



Spokane Public Schools  
*excellence for everyone*

Spokane School District No. 81  
200 N. Bernard Street  
Spokane, WA 99201  
(509) 354-5900

Request for Proposal No. 8-1415  
GC/CM Services for:  
**North Central High School Cafeteria/Commons Addition**

And

Request for Proposal No. 9-1415  
GC/CM Services for:  
**Salk Middle School Replacement – Phase 2**

Submittal Deadline:  
Date: December 18, 2014  
Time: 2:00:00 p.m.

## Table of Contents

1.	Introduction	Page 3
2.	Project Descriptions	Page 5
3.	Selection Process and Schedule	Page 5
4.	Step One: Statements of Qualifications (SOQ) Submittal Requirements	Page 7
5.	Step Two: Interviews	Page 12
6.	Step Three: Contract Review and Submission of Pricing Proposals (BID)	Page 12
7.	Selection and Contracting Provisions	Page 14

Other attachments (to be provided to short-listed firms for interviews)

## 1. INTRODUCTION

Spokane School District No. 81 (School District) seeks proposals for providing GC/CM Services for the North Central High School Cafeteria/Commons Addition and the Salk Middle School Replacement – Phase 2 projects. The District is asking for Statements of Qualification for each project based on this Request for Proposals. Firms will be shortlisted for Interviews based on the submitted Statements of Qualification for each individual project. Separate Interview scoring and separate Fee Proposals will be used to select the successful GC/CM for each project.

The School District has made the determination to use, and the Governor’s Capital Project Review Advisory Board has approved the use of, the General Contractor/Construction Manager procedure of public works contracting authorized by Chapter 39.10 RCW for the Project in lieu of sealed bids

Required GC/CM services for the pre-construction phase will include, as a fully integrated member of the School District’s project team: involvement in team meetings; critical path method scheduling for buyout, construction, commissioning, close-out and move-in; conceptual estimating, preparation of detail estimates of developing designs and design alternates; regular systems analysis; value analysis, and constructability input to the developing design; early preparation of subcontract and supplier packaging plans; preparation of sub-contract documents and selection process; identification of early award and long lead packages and early bidding and award if required; site investigations, testing and inspection services; and subcontract bidding and bid analysis. These and other services are described in more detail in the Contract Documents.

The GC/CM will become an integral part of the School District’s project team. The team is comprised of:

- School District: Gregory Brown, AIA, Director of Capital Projects and Planning. Responsible for overall management of the project for the School District.
- Architect: NAC Architecture.

The GC/CM's construction phase services include: holding weekly project team meetings; sub-contract administration; CPM schedule maintenance and reporting; sub-contract claims and impact analysis; change and issue management; time and cost control, including claims mitigation; quality control and assurance; safety management; the coordination and management of all construction activities; payment of all materials, labor and equipment; preparing all daily, weekly and monthly reports of progress, cost, quality issues, claims mitigation, commissioning and completion activities; and project records maintenance. These and other services shall be described in more detail in the Contract Documents.

The request for proposal describes the selection process and documentation required for submitting proposals for this project. Any firm failing to submit a proposal in accordance with the procedures set forth in this Request for Proposal may be considered non-responsive.

Proposing firms are required to attend a **Mandatory Pre-proposal Conference** at which the particulars of the project, the consultant selection process, schedule, and elements of the contract will be discussed.

**Date:** Thursday, December 4, 2014  
**Time:** 3:30 p.m.  
**Where:** **Support Services Center, First Floor Conference Center**  
**Address:** **2815 E. Garland Ave.  
Spokane, WA 99207**

Incentive Program: The District intends to implement an incentive program with the GC/CM that includes but is not limited to the following incentive categories and will be further defined in the Owner – GC/CM contract terms:

- Maintaining positive neighbor relations,
- Construction schedule compliance,
- Construction budget and cost compliance,
- Promoting positive teamwork with District Capital Projects staff, architect and school staff,
- Project site safety.

All information shall be submitted at the dates and times indicated herein to:

Location: Spokane Public Schools  
Barb Carson, Purchasing Services  
2815 E. Garland Avenue, Spokane, WA 99207-5889  
Telephone: (509) 354-7183

Any questions or requests for clarification regarding this Request for Proposal during the submittal preparation period must be addressed to the School District's designated representative:

Craig Caro, AIA  
Project Manager, Spokane Public Schools  
2815 E. Garland Avenue, Spokane, WA 99207-5889  
Telephone: (509) 354-5775  
Email: craigc@spokaneschools.org

The School District will consider no telephone inquiries (with the exception of requests to view drawings and documents) regarding the Request for Proposal, and will consider no in-person inquiries except as identified below.

Any firm that attempts to contact any official, employee, or representative of the School District in any manner contrary to the above requirements may be disqualified from further consideration. This prohibition does not apply to:

- Telephone calls to the School District to request copies of this proposal, to confirm attendance, or request directions relative to an interview notification received from the District;
- Delivery of the firm's proposal;
- Discussion at the pre-proposal conference and interview;
- Delivery of written questions about the proposal;
- School site visits, with school administration approval, to better understand the project.
- Review of selected drawings of existing structures at the School District offices. Proposers wishing to review such documents must make an appointment by telephone in advance. To make an appointment, please contact Craig Caro, Project Manager, at (509) 354-5775.
- Spokane Public Schools offices are closed December 24, 25, 26, 31, 2014 and January 1, 2015.

The District intends to comply with the mandated apprenticeship goals of 15% for this project.

## 2. PROJECT DESCRIPTIONS

**North Central High School Cafeteria/Commons Addition** – This project consists of a new 32,000 square foot, two story addition to be located above the main buried gym, connecting the existing main building with the recently completed Classroom Addition. The project schedule is for construction to start in spring of 2017 and complete fall of 2018. Students will be on site during construction and laydown/staging areas will be limited.

The school district intends to enter into a construction contract for this project at approximately \$10,000,000, which includes the GC/CM MACC, Negotiated Support Services, Specified General Conditions, Fee and GC/CM Contingencies but which excludes Preconstruction Services, Owner Contingencies, Washington State and local sales taxes.

**Salk Middle School Replacement – Phase 2** – This project consists of a new 97,000 square foot, two story structure attached to the recently completed Phase 1 Gym project. The project includes demolition of the existing Salk Middle School after the new structure is built and site work consisting of the replacement of existing softball and baseball fields and replacement of all vehicular and pedestrian circulation on site including approximately 115 new parking stalls. The project schedule is for construction to start in spring of 2016 and complete fall of 2018. Students will be on site during construction.

The school district intends to enter into a construction contract for this project at approximately \$25,000,000, which includes the GC/CM MACC, Negotiated Support Services, Specified General Conditions, Fee and GC/CM Contingencies but which excludes Preconstruction Services, Owner Contingencies, Washington State and local sales taxes.

Additional project description will be given during the Pre-proposal Conference.

## 3. SELECTION PROCESS AND SCHEDULE

The School District is contracting for GC/CM services in accordance with the process authorized by Chapter 39.10 RCW.

Selection will be made through a three step process. The process for selection and award of the contract will be as follows:

- |                      |  |
|----------------------|--|
| Step One (SOQ)       | Firms to submit Statements of Qualification. Short list of the most qualified firms will be made after review of SOQ submissions. (100 points (Not included in final cumulative score)).   |
| Step Two (Interview) | Firms to Interview. Selection of the most qualified firms after submission of contract comments and Interviews. (200 Points)   |
| Step Three (Bid)     | Firms to submit Contract Comments and Cost Proposals. Selection of the successful firm for contract execution after submission of Cost Proposals and final scoring tabulated. (100 points) |

Step One (SOQ) will be scored only to short list firms who will proceed on to Step Two. Scoring for Step One will **not** be carried further. Short listed firms from Step One will begin Step Two on equal footing. Scoring for Step Two (Interview) will account for **Two/Thirds** of the final cumulative score and Step

Three (Bid) will account for **One/Third** of the final cumulative score for the selection of the GC/CM Contractor

Comments to the process described above must be received not later than December 8, 2014 by 4:00 p.m.

### 3.1 Schedule

Dates are approximations for the process steps and are subject to change.

<b>Step</b>	<b>Date</b>	<b>Selection Process</b>
<b>One</b>	Nov. 24, 2014	Advertisement for Request for Proposals Published. (First Notice)
	Dec. 1, 2014	Advertisement for Request for Proposals Published. (Second Notice)
	Dec. 3, 2014	Request for Proposal Available
	Dec. 4, 2014	Pre-Proposal Conference at <u>3:30</u> pm.
	Dec. 8, 2014	Last day for Questions from Proposers. Last day for process comments.
	Dec. 18, 2014	Qualifications due at <u>2:00:00</u> pm. (as revised by Addendum #1)
	Dec. 18- Dec. 29, 2014	Initial screening and short-listing of firms.
	Dec. 30, 2014	Notifications sent to firms along with the contract attachments.
<b>Two</b>	Jan. 15, 2015	Interviews conducted.
	Jan. 16, 2015	Notification sent to firms regarding notification of firms to submit cost proposals
<b>Three</b>	Jan. 19, 2015	Short listed firms submit contract comments, by <u>4:00:00</u> pm.
	Jan. 28, 2015	Submit fully compliant cost proposals due at <u>2:00:00</u> pm.
	Feb. 2, 2015	Selected GCCM to sign agreement for Pre-Construction Services
	Feb. 11, 2015	Spokane School Board's final approval anticipated (Board Meeting subject to change).

## 4 STEP ONE – Statements of Qualification (SOQ) Submittal Requirements

### 4.1 Submittal Information

- 4.1.1 The proposing firm shall submit FIVE (5) copies of its qualifications for each of the projects being submitted on. Each copy shall be provided in a white 3-ring, loose leaf, one inch (1”) binder with the firm name and the Statement of Qualification name and numbers on both cover and spine.  
RFP No. 8-1415: North Central High School Cafeteria/Common Addition  
RFP No. 9-1415: Salk Middle School Replacement – Phase 2
- 4.1.2 The submittal shall be limited to a **maximum of forty (40) double sided pages** (8-1/2” x 11”) not smaller than 11 pt type.
- 4.1.3 The cover letter, table of contents, and tabs do not count toward the page limits. Tabs to only include Title and Graphics (no additional information).
- 4.1.4 Project cut sheets, including photos, are included in the page limits. Submittals exceeding the page limits may be considered non-responsive.
- 4.1.5 Please Note: In preparing the firm’s Statement of Qualifications, the proposing firm shall clearly identify the firm’s role on each referenced project.
- a) If the proposing firm is representing an individual’s experience while employed at another firm, the firm of record for the project and the individual’s role shall be clearly identified.
  - b) If the proposing firm is representing its experience while part of a joint venture, the joint venture partners shall be listed and the role of the proposing firm and its employees shall be clearly identified.
- 4.1.6 The District requires that respondents follow the format in the RFP in their response. Failure to follow the format as described herein may result in disqualification of the respondent’s proposal.

### 4.2 Qualifications Statement

- 4.2.1 Qualifications Statement: **Table of Contents**
- 4.2.2 Separate section with a tab: **Executive Summary.**
- a) This summary should not be more than two pages. It is to provide a summary highlighting the firm’s qualifications and special expertise to provide the services requested in the Request for Proposal and may contain any information not shown elsewhere in the submittal.
- 4.2.3 Separate section with a tab: **Company Profile.**
- a) Identification of firm, including address, telephone number, Washington Contractor’s license information, email address, and date firm was established.
  - b) Provide the firm’s bonding capacity and state the ability of the firm to bond this project. List the name, contact person and telephone number of your bonding

- agent, and include a statement from your bonding agent pertaining to the commitment to bond this project.
- e) Provide total size and breakdown of firm personnel by category (e.g., principals, project managers, construction managers, superintendents, estimators, schedulers, and other technical, clerical).
  - d) State your annual volume (in dollars) of construction for the past five years, your anticipated volume for the current year, and your plans for the next year, including this project.
  - e) Describe your approach and techniques for claims/disputes avoidance and mitigation. Provide a history of prior claims and disputes during the past seven years for all projects. Include Requests for Equitable Adjustments (REA) over \$100,000. State the amount of the claim or REA, when it was submitted to the Owner (at pre-construction, construction, or post substantial completion phases), your justification for the claim or REA, whether it was initiated by a subcontractor, how it was settled and for what amount. Provide Owner contact name, position and telephone number
  - f) Describe the experience of your firm in working in this locale with local permitting authorities, subcontractors, and suppliers, local pricing of construction, weather, and utilizing local subcontractors and suppliers and projects of this size

4.2.4 Separate section with a tab: **Project Team.**

- a) Provide an organization chart for your project team indicating principal, project manager, project estimator, project purchasing/contracts manager, superintendent(s), project engineer(s), pre-construction or construction phase managers if applicable. Give a brief description of the roles of the personnel on the team and list their current location and the length of service with your firm. The project principal, project manager, superintendent(s), estimator, and pre-construction manager (if proposed) listed must be the personnel who will be assigned to the project. Other positions should be filled with personnel of a quality, expertise and experience level of the personnel who will fill these positions when necessary.
- b) In narrative form, for each of the individual team members named above, discuss experience, qualifications, registrations, and education. Identify projects; date, position, and firm with which the individual was employed at the time of services were performed; and include owner contacts (including telephone numbers) for each project. Provide resumes and references for the proposed team members.
- c) Briefly discuss the availability of all key personnel for the scheduled time frame of the proposed project, and identify their proposed location during provision of the requested services. Additionally, discuss the capacity of the proposed team, as a whole, to accomplish the work.

4.2.5 Separate section with a tab: **Project Approach: Pre-construction.**

- a) Describe your team's general understanding of the project and the complexities of an occupied and phased project during Pre-construction. Include any special issues that you believe may affect the project or may affect your approach in pre-construction activities. Discuss the major challenges to successful completion of



- the design and bidding phases and how your project team proposes to approach them. Describe the expectations your project team has of the School District.
- b) Explain how your team will develop a project budget and Schedule. Describe how your team will facilitate timely estimate reconciliations and how estimate reconciliations affect the schedule. Describe the estimating and scheduling systems and management techniques your firm employs to achieve success in competing projects on time and within budget, while maximizing the Owner's available funds.
- c) Provide a short synopsis of your team's approach to the following pre-construction responsibilities:
- Design review and commentary,
  - Reconciliation of Owner and GC/CM estimates and various analysis between design phase estimates,
  - Document coordination,
  - Ongoing and formal constructability review and commentary,
  - Ongoing and formal value engineering,
  - Site logistics resolution,
  - Permitting,
  - Subcontract bid preparation and packaging, interest generation, and
  - Construction phasing during occupancy.
- d) Proposed labor rate schedules for the services to be performed for Pre-construction Services. Include the names of individuals on the GCCM preconstruction team, the preconstruction duties they will be performing and the rate per hour that will be charged for each individual for the services performed.
- e) Provide a preliminary list of subcontract bid packages your firm envisions for the construction including early work before the MACC and the Total Cost of Construction is negotiated and agreed to. The District prefers to have the subcontract packages organized similar to a typical lump sum construction project. If your firm intends to combine work scope such as a structures package (i.e., steel and concrete) explain why this would be a benefit to the District and the project. Identify what packages are anticipated to be self-performed. Proposers are cautioned to review the restrictions on such work in Chapter 39.10 RCW.

4.2.6 Separate section with a tab: **Project Approach: Construction.**

- a) Describe your team's general understanding of the project and the complexities of an occupied and phased project during Construction. Include any special issues that you believe may affect the project or may affect your approach in construction activities. Discuss the major challenges to successful completion of the construction phases and how your project team proposes to approach them. Describe the expectations your project team has of the School District.
- b) Describe the subcontractor cost control and time control systems and management techniques that your firm will employ to achieve success in completing packages on time and within budget.
- c) Provide a summary of your firm's approach to quality control during construction. In the summary, include a description of the quality control

organization you plan to employ and the levels and authority of the individuals assigned quality control responsibility.

- d) Provide a summary of the accident prevention program you would employ, submit your company's EMR and OSHA Lost Time Accident Rate for the past five years.

4.2.7 Separate section with a tab: **Representative Projects:**

- a) Provide project information for a maximum of five (5) recent projects from the past seven (7) years where your services included those most closely related to the scope of the pre-construction services and construction scope of this project.

4.2.7.a.1 For each project provide a description of the project, the firm's role on the project, a reference that is familiar with your firm's performance, an owner contact (including telephone number) and note if any of the individuals named in your project team participated as members of the project team for the listed project.

4.2.7.a.2 Information pertaining to experience as a prime contractor is acceptable if noted. If the proposing firm is representing its experience while part of a joint venture, the joint venture partners shall be listed and the role of the proposing firm shall be clearly identified

4.2.7.a.3 Provide the following information in the following order; (1) Original estimate, (2) original guaranteed price, (3) what stage (% of completion of the design drawings) and how many bid packages had been bid (% of total cost of all bid packages) of the project the original guaranteed maximum price was signed, (4) final contract price, (5) original contract completion date, (6) date of substantial completion.

4.2.7.a.4 Provide contact information (Owner, Project Manager, or Facilities Manager) for the above referenced projects: Name, phone number, email and position held at time project was completed.

#### 4.3 Review of Proposal

- 4.3.1 All interested contractors will submit proposals in accordance with Section 4.2, Qualification Statement.
- 4.3.2 Following an initial screening of the proposals, the committee will select what it considers to be the most highly qualified firms to provide the services required for the proposed project. Selection will be based on the evaluation criteria set forth below. The firms/teams submitting proposals will be ranked, and the committee will then recommend a shortlist of not less than two (2) and not more than four (4) per project of most qualified firms for continuation to Step Two. The short-listed firms will receive the agreement (revised AIA A133-09), general conditions (revised AIA A201-07) and special conditions, General Requirements and related information. The shortlist will be provided in alphabetical order without any ranking whatsoever.
- 4.3.3 The following selection criteria will be the basis for the shortlist:

	<b>Evaluation Criteria</b>	<b>Points</b>
a.	<b>Company Profile:</b> Available bond and workload and approach and techniques for claims/disputes avoidance and mitigation;	10 points
b.	<b>Company Profile:</b> familiarity and experience working in the Spokane community local pricing of construction, weather, and utilizing local subcontractors and suppliers and projects of this size;	15 points
c.	<b>Project Team:</b> Experience in the performance of GCCM alternate public works contracting and number of projects completed as a team;	20 points
d.	<b>Project Approach: Pre-construction:</b> Demonstrated expertise and experience of the Proposer in the services required in the contract including detailed estimating, value engineering and timely estimate reconciliation;	10 points
e.	<b>Project Approach: Pre-construction:</b> Hourly rates as compared to competing proposers;	10 points
f.	<b>Project Approach: Construction:</b> Demonstrated expertise and performance on complex school renovations or other relevant projects, including complex and negotiated projects, quality control, health & security controls, avoidance of disruption to neighbors and nearby businesses, safety management and accident prevention;	15 points
g.	<b>Representative Projects:</b> Demonstrated expertise in similar GC/CM projects and references:	20 points

**Total** 100 points

## 5 STEP TWO: Interviews

5.1 **Interviews (200 points):** Interviews with the short-listed firms will be conducted for the purpose of determining which of the short-listed firms are the most qualified for the project; which firms have the project personnel best able to complete the scope of services; which firms most fully understands and is able to perform the role of GC/CM as envisioned by the School District.

- 5.1.1 Key personnel (limit of 6) from proposing firms to be assigned to the project are required to be present and participate in the interview. As part of the interview process, both the short-listed firms and their key personnel shall meet the selection criteria set out below.
- 5.1.2 Times for interviews will be selected by random lottery.
- 5.1.3 Presentation topics along with scoring criteria will be identified to the short listed firms in a notification letter.
- 5.1.4 Following completion of the interviews the committee will select firms for consideration in Step Three and a score will be assigned to each firm. The score will be kept confidential until after the selection process is complete. The Interview score will account for **Two/Thirds** of the final cumulative score.

## 6 STEP THREE: Contract Review and Submission of Pricing of Proposals (BID)

6.1 **Contract Review:** Eligibility for the BID phase will be subject to short listed firms' contract review, comments and proposed changes as described in Item 1 below. If negotiation of contract terms is deemed not to be successful, the short listed firm will not be advanced to the BID phase.

- 6.1.1 All short listed firms will be required to provide the following: All questions, comments or proposed changes regarding the proposed Agreement, General Conditions, Special Conditions, Pre-construction Services or General Requirements Section 01100 et seq. in writing. The District is under no obligation to incorporate any proposed change in the Contract Documents.
- 6.1.2 If the short listed firm has no questions, comments or other proposed changes, they shall confirm this in writing.
- 6.1.3 The District will consult with the selected firms regarding their proposed changes. If the District finds any conditions or comments set-forth by the short-listed firm to be detrimental to a successful negotiation of the MACC and the Total Cost of Construction and cannot be expeditiously agreed upon, contract negotiation will be deemed un-successful, and the firm will be disqualified from moving on to the Pricing of Proposal Phase. The District will issue any accepted revisions by Addendum to the Contract Documents.

6.2 **Pricing of Proposals (BID) (100 points):** The firms considered most highly qualified will be asked to submit to the School District a fully compliant priced proposal for fixed site general conditions and a fixed fee on a proposal form to be provided. The terms "Fee" and "Specified General Conditions" are specifically defined in the GC/CM contract forms. The School District reserves the right to modify the contract documents included in this Request for Proposal for the priced proposal submittal. In addition, the proposal shall include;

- 6.2.1 A detailed breakdown of costs for Specified General Conditions;
- 6.2.2 A detailed breakdown of anticipated costs for Negotiated Support Services;
- 6.2.3 A breakdown of hours, rates, and costs for Pre-Construction Services;

- 6.2.4 A preliminary Pre-Construction and Bid Schedule with an estimated date of final design drawing completion, MACC negotiation, Bid Period(s) and Start of Construction.
- 6.2.5 A proposed Bid Package plan which indicates scope, schedule and estimated cost of any anticipated early bid packages.
- 6.3 Proposers shall furnish a bid guarantee in the form of a bid bond in a form acceptable to Owner: certified check, cashier's check payable to Owner or a bid bond acceptable to the owner and executed by a bonding company licensed in the state of Washington on a Public Works Bond or equivalent form, in the amount not less than five percent (5%) of the bid Specified General Conditions and the bid Fee percentage applied to the estimated MACC. The School District reserves the right to hold the bid guarantees of all proposers until the successful proposer has entered into the contract and furnished the required deliverables, or for a period of ninety (90) days, whichever occurs first.
- 6.4 Currently the construction budget for the purposes of this RFP for North Central is \$10,000,000 and for Salk is \$25,000,000. This figure represents the total budget for all construction costs including the GCCM MACC, specified site general conditions, fee, negotiated support services and GC/CM contingencies. It does not include preconstruction services, owner contingencies, and local and Washington state sales tax. The preconstruction services fees shall be an allowance in the amount of \$200,000 in which the GC/CM shall bill against on a time spent basis.
- 6.5 The District reserves its rights to enter into a Pre-construction Services agreement prior to Board approval of the recommended GCCM. In the event the Board does not approve the recommended GCCM, the pre-construction services agreement will be terminated and a new a new agreement will be entered into with the Board approved GCCM.
- 6.6 Final submissions will be reviewed by the committee and recommendations made to the School District's Board of Directors based on the following:

1. Priced Proposal (Fee and Specified General Conditions, as standardized)	100 points
 TOTAL	 100 points
 CUMULATIVE TOTAL (STEP 2 + STEP 3)	

Priced proposals will be evaluated as follows:

Lowest conforming priced proposal = 100 points. All others calculated by the following formula:  $Points = 100 - (Bid \text{ minus Low Bid, divided by } \$35,000)$ . The School District reserves the right to standardize unbalanced or inadequate pricing of Specified General Conditions.

- 6.8 Upon receipt of the bid envelopes the scoring for Step Two (Interview) will be provided to the firms prior to the public bid opening of the envelopes. In the event of a tie in the total points, the firm with the lowest conforming priced proposal will be selected.
- 6.9 The School District reserves the right to reject any proposal which is unbalanced or which deviates from the mean of the proposals submitted by more than twenty percent (20%).
- 6.10 Based on the recommendation of the committee and subject to approval by the School Board, the School District intends to enter into a contract with the recommended firm for the project.

## 7 SELECTION AND CONTRACTING PROVISIONS

7.1 Notifications. The School District will provide timely notifications of the following actions to firms responding to the Request for Proposal as follows:

Selection of short-listed firms for interviews;  
Firms not short-listed;  
Selection of firms for pricing proposals;  
Selection of recommended firm; and  
School Board approval.

### 7.2 Right to Reject

7.2.1 The School District reserves the right to reject any and all proposals and to re-advertise the project at any time prior to School Board approval of the recommended firm and the execution of the agreement. The School District reserves the right to terminate the contract of the selected GC/CM if a Total Construction Cost (TCC) is not negotiated as specified in the Contract Documents. All costs incurred in the preparation of the Request for Proposal process shall be borne by the proposing firm. Proposals submitted in response to this Request for Proposal shall become the property of the School District and be considered public documents under applicable Washington State laws.

7.2.2 If the School District and the selected firm cannot agree on the contract, the negotiations will be terminated, and the School District reserves the right, but is not obligated to, begin negotiations with the next highest ranked proposer.

### 7.3 Procedures Requirements

7.3.1 Any firm failing to submit information in accordance with the procedures set forth herein may be considered non-responsive.

7.3.2 All costs incurred by firms choosing to participate in this RFP process shall be borne by the proposing firms.

### 7.4 Conflicts of Interest

7.4.1 To avoid conflicts of interest, any firm currently providing Project Management services on either of these two projects for the School District as a prime consultant or joint venture partner and any firms having common ownership with these firms shall be precluded from providing GC/CM services on the project addressed herein.

### 7.5 Protest Procedures

7.5.1 Any actual or prospective Proposer who is aggrieved in connection with the solicitation or award of this contract may protest to the School District in accordance with the procedures set forth herein.

a. Protests based on the terms in this Request for Proposal must be labeled on the envelope as a "Protest" and must be received within seven (7) calendar days prior to the submittal deadline.

- b. Bid protests based on Step 3- Submittal of Fully Compliant Cost Proposals must be labeled on the envelope as a “Protest” and must be received within two (2) working days from the time when bids are due.
  - c. Other protests (other than those listed above) shall be received within two (2) working days after the milestone has past that forms the basis of the protest.
- 7.5.2 In order to be considered, a protest shall be in writing and shall include: (1) the name and address of the aggrieved person; (2) the contract title under which the protest is submitted; (3) a detailed description of the specific grounds for protest and any supporting documentation; and (4) the specific ruling or relief requested. In addition, if the protesting party asserts "responsibility" as a ground for protest, it must address in detail each of the matters addressed in RCW 43.19.1911(9) in its written protest.

The written protest shall be delivered to:

Cindy Coleman, Director, Business Services  
Spokane Public Schools  
2815 E. Garland Avenue  
Spokane, WA 99207-5889

And shall be labeled: “Protest”.

- 7.5.3 Upon receipt of written protest, the School District shall promptly consider the protest. The School District may give notice of the protest and its basis to other persons, including Proposers involved in or affected by the protest; such other persons may be given an opportunity to submit their views and relevant information. If the protest is not resolved by a mutual agreement of the aggrieved party and the School District, the School District will promptly issue a final and binding decision in writing stating the reasons for the action taken. A copy of the decision shall be mailed by certified mail, return receipt requested, or otherwise promptly furnish to the aggrieved person and any other interested parties. If the protester receives no decision within six (6) working days, the protest shall be deemed rejected.
- 7.5.4 Strict compliance with the protest procedures set forth herein is essential in furtherance of the public interest. Any aggrieved party that fails to comply strictly with these protest procedures is deemed, by such failure, to have waived and relinquished forever any right or claim with respect to alleged irregularities in connection with the solicitation or award. Timely and proper compliance with and exhaustion of these protest procedures shall be a condition precedent to any otherwise permissible judicial consideration of a protest.
- 7.5.5 Any Proposer submitting a proposal shall be deemed to have accepted these procedures.

END OF REQUEST FOR PROPOSAL