

**LEGAL NOTICE**

**TOWN OF EASTHAM  
REQUEST FOR QUALIFICATIONS  
OWNER'S PROJECT MANAGER  
RENOVATION/CONSTRUCTION OF THE EASTHAM PUBLIC LIBRARY**

The Town of Eastham, through the Eastham Chief Procurement Officer, pursuant to MGL Ch. 7, Sec. 38A1/2 – 38O, requests qualifications from registered and qualified individuals or firms for **Owner's Project Manager Services** for the renovation of the existing library building and construction of a new addition and related site work.

Qualified persons or firms must submit an original and nine copies of qualifications response/ proposals no later than **2:00 PM, Friday, June 22, 2012**, addressed to:

**Chief Procurement Officer  
Eastham Town Hall  
2500 State Highway  
Eastham, MA 02642**

Questions should be directed in writing to Sheila Vanderhoef, Town Administrator, and must be received by June 15, 2012. All replies will be in writing.

The Library Trustees and the Town of Eastham Capital Projects Committee will evaluate proposals based on criteria contained in the full specifications, and make a recommendation to the Town's awarding authority. The Town of Eastham, through its awarding authority, reserves the right to reject any and all proposals, to waive any defects, informalities, and minor irregularities and to award a contract or cancel this RFQ if it is in the best interest of the Town to do so.

The Town of Eastham is an AA/EEO employer, and encourages MBE and WBE firms to apply.

As outlined above, sealed Qualifications responses/proposals must be received by the Town of Eastham, 2500 State Highway, Eastham, MA 02642 on or before June 22, 2012 by 2:00 p.m., at which time and place the sealed proposals will be opened in the presence of one or more witnesses. (Proposals will not be publicly opened). The names of such witnesses, along with a register identifying the persons who submitted Qualifications responses/proposals, will be created and made available upon request.

**Qualifications Responses/Proposals should be clearly marked:  
“REQUEST FOR QUALIFICATIONS - PROJECT MANAGEMENT - FOR  
RENOVATION/CONSTRUCTION OF THE EASTHAM PUBLIC LIBRARY -  
PROPOSAL”**

**2.0. SCOPE OF SERVICES**

- 2.1. The Owner’s Project Manager (OPM) will be responsible for, but not limited to, providing the following services:
- 2.1.1. Assist in the selection of the Architect and also in the selection of the other members of the Project design team;
  - 2.1.2. Oversee and review the architect’s work as it relates to the quality and efficiency of design and preparation of architect’s schedules and cost estimates;
  - 2.1.3. Review architect’s invoices for services rendered and make recommendations for payment;
  - 2.1.4. Define any conflicts in design with the Library Building Program and make recommendations to the architect and to the Town Administrator to resolve them;
  - 2.1.5. Review the schematic plans, evaluations and specifications for cost effectiveness, constructability issues, missing items, coordination, and compliance with the requirements of M.G.L. Chapter 149, Sections 44A - 44L and all other applicable laws and regulations;
  - 2.1.6. Attendance at periodic meetings (times to be determined) with the Board of Selectmen, Town Administrator and Library Trustees to present reports on status of project and progress in meeting the desired schedule, which will be agreed upon with the successful applicant.

- 2.1.7. Providing advice and consultation with respect to design, value engineering, scope of the work, cost estimating, general contractor and subcontractor prequalification, if applicable, scheduling, construction, and the selection, negotiation with, and oversight of a designer and general contractor for the Project.
- 2.1.8. Ensuring the preparation of time schedules which shall serve as control standards for monitoring performance of the building project, and assisting in project evaluation, including, but not limited to, written evaluations of the performance of the design professionals, contractors and subcontractors.
- 2.1.9. All other tasks that a project manager commonly performs, and all other tasks that the Town of Eastham may, in its discretion, assign.

### 3.0. **SUBMISSION REQUIREMENTS:**

As outlined above, sealed responses/proposals must be received by the Chief Procurement Officer, Town of Eastham, 2500 State Highway, Eastham, MA 02642 on or before June 22, 2012, by 2:00 p.m., at which time and place the sealed proposals will be opened in the presence of one or more witnesses. (Proposals will not be publicly opened). The names of such witnesses, along with a register identifying the persons who submitted responses/proposals, will be created and made available upon request.

All responses/proposals must be received by the date and time specified, and in the manner prescribed to be eligible for consideration. **Late, fax or E Mail proposals will not be considered.**

Sealed proposals must include the information requested herein, and must also have attached a completed "Standard Designer Application Form for Municipalities and other Public Agencies not within DSB Jurisdiction (2011)". (The form may be obtained from the Division of Capital Asset Management website: <http://www.mass.gov/anf/property-mgmt-and-construction/design-and-construction-of-public-bldgs/>)

Applicants must also execute, as required by law, and include in the sealed submission, the Certificate of Non-Collusion and the Certificate of Tax Compliance, copies of which are attached (Exhibit A).

Applicants must submit the following: (1) an original qualifications response/proposal and nine (9) copies on or before June 22, 2012, at 2:00 p.m.

**Qualifications responses/proposals should be clearly marked  
“REQUEST FOR QUALIFICATIONS - PROJECT MANAGEMENT -  
RENOVATION/CONSTRUCTION OF THE EASTHAM PUBLIC  
LIBRARY - PROPOSAL”**

- 3.1.0. The following information is specifically required:
- 3.1.1 Name and address of applicant, telephone/fax numbers and e-mail address;
  - 3.1.2. Brief resume of principals and of the staff to be assigned to the Project;
  - 3.1.3. List of completed projects that would best illustrate qualifications for the Project;
  - 3.1.4. Three references with contact name, title and telephone number must be included;
  - 3.1.5. List of all on-going projects with anticipated schedule(s) for completion;
  - 3.1.6. Names and qualifications of engineers and other consultants that may be used for the Project;
  - 3.1.7. Statement of the scope and type of services proposed for the Project. The applicant should describe the process and methodology to be used in the completion of services with specific reference to examples of similar projects in which this methodology has been used;
  - 3.1.8. Statement of any legal or administrative proceedings, pending or concluded adversely, to the applicant within the past five (5) years which relate to the applicant’s performance of this type of work;
  - 3.1.9. Appropriate certifications of insurance;
  - 3.1.10. Evidence of financial stability.
  - 3.1.11. Proposed approach to this project which will minimize project management costs while assuring high quality standards of performance in meeting the Town of Eastham’s goals and objectives for completion of a well-constructed building within budget and on time and giving maximum value for money.

A current firm brochure may be submitted with the proposal.

#### 4.0. INSURANCE

The OPM shall carry and maintain insurance, as required by applicable laws and regulations, but not less than specified below and in such form as shall protect the Town from all claims and liability for damages for bodily injury, including accidental death, and for property damage which may arise from the operations covered under the agreement for services.

The minimum coverage and amounts of such insurance shall be as follows:

##### COMPREHENSIVE GENERAL LIABILITY

Bodily Injury	\$ 1,000,000 Each Occurrence \$ 3,000,000 General Aggregate
Products Completed Operations	\$ 3,000,000 Aggregate

##### PROFESSIONAL MALPRACTICE/ERRORS AND OMISSIONS INSURANCE POLICY

\$1,000,000 Per Claim  
\$2,000,000 Aggregate

##### AUTOMOBILE LIABILITY

Bodily Injury & Property Damage CSL	\$1,000,000 Each Occurrence
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##### UMBRELLA POLICY

General liability	\$ 2,000,000
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##### WORKER'S COMPENSATION

As required by Massachusetts General Laws	\$500,000 each accident \$500,000 contract limit \$500,000 each employee
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#### 5.0. INDEMNIFICATION

The successful applicant shall agree to indemnify and hold harmless the Town of Eastham and its officers, employees, boards, commissions, agents and representatives from and against all claims, causes of action, suits, damages and liability of any kind which arise out of the acts, omissions, negligence, or willful misconduct of the successful applicant or its officers, employees, agents and representatives.

**All Qualifications responses/proposals must be signed as follows:**

- 1) if the applicant is an individual, by her/him personally;
- 2) if the applicant is a partnership, by the name of the partnership, followed by the signature of each general partner, and
- 3) if the applicant is a corporation, by the authorized officer, whose signatures must be attested to by the Clerk/Secretary of the corporation and corporate seal.

**Form of Contract, Agreement by Signature:**

The successful applicant **MUST**, and by responding to this Request for Qualifications agrees to, sign the form of contract included in this RFQ.

**The Town of Eastham, as the awarding authority, reserves the right to accept any proposal in whole or part, and to reject any and all proposals if it shall be deemed in the best interests of the Town of Eastham to do so.**

**6.0. METHOD OF PAYMENT**

The OPM shall submit invoices to the Town on a monthly basis for services performed during the previous month. Bills without full information will be rejected. The Town shall make payments to the OPM within thirty days after receipt of the invoice, but late payments shall not be cause for interest.

**7.0. QUESTIONS, ADDENDUM, OR PROPOSAL MODIFICATION**

Questions concerning this Request for Qualifications must be submitted in writing to the Town Administrator. All inquiries received five (5) or more business days prior to the deadline for the receipt of responses will be considered. Questions may be delivered, mailed or faxed (Fax: 508-240-1291). Written responses, if any are deemed necessary in the discretion of the Town Administrator, will be mailed or faxed to all applicants on record as having received the Request for Qualifications.

If any changes are made to the Request for Qualifications, an addendum will be issued. Addenda will be e-mailed or faxed to all applicants on record as having received the Request for Qualifications.

All proposals submitted in response to this Request for Qualifications shall remain firm and

available for acceptance for ninety (90) days following the deadline for receipt. The contract will be awarded, if at all, within ninety (90) days after the opening of the proposals. The time for award may be extended for up to forty-five (45) additional days by mutual agreement between the Town of Eastham and the proposer(s).

An applicant may correct, modify, or withdraw a proposal by written notice received by the Town of Eastham prior to the time for receipt of proposals. Proposal modifications must be submitted in a sealed envelope clearly labeled in the same manner as the initial proposal, with the additional marking of “**Modification No. \_\_**” identifying the submission as a modification to an existing proposal. Each modification must be numbered in sequence, and must reference the Request for Qualifications.

After the opening of proposals, an applicant may not change any provision of the proposal in a manner prejudicial to the interest of the Town of Eastham or fair competition. Minor informalities may be waived or the applicant may be allowed to correct them.

#### **8.0. FEE**

The fee for this project is to be negotiated with the successful applicant **during the final selection process**.

The fee must be a lump-sum, however, and as such will include all expenses, direct and indirect for this project. Fee proposals are not requested and must **NOT** be sent at this time.

#### **9.0. MINIMUM QUALIFICATIONS**

M.G.L. chapter 149, section 44 A ½ **requires** public awarding authorities to engage the services of an Owner’s Project Manager (OPM) on all building projects estimated to cost \$1.5 million or more.

Each applicant must possess the following minimum qualifications:

- 9.1. Massachusetts registered architect or professional engineer and have at least five (5) years of relevant experience in the construction and supervision of construction of buildings. In the event the applicant is not a registered architect or professional engineer, he must have at least seven (7) years of relevant experience in the construction and supervision of construction buildings.
- 9.2. A thorough knowledge of the Massachusetts State Building Code, the regulations of the Massachusetts Architectural Access Board, and the Americans with Disabilities Act.

- 9.3. A thorough knowledge of M.G.L. Chapter 149, Section 44 A-1/2.
- 9.4. Prior experience administering design and construction on projects of similar size and scope.
- 9.5. Financial and operational ability to perform project management services on the Project within all established budget limits and time schedules.
- 9.6. Familiarity and/or experience relating to “green” construction, energy efficiency and generation, and grant sources for same.

**The Town of Eastham reserves the right to reject any proposal which does not demonstrate compliance with each of the foregoing minimum qualifications.**

**10. SELECTION CRITERIA**

- 10.1. Compliance with the minimum qualifications.
- 10.2. Compliance with submission requirements.
- 10.3. Prior successful experience within the public sector, especially in library design and construction projects. Demonstrated ability to work with municipal and library building committees.
- 10.4. Evaluation of references for similar projects.
- 10.5. Proposed approach to this Project which will minimize project management costs while assuring high quality standards of performance in meeting the Town of Eastham’s goals and objectives for completion of a well-constructed building within budget and on time and giving maximum value for money.
- 10.6. Depth and breadth of experience and qualifications of the personnel to be assigned to this Project.
- 10.7. Evaluation of the financial stability and insurance requirements of the applicant and that of any of the sub-consultants proposed to be used.

The Town of Eastham may request that one or more applicants provide additional information during the selection process.

The Capital Projects Committee will review and evaluate all submissions in accordance with the selection criteria, and will select and rank three finalists. Once the three finalists are chosen, they will be interviewed and evaluated. The Town Administrator will then commence negotiations with the top-ranked finalist to negotiate a fee. If the Town Administrator cannot, in the Town Administrator's sole discretion, negotiate a reasonable fee with the top-ranked finalist, such negotiations will cease and negotiations will begin with the second ranked proposer, and so on until a reasonable fee is negotiated.

**TOWN OF EASTHAM**

**CERTIFICATE OF NON-COLLUSION**

**EXHIBIT A**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

\_\_\_\_\_  
(Signature of individual signing bid or proposal)

\_\_\_\_\_  
(Name of business)

**STATEMENT OF TAX COMPLIANCE**

Pursuant to M.G.L. Chapter 62C, Section 49A, I certify under penalties of perjury that the within named proposer, to my best knowledge and belief, has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security or Federal  
Identification Number

\_\_\_\_\_

Signature of Individual signing  
bid or proposal

\_\_\_\_\_

