

# Request for Qualifications and Proposal for Construction Management Services



## Massachusetts Clean Energy Technology Center "MassCEC" Ocean Renewable Energy Innovation Center

Revised 8/29/24

RFQ / RFP Issue Date:	<b>August 12, 2024</b>	
Proposal Due Date:	<u>No Later Than August 23, 2024</u>	at 5:00 pm

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# Request for Qualifications and Proposal for Construction Management Services



## I. SUMMARY & GENERAL REQUIREMENTS

Through this Request for Qualifications and Proposal ("RFP"), the Massachusetts Clean Energy Technology Center ("Owner" or "MassCEC") invites proposals from Construction Management firms ("Firm" or "Firms(s)") with extensive experience in Massachusetts to perform preconstruction and construction phase services required for constructing a new Ocean Renewable Energy ("ORE") Innovation Center in New Bedford, Massachusetts, as detailed below (the "Project"). MassCEC is seeking to engage a single Construction Manager to become part of the Project Team during the design, bidding, construction, and close-out phases for the Project.

Because Mass CEC is funding 100% of the Project from its Clean Energy Investment Fund and/or Offshore Wind Industry Investment Fund, the project is exempt from the requirements of Massachusetts public bidding laws. Mass CEC accordingly is procuring all design and construction services for this project pursuant to M.G.L. c. 23J, Sections 9A(c) and/or 15(c) using the selection procedures described herein. Note also that the above-referenced funding includes funds originating from the American Rescue Plan Act ("ARPA"). **Proposers are instructed to pay special attention to the federal contracting requirements referenced in this RFP and accompanying documents (including but not limited to the ARPA Addendum).**

This Contract is subject to prevailing wage rates applicable in the Commonwealth of Massachusetts as well as all other applicable labor laws. The current Prevailing Wage schedule is included in the enclosed Contract Documents.

The selected CM firm shall be required to furnish a Performance Bond, and a Labor and Materials Payment Bond. Each bond shall be written with a penal sum in the amount of the Contract Price. Payment and Performance Bonds shall be submitted on a form acceptable to the Owner and shall be written by a qualified surety company licensed by the Commonwealth of Massachusetts Division of Insurance and whose name appears on United States Treasury Department Circular 570.

## II. PROJECT OVERVIEW

### A. Project Background

#### MASSACHUSETTS CLEAN ENERGY TECHNOLOGY CENTER

MassCEC is an independent state economic development agency established by Mass. Gen. Laws, c. 23J. MassCEC is dedicated to accelerating the growth of the clean energy sector across the Commonwealth to spur job creation, deliver statewide environmental benefits and to secure long-term economic growth for the people of Massachusetts. MassCEC works to increase the adoption of clean energy while driving down costs and delivering financial, environmental, and economic development benefits to energy users and utility customers across the state. MassCEC's mission is to accelerate the clean energy and climate solution innovation that is critical to meeting the Commonwealth's climate goals, advancing the position of Massachusetts as an international climate leader while growing the state's clean energy economy.

MassCEC is committed to creating a diverse, equitable, and inclusive organization where everyone is welcomed, supported, respected, and valued. We are committed to incorporating principles of diversity, equity, inclusion, and environmental justice in all aspects of our work in order to promote the equitable distribution of the health and economic benefits of clean

Commented [GU1]: Is this the right language for a CM?

Commented [JE2R1]: No - they will not be doing design.

Commented [TB3]: Should this read "one or more"

Commented [GU4R3]: As we discussed, it seemed like using one CM had advantages over splitting the jobs. Defer to other, but think that using a single entity makes a lot of sense.

Commented [JE5]: Confirm this is accurate.

Commented [JE6]: As required by fed regulation.

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energy and support a diverse and inclusive clean energy industry. MassCEC strives to lead and innovate in equitable clean energy and climate solutions.

For more than a decade MassCEC has supported initiatives in ocean renewable energy ("ORE"), with a strong emphasis on the development of the offshore wind sector. Offshore wind is one of MassCEC's four core focus areas, along with clean transportation, high-performance buildings, and net-zero grid. MassCEC works to advance the Commonwealth's goal to responsibly develop cost-effective offshore wind and reduce project risk, increase market confidence, and maximize the associated climate, workforce, and economic benefits of this new industry. MassCEC leads a wide portfolio of initiatives in close collaboration with industry, government agencies, academia, and many other stakeholders. MassCEC has also managed a wide range of programs under its Technology-to-Market ("Tech-to-Market") umbrella. Tech-to-Market stimulates the commercialization of early-stage, promising clean energy technologies. Supporting entities at this critical stage of technology development allows MassCEC to: (1) fill a funding gap, and (2) leverage significant federal and private capital. The Tech-to-Market portfolio includes programs for startup companies and research institutions, programs for entrepreneur support organizations (accelerators and incubators), and equity-focused programs for startup companies.

MassCEC also owns and operates two facilities: the New Bedford Marine Commerce Terminal, a multi-purpose facility designed to support the construction, assembly, and deployment of offshore wind projects, and the Wind Technology Testing Center, a facility that provides a full suite of certification tests for wind turbine blades in Boston.

### ORE INNOVATION CENTER

MassCEC is currently advancing plans for the establishment of an ORE Innovation Center in the New Bedford area. The ORE Innovation Center's objectives will be to provide facilities, services, and programming that:

- Address the key technical and organizational challenges to rapid deployment of ocean renewable energy technologies by advancing the efforts of the Commonwealth's local developers, entrepreneurs, small businesses, and academic and research institutions; and
- Grow an ocean renewable energy industry cluster by strengthening the competitive position of the Commonwealth's businesses, institutions, government bodies, and communities.

The ORE Innovation Center is envisioned to complement existing initiatives in the private sector, at MassCEC, and at research institutions to advance offshore wind research and innovation in the Commonwealth. The existing research and innovation community in Massachusetts and the region has significant growth potential and is highly complementary to efforts to grow the regional offshore wind and ocean renewable energy supply chain. The Commonwealth's research institutions are engaged in a broad range of world class initiatives in offshore wind energy, transmission expansion, marine science, and ecology-based project design. These initiatives, coupled with a vibrant marine science and technology sector and world class incubator community are fertile ground for an ORE Innovation Center to facilitate research, innovation, and testing, attract funding, foster partnerships, and communicate success stories.

The ORE Innovation Center will provide shared facilities including: event, workspace, lab/workshop; mentorship and business-development coaching (including accelerator cohorts and technology challenges); supply chain development and networking among developers, large suppliers, academic institutions and small businesses that can lead to joint industry

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programs; and connections to and networking of other currently available testing and research facilities to optimize ocean renewable energy industry development.

The ORE Innovation Center is strategically being developed in the Port of New Bedford to leverage existing assets and maximize economic impact. New Bedford is home to the highest-value commercial fishing industry in the U.S. and is the primary marshalling base for the nation's first, utility-scale offshore wind project, Vineyard Wind 1. With its extensive maritime business network, extensive port infrastructure, and proximity to the Massachusetts and Rhode Island wind energy lease areas, New Bedford will provide key logistics support for installation of east coast offshore wind developments and ongoing operations and maintenance activities. Furthermore, the City of New Bedford is the largest and most diverse municipality in Bristol County, MA.

Colliers has been retained by MassCEC to act as its exclusive agent to lease property suitable for the establishment of an ORE Innovation Center in New Bedford. Colliers' services include: leading the site identification and selection process; representing MassCEC in the engagement with landlords and/or their agents during commercial real estate lease negotiations; acting as MassCEC's owners representative for space planning, tenant work construction, commissioning and close-out of leased premises; conducting field reviews during construction to confirm compliance with lease, budget, and overall project schedule; and other services that MassCEC may require.

Colliers Project Leaders (CPL) is the Owner's Representative / Project Manager represented by Timothy Betjemann – Geographic Discipline Leader. Perkins Eastman has been retained to provide complete Architectural and Engineering services for the Project.

## B. Project Scope Description

### Project Site, Proposed Building Location(s)

The project will be located in one or more locations, on, or in close proximity to the New Bedford waterfront. The site may be cleared or include one or more existing structures. The structure(s) may require demolition and replacement, gut renovation, or minor improvements.

One possible scenario is that an existing structure adjacent to but not directly on the waterfront would be utilized for the office and convening related spaces. An additional Light Industrial facility for the workshop and fabrication spaces would be located at an adjacent building or lot which will have direct waterfront access or secured rights to waterfront access.

#### Site 1:

A facility of approximately 17,000 square feet in an existing occupied commercial building. The project would include an interior fit-up. Scope would likely include, but not be limited to: demolition of existing finishes and limited partitions, new restroom finishes, new office finishes in open areas, new conference rooms, new pantry, and limited improvements to base building systems as/if necessary.

#### Site2:

A new facility of approximately 15,000 square feet to be built on a vacant site. The project would include structural foundations, utilities, street scape, a single-story open plan 'maker space' shop and associated support spaces, including a mezzanine. The interior of the maker

Commented [TB7]: Confirm this can be included pre-contract

Commented [GU8R7]: Yes

Commented [TB9]: Please review and approve this language

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space will include secure storage, fabrication, and a loading dock area with overhead door access. The intent is a visually interesting and cost-effective structure with easy access for the fabrication and testing of technologies. One possible scenario is to work with a partner to develop a pre-engineered building solution.

The ORE Innovation Center will offer several types of spaces for tenants, including dedicated and shared offices and workshops, co-workspace, community and convening spaces, laydown and external storage areas, harbor access/berthing space, and parking.

### Building(s) and Space Requirements:

Approximately 30,000 Rentable Square Feet of Usable Interior Space which includes:		
Interior Space Use	SF	Notes
Dedicated Offices	Approx. 3,500	All offices (MassCEC, industry professionals, and tenants)
Workstations and Benching	Approx. 4,600	Assigned and "hotel" desks and benches
Meeting and Collaboration Space	Approx. 4,200	Shared conference rooms, training rooms, phone booths
Common Area (w/Kitchen & Bathroom)	Approx. 1,200	Kitchen, bathrooms/showers/locker rooms, break rooms, reception
Support Spaces	Approx. 1,500	IT rooms, storage closets
<b>Total Office Space</b>	<b>Approx. 15,000</b>	
Interior Light Industrial Space Use	SF	
Light Industrial Workshop and/or Fabrication Space	Approx. 15,000	Floor load bearing capacity of 2,000 lbs. per square foot
Exterior Space Uses		Quantity
Working Waterfront Access	200-500 Feet of berthing space (can be shared with other users)	
Parking (Onsite or Nearby)	No less than fifty (50) permitted parking spaces	
Exterior Laydown Space	0.20-0.30 Acres of impervious site area; bearing capacity of 2,000 lbs. per SF	

The site identification and selection process was conducted by MassCEC and Colliers for the ORE Innovation Center in two (2) phases. Phase 1 was an open solicitation for statements of interest and qualifications. In Phase 2, MassCEC and Colliers invited selected Landlords to tender more detailed and complete proposals. As of the publishing date of this solicitation, MassCEC is in the final stages of site selection, and cannot yet disclose the specific location of the ORE Innovation Center.

### Programming

In addition to office, convening, and workshop space, the ORE Innovation Center will support programming meant to accelerate the pace of innovation in the ocean renewable energy industry.

- **Start-up support programs.** Mentorship and business development coaching, including accelerator cohorts and technology challenges, guided networking, access to professional services.
- **Supply Chain Development and Networking.** Active support for networking among developers, large suppliers, academic institutions and small businesses to promote ORE industry development.
- **Resource Sharing and Networking.** Provision of direct access to shared and subsidized resources to reduce expenses, expedite business and product development, and achieve

Commented [TB10]: Please review and approve this language

Commented [GU11]: change to say something about sharing this information under NDA

Commented [JE12R11]: Do we have language from a previous RFP or similar doc?

Commented [TB13R11]: No, I added some language above that gives a little more detail on the scope. We could offer more information (after NDA) to the finalist(s).

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more efficient utilization of specialized resources. Facilitate access to nearshore and offshore ocean test sites as well as networked assets in universities and other institutions, including specialized wet and dry labs, test tanks, and other resources to support the development and testing of ORE technologies.

## C. Project Budget

The total construction budget for work under the responsibility of the Construction Manager is estimated to be in the range of between **\$7.5 Million to \$12 Million**, contingent upon the extent of renovation versus new construction and refurbishment developed during the design phases. The total construction budget includes comprehensive pre-construction services, CM fees, general conditions, insurance, bonds, permit costs, enabling Projects (if required), Cost of the Work, CM contingency and escalation.

## D. Project Schedule

The design is currently in the programming phase. Construction Manager selection will be per the milestone schedule listed below.

MassCEC is approaching the Project with the intent to fully design, then bid and construct Site 1 (Interiors Project) in a traditional sequence. Site 2 (Ground Up Project) will require multiple packages including a foundation and structural package, a building envelope package, and Construction Documents. This anticipated Project schedule will be as shown in Exhibit F and illustrated below:

**Tentative Milestones for the Project are as follows:**

1. <u>RFP Response Due</u>	<b>8/23/2024</b>
2. <u>Notify Short-listed Firms</u>	<b>On or before 9/4/2024</b>
3. <u>CM Firm Interviews</u>	<b>10/11/2024</b>
4. <u>CM Firm Selection</u>	Anticipated to be <b>9/13/2024</b>
5. <u>Feasibility Report</u>	<b>7/29/2024 – 9/13/2024</b>
6. <u>Schematic Design Phase</u>	9/15/2024 – 10/4/2024
7. <u>Permitting</u>	<b>9/16/2024 – 1/10/2025</b>
8. <u>Design Development Phase</u>	<b>10/7/2024 – 10/25/2024</b>
9. <u>Early Package Contract Document Phase</u>	<b>10/28/2024 – 11/22/2024</b>
10. <u>Contract Documents Phase</u>	<b>11/25/2024 – 12/20/2024</b>
11. <u>Bidding / GMP Phase</u>	<b>10/28/2024 – 1/31/2025</b>
12. <u>Construction Phase</u>	<b>1/20/2025 – 4/17/2026</b>
13. <u>FF&amp;E Installation and Move-In Phase</u>	<b>4/20/2026 – 5/15/2026</b>
14. <u>Occupancy</u>	<b>5/18/2026 – 5/18/2026</b>
15. <u>Commissioning &amp; Close-out Phase</u>	<b>4/20/2026 – 6/26/2026</b>

## E. Project Delivery Method

For purposes of the proposal fee, all proposals shall assume a **Construction Manager At-Risk** Project delivery method, bid to pre-qualified construction managers, and then constructed through a Cost-Plus a Fixed Fee with a Guaranteed Maximum Price. Unit prices,

**Commented [CPL14]:** Use this paragraph if the budget has not been established prior to the CM selection process.  
**DELETE** if not required and see paragraph below.

**Commented [TB15R14]:** Confirm budget range is acceptable

**Commented [GU16R14]:** As this is an estimated number, I think we can include this. Currently, we are using ~\$7.5M as the budget figure. MassCEC is working to secure additional funds for the project. I would suggest we use the range of \$7.5M to \$12M.

**Commented [JE17]:** Not sure what this means where this is a CM at risk procurement.

**Commented [TB18]:** Confirm with approved schedule

**Commented [GU19]:** Currently coded in as due date. This ought to be 8/30

**Commented [JE20]:** I assume this was to be changed as noted.



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options, alternates, and pricing breakdown may be required at the discretion of MassCEC and the Project Team.

Early bid packages will be required for site / excavation work, foundation/structural, building envelope as well as procurement of long lead items and shall be included as part of the pre-construction services in the fee proposal.

## F. Site Investigations

The Design Team and MassCEC are in the process of site investigations for the design of all building systems. Construction Manager support for feasibility and constructability will be required based on the anticipated scope of demolition, renovation and new construction for the Project. Analysis, constructability and review of existing conditions with site logistics, phasing and Project approach shall be included in the pre-construction phase.

## III. CONSTRUCTION MANAGER SELECTION PROCESS

### A. Review Process

MassCEC will award the Project to the proposer MassCEC deems most advantageous on the combined basis of price, quality and schedule, qualifications of the bidder and its team, and quality of plan for executing the work. To ensure a timely and efficient procurement given Project schedule and time constraints, the Owner is utilizing a combined Request for Qualifications and Request for Proposals in one, single-phased solicitation. Accordingly, proposals responding to this single-phased RFP will include submission of written qualifications, technical proposals, fee proposals, and Construction Management team interviews of short-listed proposers to select a Construction Management firm for this Project. Proposals are being requested and anticipated to be received from multiple firms. MassCEC will review these written proposals (inclusive of fee proposals) and will determine which firms will be short-listed for interviews.

### B. Evaluation Criteria of Written Proposals

Care should be taken by the proposing firms to present a succinct but informative proposal. The following criteria, listed in random order, are likely to be considered in evaluating and selecting firms to be interviewed based upon qualifications and written proposal submissions.

1. Please submit the form AIA Document A305, Construction Manager's Qualifications Statement, for this Project in addition to your response to the following questions.
2. Please provide a confidential Financial Statement as required by AIA Document A305.
3. Please provide a complete list of your current Projects, including description, Owner, Start Date, Estimated Completion Date, and Contract Value.
4. The personnel assigned to this Project is a significant component of the criteria that will be used in selection of the Construction Management firm. Please describe the staff that your firm anticipates for a Project of this nature and identify the key members of the Project Team. At a minimum, please include resumes and references for the Pre-Construction Project Team, Construction Phase Project Manager and Project Superintendent. Identify other key team members and provide qualifications. MassCEC will check references of proposed staffing for each individual. Firms with Project Managers

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that complete both the pre-construction and construction phases of the Project will be given preference by the selection committee.

5. Please provide information on sub-contractors that you would consider using for the necessary trades. Please list at least three (you will not be limited to these sub-contractors).
6. Safety is a critical component of any construction Project. Please respond to the following:
  - a. What is your firm’s Recordable Incident Rate for 2022 and 2023?
  - b. How does your firm pre-qualify sub-contractors?
  - c. Does your firm have a written safety program?
  - d. Does your firm have a full time Safety Supervisor or Program Coordinator?
  - e. Do you require your sub-contractors to have written safety programs?
  - f. How does your firm deal with site security during construction?
  - g. How will your firm deal with interested civilians who may not understand the strict requirements of a construction site?
  - h. Describe your firm’s thoughts on cleanliness on a construction site.
7. MassCEC requires that the Ocean Renewable Energy Innovation Center Project be complete by the end of December 2026. Control of the construction schedule and sub-contractors will be a determining factor in the success of the Project. How will your firm manage the schedule?
8. It is anticipated that this will be an “open-book” Project and that MassCEC will review all scope packages and sub-contractor proposals. MassCEC requires that the Construction Manager receive at least four (4) proposals for each major scope package. Please discuss how your firm will develop each scope package, pre-qualify sub-contractors, bid each package and complete scope reviews. All original sub-contractor proposals will be submitted to MassCEC. Additionally, please advise how your firm will address change orders of various types.
9. Please list at least three (3) similar Projects completed and date(s) of completion.
10. Due to the nature of this Project, MassCEC may give preference to Construction Management firms that have experienced tradespeople on their staff. Please provide all inclusive hourly, weekly, and monthly rates for: Laborers, Carpenters and other trades that you feel will be required to make this Project successful.
11. Insurance: The successful Proposer must keep in force, at its sole cost and expense, at least the insurance listed in the Insurance Requirements included as Exhibit C.

The following criteria will be used by the selection committee in evaluating and selecting proposing firms for interviews based upon qualifications and written proposal submissions. (Maximum of 100 points available):

Criteria Number	Selection Criteria Category	Rating Points
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**Commented [CPL21]:** Make sure to have the Owner’s Insurance Agent or Risk Management department review the insurance requirements **BEFORE** including in the RFQ/RFP.

**Commented [CPL22]:** If the selection committee needs a scoring system in evaluating the quals and proposal submissions, then use the following in addition to the above paragraph. Modify criteria and point system as required for the specific Project.  
**DELETE** if no scoring is required then keep the paragraph above and modify as needed for specific Project requirements.

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1	Overall quality and clarity of proposal	10
2	Experience, Capabilities, Past Performance	20
3	Organization / Team Structure for this Project	10
4	Approach to Pre-Con & Construction Phase Services	10
5	Availability/Risk/Terms	10
	[Combined with above]	
7	Cost/fee structure	30
8	Value Demonstration	10
	<b>Available Rating Points per Rating Member</b>	<b>100</b>

### C. Interview Presentation

The Owner will interview selected "short-listed" firms. Key members of the proposed Construction Management team are expected to participate in the interview/presentation including the Principal-in-Charge, Project Manager, Project Engineer, Superintendent and/or other individuals proposed to play key roles in the construction of the Project and that will likely be interfacing with the Owner and its representatives for the duration of the Project interviews / presentation evaluation process.

The following criteria, not listed in priority order, are likely to be considered in evaluating and selecting the Construction Management team after presentation interviews:

- Personal chemistry of team members, as demonstrated through history of working together on similar projects and overall staffing continuity throughout previous projects
- Experience with sub-contractors in the Project area
- Experience with pre-engineered buildings
- Project specific ideas and thoughts
- Clarity and method of presentation
- Comments on budget and cost control methods
- Comments on Project schedule and ability to execute construction as noted
- Safety / quality control measures

The following criteria will be used in evaluating the proposing firms to be interviewed (Maximum of 100 points available):

Criteria Number	Selection Criteria Category	Rating Points
1	Personal Chemistry of the Design Team Members	25
2	Project Specific Ideas and Thoughts	30
3	Clarity and Method of Presentation	10
4	Comments on Budget and Cost Control Methods	15

**Commented [TB23R22]:** Do we need a scorecard? And if so, include descriptions similar to AE RFP

**Commented [GU24R22]:** Yes, we need evaluation criteria, and we can use the same ones as the Arch RFQ. We will need to tweak soem of the narrative language but for the most part the rubric is transferrable.

**Commented [JE25]:** Some proposed language we can modify - my point here is that "chemistry" seems mushy as a requirement.

**Commented [CPL26]:** If the selection committee needs a scoring system in evaluating the firms being interviewed, use the following. Modify criteria and point system as required for the specific Project.  
**DELETE** if no scoring is required then keep the paragraph above and modify as needed for specific Project requirements.

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5	Comments on Project Schedule	10
6	Safety / Quality Control Measures	10
	<b>Available Rating Points per Rating Member</b>	<b>100</b>

Although the Owner plans to select the Construction Management firm based on the proposal deemed most advantageous to the Owner, the selected firm's proposed fees will be examined to ensure it is competitive with that of competing firms. Upon completion of all interviews, the Owner intends to select a Construction Management firm and execute a Notice to Proceed per the milestone schedule listed in this RFP.

Commented [JE27]: Using "most advantageous" language to be consistent

If agreement upon terms of the contract and a fee for services from the firm of first choice cannot be reached, the Owner may choose to engage an alternate firm from among those shortlisted by the Owner.

## IV. SCOPE OF CONSTRUCTION MANAGEMENT SERVICES

### A. Comprehensive Services

The goal of the Ocean Renewable Energy Innovation Center Project is to complete the project by July 2026. A brief schedule for the work contemplated by this Project is included herewith for information (see Exhibit F). In general, the Project will include but is not limited to the following:

1. **Specific Project Scope**, as listed in Section I.B Project Description of this RFP.
2. **Pre-Construction Services**, per the requirements listed in AIA Document A133-2017 including, but not limited to, the following:
  - a. Prepare construction cost estimates at selected design milestones noted below which all shall include providing recommendations for cost reduction measures to meet the Project budget. All estimates will need to be reconciled with owner's Cost Estimating consultant.
  - b. One (1) estimate at the completion of Feasibility Report (September 2024)
  - c. One (1) estimate at the completion of the Design Development phase including meeting with the Architect's estimator and reconciling estimates (November 2024)
  - d. One (1) estimate at the Construction Document phase (December 2024)
  - e. Perform constructability and drawing coordination review and maintain one comprehensive log throughout pre-construction which shall identify and track potential obstacles in order to reduce/prevent errors, delays, and cost over runs
  - f. Participate in value engineering process throughout the course of pre-construction and maintain one comprehensive log for tracking purposes
  - g. Prequalification of all trade sub-contractors and submission of trade sub-contractor bid list to MassCEC for review
  - h. Bid-Process Coordination:
    - i. Produce list of required bid packages and provide recommendations for early release trades
    - ii. Establish bid packages

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- iii. Distribute bid documents
  - iv. Coordinate and lead pre-bid conference and walk through
  - v. Administer bid process
  - vi. Coordinate and schedule sub-contractor scope review conferences
  - vii. Provide complete bid tabulation spreadsheet and copies of sub-contractor bids
  - viii. Advise Owner, Owner's representative and Architect on strategies to meet budget and rebidding if necessary
  - i. Construction Scheduling and Logistics:
    - i. Work with Owner, Owner's representative and Architect to determine construction phasing (if applicable)
    - ii. Prepare detailed construction schedule for each Phase (if applicable)
    - iii. Prepare site logistics plan
  - j. Construction Cost & Budget Reporting
  - k. Participate in Permit Process Administration
  - l. Submit and coordinate building permit and related state and town approvals in order to prevent delays in construction start
  - m. Develop detailed procurement and submittal logs
  - n. Work collaboratively with the Design Team to develop the most cost effective and efficient solution for handling site related issues
3. **Construction Services**, per the requirements listed in AIA Document A133-2017 including, but not limited to, the following:
- a. Construction Oversight & Administration:
    - i. Maintain full-time on-site field supervisor
    - ii. Maintain detailed construction task schedule
    - iii. Provide look-ahead schedules on a weekly basis and note any potential disruptions to Owner
    - iv. Coordinate and lead pre-construction conferences for all trades
    - v. Administer / coordinate all trade sub-contractors
    - vi. Maintain construction quality control and track all pending issues
    - vii. Maintain job-site records (contracts, drawings, submittals, as-builts, samples, etc.)
    - viii. Conduct weekly OAC (Owner, Architect and Contractor) construction meetings
    - ix. Establish and maintain construction safety program with strict adherence to all applicable laws and guidelines
    - x. Maintain secure construction site
    - xi. Coordinate construction activities with Owners staff, event calendars and operations
    - xii. Attend Owner meetings as requested by the Owner

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- b. Financial Management & Document Control:
  - i. Prepare schedule of values and provide payment requests on a monthly basis including sub-contractor invoice backup
  - ii. Maintain construction cost accounting system
  - iii. Maintain and review submittal and procurement logs, provide update log at weekly meeting with Owner and Design Team
  - iv. Maintain and review RFI logs, provide updated log at weekly OAC meetings
  - v. Prepare change order proposals and maintain log of all potential, pending and approved change orders, provide updated log at weekly OAC meeting
  - vi. Maintain construction manager contingency log, provide updated log at weekly OAC meeting
  - vii. Provide monthly executive summary report which shall include construction progress photos, schedule update, Project budget versus cost summary, change order log, contingency log, and identify any upcoming Project risks
- c. Project Close-Out:
  - i. Develop Project close-out program
  - ii. Assemble operations and maintenance manuals and warranties
  - iii. Coordinate final inspections (punch lists, Certificate of Occupancy, etc.)
  - iv. Coordinate and manage systems testing, training and start-up
  - v. Coordinate activities with Owner's commissioning agent (if required)
  - vi. Close out construction contracts and sub-contracts
  - vii. Coordinate occupancy with Owner's representative
  - viii. Provide and manage warranty work
  - ix. Attend public meetings as requested by Owner
  - x. Provide all documentation required by Owner necessary for the proper close-out and auditing of the Project(s).
- 4. **General Conditions**, per the requirements listed in AIA Document A133-2017 including, but not limited to, the following:
  - a. Provide and maintain job office (trailers if required, telephones, computers, fax, utility hook-ups, incidental copies, etc.)
  - b. Provide waste disposal for construction site
  - c. General cleaning during construction – site and building
  - d. Final building cleaning
  - e. Temporary construction toilets
  - f. Builders Risk/Fire Insurance
  - g. Items required for first aid and/or safety
  - h. Personal Protective Equipment (PPE), including hard hats, safety glasses, ear plugs & goggles, gloves and masks for distribution to approved

# Request for Qualifications and Proposal for Construction Management Services



Owner's personnel, staff and visitors

Refer to the modified Owner/Construction Manager Agreement form included in the Appendix for further details on scope of pre-construction, construction and close-out services.

Commented [CPL28]: Add in any additional COVID-19 related language required by current CDC or local and State guidelines.

## B. Owner / Construction Manager Agreement

Included in the Appendix is a copy of the modified "Form of Agreement between Owner and Construction Manager as Constructor," in addition to the modified "General Conditions for the Contract for Construction" and "Supplemental Conditions," which include mandatory federal contract provisions. The Agreement and General Conditions have deletions, additions, and modifications to the standard form with changes clearly designated for ease of differentiation. These documents, either in their present or substantially similar form, will serve as the contract for this Project. All firms submitting proposals should review these documents to become familiar with the contract requirements and Owner's contract expectations. **The proposals should include services as described in the attached form of agreement. Proposers must note** any terms in these contract documents that are unacceptable or else quantify the effects on fee and costs within the proposal submission. **Exceptions to the contract terms not identified in the written proposals will not be considered if the firm is selected for the Project, and a proposing firm's lack of noted exceptions will indicate that the firm has factored all terms and conditions into its anticipated fee/costs of the work.** The Owner reserves the right to negotiate terms and conditions with the successful firm and reserves the right to make minor modifications.

## V. INSTRUCTIONS FOR SUBMISSION OF CM SERVICES PROPOSAL

### A. Submission Logistics

**One (1) electronic copy** (PDF format) of each firm's proposal must be received at the following location on or before 5:00 PM on **8/23/2024**.

Tim Betjemann  
Colliers Project Leaders  
100 Federal Street, Floor 13  
Boston, MA 02110  
[tim.betjemann@collierseng.com](mailto:tim.betjemann@collierseng.com)

Questions regarding this request for qualifications & proposal should be in writing and directed to Tim Betjemann and Jessica Drummond, Owner's Project Manager, Colliers Project Leaders by **8/14/2024** at 12:00 PM.

Email: [tim.betjemann@collierseng.com](mailto:tim.betjemann@collierseng.com) and [jessica.drummond@collierseng.com](mailto:jessica.drummond@collierseng.com)

Answers are to be distributed to all proposers by **8/16/2024** at 12:00 PM via Addenda. Please clearly mark all proposals with the following:

"MassCEC – Ocean Renewable Energy Innovation Center – **CM Firm Proposal Response**"

An authorized person representing the legal entity of the respondent must sign the response and all forms included in this RFP.

### B. Fee Proposals

Proposed fees for construction management services shall be in the form of a fixed lump sum for preconstruction services, a Construction Manager's Fixed Fee, general conditions fee, and

# Request for Qualifications and Proposal for Construction Management Services



bond and permitting fee as outlined in this RFP. These fees must be provided in two (2) parts as follows:

**Part 1 - Lump sum fee to include all staffing required to complete the pre-construction phases of the Project, including but not limited to, the following (per contract):**

- Site Visits/Field Investigation / Project Familiarization
- Recommendations on construction logistics planning
- Project Schedule, updated throughout the Project duration
- Value Engineering, if necessary, recommendations and cost estimating at each Design Phase
- Analysis of design, constructability and product alternatives; including estimates
- Bid Packages/Bid Leveling required to establish accurate Project cost

**Part 2 - Lump sum fee broken down into the following items (per contract):**

- Construction Manager's Fixed Fee, based on a percentage of the Total Construction Budget included in this RFP\*
- General Conditions Costs - See attached form included as Exhibit B
- Anticipated bonding, insurance and permitting costs based on the Total Construction Budget included in this RFP

**\*Note: Pursuant to applicable federal requirements, the Fixed Fee must not be based on a percentage of actual ongoing construction costs. The fixed fee will be made part of the contract as a lump sum based on a negotiated percentage of the total estimated cost of the work at the GMP amendment.**

The Cost and Fee Proposal must be based on the contractual terms of the Owner / Construction Manager Agreement and General Conditions included in the Appendices. **Any objections to the contract terms MUST BE IDENTIFIED WITHIN THE PROPOSAL SUBMISSION. The absence of objection(s) will indicate the proposing firm has factored all terms into its proposed Cost and Fee Proposal.**

The proposing firm must also include hourly billing rates to be used when invoicing optional additional services. Rates for each of the applicable job classifications (including consultants) and any other appropriate classifications are to be provided on Exhibit D. Secretarial services should be included within these hourly billing rates.

Billing rates for consultants shall be comparable to those listed above.

## VI. MISCELLANEOUS CONDITIONS

### A. Terms

1. All modifications to the RFP must be written and not oral.
2. MassCEC reserves the right to reject any and all proposals in whole or in part or to waive any informality in selection if it is determined to be in the best interest of the MassCEC.
3. Proposals may be held by MassCEC for a period not to exceed thirty (30) days from the date of the opening of proposals for the purpose of reviewing the bids and investigating the qualifications of the proposing firm prior to awarding the contract.

Commented [JE29]: Will these be at fixed rates or a weekly cost, or a lump sum for the whole project? Probably can't bid the latter at this stage.

Commented [TB30R29]: Fixed rates. Exhibit B



## Request for Qualifications and Proposal for Construction Management Services



4. The proposer is required to prepare its proposal in accordance with the RFP, including any modifying addenda. Proposers must disclose in writing any exceptions to the RFP.
5. Proposers must inform the Owner of information concerning any:
  - a. Arbitrations and litigation
  - b. Criminal proceedings
  - c. State or local ethics law, regulation, ordinance and /or policy violations
6. MassCEC reserves its right to request additional information from proposers, after the opening of proposals.
7. The proposer is solely responsible for the costs of its proposal.
8. Submitted proposals are the property of MassCEC and will not be returned.
9. The proposer is presumed to have full knowledge of the RFP and any addenda, the Project scope or work to be done, and all applicable laws.
10. The making of a preliminary award to a proposer does not constitute a contract and does not provide the proposer with any rights and does not impose upon the MassCEC any obligations. A proposer has rights, and the MassCEC has obligations, only if and when a contract is executed by the MassCEC and the proposer.
11. By offering a submission to this RFP the respondent certifies that it has not divulged to, discussed or compared its proposal with other proposers and has not colluded with any other proposer or parties to this proposal whatsoever.

### **B. Right to Annul or Terminate**

MassCEC reserves the right to amend, annul or terminate the RFP at its sole discretion, before or after receiving proposals. MassCEC reserves the right to reject any or all respondents, to request additional information, to waive any informalities or non-material deficiencies in a response, and to take any and all other action that, in the Owner's sole judgment, will be in its best interests. MassCEC reserves the right to ask any respondent to clarify its response or to submit additional information that the Owner in its sole discretion deems desirable.

### **C. Notice of Public Disclosure**

As a public entity, MassCEC is subject to Massachusetts' Public Records Law, codified at Chapter 66 of the Massachusetts General Laws ("Public Records Law"). The contractor acknowledges and agrees that any documentary material, data, or other information submitted to MassCEC is presumed to be public records. An exemption to the Public Records Law may apply to certain records, including materials that fall under certain categories under a statutory or common law exemption, including the limited exemption at Massachusetts General Laws Chapter 23J, Section 2(k) regarding certain types of confidential information submitted to MassCEC by an applicant for any form of assistance. The contractor acknowledges and agrees that MassCEC, in its sole discretion, shall determine whether any particular document, material, data or other information is exempt from or subject to public disclosure. Thus, MassCEC urges the contractor to carefully consider what documents, materials, data and other information is submitted to MassCEC in connection with this RFQ.

In accordance with Public Records Law requirements, MassCEC generally considers the work product, analysis, and materials developed under this Agreement related to real estate acquisition, rental, leasing or any property transfer, including negotiation and discussions,

**Commented [JE31]:** Probably should include/require non-collusion certificates of the type required by public bidding.

## Request for Qualifications and Proposal for Construction Management Services



for the purpose of established an ORE Innovation Center rendered hereunder to be confidential business information, policy deliberative, and exempt from disclosure pursuant to the Public Records Law until any potential sales have closed and filed with the appropriate registry of deeds.

### **D. Disclaimer & Waiver Authority**

This RFQ does not commit MassCEC to award any funds, pay any costs incurred in preparing response, or procure or contract for services or supplies. MassCEC reserves the right to accept or reject any or all responses received, waive minor irregularities in submittal requirements, modify the anticipated timeline, request modification of the response, negotiate with all qualified contractors, cancel or modify the RFQ in part or in its entirety, or change the relevant guidelines, when it is in its best interests.