ATTACHMENT 1

TO RFP FOR DESIGN BUILD ENTITY FIRM

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|  |  | PRICE PROPOSAL FORMS & INSTRUCTIONS |
|  |  | Courts of Appeal, New Sixth Appellate District Courthouse |
|  |  |  |

**PRICE PROPOSAL**

**FORMS & INSTRUCTIONS**

1. **GENERAL INSTRUCTIONS FOR PRICE PROPOSAL**

These instructions explain how to complete each component of the Price Proposal. The Price Proposal is composed of five (5) forms that must be submitted together: (i) Proposer Information; (ii) Addenda Acknowledgement; (iii) Fee Proposal Form; (iv) Professional Billing Rate Sheet; and (v) Certification. This completed Price Proposal shall be submitted separately and **not** with the Technical Proposal. All Work referenced herein shall be priced to fulfill all obligations for Design Work and Construction Work as set forth in the Contract Documents. Design Build Entity shall read these instructions and review all Contract Documents, including, without limitation, the General Conditions (**Exhibit A** to the Agreement), Stipulated Sum Preparation Form (**Attachment 2**), Design Deliverable Requirements (**Exhibit D** to the Agreement), Design Build General Conditions Matrix (**Exhibit E** to the Agreement), and the Criteria Documents (RFP, Attachment 9) prior to preparing its Price Proposal.

1. **INSTRUCTIONS FOR PROPOSER INFORMATION FORM**
   1. Complete Proposer Information Form (Exhibit A).
2. **INSTRUCTIONS FOR ADDENDA ACKNOWLEDGEMENT FORM**
   1. Complete Addenda Acknowledgement Form (Exhibit B).
3. **INSTRUCTIONS FOR FEE PROPOSAL FORM**

* 1. Complete Fee Proposal Form (Exhibit C) as indicated below.
  2. Design Work.
     1. The fee for Design Work shall be based on the aggregate of the costs for: (i) Design Development Work and (ii) Working Drawings Work. These items shall be priced as a lump sum that shall be fixed as of the Effective Date of the Agreement. The Design Work shall include the following items:

* + 1. Design Development Work Costs.The fee for Design Development Work shall include:

* + - 1. Design Development - Design Fees.Line A1 in the Fee Proposal Form shall include all fees for Design Development professional services, including designers, engineers, consultants, design build and/or design assist subcontractors, and any other consultants needed to perform or support Design Work. The fees shall include all costs for development of the design for all elements required for a complete and functional project, except those items specifically identified as being designed by others in the Contract Documents, to a design development level. Completion of the Design Development Drawings includes applicable review and approval by all Authorities Having Jurisdiction, the Judicial Council, and Peer Reviewers (if applicable). The minimum requirements for Design Development Documents are outlined in Design Deliverable Requirements (**Exhibit D** to the Agreement). The design fees must be fully loaded and include mark-up for overhead and profit.
      2. Design Development - Management Fees. Line A2 in the Fee Proposal Form shall include all Design Build Entity fees for design management during Design Development; Design Build Entity (and consultant) fees for Preconstruction Services, including estimating, scheduling, constructability, life cycle cost analysis, and other services necessary to manage the Design Development Work. The fees must be fully loaded and include mark-up for overhead and profit.
    1. Working Drawings Work Costs.The fee forWorking Drawings Work shall include:
       1. Design Fees.Line A3 of the Fee Proposal Form shall include all fees for Working Drawings Work professional services, including designers, engineers, consultants, design build and/or design assist subcontractors, and any other consultants needed to perform or support Design Work. The fees shall include all costs for completion of the Working Drawings for all elements required for a complete and functional project, except those items specifically identified as being designed by others in the Contract Documents. Completion of the Working Drawings includes review and approval by all Authorities Having Jurisdiction, the Judicial Council, and Peer Reviewers (if applicable). The minimum requirements for Working Drawings Documents are outlined in the Design Deliverable Requirements (**Exhibit D** to the Agreement). The design fees must be fully loaded and include mark-up for overhead and profit.
       2. Design Management Fees. Line A4 in the Fee Proposal Form shall include all Design Build Entity fees for design management during Working Drawings Design; Design Build Entity (and consultant) fees for Preconstruction Services, including estimating, scheduling, constructability, life cycle cost analysis, and other services necessary to manage the Working Drawings Design. The fees must be fully loaded and include mark-up for overhead and profit.
  1. **Construction Work.**

The fee for Construction Work shall include cost of Design Build Entity’s General Conditions and other, identified mark-ups. Fees to perform the Construction Work shall include the following items:

* + 1. Construction Work Costs.The fee for Construction Work shall include:
       1. Construction Administration. Line B1 of the Fee Proposal Form shall include all fees for professional services required for Construction Administration. Services shall include those provided by designers, engineers, consultants, design build and/or design assist subcontractors, and any other consultants needed to support construction. The fee shall include all costs for Construction Administration, including, without limitation, RFI responses, submittal review, resolution of constructability issues, clarifications, coordination with the Judicial Council and Authorities Having Jurisdiction, appropriate Site visits and observations, and attendance at meetings as needed to support timely performance of the Work. The construction administration fee must be fully loaded and include mark-up for overhead and profit.
       2. General Conditions (Staffing).Line B2 of the Fee Proposal Form shall include all fees for staffing required in direct management, oversight, and staff for the Construction Work. Review Design Build Entity’s General Conditions Matrix (**Exhibit E** to the Agreement). The Design Build Entity shall identify the anticipated monthly costs and apply those costs to the Proposer’s construction duration to identify a lump sum. Mark-up for overhead and profit shall **NOT** be applied to this fee.
       3. General Conditions (Other). Line B3 of the Fee Proposal Form shall state the fee to provide and maintain all materials, equipment, and services necessary to perform the Construction Work. This fee shall include all costs for temporary facilities and utilities required at the construction site to manage the construction of the Project. Review Design Build General Conditions Matrix (**Exhibit E** to the Agreement). The Design Build Entity shall identify the anticipated monthly costs and apply those costs to the Proposer’s construction duration to identify a lump sum. Mark-up for overhead and profit shall **NOT** be applied to this fee.
       4. Bonds. Line B4 of the Fee Proposal Form shall include all costs to purchase and maintain thePayment Bond and Performance Bond to secure the Design Build Entity’s performance of Construction Work. The Design Build Entity shall identify the percentage of the Direct Cost of the Work (Line 40 of the Stipulated Sum Preparation Form) used to calculate this cost and provide the lump sum fee. Mark-up for overhead and profit shall **NOT** be applied to this fee.
       5. Insurance.Line B5 of the Fee Proposal Form shall include all costs to purchase and maintain insurance in addition or excess to the Owner Controlled Insurance Program (OCIP) and Builders’ Risk Insurance provided by the Judicial Council. The OCIP Manual is included in the Performance Criteria Documents and is incorporated by reference. The OCIP will include specific requirements related to Subcontractor experience and safety requirements. Insurance costs identified on line B5 shall exclude the OCIP and the OCIP coverages for all Subcontractors and Builders’ Risk Insurance coverage. Line B5 shall account for any other insurance required and shall be sufficient to compensate Design Build Entity for all non-OCIP insurance. The costs of insurance should be accompanied by a detailed explanation of the anticipated insurance policies. Subcontractor default insurance (SubGuard) shall be excluded from these costs. Mark-up for overhead shall **NOT** be applied to this fee.
       6. Construction Fee/(Overhead & Profit).Line B6 of the Fee Proposal Form shall be all compensation due to Design Build Entity for overhead and profit applied to the Direct Cost of Work. The Design Build entity shall identify the percentage of the Direct Cost of the Work (Line 40 of the Stipulated Sum Preparation Form) used to calculate this cost and provide the lump sum fee. The term “Design Build Entity” fee includes: (i) mark-up on self-performed Construction Work; and (ii) mark-up for Subcontractor performed Construct Work; (iii) any subcontractor default insurance (SubGuard) deemed necessary by the Design Build Entity. Review the General Conditions for what constitutes “Overhead and Profit”.

1. **INSTRUCTIONS FOR PROFESSIONAL BILLING RATE SHEET**

* 1. Complete Professional Billing Rate Sheet (Exhibit C) as indicated.
  2. **Professional Billing Rate Sheet.** TheProfessional BillingRate Sheetshall define the billing rates for professional services to be used in the event that additional services are needed or requested. Additional fees for management and/or construction services shall be in accordance with Article 18 of the General Conditions. Design Build Entity shall provide billing rates inclusive of all overhead, profit and mark-up for each job title identified in the Professional Billing Rate Sheet. For any consultants not listed on the rate sheet deemed necessary by the DBE, please provide the additional consultant(s) and their billing rates on a separate sheet that matches the Professional Billing Rate Sheet. Indicate “N/A” for the Personnel Weight Factor for these added Service Types/Job Titles.

1. **INSTRUCTIONS FOR CERTIFICATION**
   1. Complete and execute Certification.

**EXHIBIT A**

**PROPOSER INFORMATION FORM**

THIS PROPOSAL IS SUBMITTED BY (check one):

Individual  Partnership

Joint Venture  Corporation

State in which incorporated:

**NOTE:** If Proposer is a corporation, the State in which incorporated must be inserted above and the legal name of the corporation must be set forth below, together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation; if Proposer is a partnership, the true name of the firm must be set forth below, together with the signature of a partner authorized to sign contract in behalf of the partnership; and if Proposer is an individual, that person’s signature must be placed below. If signature is by an agent, other than an officer of a corporation or a member of a partnership, a Power of Attorney must be on file with the Judicial Council prior to opening the Proposal or submitted with the Proposal; otherwise, the Proposal will be regarded as irregular and unauthorized. If the Proposal is submitted by partnership or joint venture, the members are:

Business Address

(Street and/or P.O. Box) (City) (State) (Zip)

Business Telephone Number: Email Address:

**NOTE:** If making a proposal as a joint venture, each person submitting the proposal must provide the information required below with respect to his or her licensure.

**IMPORTANT - READ BEFORE SIGNING:** Proposal must be executed in same name-style in which the Proposer is licensed and prequalified. Proposer proposing jointly as a combination of several business organizations are specially cautioned that such Proposer must be jointly licensed and pre-qualified in the same form and style in which the proposal is executed. The undersigned Proposer certifies and agrees to provide the information and comply with the requirements contained in this Proposal.

Legal Name of Proposer:

Federal I.D. Number:

Proposer's License No.: License Classification:

Expiration Date of Proposer's License:

**SIGN HERE**  **DATE:**

(Signature of Proposer) (Day/Month/Year)

**END OF EXHIBIT**

**EXHIBIT B**

**ADDENDA ACKNOWLEDGEMENT FORM**

1. In submitting this Proposal, the Proposer represents that the Proposer has examined copies of all the Contract Documents and acknowledges receipt of the following addenda:

Addendum No.: Date: Addendum No.: Date:

Addendum No.: Date: Addendum No.: Date:

Addendum No.: Date: Addendum No.: Date:

Addendum No.: Date: Addendum No.: Date:

Addendum No.: Date: Addendum No.: Date:

2. Failure to acknowledge on the Proposal Form receipt of an addendum will not in itself be cause for withdrawal or rejection of Proposals, if it can be shown that Proposer did, in fact, receive such addendum prior to opening of Proposals.

**SIGN HERE**  **DATE:**

(Signature of Proposer) (Day/Month/Year)

**END OF EXHIBIT**

**EXHIBIT C**

**FEE PROPOSAL FORM**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Design Build Entity's Fee Proposal  New Sixth Appellate District Courthouse | | | | |
| (Shall be submitted separately from Technical Proposal) | | | | |
| Judicial Council Stipulated Sum: Seventy-Three Million, Six Hundred Ninety Thousand, Two Hundred dollars. ($73,690,200) | | | | |
| Judicial Council Contract Time: 1,140 c.d. | | | | |
| Proposer’s Construction Duration: \_\_\_\_\_\_\_\_\_mo. (for use in calculating GC's only) | | | | |
| For General Conditions (lines B2 & B3) use above Construction Duration | | | |  |
| Design Work Fee Proposal | |  |  |  |
| A1 | DD – Design Fees (A-E) |  | LS | $ |
| A2 | DD – Design Management Fees (DBE) |  | LS | $ |
| A3 | WD – Design Fees (A-E) |  | LS | $ |
| A4 | WD – Design Management Fees (DBE) |  | LS | $ |
|  |  |  |  |  |
|  | Design Fee Total |  |  | $0 |
| Construction Work Fee Proposal | |  |  |  |
| B1 | Construction Admin (A-E) |  | LS | $ |
| B2 | General Conditions - Staffing | $\_\_\_\_\_\_/mo | \_\_\_\_mo | $ |
| B3 | General Conditions - Other | $\_\_\_\_\_\_/mo | \_\_\_\_mo | $ |
| B4 | Bonds |  | \_\_\_\_\_% | $ |
| B5 | Insurance (non-OCIP/Builder's Risk) |  | \_\_\_\_\_% | $ |
| B6 | Construction Fee (OH&P) |  | \_\_\_\_\_% | $ |
|  |  |  |  |  |
|  | Construction Fee Total |  | $ | |
|  | TOTAL FEES |  | $ | |

**END OF EXHIBIT**

**EXHIBIT D**

|  |  |  |  |
| --- | --- | --- | --- |
| **PROFESSIONAL BILLING RATE SHEET**  **FOR New Sixth Appellate district courthouse** | | | |
| **SHALL BE SUBMITTED SEPARATELY FROM TECHNICAL PROPOSAL** | | | |
| **Service Type** | **Job Title** | **Personnel Weight Factor** | **Proposed Billing Rate** |
| General Architectural Services | Principal | 1.5% |  |
| Design Manager | 10% |  |
| Project Manager | 10% |  |
| Project Architect | 10% |  |
| Construction Administrator | 3% |  |
| Modeler/BIM Staff | 4% |  |
| Administrative Staff | 1.5% |  |
| Civil Engineering | Principal | 0.5% |  |
| Senior Engineer | 1% |  |
| Engineer/Designer | 2% |  |
| Project Manager | 3% |  |
| Drafter/CAD Staff | 1% |  |
| Structural Engineering | Principal | 0.5% |  |
| Senior Engineer | 2.5% |  |
| Engineer/Designer | 3% |  |
| Project Manager | 3% |  |
| CAD Drafter/Modeler/BIM Staff | 1% |  |
| Electrical Engineer | Senior Engineer | 2% |  |
| Engineer/Designer | 3% |  |
| Modeler/BIM Staff | 1% |  |
| Mechanical Engineer | Senior Engineer | 2% |  |
| Engineer/Designer | 3% |  |
| Modeler/BIM Staff | 1% |  |
| Fire Protection Engineering | Project Manager | 4% |  |
| Designer | 3% |  |
| Landscape Architect | Designer | 2.5% |  |
| Project Manager | 2.5% |  |
| Security/Low Voltage Specialist | Engineer/Designer | 2.5% |  |
| Project Manager | 2.5% |  |
| Vertical Transportation Specialist | Engineer/Designer | 2.5% |  |
| Project Manager | 2.5% |  |
| Building Envelope Specialist | Envelope Engineer | 2% |  |
| Project Manager | 2% |  |
| Sustainability/LEED Consultant | Engineer/ Architect | 1% |  |
| Project Manager | 1% |  |
| Geotechnical Engineer | Engineer | 2.5% |  |
|  | **Total** | **100%** |  |

**END OF EXHIBIT**

**EXHIBIT E**

**CERTIFICATION**

I, (Printed name), authorized agent of Proposer, hereby certify that I am the (Title) of (Name of Design Build Entity) (“Design Build Entity”) submitting the Price Proposal (“Price Proposal”); that I am duly authorized to execute this Price Proposal on behalf of Design Build Entity; and that all information set forth in this Price Proposal and all attachments hereto are, to the best of my knowledge, true, accurate, and complete as of its submission date.

I further certify that this Price Proposal, as well as the Proposal of which it is a part, is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Proposal is genuine and not collusive or sham; that the Design Build Entity has not directly or indirectly induced or solicited any other proposing firm to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any other proposing firm or anyone else to put in a sham proposal, or that anyone shall refrain from proposing; that the Design Build Entity has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the Design Build Entity or any other proposing firm, or to fix any overhead, profit, or cost element of the Fee Proposal Form, or of that of any other proposing firm, or to secure any advantage against the Judicial Council of anyone interested in the proposed contract; that all statements contained in the Price Proposal, and the Proposal of which it is a part, are true; and, further, that the Design Build Entity has not, directly or indirectly, submitted this Price Proposal, and the Proposal of which it is a part, or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, or to any member or agent thereof to effectuate a collusive or sham proposal.

The acceptance of the Proposer’s proposal does not constitute an acceptance by the Judicial Council that any or all the elements are in conformance with the Contract Documents.

Proposer acknowledges the STIPULATED SUM set forth below. Said STIPULATED SUM must include all cost of bonds, insurance, sales tax, allowances and every other item of expense–direct or indirect–incidental to the completion of the proposed Project, unless specifically excluded by the Judicial Council.

The certification of the STIPULATED SUM must be without any conditions and/or alterations and/or exceptions. This form must be signed and returned as issued.

Appendices to the Proposal, clarifications to the Proposal, contract administration refinements, design refinements, value engineering to attain Judicial Council’s budget, allowance list, modifications to Request For Proposal documents, pre-assignment of extra allowances that restrict the scope of work, enhancements that lower costs or suggest prior approval of substitutions, or any other conditions or clarifications that diminish the requirements or imply a pre-approval of changes or conditional acceptance of the proposal are not permitted. Proposals containing such elements may, in the Judicial Council’s discretion, be deemed non-responsive.

Allowances, other than those specifically enumerated by the Judicial Council in the Contract Documents, will not be accepted in the Proposal. Additional allowances or other means to limit or otherwise condition the Proposer’s responsibility will not be permitted.

This Proposal shall remain valid for one hundred twenty (120) days after the date of submission.

I declare, under penalty of perjury, that the foregoing is true and correct and hereby certify and agree to complete the proposed Project, NEW SIXTH APPELLATE DISTRICT COURTHOUSE, SUNNYVALE, in accordance with the Contract Documents and for the STIPULATED SUM of:

Seventy-Three Million, Six Hundred Ninety Thousand, Two Hundred dollars ($73,690,200)

and that this certification was subscribed at: (Location and city),

County of , State of , on (Date).

(Signature)

**END OF EXHIBIT**

**END OF ATTACHMENT**