

**BERKELEY UNIFIED SCHOOL DISTRICT
REQUEST FOR QUALIFICATIONS
DESIGN-BUILD SERVICES FOR
DISTRICT-WIDE SOLAR PROJECT
RFQ # 2023-10-01**

Berkeley Unified School District ("District") is seeking to prequalify design-build entities or design-build teams to submit proposals to design and construct the **District-Wide Solar Project** ("Project"), in accordance with Education Code section 17250.10 et seq. Only respondents that have been prequalified by the District in response to this Request for Qualifications ("RFQ") will be eligible to submit proposals in response to the District's subsequent Request for Proposals ("RFP") for the Project.

Respondents to this RFQ shall submit a fully completed and sealed Statement of Qualifications ("SOQ"), using the District's standard prequalification template for design-build projects, as further described herein, to:

BERKELEY UNIFIED SCHOOL DISTRICT
1005 Parker Street
Berkeley, CA 94710
ATTN: John Calise
RFQ # 2023-10-01

ALL SOQS ARE DUE NO LATER THAN 2:00 P.M. ON Tuesday, November 7, 2023. Oral, telegraphic, facsimile, telephone, or email SOQs will not be accepted. SOQs received after this date and time will not be accepted and will be returned unopened.

District reserves the right to waive irregularities and omissions in the information contained in any SOQ, and to make all final determinations. The District may use other sources of information outside of the SOQs to investigate respondents or to verify answers.

Each SOQ must be certified under penalty of perjury by the respondent. If any information provided by a respondent becomes inaccurate, the respondent must immediately notify the District and provide updated, accurate information in writing, under penalty of perjury. District reserves the right to suspend or rescind prequalification at any time based on subsequently learned information.

Questions regarding this RFQ may be directed in writing to the District's Precon Manager, Kevin Wagner, at capitalprojects@berkeley.net, and must be submitted no later than **5:00 P.M. on Monday, October 30, 2023 at 5:00pm.**

I. RFQ SCHEDULE SUMMARY

The District may change the dates on this schedule without prior notice.

DEADLINE	ACTION ITEM
October 16, 2023	Release of RFQ.
November 1, 2023 at 5:00pm	Last day to receive written questions on RFQ from respondents.
November 7, 2023	Last day for the District to issue addenda or answer questions for RFQ.
November 14, 2023 at 2:00pm	Deadline for submissions in response to RFQ.
Week of November 20, 2023	Notice to pre-qualified respondents.
<i>Anticipated</i> November 2023	Release of RFP to pre-qualified respondents.

II. PROJECT DESCRIPTION AND SCOPE OF SERVICES

Pursuant to Education Code section 17250.10 et seq., the District is seeking a design-build entity or team (“Design/Builder”) to design and construct the District-Wide Solar Project (“Project”). The Project is further defined in the attached **APPENDIX A**, along with the District’s expected cost range for the Project. The District’s performance specifications, which the selected Design/Builder must adhere to in delivering the Project, will be made available to pre-qualified respondents at the RFP stage.

The selected Design/Builder must be appropriately licensed and registered in the State of California for architectural, engineering, and construction services as needed to complete the Project. In addition, the selected Design/Builder shall have experience with both design and construction of public-school facilities and in working with the Office of Public School Construction (“OPSC”), the Division of the State Architect (“DSA”), and Title 24 of the California Code of Regulations.

The selected Design/Builder must be registered with the Department of Industrial Relations (“DIR”) as required by law. The selected Design/Builder will be required to comply with the Labor Code prevailing wage requirements, skilled and trained workforce requirements, and the District’s bonding and insurance requirements. The selected Design/Builder shall be required to work cooperatively with District staff, the Board of Education, all other technical consultants, the Criteria Architect, the project inspector, any program and/or construction manager, if any, retained by the District for the Project, and the community to deliver timely and professional completion of the Project.

III. DESIGN-BUILD PROCUREMENT PROCESS

Pursuant to Education Code section 17250.25, the District's procurement of a Design/Builder will follow two (2) phases:

1. Prequalification – First, by this RFQ, the District will prequalify respondents using a standard template request for statements of qualifications, attached hereto as **APPENDIX B**. The significant factors the District reasonably expects to consider in evaluating qualifications are identified in Section VIII, below.
 - a. Design/Builder has agreed to be bound by: (i) a project labor agreement ("PLA") or project stabilization agreement ("PSA") entered into by the District that will bind all contractors and subcontractors performing work on the project to use a skilled and trained workforce; (ii) the extension or renewal of a PLA or PSA that was entered into by the District prior to January 1, 2017; or (iii) a PLA or PSA entered into by the Design/Builder that will bind the Design/Builder and all its subcontractors at every tier performing work on the project to use a skilled and trained workforce.
2. Design-Build Proposals – Second, the District will issue an RFP, inviting only pre-qualified respondents to submit sealed proposals for the Project. The District will use a best value selection method for evaluating proposals. The procedure for final selection will be as follows:
 - a. The District will evaluate responsive proposals using only the criteria and selection procedures specifically identified in the RFP.
 - b. At a minimum, the RFP criteria will include, without limitation, the following:
 - i. Price;
 - ii. Technical design and construction expertise; and
 - iii. Life-cycle costs over 15 or more years.
 - c. The District may, at its discretion, request proposal revisions and hold discussions and negotiations with responsive proposers. The RFP will define applicable procedures to ensure that discussions or negotiations are conducted in good faith.
 - d. The District will rank responsive proposers based on a determination of value provided, but shall not be required to rank more than three (3) proposers.
 - e. The District will award the contract, if at all, to the responsible Design/Builder whose proposal is determined by the District to be the best value.

Per Administrative Regulation 3311.1, any person or entity that has performed or is performing services for the District relating to the solicitation of this design-build project will **not** be eligible to submit a proposal as a design-build entity or to join a design-build team.

IV. FULL OPPORTUNITY

No Respondent will be discriminated against on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status in any consideration leading to the award of the contract. District also affirmatively ensures that Disadvantaged Business Enterprises ("DBE"), Small Local Business Enterprises ("SLBE"), Small Emerging Local Business Enterprises ("SELBE"), and Disabled Veterans Business Enterprises ("DVBE") shall be afforded full opportunity to respond to this RFQ.

V. 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 pre-qualified respondents for consideration after distribution of this RFQ, if it is found to be in the best interest of the District. All decisions concerning selection of the Design/Builder will be made in the best interests of the District. The issuing of a subsequent RFP and awarding of the contract pursuant to the subsequent RFP, if at all, is at the sole discretion of the District.

The District makes no representation that participation in this 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 response to this RFQ.

SOQs submitted by respondents are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. The contents, however, may be disclosed to third parties for the purpose of verification or investigation. State law requires that the names of respondents applying for prequalification status shall be public records subject to disclosure.

VI. 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 submitting in response 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 with any member of the District, Board of Education, selection members, or any member of the Citizens' Oversight Committee. Any such contact shall be grounds for the disqualification of the respondent submitting a SOQ.

VII. PREQUALIFICATION

Attached hereto as **APPENDIX B** is the District's pre-qualification template. Respondents must complete the prequalification template, certify its answers under penalty of perjury, and attach all information requested therein. The completed, certified pre-qualification template, together with all attachments, constitutes respondent's SOQ.

Each SOQ must be certified under penalty of perjury. If any information provided by a respondent becomes inaccurate, the respondent must immediately notify the District and provide updated and accurate information in writing, under penalty of perjury.

VIII. EVALUATION

The District will evaluate all timely submitted SOQs. Each SOQ must be complete. Incomplete SOQs will be considered non-responsive and grounds for disqualification. The District retains the sole discretion to determine issues of compliance and to determine whether a respondent is responsive and qualified.

Significant factors the District reasonably expects to consider in evaluating qualifications are as follows:

- All required licenses and registration to design and construct the Project, with no recent revocations or suspensions;
- Established performance history, including an absence of criminal or civil violations or significant disputes;
- Capacity to obtain required bonds and insurance of the Project;
- Design expertise and experience;
- Construction expertise and experience;
- Acceptable safety record;
- Enforceable commitment to use a skilled and trained workforce for the Project, as applicable; and
- Financial capacity to complete the Project.

The District may use other sources of information outside of the SOQs to investigate respondents or verify answers. District's investigation may extend beyond contacting project references identified in SOQs.

After completing its evaluation, the District will notify respondents selected for prequalification.

IX. FINAL DETERMINATION

Prequalification is at the sole discretion of the District. The District reserves the right to waive irregularities and omissions in the information contained in any SOQ, and to make all final determinations. The District further reserves the right to suspend or rescind prequalification at any time based on subsequently learned information.

The District makes no representation that participation in this RFQ process will lead to an award of contract or any consideration whatsoever. The District reserves the right to seek proposals from or to contract with any firm not participating in this process. The District shall in no event be responsible for the cost of preparing any SOQ or other response to this RFQ.

WE THANK YOU FOR YOUR INTEREST IN THE DISTRICT'S PROJECT!

APPENDIX A

PROJECT DESCRIPTION

Project Name: District Wide Solar

Project Description: Provide the design and construction of a solar powered electrical power generation system at each of the following campuses for the Berkeley Unified School District.

1. District Offices/Oxford Elementary School Campus
2. Ruth Acty Elementary School
3. MKL Jr. Middle School
4. Thousand Oaks Elementary School
5. Willard Middle School
6. Berkeley Adult School
7. BUSD Transportation Bus Yard

Expected Cost Range: \$10,000,000 - \$12,000,000

Criteria Architect: HKIT Architects

[END OF APPENDIX A]

APPENDIX B
PREQUALIFICATION

[Attached starting on next page]