



REQUEST FOR PROPOSAL

FOR

CONSTRUCTION MANAGEMENT SERVICES

**Deadline for Proposals
Thursday, January 7, 2016
10:00 a.m.**

**South Orangetown Central School District
Candace B. Perkins
Purchasing Supervisor
160 Van Wyck Road
Blauvelt, NY 10913**

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Table of Contents

Public Notice 3

Introduction 4

Notice of Interest 5

Description of the School District 5

Anticipated Proposal Timeline 5

Scope of Services 6

Insurance Requirements 8

Proposal Requirements 9

 Submission of Notification of Interest 10

 Submission of Proposal 10

 Instructions 10

 Content 12

 Fee 14

 Required Forms 14

Evaluation of Proposals 15

Appendix A - NOTICE OF INTEREST 18

Appendix B - NON-COLLUSIVE PROPOSAL CERTIFICATION 19

Appendix C - HOLD HARMLESS AGREEMENT 20

Appendix D - PROPOSER WARRANTIES 21

Appendix E - IRAN DIVESTMENT ACT OF 2012 CERTIFICATION FORM 22

Appendix F - CONFLICT OF INTEREST CERTIFICATION 23

Appendix G - AFFIDAVIT 24

CONSTRUCTION MANAGEMENT SERVICES CONTRACT 26

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Public Notice

The Board of Education of the South Orangetown Central School District, Blauvelt, New York, invites proposals for:

CONSTRUCTION MANAGEMENT SERVICES

Request for Proposal is obtainable at the Business Office of the South Orangetown Central School District, 160 Van Wyck Road, Blauvelt, New York, during business hours (8:00 am to 4:00pm). Bids shall be submitted in sealed envelopes marked on the outside:

“Proposals for Construction Management Services”

and be in the hands of the Purchasing Supervisor, Candace B. Perkins, in the Business Office, of the South Orangetown Central School District, 160 Van Wyck Road, Blauvelt, New York, prior to 10:00 a.m. on:

January 7, 2016

at which time the proposals will be tabulated and presented to the Board of Education for action shortly thereafter. The Board of Education reserves the right to reject any or all bids, waive informalities and accept the one appearing to be in the best interest of the South Orangetown Central School District.

REQUEST FOR PROPOSAL FOR CONSTRUCTION MANAGEMENT SERVICES

Introduction

The South Orangetown Central School District (the “District”) hereby requests proposals from Construction Management (“CM”) firms to assist the District with capital improvements on various school buildings, on an as needed basis.

The District is interested in a pro-active and hands-on CM team that will partner with the District and the District’s Architect, which the District will select at a later date with the assistance of the selected CM, to insure that projects are of high quality, completed on time and on budget. It is essential that the CM proposal emphasize the firm’s and the project team’s experience with projects at similar New York State school districts and governed by the municipal laws of New York State.

To be considered, proposals must include original copy, and an electronic copy (sent to cperkins@socsd.org) of all pages of the RFP with each page initialed by the CM received by the Purchasing Supervisor by **10:00 a.m. on January 7, 2016**. All proposals must be submitted on and in accordance with the forms included in this document. The proposal sheets are not to be removed from the document. The District reserves the right to reject any or all proposals submitted.

There is no expressed or implied obligation for the District to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

During the evaluation process, the District reserves the right, where it may serve the District, to request additional information or clarifications from proposers, or to allow corrections or omissions. At the discretion of the District, proposers may be requested to make oral presentations as part of the evaluation process.

The District reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal was selected. Submission of a proposal indicates acceptance of the conditions contained in this request for proposal, unless clearly and specifically noted in the proposal submitted in the contract between the District and the selected CM.

For questions contact Candace Perkins, Purchasing Supervisor at (845) 680-1039 or via e-mail at cperkins@socsd.org.

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Notice of Interest

A “Notice of Interest” form (***Appendix A***) must be filled out and returned to Purchasing Supervisor, Candace B. Perkins, in the Business Office, of the South Orangetown Central School District, 160 Van Wyck Road, Blauvelt, New York, by **10:00 a.m. on December 23, 2015**. Failure to submit this notification by the required deadline will automatically disqualify firms from submitting a proposal.

Description of the School District

The South Orangetown Central School District, located in Rockland County in the State of New York, serves students from Kindergarten through twelfth grade. The District is comprised of seven schools and administration buildings. Building information is as follows:

<u>Facilities (Buildings)</u>	<u>Location</u>
Tappan Zee High School	16 Dutch Hill Road, Orangeburg, NY 10962
So. Orangetown Middle School	160 Van Wyck Road, Blauvelt, NY 10913
Cottage Lane Elem. School	120 Cottage Lane, Blauvelt, NY 10913
William O.Schaefer Elem School	140 Lester Drive, Tappan, NY 10983
Tappan Zee Elem School	561 Rte. 9W, Piermont, NY 10968
Palisades School Building	680 Oak Tree Road, Palisades, NY 10964
Greenbush Academy	534 Western Hwy, Blauvelt, NY 10913

Anticipated Proposal Timeline

The following is a list of key dates up to and including the date proposal are to be submitted:

Request for Proposals Issued	December 11, 2015
Due Date for Notification of Interest	December 23, 2015
Due Date for Proposal	January 7, 2016
Potential Interviews	Week of January 18, 2016

Scope of Services

The District is seeking a single, “full service” CM, who will coordinate and manage projects and play an active role on the District’s Project Team, consisting of the CM, architect, administration, Board member, and other member(s) deemed appropriate by the District. The CM will, or in some instances assist the Architect, develop schedules; analyze project construction estimates; analyze alternative designs; analyze cost models; understand labor conditions; advise on the most appropriate construction techniques; provide life cycle costing; and coordinate/communicate the activities of the District’s Project Team through all phases of the project.

Program management procedures, which will be established through the CM’s efforts with the District’s input and approval during design phases, will allow for the integration of all design and construction phase components of any project. The CM shall strive for project delivery that is timely, cost effective and consistent with the standards set by the District.

The scope of services that the CM is to provide during planning, pre-construction, construction, and post-construction phases of projects shall include, but not be limited to, the following:

1. Planning:

- Consult with the District regarding building programs, project budgets, time tables and bidding options.
- Provide conceptual and schematic estimates as a tool to guide project decisions.
- Assist the District in defining parameters of project to assure that programming needs and budgetary constraints are aligned.
- Assist the District’s consultant(s) to complete facility evaluations during planning stage.
- Assist the District in selecting appropriate architect and/or engineer.
- Create preliminary budget based upon the assessment performed by the District’s consultant(s)¹.
- Create preliminary schedule. Milestone dates will be established and responsibilities of team members identified.

2. Pre-construction:

- Work with Architect and the District to assist in preparation of project General Conditions and creating phasing plans to be included in contract documents.
- Provide independent², in-house project cost estimates that include incidental costs and schedules at the completion of the following phases: (i) Schematic, (ii) Design Development, and (iii) Construction Document/Pre-Bid.
- Evaluate all construction options technically and in terms of costs (constructability analysis).

¹ This preliminary budget would be established prior to selecting the project’s architect – based on the study by the District’s consultant(s).

² Independent is used because the Architect would also be creating an estimate, as will be required in Architect’s agreement.

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

- Develop construction-phasing schedule to be included in contract documents.
- Review construction documents and offer recommendations prior to establishing bid date.
- In consultation with the Architect and District, sub-divide the scope of work by prime contract category to be included in the contract documents, where applicable³.

3. Construction Phase and Closeout:

- As required, establish and maintain an on-site office space provided by the School District.
- Provide start-up assistance.
- Notify Architect and the District of any deviation from contract documents.
- Coordinate all utility interruptions with the District.
- On-site, continue day-to-day inspection and supervision of all work in process including second shift, holiday, and weekend work.
- Ensure that contractors follow all Laws, Statutes, Codes and Regulations during construction.
- Coordinate all site stored material locations and contractor staging.
- Coordination of all contractors' activities.
- Act as liaison between contractor, and the District and their designated representatives.
- Monitor the quality of the work and verify compliance with plans and specifications. Identify poor quality and non-conforming work for correction by contractors.
- Greet, escort and log all authorized visitors to the site. Prevent unauthorized visitors from entering the site.
- Review of contractor safety procedures on an on-going basis.
- Solicit, review and approve construction schedules.
- Review and validate any time and material work.
- Review contractor payment applications for progress verification.
- Review contractor change requests and proposals and make recommendations to the Board of Education and Architect.
- Monitor construction schedules and initiate corrective actions with contractors to remain on schedule.
- Review all submittals and shop drawings for conformance with the contract documents, and maintain records of accepted and rejected submittals.⁴
- Coordinate all shop drawings received by contractors.
- Continually evaluate project progress and recommend appropriate actions to maintain the accepted schedule. Prepare and maintain a master project schedule.
- Log and monitor all requests for information (RFI's).
- Maintain a daily log of activities on the jobsite.
- Log and maintain all project samples on site.
- Coordinate and monitor all required site and material testing during construction.
- Notify Architect in advance of required construction and testing observations to be witnessed by Architect or Engineers.
- Coordinate and chair required contractor site meetings and distribute meeting notes.
- Coordinate and chair progress meetings and distribute meeting notes.

³ Some projects may not require multiple primes.

⁴ Architect would also need to approve.

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

- Prepare and present progress reports to the District in a format agreed to by both parties.
- Maintain documentation and photographs of project progress.
- Monitor the progress of all project record drawings and initiate corrective actions with contractors to keep record drawings current.
- Maintain a file of all project documentation to be given to Owner at project completion.
- Coordinate building occupancies and construction phasing to comply with the needs of the Board of Education.
- Schedule and conduct final inspections alone and with the Project Team coordinate punch list inspections. Coordinate execution of punch list items.

NOTE – *For all services and responsibilities, see also 'Construction Management Services Contract' attached hereto.*

Insurance Requirements

1. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the proposer hereby agrees to effectuate the naming of the district as an unrestricted additional insured on the proposer's insurance policies, with the exception of workers' compensation and professional liability. If the policy is written on a claims-made basis, the retroactive date must precede the date of the contract.
2. The policy naming the district as an additional insured shall:
 - a. Be an insurance policy from an A.M. Best rating of A(X) or better insurer, authorized to conduct business in New York State.
 - b. Contain a 30-day notice of cancellation.
 - c. A severability of interests provision in favor of the additional insureds.
 - d. State that the organization's coverage shall be primary coverage, and not contributory, for the District, its Board, employees, students and volunteers.
3. The District shall be listed as an additional insured by using ISO Endorsement CG20101185 or broader. If another endorsement is used, a copy shall be included with the certificate of insurance. The decision to accept an alternative endorsement rests solely with the District.
4. The proposer agrees to indemnify the District for any applicable deductibles.
5. Required Insurance:
 - a. Commercial General Liability - A proposer must maintain a policy of commercial general liability insurance with Policy Limits not less than \$2,000,000 each occurrence and \$4,000,000 aggregate for bodily injury and damage to property.

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

- b. Automobile Liability – A proposer must maintain automobile liability insurance covering all owned, rented and non-owned vehicles operated by the proposer with policy limits of not less than \$1,000,000 combined single limit and aggregate for bodily injury and property damage combined.
 - c. Workers’ Compensation and NYS Disability – A proposer must provide statutorily required Workers’ Compensation Insurance, Employers’ Liability and NY State Disability Insurance for all employees in accordance with the requirements of the laws of New York. A proposer must maintain coverage for employers’ liability with a policy limit of not less than \$1,000,000 each accident.
 - d. Professional Liability – A proposer shall procure and maintain professional liability insurance covering liability the proposer and of its consultants arising out of negligent acts, errors, or omissions in the rendering of the professional services in the minimum amount of \$1,000,000 per claim in the \$2,000,000 aggregate. Coverage shall remain in effect for three years following the completion of work.
6. Proposer acknowledges that failure to obtain such insurance on behalf of the District constitutes a material breach of contract. The contracted vendor is to provide the District with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities. The failure of the District to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by the District.
7. The District is a member of the NY Schools Insurance Reciprocal (NYSIR). The CM further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the District, but also NYSIR as the District’s insurer.

Proposal Requirements

The purpose of the proposal is to demonstrate the qualifications, competence and capacity of the firm seeking to provide the service of the CM, and the specific staff the firm intends to assign to the District’s projects. The substance of proposals will carry more weight than their form or manner of presentation. The proposal should demonstrate the qualifications of the firm and of the specific staff to be assigned to this engagement. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposing firm’s capabilities to satisfy the requirements of the request for proposal.

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

SUBMISSION OF NOTIFICATION OF INTEREST

Firms interested in submitting a proposal must submit a “Notification of Interest” form by **10:00 a.m.** on **December 23, 2015** (See Appendix A). Failure to submit this notification by the required deadline will automatically disqualify firms from submitting a proposal.

SUBMISSION OF PROPOSAL

Proposers must submit their proposals on or before **10:00 a.m.** on **January 7, 2016**. No late submissions will be accepted. Proposals must be fully sealed. The entire responding proposal to the request shall be placed in a sealed manila envelope marked with the words:

“Proposals for Construction Management Service”

All proposals must be sent to cperkins@socsd.org and the original copy sent to the following address:

South Orangetown Central School District
Candace B. Perkins
Purchasing Supervisor
160 Van Wyck Road
Blauvelt, NY 10913

INSTRUCTIONS

1. The submission of a proposal will be construed to mean that the proposer is fully informed as to the extent and character of the services, supplies, materials, or equipment required for the proposer to satisfactorily comply with the specifications.
2. Where so indicated by the make-up of the Proposal, sums shall be expressed in both words and figures. In a case of discrepancy between the two, the written amount will govern. Prices and information required, except signature of proposer, should be typewritten for legibility. Illegible or vague proposals may be rejected. All signatures must be written.
3. All required signatures shall be handwritten in ink with the full name of the person executing same. Facsimile, printed, or typewritten signatures are not acceptable. Initials, stamps, photocopies or other copies, or company names may not be used in lieu of any required signature. A proposal by a corporation shall also give the State of

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Incorporation and have the corporate seal affixed on the signature pages of each Form of Proposal. A proposal submitted by an agent shall have a current Power of Attorney attached certifying the agent's authority to bind the proposer.

4. A proposer shall not make any stipulations in the Proposal or qualify its proposal in any manner. No proposal will be considered which purports to qualify, limit, amend or omit any requirement of the Request for Proposal.
5. Agree to the following Non-Discrimination Clause:
 - a. That in the hiring of employees for the performance of work under this contract or any subcontract hereunder, no contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall by reason of race, creed, color, sex, sexual orientation, age, disability or national origin discriminate against any person who is qualified and available to perform the work to which the employment relates; and
 - b. That no contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, creed, color, sex, sexual orientation, or age.
6. All proposals received after the time stated in the Notice to Proposers will not be considered. The proposer assumes the risk of any delay in the mail or by means of personal delivery, the proposer assumes responsibility for having his/her proposal deposited on time at the place specified. **HOWEVER, THE BOARD OF EDUCATION OF THE SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT RESERVES THE RIGHT TO WAIVE WHAT IS DEEMED TO BE PROPOSAL OR SPECIFICATION INFORMALITIES RELATING TO A SPECIFIC PROPOSAL, TO REJECT ANY AND ALL PROPOSALS, TO RE-ADVERTISE AND INVITE NEW PROPOSALS, OR TO ACCEPT THE WHOLE OR A PART OF A PROPOSAL FROM MORE THAN ONE PROPOSER AS WHEN IN THE BOARD'S' JUDGEMENT, IS IN THE BEST INTEREST OF THE SCHOOL DISTRICT.**
7. The Board of Education reserves the right to award, by item, or part thereof, groups of items, or parts thereof, or all items of the Proposal, and to award contracts to one or more Proposers submitting identical proposals as to prices; to reject any and all proposals in whole or in part; to waive technical defects, irregularities, and omissions if, in his/her judgment, the best interest of the District will be served.
8. Any contract agreed to under this Request for Proposal is subject to termination by the District within seven (7) days' notice. In the event of termination, it is the District's responsibility to pay for services performed to the date of termination.

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

9. The District reserves the sole and absolute right to reject any Proposal offering services or products that, in its opinion, does not meet the standard of quality established by the specifications contained herein.
10. All information received in response to this RFP shall become the property of the District.
11. Upon selection, these specifications and the successful proposal will become incorporated into and form become part of the contract between both parties. The selected proposer shall be required to enter into a written contract in the form attached to this RFP. The form of contract may not be modified by the proposer, and any exception to any provision in the attached form of contract or requested deviation therein (addition, deletion, modification) must be submitted with the proposal in the form of a blackline hard copy contract edit. An electronic copy of the contract form shall be made available for this purpose by contacting Candace Perkins at the number or email indicated above. The final contract form may only be modified by the District in its sole discretion, and will be subject to the approval of the Board of Education of the South Orangetown Central School District. A formal letter of engagement will also be required upon contract.

CONTENT

Proposals will provide evidence demonstrating experience and an ability to provide the requested services, including, but not limited to, the Firms experience as a construction manager for School Districts. Prior experience as a construction manager will be a major consideration. The proposal package shall include the following items:

1. Title Page showing the RFP's subject; the firm's legal name; the name, address and telephone number of a contact person; and the date of the proposal.
2. A signed letter of transmittal that briefly states the proposer's understands of the work to be done, a statement why the firm believes itself to be best qualified to perform the engagement and a statement that the proposal is a firm offer for the services of Construction Management. The letter shall be signed by the person or persons legally authorized to bind the proposer to a contract.
3. Firm's history including present size and in-house disciplines.
4. State whether the proposer is a sole proprietor, a partnership, a corporation or other legal entity.

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

5. Explain your management plan and how you will staff this engagement, including which staff would be on-site or at the firm's home office. Include organizational chart with staff names, references and resumes for each staff member involved in the District's project.
6. Demonstrate substantial experience in the implementation of procedures proven to be effective for timely completion of projects within the established budget and show methods effectively used to monitor actual vs. anticipated progress in regards to cost and schedule. Include the experience of the specific staff the firm intends to assign to the District's projects.
7. List the firm's current projects including: client's name, architect of record, contract amount, total project amount, type of contract, completion dates, and brief description of the project's scope of services and status.
8. Describe the firm's financial and staff capability.
9. Describe the firm's experience in the immediate geographic area of the project, as well as the experience of the specific staff the firm intends to assign to the District's projects.
10. Describe the firm's experience with the State Education Department requirements, as well as the experience of the specific staff the firm intends to assign to the District's projects.
11. Description of the ten (10) latest projects, regardless of size or type. Include client's name, architect of record, contract amount, total project amount, type of contract, date of completion, and brief description of the project's scope of services and status.
12. What was the total construction cost by year for work your firm was construction manager for the past five (5) years, and list the percent that was for school construction?
13. Demonstrate experience in representing the District's interest in avoidance and resolution of construction claims, as well as the experience of the specific staff the firm intends to assign to the District's projects.
14. Provide three (3) references for similar New York school districts which substantiate the proposer's and its staffs' capacity and qualification as a construction manager of record.
15. Disclosure and description of any litigation and/or disciplinary proceedings pending against the firm or the members of the firm in any jurisdiction or whether discipline has been previously imposed against you in any jurisdiction. If discipline has previously been

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

imposed, state the date, jurisdiction, nature of the ethics violation and the penalty imposed. If litigation and/or proceedings are pending, specify the jurisdiction, the charges and the likely time of their disposition.

16. Disclosure and description of any litigation initiated by the firm or the members of the firm in any jurisdiction. If the litigation is pending, specify the jurisdiction, the charges and the likely time of their disposition.
17. Disclosure and description of any arrests or convictions against any members of the firm.

FEE

List your fee structure, including the hourly rates for each of the CM's personnel, so that the cost of services can be determined by the District, including an itemized list of all reimbursable cost items anticipated and not included in the fee. If different levels of service are to be provided, the fee statement should clearly indicate the anticipated level of staffing and what the fee is for the level of service proposed.

REQUIRED FORMS

- Assurance of ability to provide executed copies of the Certificates of Insurances.
- A completed Non-Collusive Certification (See ***Appendix B***)
- A completed Hold Harmless Agreement (See ***Appendix C***)
- A completed Proposer Warranties (See ***Appendix D***)
- A completed Iran Divestment Act Certification (See ***Appendix E***)
- A completed Conflict of Interest Certification (See ***Appendix F***)
- A completed Affidavit (See ***Appendix G***)
- A completed W-9 form
- Copies of Professional Licenses held by the proposer as well as a complete business profile/resume must be submitted.

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Evaluation of Proposals

The District will evaluate the responses based upon the information supplied by the CM. Criteria for evaluations will include:

	Category	Weight
1	Qualifications	30
2	References	25
3	Experience	30
4	Cost	15

- a. Previous experience of the construction management firm, the specific staff the firm intends to assign to the District’s projects, and consultants with similar projects. Particular attention will be paid to previous work involving educational facilities, awards or commendations, cost effective performance, and demonstrated ability.
- b. Level of client satisfaction determined from supplied references.
- c. Experience in the immediate geographic area.
- d. Experience and qualifications of the professional staff expected to be assigned to this project.
- e. Capability of the construction management firm and consultants to progress and complete the work, taking into consideration size of work force, current workload, in house staff capabilities and the like.
- f. Proposed methodology and demonstrated understanding of the District needs, including the need for a team effort with the District and other construction professionals.

From the Proposals received, the District will select a short list. The short list of firms will be requested to provide an interview with the Board of Education and administration. Each consultant proposed or anticipated to be used by the firm is to have representation at the interview. It is anticipated that interviews will be held the week of **January 18, 2016**.

Any public notice soliciting the proposals for services as well as any instructions provided to potential respondents to a request for proposal, shall specify all of the criteria to be used in evaluating such proposals and shall specify the weights the District has assigned to each

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

criterion for the purpose of evaluating proposals submitted in response to the request for proposals. For this purpose no single criterion shall be weighted in excess of 50% of the total weight of all criteria to be used.

The undersigned acknowledges that there will be no cost to the District pertaining to the submission of this Proposal and the District has the right to reject any and all bids, in its opinion, the best interest of the District will thereby be promoted.

RFP APPENDICES & FORMS

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Appendix A - NOTICE OF INTEREST

Please complete and return this confirmation form by **December 23, 2015** to:

Mrs. Candace Perkins
Purchasing Supervisor
South Orangetown Central School District
160 Van Wyck Road
Blauvelt, NY 10913
Telephone: 845-680-1039
Fax: 845-680-1901
E-Mail: cperkins@socsd.org

Failure to return this form may result in no further communication or addenda regarding this Proposal.

Company Name: _____

Address: _____

City, State, Zip: _____

Contact Person: _____

Phone Number: _____ Fax: _____

E-Mail Address: _____

I have received a copy of the above noted proposal.

_____ We will be submitting a proposal.

_____ We will not be submitting a proposal.

If you are responding that you are not submitting a proposal, please explain:

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Appendix B - NON-COLLUSIVE PROPOSAL CERTIFICATION

THIS FORM MUST BE SIGNED AND NOTARIZED

By Chapter 675 of the Laws of 1966, Section 103-D, Statement of Non-Collusion in proposals and request for proposals to political subdivision of the State: Every proposal made to a political subdivision of the state or any public department, agency or official thereof where competitive proposals are required by statute, rule, regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the proposer, and affirmed by such proposer as true under the penalties of perjury: Non-collusive proposal certification.

a) By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- 1) The prices in this proposal have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor, or potential competitor.
- 2) Unless otherwise required by law, the prices which have been quoted on this proposal have not been knowingly disclosed by the proposer prior to opening, directly or indirectly, to any other proposer or to any competitor or potential competitor, and
- 3) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.

b) Any proposal made by a corporate proposer shall be deemed to have been authorized by the board of directors of the proposer, and such authorization shall be deemed to include the signing and submission of the proposal and the including therein of the certificate as to non-collusion as the act and deed of the corporation.

Furthermore, that the proposer is legally competent and authorized to submit a proposal; that said proposer has carefully examined the instructions, schedules and specifications and if successful will furnish and deliver, at the prices proposed and within the time stipulated, all the materials, supplies, apparatus, goods, service and labor for which this proposal is made; that in the event of the failure of the undersigned proposer to perform the services contained in the proposal the Board of Education of the South Orangetown CSD will implement the controls as outlined in the performance bond; that the proposer agrees to comply with applicable labor and other laws as detailed in the request for proposal.

Subscribed and sworn to before me

this ____ day of _____, 201__

(Person, Firm, or corporation)

Notary Public

(Authorized Signature)

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Appendix C - HOLD HARMLESS AGREEMENT

THIS FORM MUST BE SIGNED AND NOTARIZED

IT IS HEREBY AGREED AND UNDERSTOOD THAT THE PROPOSER AGREES TO HOLD HARMLESS AND INDEMNIFY THE SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT, THEIR BOARD OF EDUCATION, ANY OFFICER, AGENT, SERVANT, OR EMPLOYEE OF THE SCHOOL DISTRICT FROM ANY LAWSUIT, ACTION, PROCEEDING, LIABILITY, JUDGMENT, CLAIM, OR DEMAND WHICH MAY ARISE OUT OF:

ANY INJURY TO PERSON OR PROPERTY SUSTAINED BY THE PROPOSER, ITS AGENTS, SERVANTS, OR EMPLOYEES, OR ANY PERSON, FIRM, OR CORPORATION EMPLOYED DIRECTLY OR INDIRECTLY BY THEM UPON OR IN CONNECTION WITH THEIR PERFORMANCE UNDER THE CONTRACT.

HOWEVER CAUSED, ANY INJURY TO PERSON OR PROPERTY SUSTAINED BY ANY PERSON, FIRM, OR CORPORATION, CAUSED BY ANY ACT, DEFAULT, ERROR, OR OMISSION OF THE PROPOSER, ITS AGENTS, OR EMPLOYEES OR ANY PERSON, FIRM, OR CORPORATION, DIRECTLY OR INDIRECTLY EMPLOYED BY THEM UPON OR IN CONNECTION WITH PERFORMANCE UNDER THE CONTRACT.

THE ASSUMPTION OR INDEMNITY, LIABILITY, AND LOSS HEREUNDER SHALL SURVIVE PROPOSER'S COMPLETION OF SERVICE OR OTHER PERFORMANCE HEREUNDER AND ANY TERMINATION OF THIS CONTRACT.

THE PROPOSER AT ITS OWN EXPENSE AND RISK SHALL DEFEND ANY SUCH LEGAL PROCEEDINGS THAT MAY BE BROUGHT AGAINST THE SCHOOL DISTRICT, THE BOARD OF EDUCATION, OR ANY OFFICER, AGENT, SERVANT, OR EMPLOYEE OF THE SCHOOL DISTRICT ON ANY CLAIM OR DEMAND, AND SHALL SATISFY ANY JUDGMENT THAT MAY BE RENDERED AGAINST THE SCHOOL DISTRICT, THE BOARD OF EDUCATION, OR ANY OFFICER, AGENT, SERVANT, OR EMPLOYEE OF THE SCHOOL DISTRICT.

THIS INDEMNIFICATION, DEFENSE, AND HOLD HARMLESS AGREEMENT SHALL APPLY TO ANY LAWSUIT, ACTION, PROCEEDING, LIABILITY, JUDGMENT, CLAIM, OR DEMAND, OR WHATEVER NAME OR NATURE, NOTWITHSTANDING THAT PROPOSER MAY DEEM THE SAME TO BE FRIVOLOUS OR WITHOUT MERIT. IT IS INTENDED THAT THIS AGREEMENT BE INTERPRETED IN THE BROADEST MANNER POSSIBLE SO AS TO INSULATE ALL OF THE ENTITIES, PARTIES, AND INDIVIDUALS NAMED

ABOVE FROM ANY LIABILITY, COST, OR JUDGMENT, MONETARY OR OTHERWISE, AS THE SAME MAY RELATE TO THE PERSONNEL AND SERVICES PROVIDED BY THE PROPOSER.

Subscribed and sworn to before me

this ____ day of _____, 201__

(Person, Firm, or corporation)

Notary Public

(Authorized Signature)

Appendix D - PROPOSER WARRANTIES

- A. Proposer warrants that it is willing and able to comply with State of New York laws and regulations. Proposer warrants that it is willing and able to obtain an error and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof.

- B. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the express prior written permission of the South Orangetown Central School District.

- C. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

- D. Proposer warrants they have read and understand all specifications, terms and conditions of this RFP.

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Appendix E - IRAN DIVESTMENT ACT OF 2012 CERTIFICATION FORM

THIS FORM MUST BE SIGNED AND NOTARIZED

In order to be considered a responsible proposer, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to General Municipal Law §103(1).

Entities that cannot make this certification may only be awarded the proposal if:

1. The entity's investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The district makes a determination, in writing, that the goods or services are necessary for the district to perform its functions and that, absent such an exemption, the district would be unable to obtain the goods or services for which the contract is offered.

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each proposer is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.

Subscribed and sworn to before me

this ____ day of _____, 201_

(Person, Firm, or corporation)

Notary Public

(Authorized Signature)

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Appendix F - CONFLICT OF INTEREST CERTIFICATION

THIS FORM MUST BE SIGNED AND NOTARIZED

Name of Proposer _____
Business Address _____
Telephone Number _____ Date of Proposal _____

The proposer above mentioned declares and certifies:

- First That the said proposer is of lawful age and the only one interested in this proposal, and that no one other than said proposer has any interest herein.
- Second That this proposal is made without any previous understanding, agreement or connection with any other person, firm, or corporation making a proposal for the same purpose, and is in all respects fair and without collusion or fraud.
- Third That no member of the Board of Education of the South Orangetown Central School District nor any officer or employee or person whose salary is payable as a whole or in part from the treasury of said Board of Education is directly or indirectly interested in this proposal or in the supplies, materials, equipment, work, or services to which it relates, or in any portion of the profits thereof.
- Fourth That said proposer has carefully examined the instructions, schedules, and specifications prepared under the direction of the board of Education, and will, if successful in this proposal, furnish and deliver at the prices proposed and within the time stated, all materials, supplies, apparatus, goods, wares, merchandise, services, or labor for which this proposal is made.
- Fifth That the prices quoted are net and exclusive of all federal, state, and municipal sales and excise taxes.
- Sixth The following non-collusive proposal certification applies to this proposal.

Subscribed and sworn to before me

this ____ day of _____, 201_

(Person, Firm, or corporation)

Notary Public

(Authorized Signature)

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

Appendix G - AFFIDAVIT

THIS FORM MUST BE SIGNED AND NOTARIZED

_____, being duly sworn, deposes and says, that as an

Owner/operator of : _____:

I hereby further represent to the South Orangetown Central School District that (check any that apply)

_____ (A) The criminal history check will reveal that the owners/officers of this entity have no criminal history.

_____ (B) The criminal history check will indicate that any of the owners/officers have been convicted of a crime.

_____ (C) The criminal history check will indicate that any of the owners/officers have a pending criminal charge

_____ (D) The entity and or officers/owners have had lawsuit(s) filed against it

_____ (E) The entity and or officers/owners have any pending lawsuits filed against it

_____ (F) The entity and or officers/owners have initiated a claim(s) and or lawsuit(s) against another entity, public or private

If any of the above (B-C) were checked, I hereby provide the following details explaining my answer. Include at the minimum, the date(s) of conviction(s) and /or charge(s); for what crime(s) you were convicted or charged with; the jurisdiction(s) by which you were convicted or charged.

If any of the above (D-E) were checked, I hereby provide the following details explaining my answer. Include at the minimum, the date(s) the lawsuit(s) was filed; the reason for the lawsuit(s); the jurisdiction(s) where the lawsuit(s) was filed and the outcome(s) of the lawsuit(s).

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT
Request for Proposal – Construction Management Services

If the above (F) were checked, I hereby provide the following details explaining my answer. Include at the minimum, the date(s) the claim(s) and or lawsuit(s) was filed; the reason for the claim(s) and or lawsuit(s); the jurisdiction(s) where the lawsuit(s) was filed and the outcome(s) of the claim(s) and or lawsuit(s).

I understand that my completion and submission of this Affidavit is just one part of the proposal process. I certify that my statements in this Affidavit and in any explanatory enclosures are, to the best of my knowledge and belief, true and correct, and that any omission and/or misstatement of any material fact(s) may cause the District to: (A) reject the submission of this proposal, (B) revoke any award of contract from the Board of Education; and/or terminate the contract and provide for the forfeiture of any pending fees.

Subscribed and sworn to before me

this ____ day of _____, 201_

Notary Public

(Person, Firm, or corporation)

(Authorized Signature)

CONSTRUCTION MANAGEMENT SERVICES CONTRACT