



REQUEST FOR QUALIFICATIONS (RFQ)

FOR

Atlantic Avenue Improvements

DESIGN-BUILD PROJECT

RFQ COVB-23-101021

CITY OF VIRGINIA BEACH

ECONOMIC DEVELOPMENT

4525 MAIN STREET, SUITE 700

VIRGINIA BEACH, VA 23462

Date: February 24, 2023

Receipt of Statement of Qualifications: March 31, 2023

City of Virginia Beach Contact: John Tigert, Purchasing Division

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ARTICLE I. GENERAL INFORMATION

1.01 Introduction

- A. The City of Virginia Beach (“Owner”) is requesting Statements of Qualification (SOQ) from qualified Design-Builders that have experience in the design and construction of streetscape improvements on Atlantic Avenue, including new sidewalks and street furnishings, dedicated bike lanes, improved plantings and trees, signage and lighting, and other aesthetic features. From the responses received, the Owner will select up to 3 of the highest qualified Design-Builders to compete for a progressive design-build contract to provide turn-key design and construction services for the Project.
- B. The objective of this RFQ is to short-list qualified Design-Builders that will subsequently receive a Request for Proposal (RFP) for submission of Technical and Price Proposals. The Owner will select a Design-Builder based on all information provided including interviews, during the selection process.
- C. Interested Proposers should submit Statements of Qualifications (SOQ) (one original bound hard copy and one electronic copy) to the **Purchasing Agent, 2401 Courthouse Drive, Bldg. 1, STE 3097, Virginia Beach, Virginia 23456, no later than 3:00 pm EST March 31, 2023**. The electronic copy shall be in text searchable pdf or other “readable only” format and shall be placed on a USB-compatible flash drive. The original hard copy shall be placed in a sealed envelope or package and identified with the solicitation number, the Date and Time of closing, and the name and address of the Respondent. SOQs received after the specified date and time shall not be considered and shall be returned unopened to the Proposer.
- D. The City Of Virginia Beach Does Not Discriminate Against Faith-Based Organizations.
- E. Consultants who assisted the Owner in the RFQ/RFP preparations may not propose or participate in any Design-Build Team on this Project. The following firms have been precluded in participating in any proposals/Design-Build teams for the project:
 1. Kimley Horn and Associates
 2. Clark Nexsen Inc.
- F. Kimley Horn and Associates and Clark Nexsen Inc. will serve in an Owner’s Advisor role and will be a non-voting member of the selection committee helping the Owner prepare and respond to procurement documents, assist with evaluating SOQs and proposals, helping with contract negotiations, and supporting The Project through technical reviews as warranted.
- G. The Owner shall not be held responsible for any oral instructions. Any changes to this Request for Qualifications (RFQ) will be in the form of a written addendum, which will be published on the City’s Supplier Portal.
- H. The Owner reserves the right to reject any or all SOQs, waive any informality or irregularity in any SOQ received, and be the sole judge of the merits of the respective

SOQs received.

1.02 Small, Women-owned, and Minority-owned (SWaM) Participation

A. Small Business Enhancement Program:

- This project will be subject to the requirements of the Small Business Enhancement Program. Contractors that intend to subcontract work on the resulting construction project must commit at least 50% of the value of the subcontracted work to businesses certified as Small businesses (SWaM) by the Virginia Department of Small Business and Supplier Diversity; if the contractor is unable to meet the 50% subcontracting requirement, then the contractor must provide documentation showing, with specificity, good faith efforts undertaken to meet the 50% SWaM-certified subcontractor participation requirement. Subcontractors shall be committed on the Subcontracting Participation Plan (CVAB-E2) before the execution of a contract amendment authorizing the construction phase of The Project.*
- For purposes of classification as a minority-owned business for purposes of this section, the City shall allow certification through the Virginia Department of Small Business and Supplier Diversity or certification through the City's SWaM Business Office.*
- The Subcontracting Participation Plan is not a required submittal as part of a response to this RFQ. This form is for reference purposes only and should not be submitted with the contractor's response. The CVAB-E2 form can be found at www.vbgov.com/swam.*

B. Project Goals

- This project will be subject to the requirements of the Project Goals program, as outlined in the City of Virginia Beach ordinance Sec. 2-224.14. Before the execution of a contract amendment authorizing the construction phase of The Project, the purchasing agent or designee shall review the anticipated scope of work to make a determination as to whether there are sufficient subcontracting opportunities for meaningful minority-owned business project goals. If the contractor is unable to meet The Project goal specified by the purchasing agent, then the contractor must provide documentation showing, with specificity, good faith efforts undertaken to meet The Project goal.*
- For purposes of classification as a minority-owned business for purposes of this section, the City shall allow certification through the Virginia Department of Small Business and Supplier Diversity or certification through the City's SWaM Business Office.*
- Subcontractors shall be committed on the MBE Subcontracting Participation Plan (CVAB-E3) before the execution of a contract amendment authorizing the construction phase of The Project.*

1.03 Definitions

- ### A. Addendum or Addenda: Written documentation provided by the Owner to Proposers to

modify, add to, or clarify the RFQ.

- B. Alternate Key Personnel: Individuals identified by the Proposer who will be assigned to the Project in the event a Key Personnel individual is unable to fulfill the Key Personnel role. In such an event, an Alternate Key Personnel individual shall be approved by the Owner and become a Key Personnel individual.
- C. Builder: A building/construction firm or entity registered as a contractor in accordance with Title 2.2, Chapter 43 of the Code of Virginia, which constructs or otherwise assists in the construction and commissioning of a specified project based on the direction of the design and design-related documents through a contractually defined relationship with an owner and/or owning entity.
- D. Business Day: any day on which the Owner is open for regularly conducted business.
- E. City: the City of Virginia Beach
- F. Construction Manager: The person within the Builder's organization who is responsible for the daily on-site construction activities on the project. This individual shall be assigned full time for the duration of the construction operations.
- G. Designer: An architectural/engineering design firm or entity that develops design and design-related information that is registered to practice architecture and/or engineering in the Commonwealth of Virginia and has professional architect(s) and engineer(s) registered in the Commonwealth of Virginia as key design personnel in responsible charge.
- H. Design-Builder: The individual or entity with which the Owner has contracted for the performance of the Work, as designated in the Agreement.
- I. Design-Build Project Manager: The individual who is responsible for the overall project design and construction. This person will be responsible for the design, construction, quality management, contract administration, procurement and furnishment of materials, and timely project delivery.
- J. Design Manager: The individual who will be responsible for coordinating the individual design disciplines and the overall project design is in conformance with the contract documents. This individual shall be a registered, licensed, Professional Engineer in the Commonwealth of Virginia.
- K. Joint venture: Two or more individuals, partnerships, corporations, or combinations thereof that join together to bid on and construct a project.
- L. Owner: City of Virginia Beach.
- M. Project Quality Assurance Manager: The person who is responsible for the overall quality of the project and adherence to the project quality assurance/quality control criteria.
- N. Procurement: The Owner's process for selecting a Design-Build Team for this Project.
- O. Procurement Documents: All documents issued by the Owner in connection with the procurement phase of The Project.

- P. Proposer: The corporate entity or firm responding to this RFQ by submitting the SOQ and that if selected by the Owner under the RFP, will enter into the Design-Build Agreement as the Design-Builder. Can be used interchangeably with “Offeror”.
- Q. RFQ Documents: The Advertisement or Invitation, RFQ, and any forms, Project information, budget information, proposed Contract Documents, or other documents issued with or incorporated by the RFQ.
- R. Selection Committee (Committee): The group appointed by the City Engineer that are responsible for evaluating the Statements of Qualifications and short-listing Proposers in response to the RFQ and for evaluating and ranking Proposals in response to the Request for Proposals.
- S. State: Commonwealth of Virginia.
- T. Statement of Qualifications (SOQ): The document submitted by a Proposer in response to the RFQ, including any completed forms, attachments, and exhibits. Can be used interchangeably with “proposal” or “offer” when used in connection to this RFQ.
- U. Subcontractor: Any individual, partnership, corporation, or joint venture to whom the Contractor subcontracts part of the work.

1.04 Project Description

- A. The project includes the design and construction of streetscape improvements along Atlantic Avenue. The scope of work includes the design of improvements identified in the Resort Area Mobility Plan (RAMP), sidewalk replacements, lane and curb adjustments, dedicated bike lanes updates to street furnishings (benches, bike racks, planters, trash receptacles and newsstand pedestals), improved plantings and street trees, consistent signage, upgrading and replacing infrastructure, and adding art to create a sense of arrival.

1.05 Previous Project Planning/Studies

The following is a list of previous studies and documents that are available for review. Instructions on how to obtain copies of these documents are included in Section 7.02.

- A. Resort Area Strategic Action Plan (RASAP): City council in June of 2020 adopted the RASAP plan to guide the future growth and development with the resort area. The plan includes goals for implementation by 2030 which include but are not limited to a unique sense of arrival, preservation of the Virginia Beach identity, provision of safe and comfortable places for residents and visitors to visit, and coastal resilience.
- B. Resort Area Mobility Plan (RAMP): The RAMP is an extension of the RASAP which provides a multi-modal plan for the resort area which including a focus on improving vehicular, bicycle, pedestrians, transit, and shared mobility uses.

- C. Oceanfront Resort District Connector Park Design Guidelines: A document that provides a comprehensive set of design guidelines for the connector parks between Atlantic Avenue and Boardwalk.
- D. City of Virginia Beach Active Transportation Plan: The Active Transportation Plan is a component of the of the Comprehensive Plan that focuses on bikeway and pedestrian trails.

1.06 Design-Build Scope of Work

- A. The Design-Build services will be performed as a single contract with one entity identified as the Design-Builder. Services will include all necessary activities to design and construct a turn-key project including but not limited to:
 - 1. *Project Management and Administration through project leadership and overall team coordination.*
 - 2. *Project planning and scheduling.*
 - 3. *Conducting site investigations including geotechnical investigations, surveying mapping, potholing, and contaminated soils investigations.*
 - 4. *Project Design.*
 - 1) Landscape/Streetscape design
 - 2) Civil engineering and stormwater management design
 - 3) Streetlighting, traffic, and signal design
 - 4) Landscape services and plantings
 - 5. *Interdisciplinary Coordination.*
 - 6. *Review and comply with Codes and Standards. Secure final approval of the plans and specifications through the Department of Public Works and their reviewing organizations.*
 - 7. *Value analysis services, value engineering, cost savings suggestions, and best value recommendations.*
 - 8. *Construction cost models, estimates based on marketplace conditions, anticipated price escalation, and cash flow development and analysis.*
 - 9. *Coordination of Contract and Construction Documents.*
 - 10. *Coordination with public and private utility owners to relocate any services in conflict with the Project and to bring all required services to the Project.*
 - 11. *Phasing and scheduling construction to meet the schedule without interruption of services to the Owner's customers.*
 - 12. *Property Acquisition.*
 - 13. *Applying for and securing all permits required for the Project.*
 - 14. *Developing the Project execution plan and procurement documents for solicitation of competitive prices from suppliers and subcontractors.*
 - 15. *Submitting and negotiating a Guaranteed Maximum Price (GMP)(s) amendment for*

the Phase 2 services, with pricing subject to review on an open-book basis

16. *Public Involvement in partnership with the Owner*
 17. *Construction services including traffic management and detours, demolition, paving and earthwork, storm drainage, traffic signalization, landscaping, lighting, pavement striping, and utility work.*
 18. *Construction inspection*
 19. *Quality assurance and quality control.*
 20. *Project Closeout including punchlist documentation and resolution, as-built documentation, final inspection, and acceptance.*
 21. *Providing a Project guarantee and an overall Project warranty as well as warranties typically provided by materials and equipment vendors for the Project*
- B. The Design-Builder will be an integral member of the Project Team, consisting of the Design-Builder, representatives from the Owner, and other consultants, as required. It will be the responsibility of the Design-Builder to integrate the design and construction phases, utilizing skills and knowledge of design and general contracting to provide design, code analysis, value engineering, and constructability reviews, develop schedules, prepare detailed Project construction estimates, study labor conditions and, in any other way deemed necessary, to contribute to the development of the Project during the pre-construction/design phase. The Design-Builder assumes design and construction risk, has direct authority over the sub-consultants and subcontractors, and is responsible for construction means and methods.
- C. The progressive design-build delivery method was selected due to the complex nature of the work which includes, but is not limited to, an accelerated schedule, tight spatial constraints, and intricate phasing/sequencing of work. "Complex project" means a construction project that includes one or more of the following significant components: difficult site location, unique equipment, specialized systems, multi-faceted program, accelerated schedule, intricate phasing, allowable construction seasons or some other aspect that makes competitive sealed bidding not practical.
- D. The Design-Builder will deliver the Project in two phases: Phase 1, Design and Preconstruction Services, and Phase 2, Completion of Design, Construction, and Acceptance Testing. Phase 1 includes design through GMP submittal (anticipated to be 60 percent completion at minimum). The two phases of the Progressive Design-Build ("PDB") work are described below:
1. *Phase 1, Design and Preconstruction Services.*
 - a. During this phase, the City and the Design-Builder will collaboratively progress the design and cost, and conduct supporting activities such as permitting, construction planning, and scheduling.
 - b. During the beginning of this phase, the Design-Builder will evaluate the Project concept outlined in the in the Preliminary Engineering Report and Bridging

Documents collaboratively with the City to arrive at a Final Basis of Design.

- c. During Phase 1, the Design-Builder will use an approved cost model to develop open-book estimates of the price for Phase 2.
 - 1) Cost estimates will be progressively developed and refined, allowing the City to make informed cost and scope decisions based on the overall budget.
 - 2) Cost model estimates will be required at major milestones (i.e., at 30% and 60%) and whenever a major change occurs or is being considered that would affect the Phase 2 price.
 - d. Although the City anticipates negotiating a Guaranteed Maximum Price (GMP) amendment following 60% design, it may elect to enter into such negotiations at an earlier or later point in the design process.
 - e. If agreement on a GMP amendment cannot be reached, the City retains the right to use a contractual “off-ramp” that will terminate the Agreement for convenience or, at the Owner’s option, suggest modifications to the GMP Proposal, whereupon, if accepted by Design-Builder, the GMP amendment will be deemed accepted.
 - f. Or the City may authorize the Design-Builder to continue to proceed with the Project based on reimbursement. If the City initiates the contractual off-ramp, the City will reserve the right to cancel or re-procure the Project using traditional design-bid-build or design-build delivery.
2. *Phase 2, Design Completion, Construction, and Project Acceptance & Warranty Period*
- a. During this phase, the Design-Builder will complete the design, construct the Project, startup, and commission Project facilities, and complete an Acceptance Test to demonstrate the performance of the Project and provide other support services.

1.07 Submittals and City Review

- A. Throughout the design and construction, the Design-Builder will transmit submittals including design documents, work plans/schedules, shop drawings, O&M manuals, training materials, etc. at various milestones for the City’s review.
- B. In addition, the Design-Builder will arrange and prepare the minutes for meetings including kickoff meetings, pre-construction meetings, coordination meetings, progress meetings, permit review meetings, design review meetings, etc. to allow for discussion of design/construction concepts and issues. The anticipated deliverables and review process will be further defined in the RFP.
- C. The Design-Builder will provide construction drawings signed and sealed by a Professional Engineer licensed by the Commonwealth of Virginia. For sub-projects involving multiple professional services, each professional shall seal, sign, and date the final documents for the work component that he completed.

1.08 Schedule for Completion

- A. The Owner anticipates the initial design and an early phase of construction to be completed in the Winter/Spring of 2023-24, with subsequent construction occurring during the Fall/Winter/Spring of 2024-25, Fall/Winter/Spring of 2025-26, and Fall/Winter/Spring of 2026-27. Further scheduling information will be provided during the RFP phase.
- B. The City will not waive the Summertime Construction Moratorium.
- C. The schedule will be developed in a manner that is consistent with the approved Capital Improvement Program and the summertime construction moratorium.

1.09 Estimated Total Project Cost

- A. The total estimated project cost is \$48,100,000. The project will be incrementally funded in the FY 23 to 27 outyears, and therefore the associated construction phases associated with each fiscal year will only be executed upon the obligation of the programmed funds for each year.
- B. The adopted City of Virginia Beach Resource Management Plan – Capital Improvement Program – Fiscal Year 2022-23 shows following funding program for the Project:
 - 1. FY2022 – 23 – Appropriations to date is \$11,900,000.00
 - 2. FY2023 – 24 – Programmed is \$11,000,000.00
 - 3. FY2024 - 25 – Programmed is \$11,000,000.00
 - 4. FY2025 – 26 – Programmed is \$7,900,00.00
 - 5. FY2026 – 27 – Programmed \$6,300,000.00

ARTICLE II. PRE-SOQ SUBMISSION/INDUSTRY DAY MEETING

2.01 Meeting Information

- A. All Proposers are encouraged to attend the Pre-SOQ Submission/Industry Day Meeting which will be held **March 8, 2023, at the Virginia Beach Convention Center, 1000 19th Street, Room 3A-C, Virginia Beach, VA, 23451, 3:00 PM – 4:00 PM EST.**
- B. Attendance at the meeting shall not be mandatory for Proposers to submit an SOQ.
- C. The Pre-SOQ Submission Meeting will include a review of the Project.

ARTICLE III. INTERPRETATIONS AND ADDENDA

3.01 Questions

- A. All administrative questions shall be addressed to John Tigert, Assistant Purchasing Manager, jtigert@vbgov.com
- B. No Proposer or team member is to contact other City of Virginia Beach staff, Committee members, individuals, and staff from firms and organizations listed in Section 1.01, E, or other involved parties.

3.02 Addenda

- A. Written addenda will be issued to clarify, correct, supplement, or change the RFQ.
- B. Interpretations or clarifications considered necessary in response to questions will be issued by written addenda via eVA and the City's Supplier Portal. Questions received less than 10 calendar days before the date for receipt of SOQs may not be answered.
- C. Only responses outlined in the written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect. Responses to questions are not part of the RFQ unless outlined in a written addendum that expressly modifies or supplements the RFQ.

ARTICLE IV. INSTRUCTIONS TO PROPOSERS

4.01 Preparation of Submittals

- A. Firms interested in providing design-build services must submit a Statement of Qualifications (SOQ) that addresses the evaluation criteria. Applicants shall organize their submissions in such a way as to follow the evaluation criteria listed below. The information included within the SOQ will be used to evaluate proposers as part of any criteria regardless of where that information is found within the SOQ. Information obtained from the SOQ and any other relevant source, including references from any past clients, may be used in the evaluation and selection process. In short-listing pre-qualified design-build Proposers, emphasis will be placed on information demonstrating the ability to complete the Project with quality workmanship, in difficult site conditions with schedule constraints, and in a productive, collaborative environment.
- B. Information submitted in the public procurement process is subject to public inspection by the Virginia Freedom of Information Act (FOIA). Therefore, trade secrets or proprietary information must be identified to prevent their disclosure, and the reason why protection is required must be stated (section 2.2-4342(F) of the Code of Virginia).
- C. Proposers are required to have a Class A Contractor License and show evidence of certification or licensing by the State Board for Contractors before any bid may be received and considered.
- D. Proposers are required to have Professional Architect(s) and Engineer(s) registered in the Commonwealth of Virginia and show evidence of licensing by the Department of Professional and Occupational Regulation.
- E. Chapter 5, Title 59.1, Code of Virginia, 1950 as amended, requires anyone transacting business in the State under an assumed or fictitious name to file a certificate of Ownership with the Clerk's Office of the Virginia Beach Circuit Court. Limited partnerships, limited liability companies, or corporations transacting business in the State under an assumed or fictitious name are required to also file a Certificate of Ownership with the Clerk of the State Corporation Commission.
- F. A Submittal by a corporation shall be submitted in the corporate name by a corporate officer or authorized agent. The Owner will request evidence of authority to sign. The

corporate address and state of incorporation shall be provided.

- G. A Submittal by a partnership shall be submitted in the partnership name by a partner. The Owner will request evidence of authority to sign. The official address of the partnership shall be provided.
- H. A Submittal by a limited liability company shall be submitted in the name of the firm by a member or other authorized person. The Owner will request evidence of authority to sign. The state of formation of the firm and the official address of the firm shall be provided.
- I. A Submittal by a joint venture (JV) shall be submitted by an authorized representative of the JV. The Owner will request evidence of authority to sign. The joint venturers shall provide details of their interest in the relationship and the official address of the JV, as an appendix to the Submittal. Each member of the JV must be registered with the State Corporation Commission (SCC) in accordance with §2.2-4311.2 of the Code of Virginia.
 - 1. *The City recognizes that entities forming a JV for the Project may incur delays in securing a Federal Tax Identification Number. If the JV Federal Tax Identification Number process is pending, then the SOQ and Teaming Agreement shall be submitted by an authorized representative from one of the joint venturers who meets the requirements of this Article IV.*
 - 2. *The JV needs to be fully and properly established with a Federal Tax Identification Number before issuing the short-listed Proposers. To substantiate the establishment of the JV, provide a copy of the Federal Tax Identification Number and the JV's official address to John D. Tigert, Assistant Purchasing Manager, jtigert@vbgov.com. If the Proposer is short-listed, the Technical and Price Proposals shall be submitted by the JV. The JV registration shall be required to be in effect before approval and until the end of the Project warranty period after Substantial Completion.*
 - 3. *The City, in its sole discretion, reserves the right to determine that the information provided regarding the status of the JV is acceptable and meets the intent stated above.*
- J. Proposers shall acknowledge receipt of all Addenda.
- K. The submittal shall be in a bounded document with a letter of interest or cover letter, and tabs separating the Statement of Qualifications Evaluation Criteria contained herein.
- L. When printed, the submittal to this RFQ shall be limited to 50 pages total (front to back).
- M. Pages sized greater than 8.5 x 11 inches will count as two pages. These larger pages may be used in any section at Proposer's discretion and could be used for charts, tables, pictures, graphics, etc. but shall not be used solely for SOQ narrative.
- N. The font shall be no smaller than 11 points for narrative sections, but may be reduced for captions, footnotes, etc. as required while still maintaining legibility.
- O. The only documentation that is not included in the page count and can be included as appendices is the following:

1. *Letter of Interest or cover letter*
 2. *Table of Contents*
 3. *Divider tabs or cover pages, provided that they contain no substantive content*
 4. *Resume*
 5. *SWaM Program Compliance Affidavit*
 6. *Surety Letter*
 7. *Evidence of certification or licensing by the State Board for Contractors and evidence of licensing for Professional Architect(s) and Engineer(s) by the Department of Professional and Occupational Regulation.*
 8. *Safety Records for the Designer, Builder, and main Subcontractor(s) for the last 3 years*
- 4.02 Small, Women-owned, and Minority-owned (SWaM) Program Requirements
- A. The following Small, Woman-owned, Minority-owned, and Service-Disabled Veteran-owned Business Enterprise information is required:
 1. *Offerors, when describing their experience, should provide details on their previous experience in assisting other public agencies in meeting any established goals for small, woman-owned, minority-owned, or Service-Disabled Veteran-owned businesses.*
 2. *Offerors are required to submit the SWaM Program Compliance Affidavit for Design Build Construction Projects with their proposal (Section 7.01).*
- 4.03 Statement of Qualifications Evaluation Criteria
- A. The SOQ shall consist of the following sections and shall provide the following specific information (the percentage listed in parenthesis is the weight that each selection criteria will have in the evaluation):
 1. *Section 1 – Proposed Project Organization and Key Personnel (30%)*
 - a. *Section 1A – Profile of Firm(s)*
 - 1) *Proposed leadership structure of Designer and Builder and any parent corporation, principals in the Designer and Builder, and key Subcontractors for this Project. Indicate the legal structure of the Designer and Builder proposing. Describe the length of time in business, corporate structure, and names of corporate officers.*
 - 2) *Provide in Section 6 evidence of the Builder’s registration as a contractor in accordance with Title 2.2, Chapter 43 of the Code of Virginia.*
 - 3) *Provide in Section 6 evidence of the Designer’s professional corporate registration to practice architecture and engineering in the Commonwealth of Virginia and evidence of professional architectural and professional engineer registration in the Commonwealth of Virginia for key design personnel.*
 - 4) *Provide in Section 6 safety Records for the Designer, Builder, and main*

Subcontractor(s) for the last 3 years.

b. Section 1B – Organization and Key Personnel

- 1) Provide an organization chart showing Team Members, Key Personnel, and their firm affiliation for all phases of the Project from design through final acceptance and warranty and maintenance period. Be certain to identify specific individuals for key functions and show interrelationships and reporting hierarchy. Note whether individuals are performing multiple functions.
 - a) *Identify the Design-Build Project Manager who is the primary point of contact for the Owner.*
 - b) *Identify the Lead Designer(s) who will provide overall management of the design and be the designer(s) of record.*
 - c) *Identify the Lead Builder(s) who will provide overall management of the construction and be the builder(s) of record.*
 - d) *Identify the Project Quality Manager who will be primary contact responsible for the overall quality of the project.*
- 2) Provide in Section 6 resumes for key personnel including project executive (or executive committee members), design-build project manager, project design manager, project construction manager, project quality manager, project safety representative, and technical specialists. Design-Build Institute of America (DBIA) certification of Design-Builder personnel shall be documented. The following are the minimum experience requirements for the following key personnel:
 - a) *The Design-Build Project Manager shall have a minimum of 20 years of relevant experience.*
 - b) *The Project Design Manager shall have a minimum of 15 years of relevant experience, and shall include a licensed Professional Engineer and a licensed Landscape Architect in the Commonwealth of Virginia.*
 - c) *The Construction Manager shall have a minimum of 15 years of relevant experience.*
 - d) *The Project Quality Manager shall have a minimum of 15 years of relevant experience.*
- 3) Identify where the proposed team intends to maintain its primary project office(s), where the majority of the design work will be performed, where the project manager will be located, and who will coordinate with the Owner and its representatives daily.

2. Section 2 – Experience (40%)

a. Section 2A – Design-Build Team Experience

- 1) The Proposer shall provide evidence of overall qualifications, capabilities, and experience as it relates to this Project, for both design and construction entities and their key personnel, and explain its understanding of, and experience with, the progressive design-build delivery method.
 - a) *All experience shall be both relevant (i.e., similar in scope and complexity) and recent (i.e., completed within the last ten years).*
 - 2) The Design-Builder shall provide documentation of six (6) projects that best demonstrate its ability to successfully perform this Project. Three (3) projects shall be provided by the Builder, and three (3) projects shall be provided from the Designer. Projects that were performed in a Design-Build relationship between the Builder and Designer shall count as one (1) project only. Projects that were performed as Design-Build, and specifically with the Builder and Designer as a team will be considered more favorably by the review committee. Proposers may provide experience in a Joint Venture provided the experience is both recent and relevant to this Project and was performed by the proposed joint venture partners.
 - 3) Each project used as evidence of applicable experience shall include the following:
 - a) *Project description including technical details, construction cost, date completed, and major features. Identify the project contract format such as cost-plus, lump sum (or fixed price), guaranteed maximum price, etc.*
 - b) *Owner reference and contact information (name, title, phone, email, and project role).*
 - c) *Firms involved and names of the Designer's and Builder's project managers.*
 - d) *Involvement of key team members who have been proposed for this Project.*
 - e) *Describe ability to work collaboratively with Owner(s) including experience with innovative approaches on similar projects, formal partnering with Owner(s) and Owner's Consultant(s).*
 - f) *Include information on successful past performance, including timeliness of project delivery, management of complex construction sequencing, ability to construct within a constrained site, quality of workmanship, cost control, and safety provisions or procedures that resulted in a safe and healthy project environment.*
- b. Section 2B – Experience and Qualifications of Other Team Members:
- 1) Provide experience and qualifications in structural, mechanical/electrical, architectural, civil, and environmental permitting, and any specialty consulting firms participating in the design effort.

- 2) Provide experience and qualifications for proposed subcontractors and your method of subcontractor selection.
- 3) Describe each firm's position within the team and role on this Project.
- c. **Section 2C – Demonstrated Experience of Designer and Builder Working Together**
 - 1) Provide a list and brief description of projects where the Designer and Builder have had experience working together as a Design-Build team or other teaming relationship on other similar projects.
3. *Section 3 – Approach to Project Management (30%):*
 - a. Describe your planning, scheduling, estimating, and construction management tools and approach.
 - b. Describe your collaborative approach to working with engineers, architects, Owners, and other key stakeholders and how your collaborative approach will result in success as it relates to reducing cost, increasing quality, and meeting (or exceeding) schedule and Owner expectations.
 - c. Describe your approach to change orders, schedule control, and cost control.
 - d. Describe your quality control plan.
 - e. Describe your safety management approach.
 - f. Describe your current workload and ability to proceed promptly.
 - g. Describe your plan for a high degree of public participation and related coordination for input and resolution of project issues
4. *Section 4 – Minimum Qualifications*
 - a. Failure to respond to and provide the information requested below by the due date for responses to this RFQ shall be considered justification for denying pre-qualification for this Project.
 - 1) Financial Ability: The prospective design-build team must demonstrate sufficient financial ability to perform the contract by providing evidence (a surety letter) of the ability to acquire performance and payment bonds from a corporation included on the United States Treasury list of acceptable surety corporations in an amount not less than the estimated total project cost of the design and construction for \$48 Million plus 10% in potential change orders. The Proposer submitting the response to this RFQ must be the same entity providing the evidence of ability to be bonded and must be the same entity that will enter into a design-build agreement with the Owner. Financial ability is a pass / fail evaluation criterion.
 - 2) Judgments: Has your firm or any officer, director, or owner thereof had a judgment(s) entered against him/her within the past ten years for breach of contract for governmental or nongovernmental construction, including, but not limited to, design-build or construction management? If so, please

explain.

- 3) Convictions: Has your firm, any officer, director, owner, project manager, procurement manager, or chief financial official thereof been convicted within the past ten years of a crime related to governmental or non-governmental construction or contracting? If so, please explain.
- 4) Debarment: Is your firm, any officer, director, or owner thereof currently debarred under an established debarment procedure from bidding or contracting by any public body, an agency of another state, or an agency of the federal government? If so, please explain.

5. *Section 5 – Appendices*

- a. Evidence of Builder’s registration as a contractor in accordance with Title 2.2, Chapter 43 of the Code of Virginia
- b. Evidence of the Designer’s professional corporate registration to practice architecture and engineering in the Commonwealth of Virginia and evidence of professional architectural and professional engineer registration in the Commonwealth of Virginia for key design personnel
- c. Safety Records for the Designer, Builder, and main Subcontractor(s) for the last 3 years
- d. Resumes of key personnel
- e. Most recent, audited financial statements
- f. Surety letter
- g. Information for all formal claims made, requests for equitable adjustment submitted, arbitration, or legal actions taken by the Designer or Builder against any Owner over the past 5 years and claims and/or damages assessed by any Owner against the Designer or Builder over the past 5 years. Include the name of the Owner, project title, amounts of claims, disputes or liquidated damages, and final disposition with explanation, as appropriate.
- h. Other relevant information.

4.04 Evaluation of Statement of Qualifications

- A. The evaluation and selection of the Design-Builder shall be in accordance with City of Virginia Beach Resolution CA15746 R-1 dated April 5, 2022, which utilizes a two-step competitive negotiation process. This RFQ comprises Step I during which Respondents will submit SOQs for the Project. Upon completion of Step I, the Owner will develop a short list of up to 3 of the highest qualified Offerors to receive the Request for Proposal (RFP). Only those short-listed firms will receive the RFP to be issued by the Owner, which constitutes Step II of the two-step competitive negotiation process.
- B. The Committee shall short-list Proposers for further consideration based on the SOQ submitted in response to this RFQ. The evaluation of the SOQ by the Committee

members to short-list Proposers will be based on the industry experience of the Committee members and the following evaluation criteria:

Statement of Qualifications Evaluation Criteria	Total Points
1. <i>Proposed Project Organization and Key Personnel</i>	30
2. <i>Design-Build Team Experience</i>	40
3. <i>Approach to Project Management</i>	30
4. <i>Financial Ability/Minimum Qualifications</i>	Pass/Fail
<i>Total Points</i> 100	

The Owner shall advise each Offeror in writing as to whether that Offeror has been prequalified in Step I.

- C. The selection of the Design-Builder will be based upon those responsive and responsible proposals received during Step II of the procurement process where the Owner will evaluate the proposals received, make a best-value determination by weighted scoring of the technical and price proposals, and enter into a progressive design-build agreement.

ARTICLE V. Tentative Procurement Schedule

5.01 Tentative schedule for key procurement milestones.

- A. The Owner reserves the right to modify this schedule as needed.

Tentative Procurement Schedule	
Issue RFQ	February 24 th , 2023
Non-Mandatory Pre-SOQ Submission Meeting	March 8 th , 2023
RFQ Questions Deadline	March 15 th , 2023
SOQ Submittal Deadline / Time	March 31 st 2023, 4 PM
SOQ Evaluation	April 2023
Designation of Short-listed Respondents to the RFQ	May 2023
Issue RFP with Draft Contract	April 2023
Technical and Confidential Meetings	May 2023
Proposals Questions Deadline	May 2023
Proposal Submission Deadline	July 2023
Evaluation of Proposals	July 2023
Interviews	August 2023
Select Proposer for Negotiations	August 2023
Finalize Scope and Contract Negotiation	September 2023
Design-Builder Notice to Proceed	October 2023

ARTICLE VI. REQUEST FOR PROPOSAL (RFP) PROCESS

6.01 Request for Proposal (RFP)

- A. Information to be submitted by the short-listed firms will be outlined in a separate RFP to be issued later to the short-listed firms.
 - 1) A stipend of \$40,000 will be paid to each of the short-listed firms at the completion of the RFP selection process. No other payment of any kind will be made in respect of any costs associated with or incurred in the preparation and submission of any proposal as part of the RFP process, including travel costs for site visits, meetings, interview or material costs.
- B. The RFP release is anticipated on or about **April 20th, 2023**. Proposals that are not responsive to the RFP may be excluded from consideration. The criteria used for determining whether a proposal is not responsive shall be defined in the RFP.
- C. Key Personnel included in the SOQ will be one of the major bases for short-listing Proposers; therefore, changes to the Offeror's proposed team, including the Key Firms and Key Personnel, will not be allowed in the Proposal stage except for extenuating circumstances, such as corporate takeovers, buyouts, and other unforeseen changes, or to enhance Proposal teams.
- D. The Agreement Between Owner and Design-Builder for Progressive Design-Build will utilize a MODIFIED version of EJCDC® D-512. Copyright © 2016 by the National Society of Professional Engineers, American Society of Civil Engineers, and American Council of Engineering Companies, or is based in part on excerpts from EJCDC documents. Those portions of the text that originated in published EJCDC documents remain subject to the copyright.

6.02 Proprietary Meetings

- A. All Proposers are encouraged to attend individual Proprietary Meetings with the City and its Consultants. Each meeting shall be private, in that only 1 Proposer would meet with the City at a time and is expected to last no longer than 2 hours per Proposer. Proposers are not required to accept an invitation to the Proprietary meeting.
- B. The purpose of the Proprietary Meetings is to give each Proposer, in a confidential setting, an opportunity to ask questions and discuss concerns related to the Project, details of the Project scope, and administrative procedures, and for the Proposer to discuss any proposed deviations to the RFP. The meetings are also intended to enable the City to express, among other things, whether the Proposer is pursuing an approach that will not meet the RFP Documents or is otherwise unacceptable to the City. At least 3 calendar days before each meeting the Proposer shall submit to the City in writing the names and functions of each of its attendees and the issues and questions to be discussed. Attendance at the proprietary one-on-one meetings will be limited to six (6)

Key Personnel.

- C. The Proposer shall prepare minutes of its Proprietary Meeting with the City and furnish the minutes in Microsoft Word format, for review and approval to the City within 3 calendar days after the meeting by 5:00 p.m. local time. The City reserves the right to edit and return such meeting minutes to the Proposer to reflect the City's understanding of the meeting. Because of the proprietary nature of these meetings, neither the agenda nor the minutes will be subject to disclosure until after the award of the Design-Build Contract. If the meeting minutes are not provided by the aforementioned time restriction, everything discussed at the meeting will be considered null and void and any understanding reached during the meeting will not be applicable between the parties to the meeting.
- D. While the discussions in these Proprietary Meetings are intended to be confidential, nothing shall preclude the City from exercising any rights that it may have under the RFP, including the right to issue a clarification or revision of the RFP, or Addenda, as a result of what is discussed in such meetings.
- E. Nothing herein shall be construed to preclude the City from speaking with any Proposer at any time before the opening of the Price Proposals, and the City expressly reserves all such rights to do so.
- F. Additional information concerning Proprietary Meetings will be outlined in the RFP to be issued later to the short-listed firms.

6.03 Selection Process

- A. Proposals received in response to the RFP will be evaluated using pricing and performance criteria that will be detailed in the RFP. The pricing criteria will likely include, but may not be limited to:
 - 1. *Design services fee (broken down into Phase 1 and Phase 2 design services)*
 - 2. *Preconstruction fee*
 - 3. *Design-build services fee*
 - 4. *General conditions fee*
- B. The non-price criteria may include, but not be limited to:
 - 1. *Approach to innovation and lifecycle cost*
 - 2. *Approach to design and designing for simplified operations and maintenance*
 - 3. *Approach to meeting performance specifications*
 - 4. *Approach to cost modeling, value engineering, and designing to a budget*
 - 5. *Approach to the construction schedule, work sequencing, maintaining progress, and schedule management including an approach to meeting key Project milestones*
 - 6. *Preliminary Project concepts and the ability to meet City's objectives and criteria*
 - 7. *Approach to risk management*
 - 8. *Approach to obtaining permits and approvals*

9. *Approach to startup, commissioning, and Acceptance Testing*
10. *Approach to the Work, including any anticipated self-performed Work*
11. *Performance History*
12. *Plan for anticipated procurement difficulties*
13. *Plan for meeting any goals set as part of any diversity and inclusion program required by the public authority or by applicable law; and*
14. *Plan for additional considerations which may include technical design, technical approach, quality of proposed personnel, and management plan*

6.04 Final Evaluation and Recommendation to Award

- A. Final Evaluation: The Committee shall assign and keep confidential a ranking for each shortlisted Proposer that submits Technical and Price Proposals in response to the RFP. The ranking will be based on an evaluation by the individual committee members using the SOQ submitted under the RFQ, the Technical and Price Proposals submitted under the RFP, discussions with short-listed Proposers, and the following evaluation criteria and maximum assigned points:

Evaluation Criteria for Ranking Step	Total Points
Qualifications and Experience	30
Technical Proposal	35
Price Proposal	35
Total Points –	100

- B. Recommendation to Award: The City Engineer or designee shall negotiate an Agreement beginning with the Proposer ranked first. The City Engineer shall recommend the award of an Agreement to that Proposer if a satisfactory agreement can be negotiated. Otherwise, the City Engineer shall formally terminate negotiations with the Proposer ranked first and shall negotiate with the Proposer ranked second, and so on until a satisfactory agreement can be negotiated.

ARTICLE VII. ATTACHMENTS

- 7.01 SWaM Affidavit
- 7.02 Project Materials

ARTICLE VII. ATTACHMENTS



SWaM PROGRAM COMPLIANCE AFFIDAVIT FOR DESIGN BUILD CONSTRUCTION PROJECTS

The City’s policy is to encourage offerors in the participation of businesses that are a Small, Womanowned, Minority-owned, and Service-Disabled Veteran-owned Business Enterprise (SWaM) in City projects. A presentation of that policy has been made at the pre-proposal conference for this solicitation. By submission of a proposal in response to this solicitation, the offeror acknowledges and consents to all the terms and conditions of the City of Virginia Beach SWaM Policies. A copy of these policies may be provided upon request by the SWaM Business Office or online at www.vbgov.com/swam.

The Prime Contractor, prior to the execution of a construction contract or amendment, will be required to identify participation of SWaM businesses in compliance with the City’s applicable SWaM policies and any assigned SWaM project goals for minority-owned business participation. Offeror further agrees, if awarded a contract, it will, upon request, submit to the City the proper documentation identifying the workforce actually utilized on the contract, in compliance with the City’s SWaM policies. All SWaM related documentation is accessible and hereby provided to the Offeror at www.vbgov.com/swam.

To the extent permitted by Virginia law, the Offeror, their agents, officials, contractors, employees and servants agree not to discriminate in any manner on the basis of race, color, creed, national origin, sex, age, handicap, or sexual orientation with reference to the subject matter of this Contract/Proposal. The Offeror further agrees, to the extent permitted by law, to conform with the provisions and intent of City of Virginia Beach Ordinance Sec. 2-224.1-2-224.15, as amended. This provision is hereby incorporated herein for the benefit of the City of Virginia Beach and its residents, and may be enforced by action for specific performance, injunctive relief, or other remedy as provided by law. This provision shall be binding on the successors and assigns of the parties with reference to the subject matter of the Contract/Proposal.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the offeror to the commitments herein contained.

Signature of Authorized Officer

Printed Name and Title

Company

Date

Commonwealth of Virginia, County of _____ Subscribed and sworn to before me this _____ day of _____ 20__ Notary Public _____ My commission expires _____

7.02 Project Materials

A. Instructions to access TEAMS/SharePoint Site

1. *To access the Atlantic Avenue Improvements SharePoint site, please submit your request by email to one of the following:
dozowara@vbgov.com
earcher@vbgov.com
jwilson@vbgov.com*
2. *Your Name and Email Address will be added to the Members list with “Guest” permission to download Project Materials.*
3. *You will receive an email to access the site. Please follow the onscreen instructions.*
4. *In the event you are having difficulty accessing the site, please reach out to:
dozowara@vbgov.com
earcher@vbgov.com*