

**BERKELEY UNIFIED SCHOOL DISTRICT
REQUEST FOR QUALIFICATIONS (RFQ)
HAZARDOUS MATERIALS INVESTIGATION AND TESTING SERVICES**

NOTICE IS HEREBY GIVEN that the Berkeley Unified School District ("District") is requesting qualified persons, firms, partnerships, associations, or professional organizations to provide Hazardous Materials Investigation and Testing Services for upcoming District facility improvement projects.

The purpose of this Request for Qualifications ("RFQ"), is to obtain information that will allow the Berkeley Unified School District ("District") to pre-qualify a limited number of Consulting Firms ("Consultant") to provide Hazardous Materials Investigation and Testing Services ("Services") for and on behalf of the District on various facilities improvement projects.

Respondents to this Request for Qualifications ("RFQ") should mail or deliver five (5) bound copies, one (1) unbound copy and one (1) electronic copy on flash drive of their Statement of Qualifications ("SOQ"), as further described herein, to:

**JOHN CALISE, EXECUTIVE DIRECTOR OF FACILITIES
BERKELEY UNIFIED SCHOOL DISTRICT
1720 Oregon Street
Berkeley, CA 94703**

ALL RESPONSES ARE DUE BY 2:00 P.M., ON May 12, 2020. Any SOQ received after that date and time will not be accepted and will be returned unopened.

Mark envelope: "Statement of Qualifications for Hazardous Materials Investigation and Testing Services." Fax or emailed responses will not be accepted. Late submittals will not be accepted or considered.

Each submittal must conform and be responsive to the requirements set forth in this RFQ.

District reserves the right to waive any informalities or irregularities in received submittals. Further, District reserves the right to reject any and all submittals and to negotiate contract terms with one or more respondent firms for one or more of the work items. District retains the sole discretion to determine issues of compliance and to determine whether a program management respondent is responsive, responsible, and qualified.

If you have any questions regarding this RFQ please email capitalprojects@berkeley.net before 2:00 p.m. on April 28, 2021. Questions must be submitted in writing.

RFQ RESPONSE SCHEDULE SUMMARY:

The District reserves the right to change the dates on the schedule without prior notice.

| DATE | EVENT | TIME DEADLINE |
|-----------------------|----------------------------------------------------------------------------------------------|----------------------|
| April 14, 2021 | Release and advertisement of RFQ. | |
| April 21, 2021 | Second Advertisement | |
| April 28, 2021 | Deadline for submission of written questions to District concerning RFQ. | 2:00 pm |
| May 5, 2021 | Last day to release addendum | |
| May 12, 2021 | Deadline for all submissions in response to RFQ. | 2:00 pm |
| May 24, 2021 | If required, release of short-listed firms selected to interview. | |
| June 2-3, 2021 | Interviews of short-listed firms if determined by the District that interviews are required. | |
| June 14, 2021 | Notification to firms selected for the pool of qualified firms. | |

I. BACKGROUND AND OVERVIEW

The Berkeley Unified High School District ("District") is a public school district located in the City of Berkeley, in Alameda County, California. The District is seeking Statements of Qualification ("SOQ") in response to this Request for Qualifications ("RFQ") from experienced entities to provide Hazardous Materials Investigation and Testing Services for upcoming District facility improvement projects.

At this time the District is requesting only qualifications from respondents interested in being considered for project Hazardous Materials Investigation and Testing Services for the District's projects. Based upon the information presented in the SOQs, the District's selection committee will create a pool of qualified firms may be selected for future consideration to provide Project Geotechnical services for certain projects. The selected firms will be requested to respond to a request for proposals, at which time they will develop a detailed scope of services, proposed fee and schedule.

A. LIMITATIONS

This RFQ is neither a formal request for bids, nor an offer by the District to contract with any party responding to this RFQ. The District reserves the right to add additional prequalified Respondents for consideration after distribution of this RFQ if it is found to be in the best interest of the District. The award of the contract pursuant to this RFQ, if at all, is at the sole discretion of the District.

The District makes no representation that participation in the RFQ process will lead to an award of contract or any consideration whatsoever. The District shall in no event be responsible for the cost of preparing any SOQ in response to this RFQ.

SOQs and any other supporting materials submitted to the District in response to this RFQ will not be returned and will become the property of the District unless portions of the materials are designated as proprietary at the time of submittal, and are specifically requested to be returned. Vague designations and/or blanket statements regarding entire pages or documents are insufficient and will not bind the District to protect the designated matter from disclosure. Pursuant to *Michaelis, Montanari, & Johnson v. Superior Court* (2006) 38 Cal.4th 1065, SOQs shall be held confidential by the District and shall not be subject to disclosure under the California Public Records Act until after either: (1) the District and the successful Respondent have completed negotiations and entered into an Agreement, or (2) the District has rejected all Proposals. Furthermore, the District will have no liability to the Respondent or other party as a result of any public disclosure of any SOQ.

B. FULL OPPORTUNITY

The District hereby affirmatively ensures that Disadvantaged Business Enterprises ("DBE"), Small Local Business Enterprises ("SLBE"), Small Emerging Local Business Enterprises ("SELBE"), Disabled Veterans Business Enterprises ("DVBE"), and minority and women business enterprises shall be afforded full opportunity to submit SOQs in response to this RFQ. No respondent shall be excluded from participating in, be denied the benefits of, or otherwise be subjected to discrimination on the basis of race, color, gender, sexual orientation, political affiliation, age, ancestry, religion, marital status, national origin, medical condition or disability, in any consideration leading to the award of contract.

C. RESTRICTIONS ON LOBBYING AND CONTACTS

From the period beginning on the date of the issuance of this RFQ and ending on the date of the award of the contract, no person, or entity responding to this RFQ, nor any officer, employee, representative, agent, or consultant representing such a person or entity shall contact through any means or engage in any discussion regarding this RFQ, the evaluation or selection process or the award of the contract(s) with any member of the District's Governing Board ("Board"), Committee members, any member of the Citizens' Oversight Committee, or with any employee of the District except for clarifications and questions as described herein in Section XIII (Submission Guidelines) below. Any such contact shall be grounds for the disqualification of the firm submitting a SOQ.

D. POOL OF QUALIFIED APPLICATIONS AND RECERTIFICATION

The District will maintain a pool of qualified Project Hazardous Materials Investigation and Testing Services firms. Requests for recertification may be sent every two (2) years. Firms that do not reply to the request for recertification may be deleted from the pool of prequalified firms, at the sole discretion of the District. Additional firms may be added to the pool, at the District's sole discretion, as the District determines the need for additional services.

II. SCOPE OF REQUIRED SERVICES

Firm(s) shall provide Service with all building department and CDE requirements to the District for various facilities improvement projects on an as-needed basis.

The scope of such services could include but are not limited to:

The anticipated services may include, but are not limited to investigation, sampling and testing, preparation of various reports, and inclusion of all applicable CDE and DSA guidelines. In addition, each prequalified Consultant is expected to be qualified to perform and/or have experience in the following:

- A. Preparation of Limited Hazardous Material Survey Report
- B. Preparation and review of Hazardous Materials Specifications
- C. Building inspection, surveying and testing
- D. Identification of hazardous materials of importance prior to destructive testing, demolition, and construction.
- E. Preparation of removal specifications and plans, identification of all items that require abatement.
- F. Perform abatement compliance inspections, including environmental and clearance air monitoring, quality control and assurance programs for field samplings.

In addition, each firm must:

- G. Perform all work in compliance with Asbestos Hazard Emergency Response Act, Title 8 of the California Code of Regulations, including sections 1529 and 1532.1; Educational Code section 49410; Labor Code sections 6501; and all applicable federal, state and local laws or regulations applicable to the work.
- H. Work as a liaison with the Regulatory Agencies. Work as a liaison with DSA and other Regulatory Agencies having jurisdiction as is required in order to provide guidance to the District and others as deemed necessary.

The firm(s) shall also have experience working with DSA, CGS and various regulatory agencies and have knowledge of the California Building Code (BC) regulations and processes; not limited to Building, Fire, Environmental Health, Public Works, and CEQA/EIR Agencies.

The capability of firm(s) submitting proposals shall include Hazardous Materials Investigation and Testing Services geotechnical services that cover the full spectrum ("cradle-to-grave") of their tasks during the project lifecycle, including owner representation, support and recommendations pertaining to all tasks performed, due diligence, data gathering, information organization, and oversight used to produce the final recommendations of each task.

III. CONTRACTURAL REQUIREMENTS

Selected firm(s) must be able to execute the District's standard agreement. (A Copy of the District's Agreement for Professional Services is attached to this RFQ as Exhibit "A.") Firms responding to this RFQ must acknowledge that they have reviewed these provisions of the

agreement and must agree to the indemnity and insurance provisions contained in the District's standard agreement and confirm in writing that, if given the opportunity to contract with the District, the firm has no substantive objections to the use of the District's standard agreement.

IV. RELATIONSHIP TO OUTSIDE GOVERNMENTAL AGENCIES

Depending upon the scope of work, respondent may be required to assist the District in working with various outside governmental agencies, including but not limited to, the following as applicable: City or County Planning Commissions and Departments, the Department of Toxic Substance Control ("DTSC"), the regional air quality control district, the state and regional water quality control boards, the State Department of Education, the Division of the State Architect, the State Allocation Board, and the Office of Public School Construction. Respondent shall discuss its experience with each of these agencies.

V. CONFLICT OF INTEREST

Respondent shall certify that no official or employee of the District, nor any business entity in which an official of the District has an interest, has been employed or retained to solicit or assist in the procuring of the resulting contract, nor that any such person will be employed in the performance of any contract without immediate divulgence of this fact to the District.

VI. ASSIGNMENT

Any contract resulting from this RFQ and any amendments or supplements thereto shall not be assignable by the successful consultant either voluntarily or by operation of law without the written approval of the District.

VII. STATEMENT OF QUALIFICATIONS

A. SUMMARY OF REQUIRED QUALIFICATIONS

The Scope of Services includes Hazardous Materials Investigation and Testing Services for the relevant Project(s). Extensive experience with the Office of Public School Construction ("OPSC"), Division of State Architect ("DSA"), and Title 24 of the California Code of Regulations is **mandatory**.

B. FORMAT REQUIREMENTS

Firms submitting SOQs in response to this RFQ must follow the format below. Material must be in 8-1/2 x 11 inch format, with a font no less than 11 point, and shall not exceed ten (10) pages, not including the cover letter, table of contents, divider tabs, resumes, samples of work, and fee schedules. Each SOQ shall include a Front Cover stating the following: "Statement of Qualifications for [FIRM NAME] for Hazardous Materials Investigation and Testing Services in Response to Berkeley Unified High School District."

Submittals are to be submitted in sealed packages with the name of the responding firm clearly marked on the outside of each package.

Each SOQ shall include a table of contents and divider tabs labeled with the boldface headers below (e.g. the first tab would be entitled "**Cover Letter**", the second tab entitled "**Business Information**", etc.).

Provide five (5) bound copies, one (1) unbound copy, and one (1) electronic copy of the Statement of Qualifications.

The unbound copy shall be marked "Copy for Reproduction", and shall be formatted as follows:

- No divider sheets or tab.
- Text printed on one side only (i.e. no back to back pages).
- Pages with proprietary information removed.
- A cover sheet listing the firm's name, the total number of pages, and identifying those pages that were removed due to proprietary information.

The electronic copy will only be accepted via flash drive in the following programs: Microsoft Office Suite or PDF.

Each submission package will be reviewed to determine its completeness prior to the actual evaluation. If a respondent does not respond to all categories requested, the respondent may be disqualified from further consideration.

C. SOQ CONTENT REQUIREMENTS

1. TAB 1 – COVER LETTER (maximum of 1 page)

- Provide a letter of introduction signed by an authorized officer of the firm. If the firm is a joint venture, duplicate the signature block and have a principal or officer also sign on behalf of each party to the joint venture.
- Firm name.
- Address, include any branch office address and point of contact.
- Telephone number.
- Facsimile number.
- E-Mail address.
- Identify team. [if applicable]
- Include a brief description of why your firm is well suited for, and can meet, the District's needs.
- Clearly identify the individual(s) who are authorized to speak for the firm during the evaluation process.
- Summarize qualifications most relevant to this Project.
- **Must include the following statement:**

[INSERT FIRM'S NAME] received a copy of the District's standardized form of Agreement for Professional

Services ("Agreement") attached as Exhibit "A" to the RFQ. [INSERT FIRM'S NAME] has reviewed the indemnity and insurance provisions contained in the Agreement. If given the opportunity to contract with the District, [INSERT FIRM'S NAME] has no objections to the use of the Agreement."

- Respondent shall certify that no official or employee of the District, nor any business entity in which an official of the District has an interest, has been employed or retained to solicit or assist in the procuring of the resulting contract(s), nor that any such person will be employed in the performance of any/all contract(s) without immediate divulgence of this fact to the District.

2. TAB 2 – BUSINESS INFORMATION

Respondent must provide the following information for itself and for any and all other firms with which it will joint venture or associate on this Project:

- Company name.
- Address.
- Telephone.
- Fax.
- Website.
- Name and email of main contact.
- Federal Tax I.D. Number.
- License or Registration Number.
- Type of organization/business structure (ownership, legal form, i.e. corporation, partnership, etc., and senior officials of company). If a joint venture, describe the division of responsibilities between participating companies, offices (location) that would be the primary participants, and percentage interest of each firm.
- A brief description and history of the firm, including number of years the firm has been in business and date firm was established under its given name.
- Certificate(s) of Insurance identifying the firm's current insurance coverages.

- Any State of California certification for your firm of Small Business or Disabled Veteran Business Enterprise status.
- How sub-consultants are generally used by your firm and to what extent work is performed in-house versus by a sub-consultant.

3. TAB 3 – PROJECT APPROACH AND RELEVANT QUALIFICATIONS

Respondent must state qualifications for the anticipated scope of work and experience with projects of comparable size and complexity.

- Provide a statement demonstrating your firm’s or team’s ability to accomplish the scope of services in a comprehensive and thorough manner with an aggressive schedule.
- Describe your firm’s experience with DSA and working within the DSA process as well as your firm’s approach to DSA permitting and DSA final certification.
- Describe your firm’s approach to quality control/assurance procedures, including coordination of DSA final certification.
- Provide a statement of your work plan including your firm’s present workload and number of current projects, and where possible, projected workload for the coming two (2) years, which should include available staff.

4. TAB 4 – RELEVANT PROJECT EXPERIENCE AND REFERENCES

Respondent shall provide any experience applicable to California public school projects and property acquisitions, including new school and school expansion projects in the past ten (10) years and related references. Respondent shall provide a minimum of five (5) relevant references from past clients. References may be contacted to attest to the respondent’s ability to perform the described services.

- For each listed K-12 project, include the following:
 - Project name, description, and location;
 - Beginning and end dates of project, including:
 - a. DSA close-out and/or certification status; and
 - b. Date of each project Notice of Completion and DSA final certification;
 - Project cost;
 - Square footage;
 - Key individuals of the firm involved;
 - Any sub-consultants that worked with the firm; and
 - References: Owner/District name with name, title, current address, telephone number, and email address of contact person.

5. TAB 5 – LITIGATION AND CLAIMS HISTORY

- Provide a comprehensive five (5) year summary of the firm’s litigation, arbitration, and negotiated/settled history with previous clients. State the issues in the litigation, the status of the litigation, names of parties, and the outcome, if any.
- A SOQ failing to provide this requested information on claims, lawsuits, and/or litigation, and responses which assert attorney-client privilege and fail to provide the information requested, will be considered non-responsive, disqualified from the selection process, and will not be evaluated.

6. TAB 6 – PROJECT TEAM SUMMARY

The selected firm shall employ, at its expense, professionals properly licensed and skilled in the execution of the functions required for the applicable services as described herein.

- Identify and provide resumes, including responsibilities, titles, licenses, certifications, and clearly identify experience in school projects, for key personnel and/or team members, including sub-consultants, and the roles to which they will be assigned. List dates of employment by your firm whether employed as an employee, independent contractor, sub-consultant, or otherwise, and office addresses for each of the identified personnel. Resumes shall include specific qualifications and recent related experience and shall include a list of references with contact names and phone numbers.
- If any work is to be provided by sub-consultants include a statement as to how this shall be organized, including identified roles and qualifications of sub-consultants, if any. Note: firm(s) selected for inclusion in the District’s pool of applicable consultants will be required to demonstrate long term relationships with any sub-consultants.
- The District expects that the team shall remain intact through the duration of the Project(s). If a team member must leave, the District reserves the right to approve that team member’s replacement

7. TAB 7 – FEES

Although this RFQ is not a request for a specific proposal, the District requires each respondent to provide a fee schedule for the types of service that you offer. Be thorough and specific as this will form the basis of any contract for services that may be presented by the District.

- Provide detailed information on your billing practices (i.e. per project, monthly), including reimbursable cost categories (i.e. travel, computers and peripherals, printers, fax machines,

photocopy equipment) and hourly billing rates by position for additional services. Travel and related expenses shall be reimbursed in accordance with the federal government Joint Travel Regulation. All reimbursables will require receipts to be provided to the District.

- Provide detailed information on your firm’s practices concerning discounted fees if selected.

VIII. SELECTION CRITERIA

A Committee will evaluate all submissions. Each SOQ must be complete. Incomplete SOQs will be considered nonresponsive and grounds for disqualification. The District retains the sole discretion to determine issues of compliance and to determine whether a firm is responsive, responsible, and qualified. Based upon the information presented in the submissions, the District’s Committee will choose qualified firms to be interviewed and then potentially selected to be part of the District’s pool. At the District’s discretion, the selected firms may be requested to respond to a request for proposal, at which time they will develop a detailed scope of services and fee schedule.

A. EVALUATION CRITERIA

The SOQ will be reviewed for responsiveness and evaluated pursuant to the specific criteria set forth in this RFQ, including, without limitation:

1. Reputation of the firm. Satisfaction of previous clients (client relationships). Acceptable and verifiable professional references for relevant experience.
2. Current commitments and ability of firm to handle several simultaneous projects, including without limitation, availability of staffing and the level of service and support for the Project(s), and availability of resources to meet anticipated schedule and Project requirements.
3. Capacity and commitment to provide services to client, including ability to respond to District’s requests in a timely and appropriate fashion; to inform District of all issues discovered on Project; and to work positively and cooperatively with District’s team.
4. Knowledge of applicable state and federal laws and regulations, the American with Disabilities Act, and other applicable governmental requirements for K-12 schools.
5. Credentials, including without limitation, professional and technical expertise, of specific employees assigned as members of the proposed team for the District.
6. Proposed fee schedule(s), fee requirements, and cost of services.
7. Overall responsiveness of the SOQ.

| | |
|------------------------------------------------------------------|-----|
| Firm’s Reputation; Client relationships; Professional references | 30% |
|------------------------------------------------------------------|-----|

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Current commitments and capacity; ability to handle several simultaneous projects; ability to work positively and cooperatively with District's team; and commitment to provide services to, and effectively communicate with client. | 15% |
| Knowledge of applicable state laws and regulations | 15% |
| Employee credentials | 15% |
| Fee schedule | 25% |

B. DISTRICT INVESTIGATIONS

The District may perform investigations of responding parties that extend beyond contacting the references identified in the SOQ. The District may request a firm to submit additional information pertinent to the review process. The District also reserves the right to investigate and rely upon information from other available sources in addition to any documents or information submitted.

IX. SUBMISSION GUIDELINES

Respondents to this Request for Qualifications ("RFQ") should mail or deliver five (5) bound copies, one (1) unbound copy, and one (1) electronic copy on CD or flash drive of their Statement of Qualifications ("SOQ"), as further described herein, to:

**JOHN CALISE, EXECUTIVE DIRECTOR OF FACILITIES
BERKELEY UNIFIED SCHOOL DISTRICT
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WE THANK YOU FOR YOUR INTEREST IN THIS PROGRAM