

**BERKELEY UNIFIED SCHOOL DISTRICT
REQUEST FOR PROPOSALS
DISTRICT-WIDE SOLAR PROJECT
DESIGN-BUILD SERVICES
RFP # 2024-02-01**

Berkeley Unified School District ("District") is seeking through this Request for Proposals ("RFP") design-build entities or design-build teams to submit competitive Proposals to design and construct the District's **District-Wide Solar Project** ("Project"), in accordance with Government Code section 4217.10 et seq.

Respondents must mail or deliver two bound copies, one (1) unbound copy, and one (1) electronic copy (on USB stick) of the Proposal conforming to the requirements of this RFP to:

BERKELEY UNIFIED SCHOOL DISTRICT
1005 Parker Street
Berkeley, CA 94703
ATTN: John Calise
RFP # 2024-02-01

ALL PROPOSALS ARE DUE BY 2:00 P.M. ON Wednesday, March 13, 2024. Oral, telegraphic, facsimile, telephone, or email Proposals will not be accepted. Proposals received after this date and time will not be accepted and will be returned unopened. The District reserves the right to waive irregularities and omissions in any Proposal, and to make all final determinations. The District also reserves the right to reject any and all Proposals and to negotiate contract terms with one or more respondents.

Two mandatory informational meetings and site walks will be conducted. Each respondent must attend **both** of the mandatory informational meetings and site walks, to be conducted on:

Day 1 Site Walk

Starting Location: Willard Middle School, 2425 Stuart Street, Berkeley, CA
When: Wednesday, **February 14th, 2024 at 2:30 P.M.**

Sites to be visited: Willard Middle School, 2425 Stuart Street, Berkeley, CA
Ruth Acty Elementary School, 1400 Ada St, Berkeley, CA
Martin Luther King Jr. Middle School, 1781 Rose St, Berkeley, CA
Thousand Oaks Elementary School, 840 Colusa Ave, Berkeley, CA

Day 2 Site Walk

Starting Location: BUSD Department of Transportation, 1314 Seventh Street, Berkeley, CA
When: Thursday, **February 15th, 2024 at 1:00pm**

Sites to be visited: BUSD Department of Transportation, 1314 Seventh Street, Berkeley, CA
BUSD District Offices, 2020 Bonar St, Berkeley, CA
BUSD Adult School, 1701 San Pablo Ave, Berkeley, CA

Questions regarding this RFP may be directed in writing to the District's Precon Manager, Kevin Wagner, at capitalprojects@berkeley.net, and must be submitted on or by **5:00PM, Wednesday, February 28, 2024.**

RFP SCHEDULE SUMMARY

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

DEADLINE	ACTION ITEM
February 7, 2024	Release and distribution of RFP.
February 14, 2024 @ 2:30PM February 15, 2024 @ 1PM	Mandatory information meeting and site walk.
February 28, 2024 @ 5PM	Last day to receive written questions from respondents.
March 1, 2024	Last day for the District to issue addenda or answer questions.
March 13, 2024 @ 2PM	Deadline for Proposals in response to RFP.
March 15, 2024	Interview notifications provided to respondents.
March 21, 2024	Interviews of respondents.
April 2024	Notification to selected DBE(s) to start negotiation.

I. INTRODUCTION

The District is seeking Proposals from design-build entities or design-build teams (each referred to herein as "DBE") to submit competitive proposals to design and construct the District's **District-Wide Solar Project** ("Project"), in accordance with Government Code section 4217.10 et seq. This RFP defines the services sought from the DBE and generally outlines the Project requirements.

II. DESIGN-BUILD PROCUREMENT PROCESS

The District will use a best value selection method for evaluating Proposals. The selection criteria and procedure are defined in this RFP.

III. PROJECT DESCRIPTION AND SCOPE OF SERVICES

A. Overview

Pursuant to Government Code section 4217.10 et seq., the selected DBE will design and construct the Project. The Project is further defined in the attached **Appendix A**, along with the District's expected not-to-exceed amount ("NTE Amount") and schedule for the Project.

Pursuant to Government Code section 4217.10 et seq., before the District may contract with any DBE, the DBE will be required to prepare an analysis demonstrating the District's costs

savings due to the Project, taking into account the Project NTE Amount in the cost savings analysis. Specifically, the DBE will evaluate the cost analysis from the District's anticipated cost for energy conservation services proposed by the DBE under the contract at the NTE Amount, in conjunction with the energy that would have been consumed by the District in the absence of the proposed project.

Following Division of the State Architect ("DSA") approval of the selected DBE's design documents, the NTE Amount will be replaced with a final Guaranteed Maximum Price ("GMP") for the construction of the Project.

The members of the DBE must be appropriately licensed and registered in the State of California for architectural, engineering, and construction services, as applicable and as needed to complete the Project. In addition, the DBE shall have experience with both design and construction of public school facilities and in working with the Office of Public School Construction ("OPSC"), the DSA, and Title 24 of the California Code of Regulations.

All tiers of contractors performing work on the project must be registered with the Department of Industrial Relations ("DIR") as required by law. The DBE will be required to comply with the Labor Code prevailing wage requirements and the District's bonding and insurance requirements. The DBE shall be required to work cooperatively with District staff, Governing Board, all other technical consultants, the project inspector, and program and/or construction manager, if any, retained by the District for the Project, citizens' oversight committee, other District committees, and the community to facilitate timely and professional completion of the Project.

B. Scope of Work

Although the final scope of work will be negotiated in the executed Agreement, the selected DBE shall be responsible for performing the following scope of work, at a minimum:

1. Design Services

- a. Complete the design for the Project, including related meetings with the District for input and approval at multiple stages of design development and preparation of detailed construction cost budgets.
 - i. Design Development: Prepare Design Development Documents, including related architectural, structural, mechanical, electrical, civil, and landscape services, as applicable. Revise construction cost budget. Meet with the District.
 - ii. 50% Construction Documents: Upon the District's acceptance of the Design Development Documents, prepare 50% construction documents. Revise construction cost budget. Meet with the District.

- iii. 100% Construction Documents: Upon the District's acceptance of 50% Construction Documents, prepare 100% construction documents. Revise construction cost budget. Meet with the District. Perform back-check as needed at no additional cost to the District. Obtain DSA stamp-out and approval letter.
- b. Submit completed plans and specifications for DSA or other Jurisdiction Having Authority (JHA) approval and perform all services related to obtaining the JHA's approval.
- c. Any other services that are reasonable and necessary for design of the Project, including close-out with DSA or other JHA.

2. Preconstruction Services

- a. Consult with District staff in relation to the existing site. DBE should make site visits, as needed to review the current site conditions. During this evaluation, DBE may make recommendations relating to soil investigations and utility locations and capacities, in order to minimize unforeseen conditions.
- b. Provide a Project budget for the construction of the project with identified subcontractor bids and self-performed work.
- c. Undertake value-engineering analysis and prepare reports with recommendations to the District to maintain established Project budget and specifications. Provide a detailed analysis of all major Project systems with an emphasis on possible value engineering possibilities.
- d. Detailed Construction CPM Schedule: Produce detailed construction CPM schedules to be incorporated into the Project documents including identification of the Project critical path and agency approvals.
- e. Construction Planning: Plan the phases and staging of construction, staging areas, temporary fencing, office trailer placement, access, etc. as required.
- f. Any other services that are reasonable and necessary to control the budget and schedule.

3. Construction Services

- a. Administer and coordinate on a daily basis the work of all trade contractors the DBE hires to work on the Project.
- b. Enforce strict performance, scheduling, and notice requirements.
- c. Document the progress and costs of the Project.
- d. Report proactively on potential schedule impacts and recommend potential solutions to schedule problems.
- e. Coordination of record drawings and specifications.

- f. Compilation of operations and maintenance manuals, warranties/guarantees, and certificates.
- g. Obtaining occupancy permits and coordinating testing, documentation, and governmental inspections and approvals.
- h. Preparation of accounting and closeout reports and occupancy plan reports.
- i. Other responsibilities as necessary for the completion of the Project.

C. Progressive Design-Build Structure

The Agreement will have separate phases for design and construction.

If an award is made, the Agreement will set a NTE Amount for DBE's compensation for the Project. The DBE will proceed to complete the design, with District input and authorization at multiple stages. DBE shall submit complete plans and specifications to DSA for approval.

Upon DSA approval of the plans and specifications, DBE shall proceed with subcontractor bidding for all construction subcontracts not identified in the Proposal with a value exceeding one-half of 1 percent (0.5%) of the contract price allocable to construction work. Subcontracts may be awarded based on a best value basis or to the lowest responsible bidder. The GMP for construction will be negotiated following DSA approval of the plans and specifications and subcontractor bidding. The DBE is responsible for the total of the Design Costs and the GMP staying within the NTE Amount. Any redesign or re-bidding to stay within the NTE Amount shall be at no additional cost to the District.

D. District Project Management Description

The District's Governing Board will be responsible for making final decisions, but the Superintendent or designee will be responsible for day-to-day decisions and may designate a project manager, who will be the primary point of contact between the DBE and the District.

E. Registration of DBE and All Tiers of Subcontractors

The selected DBE shall not allow any employee or subcontractor to commence work on any contract or any subcontract until the proof of registration with the DIR required of the DBE or subcontractor has been provided to and accepted by the District.

F. Indemnity

Respondents must acknowledge that they have reviewed the indemnity provision included in section 36 of the attached **Appendix B** form of Agreement and confirm in writing that, if given the opportunity to contract with the District, respondent has no substantive objections to the use of the District's standard indemnity provision.

[Continues on Following Page.]

G. Insurance

The District requires at least the following insurance coverage from the selected DBE:

Professional Liability		\$1,000,000
General Liability	Product Liability and Completed Operations, Fire Damage Liability – Split Limit	\$2,000,000 per occurrence; \$4,000,000 aggregate
Automobile Liability – Any Auto	Combined Single Limit	\$1,000,000
Workers’ Compensation		Statutory limits under State law
Builder’s Risk		Replacement Cost
Umbrella / Excess Liability		\$4,000,000 per occurrence

DBE shall provide to the District certificate(s) of insurance and endorsements satisfactory to the District. Insurance policy(ies) shall not be amended or modified and coverage amounts shall not be reduced without thirty (30) days’ written notice to the District prior to modification and/or cancellation. The District shall be named as an additional insured under the Commercial General Liability and Automobile Liability policies. Builder’s Risk policy(ies) shall be primary. Any insurance carried by the District shall only be secondary and supplemental. DBE shall not allow any employee or subcontractor to commence work on any contract or any subcontract until the proof of insurance required of the DBE or subcontractor has been provided to and accepted by the District.

IV. FULL OPPORTUNITY

The District hereby affirmatively ensures that Disadvantaged Business Enterprises (“DBE”), Small Local Business Enterprise (“SLBE”), Small Emerging Local Business Enterprise (“SELBE”) and Disabled Veterans Business Enterprise (“DVBE”) firms shall be afforded full opportunity to submit qualifications in response to this RFP and will not be discriminated against on the basis of race, color, national origin, ancestry, disability, gender, transgender status, political affiliation, or religion in any consideration leading to the award of contract.

V. LIMITATIONS

This RFP is neither a formal request for bids, nor an offer by the District to contract with any party responding to this RFP. The District reserves the right to add additional respondents for consideration after distribution of this RFP, if it is found to be in the best interest of the District. All decisions concerning selection of the DBE will be made in the best interests of the District. The awarding of the contract pursuant to this RFP, if at all, is at the sole discretion of the District.

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

Proposals and any other supporting materials submitted to the District in response to this RFP 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, Proposals 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 Proposal.

VI. RESTRICTIONS ON LOBBYING AND CONTACTS

From the period beginning on the date of the issuance of this RFP and ending on the date of the award of the contract, no person, or entity submitting in response to this RFP, 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 RFP, the evaluation or selection process/or the award of the contract with any member of the District, Governing Board, selection members, or any member of the Citizens' Oversight Committee. Any such contact shall be grounds for the disqualification of the respondent submitting a Proposal.

VII. MANDATORY INFORMATIONAL MEETING AND SITE WALK

Each respondent must attend **both** of the mandatory informational meetings and site walks, to be conducted on:

Day 1 Site Walk

Starting Location: Willard Middle School, 2425 Stuart Street, Berkeley, CA
When: Wednesday, **February 14th, 2024 at 2:30 P.M.**

Sites to be visited: Willard Middle School, 2425 Stuart Street, Berkeley, CA
Ruth Acty Elementary School, 1400 Ada St, Berkeley, CA
Martin Luther King Jr. Middle School, 1781 Rose St, Berkeley, CA
Thousand Oaks Elementary School, 840 Colusa Ave, Berkeley, CA

Day 2 Site Walk

Starting Location: BUSD Department of Transportation, 1314 Seventh Street, Berkeley, CA
When: Thursday, **February 15th, 2024 at 1:00pm**

Sites to be visited: BUSD Department of Transportation, 1314 Seventh Street, Berkeley, CA
BUSD District Offices, 2020 Bonar St, Berkeley, CA
BUSD Adult School, 1701 San Pablo Ave, Berkeley, CA

At these meetings, District representatives may distribute information and materials to further describe the Project and the scope of work, and will walk the proposed Project sites. Respondents shall consider and address materials and information from the meeting in their Proposals. Respondents that fail to attend the mandatory informational meetings, in their entirety, shall be ineligible for responding to this RFP.

VIII. PROPOSAL REQUIREMENTS

A. Format

Material must be in 8½ x 11 inch format with font no less than 11 point font size. The Proposals shall include divider tabs labeled with boldface headers below (e.g. the first tab would be entitled "Executive Summary," the second tab would be entitled "Table of Contents," etc.) Two (2) bound copies, one (1) unbound copy, and one (1) electronic copy (on USB stick) of the Proposal shall be submitted. Each Proposal shall not contain more than twenty-five (25) single-sided pages, excluding front and back covers, tabs, and allowed Appendix content. Each double-sided page is counted as two single-sided pages. Submittals containing more than the authorized number of pages will not be considered.

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

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

B. General Overview

Each Proposal shall include a description of the type, technical experience, backgrounds, qualifications and expertise of respondent. The description shall show that the respondent possesses the skills and professional experience to perform the functions of the Project and fulfill the goals and vision of the District for the Project. Proposals shall describe in detail the respondent's methods and plan for carrying out the Project. Included in this information must be a detailed description of professional design services, construction scheduling, staging, and logistics based on timelines and information provided by the District in this RFP and at the mandatory informational meeting and site walk. Describe the respondent's approach to the Project, including any creative methodology and/or technology that the respondent uses or unique resources that the respondent can offer to the District and Project.

C. Contents

Respondents shall comply with the following requirements for its Proposal:

1. Executive Summary (maximum 1 page)

An overview of the entire Proposal with a description of the general approach and/or methodology respondent will use to meet the goals and fulfill the general functions as set forth in this RFP.

2. Table of Contents

A complete and clear listing of the headings and pages to allow easy reference to key information.

3. Cover Letter (maximum 1 page)

A letter of introduction signed by an authorized officer of the respondent. If the respondent is a joint venture, duplicate the signature block and have a principal or officer sign on behalf of each party to the joint venture. The letter shall also include:

- Respondent's name.
- Address, include any branch office address and point of contact.
- Telephone number.
- Fax number.
- Email address.
- Identification of team members.
- License number for respondent's design professional in general responsible charge.
- Contractors State License Board ("CSLB") license classification and number and Public Works Contractor Registration number on file with the DIR for respondent's general contractor.
- Identification of the individual(s) authorized to speak for the respondent during the evaluation process.
- The following statement:

"[INSERT RESPONDENT'S NAME] has reviewed the indemnity provisions and insurance requirements contained in the RFP. If given the opportunity to contract with the District, [INSERT RESPONDENT'S NAME] has no objections to these provisions."

- Certification 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.
- Statement that respondent acknowledges and confirms that it will be willing and able to perform all of the services described in Section IV.B – Scope of Work of this RFP.

4. Proposed Project Team and Expertise

- Include an organizational chart of respondent. If the respondent is proposing as a design-build team the chart must identify, at a minimum, all members and their roles.
- Describe the proposed Project team, including design professional in general responsible charge, general contractor, and key subconsultants. Provide resumes for up to six (6) key personnel and explain what each will bring to the Project.

- Demonstrate how the proposed Project team will communicate, collaborate, and work together and with the District.
- Summarize respondent’s design and construction experience as relevant to this specific type of Project. Emphasize work on similar California K-12 public school projects, accounting for the facility type, features, size, contract value, complexity, and schedule of this Project.
- Explain how the proposed Project team’s collective expertise will translate into a better value for the District.

5. Method and Strategic Plan

Detailed discussion of respondent’s method and strategic plan for carrying out the Project, including:

- The technical and managerial approach to respondent’s partnership with the District. Take into account the District’s goals for the Project and the general functions required. Respondents may identify additional necessary tasks and discuss these in its proposed method to accomplish the work.
- Design capabilities and description of professional services to be provided by the respondent.
- Construction means and methods respondent intends to utilize on the Project.

6. Schedule

Develop and provide a preliminary schedule for all phases of design and construction of the Project through completion, including specific milestones. Identify any schedule challenges and describe the respondent's plan for addressing the same.

7. Price Proposal

Submit a detailed price proposal in a separate sealed envelope. Price proposal should, at a minimum, address separately each of the following:

REQUIRED:

Note: All costs, fees, and other aspects of the price proposal must collectively be within the Project’s NTE Amount:

1. Design Costs – costs and method of calculation for architectural and engineering services through DSA approval.
2. Construction Fee – fee for construction, which includes profit and overhead.
3. General Conditions Cost – list what is included in the general conditions (including personnel) and monthly value of the general conditions.
4. Mark-Up – additional mark-up on subcontractor prices.

OPTIONAL:

5. NTE Amount – proposed NTE Amount, if different from District’s NTE Amount stated in **Appendix A**.

After the Agreement is awarded, and DSA approves the plans and specifications, the selected DBE will be required to provide a GMP for the Project, which shall not exceed the NTE Amount. As part of the District review of the GMP, the District will have access to all subcontractor bids, contingency breakdown and tracking documents, general conditions breakdown and tracking documents, and DBE's fees. The GMP shall include all of DBE's cost for labor, materials, equipment, overhead and profit, general conditions cost, contingency, and allowances, if any. In the event the selected DBE realizes a savings on any aspect of the Project, such savings shall be added to the District contingency and expended consistent with the District contingency. In addition, any portion of the contingency and/or allowance remaining after completion of the Project shall be returned to the District. The contract will be amended to include the agreed upon GMP, if the District proceeds with the construction phase of the Project.

8. Insurance

Respondent must demonstrate that it can maintain adequate insurance as required above and in section 37 of the attached **Appendix B** form of Agreement. The Proposal must include a letter from respondent's insurance company indicating its ability to provide insurance coverage on behalf of respondent in accordance with the insurance requirements in this RFP. (This letter may be included in the Appendix to the Proposal where it will not count toward the page limit.)

9. Certifications

Provide executed Non-Collusion Declaration (**Appendix C-1**) and executed Iran Contracting Act Certification. (**Appendix C-2**.)

10. Comments to Form of Agreement

The District's proposed form of the Agreement for this Project has been distributed with this RFP as **Appendix B**. The final form of the Agreement will incorporate the final scope of work and NTE Amount negotiated between the District and the selected DBE. **Any objections to any terms in the form of Agreement must be identified in Respondent's submittal; undisclosed, vague, or non-specific change request may not be entertained.** Proposed changes must be specifically identified; general objections without a proposed change will not be entertained.

11. Appendix (if used)

May include:

- Letter from insurance company.
- Resumes of subconsultants, if any.

IX. SELECTION CRITERIA AND PROCEDURES

A. Best Value Methodology

Responsive Proposals will be evaluated under the following factors and weights:

FACTOR	DESCRIPTION	WEIGHT
Price	Price proposal, including design costs, construction fee, general conditions cost, mark-up, and any proposed NTE Amount.	+/- 100 points
Technical design and construction expertise	Demonstrated experience and capability with design and construction of like-projects.	+/- 75 points
Schedule	Proposed project schedule, including design and construction phases.	+/- 50 points
Acceptance of/Exceptions to Agreement	DBE exceptions to the District’s standard form of agreement, attached here as Appendix B.	+/- 25 points
Interview (If used, score; if not used, all respondents will receive 0 points.)	Interview performance, including but not limited to proposed team attendance and approach to work.	+/- 75 points
MAXIMUM SCORE:		325 points

District staff will assign points for each factor to each respondent. Respondents will then be ranked based on total points. A higher point total reflects a determination that respondent’s Proposal presents a better value to the District.

B. District Investigations

The District may consider and perform investigations of respondents.

C. Interviews

The District may invite respondents to meet with District staff and consultants. Key personnel of the respondent's proposed project team will be expected to attend the interview. The interview will be an opportunity for the District to review the Proposal, qualifications, and any other matters the District deems relevant to its evaluation. Respondents may be requested to provide a more detailed fee Proposal in advance of the interview.

D. Selection of Finalists

Proposals shall be evaluated and the Project awarded in the following manner:

1. The District will evaluate all timely submitted Proposals for responsiveness.
2. Responsive proposals will be evaluated and scored according to the best value methodology described above.
3. Once the evaluation is complete, responsive Proposals will be ranked based on total points, but the District shall not be required to rank more than the three (3) highest-scoring Proposals.
4. The District’s Governing Board will award the contract, if at all, to the responsible respondent whose proposal is determined by the District to be the best value.
5. If the selected DBE refuses or fails to execute the tendered proposed contract, the Governing Board may, if it deems it to be in the best interest of the District, award the contract to the respondent with the second highest best value score. If the second selected DBE refuses or fails to execute the tendered proposed contract, the Governing Board may, if it deems it to be in the best interest of the District, award the instrument to the respondent with the third highest best value score.

X. FINAL DETERMINATION

The District reserves the right to contract with any entity responding to this RFP for all or any portion of the work described herein, to reject any proposal as nonresponsive, and/or not to contract with any firm for the services described herein. The District makes no representation that participation in the RFP 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 Proposal in response to this RFP.

The awarding of contract(s) is at the sole discretion of the District. The District may, at its option, determine to award contracts only for portions of the scope of work. In such a case, the successful proposing firm will be given the option not to agree to enter into the contract and the District will retain the right to negotiate with any other proposing firm selected as a finalist. If no finalist is willing to enter into a contract for the reduced scope of work, the District will retain the right to enter into negotiations with any other respondent responding to this RFP.

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, construction and permitting 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 GMP Amount Range: \$13,000,000 - \$15,000,000

Criteria Architect: HKIT Architects

Project Schedule:

MILESTONE	COMPLETION DATE
Notice to Proceed	April 2024
Site Investigation	May 2024
Schematic Design 100%	June 28, 2024
Design Development 100%	August 30, 2024
Construction/Permit Set 50%	October 15, 2024
Construction/Permit Set 100%	November 30, 2024
Permitting process	Nov. 2024-June 2025
Construction start	June 1, 2025
Substantial Completion	August 1, 2025
Operating Start Date	September 2025
Punch List Completion	October 2025
DSA Close-Out	November 2025

APPENDIX B

FORM OF AGREEMENT AFTER THIS SHEET.

APPENDIX C-1

**NON-COLLUSION DECLARATION
(Public Contract Code section 7106)**

The undersigned declares:

I am the _____ of _____,
[Title] [Name of Firm]
the party making the foregoing proposal.

The proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The proposal is genuine and not collusive or sham. The proposer has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The proposer has not directly or indirectly colluded, conspired, connived, or agreed with any proposer or anyone else to put in a sham proposal, or to refrain from proposing. The proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the proposer or any other proposer, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other proposer. All statements contained in the proposal are true. The proposer has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham proposal, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a proposer that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the proposer.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____,

[Date]

at _____,
[City] [State]

Date: _____

Proper Name of Proposer: _____

Signature: _____

Print Name: _____

Title: _____

END OF DOCUMENT

APPENDIX C-2

**IRAN CONTRACTING ACT CERTIFICATION
(Public Contract Code section 2202-2208)**

Prior to bidding on or submitting a proposal for a contract for goods or services of \$1,000,000 or more, the bidder/proposer must submit this certification pursuant to Public Contract Code section 2204.

The bidder/proposer must complete **ONLY ONE** of the following two options. To complete OPTION 1, check the corresponding box **and** complete the certification below. To complete OPTION 2, check the corresponding box, complete the certification below, and attach documentation demonstrating the exemption approval.

OPTION 1. Bidder/Proposer is not on the current list of persons engaged in investment activities in Iran created by the California Department of General Services (“DGS”) pursuant to Public Contract Code section 2203(b), and we are not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

OPTION 2. Bidder/Proposer has received a written exemption from the certification requirement pursuant to Public Contract Code sections 2203(c) and (d). *A copy of the written documentation demonstrating the exemption approval is included with our bid/Proposal.*

CERTIFICATION:

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY, that I am duly authorized to legally bind the bidder/proposer to the OPTION selected above. This certification is made under the laws of the State of California.

<i>Vendor Name/Financial Institution (Printed)</i>	<i>Federal ID Number (or n/a)</i>
<i>By (Authorized Signature)</i>	
<i>Printed Name and Title of Person Signing</i>	<i>Date Executed</i>

END OF DOCUMENT