"Building Commissioning"** refers to a formal and systematic process of documentation, adjustment, testing, verification, and training, focused on quality assurance and performed specifically to ensure that the finished facility operates in accordance with the owner's documented project requirements and the construction documents.
- 1.4.10 **"Commissioning Provider"** refers to the entity or person providing building commissioning services for a project.

- 1.4.11 “Guaranteed Maximum Price” (GMP)** means a price for all costs for the construction and completion of the project, or designated portion thereof, including all construction management services and all mobilization, general conditions, profit and overhead costs of any nature, and where the total contract amount, including the contractor's fee and general conditions, will not exceed a guaranteed maximum amount.
- 1.4.12 “Owner’s Project Requirements”** is a written document that details the functional requirements of a project and the expectations of how it will be used and operated.
- 1.4.13 “Qualifications Submittal” and “Initial Written Submittal”** both refer to a firm's response to the RFQ.
- 1.4.14 “Qualifications-Based Selection” and “QBS”** both refer to a procurement process for the selection of professional construction services for public projects. It is a competitive contract procurement process whereby firms submit qualifications to a procuring entity (owner) who evaluates and selects the most qualified firm, and then negotiates the project scope of work, schedule, budget, and consultant fee.
- 1.4.15 “As-Built Drawings”** are prepared by the contractor. They show, in red ink, on-site changes to the original construction documents.
- 1.4.16 “Record Drawings”** are prepared by the architect and reflect on-site changes the contractor noted in the as-built drawings. They are often compiled as a set of on-site changes made for the owner per the owner-architect contract.

## **2. General Instructions**

### **2.1 Building Program**

#### **2.1.1 Quality**

The project will be designed and constructed to a level of quality and timeliness that reflects the long-term use expected in this new urban community.

#### **2.1.2 Owner / CM-R Contract**

AIA Document A133 CMr-2009, Standard Form of Agreement Between Owner and Construction Manager as Constructor.

### **2.2 Selection Process**

#### **2.2.1 Request for Qualifications**

This document is a Request for Qualifications (RFQ) and will be used for the short-listing of CM-R firms for a future Request for Proposal (RFP). An interested firm's initial response will be **only** to the RFQ. Only if a firm is subsequently shortlisted will it be invited to provide a separate proposal in response to the future RFP.

#### **2.2.2 Selection Committee**

The selection of CM-R providers will be by a Selection Committee comprising representatives appointed by the Owner.

#### **2.2.3 Point of Contact**

The contact for information and clarification about the Project must be limited to the project manager, as identified in Section 3, below.

#### **2.2.4 Shortlisting, Proposals, Interviews**

Selection of the CM-R will be a multi-step process:

a. **Initial Written Submittal (Qualifications Statements)**

The Selection Committee will receive and review statements of qualifications and performance data in response to the RFQ. The Selection Committee will evaluate all firms first against a set of criteria, provided in Section 3 below, to determine which firms are most qualified and suited for this particular project. Qualifications alone will narrow the field to a shortlist expected to be three firms. The shortlisted firms will be invited to respond to the Request for Proposal.

- b. Written Technical Proposals (Responses to Request for Proposal – this section provided for information only)  
Only shortlisted firms shall prepare and submit written technical proposals that respond to the Request for Proposal (RFP). This written proposal will be evaluated by the Selection Committee against a set of criteria.
- c. Interview & Final Evaluation (this section provided for information only)  
As part of the evaluation, shortlisted firms will be invited to a formal interview to explain their proposal and to answer questions from the Selection Committee. From the evaluations of the written proposals and the interview, the Selection Committee will rank the shortlisted firms in order of suitability and appropriateness for this job.

#### **2.2.5 Fee Proposals**

Each shortlisted firm invited to interview shall prepare and deliver a separate sealed fee proposal to the Selection Committee chair at the time of the interview. Following the interview the Selection Committee will open the fee proposal. These fee proposals will be part of the selection evaluation. The highest-ranked Offeror's fee proposal will be part of the basis for initial negotiations subsequently conducted. If negotiations with the highest-ranked Offeror are not successful, the Owner will then invite the second-ranked firm to negotiate, and so on.

#### **2.3 RFQ Pre-submittal Conference**

There will be an RFQ pre-submittal conference for all interested parties. The conference will take place at the time and location given on the Schedule of Events (Section 2.6). Anyone may attend. Please notify [bids@hughesdevelopment.com](mailto:bids@hughesdevelopment.com) of your interest to ensure each party has updated information regarding the RFQ pre-submittal conference.

#### **2.4 RFP Pre-proposal Conference (this section provided for information only)**

There will be an RFP pre-proposal conference for the shortlisted firms. Details about this pre-proposal conference will be announced to the shortlisted firms at the appropriate time by email to the firm's contact person identified in the RFQ submittal.

#### **2.5 Scope of Work Overview**

The CM-R's services shall conform to recognized standards of professional practice. The contract will outline the scope of work.

**2.5.1** The CM-R will work in concert with the Design Professionals towards the successful completion of the project within the schedule and the stated cost limitation, in compliance with the contract documents, and adhering to the requirements of the authorities having jurisdiction.

**2.5.2** The CM-R, through in-house staff or outside consultants/contractors, shall serve as the Construction Manager and Constructor, and shall provide all pre-construction and construction management services and activities necessary for the construction and completion of this project. The services described in this Request are representative of the services required, and are not exhaustive.

**2.5.3** Pre-construction Services shall include but are not limited to the following:

- a. Participate in design team meetings as required to facilitate the design process.
- b. Evaluate the design during development; providing analysis of alternate construction methods and materials for potential quality, cost, and schedule enhancements.
- c. Evaluate construction documents for constructability, maintainability, potential problems, errors, and compliance with the construction budget.
- d. Develop a comprehensive design and construction schedule, coordinating activities to accomplish the completion of the project by the earliest date possible within the desired budget.
- e. Provide cost estimating, cost management, value analysis, and value engineering.
- f. Provide cost estimating of alternative means, methods, materials, and configurations of the

design.

- g. Provide cost estimating of the individual construction packages.
- h. Develop a construction budget to be maintained throughout design and construction.

**2.5.4** Construction Phase Services shall include but are not limited to the following:

- a. Develop requirements for safety, quality assurance, and schedule adherence.
- b. Maintain on-site staff for construction management.
- c. Maintain a system for tracking the timely submittal, review, and approval of submittals.
- d. Coordinate, conduct, and document regular construction meetings.
- e. Prepare and submit change order documentation for review and approval by the Design Professional and the Owner.
- f. Maintain on-site records and submit monthly progress reports to the Design Professional and the Owner.
- g. Maintain quality control and ensure conformity to contract documents.
- h. Reconcile construction contract requirements with the construction budget.
- i. Assist the Owner with permits and inspections required by authorities having jurisdiction.
- j. Develop and maintain a detailed design and construction schedule (CPM) indicating sequencing of construction activities and milestones necessary for completion of the project by the targeted date. Document activities associated with the administration, management, and construction of the project.
- k. Certify monthly all work in place and approve all sub-contractor and vendor payment requests.
- l. Coordinate with and respond to any city or utility inspectors.
- m. Develop As-Built drawings for presentation to the Design Professional and Owner upon project completion.
- n. Resolve punch list items in a timely and professional manner.
- o. Coordinate post completion activities, as well as the assembly of guarantees, manuals, closeout documents, and Owner's or governmental entity's final acceptance.
- p. Monitor, coordinate, and resolve all warranty complaints to the satisfaction of Owner during the warranty period.

**2.5.5** Guaranteed Maximum Price: At an appropriate point in the project and subject to contractual negotiations, the CM-R shall issue to the Owner a guaranteed maximum price (GMP) backed by a surety bond if required. The project shall be constructed within this GMP. To the extent professionally responsible, the CM-R will overlap the Design Development and Construction Phases when components are conducive to early construction starts, reflecting such in a master project schedule.

## **2.6 Schedule of Events**

The following Schedule of Events represents the Owner's best estimate of the schedule that will be followed. The Owner reserves the right, at its sole discretion, to adjust this schedule as it deems necessary. Adjustments to the Schedule of Events will be emailed to each respondent or interested party at the email address provided prior to the Deadline for Submission of Qualifications to: [bids@hughesdevelopment.com](mailto:bids@hughesdevelopment.com).

**ALL DATES BELOW WILL BE ADJUSTED TO MEET ACTUAL PROJECT SCHEDULE**

<b>EVENT</b>	<b>DATE</b>	<b>TIME</b>
1. Information of this RFQ provided.	4/7/15	-----
2. Owner conducts a pre-submittal conference for all interested firms. To take place at William S. Hall Institute, Forum Auditorium, 1800 Colonial Drive, Columbia, SC 29207.	4/14/15	3:00 PM
3. Deadline for written questions and clarification regarding the RFQ	4/20/15	4:00 PM
4. Owner posts answers to questions and clarifications regarding the RFQ to email addresses provided	4/23/15	4:00 PM
5. Deadline for submission of Qualifications	4/30/15	4:00 PM
6. Owner completes qualification evaluation and determines shortlist firms.	5/5/15	-----
Information provided below is estimated and offered for reference only and does not apply to the RFQ.		
7. Owner conducts a pre-proposal conference for shortlisted firms	5/7/15	2:00 PM
8. Deadline for written questions and clarification regarding the RFP	5/12/15	4:00 PM
9. Owner posts answers to questions and clarifications regarding the RFP to email addresses provided	5/18/15	4:00 PM
10. Deadline for shortlisted firms to submit detailed proposals	5/25/15	4:00 PM
11. Owner interviews shortlisted firms	5/27/15	TBD

### 3. Initial Written Submittal - Qualifications Submission Format and Requirements (Response to Request for Qualifications or “RFQ”)

#### 3.1 Physical Submittal

Five (5) copies of the information shall be submitted. Submittals should be put together in such manner that the entire document can be easily recycled. Each copy of the submittal shall be identical and include a transmittal letter. The transmittal letter (or “Letter of Interest”) will not count toward the page limit (specified below). The table of contents sheet and the tab sheets also do not count toward the page limit. The first page should identify your submittal; it does not count against your page limit and should not be used to convey your response to the RFQ by means of printing on it. Submitters should follow the sequence of the Initial Written Submittal outlined below. Responses should be concise, clear, and relevant. Submitter's cost incurred in responding to this RFQ is submitter's alone and the Owner does not accept liability for any such costs.

#### 3.1.1 Responses are limited to twenty (20) standard (8½” x 11”) pages (may be fewer) not including the cover sheet using a minimum of a 10-point Arial font and one-inch margins.

A **page** means a display of information on a side of a sheet of paper: printing on a single side of paper is one page; printing on both sides (double-sided printing) of the same sheet of paper is two pages. The pages of the qualification submittals must be numbered. A table of contents, with corresponding tabs in the body of the submittal, must be included as well to identify each section. Placing multiple tabs on a single page is perfectly acceptable. If more than one item in the table of contents can be started on the same page, you may do so and place all corresponding tabs on that one page. Any affidavits, certifications, or signed statements called for in this Request may be included in an appendix and will not count toward the page limit. Please do not place or ask to place in the appendix any additional information not explicitly required to be placed there by this Request.

**3.1.2** Submittals of qualifications will be accepted until the time and date shown in the Schedule of Events (Section 2.6). **This is a firm deadline.** The Owner is not responsible for the proper or timely delivery of submittals. Each firm is solely responsible for the accuracy and completeness of its submittal. Errors and omissions may constitute grounds for rejection.

**3.1.3** The Owner intends to limit the cost that submitters incur to respond to this solicitation. Therefore, submitters are encouraged to be brief and succinct. Thick volumes of background and general marketing material are not desired. A firm should highlight instead its responsiveness to the evaluation criteria. If there are multiple firms proposed as one team, each component firm should describe its own relevant qualifications.

**3.1.4** Firms should deliver their submittals in a sealed package. The name and address of the firm should appear on the outside of the package, and the package should reference the project title.

**3.1.5** Submit qualifications document to the following address:

Ms. Chandler Thompson  
Bull Street Development, LLC  
Suite 902  
1 North Main Street  
Greenville SC 29601  
864-233-2580

**3.1.6** Except for submission of questions, discussed further below, proposers shall not contact any members of the Selection Committee, or the project's Design Professionals regarding any aspect of this procurement until after the award of the contract. Contact with these persons could be grounds for elimination from the competition.

**3.1.7** Questions may be asked at the pre-submittal conference. Questions not asked at the pre-submittal conference must be submitted in writing via email to:

[bids@hughesdevelopment.com](mailto:bids@hughesdevelopment.com)

**3.1.8** All follow-up questions from the pre-submittal conference, as well as any questions that have been submitted in writing before the deadline, will be compiled and answered in writing. The deadlines for submission of questions relating to the RFQ are the times and dates shown in the Schedule of Events (Section 2.6). Answers, responses, and clarifications will be posted by email to the addresses provided by the dates and times shown in the Schedule of Events (Section 2.6).

### **3.2 Initial Written Submittal Prerequisite (Pass/Fail) Criteria**

Firms must meet the criteria in the bullet points immediately below. Firms that do not meet these criteria are **automatically disqualified** for further evaluation.

- Builder **MUST** have a safety Experience Modification Rate average of not greater than 1.0 over the last three years.
- Firm **MUST** have bonding capacity to provide a payment and performance bond for the total cost of the work. A letter from a surety stating that the firm has sufficient bonding capacity must be submitted and should be placed in an appendix (does not count toward page limit).
- Firm **MUST** be able to obtain a Builder's Risk Insurance Policy for the total cost of the work.
- Firm **MUST** have a current Contractor's Public Liability Insurance Policy, and must be insurable in the following amounts: Bodily injury, including death—limits of \$1 million for each incident; Property damage—limits of \$1 million for each incident and \$2 million for the aggregate of operations. (The Owner reserves the right to require additional limits and coverage in the final contract.)
- Firm **MUST** hold a valid South Carolina General Construction Manager License and General Contractor (BD5) license. A copy of each license must be submitted and should be placed in an appendix (does not count toward page limit).

**In order to be deemed eligible for evaluation, the submitting firm must create, officially sign, and place in its submittal a signed statement that contains the following declarations:**

- *We certify that our building firm has a safety Experience Modification Rate average not greater than 1.0 over the last three years.*
- *We certify that our firm has sufficient bonding capacity to provide a payment and performance bond for total cost of work.*
- *We certify that our firm can obtain a Builder's Risk Insurance Policy for the total cost of the work.*
- *We certify that our firm has a current Contractor's Public Liability Insurance Policy, and our firm is insurable in the following amounts: Bodily injury, including death—limits of \$1 million for each incident; Property damage—limits of \$1 million for each incident and \$2 million for the aggregate of operations.*
- *We certify that our firm holds a valid South Carolina General Construction Manager License and General Contractor (BD5) license.*

Such signed statement may be placed in an appendix and will not count toward your page limit.

### 3.3 Initial Written Submittal Evaluation

**3.3.1** Evaluative Criteria – The Selection Committee will evaluate the submittals uniformly based upon the criteria listed in the table below. Each major category of criteria is listed in order of importance. The services being sought under this RFQ are considered professional in nature. Consequently, the evaluation of submittals will be based upon consideration of the demonstrated qualifications and capabilities of the Offeror. Absent modification by addendum, factors to be considered in the evaluation will include the following:

Major Category	Criteria Summaries
Firm's Relevant Project Experience and Prior Performance	<ul style="list-style-type: none"> <li>• Firm's experience with similar projects, at least 4 examples</li> <li>• Firm's similar experience with pre-construction and construction management services</li> <li>• Firm's ability to successfully deliver projects to their clients</li> <li>• Firm's litigation record</li> <li>• Letters of recommendation – maximum of five (5)</li> <li>• References with up-to-date contact information including telephone numbers and email addresses</li> </ul>
Key Personnel, not just general resources within the firm, with Relevant Experience who are available and might be assigned to this project	<ul style="list-style-type: none"> <li>• Resources with experience and ability, qualified and available for CM-R Pre-construction Services Manager role</li> <li>• Resources with experience and ability, qualified and available for Project Superintendent role</li> <li>• Resources with experience and ability, qualified and available for Project Manager role</li> <li>• Resources with experience and ability, qualified and available for Project Executive role</li> </ul>
Financial Information	<ul style="list-style-type: none"> <li>• Firm's financial stability</li> </ul>
Responsiveness of Submittal	<ul style="list-style-type: none"> <li>• Extent to which the instructions in the RFQ were followed</li> <li>• Accuracy in reflecting the project's assumptions &amp; requirements</li> </ul>
Statement of Why the Firm Should be Selected and the Letter of Interest	<ul style="list-style-type: none"> <li>• How the Firm feels it is <i>uniquely</i> qualified to provide Construction Management-at-Risk services as herein described</li> </ul>

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### 3.4 Contents

The qualification submittal should contain the following information in the following order:

- 3.4.1** Letter of Interest. Briefly, tell why your firm is interested in this project.
- 3.4.2** Firm Description
- 3.4.3** Basic company information
  - a. Company name
  - b. Address & zip code
  - c. Email address & name of primary contact related to this RFQ/RFP
  - d. Telephone number
  - e. Number of years in business
- 3.4.4** Form of ownership, including state of residency or incorporation: Is the Offeror a sole proprietorship, partnership, corporation, Limited Liability Company (LLC), joint venture, or other structure? For joint venture entities that have not completed at least *two* relevant projects together, each firm should describe its qualifications separately but hold the unified submittal to the set page limit. Refer also above to Section 1.3.1 regarding the Owner's position on joint ventures.
- 3.4.5** Succinctly describe the history and growth of your firm(s).
- 3.4.6** Regarding litigation with owners, subcontractors, and design professionals, list any active or pending litigation and explain.
- 3.4.7** Other than that just listed, has the firm been involved in any relevant litigation in the past five years? Explain.
- 3.4.8** List and briefly describe projects that your firm has completed in the past five years in the role of construction manager at-risk that were valued at or above \$3 million.
- 3.4.9** Has the firm ever failed to complete any work awarded to it or has it been removed from any project awarded to the firm? Explain.
- 3.4.10** Give three references to which your company has provided services of a nature and quality similar to those described herein. This reference information should include a short paragraph describing the service(s) provided, together with the following:
  - a. The name of the organization to which the services were provided
  - b. Project location
  - c. Dates during which services were performed
  - d. Brief description of project
  - e. A current contact name, together with organizational title, at the firm
  - f. The contact's current address and telephone number
- 3.4.11** List five major trade contractor references (company, contact, and telephone number).
- 3.4.12** Provide a statement of disclosure, which will allow the Owner to evaluate possible conflicts of interest. (This disclosure requirement is not about giving the Owner permission regarding our contacting your references. It is about revealing relationships that your company might have with persons not of your company who are directly involved in the decision-making regarding this project.) If your company has no conflicts of interest, your statement should affirm that as fact, and you may do so succinctly.
- 3.4.13** Office Submitting Qualifications  
If the firm has multiple offices, the qualification statement should include information about the parent company and branch office separately. Identify the office from which project will be managed and that office's proximity to the project site. Parent company (or general office) financial information as totals will be acceptable IF "parent" (or "general office") means that it is financially responsible for the liabilities of the branch office. If the parent company is not so responsible, meaning that its financial resources are not available to the office that will perform the contract, it will be misleading to the Owner to offer the financials of any office other than the one with the prospect of a contract with the Owner.

**3.4.14 Financial Responsibility**

- a. List your total annual billings for each of the past three calendar years. If forming a partnership, list separately by firm.
- b. List the contact persons, addresses, and telephone numbers for your insurance carrier and agent.
- c. List the contact persons, addresses, and telephone numbers for the firm's bonding company and agent.
- d. What percentage of your firm's work has been negotiated during the past three years?
- e. Supply firm's Current Ratio (Current Assets / Current Liabilities) experience for the last five years, with a signed statement. Such signed statement may be placed in an appendix and will not count toward your page limit.
- f. Supply a letter from a surety stating that the firm has sufficient bonding capacity for this project. Such letter may be placed in an appendix and will not count toward your page limit.

**3.4.15 Personnel Capability**

Provide general information about the firm's personnel resources, including classifications and numbers of employees and the locations and staffing of relevant offices. Provide list of qualified and available personnel resources, identifying experience and ability for key personnel. The key personnel, at a minimum, are the proposed project pre-construction manager (and any key pre-construction specialists, including estimator), project superintendent, CM-R's project manager, project director, and the executive in charge. The experience is with having worked on active construction sites and therefore sensitive to peculiar requirements of same. At this stage, firms may list more than one person qualified and available for the proposed project.

**3.4.16 Relevant Project Experience**

Relevant project experience includes similar construction type and delivery method relevant to the type of project to be constructed using the CM-R delivery method or performing as a general contractor on similar types and sizes of projects. Describe no more than six and no fewer than four projects in order of most relevant to least relevant that demonstrate the firm's capabilities to perform the project at hand. For each project, the following information should be provided:

- a. Project name
- b. Project location
- c. Dates during which services were performed
- d. Physical description (e.g., parks, roads, utilities installed, etc.)
- e. Brief description of project
- f. Services performed
- g. Statement of performance versus owner expectations in the areas of cost, quality, and schedule
- h. Owner contact

**3.4.17 Safety Information**

Provide a letter on the letterhead of the building firm's insurance company stating the Workers Compensation Experience Modification Rate (EMR) for the past three years. This letter may be placed in the appendix and not count toward the page limit.

**3.4.18 South Carolina General Construction Manager License and General Contractor license** Submit a copy of each license by placing them in the appendix (does not count toward page limit).

**3.4.19 Statement regarding participation in the City of Columbia's Subcontractor Outreach Program.**

**3.4.20 Copy of Certification in the City of Columbia LBE Program, if applicable.**

**3.4.21 Statement of Why the Proposing Firm Should Be Selected**

This section provides each firm the opportunity to provide specific information that differentiates them from others in the competition. This statement is limited to two pages of the allowed total.

**4. Additional Information**

**4.1 SUBMITTING CONFIDENTIAL INFORMATION:** If any information submitted is to be treated confidentially, such information should be enclosed in a separate envelope and clearly marked "Confidential" on the outside. Such material will be returned to Offeror on completion of the selection.

[END OF RFQ—REQUEST FOR QUALIFICATIONS]

Appendix A  
Subcontractor Outreach Program - Attached



We Are Columbia

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# COLUMBIA

## SOUTH CAROLINA

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# Subcontracting Outreach Program

**REVISED 12.23.14**

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*“One Mission - One Message - One Columbia”*

**Department of Utilities and Engineering**

**Compliance Office**

**P. O. Box 147**

**1136 Washington Street, 5<sup>th</sup> floor**

**Columbia, South Carolina 29217**

**Phone (803) 545-3049 Fax (803) 545-4130**

**[www.columbiasc.net/engineering](http://www.columbiasc.net/engineering)**

**CITY ADMINISTRATIVE POLICIES AND PROCEDURES 19-3**  
City of Columbia, South Carolina

**SUBCONTRACTING OUTREACH PROGRAM**

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## SUBCONTRACTING OUTREACH PROGRAM SUMMARY

*The Subcontracting Outreach Program applies to City-funded construction contracts of Two Hundred Thousand and No/100 (\$200,000.00) Dollars or more. When Federal or State funding sources impose additional requirements, those requirements as defined in the contract documents replace the requirements of this program.*

The City of Columbia is committed to maximizing subcontracting opportunities for all qualified and available firms. Bidders should be fully informed of the Subcontracting Outreach Program as set forth in this document.

### **Subcontract - 20%:**

To be eligible for award of this project, the bidder must subcontract a **minimum percentage** of its bid to qualified available subcontractors, as indicated below. These required subcontractor participation levels must apply throughout the duration of the contract, including, where appropriate, any change order and contract modification. Where the change order or contract modification includes goods or services that were supplied by subcontractors under the terms of the original contract or could be supplied by subcontractors under the change order or contract modification, then the provisions of Subcontractor Outreach program apply. These subcontractor participation levels will be evaluated on an annual basis to ensure the appropriateness of those levels. **The bidder must list all subcontractors, regardless of amount.** Failure to list subcontractors and subcontracting amounts with the bid sufficient to meet or exceed the mandatory subcontracting participation level will cause a bid to be rejected as non-responsive.

Parks - 20%

Pipelines (water and sewer) - 20%

Pump Stations - 20%

Street Improvements - 20%

Traffic Signals/Street Lighting – 20%

Buildings - project by project - (not to exceed 49%)

Miscellaneous projects - 20%

### **Submit Outreach Documentation**

To be eligible for award of this project, the bidder must submit documentation of its subcontractor outreach effort with the bid proposal, on the day bids are opened. Failure to submit required documentation with the bid proposal will cause a bid to be rejected as non-responsive. For assistance or further information about the Subcontracting Outreach Program, contact the Department of Engineering, Compliance Office.

## SUBCONTRACTING OUTREACH PROGRAM

### A. General

This program is subject to policies and requirements established by the City Manager's Office. The City is committed to ensuring full and equitable participation by subcontracting businesses in provision of goods and services on a contractual basis. Bidders shall be fully informed of the Subcontracting Outreach Program as set forth in this document. Failure to comply with the City's Subcontracting Outreach Program will cause a bid to be rejected as non-responsive.

Terms and conditions of this Subcontracting Outreach Program apply to City-funded construction projects of Two Hundred Thousand and No/100 (\$200,000.00) Dollars or more. At the City's sole discretion, these requirements may be waived in advance on projects deemed inappropriate for subcontracting participation at the specified level. Any department seeking to waive the requirements of this program may do so by submitting documentation in writing to the Compliance Administrator prior to issuance of the bid package. If the Compliance Administrator disagrees with the recommendation to waive the requirements of this program, the City Manager will make the final determination based on information provided to him by the director of the department seeking waiver and the Compliance Administrator. When State and/or Federal funding sources require affirmative action goals, those goals as defined in the contract documents replace requirements of this Subcontracting Outreach Program.

### B. Subcontractor Outreach and Participation

This Subcontracting Outreach Program requires bidders to make subcontracting opportunities available to a broad base of qualified subcontractors and achieve a minimum of **20%** (may be higher for construction of buildings) subcontractor participation. Broad base is defined as participation from Disadvantaged Business Enterprises (DBE), Disabled Veterans Business Enterprises (DVBE) and Other Business Enterprises (OBE) in all disciplines of the project.

### C. Definitions

- 1. Disadvantaged Business Enterprise (DBE):** A business, which is, at least fifty-one percent (51%) owned and operated by one or more socially and economically disadvantaged individuals and whose management and daily operation is controlled by the qualifying party or parties. In the case of a publicly owned business, at least fifty-one percent (51%) of the stock must be owned by and the business operated by socially and economically disadvantaged individuals.
- 2. Disabled Veteran Business Enterprise (DVBE):** A business, which is, at least fifty-one percent (51%) owned and operated by one or more veterans with a service-related disability and whose management and daily business operation is controlled by the qualifying party or parties.

3. **Other Business Enterprise (OBE):** A business which does not otherwise qualify as a Disadvantaged Business Enterprise or a Disabled Veteran Business Enterprise.
4. **Subcontractor Outreach Efforts:** Affirmative steps taken by a bidder prior to bid opening to ensure maximum effort to recruit subcontractors, including Disadvantaged Business Enterprises (DBEs), Disabled Veteran Business Enterprises (DVBEs) and Other Business Enterprises (OBEs), as sources of supplies, construction and other services whenever possible. Required steps for documenting outreach efforts are outlined in Paragraph E of this document.
5. **Subcontract:** Agreement between a prime contractor and an individual, firm or corporation for performance of particular portion or portions of work for which prime contractor has obligated itself.
6. **Subcontractor:** An individual, firm or corporation having a direct contract with prime contractor for performance of portion or portions of work to be constructed under the contract, including furnishing of labor, materials or equipment.
7. **Vendor and/or Supplier:** A firm that owns, operates or maintains a store, warehouse or other establishment in which materials or supplies required for performance of the contract are brought, kept in stock and regularly sold to the public in the usual course of business. As its principal business and in its own name, the firm must engage in purchase and sale of products in question. A vendor and/or supplier of bulk items such as steel, cement, stone and petroleum products need not keep such products in stock if it operates distribution equipment and/or a facility.
8. **Manufacturer:** An individual, firm or corporation operating or maintaining a factory or establishment that produces on the premises materials or supplies obtained by the contractor.
9. **Subcontractor Participation:** Disadvantaged Business Enterprises (DBEs), Disabled Veteran Business Enterprises (DVBEs) and Other Business Enterprises (OBEs) will be recognized as participants in a contract according to the following criteria:
  - (a) For credit to be allowed toward respective subcontractor participation levels as a DBE or DVBE firm, such entities must be certified by the City in accordance with the definitions under Paragraph C, Items 1 and 2, and identified by the bidder as such in bid documents for data collection purposes.

- (b) A subcontractor must perform a commercially useful function for credit to be allowed toward subcontractor participation levels. A subcontractor must be responsible for execution of a distinct element of work and must carry out its responsibility by actually performing, managing and supervising the work.
- (c) In computing level of subcontractor participation, recognition for materials and/or supplies is limited to sixty percent (60%) of amount to be paid to vendor for such materials/supplies unless vendor manufactures or substantially alters materials/supplies.

D. Mandatory Subcontractor Participation Percentage Effort

The City has incorporated a mandatory subcontractor participation effort to enhance competition and maximize subcontracting opportunities. Based on review of subcontractor usage on City projects, the mandatory effort is:

**MANDATORY**  
**Subcontractor Participation Effort**  
**20%**  
(May be higher for construction of building projects)

Failure to meet the subcontractor participation effort of 20% will cause a bid to be rejected as non-responsive. A bidder is precluded from using a subcontractor to meet its subcontractor participation effort if the bidder has a financial interest in, has ownership of or a controlling interest in, or is significantly involved in the operation of the subcontractor.

Based on availability data for the preceding three years, the Department of Utilities and Engineering, Compliance Office shall annually establish advisory subcontract participation levels on an industry basis (e.g., construction, goods, services, and professional services) for each of the following classifications of firms: Disadvantaged Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE), and Other Business Enterprise (OBE). These DBE, DVBE, and OBE advisory subcontract participation levels shall be advisory only and shall not constitute a basis for determination of non-compliance or disqualification.

E. Documentation of Subcontractor Outreach Efforts

All documentation must be submitted with the bid proposal on the day bids are opened. Failure to submit required documentation to the contracting agency within this time frame will render a bid non-responsive. The Compliance Office cannot accept any forms and/or documentation required by the Subcontractor Outreach Program to be included in the original bid package after the bids are opened. The Compliance Office may request additional information to validate or clarify original documents submitted and such information must be submitted immediately upon request by hand delivery or overnight mail delivery. It is the policy of the City of Columbia to provide all subcontractors an equal opportunity to participate in performance of City contracts.

Bidders assist the City in implementing this policy by taking reasonable steps to ensure all qualified businesses, including Disadvantaged Business Enterprises (DBEs), Disabled Veteran Business Enterprises (DVBEs), and Other Business Enterprises (OBEs), have equal opportunity

to compete for and participate in City contracts.

Documentation of a bidder’s outreach efforts will be reviewed by the Department of Utilities and Engineering, Compliance Office according to the indicators listed below to verify that bidder made subcontracting opportunities available to a broad base of qualified subcontractors, negotiated in good faith with interested subcontractors, and did not reject any bid for unlawful discriminatory reasons.

Failure to achieve a minimum of 80 out of 100 points will render a bid non-responsive and will result in its rejection. Indicator points are awarded on a pass/fail basis, i.e., either full or zero points can be achieved for compliance with each item as set forth below:

<b>Indicator</b>	<b>Points</b>
1. Achievement of advisory DBE/DVBE/OBE subcontractor participation levels	<b>No Points</b>
2. Pre-Bid Meeting attendance	<b>5 Points</b>
3. Identification of sufficient subcontracting work	<b>10 Points</b>
4. Broad-based advertisement	<b>10 Points</b>
5. Written notice to subcontractors	<b>10 Points</b>
6. Follow-up to initial solicitations	<b>10 Points</b>
7. Provision of plans, specifications and requirements	<b>10 Points</b>
8. Request for assistance from recruitment/placement agencies	<b>10 Points</b>
9. Documentation of subcontractor negotiation	<b>25 Points</b>
10. Assistance with bonds, credit lines and insurance	<b>10 Points</b>
<b>POSSIBLE TOTAL</b>	<b>100 Points</b>

1. Achievement of advisory DBE/DVBE/OBE subcontractor participation levels	<u>No Points</u>
--	------------------

Failure to meet advisory DBE/DVBE/OBE subcontractor participation levels is not a basis for disqualification or determination of non-compliance with this policy.

2. Pre-Bid Meeting attendance

5 Points

Bidder attended pre-bid meeting scheduled by the City to inform all bidders of requirements for subject project.

**Required documentation:** a) Attend pre-bid meeting and be listed on attendance sheet; or b) Submit letter requesting waiver prior to pre-bid meeting.

3. Identification of sufficient subcontracting work

10 Points

Bidder identification and selected specific work items in subject project to be performed by sub-bidders. Bidder subdivided total contract work requirements into smaller portions or quantities to permit maximum active participation.

**Required documentation:** Content of advertisements and written notices to subcontractors (Indicator 5) will demonstrate compliance with this objective.

4. Broad-based advertisement

10 Points

Not less than ten (10) calendar days prior to bid submittal, bidder conducted an advertising campaign designed to reach all segments of the Columbia community by advertising in newspapers, trade association publications, special interest publications, trade journals, community papers or other media. Advertisements must be specific to the project, not generic, and may not be a plan holder advertisement provided by the publication. Advertisements must be worded to ensure it does not exclude or limit the number of potential respondents and must include:

- City of Columbia's project name;
- Name of bidder;
- Areas of work available for subcontracting;
- Contact person's name and phone number;
- Information on availability of plans and specifications;
- Bidder's policy concerning assistance to subcontractors in obtaining bonds and credit lines and/or insurance

**Required documentation:** Submit copies of advertisements and proof of publication dates.

5. Written notice to subcontractors

10 Points

Not less than ten (10) calendar days prior to bid submittal, bidder provided written notice of its interest in receiving sub-bids on subject contract from DBE, DVBE, and OBE business enterprises with an interest in performance of identified work items. Contents of letters must include:

- City of Columbia's project name;
- Name of bidder;
- Areas of work available for subcontracting;
- Contact person's name and phone number;

Information on availability of plans and specifications; and Bidder's policy concerning assistance to subcontractors in obtaining bonds and credit lines and/or insurance.

**Required documentation:** Submit copy of each letter sent to subcontractors for each item of work to be performed. If only one master notification, submit letter with list of recipients. Faxed copies must include fax transmittal confirmation slip showing date and time of transmission. Mailed letters must include copies of metered envelopes or certified mail receipts.

6. Follow-up to initial solicitations

10 Points

Bidder followed up initial solicitations of written notice to subcontractors to determine interest in specific portions of project work, answered questions, recorded phone quotes, and recorded subcontractor's interest in bidding on any portion of subject project.

**Required documentation:** Submit copy of telephone logs including name of caller, name of company called, phone number, contact person, time, date, and result of conversation. Telephone logs must be submitted to demonstrate follow-up with all contractors to whom written notices were sent. It is recommended that the bidder provide a spreadsheet showing each sub-bidder contact required above.

7. Provisions of plans, specifications, and requirements

10 Points

Bidder provided interested sub-bidders with access to plans, specifications, and requirements for subject project.

**Required documentation:** Content of advertisements and written notices to subcontractors (Indicator 5) will demonstrate compliance with this Indicator.

8. Request for assistance from recruitment/placement agencies (i.e. state, federal and city databases and/or business centers having lists of clients such as: SBA HUB Zone; MBDA Business Center; SC DOT Disadvantaged Business Programs/Unified Certification Program; SC Governor's Office of Small Business & Minority Business Assistance Program; U.S. Dept of Veteran Affairs (Vetbiz.gov); Associated General Contractors (AGC); and The Dodge Project Center 10 Points

Disclaimer: These suggestions are not all inclusive, and should not be considered sole sources for recruitment/placement outreach.

Not less than ten (10) calendar days prior to bid submittal, bidder requested and retained assistance from different agencies that recruit and place subcontractors. Other organizations and trade associations that promote subcontractor participation may also be contacted.

**Required documentation:** Submit copy of each letter sent to outreach agencies requesting assistance in recruiting subcontractors. Faxed copies must include fax transmittal confirmation slip showing date and time of transmission. Mailed letters must include copies of metered envelopes or certified mail receipts. Content of letters must include City of Columbia's project

name, name of bidder, and contact person's name and phone number.

9. Documentation of subcontractor negotiation

25 Points

Bidder negotiated in good faith with interested subcontractors and has rejected no bid for other than legitimate business reasons.

**Required documentation:** Submit a) Provide written documentation of all subcontractor bids or quotes received, including the bid or quote amount, the date obtained and the name and the telephone number of the person providing the bid or quote amount; b) Summary sheet organized by work type listing subcontractor company names with bid amounts for each work type; and (c) a notarized statement from the owner or a principal of the bidder stating that the bidder does not hold a financial interest in, does not have ownership of or a controlling interest in or is not significantly involved in the operation of the subcontractor. Identify selected subcontractor for each work type. If bidder elects to use own forces to perform a work type, include bid to show own costs for the work.

10. Assistance with bonds, credit lines, and insurance

10 Points

Bidder made efforts to advise and assist interested subcontractors in obtaining bonds, credit lines, and insurance required for subject project.

**Required documentation:** Content of advertisements and written notices to subcontractors (Indicator 5) will determine compliance with this objective.

F. Contract Award

The City reserves the right to reject any and all bids. Award of contract will be to the lowest responsible bidder whose proposal complies with the city policies as determined by evaluation of submitted documentation.

G. Subcontractor Substitution

The level of listed subcontractor participation shall be maintained for duration of the contract.

1. Contractor shall request prior approval from the City contracting agency for all substitutions of subcontractors.
2. Written request shall provide name of listed subcontractor, name of replacement subcontractor, reason for substitution, work type and dollar amount.
3. The selection process for a substitute subcontractor shall be evaluated for fairness and outreach efforts.
  - (a) Contractor shall submit all documentation of subcontractor outreach efforts to the Compliance Office for review. The Compliance Office will promptly notify the appropriate office by indicating whether the

subcontractor outreach portion of the bid is responsive or non-responsive.

(b) Evidence of fraud or unlawful discrimination in substitution of subcontractors will result in sanctions including assessment of penalty fines, termination of contract, or debarment.

4. Substitution of any subcontractor without the prior written approval of the City Manager via the Compliance Office shall be deemed to constitute a material breach of contract. The harm that shall accrue to the public is difficult to accurately estimate in advance. Consequently, the Contractor and the City shall jointly agree that a reasonable forecast of such damages is not less than ten (10%) percent of the subcontract price, and that the parties intend that such sum shall constitute liquidated damages as the best estimate of the harm accruing to the City.

#### H. Falsification of Sub-Agreement

Falsification or misrepresentation of a sub-agreement as to company name, contract amount, and /or actual work performed by subcontractor will result in sanctions including assessment of penalty fines, termination of contract, or debarment. The successful bidder is required to use the subcontractors listed on their original Bid Information sheet submitted at the time of the bid proposal unless permission is granted in writing by Compliance Office to substitute another subcontractor.

#### I. Submission of Monthly Subcontracting Report

The successful bidder shall submit monthly a Subcontracting Report to the Compliance Office. This report shall include the expenditures made to any subcontractors working on the project, a description of the work performed and a designation of which grouping applies (i.e. DBE, DVBE, or OBE). The report shall also indicate if the subcontractor was a supplier or subcontractor, the amount of the project earned for the reporting period as well as the amount earned year-to-date. This information should match the information contained on the request for payment reports.

#### J. Submission of Final Subcontracting Report

The City of Columbia will hold a ten (10%) percent retainage on all contracts subject to the Subcontractor Outreach Program. Upon completion of the contract, the Contractor must submit the Final Subcontracting Report to the department within the City contracting for the work with a copy to the Department of Utilities and Engineering, Compliance Office within fifteen (15) calendar days after final inspection of contract work. Failure to comply will result in assessment of liquidated damages. The Department of Utilities and Engineering, Compliance Office will review the Final Subcontracting Report to verify that all aspects of the Subcontractor Outreach Program have been complied with. Upon affirmative review, the Department of Utilities and Engineering, Compliance Office will advise the City contracting department to release the retainage. If the review reveals that the contractor has not complied with the Subcontractor Outreach Program, all amounts held as retainage will become liquidated damages and will be automatically treated as such.

K. Making Good Faith Efforts to Comply with the Subcontractor Outreach Program

It is the responsibility of the contractor to meet the requirements of the Subcontractor Outreach Program as stated in the Instruction to Bidders and in this document. The Instructions to Bidders is incorporated herein by reference and made a part of this Program. Failure to comply with the Subcontractor Outreach Program may result in one or more of the following sanctions:

- (1) Withholding of payments;
- (2) Declaring the contractor in default pursuant to Section 29.1 of the Standard Specifications and terminating the contract;
- (3) Disqualifying the contractor from bidding on future projects; and/or
- (4) Requiring the contractor to obtain a subcontractor participation level on future contracts equal to the required participation level under the Subcontractor Outreach Program plus the difference between the subcontractor participation level required and that actually reached in the current project.

L. Contact Information

**PROGRAM CONTACT INFORMATION**

**Compliance Contact:**

**Ayesha Driggers**

**Compliance Administrator**

**Department of Utilities and Engineering**

**Compliance Division**

**P. O. Box 147**

**1136 Washington Street**

**5th Floor, Suite 503**

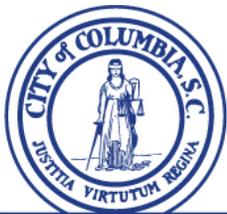
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