REQUEST FOR STATEMENTS OF QUALIFICATIONS NO. 12-021

FOR PRECONSTRUCTION AND CONSTRUCTION SERVICES
FOR THE
CULINARY ARTS BUILDING, PHASE 1A AND THE HEALTH SCIENCE AND
STUDENT SERVICES BUILDING PHASE 1B AT HAWAI‘I COMMUNITY
COLLEGE PALAMANUI CAMPUS
PROJECT NUMBER; UH HAW 11-007

MARCH 23, 2012

OFFICE OF CAPITAL IMPROVEMENTS
UNIVERSITY OF HAWAI‘I SYSTEM

The University of Hawai‘i (“University”) is soliciting Statements of Qualifications for a General Contractor (“Contractor”) to provide Preconstruction and Construction Services (collectively the “GC services”) for the Culinary Arts Building, Phase 1A and the Health Science and Student Services Building Phase 1B at the Hawaii Community College Palamanui Campus, University of Hawaii West Hawaii (“Project”) in accordance with the University’s Administrative Procedure A8.280.3, which can be found on the UH website: http://www.hawaii.edu/apis/apm/a8200/proc/A82803.pdf. This procurement procedure is for qualifications-based construction procurement for negotiated construction, primarily for design-assist construction projects. The GC services to be provided by the selected Contractor include the following:

(1) Preconstruction services. Preconstruction services during the Project design and construction documentation phases, including, without limitation, design assist; constructability review and cost estimating services; quality control; efficient constructability; cost management and effective scheduling; and

(2) Construction services. The construction services required during the construction phase to complete the construction of the Project.

This Request for Statements of Qualifications (RFSOQ) is the means for prospective Contractors to express their interest to be considered for the Project and to submit additional information on their qualifications for the specific services described in this document. This additional information will supplement the required Contractor Questionnaires that must be submitted by prospective Contractors via the Office of Capital Improvement’s website (OCI Website) http://www.hawaii.edu/oci/main.html. The RFSOQ and all associated documents and amendments are available in electronic form at the OCI Website http://www.hawaii.edu/oci/main.html on the “Projects” page.

The University of Hawaii has the right to cancel this RFSOQ in its sole discretion at anytime prior to the award of the contract when such action is in the best interest of the University.
1.0 Purpose of this RFSOQ

The University seeks to contract with a Contractor for preconstruction and construction services for the Project as described in Section 2.0. Selection will be made on the basis of qualifications. The University intends to select a Contractor in a timely manner. All Contractors responding to this RFSOQ must hold a valid State of Hawai‘i contractor’s license A or B and must have successfully submitted their Contractor Questionnaires on the OCI Website.

2.0 Project Description

The Project includes the Culinary Arts Building, Phase 1A and the Health Science and Student Services Building Phase 1B. The Project is on approximately 33 acres within a 500 acre parcel at Kalaoa in the West Hawaii region of the Island of Hawaii. The Project is located along the leeward or southwestern slopes of Mt. Hualalai in the North Kona District. The Project site is three (3) miles mauka of Keahole airport and located approximately midway between Mamalahoa Highway and Queen Kaahumanu Highway. The Tax Map Key is 7-3-10.33 (por).

The proposed Project requirements include construction of the following:

1. Phase 1A, the Culinary Arts Institute, a one story wood framed building of 15,354 square feet with an exterior covered area of 5,190 square feet and an exterior covered corridor of 6,309 square feet for a total floor area of 26,853 square feet.
2. Phase 1B, the Health Science and Student Services, a one story wood framed building of 8,572 square feet with an exterior covered corridor of 4,784 square feet for a total floor area of 13,356 square feet.

Initially the Phase 1A and Phase 1B buildings will be a “transition” building and are designed for maximum flexibility to accommodate the immediate needs of the campus. Phase 1A (transition) includes new general classroom spaces nursing and health sciences, culinary arts, library and learning resources center and various faculty offices. As future phases of the campus are built, the final intended use of the Phase 1A building will undergo minimal renovation to serve as a Culinary Arts building. As future phases of the campus are built out, Phase 1B will include the Student Services and Science labs and will expand to include the Health Sciences building. Unlike Phase 1A, the Phase 1B program will remain the same at the time of expansion.

The project is proposed to be Leadership in Energy & Environmental Design (LEED) Platinum for both Phase 1A and Phase 1B separately.

3.0 Responding to this Request for Qualifications

The University has developed the schedule of events (see Section 6.0) with dates for this solicitation process. The RFSOQ and schedule are subject to change. Contractors are advised to visit the OCI Website frequently to check for changes and updates to the
RFSOQ, including the Schedule. The University does not send notifications of changes to this RFSOQ or the schedule to prospective Contractors and is not responsible for failure of any Contractor to receive notification of any change in a timely manner. Prospective Contractors must take the following actions according to the specified timelines in order to participate in this process.

3.1 **Interest in Responding to RFSOQ**

Contractors who intend to respond to this solicitation are requested to notify the University by sending an e-mail to carollt@hawaii.edu with the RFSOQ number and name in the subject line. Please include the names, address, telephone number, fax number, and email address of the Contractor (firm) and contact person.

3.2 **Submit Requests for Clarifications re: the RFSOQ and E-mail Intent to Respond:**

If your organization wishes to submit questions prior to submission of a Statement of Qualifications (hereinafter SOQ), questions must be sent in an e-mail to the following e-mail address: “carollt@hawaii.edu” and must include the following in the e-mail subject line:

“GC Qualification (Culinary Arts Building, Phase 1A and the Health Science and Student Services Building Phase 1B at Hawaii Community College Palamanui Campus, University of Hawaii Kona, Hawaii RFSOQ Questions + (the name of your organization)”.

Answers to questions will be posted on the OCI Website on the page/link of this RFSOQ.

3.3 **Costs For SOQ Preparation**

Any costs incurred by Contractors in preparing or submitting the SOQ shall be the sole responsibility of the Contractor, will not be reimbursable by the University, and cannot be included in any GC services fee proposal (either the Preconstruction Services of the Construction Services fees).

3.4 **Preparing and Packaging Your Statement of Qualifications:**

Statements of Qualifications should provide straightforward, concise information that satisfies the requirements noted in this RFSOQ. Expensive binding, extensive color displays, and the like are not encouraged. Emphasis should be placed on brevity, conformity to the University’s instructions, selection criteria of this RFSOQ, and completeness and clarity of content.

Each Contractor’s SOQ should clearly and accurately demonstrate specialized knowledge and experience required for consideration. In a sealed envelope (clearly marked “Statement of Qualifications – (firm name), Culinary Arts
Building, Phase 1A and the Health Science and Student Services Building Phase 1B at Hawaii Community College Palamanui Campus, University of Hawaii Kona, Hawaii, RFSOQ No. 12-021), submit the following:

a) One (1) compact disk containing the complete SOQ;

b) One (1) original and three (3) copies in paper form of the SOQ, which consists of a Cover Letter and responses to the qualification requirements listed in Section 5.0.

The prospective Contractor shall describe its specific responses to the selection criteria, numbered and titled as listed in Section 5.0.

Any questions regarding this solicitation document shall be directed in writing via e-mail to the Technical Representative of the Procurement Officer (TRPO). The TRPO for this RFSOQ is:

   Caroll Takahashi  
   Email address: carollt@hawaii.edu

3.5 Nondisclosure Of Designated Trade Secrets Or Proprietary Information

If the Contractor’s SOQ contains proprietary information (including trade secrets) that the Contractor desires to keep confidential, the Contractor shall clearly designate, mark, and separate out such proprietary information as confidential. The Contractor’s SOQ shall also contain a letter requesting nondisclosure of such proprietary information, including, without limitation, any trade secrets, and such letter shall specify, identify, and describe the portion of the Contractor’s SOQ and the proprietary information that the Contractor desires to keep confidential. Any such proprietary information accompanying the Contractor’s SOQ shall be labeled CONFIDENTIAL and easily separated in order to facilitate eventual public inspection of the non-confidential portion of the SOQ. The Contractor may not designate its entire or majority portion of its SOQ as proprietary and confidential and any such attempted designation may, at the University’s sole discretion, be grounds for disqualifying the Contractor. If the University disagrees with the Contractor’s designation of proprietary information, the University will notify the Contractor. If the Contractor is not willing to abide by the determination of the University, the University may reject all or any portion of the Contractor’s SOQ containing the claimed proprietary information in dispute. By submitting the SOQ, each Contractor acknowledges and agrees that the University is subject to public disclosure requirements, such as Chapter 92F, Hawai‘i Revised Statutes, and if it is determined that certain information contained in Contractor’s SOQ must be disclosed by the University pursuant to such requirements, the University will disclose such information and the Contractor will not have and shall release and discharge the University from any claim or action relating to such disclosure of information from the Contractor’s SOQ.
3.6 Availability of Funds

Contractors are advised that the award of this contract is contingent upon availability of funds. If funds are not available, the University reserves the right not to make award of this contract.

3.7 Notice to Proceed

The University shall not be responsible for work done, even in good faith, prior to the University issuing the Notice to Proceed, unless specific provisions are made in the contract.

3.8 RFSOQ Submittals Become Property of the University

All SOQs and other materials submitted shall become the property of the University and may be returned only at the University's option.

4.0 Evaluation and Selection Process

It is the intention of the University to negotiate a contract with the first-ranked contractor based on the qualifications of the Contractor, as demonstrated by their evidenced competence and experience to accomplish the work of this project in their SOQ. Fees are not the controlling criteria.

The Statements of Qualifications of those Contractors who have timely submitted their SOQs will be evaluated and scored by members of a selection committee, which will be comprised of at least three University employees possessing applicable qualifications and experience. Each member of the selection committee will assign a point score according to the grading schedule in Section 5.0. Points assigned by the individual committee members will then be combined to determine a total score for each Contractor. The University shall thereafter negotiate a contract with the first-ranked Contractor. If a satisfactory contract cannot be negotiated with the first-ranked Contractor, such negotiations shall be terminated and negotiations with the other Contractors in order of their rankings shall commence. Negotiations shall be conducted confidentially.

The University will have the option to invite the Contractors to give a presentation on their Statement of Qualifications. Contractors being interviewed are required to include members of their proposed preconstruction team that will perform the work of the Project. The presentation and responses during the interview process will be used to clarify and validate the Contractor’s Statement of Qualifications.

5.0 Selection Criteria

Contractors and their Statements of Qualifications will be evaluated according to the following criteria:
1. **Experience and qualifications relevant to project type:**

   a. **Experience and qualification of the Company.** The age of the firm and its average number of employees over the past five years, including actual number of employees in 2010 and 2011; including:

   i. The financial capability and capital and operating resources available to the Contractor in providing the GC services described in this invitation for the Project.

   ii. Any litigation, arbitration, administrative proceeding or formal complaint(s), including mechanics liens filed by or against the Contractor during the last five (5) years resulting from or attributable to its current or past involvement with any major construction projects.

   iii. Any formal complaints filed against the Contractor’s entity or company with the State of Hawaii Department of Commerce and Consumer Affairs, the State of Hawai‘i Department of Labor and Industrial Relations or with any other state or federal agency.

   iv. Any pending or threatened litigation, arbitration, or administrative proceeding against or by the Contractor. Provide details and an opinion of legal counsel that the pending or threatened litigation, arbitration, or administrative proceeding will not impair, hinder, limit or otherwise interfere with the Contractor’s ability to perform the GC services required under this SOQ.

   v. Any pending or proposed transactions or agreements to merge, sell, expand down-size, consolidate, streamline, or modernize the general contractor's entity or company.

   vi. Any information relating to the filing of: (a) bankruptcy actions, (b) debtor proceedings, (c) case or proceeding, voluntary or involuntary, by or against the Contractor, Contractor as debtor, under any provision of the federal bankruptcy code, (d) any case or proceeding, voluntary or involuntary, by or against the Contractor, under any state statute governing any debtor or creditor rights, seeking to have an order or decree rendered against the Contractor directing any readjustment, arrangement, composition or reduction of the Contractor’s debts, liabilities or obligations or making any assignment for the benefit of creditors or any similar actions.

   vii. Any contracts or agreements involving the Contractor (whether or not involving major construction projects) that have been terminated prior to the full performance or completion of the services required thereunder or the expiration of the term identified in the contract or agreement, including, without limitation: (1) the parties to the contract or agreement, (2) the type and value of the project involved, (3) the Contractor’s role in or the type of services provided by the Contractor under the contract or agreement, (4) the start and termination dates, (5) project milestones achieved by the project and the Contractor (6) the reason(s) why the prior contract or agreement was terminated, (7) the circumstances surrounding or affecting the Contractor’s performance
under the prior contract or agreement, (8) the Contractor’s role or contribution to the termination of the prior contract or agreement, and (9) the names, addresses, telephone numbers (including cell phone numbers), fax numbers, and email addresses of the project manager or person with similar authority who was employed by the client or entity for whom the Contractor performed these GC services under such prior contract or agreement. 15 points

b. Experience relevant to preconstruction and construction services. Describe the Contractor’s experience in relation to preconstruction, construction and renovation of buildings that feature science labs, teaching kitchens, and University buildings of comparable complexity and/or scope of work, including the nature and quality of recently completed work within the last five (5) years. Describe the working relationship between the architect, owner and contractor during the preconstruction phase and major issues and solutions encountered. 15 points

c. Experience relevant to type of construction and to the unique site condition found in West Hawai‘i. Describe the Contractor’s experience in relation to construction and renovation of similar type construction, and the unique site conditions found in West Hawai‘i and the specific nature and quality of recently completed work within the last five (5) years. 10 points

d. Experience with State of Hawai‘i and County of Hawai‘i construction projects. Describe the extent and depth of the Contractor’s experience and knowledge, within the last five (5) years of:

i. State of Hawai‘i and County of Hawai‘i’s unique construction industry, including local construction conditions and practices, working with labor unions, and relationships with local subcontractors.

ii. State of Hawai‘i and County of Hawai‘i’s governmental agencies and permitting processes. 10 points

e. Professional staffing capabilities. Describe the experience of the personnel that will be assigned by the Contractor to be performed by the two teams, one for the preconstruction and the other for the construction services described in this RFSOQ. A critical part of this evaluation will be the Contractor’s listing of the personnel to be assigned to perform the preconstruction and construction services separately, described in this RFSOQ, including (1) each project staff’s resume detailing his or her specific construction background and experience, (2) the Contractor’s proposed organizational chart for the project team that would be assigned to this project, (3) a description of the Contractor’s lines of authority generally and for the Project in particular, and (4) the description of the duties and responsibilities for each of such personnel assigned to perform the preconstruction and construction services for the
Project. The Contractor should highlight key personnel and their qualifications, including resumes, assigned to the Project. **15 points**

**SUBTOTAL FOR CRITERIA 1 = 65 Points**

2. Past performance on projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies:
   a. Past performance with the University, or any Hawai‘i government entity. Describe the Contractor’s past performance in working with the University, any federal, state, or county government entity located in Hawai‘i, or any other college or university in Hawai‘i, in the construction of projects of comparable complexity and/or scope of work. Describe the qualifications, the extent and depth of the experience of the specific personnel and their job description on comparable projects who will be assigned by the Contractor to work on this project. Provide at least five (5) applicable references. **5 points**
   b. Past performance in taking corrective action. Describe the Contractor’s past performance in taking corrective action and other responses to notices of deficiencies in the construction of projects of comparable complexity and/or scope of work. **5 points**

**SUBTOTAL FOR CRITERIA 2 = 10 Points**

3. Experience and professional qualifications relative to LEED (Leadership in Energy and Environmental Design) projects: **5 points**
   Describe the Contractor’s experience in preconstruction and construction phases of projects of comparable complexity and/or scope of work achieving LEED certification, and the level of certification.

4. Capacity to accomplish the work in the required time: **10 points**
   Describe the Contractor’s ability to meet project schedules, including examples of recently completed design assist projects of comparable complexity and/or scope of work.

5. Preconstruction and Construction Services Fees: **10 points**
   These fees stipulated by the Contractor will be evaluated based on the points assigned to these criteria.
   a. Preconstruction Services Fee. Stipulate and describe the structure, composition, and amount of the Contractor’s fee for the Preconstruction Services portion of the GC services for the Project, including any discounts, refunds, and reimbursables. Each Contractor should specify the time duration assumed.
b. **Construction Services Fee.** Stipulate and describe the structure, composition, and amount of the Contractor’s fee for the Construction Services portion of the GC services for the Project, broken down by the standard costs in Divisions 0 and 1 including the total overhead, profit & fee, permit fees, insurance, General Excise Tax, insurance, and detailed general conditions. Provide estimated time durations, quantities, unit rates and total costs for the duration of the construction phase.

c. **Restrictive conditions.** Describe any restrictive conditions and deadlines or additional requirements requested by the Contractor in relation to the payment of any of the fees for the Preconstruction Services or the Construction Services and/or the reimbursable expenses.

**TOTAL POSSIBLE POINTS PER COMMITTEE MEMBER = 100 points**

### 6.0 Request for Qualifications Submittal Timetable

The University intends to pursue the following schedule for the review and consideration of all Statements of Qualifications submitted to the University. Any revisions to this schedule will be posted on the OCI Website.


**April 4, 2012, 4:00 p.m.: Requests for Clarification Deadline.** Requests for Clarification must be received by the University no later than 4:00 p.m. (Hawai‘i Standard Time) via e-mail to the following e-mail address:

Caroll Takahashi  
Email address: carollt@hawaii.edu

**April 9, 2012: University’s Response for Clarification Deadline**

**April 24, 2012, 2:00 p.m.:** **Statements of Qualifications Submittal Deadline.** Statements of Qualifications must be received by the University no later than 2:00 p.m. (Hawai‘i Standard Time) addressed and delivered to:

Brian Minaai, Associate Vice President for Capital Improvements  
Office of Capital Improvements, University of Hawai‘i System  
Attention: Culinary Arts Building, Phase 1A and the Health Science and Student Services Building Phase 1B at Hawaii Community College Palamanui Campus  
1960 East West Road, Biomedical Sciences Bldg. B-102  
Honolulu, Hawai‘i 96822
One (1) compact disc (CD) containing the complete SOQ, One (1) original and three (3) copies of each Contractor’s Statement of Qualifications must be submitted at that time. **Statements of Qualifications submitted via electronic mail will not be accepted.**

Week of April 30, 2012: Presentation/Interviews, if necessary.

On or about Week of April 30, 2012: **Evaluate Statements of Qualifications.** The selection committee will evaluate and score the Contractor Questionnaires as submitted on the OCI Website and the Statement of Qualifications of those Contractors who have made timely submittals.

May 7 or thereafter: **Selection notification.** At that time or whenever the University is prepared to do so, the University will notify the first ranked Contractor and commence with negotiating a preconstruction services contract. If a contract at a fair and reasonable price cannot be negotiated with the first ranked contractor, such negotiations shall be terminated and negotiations with the other contractors in order of their rankings shall commence. Negotiations shall be conducted confidentially.

The contract award shall be posted electronically on the OCI Website http://www.hawaii.edu/oci/main.html within seven (7) days or thereabouts of the contract award and shall remain posted for at least one year.

**7.0 Debriefing**

The purpose of a debriefing is to inform the Contractors of the basis for their non-selection for award. A written request by a non-selected Contractor for a debriefing shall be made within three working days after the posting of the award of the contract. Debriefings shall be held by the University, to the maximum extent practicable, within seven (7) working days of receiving a timely written request for debriefing.

**8.0 Construction Phase**

1 **Eligible Contractor.** The University may select the Contractor who provided the Preconstruction Services (as defined herein) (Eligible Contractor) under a contract between the University and the Eligible Contractor (Preconstruction Services Contract) to provide the construction services necessary for the completion of the Project (Construction Services), provided that all of the following conditions are met to the University’s sole satisfaction:

   a. **Satisfactory completion of Preconstruction Services.** The University has determined that (1) the Eligible Contractor has satisfactorily performed and completed the preconstruction services portion of the GC services, including, without limitation, the design-assist, constructability review and cost estimating services (collectively the Preconstruction Services); and (2) at the conclusion of the Project design and construction documentation phases, the Eligible Contractor remains the best qualified
general contractor offering the University the most advantageous option for completing the Project construction;

b. University decision to proceed. The University has made the decision, which shall be at the University’s sole discretion, to proceed with the construction phase of the Project and retain a general contractor to provide the Construction Services. The University’s decision: (1) is subject to available funding and other circumstances that may be affecting the construction of capital projects generally within the State of Hawai’i and University projects in particular and (2) may be made at any time but will probably occur at or by the conclusion of the Project design development and construction documentation phases;

c. Successful conclusion of contract negotiations. The University and the Eligible Contractor have successfully concluded negotiations and reached agreement on the terms of the contract covering the Construction Services for the Project (Construction Contract).

2. University may terminate Construction Contract negotiations with Eligible Contractor and use another construction procurement method. Notwithstanding the above, the University has the right to, and may, at any time and at the University’s sole discretion: (a) terminate (or not initiate or continue) any negotiations or discussions with the Eligible Contractor toward the Construction Contract, (b) terminate the Preconstruction Services Contract (without any further liability to the Eligible Contractor other than for amounts properly earned by the Eligible Contractor for work already completed thereunder), and (c) decide to use another University or other authorized procurement method to retain a general contractor to provide the Construction Services and award the Construction Contract.

a. Eligible Contractor may be considered. Unless otherwise determined by the University, the Eligible Contractor shall be eligible for consideration under any other authorized procurement method used by the University to retain a general contractor to provide the Construction Services.

b. All respondents waive claims against University for terminating negotiations and using any other authorized procurement method. By submitting an SOQ in response to this solicitation (RFSOQ), each prospective general contractor, including the Eligible Contractor (once selected), agrees to waive, discharge, and release any claim or action it might have or may acquire relating to the University’s decision: (i) not to proceed with Construction Contract negotiations with such prospective general contractor, including the Eligible Contractor, (ii) terminating (including not initiating or continuing) Construction Contract negotiations with the Eligible Contractor, (iii) terminating the Preconstruction Services Contract, and (iv) to use any other authorized procurement method to retain a general contractor to provide the Construction Services for this Project.
9.0 Fees for Preconstruction and Construction Services
   See attached.

10.0 Other Information Available

Information regarding the Basis of Design are attached, including:

1. Transition Building, Phase 1A, basis of Design (BOD) dated 04/01/2010
2. Transition Building, Phase 1B, basis of Design (BOD) dated 04/01/2010

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