

Request for Response to Provide Project Management Services

Massachusetts School Building Authority Accelerated Repair Program

Address: 40 Broad Street, Suite 500, Boston, MA 02109

Web Address: <http://www.massschoolbuildings.org>

RFR File Name/Title: Project Management Services for the Accelerated Repair Program

RFR File Number: MSBA-RFR-AccRepOPM-2024

RFR Contact Person: Siobhan Tolman, Procurement and Contracts Manager

SECTION I. SUMMARY

The Massachusetts School Building Authority (the “MSBA”) is seeking responses from qualified Owner’s Project Managers (OPM), as defined by Massachusetts General Laws Chapter 149, Section 44A ½, interested in providing professional oversight, management, and construction administration services to eligible Massachusetts cities, towns, and regional school districts (collectively the “Districts”) that will be invited to participate in the MSBA’s Accelerated Repair Program (the “Program”).

Districts will be invited to the Program for the replacement of exteriors windows/doors and the replacement or restoration of roofing thereby increasing energy efficiency in otherwise sound educational facilities. For roof projects, Designers will be responsible to complete an evaluation at Schematic Design to determine potential solar zone areas of the existing roof as well as the scope and estimated cost to make identified roof areas solar zone ready. In addition, for roof projects, Designers will complete an analysis at Schematic Design to determine the viability of roof restoration. An evaluation by the Designer will include analysis of the existing roof’s condition. See Section I. Item B. for further information.

To facilitate schools moving toward Massachusetts’ goal for net-zero carbon emissions by 2050, the MSBA will be contracting with a consultant in July 2024 to evaluate existing public K-12 schools to determine scope, schedule, and cost factors to convert existing buildings to heat pumps for heating and cooling, while also removing dependency on fossil fuels, and/or to otherwise assist the MSBA with services associated with developing programmatic processes to fund heat pump conversion projects within the Program. This study will be done in lieu of offering boiler replacements as part of the 2024 Program. The MSBA anticipates including heat pumps as an option as part of the 2025 Statement of Interest opening. As a result of this Request for Responses (“RFR”), selected Respondents will also be assigned to districts invited to complete heat pump projects as part of the 2025 Program.

Based upon its review of Responses to this RFR, the MSBA anticipates selecting approximately 15-20 OPMs to provide project management services on Accelerated Repair projects over a term of three years. The MSBA, however, reserves the right to select a different number of OPMs. The MSBA anticipates that the selection of OPMs for participation in the Program will occur on or about August 28, 2024. The MSBA will assign OPMs to projects as the projects are approved.

Please note that OPMs selected for the Program are not guaranteed assignment to any specific number of Accelerated Repair projects or to any project at all. Further, a selected OPM may be assigned to one or more projects participating in the Program, as determined by the MSBA. Selection of OPMs pursuant to this RFR is solely for purposes of the Program, and any such selection shall have no bearing on the selection of an OPM for projects that are not part of the Program. The MSBA reserves the right, within its sole discretion, to remove any OPM from consideration for any future assignments. The MSBA also reserves the right, within its sole discretion, to modify the assignment process outlined in Section V, paragraph D of this RFR as it deems advisable to best meet the objectives of the Program.

An OPM that is assigned to a project shall enter into a contract with the District, using the MSBA's standard Contract for Project Management Services for the Accelerated Repair Program and the standard Contract for Project Management Services Amendment (**Attachment C**). The MSBA reserves the right to modify these documents as necessary to match the scope requirements of a particular project and meet the needs of the Program more closely. For each project, the District, in consultation with the OPM, will provide the Designer with a specific project scope, an estimated construction budget, and a schedule for completion. The OPM will monitor and report on the Designer's and Contractor's compliance with the Municipal Construction Affirmative Marketing Program requirements as set forth in M.G.L. c. 7C, §6 and M.G.L. c. 7, §61. The OPM will also monitor and report on the Designer's and Contractor's compliance with the Commonwealth's Workforce Participation requirements set forth in M.G.L. c. 149, § 44A(2)(g). Reporting will be provided, but not be limited to, within Monthly Progress Reports.

Following Schematic Design, all proposed projects shall be subject to further MSBA Board approval of the scope, budget, and schedule, and shall also be subject to the availability of local funding. The MSBA expects that all projects approved by the Board for participation in the Program shall receive authorization for a Project Funding Agreement by the Board within 12 months after the Board's approval of invitation, unless otherwise described in the Board's project invitation.

The total number of Districts and projects that may be invited into the Program between 2024 and 2026 has not been determined. The total number of projects will be determined after the MSBA completes a review of the building deficiencies identified by Districts in their Statements of Interest. Only those Statements of Interest voted into the Program by the MSBA's Board will be eligible for participation in the Program.

Between 2018 and 2022, the annual budget for the Program has ranged from approximately \$50 million in grants to \$75 million in grants. After a temporary pause in the Program in 2023, the MSBA Board of Directors voted to reopen the Program in 2024 with an increased estimated budget of \$150 million following the approval of the Commonwealth's FY 24 Budget, which provides that grant amounts related to the Program shall not be calculated as part of the

MSBA’s Annual Cap limit, as set forth in Section 7 of Chapter 70B of the General Laws. For additional information, please refer to the October 25, 2023 Board of Directors memorandum, “MSBA Accelerated Repair Program Recommendations”, which details the recommendations specific to the Program. The memorandum can be found at www.massschoolbuildings.org under “Accelerated Repair Program” located within the “Our Programs & Initiatives” tab.

For Statements of Interest submitted by Districts applying for the 2024 Program, the qualifying age criteria for windows will be 30 years and the qualifying age criteria for roofs will be 25 years. Depending on the volume of qualifying Statements of Interest, the MSBA may have to introduce additional or more limiting factors to maintain the annual Program budget. Given the proposed budgetary growth of the Program, the MSBA will commence biennial Statement of Interest openings (every two years) for the Program beginning in 2025. Districts will file Statements of Interest biennially and MSBA staff will review invitations for windows/doors and roofs based on a budget of \$300 million (representing two years’ worth of projects). Furthermore, the MSBA anticipates including heat pumps as an option as part of the 2025 Statement of Interest opening. Firms selected for the Program as a result of this RFR will be assigned to districts invited to complete heat pump projects as part of the 2025 Program. MSBA staff will review invitations for heat pump projects based on an additional budget of approximately \$250 million (representing two years’ worth of projects).

The table provided indicates the number of Districts and projects that have participated in the Program since 2012:

Repair Program	Districts	Schools	Total Project Costs	Maximum Facility Grants
2012 Accelerated	24	36	\$63,009,653	\$38,267,952
2013 Accelerated	25	45	\$94,650,790	\$54,662,551
2014 Accelerated	34	47	\$108,410,084	\$65,388,035
2015 Accelerated	24	43	\$136,680,652	\$91,974,052
2016 Accelerated	28	48	\$156,598,234	\$83,007,586
2017 Accelerated	19	34	\$117,030,307	\$73,280,673
2018 Accelerated	20	30	\$83,172,480	\$47,018,557
2019 Accelerated	25	40	\$88,940,011	\$52,047,959
2020 Accelerated	18	25	\$81,731,451	\$43,329,550
2021 Accelerated	15	40	\$109,602,763	\$59,925,011
2022 Accelerated	12	27	\$86,949,136	\$55,301,436

Further details regarding these projects and additional Program information can be found at www.massschoolbuildings.org under the “Accelerated Repair Program” located within the “Our Programs and Initiatives” tab.

Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Minority and Woman Business Enterprise (M/WBE), Veteran Business Enterprise (VBE), Service-Disabled Veteran-Owned Business Enterprise (SDVOBE), Disability-Owned Business Enterprise, Lesbian, Gay, Bisexual or Transgender Business Enterprise (LGBTBE), Minority Nonprofit Organization (M/NPO), Women Nonprofit Organization (W/NPO) or Minority and Women

Owned Non-Profit Organization (M/W/NPO) are encouraged to submit their qualifications, and Designers must agree to comply with all requirements established pursuant to the provisions of M.G.L. Chapter 7C, Section 6 and Governors' Executive Orders. Please see Section V.(D).(7.) for additional information.

A. OBJECTIVES

To properly support the schedules required for projects in the Program, the MSBA is streamlining the selection and assignment of OPMs and Designers. The objective of this RFR is to select a pool of qualified OPMs who have demonstrated experience working within aggressive schedules on multiple simultaneous projects, including repairs and renovations of occupied buildings that qualified under the Massachusetts Stretch Energy Code and/or the International Energy Conservation Code.

The MSBA intends to assign an OPM to every Accelerated Repair Program project regardless of the estimated cost of the project.

B. SCOPE OF SERVICES

The required scope of services is set forth in the MSBA's standard Contract for Project Management Services (the "Contract") and the standard Contract for Project Management Services Amendment (**Attachment C**). The MSBA reserves the right to modify these documents to align with the scope and schedule requirements of projects more closely in the Program and to best meet the objectives of the Program.

The eligible scope for the 2024 Program is limited to the replacement of windows/doors and the replacement or restoration of roofs that have reached a certain minimum years of service. The MSBA reserves the right to adjust the minimum years of service during each Program year. The projected cost of a proposed project must exceed \$250,000 to be eligible to participate in the Program. Hazardous materials abatement is ineligible for reimbursement, unless the MSBA determines, in its sole discretion, that it is directly associated with the approved project scope. Facilities in need of extensive repair or renovation work such as HVAC, electrical, or plumbing upgrades, interior space renovations, educational space updates, or additions to address overcrowding, are ineligible for participation in the Program. Based on the outcome of the MSBA's engagement with the heat pump consultant to assist the MSBA with services associated with developing programmatic processes to fund heat pump conversion projects within the Program, certain extensive repair or renovation work associated with HVAC, electrical, or plumbing upgrades will be eligible for participation in the Program to support heat pump conversion projects.

Existing building conditions and estimated project cost may necessitate a Designer to determine the applicability of 521 CMR for a project. Such determination will be completed during the Schematic Design phase by the Designer. Projects will not be recommended for Project Funding Agreement approval by the MSBA's Board unless the scope, budget, and schedule in the Schematic Design submission to the MSBA includes all ADA upgrades necessitated by 521 CMR. If the District wishes to pursue a variance from the Massachusetts Architectural Access Board ("MAAB"), a copy of the approved variance and the ADA upgrades required by the variance must be included in the Schematic Design. The MSBA will not accept Schematic Design submissions inclusive of a proposed variance for timed

relief after the substantial completion of the invited scope. Work required by CMR 521 and any approved variance must be constructed in coordination with the window/door, roof, and/or heat pump project and therefore must be completed by the substantial completion of the invited project scope.

For roof projects, Designers will be responsible to complete an evaluation at Schematic Design to determine potential solar zone areas of the existing roof as well as the scope and estimated cost to make identified roof areas solar zone ready. The evaluation will include the potential need to upgrade the existing electrical capacity of the building as well as the structural capacity of the roof to support future solar panels.

In addition, for roof projects, Designers will complete an analysis at Schematic Design to determine the viability of roof restoration. An evaluation by the Designer will include analysis of the existing roof's condition. The roof should be tested for water damage to identify sections of the roof in need of full replacement as opposed to those areas in need of isolated repairs. A viable roof restoration solution will be expected to qualify for warranty coverage that extends 20 years from the date of restoration. If, as a result of this analysis, the District determines roof restoration is the preferred solution then the scope of roof restoration shall include, but not be limited to, a thorough cleaning of the existing roofing surface followed by a fluid-applied surfacing application that restores and extends the roof's waterproofing.

The MSBA's evaluation of Statements of Interest and the estimated scope and cost of the potential projects, among other things, will be considered by the MSBA in determining the actual number of projects voted into the Program by the MSBA's Board. Some Districts may qualify for multiple projects in the Program.

C. FEES

The MSBA has established a not-to-exceed fee for OPM Services of \$15,000 for the Schematic Design phase for Districts with one school invited into the Program. For Districts with two or more schools invited into the Program, the not-to-exceed fee is \$20,000 for the Schematic Design phase. If the estimated Total Project Budget for one school or the combined estimated Total Project Budgets for two or more schools exceed \$5 million, the not-to-exceed fee does not apply for the Schematic Design phase. The District and the assigned OPM will negotiate the fee for the remaining phases based on the specific project scope, estimated construction budget, scope of services, and timeline for completion of the work. If the District is unable to negotiate an acceptable fee with the assigned OPM, the District may request that the MSBA assign another OPM for fee negotiations.

SECTION II. MSBA BACKGROUND

Chapter 208 of the Acts of 2004 established the Massachusetts School Building Authority. The MSBA is an independent public authority not subject to the supervision and control of any other executive office, department, commission, board, bureau, agency, or political subdivision of the Commonwealth. The MSBA's Board consists of the State Treasurer, who serves as chair, the Secretary of Administration and Finance, the Commissioner of Education, and four additional members appointed by the State Treasurer.

Prior to the establishment of the MSBA, the Department of Education administered and managed the former school building assistance program. Chapter 208 eliminated the former program and created a new program for school building construction, renovation, and repair projects, administered by the MSBA. The new program assists cities, towns, regional school districts and independent agricultural and technical schools to finance school-building projects. The MSBA has adopted regulations necessary to administer the new program and to review and approve applications for reimbursement for school building construction projects.

For more detailed information about the MSBA and the MSBA's grant program please visit our website at www.massschoolbuildings.org and refer to Massachusetts General Laws Chapter 70B, Chapter 208 of the Acts of 2004, and 963 CMR 2.00 *et seq.*

SECTION III. GENERAL INFORMATION

All terms, conditions, requirements, and procedures included in this RFR must be met for a Response to be qualified as responsive. The MSBA reserves the right to waive or permit cure of non-material errors or omissions. The MSBA reserves the right to modify, amend or cancel the terms of this RFR at any time. All Responses must be submitted in accordance with the specific terms of this RFR. **Responses to this RFR must be submitted by the deadline in electronic format to the email address specified in Section IV.(2.).**

Respondents should receive an email confirming receipt of submission. If Respondents do not receive a confirmation email, Respondents are encouraged to contact Siobhan Tolman at Siobhan.Tolman@MassSchoolBuildings.org in advance of the submission deadline.

A. SPECIFICATIONS

- 1. Respondent Communication.** All communication regarding this RFR must be **in writing via email** to the contact person designated in Section III(B) of the RFR. Any individuals and/or firms that intend to submit a Response are prohibited from contacting any employee of the MSBA other than the contact person regarding this RFR. **Failure to observe this rule will result in disqualification.** Furthermore, no other individual MSBA employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR and the MSBA shall not be bound by any such unauthorized provision of information or response. Respondents should notify in writing by email the contact person for this RFR in the event it is incomplete, or the Respondent is having trouble obtaining any required attachments electronically through COMMBUYS, or from the MSBA's website.
- 2. Reasonable Accommodation.** Respondents who seek reasonable accommodation because of disabilities or other hardship, which may include the receipt of RFR information in an alternative format, may communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis.
- 3. Public Records.** All Responses and related documentation and information submitted in Response to this RFR are subject to the Massachusetts Public Records Law, M.G.L.

c. 66, §10; c. 4, §7(26)(h), regarding public access to such documents. Any statements in submitted Responses that are inconsistent with the provisions of these statutes will be void and disregarded. Respondent agrees that the MSBA shall not be liable under any circumstances for the subsequent disclosure of any information submitted to it by Respondent pursuant to this RFR and/or in connection with any contract entered between Respondent and the MSBA as a result of the RFR process.

Respondents are advised that all Responses are deemed sealed; and therefore, the contents will be treated as confidential and will not be disclosed to competing Respondents until the evaluation and review process has been completed and the contract has been awarded.

4. **Submission of Proposed Materials and Virtual Presentation.** All materials, representations, and submissions made within the Response and at any virtual presentation are subject to becoming part of the contract binding the selected Respondent to uphold the materials, representations, and submissions made by the selected Respondent within the Response and at the virtual presentations, if any.
5. **Conflict of Interest.** The Respondent shall certify in writing that no relationship exists between the Respondent and the procuring or contracting agency that interferes with fair competition or is a conflict of interest, and no relationship exists between the Respondent and another person or organization that constitutes a conflict of interest. No official or employee of the MSBA who exercises any function or responsibility in the review or approval of the undertaking or carrying out of this project shall, prior to the completion of the project, voluntarily acquire any personal interest, either directly or indirectly, in this contract or proposed contract.

The Respondent shall provide assurance that it presently has no interest and shall not acquire any interest, either directly or indirectly, which will conflict in any manner or degree with the performance of its services hereunder. The Respondent shall also provide assurances that no person having any such known interest shall be employed during the performance of this contract.

Respondents shall remain in full compliance with the Massachusetts conflict of interest law, G.L. c. 268A.

6. **Costs.** The MSBA will not reimburse any individual or firm for any costs associated with the preparation or submittal of any Response to this RFR or for any travel and/or per diem incurred in any presentation of such Responses. Costs that are not specifically identified in the Respondent's submissions and accepted by the MSBA as part of a contract will not be compensated.
7. **MSBA Website, and COMMBUYS.** This RFR has been distributed electronically using the COMMBUYS system and can be accessed at www.COMMBUYS.com. RFR Attachments that are referenced are available either as separate files along with the RFR, or in the COMMBUYS "Attachments" section. The RFR and Attachments are also available at the MSBA's website: www.massschoolbuildings.org

Respondents are solely responsible for obtaining and completing required attachments that are identified in this RFR; for regularly checking both COMMBUYS and the MSBA website for any addenda or modifications that are subsequently made to this RFR or attachments; for obtaining, reviewing and appropriately responding to any such addenda or modifications to the RFR of attachments; and for acknowledging the receipt of any addenda in the cover letter. The MSBA accepts no liability and will provide no accommodation to Respondents who fail to make themselves aware of addenda, amendments, or modifications to this RFR or its attachments and, as a result, submit incomplete or incorrect Responses. Respondents may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of this RFR, specifications, terms, and conditions, which change the intent of this RFR are prohibited and may disqualify a Response.

- 8. Validity of Response.** Responses must remain in effect for at least **180 days** from the submission deadline and thereafter until either the Respondent withdraws the Response in writing, a contract is executed with the Respondent, or the procurement is canceled, whichever occurs first.
- 9. Prohibition Against Distribution of Information.** Any Respondent awarded a contract under this RFR is prohibited from selling or distributing any information collected or derived from the contract and/or procurement process, including lists of participating or eligible MSBA employee names, telephone numbers, or addresses, including email addresses.
- 10. Right to Modify.** The MSBA reserves the right to modify, amend, or cancel the terms of this RFR at any time prior to the closing date. The MSBA reserves the right to negotiate with the selected Respondent(s) as to any element of cost or performance, including without limitation, elements identified in the RFR and/or the selected Response to achieve the best value for the MSBA.

B. PROCUREMENT CALENDAR

The following is the tentative time schedule for the MSBA’s selection of qualified OPMs interested in providing project management services to local cities, towns, and regional school districts participating in the MSBA’s Accelerated Repair Program. All dates are approximate subject to modification by the MSBA.

Issuance of RFR:	April 4, 2024
Question Deadline:	April 18, 2024
Responses to Questions Posted:	April 25, 2024
RFR Response Deadline:	May 2, 2024 at 3:00pm

Questions concerning this RFR must be submitted to the RFR contact person in writing via email only at the address below. No telephone calls concerning this RFR are permitted. Questions must be received no later than 5:00 P.M. on April 18, 2024. Responses to questions will be posted on or before April 25, 2024.

Siobhan Tolman, Procurement and Contracts Manager
ATTN: "MSBA-RFR-AccRepOPM-2024"
E-Mail Address: siobhan.tolman@massschoolbuildings.org

SECTION IV. RESPONSE REQUIREMENTS

1. Contents of the Response

All Responses to this RFR must include the following information:

- a) OPM Application Form: Respondents must complete the "Owner's Project Manager Application Form" (**Attachment E**) and include the completed Application as part of their Response. Applications should be provided with the electronic submission.
- b) Mandatory Cover Letter: A concise cover letter that is a maximum of two pages in length. **The cover letter must include the firm's certification that it has met the minimum requirements of this RFR.** Respondents must also note whether the work is to be performed by in-house staff or sub-consultants. Additionally, the cover letter must also acknowledge that the Respondent has read and takes no exceptions to the current version of the MSBA's Standard Contract for Project Management Services (MSBA Accelerated Repair Program) and Contract for Project Management Services Amendment (**Attachment C**). A copy of the MCPPO certification/recertification or proof of registration should be attached to the cover letter as well as any SDO letters.

The letter, which shall be considered an integral part of the submission, shall be signed by an individual who is authorized to bind the firm contractually, giving his or her title. The letter must acknowledge Addenda to the RFR, if any, and certify that all information contained in the Response is accurate and complete. Inaccurate or incomplete information may adversely affect the evaluation of the submission.

- c) Firm History: A description of each firm associated with the Respondent's team and their respective roles and history.
- d) Sustainability Statement: Respondents must include a two-page summary demonstrating a clear understanding of the applicable provisions of the Massachusetts State Building Code (780 CMR), Massachusetts Stretch Energy Code and the International Energy Conservation Code, an understanding of current code standards, and explaining how the OPM would oversee and ensure that the sustainability requirements are incorporated into the project. In addition, each Respondent should cite specific examples of assistance, including but not limited to the installation of heat pumps and/or solar panels, it has provided to clients in obtaining energy rebates and other financial incentives.

- e) Professional Qualifications and Experience: A description of the professional qualifications and experience of the key personnel who would be assigned to the MSBA for this project, including subcontractors and joint venturers, if applicable. All Responses also must include a resume and contact information for each of the key personnel who will be providing services to the MSBA. All Respondents also must identify the individual(s) who will have primary responsibility for contacts and communications with the MSBA. The MSBA reserves the right to reject the use of any personnel, within its sole discretion.

- f) Proposed Management Plan: Provide a three (3) page narrative describing the firm's proposed approach to managing a hypothetical \$10 million budget for a District which has received program invitations for three (3) schools including one (1) roof replacement project, one (1) windows/doors replacement project, and one (1) heat pump conversion projects in otherwise sound educational facilities. The narrative must specifically discuss the firm's prior experience with and approach to project coordination, use of project management systems, development of a communication plan, information management, and approach to technical challenges, including bidding, phasing, working in an occupied building, contract closeout, and other issues affecting the project cost and schedule. In addition, Respondents should provide a detailed description, including relevant prior experience, with an emphasis on: working within aggressive schedules including jobs that require second shift work, e.g., "Summer-Slammers", and reviewing specifications related to phased construction and security in student-occupied buildings. Respondents should demonstrate their knowledge and understanding of workforce participation goals for minorities and women as well as minority-owned businesses (MBE) and women-owned businesses (WBE) participation goals for state funded municipal projects. Respondents should demonstrate their knowledge and understanding of programs designed to assist schools and other institutional users for improving their energy efficiency, including but not limited to, providing a list of programs offered by utility companies and providing a list of other energy rebates and financial incentives previously obtained for clients. The narrative should also specifically describe any challenges posed by the applicable provisions of the Massachusetts State Building Code (780 CMR), Massachusetts Stretch Energy Code and/or the International Energy Conservation Code and how the firm would oversee and ensure that the sustainability requirements are incorporated into the project. The narrative must address how the firm would determine the applicability of 521 CMR for a project.

- g) Statement of Limitations: Provide a statement clearly describing any limitations or qualifiers to the submitted Response (such as scope of proposed services, geographic location in which the Respondent is willing to work, etc.).

- h) Business References: Respondents must identify three (3) client references for which the bidder has performed similar services as the services described in this RFR.

- i) Supplier Diversity Program Plan Form: The MSBA is committed to developing and strengthening Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Veteran Business Enterprises (VBE), Service-Disabled Veteran-Owned Business Enterprises (SDVOBE), Disability-Owned Business Enterprises, LGBT Business Enterprises, Minority Nonprofit Organizations (M/NPO), and Women Nonprofit Organizations (W/NPO) and expanding equal opportunity in the primary and secondary industries affected by this RFR. *Please note, completion of a Supplier Diversity Program Plan Form (**Attachment D**) by a Respondent is **NOT** mandatory for the purposes of the MSBA's review of a Response. However, if a Respondent is a certified SDO business or has an SDO partner, the Respondent should complete the form to the extent possible.* Respondents that clearly demonstrate the intent to further the development of the business enterprises and organizations listed above or the existence of a relationship which does further those goals may receive favorable consideration. *If the Form is not completed or provided with a Response, the MSBA will assume that it was omitted intentionally.*
- j) Anti-Discrimination Policy: Each Respondent must include a detailed copy of its policy relative to affirmative actions/equal opportunity and the prohibition of discriminatory employment practices.
- k) Authorized Respondent's Signature and Acceptance Form: If the Respondent is a corporation, partnership, or other business entity, complete **Attachment A** as indicated.
- l) Mandatory Certifications: (an example of a comprehensive certification statement is attached as **Attachment B**):
- 1) Certification of Compliance with Massachusetts Child Care Laws
 - 2) Certification of Compliance with the Revenue Enforcement and Protection Program
 - 3) Certification Regarding Companies Doing Business in Northern Ireland
 - 4) Certification of Disclosure
 - 5) Certification of No Conflicting Relationship
 - 6) Certificate Statement Regarding Criminal Actions and Pending Litigation
 - 7) Certification of Solvency
 - 8) Certification of Minimum Qualifications (if applicable)
 - 9) Certification of Good Standing and Licensure
 - 10) Statement of Compliance with RFR Requirements
 - 11) Statement of Confidentiality
- m) Invest in Massachusetts Data Form: The MSBA encourages investment in our local economy and is committed to advancing the creation and preservation of jobs in the Commonwealth. All Respondents must submit an Invest in Massachusetts Data Form ("IMD Form"), **Attachment F**.

2. Instructions for Submission

Responses to this RFR must be submitted electronically by the submission deadline or the response will not be considered. **Hard copy submissions will not be accepted.** A complete response includes all of the items listed in Section IV. (1.). Electronic responses should not exceed 25MB in size.

Complete responses, including all Attachments, must be submitted by email to Procurement@MassSchoolBuildings.org **no later than May 3, 2024 at 3:00 P.M. EST.** Respondents are encouraged to contact Siobhan Tolman at Siobhan.Tolman@MassSchoolBuildings.org in advance of the electronic submission deadline to confirm receipt of the submission.

Electronic Responses and Attachments received after **May 3, 2024 at 3:00 P.M. EST** will not be evaluated. Responses and Attachments should be emailed to: Procurement@MassSchoolBuildings.org

When responding to this RFR, firms should take note of the following provisions.

- a) Responses should include the information and documents listed in Section IV, Item 1 – “Contents of the Response.”
- b) The MSBA reserves the right to request additional information from firms responding to this Request. Additionally, upon reviewing the Responses the MSBA may decide to have certain firms make virtual presentations.
- c) The MSBA reserves the right to reject any and all Responses to this request, to waive any minor informality in a Response, to request clarification of information from any firm responding and to effect any agreement deemed by the MSBA to be in the MSBA’s best interest with one or more of the firms responding. The MSBA reserves the right to amend or cancel this RFR at any time. All Responses and their contents will become the sole property of the MSBA upon receipt by it.

3. Submission Format Requirements

Respondents are cautioned to read carefully and conform to the requirements for this specific RFR. Failure to comply with the provisions of this RFR may serve as grounds for rejection of a Response.

- a) All Responses must be submitted by email to Procurement@MassSchoolBuildings.org. The specific organization and orientation of the Response is at the Respondent’s discretion, but it is recommended that the Response be laid out in such a manner that the reader doesn’t need to be constantly rotating the proposal.
- b) Submissions must be limited to 15 pages excluding the following:
 - Cover Letter
 - Table of Contents

- Proposed Management Plan
 - Appendix for resumes
 - Anti-Discrimination Policy
 - Attachments A-F
- c) Submissions must be in a 12 point font or larger.
- d) Responses must be delivered electronically to:
Procurement@MassSchoolBuildings.org
- e) Any and all data, materials, and documentation submitted to the MSBA in Response to this RFR shall become the MSBA's property and shall be subject to public disclosure under the Massachusetts Public Records Act. In this regard, Respondents are required to sign the Authorized Respondent's Signature and Acceptance Form, set forth as **Attachment A** hereto.

RESPONDENTS PLEASE NOTE: BY EXECUTING THE AUTHORIZED RESPONDENT'S SIGNATURE AND ACCEPTANCE FORM AND SUBMITTING A RESPONSE TO THIS RFR, RESPONDENT AGREES THAT THE MSBA SHALL NOT BE LIABLE UNDER ANY CIRCUMSTANCES FOR THE DISCLOSURE OF ANY MATERIALS SUBMITTED TO THE MSBA PURSUANT TO THIS RFR OR UPON RESPONDENT'S SELECTION AS AN OWNER'S PROJECT MANAGER FOR THE ACCELERATED REPAIR PROGRAM.

4. Disqualification

- a) Late Responses. Responses that are received after the deadline date and time shall be disqualified.
- b) Nonresponsive Responses. Responses that are not responsive or which fail to comply with mandatory and material requirements of the RFR shall be deemed nonresponsive and shall be disqualified. Nonresponsive Responses shall include, but not be limited to, those that fail to address or meet any mandatory item. The MSBA reserves the right to disqualify from consideration those Responses that are submitted in an incorrect format if the MSBA determines, in its sole discretion, that the formatting error is prejudicial to the interests of other Respondents and fair competition.
- c) Collusion. Collusion by two or more Respondents agreeing to act in a manner intended to avoid or frustrate fair and open competition is prohibited and shall be grounds for rejection or disqualification of a Response or termination of this contract.
- d) Debarred Bidders or Subcontractors. A Respondent who is currently subject to any Commonwealth or federal debarment order or determination shall not be considered for evaluation by the Procurement Team. If a bidder's response is dependent upon the services of a named subcontractor and the disqualification

of this named subcontractor would materially alter the response, then that response shall be deemed unresponsive if the named subcontractor is found to be debarred. Responses that indicate that subcontractors will be used but do not rely on any specifically named subcontractor shall not be deemed unresponsive if the disqualification of a proposed subcontractor will not materially alter the response.

SECTION V. EVALUATION PROCESS

SUMMARY

The Evaluation process will be conducted in two phases. MSBA staff will complete the Phase One Review for all submitted Responses. The purpose of the Phase One Review is to eliminate Responses that do not meet the minimum qualifications, are incomplete, and/or are not responsive to the requirements of the RFR. Responses that are deemed to be complete and responsive based on the Phase One Review will be subject to additional review in Phase Two. In the Phase Two Review, MSBA staff will evaluate the Responses based on highly advantageous, advantageous, and not advantageous ratings. Following the Phase Two Review, MSBA staff will submit its recommendations to the MSBA's Executive Director who will then accept or reject the recommendations. The MSBA reserves the right to require virtual presentations and interviews of Respondents as part of its review if the MSBA determines in its sole discretion that it is in its best interests to do so.

Once the MSBA's Executive Director has accepted a list of selected OPMs, MSBA staff will assign an OPM from the list to each District invited into the Program based upon factors that may include, but not be limited to, qualifications, capacity, project scope, prior experience with the District, past performance on MSBA projects, and geographical location.

A. PHASE ONE REVIEW

Phase One of the Review will ensure compliance with: the minimum qualifications listed below; submission criteria; legal requirements; and other requirements as described in Section IV of the RFR. The MSBA will also review the Responses for completeness, including mandatory attachments. Responses that are incomplete or do not comply with these requirements will be rejected and will not proceed to Phase Two Review. The MSBA reserves the right to waive or permit the cure of non-material errors or omissions.

MINIMUM QUALIFICATIONS

In order to be eligible for selection, Respondents must meet all of the minimum qualifications and must certify in the Mandatory Certification Statement that it meets the following minimum requirements. Any Respondent that fails to include such certification in its Response, demonstrating that these criteria have been met, will be rejected without further consideration.

Each Respondent must designate an individual who will serve as Project Director. The Project Director must have successfully completed the Massachusetts Certified Public Purchasing

Official Program seminar “Certification for School Project Designers and Owner’s Project Managers” as administered by the Office of the Inspector General of the Commonwealth of Massachusetts, and must have maintained certification by completing the “Recertification for School Project Designers and Owner’s Project Managers” seminar every three years thereafter. Proof of recertification or registration in the next recertification seminar for which space is available must be provided. In addition, the Project Director must also meet the following minimum requirements:

The Project Director shall be a person who is registered by the Commonwealth as an architect or professional engineer and who has at least 5 years experience in the construction and supervision of construction and design of public or private buildings;

or,

If not registered as an architect or professional engineer, the Project Director must be a person who has at least 7 years of experience in the construction and supervision of construction and design of public or private buildings.

B. PHASE TWO REVIEW

In addition to the specific requirements set forth below, all Respondents must demonstrate that they have significant experience, knowledge, and abilities with respect to providing project management services on public or private construction projects. The MSBA will evaluate Responses based on criteria that shall include, but not be limited to, the following:

N.B. The term “Key Personnel” means the Respondent’s proposed Project Director, Project Manager(s), Project Representative(s), and its named sub-consultants, if any.

1. Demonstrated Experience and Performance on Public or Private Projects Entailing Energy Efficient Renovations and Repairs of Respondent’s Project Director – Highly Advantageous, Advantageous, and Not Advantageous

Highly Advantageous (20 points): During the last seven (7) years, the Respondent’s Project Director has provided project management services on more than seven (7) public or private projects entailing energy-efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roofing (replacement and/or restoration), exterior windows/doors, replacement, or heat pump conversion in existing buildings.

Advantageous (10 points): During the last seven (7) years, the Respondent’s Project Director has provided project management services on four (4) – seven (7) public or private projects entailing energy efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roofing (replacement and/or restoration), exterior windows/doors replacement, or heat pump conversion in existing buildings.

Not Advantageous (0 points): During the last seven (7) years, the Respondent’s Project Director has provided project management services on less than four (4) public or private projects entailing energy efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roofing (replacement and/or restoration), exterior windows/doors replacement, or heat pump conversion in existing buildings.

2. Demonstrated Experience and Performance on Public or Private Projects entailing Energy Efficient Renovations and Repairs of Respondent’s Project Manager(s) – Highly Advantageous, Advantageous, and Not Advantageous

Highly Advantageous (20 points): During the last seven (7) years, each of the Respondent’s Project Manager(s) has provided project management services on more than four (4) public or private projects entailing energy efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roof (replacement and/or restoration), windows/doors replacement, or heat pump conversion in existing buildings.

Advantageous (10 points): During the last seven (7) years, each of the Respondent’s Project Manager(s) has provided project management services on two (2) – four (4) public or private projects entailing energy efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roof (replacement and/or restoration), windows/doors replacement, or heat pump conversion in existing buildings.

Not Advantageous (0 points): During the last seven (7) years, each of the Respondent’s Project Manager(s) has provided project management services on less than two (2) public or private projects entailing energy efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roof (replacement and/or restoration), windows/doors replacement, or heat pump conversion in existing buildings.

3. Demonstrated Experience and Performance on Public or Private Projects entailing Energy Efficient Renovations and Repairs of Respondent’s Project Representative(s) and Subconsultant(s) – Highly Advantageous, Advantageous, and Not Advantageous

Highly Advantageous (20 points): During the last seven (7) years, each of the Respondent’s Project Representative(s) and named subconsultants have provided project management services on more than four (4) public or private projects entailing energy efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roof (replacement and/or restoration), windows/doors replacement, or heat pump conversion in existing buildings.

Advantageous (10 points): During the last seven (7) years, each of the Respondent’s Project Representative(s) and named subconsultants have provided project management services on two (2) – four (4) public or private projects entailing energy efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roof (replacement and/or restoration), windows/doors replacement, or heat pump conversion in existing buildings.

Not Advantageous (0 points): During the last seven (7) years, each of the Respondent’s Project Representative(s) and named subconsultants have provided project management services on less than two (2) public or private projects entailing energy efficient renovations with total project costs of at least \$1,000,000 each, and consisting of roof (replacement and/or restoration), windows/doors replacement, or heat pump conversion in existing buildings.

4. Proposed Management Plan – Highly Advantageous, Advantageous, and Not Advantageous

Highly Advantageous (30 points): The proposed management plan is realistic and effective in all areas and provides a high level of assurance that the Respondent could manage the projects effectively and could meet the challenges posed by the schedule and any applicable building codes and sustainability requirements. The proposed management plan addresses how the firm would determine the applicability of 521 CMR for the projects.

Advantageous (15 points): The proposed management plan is realistic and effective in most areas and provides a reasonable level of assurance that the Respondent could manage the projects effectively and could meet the challenges posed by the schedule and any applicable building codes and sustainability requirements. The proposed management plan addresses how the firm would determine the applicability of 521 CMR for the projects.

Not Advantageous (0 points): The proposed management plan is not realistic or effective in most areas and does not provide a reasonable level of assurance that the Respondent could manage the project(s) effectively and/or meet the challenges posed by the schedule and any applicable building codes and sustainability requirements. The proposed management plan does not address how the firm would determine the applicability of 521 CMR for the projects.

5. Knowledge of and Experience with Energy Efficient Incentive and Rebate Programs – Highly Advantageous, Advantageous, and Not Advantageous

Highly Advantageous (10 points): The information in the Response demonstrates substantial knowledge and understanding of programs designed to assist schools and other institutional users increase their energy efficiency by providing a list of rebates and incentives as well as associated dollar values on more than four projects with project costs at least \$1,000,000.

Advantageous (5 points): The information in the Response demonstrates adequate knowledge and understanding of programs designed to assist schools and other institutional users increase their energy efficiency, including but not limited to, programs offered by utility companies.

Not advantageous (0 points): The information in the Response does not demonstrate adequate knowledge and understanding of programs designed to assist schools and other institutional users increase their energy efficiency.

6. Capacity and Organizational Structure - Highly Advantageous, Advantageous and Not Advantageous

Highly Advantageous (30 points): The Respondent provides a high level of assurance that it will be able to deploy qualified personnel (Respondent's staff or subconsultants) to manage four (4) or more roof replacement or restoration, windows/doors replacement, and/or heat pump conversion projects on aggressive schedules in occupied facilities by identifying Key Personnel in the organizational chart and their qualifications and current and projected workloads as required in Sections 4 and 5 of Attachment E. The Respondent shall demonstrate that it will be able provide a Project Director and Project Manager(s) to manage four (4) or more roof replacement or restoration, and exterior windows/doors

replacement projects proceeding simultaneously from schematic design through final closeout and that it will be able to deploy qualified Project Representatives to provide full-time representation during construction on four (4) or more roof replacement or restoration, windows/doors replacement, and/or heat pump conversion projects proceeding simultaneously on aggressive schedules in occupied facilities.

Advantageous (15 points): The Respondent provides a high level of assurance that it will be able to deploy qualified personnel (Respondent's staff or subconsultants) to manage three (3) roof replacement or restoration, windows/doors replacement, and/or heat pump conversion projects on aggressive schedules in occupied facilities by identifying Key Personnel in the organizational chart and their qualifications and current and projected workloads as required in Sections 4 and 5 of Attachment E. The Respondent shall demonstrate that it will be able provide a Project Director and Project Manager(s) to manage three (3) roof replacement or restoration, windows/doors replacement, and/or heat pump conversion projects proceeding simultaneously from schematic design through final closeout and that it will be able to deploy qualified Project Representatives to provide full-time representation during construction on three (3) roof replacement or restoration, windows/doors replacement, and/or heat pump conversion projects proceeding simultaneously on aggressive schedules in occupied facilities.

Not Advantageous (0 points): The Respondent does not provide a high level of assurance that it will be able to deploy qualified personnel (Respondent's staff or subconsultants) to manage three (3) roof and restoration, windows/doors replacement projects on aggressive schedules in occupied facilities by identifying Key Personnel in the organizational chart and their qualifications and current and projected workloads as required in Sections 4 and 5 of Attachment E. The Respondent does not demonstrate that it will be able provide a Project Director and Project Manager(s) to manage three (3) roof replacement or restoration, windows/doors replacement, and/or heat pump conversion projects proceeding simultaneously from schematic design through final closeout and that it will be able to deploy qualified Project Representatives to provide full-time representation during construction on three (3) roof replacement or restoration, windows/doors replacement, and/or heat pump conversion projects proceeding simultaneously on aggressive schedules in occupied facilities.

7. Past performance of the Respondent's Proposed Key Personnel, Including Subconsultants, if any, With Previous MSBA-funded Projects Within the Past Three Years – Advantageous, Not Advantageous, and Not Applicable

The MSBA will consider the following factors in determining the Respondent's rating for this criterion:

- a. Quality of the management and coordination of the project schedule;
- b. Record of compliance in the organization of design submittals;
- c. Record of timely submission of schematic design submittals to MSBA;
- d. Record of providing accurate information and guidance to Districts regarding MSBA regulations, policies, guidelines, and procedures;
- e. Record of timely submission of quality monthly reports;
- f. Record of prompt and effective communications to the MSBA when there are any variances in the project budget, scope, or schedule;

- g. Record of working effectively and professionally with contractors, subcontractors, local awarding authority, commissioning consultants, MSBA staff, and local officials; and
- h. Record of completing project closeout in a timely manner.

Advantageous (0 points): The Respondent's proposed Key Personnel have satisfactorily met MSBA program requirements for MSBA-funded projects within the past three years.

Not Advantageous (-15 points): The Respondent's proposed Key Personnel have unsatisfactorily or inconsistently met MSBA program requirements for MSBA-funded projects within the past three years.

Not Applicable (0 points): The Respondent's proposed Key Personnel have not provided project management services on any MSBA-funded projects within the past three years.

A rating of "Not Applicable" on this component shall not prevent the MSBA from selecting a Respondent who otherwise demonstrates the knowledge, experience, and capacity to perform the requested scope of services.

8. Supplier Diversity Program – Advantageous and Not Advantageous

Advantageous (5 points) – Respondent demonstrates, through information provided in "Attachment D", its intent to develop a relationship with SDO certified Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Veteran Business Enterprises (VBE), Service-Disabled Veteran-Owned Business Enterprises (SDVOBE), Disability-Owned Business Enterprises, LGBT Business Enterprises, Minority Nonprofit Organizations (M/NPO), or Women Nonprofit Organization (W/NPO) in performing the services identified in this RFR. Points awarded for this section will be based on the information provided by the Respondent in "Attachment D".

Not Advantageous (0 points) – Respondent does not demonstrate the existence of or intent to develop a relationship with one or more businesses certified in the above-mentioned supplier diversity categories to perform the services identified in this RFR.

A rating of "Not Advantageous" on this component shall not prevent the MSBA from selecting a Respondent who otherwise demonstrates the knowledge, experience, and capacity to perform the requested scope of services. Respondents that do not complete Attachment D will not receive points under this section.

9. Invest in Massachusetts

Advantageous (5 points): A Respondent submits an IMD Form certifying that 50% or more of the work hours performed in connection with any contract arising out of its Response will be performed in Massachusetts.

Not Advantageous (0 points): A Respondent submits an IMD Form certifying that less than 50% of the work hours performed in connection with any contract arising out of its Response will be performed in Massachusetts.

A rating of “Not Advantageous” on this component shall not prevent the MSBA from selecting a Respondent who otherwise demonstrates the knowledge, experience, and capacity to perform the requested scope of services.

Based upon Phase II Review, it is anticipated that the MSBA will select approximately 10-15 OPMs to provide services on Accelerated Repair projects. The MSBA, however, reserves the right to select a different number.

C. VIRTUAL PRESENTATIONS

One or more Respondents may be invited to make virtual presentations. Virtual presentations provide an opportunity to further evaluate a Respondent through the presentation of their response. The number of virtual presentations conducted may be limited. Respondents will not be informed of their preliminary ranking at the time of the virtual presentations. After virtual presentations the MSBA reserves the right to adjust any preliminary ranking in the Phase Two review.

The time allotments and format shall be the same for all virtual presentations. Respondents will be given a maximum of 15 minutes to present their Responses followed by a 15-minute question and answer period. A notice of at least five (5) business days will be given prior to the date of an virtual presentation. The Respondent’s assigned key personnel and proposed sub-consultants may be required to participate in the virtual presentation.

A Respondent’s failure to appear for a virtual presentation will result in disqualification from further consideration.

D. ASSIGNMENT

Once the MSBA’s Executive Director has accepted a list of selected OPMs, MSBA staff will assign a selected OPM to each of the proposed Accelerated Repair projects approved by the MSBA’s Board and may assign a selected OPM to more than one Program project. Assignment of an OPM will be based upon criteria that include, but are not limited to, qualifications, capacity, project scope, prior experience with the District, and geographic location.

Please note that OPMs selected for the Program are not guaranteed assignment to any specific number of Accelerated Repair projects or to any project at all, and it should be further noted that a selected OPM may be assigned to one or more projects participating in the Program, as determined by the MSBA.

SECTION VI. COMPONENTS OF THE PROCUREMENT

A. ADDITIONAL PROVISIONS

The MSBA intends to select one or more OPMs to provide the services solicited in this RFR.

1. Rejection of Responses

The MSBA reserves the right to reject any or all Responses submitted under this solicitation.

2. Withdrawn/Irrevocability of Responses

A firm may withdraw and resubmit a Response prior to the deadline. No withdrawals or re-submissions will be allowed after the deadline.

3. Subcontracting and Joint Ventures

Respondents must obtain prior approval from the MSBA for subcontracting any portion of the Contract. Respondent's intention to subcontract or partner or joint venture with other firm(s) must be clearly stated in the Response. The MSBA reserves the right to reject any and all subcontracts, partners, or joint venture firms.

4. Price Limitation

The Respondent must agree that no other customer of similar size and similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the MSBA. The Respondent must also agree to provide current or historical pricing offered or negotiated with other governmental or private entities at any time during the contract period upon the request of the MSBA.

5. Security Breach Law, M.G.L. c. 93H

The Respondents hereby acknowledge and agree to comply with the requirements and responsibilities, including those of providing notice and Response, as set forth in G.L. c. 93H concerning Security Breaches and any regulations implemented to effectuate security of "personal information" as defined in § 1 of G.L. c. 93H.

SECTION VII. ATTACHMENTS

This RFR consists of a 22-page Request for Responses and the following Attachments:

Attachment A	Authorized Respondent Signature and Acceptance Form
Attachment B	Certification Statement
Attachment C	MSBA Standard Contract for Project Management Services and Amendments
Attachment D	Supplier Diversity Plan Form (<i>Completion of this form is not required for MSBA review of a Response. Please see Section 1 (h) on page 8 for additional information.</i>)

Attachment E
Attachment F

OPM Application Form for the Accelerated Repair Program
Invest in Massachusetts Form

SECTION VIII. ADDITIONAL INFORMATION

It is recommended that Respondents refer to chapter 70B of the Massachusetts General Laws, chapters 201, 208, and 210 of the Massachusetts Acts of 2004, and 963 CMR 2.00 *et seq.* for additional information about the MSBA.

Your interest in working with the Massachusetts School Building Authority is appreciated.

Mary Pichetti
Executive Director
Massachusetts School Building Authority