

PUBLIC BUILDING COMMISSION OF CHICAGO



2013 SCHOOL INVESTMENT PROGRAM REQUEST FOR PROPOSALS (“RFP”) FOR DESIGN-BUILD SERVICES

SUBMITTAL DUE DATE
April 30, 2013 at 2:00 p.m.

Mayor Rahm Emanuel
Chairman

Erin Lavin Cabonargi
Executive Director

This selection process is unique to the Projects described herein and notwithstanding other pre-qualification, qualification or bid requests by the Public Building Commission, or pre-qualification, qualification or bid responses submitted to the Public Building Commission, all Design-Build proposers on these Projects must comply with the qualification requirements as defined in this RFP.

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SECTION I – KEY INFORMATION ABOUT THIS RFP

(1) **SCOPE OF SERVICES.** The Public Building Commission of Chicago (“PBC”) is issuing this Request for Proposals (“RFP”) to engage multiple Design-Build Entities to provide design-build services for the renovation of Chicago Public Schools (“CPS”). Except as specifically detailed herein, the 2013 School Investment Program Projects must be completed by August 12, 2013. The PBC will be awarding design-build contracts for the Projects in accordance with the requirements of Sections 20.03 through 20.20 of the Public Building Commission Act (50 ILCS 20, *et. seq.*).

(2) **RFP CONTACT.** The RFP Contact, identified below, is the sole point of contact regarding the RFP from the date of issuance until selection of the Design-Build Entities.

Janice Meeks, Manager of Procurement
Public Building Commission
50 West Washington, Room 200
Chicago, Illinois 60602
Fax (312) 744-8005
janice.meeks@cityofchicago.org

(3) **QUESTIONS.** Please direct all questions in writing to the RFP Contact. The PBC will post answers to questions as appropriate on the PBC website, which may be viewed at http://www.pbcchicago.com/content/working/opening_display.asp?BID_ID=430.

(4) **SUBMISSION DEADLINES AND PROCUREMENT TIMETABLE.** The following dates are set forth for informational and planning purposes; however, the PBC reserves the right to change the dates.

- Issue RFP for Design-Build ServicesApril 9, 2013
- Outreach Event..... 9:00 a.m. to 11:00 a.m. – April 12, 2013
Kennedy-King College, Main Theater, 740 West 63rd Street, Chicago, Illinois 60621
- Pre-submittal Conference 9:30 a.m. to 10:30 a.m. – April 17, 2013
Chicago Urban League, 4500 South Michigan Avenue, Chicago, Illinois 60653
- Contractor Networking Sessions 10:30 a.m. to 12:00 p.m. – April 17, 2013
Chicago Urban League, 4500 South Michigan Avenue, Chicago, Illinois 60653
- Due Date and Time for Submission 2:00 p.m. – April 30, 2013
- Present Recommendation to PBC Board for Approval May 14, 2013

(5) **NUMBER OF COPIES.** Submit one (1) signed original, three (3) copies (double sided) and one (1) electronic copy on a compact disk (CD) or solid state memory stick of the Proposal in a sealed envelope or container.

(6) **SUBMIT PROPOSALS TO:**

Janice Meeks, Manager of Procurement
Public Building Commission
50 West Washington Street, Room 200
Chicago, Illinois 60602

(7) **RIGHT TO CANCEL.** The PBC reserves the right to cancel this procurement process whenever the best interest of the PBC is served. The PBC shall not be liable for costs incurred by proposers associated with this procurement process.

(8) **ACCESSIBILITY TO AND INCORPORATION OF DOCUMENTS.** Any attachments and exhibits referenced herein are fully incorporated as part of this RFP. An electronic copy of the attachments and exhibits, including a copy of this RFP, are available for download at: http://www.pbcchicago.com/content/working/opening_display.asp?BID_ID=430.

SECTION II – DESCRIPTION OF THE PROJECT

- (1) **2013 SCHOOL INVESTMENT PROGRAM (“PROGRAM”).** The Program will include renovations, enhancements and capital investments in 101 school facilities. The attached *Exhibit C - School Investment Program Matrix* includes the current list of School Investment Program schools along with a summary scope of work and a corresponding budget. The list of schools to be included in the Program will be finalized by the Chicago Board of Education in May, 2013.
- (2) **DESIGN-BUILD PROJECTS (“PROJECTS”).** Schools included in the Program have been bundled into “Projects” to be assigned to the selected Design-Build Entities. Projects are bundled based on geographical proximity and similarity of scope of work to be delivered. Each Project has an estimated value of less than \$12 million.
- (3) **OBJECTIVE OF THE PROGRAM.** The objective of the Program is to ensure that the learning environments at the affected schools are enhanced with: libraries; lunchrooms and food services that accommodate the new welcoming school student body; improved ADA accessibility; classroom air-conditioning; upgraded interiors such as floors, ceilings, and fresh paint as required; and, also as required, upgraded electrical systems and envelope repairs.
- (4) **OBJECTIVE OF THE PROJECT.** The objectives of the Project are: 1) to ensure that the improvements and enhancements are designed and built in compliance with CPS standards as well as local, state and federal regulatory requirements; 2) to ensure that, with very limited exceptions, the work is completed by August 12, 2013 so that CPS can coordinate final clean, FF&E and instructional setup in time for staff to occupy the schools by August 19, 2013; and 3) to deliver the work at a Guaranteed Maximum Price (“GMP”) of less than \$12 million.
- (5) **PRELIMINARY SCHEDULE FOR COMPLETION OF THE PROJECT.** The PBC intends to appoint Design-Build Entities on May 14, 2013 and issue Notices to Proceed by May 23, 2013. Construction will begin on June 21, 2013 (for Track E schools) and June 26, 2013 (for Track R Schools). All Project work (except for the final installation of elevators and specified mechanical work) is to be completed by August 12, 2013.
- (6) **PROPOSED BUDGET FOR THE PROJECT.** Each Project for which a Design-Build Entity will be selected pursuant to this RFP will consist of a negotiated Scope of Work at several CPS facilities. The total value of those Scopes of Work will be less than \$12 million. The source of funds for the Project(s) is the Chicago Board of Education. All funds will be committed by the Chicago Board of Education prior to issuance of award.
- (7) **LEVEL OF DESIGN TO BE INCLUDED IN PROPOSAL.** Proposers must demonstrate that they have the resources and qualifications needed to timely complete permissible design documents conforming to the scope to be delivered within the GMP. No design is required to be included in the Proposal.
- (8) **AGREEMENT FOR DESIGN-BUILD SERVICES.** The PBC anticipates the Design-Build Entities will enter into Agreements for Design-Build Services (“Design-Build Agreement”) with the PBC in

a form substantially similar to the Agreement attached to this RFP as Exhibit A. The Agreement will provide for the delivery of design and construction services to complete the Project.

- (9) **GUARANTEED MAXIMUM COST PROPOSAL.** It is anticipated that the Design-Build Entities will agree to a Guaranteed Maximum Price ("GMP") to be included in the Design-Build Agreement.
- (10) **MINORITY BUSINESS ENTERPRISE ("MBE") AND WOMEN BUSINESS ENTERPRISE ("WBE") GOALS.**
 - a. The MBE participation goal for each Project is 30% of the GMP.
 - b. The WBE participation goal for each Project is 5% of the GMP.
- (11) **DESIGN-BUILD ENTITY WORK SITE EMPLOYMENT REQUIREMENTS.** The PBC requires that Design-Build Entities commit to a construction work site employment program that addresses the following employment goals:

WORKFORCE	PROJECT EMPLOYMENT GOAL
Minority Journeyworkers	25% or more of total Journeyworker hours
Minority Laborers	40% or more of total Laborer hours
Minority Apprentices	25% or more of total Apprentice hours
Female Journeyworkers	7% or more of total Journeyworker hours
Female Laborers	10% or more of total Laborer hours
Female Apprentices	7% or more of total Apprentice hours
City of Chicago Residents	50% of construction work hours to be performed by City of Chicago Residents
Community Residents	7.5% of construction work hours to be performed by residents of the "Project Community" designated for each Project

- (12) **CHICAGO PUBLIC SCHOOLS CAREER AND TECHNICAL EDUCATION ("CTE") STUDENT EMPLOYMENT REQUIREMENTS.** The PBC requires that Design-Build Entities commit to employ CTE student interns. CTE student interns will be 18 years of age or older and will be paid \$10.00 per hour. Each student intern will be employed for a minimum of 120 hours over the 6 week summer construction phase of the program. At least six (6) CTE Student Interns are to be employed by the Design-Build Entity on each Project. Proposers shall submit a description of student employment opportunities that will be made available to the CTE student interns. Additional information about the program can be located at <http://www.chooseyourfuture.org/construction-and-architecture>.
- (13) **DESIGN BUILDER INSURANCE REQUIREMENTS.** The Design-Build Entity insurance requirements shall be in accordance to Exhibit D, attached hereto.

SECTION III – INSTRUCTIONS TO PROPOSERS

- (1) **RFP PROCESS.** Design Build Process for Projects estimated to be less than \$12 million is governed by the combination of the two-phase process provided by the Public Building Commission Act (50 ILCS 20/3 – 50 ILCS 20/20) for small design-build projects.
- a. As part of the Proposal, Proposers are required submit their past performance history and qualifications for consideration by the PBC. Attached hereto as Exhibit B, the PBC has provided Proposers with the *School Investment Program Scope and Performance Criteria* that, together with *Exhibit C - School Investment Program Matrix*, defines the project requirements, project objectives, programmatic needs and goals, design criteria, performance criteria, budget parameters and schedule and delivery requirements. The PBC will evaluate the Proposals using the criteria and relative weights established herein below.
 - b. Firms formally organized as design/build entities or design firms and construction contractors that have associated specifically for this project may submit proposals. For purposes of this RFP, no distinction is made between entities formally organized as design-build entities and project specific design-build associations. Both are referred to as the Design-Build Proposer (or “Proposer”). All design must be performed under the direct supervision of appropriately licensed professionals registered in the appropriate jurisdiction and technical disciplines and shall meet all other licensing requirements specified in this RFP and the Design-Build Agreement.
 - c. The requirements of this RFP have been developed based on the specific criteria as defined by and in accordance with PBC’s Procedures for Solicitation and Award of Design-Build Contracts.
 - d. The PBC is not liable for and will not compensate any Proposer for costs incurred in preparation and submission of Qualification and Technical & Cost proposals or for other costs incurred prior to award of a contract.
 - e. In accordance with the PBC’s Procedures for Solicitation and Award of Design-Build Contracts, the architecture firm of Schroeder Murchie Niemiec Gazda-Auskalnis (“SMNG-A”) and their sub-consultants preparers of the Scope and Performance Criteria for this RFP, are ineligible to compete for the design-build contract to be awarded via this RFP.
 - f. Data and information furnished or referred to in this RFP is for Proposers’ information only. The PBC shall not be responsible for any interpretation or conclusion drawn from said data or information by the Proposer.

(2) **SUBMITTAL REQUIREMENTS.** The following components or items must be incorporated into the proposal.

- a. **COVER LETTER/EXECUTIVE SUMMARY.** Identify Proposer (including proposed Builder, Architectural Lead, MEP Engineering Lead and Environmental Consulting Lead) and contact for Design-Build solicitation process. Provide general summary of firm(s) and organizational structure of team.

Proposer commits to meet or exceed MBE/WBE Project goals, work site employment requirements and CTE Student Employment requirements.

Unless Cover Letter states otherwise, PBC will assume that Proposer is seeking to be considered for award of only one Project. If, on the other hand, any Proposer that wants to be evaluated for a second or third award, the Proposer should so indicate. Consideration for a second or third award will be determined in accordance with same criteria that govern the first except that Proposer must specifically append its submission responses to Submittal Requirement c, e, f, and q as described below.

- b. **TECHNICAL AND COST PROPOSAL.** The Proposer must confirm that it:
1. Has carefully reviewed *Exhibit B - Scope and Performance Criteria* and *Exhibit C - School Investment Program Matrix*;
 2. Understands and acknowledges the objectives of the 2013 School Investment Program;
 3. Is committed to the delivery of any Project it is awarded at a Guaranteed Maximum Price of less than \$12 million and
 4. Is committed to complete all Project work (except for final installation of elevators and specified mechanical work) by August 12, 2013.
 5. Complete *Exhibit E – School Investment Program Technical and Cost Proposal* to indicate the Proposer's preferences for Project awards.

- c. **CAPACITY OR PAST PERFORMANCE IN DESIGN-BUILD PROJECT DELIVERY.**
1. Provide documentation in the form of a narrative or matrix describing the Design Build team's capacity or past experience with Design-Build project delivery.
 2. If Proposer wants to be evaluated for a second award submit a separate narrative describing the discrete, independent resources (individual personnel and firms) it proposes to apply to the design, construction, management and logistics required to deliver a second Project. If Proposer wants to be evaluated for a third award, submit a third narrative.

d. **EVIDENCE OF PROPOSER'S PAST PERFORMANCE AS DESIGN-BUILDER AND BUILDER.**

1. Provide documentation of comparable work including experience with projects of similar or greater size and projects of similar type.

Project Examples: Provide descriptions and information on a maximum of 5 projects. Projects submitted must have completed construction costs of \$5 million or greater and must have been completed or substantially complete within the last 5 years. Select projects that best demonstrate the teams experience with projects of similar or greater size and similar type, especially focused on experience that demonstrates capacity or past performance in Design-Build project delivery.

For each example offered, provide a brief description of the project and a description of the construction services provided, specifically addressing:

- Logistics planning and coordination;
- Value engineering analyses performed and cost savings recommendations made;
- Cost estimating and budget management services provided;
- Construction scheduling services performed;
- City of Chicago Building permit strategies used;
- Schedule and budget performance compared to requirements; and
- References with recommendations and contact information from each project from owner/developer.

2. Preference will be given to Proposers with demonstrated familiarity and successful past experience with design and construction of facilities requiring review and approval from CPS's Food Service Department, the Illinois Department of Public Health and the Chicago Department of Public Health.

e. **EVIDENCE OF PAST PERFORMANCE AND CAPACITY OF PROPOSER'S CONSULTANTS: ARCHITECTS, MEP ENGINEERS, AND ENVIRONMENTAL CONSULTANTS.**

1. Provide description of key consultants and subcontractors who will be providing design services. Include: company name/address; proposed project role; and staff available for assignment to the Project.
2. Successful recent experience as Architects of Record, MEP Engineers and Environmental Consultants for the Chicago Public Schools is highly preferred. The evaluation of Proposers that have included one (or more than one) such Architects, one (or more than one) such MEP Engineers and one (or more than one) such Environmental Consultants will be correspondingly highly rated. Bear in mind however that PBC does not encourage exclusivity arrangements between firms and would prefer to preserve the flexibility needed to ensure that experienced professional resources can be applied where and when needed to meet the objectives of the Program.
3. Demonstrated familiarity and successful past experience by Proposers consultants with design and construction of facilities requiring review and approval from CPS's Food Service Department, the Illinois Department of Public Health and the Chicago Department of Public Health is highly desirable.

4. If Proposer wants to be considered for a second and/or third award clearly indicate which consultants are being proposed and committed for the first, second and/or third award. For any Architects, MEP Engineers and Environmental Consultants being proposed to provide services on a second or third Project demonstrate that the firm has sufficient discrete personnel and resources.
- f. **PROJECT APPROACH AND METHODOLOGY.** Proposer must include a description of Proposer's approach to the Project, including:
1. **DESIGN.** Proposed methodology for delivering design services and obtaining appropriate PBC review and approval; Preliminary Estimating; Permitting; Construction Documents; and Environmental Design.
 2. **PRE-CONSTRUCTION.** Cost estimating, cost control and change management; value engineering analysis; Scheduling Compliance and Control including examples of schedule monitoring techniques; Obtaining building permits and all other regulatory approvals; As-Built drawing and records management; Regulatory environmental and permitting management.
 3. **CONSTRUCTION.** Proposed schedule and budget/cost control approach; Plan for maintaining construction site safety and security; Complete Safety Questionnaire (Attached); Quality Control Management Plan.
 4. **MANAGEMENT OF MULTIPLE PROJECTS.** If Proposer wants to be evaluated for a second or third award separate narratives must be provided specifically demonstrating that Proposer recognizes the resource requirements and management commitments needed to successfully deliver a second or third Project.
- g. **QUALITY OF DESIGN PARAMETERS / DESIGN CONCEPTS / QUALITY OF PRODUCTS AND MATERIALS.**
1. **QUALITY OF DESIGN PARAMETERS.** Indicate that Proposer is familiar with the attached School Scope Packages and CPS Design Guidelines and commit to record deviations for approval where existing conditions and project constraints may prevent compliance.
 2. **DESIGN CONCEPTS.** Provide examples where Proposer team members have implemented unique design solutions on projects of comparable scope and complexity, especially referencing relevant CPS design problem-solving experience.
 3. **QUALITY OF PRODUCTS AND MATERIALS PROPOSED.** Indicate that the Proposer's team is familiar with the CPS Design Guidelines and CPS Standard Specifications and acknowledges that design and construction will conform to those Guidelines and Specifications.
- h. **MBE/WBE PARTICIPATION COMMITMENTS AND PLAN**
1. Demonstrate commitment by affirming that Proposer acknowledges the PBC's goals for each Design-Build Entity to achieve participation of MBE's equal to at least 30% of the GMP for the Project and participation by WBE's equal to at least 5% of the GMP. State the MBE percentage and WBE percentage goals the Proposer is

prepared to commit to achieve and provide a narrative describing Proposer's plan to achieve its commitment. If Proposer is not able to propose an MBE goal of 30% or a WBE goal of 5%, submit a narrative requesting relief and explaining why Proposer believes that the PBC's goals cannot be achieved.

2. The PBC will be hosting several outreach and networking opportunities for prospective Design-Build Entities and certified MBE and WBE contractors and consultants. Active Proposer participation in these events is encouraged and will contribute to a higher evaluation. The first PBC outreach and networking event is scheduled to coincide with the date and location for the RFP Pre-submittal Conference on April 17, 2013 at the Chicago Urban League, 4500 South Michigan Avenue, Chicago, Illinois 60653.

- i. **WORK SITE EMPLOYMENT COMMITMENTS AND PLAN.** Demonstrate commitment by affirming that Proposer acknowledges the PBC's goals for each Design-Build Entity to achieve the following work site employment goals and requirements:

WORKFORCE	PROJECT EMPLOYMENT GOAL
Minority Journeyworkers	25% or more of total Journeyworker hours
Minority Laborers	40% or more of total Laborer hours
Minority Apprentices	25% or more of total Apprentice hours
Female Journeyworkers	7% or more of total Journeyworker hours
Female Laborers	10% or more of total Laborer hours
Female Apprentices	7% or more of total Apprentice hours
City of Chicago Residents	50% of construction work hours to be performed by City of Chicago Residents
Community Residents	7.5% of construction work hours to be performed by residents of the "Project Community" designated for each Project

Submit a narrative stating Proposer's commitment to each employment goal and plan to achieve each of its commitments.

The PBC will be hosting employment application in-take events and will make job applicant data available to Design-Build Entities in support of each Design-Builder Entity's hiring efforts. Proposer's commitment to active participation in these events is encouraged and will contribute to a higher evaluation.

- j. **CTE STUDENT EMPLOYMENT COMMITMENTS AND PLAN.**

Demonstrate commitment by affirming that Proposer will provide employment in accordance with the terms of the CTE Internship program for at least 6 CTE Student Interns. CTE student interns will be 18 years of age or older and will be paid \$10.00 per hour. Each student intern will be employed for a minimum of 120 over the 6 week summer construction phase of the program. *See Section II(12) for additional information.*

k. **EVIDENCE OF QUALIFICATIONS OF KEY STAFF COMMITTED TO PROJECT.**

Identify all of Proposer's Key Staff (including Key Staff furnished by consultants and subcontractors) and indicate whether they are committed full-time or part-time for the duration of the Project. Provide resumes for all Key Staff. Include Project Managers, Lead Project Architects, Lead MEP/FP engineer, Quality Control Manager, Environmental Design Engineer, Construction Project Managers, Environmental Construction Project Manager, and Construction Superintendent.

l. **EVIDENCE OF QUALIFICATIONS OF ENVIRONMENTAL CONSULTANTS.**

Identify the proposed Environmental Consultant personnel to be assigned to the following functional positions and include resumes demonstrating that the individuals meet the requirements set forth

- (1) *IDPH Licensed Asbestos Designer and Asbestos Specification Author* with the minimum of ten (10) years of experience designing asbestos abatement projects for school facilities;
- (2) *Lead Paint Abatement Designer* with at least ten (10) years of experience in preparation of lead paint abatement drawings for lead abatement work in school facilities; and
- (3) *Hazardous Waste Project Manager* with a minimum of ten (10) years of experience preparing drawings and specifications for hazardous waste handling and disposal.

m. **EVIDENCE OF FINANCIAL CAPABILITY.**

Furnish financial statements, such as balance sheets and/or profit and loss statements, for the last three (3) years demonstrating that the Proposer has the financial viability and ability to perform the Services. In the event the Proposer does not have an audited financial statement, the Proposer may submit a review or compilation prepared by an outside accountant. The PBC, however, reserves the right to request additional information. The Proposer shall also submit annual reports and a written disclosure advising of any pending litigation against the Proposer that may have a material effect on the Proposer's ability to perform as a Design-Build Entity.

n. **CLIENT REFERENCES.** References shall be for representative projects provided as part of this submittal.

o. **LEGAL ACTIONS.** Complete Section V – Legal Actions form included in this RFP.

p. **DISCLOSURE AFFIDAVIT.** Complete the Section VI –Disclosure Affidavit form included in this RFP.

q. **DISCLOSURE OF RETAINED PARTIES.** Complete the Section VII – Disclosure of Retained Parties form included in this RFP.

r. **BID BOND.** Furnish a bid bond in the amount of \$12 million. If Proposer desires to be evaluated for a second or third award, submit a bid bond in the amount of \$24 million.

- (3) **EVALUATION CRITERIA.** The PBC will review and evaluate the proposals in accordance with the following criteria. The relative importance of each evaluation criteria is indicated on the attached Design-Build Weighted Scoring Criteria.
- a. Compliance with objectives of the Project.
 - b. Quality of Project Approach and Methodology.
 - c. Commitment to a Guaranteed Price of less than \$12 million for any Project awarded.
 - d. Guaranteed schedule commitments.
 - e. Capacity to perform or past performance in Design-Build project delivery.
 - f. Past performance with timeliness and completion of projects.
 - g. Successful experience with projects of similar or greater size.
 - h. Successful experience on projects of similar type.
 - i. Quality and content of references provided on representative projects.
 - j. Qualifications and experience of Key Staff and commitment to assign Key Staff for the duration of the project.
 - k. Qualifications, experience and capacity of consultants (especially Architects, MEP/FP Engineers and Environmental Consultants).
 - l. Quality of Products and Materials Proposed, Quality of Design Parameters and Design Concepts
 - m. Level of commitment and quality of plans to deliver MBE and WBE participation and worksite employment for minorities, females, Chicago and Community residents and CTE Student Interns.
 - n. Financial capability.
 - o. Compliance of proposed services to the RFP requirements

DESIGN-BUILD WEIGHTED SCORING CRITERIA		
EVALUATION CRITERIA		POSSIBLE POINTS
1	Compliance with Objectives of the Project	5
2	Quality of Project Approach and Methodology	15
3	Commitment to a Guaranteed Price of less than \$12 million for any Project awarded	2
4	Guaranteed schedule commitments	5
5	Capacity to perform or past performance in Design-Build project delivery	8
6	Past performance with timeliness and completion of projects	5
7	Successful experience with projects of similar or greater size	3
8	Successful experience on projects of similar type	3
9	Quality and content of references provided on representative projects	5
10	Qualifications and Experience of Key Staff and commitment to assign Key Staff for the duration of the project	10
11	Qualifications, experience and capacity of consultants (especially Architects, MEP/FP Engineers and Environmental Consultants)	15
12	Quality of Products and Materials Proposed, Quality of Design Parameters and Design Concepts	2
13	Level of commitment and quality of plans to deliver MBE and WBE participation and worksite employment for minorities, females, Chicago and Community residents and CTE Student Interns	15
14	Financial capability	5
15	Compliance of proposed services to the RFP requirements	2
MAXIMUM DESIGN-BUILD ENTITY EVALUATION POINTS		100

SECTION IV – SAFETY QUESTIONNAIRE

PBC is committed to construction safety on PBC projects. To that end, the PBC has developed a safety questionnaire to aid in selection of Design-Build Entities with good safety records. As a part of the Design-Build Entity submittal process Proposers must answer the questions below.

- (1) Does your organization have a safety program? Yes No

If yes, provide the following information:

- Month and Year first implemented;
- Method of review of program;
- Whether regular work site safety meetings are held and how frequently; and
- Copy of table of contents of safety/loss control manual.

- (2) Have any OSHA or other citations been issued to your organization during the period of the last three (3) years for workplace safety law violation? Yes No

If yes, provide detailed information for each occurrence regarding:

- The nature of the violation for which your organization was cited;
- Summary of your position of the matter; and
- Official resolution of violation

- (3) Provide your organization's OSHA reportable incident rate: _____. If this is greater than 3.0, please attach your OSHA Form 300A Summaries for the last three (3) years and a written explanation to the qualification questionnaire (attach as necessary).

- (4) Provide a copy of your organization's NCCI current experience modification (EMR) rating worksheet. If the rating is greater than 1.0 please attach the NCCI rating information for the last 3 years and a written explanation to the qualification questionnaire. As a follow up, you may be asked to provide your written safety plan.

- (5) Provide a current Emergency Response Plan (ERP) indicating how Proposer would communicate with PBC and with Proposer's Key Personnel, marshal the manpower, equipment and supplies to ensure timely response to emergency related incidents. Limit your ERPs to one (1) single-spaced single page, with a minimum of 1-inch margins and minimum 11-point type.

SECTION V – LEGAL ACTIONS

Please provide the information below. If the answer to any of the questions is “Yes”, provide a brief description or explanation on a separate sheet.

QUESTION		YES	NO
1	Has the firm or venture been issued a notice of default on any contract awarded in the last three years?		
2	Does the firm or venture have any judgments, claims (liquidated damages, or other), arbitration proceedings or suits pending or outstanding against the firm or venture or its officers? If yes, include the dollar amount of claims or judgments and the contract value of the contract on which the claim was filed. Attach explanation.		
3	Within the past three (3) years, has the firm or venture been a party to any lawsuits or arbitration proceedings with regard to any contracts?		
4	Within the last three (3) years, has any officer or principal of the firm or venture ever been an officer or principal of another organization that failed to complete any contract as a result of termination, litigation, arbitration or similar matter?		
5	Has any key person with the firm or venture or its predecessor ever been convicted of or charged with any state or federal crime (excluding traffic violations), including but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receipt of stolen property, criminal anti-trust violations, bid rigging or bid-rotating?		
6	Has the firm or venture ever been temporarily or permanently debarred from a contract awarded by any federal, state, or local agency?		
7	Within the last three years, has the firm or venture been assessed penalties for any statutory or administrative violations, including MBE, WBE and EEO?		
8	Has the firm or venture ever failed to complete any work awarded to it?		

SECTION VI – DISCLOSURE AFFIDAVIT

PROPOSER INFORMATION	
NAME OF DESIGN-BUILD ENTITY	
CONTACT PERSON	
ADDRESS	
CITY, STATE, AND ZIP CODE	
TELEPHONE NUMBER	
FAX NUMBER	
E-MAIL ADDRESS	

(1) DISCLOSURE OF OWNERSHIP INTERESTS

Pursuant to Resolution No. 5371 of the Board of Commissioners of the Public Building Commission of Chicago, Proposer shall provide the following information. If the question is not applicable, answer "NA". If the answer is none, please answer "none".

- Respondent is a:
- A. Corporation
 - B. Joint Venture
 - C. LLC or Other

Please complete the applicable corresponding section below.

A. CORPORATIONS

State of Incorporation: _____

Authorized to do business in the State of Illinois: Yes No

Names of all officers of corporation (complete or attach list):

Names:	Titles:
_____	_____
_____	_____
_____	_____
_____	_____

Names of all directors of corporation (complete or attach list):

Is the corporation owned partially or completely by one or more other corporations?

Yes No

If "yes" provide the above information, as applicable, for each such corporation.

Indicate here or attach a list names and addresses of all shareholders owning shares equal to or in excess of seven and one-half percent (7.5%) of the proportionate ownership of the corporation and indicate the percentage interest of each.

Names of Shareholders	Percent Interest Owned
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

B. JOINT VENTURES

If Proposer is a Joint Venture, name each venture partner and the percentage of each therein. Where venture party is Corporation or LLC or Other also provide information required above for Corporations or below for LLCs or Other.

Names of Venture partners	Percent Interest Owned
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

C. LLCs and Other Commercial Organizations

If Proposer is a LLC or Other Commercial or Legal Entity, name each entity and each person with an ownership or other beneficial interest in the entity. Describe the interest of each party including any percentage ownership of each. Where any disclosed party is Corporation also provide information required above for Corporations.

Names	Interest Described and Percent Owned
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

(2) PROPOSER CERTIFICATION

a. PROPOSER

The Proposer, or any affiliated entities of the Proposer, or any responsible official thereof, or any other official, agent or employee of the Proposer, any such affiliated entity, acting pursuant to the direction or authorization of a responsible official thereof has not, during a period of three years prior to the date of execution of this certification:

Bribed or attempted to bribe, or been convicted of bribery or attempting to bribe a public officer or employee of the City of Chicago, the State of Illinois, any agency of the federal government or any state or local government in the United States (if an officer or employee, in that officer's or employee's official capacity); or

Agreed or colluded, or been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or

Made an admission of such conduct as described above which is a matter of record but has not been prosecuted for such conduct.

The Proposer or agent, partner, employee or officer of the Proposer is not barred from contracting with any unit of state or local government as a result of engaging in or being convicted of bid-rigging in violation of Section 3 of Article 33E of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/33E-3), or any similar offense of any state or the United States which contains the same elements as the offense of bid-rigging during a period of five years prior to the date of submittal of this bid, proposal or response.

The Proposer or any agent, partner, employee, or officer of the Proposer is not barred from contracting with any unit of state or local government as a result of engaging in or being convicted of bid-rotating in violation of Section 4 of Article 33E of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/33E-4), or any similar offense of any state or the United States which contains the same elements as the offense of bid-rotating.

The Proposer understands and will abide by all provisions of Chapter 2-56 of the Municipal Code entitled "Office of the Inspector General" and all provisions of the Public Building Commission Code of Ethics Resolution No.5339, as amended by Resolution No. 5371.

The Proposer certifies to the best of its knowledge and belief, that it and its principals:

- 1) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal, state or local department or agency.
- 2) Have not within a three-year period preceding this bid or proposal been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;

- 3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated above; and
- 4) Have not within a three-year period preceding this bid or proposal had one or more public transactions (federal, state or local) terminated for cause or default.

b. CONSULTANTS & SUBCONTRACTORS

The Proposer has obtained from all subcontractors being used in the performance of this contract or agreement, known by the Proposer at this time, disclosures substantially in the form of Section 1, and certifications substantially in the form of Section 2, of this Disclosure Affidavit. Based on such disclosures and certification(s), and any other information known or obtained by the Proposer, is not aware of any such subcontractor or subcontractor's affiliated entity or any agent, partner, employee or officer of such subcontractor or subcontractor's affiliated entity having engaged in or been convicted of (a) any of the conduct describe herein of this certification; (b) bid-rigging, bid-rotating, or any similar offense of any state or the United States which contains the same elements as bid-rigging or bid-rotating, or having made an admission of guilt of the conduct described herein or (b) which is matter of record but has/have not been prosecuted for such conduct.

The Proposer will, prior to using them as subcontractors, obtain from all subcontractors to be used in the performance of this contract or agreement, but not yet known by the Proposer at this time, certifications substantially in the form of this certification. The Proposer shall not, without the prior written permission of the Commission, use any of such subcontractors in the performance of this contract if the Proposer or, based on such certifications or any other information known or obtained by Proposer, became aware of such subcontractor, subcontractor's affiliated entity or any agent, employee or officer of such subcontractor or subcontractor's affiliated entity having engaged in or been convicted of (a) any of the conduct described herein of this certification or (b) bid-rigging, bid-rotating or any similar offenses of any state or the United States which contains the same elements as bid-rigging or bid-rotating or having made an admission of guilt of the conduct described herein or (b) which is a matter of record but has/have not been prosecuted for such conduct. The Proposer shall cause such subcontractors to certify as such. In the event any subcontractor is unable to certify,, such subcontractor shall attach an explanation to the certification.

For all subcontractors to be used in the performance of this contract or agreement, the Proposer shall maintain for the duration of the contract all subcontractors' certifications required above, and Proposer shall make such certifications promptly available to the Public Building Commission of Chicago upon request.

The Proposer will not, without the prior written consent of the Public Building Commission of Chicago, use as subcontractors any individual, firm, partnership, corporation, joint venture or other entity from whom the Proposer is unable to obtain a certification substantially in the form of this certification.

The Proposer hereby agrees, if the Public Building Commission of Chicago so demands, to terminate its subcontractor with any subcontract if such subcontractor was ineligible at the time that the subcontract was entered into for award of such subcontract. The Proposer shall insert adequate provisions in all subcontracts to allow it to terminate such subcontract as required by this certification.

c. STATE TAX DELINQUENCIES

The Proposer is not delinquent in the payment of any tax administered by the Illinois Department of Revenue or, if delinquent, the Proposer is contesting, in accordance with the procedures established by the appropriate Revenue Act, its liability for the tax or amount of the tax.

Alternatively, the Proposer has entered into an agreement with the Illinois Department of Revenue for the payment of all such taxes that are due and is in compliance with such agreement.

If the Proposer is unable to certify to any of the above statements, the Proposer shall attach an explanation or explain below.

If the letters "NA", the word "None" or no response appears on the lines above, it will be conclusively presumed that the Undersigned certified to the above statements.

If any subcontractors are to be used in the performance of this contract or agreement, the Proposer shall cause such subcontractors to certify the same as of this certification. In the event that any subcontractor is unable to certify to any of the statements in this certification, such subcontractor shall attach an explanation to this certification.

d. OTHER TAXES/FEEES

The Proposer is not delinquent in paying any fine, fee, tax or other charge owed to the City of Chicago.

If Proposer is unable to certify to the above statement, Proposer shall explain below and attach additional sheets if necessary.

If the letters "NA", the word "None" or no response appears on the lines above, it will be conclusively presumed that the Undersigned certified to the above statements.

e. PUNISHMENT

A Proposer who makes a false statement on this certification commits a Class 3 felony. 720 ILCS 5/33E-11(b).

f. JUDICIAL OR ADMINISTRATIVE PROCEEDINGS

The Proposer is not a party to any pending lawsuits against the Chicago Board of Education, the City of Chicago or the Public Building Commission of Chicago nor has Proposer been sued by the City of Chicago or the Public Building Commission of Chicago in any judicial or administrative proceeding.

If the Proposer cannot certify to the above, provide the (1) case name; (2) docket number; (3) court in which the action is or was pending; and (4) a brief description of each such judicial or administrative proceeding. Attach additional sheets if necessary.

If the letters "NA", the word "None" or no response appears on the lines above, it will be conclusively presumed that the Undersigned certified to the above statements.

g. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE

Neither the Proposer nor any affiliated entity of the Proposer has, during a period of five years prior to the date of execution of this Affidavit: (1) violated or engaged in any conduct which violated federal, state or local Environmental Restriction, (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from any federal, state or local agency exercising executive, legislative, judicial, regulatory or administrative functions relating to a violation or alleged violation of any federal, state or local statute, regulation or other Environmental Restriction; or (3) been subject to any fine or penalty of any nature for failure to comply with any federal, state or local statute, regulation or other Environmental Restriction.

If the Proposer cannot make the certification contained herein, identify any exceptions:

(Attach additional pages of explanation to this Disclosure Affidavit, if necessary.)

If the letters "NA", the word "None" or no response appears on the lines above, it will be conclusively presumed that the Undersigned certified to the above statements.

Without the prior written consent of the Public Building Commission of Chicago, Proposer will not employ any subcontractor in connection with the contract or proposal to which this Affidavit pertains without obtaining from such subcontractor a certification similar in form and substance to the certification contained in Paragraph A of this Section III prior to such subcontractor's performance of any work or services or furnishing any goods, supplies or materials of any kind under the proposal or the contract to which this Affidavit pertains.

Until completion of the Contract's performance under the proposal or contract to which this Affidavit pertains, the Proposer will not violate any federal, state or local statute, regulation or other Environmental Restriction, whether in the performance of such contract or otherwise.

h. INCORPORATION INTO CONTRACT AND COMPLIANCE

The above certification shall become part of any contract awarded to the Proposer set forth on page 1 of this Disclosure Affidavit and are a material inducement to the Public Building Commission of Chicago's execution of the contract, contract modification or contract amendment with respect to which this Disclosure Affidavit is being executed and delivered on behalf of the Proposer. Furthermore, Proposer shall comply with these certifications during the term and/or performance of the contract.

Under penalty of perjury, I certify that I am authorized to execute this Disclosure Affidavit on behalf of the Proposer set forth herein, that I have personal knowledge of all the certifications made herein and that the same are true.

The Proposer must report any change in any of the facts stated in this Affidavit to the Public Building Commission of Chicago within 14 days of the effective date of such change by completing and submitting a new Disclosure Affidavit. Failure to comply with this requirement is grounds for your firm to be deemed non-qualified to do business with the PBC. Deliver any such new Disclosure Affidavit to: Public Building Commission of Chicago, Deputy Director of Procurement, 50 W. Washington, Room 200, Chicago, IL 60602.

Signature of Authorized Officer

Name of Authorized Officer (Print or Type)

Title

Telephone Number

State of _____

County of _____

Signed and sworn to before me on this _____ day of _____, 20____ by

(Name) as _____ (Title) of

(Bidder/Proposer or Contractor)

Notary Public Signature and Seal

SECTION VII – DISCLOSURE OF RETAINED PARTIES

(1) DEFINITIONS AND DISCLOSURE REQUIREMENTS

- a. As used herein, “Proposer” means a person or entity who has any contract with the Public Building Commission of Chicago (“Commission”).
- b. Commission bids, contracts, and/or qualification submittals must be accompanied by a disclosure statement providing certain information about lobbyists whom the Proposer has retained or expects to retain with respect to the contract or lease. In particular, the Proposer must disclose the name of each such person, his or her business address, the name of the relationship, and the amount of fees paid or estimated to be paid. The Proposer is not required to disclose employees who are paid solely through the Proposer’s regular payroll.
- c. “Lobbyists” means any person (a) who for compensation or on behalf of any person other than himself undertake to influence any legislative or administrative action, or (b) any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action.

(2) CERTIFICATION

Proposer hereby certifies as follows:

- a. This Disclosure relates to the following transaction:

- b. Description or goods or services to be provided under Contract:

- c. Name of Proposer:

- (3) EACH AND EVERY lobbyist retained or anticipated to be retained by the Proposer with respect to or in connection with the contract is listed below. Attach additional pages if necessary.

Retained Parties:

Name	Business Address	Relationship (Attorney, Lobbyist, etc.)	Fees (indicate whether paid or estimated)

Indicate Here If No Such Persons Have been Retained or Are Anticipated to Be Retained: _____

(4) The Proposer understands and agrees as follows:

- a. The information provided herein is a material inducement to the Commission execution of the contract or other action with respect to which this Disclosure of Retained Parties form is being executed, and the Commission may rely on the information provided herein. Furthermore, if the Commission determines that any information provided herein is false, incomplete, or inaccurate, the Commission may terminate the contract or other transaction, terminate the Proposer's participation in the contract or other transactions with the Commission.
- b. If the Proposer is uncertain whether a disclosure is required, the Proposer must either ask the Commission's Representative or his or her manager whether disclosure is required or make the disclosure.
- c. This Disclosure of Retained Parties form, some or all of the information provided herein, and any attachments may be made available to the public on the Internet, in response to a Freedom of Information Act request, or otherwise. The Proposer waives and releases any possible rights or claims it may have against the Commission in connection with the public release of information contained in the completed Disclosure of Retained Parties form and any attachments.

Under penalty of perjury, I certify that I am authorized to execute this Disclosure of Retained Parties on behalf of the Proposer and that the information disclosed herein is true and complete.

Signature

Date

Name (Type or Print)

Title

Signed and sworn to before me on this _____ day of _____, 20____ by

_____ (Name) as _____ (Title) of

_____ (Bidder/Proposer or Contractor).

Notary Public Signature and Seal

EXHIBIT A – FORM OF DESIGN BUILD AGREEMENT

The following document(s) referenced herein are fully incorporated as part of this RFP and available for download at: http://www.pbcchicago.com/content/working/opening_display.asp?BID_ID=430.

- **Book 1:** DESIGN-BUILD AGREEMENT BETWEEN PUBLIC BUILDING COMMISSION AND DESIGN-BUILDER

- **Book 2:** STANDARD TERMS AND CONDITIONS FOR DESIGN BUILD CONTRACTS

- **Book 2A:** STANDARD TERMS AND CONDITIONS PROCEDURES MANUAL FOR DESIGN BUILD CONTRACTS

EXHIBIT B – SCHOOL INVESTMENT PROGRAM SCOPE AND PERFORMANCE CRITERIA

The following document(s) referenced herein are fully incorporated as part of this RFP and available for download at: http://www.pbcchicago.com/content/working/opening_display.asp?BID_ID=430.

- SCHOOL INVESTMENT PROGRAM AND PERFORMANCE CRITERIA

SCHOOL INVESTMENT PROGRAM AND PERFORMANCE CRITERIA TABLE OF CONTENTS

THIS DOCUMENT CONTAINS A COMPLETE LIST OF GUIDELINE REQUIREMENTS, TEMPLATES, REFERENCES & RESOURCES, STANDARD DETAILS & PROCEDURES, AND MASTER-SPECIFICATIONS FOR USE ON THE DESIGN-BUILD FOR 2013 SCHOOL INVESTMENT PROGRAM PROJECTS. THESE DOCUMENTS SHALL BE USED IN THE DESIGN AND IMPLEMENTATION OF ALL WORK ASSOCIATED WITH THIS RFP.

THIS DOCUMENT SHOULD BE USED EARLY IN THE PROJECT'S DEVELOPMENT TO IDENTIFY THE APPROPRIATE DOCUMENTS AND REFERENCES THAT ARE APPLICABLE AND REQUIRED FOR THE SPECIFIC PROJECT ASSIGNMENTS. NOT ALL SECTIONS OR DETAILS WILL BE APPLICABLE TO ALL PROJECT ASSIGNMENTS. THE DB TEAM SHALL IDENTIFY, ON A BY-SCHOOL BASIS, REQUIRED AND APPLICABLE GUIDELINE REQUIREMENTS, TEMPLATES, REFERENCES & RESOURCES, STANDARD DETAILS & PROCEDURES, AND MASTER-SPECIFICATIONS FROM THIS LIST.

THIS LIST SHALL CONTINUE TO BE DEVELOPED AND USED AS THE TABLE OF CONTENTS FOR THE PROJECT. THE DB TEAM SHALL EDIT SECTIONS FOR PROJECT SPECIFICITY AND ADJUST REFERENCES ACCORDINGLY. IF AND WHERE CONFLICT EXISTS BETWEEN THE CONTENTS OF THESE DOCUMENTS AND THE REQUIREMENTS OF PUBLIC BUILDING COMMISSION BOOKS 1, 2, AND 2A THE PBC BOOKS 1, 2, AND 2A SHALL GOVERN.

RETAIN ONLY THOSE REFERENCES APPLICABLE TO THE PROJECT.

ADDITIONAL DETAILS AND SPECIFICATIONS (NOT INCLUDED IN THIS TOC) SHALL BE DEVELOPED, AS REQUIRED, TO REFLECT THE PROJECT SCOPE OF WORK.

EXHIBIT C – SCHOOL INVESTMENT PROGRAM MATRIX

The following document(s) referenced herein are fully incorporated as part of this RFP and available for download at: http://www.pbcchicago.com/content/working/opening_display.asp?BID_ID=430.

- SCHOOL INVESTMENT PROGRAM MATRIX

EXHIBIT D – INSURANCE REQUIREMENTS

The Design-Builder must provide and maintain at Design-Builder's own expense, the minimum insurance coverage and requirements specified below, insuring all operations related to the Contract. Unless otherwise noted below, the insurance must remain in effect from: the date of the notice to proceed until Substantial Completion of the project, during completion of Punch List, as well as any time Design-Builder or its subcontractors return to perform additional work regarding warranties or for any other purpose, unless otherwise noted below or agreed by the Public Building Commission's Director of Risk Management.

INSURANCE TO BE PROVIDED

1) Workers' Compensation and Employers Liability (Primary and Umbrella)

Workers' Compensation Insurance as prescribed by applicable law covering all employees who are to provide a service under this Contract and Employers Liability coverage with limits of not less than \$1,000,000 each accident, illness or disease. Coverage will include a Waiver of Subrogation.

2) Commercial General Liability (Primary and Umbrella)

Commercial General Liability Insurance or equivalent with limits of not less than \$5,000,000 per occurrence for bodily injury, personal injury, and property damage liability. Coverage must include the following: All premises and operations, products/completed operations to be maintained for minimum of two (2) years following project completion, explosion, collapse, underground hazards, defense and contractual liability. Design-Builder and all subcontractors of every tier will specifically name the Public Building Commission of Chicago, the Board of Education of the City of Chicago and the City of Chicago and others as may be required by the PBC as Additional Insured using ISO CG2010 0413 and CG2037 0413. Additional Insured status will be on a primary, non-contributory basis for any liability arising directly or indirectly from the work, including the two year completed operations periods. Coverage will include a Waiver of Subrogation as required below.

Design-Builder and subcontractors working within fifty (50) feet of the rail right-of-way are required to endorse their liability policies with form CG 24 17 to eliminate the exclusion for work within fifty (50) feet of the rail right-of-way. Contractors must provide copies of this endorsement with the certificate of insurance required below. Contractors must ensure that subcontractors maintain this endorsement on their policies.

Subcontractors performing work for Design-Builder must maintain limits of not less than \$1,000,000 per occurrence with the same terms herein.

3) Automobile Liability (Primary and Umbrella)

When any motor vehicles (owned, non-owned and hired) are used in connection with work to be performed, the Design-Builder must provide Automobile Liability Insurance, with limits of not less than \$2,000,000 per occurrence for bodily injury and property damage. The Public Building Commission of Chicago, the Board of Education of the City of Chicago, the City of Chicago and others as may be required by the PBC are to be named as Additional Insured on a primary, non-contributory basis.

Subcontractors performing work for Design-Builder must maintain limits of not less than \$1,000,000 per occurrence with the same terms herein.

4) Contractors Pollution Liability

Contractors Pollution coverage is required with limits of not less than \$5,000,000 per occurrence for any portion of the services, which may entail, exposure to any pollutants, whether in the course of sampling, remedial work or any other activity under this contract. The Design-Builder pollution liability policy will provide coverage for sums that the insured become legally obligated to pay as loss as a result of claims for bodily injury, property damage and/or clean-up costs caused by any pollution incident arising out of the Work including remediation operations, transportation of pollutants, owned and non-owned disposal sites and any and all other activities of Design-Builder and its subcontractors. Pollution incidents will include, but not be limited to, the discharge, dispersal, release or escape of any solid, liquid, gaseous or thermal irritant or contaminant, including but not limited to smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, medical waste, waste materials, lead, asbestos, silica, hydrocarbons and microbial matter, including fungi, bacterial or viral matter which reproduces through release of spores or the splitting of cells or other means, including but not limited to, mold, mildew and viruses, whether or not such microbial matter is living.

The policy will be maintained for a period of three years after final completion and include completed operations coverage. The policy will include the Public Building Commission of Chicago, the Board of Education of the City of Chicago and the City of Chicago and others as may be required by the PBC, as Additional Insured. These entities must be specifically named and endorsed on the policy. Additional Insured coverage must be on a primary and non-contributory basis for on-going and completed operations. Coverage will include a waiver of subrogation as required below.

Subcontractors performing work for Design-Builder must maintain limits of not less than \$1,000,000 per occurrence with the same terms herein.

5) Professional Liability

When Design-Builder performs work in connection with the Agreement, Professional Liability Insurance must be maintained with limits of not less than \$5,000,000 covering acts, errors, or omissions. The policy will include coverage for wrongful acts, including but not limited to errors, acts or omissions, in the rendering or failure to render professional services resulting in a pollution incident. When policies are renewed or replaced, the policy retroactive date must coincide with, or precede the, start of work on the Agreement. Coverage must be maintained for two years after substantial completion. A claims-made policy, which is not renewed or replaced, must have an extended reporting period of two (2) years.

In the event that the Design-Builder hires an Architect/Engineer, the Architect/Engineer must maintain limits of not less than \$5,000,000 per occurrence with the same terms herein. Subcontractors performing professional work for Design-Builder must maintain limits of not less than \$1,000,000 per occurrence with the same terms herein.

6) Builders Risk

Design-Builder must provide All Risk Builders Risk Insurance or Installation Floater on a replacement cost basis including but not limited to all labor, materials, supplies, equipment, machinery and fixtures that are or will be permanent part of the facility. Coverage must be on an All Risk or Cause of Loss, Special Form basis including, but not limited to, the following: right to partial or complete occupancy, collapse; water damage including overflow, leakage, sewer backup, or seepage; resulting damage from faulty or defective workmanship or materials; resulting damage from error or omission in design, plans or specifications; debris removal; Ordinance and Law and include damage to, false work, fences, temporary structures and equipment stored off site or in transit. The policy will allow for partial or complete occupancy and include damage to existing property at the site with a sublimit of \$1,000,000.

The Public Building Commission of Chicago and the Board of Education of the City of Chicago will be Named Insured on the policy. Coverage must be for the full completed value of the work and must remain in place until at least Substantial Completion and may only be cancelled with the written permission of the PBC Risk Management Department, even if the Project has been put to its intended use.

The Design-Builder is responsible for all loss or damage to personal property including but not limited to materials, equipment, tools, scaffolding and supplies owned, rented, or used by Design-Builder.

7) Railroad Protective Liability

When any work is to be done adjacent to or on railroad or transit property, Contractor must provide, with respect to the operations that Design Builder or subcontractors perform, Railroad Protective Liability insurance in the name of railroad or transit entity. The policy must have limits of not less than the requirement of the operating railroad/transit entity, and in no event less than \$2,000,000 per occurrence and \$6,000,000 aggregate, for losses arising out of injuries to or death of all persons, and for damage to or destruction of property, including the loss of use thereof. If no Railroad Protective Liability insurance is required by the nearby railroads, Contractor shall submit written confirmation from each railroad.

Contractors and subcontractors are required to endorse their liability policies with form CG 24 17 to eliminate the exclusion for work within fifty (50) feet of the rail right-of-way. Contractors and subcontractors must provide copies of this endorsement with the certificate of insurance required below.

B. ADDITIONAL REQUIREMENTS

Design-Builder must furnish the PBC's Procurement Department, Richard J. Daley Center, Room 200, Chicago, IL 60602, original Certificates of Insurance, or such similar evidence, to be in force on the date of this Contract, and Renewal Certificates of Insurance, or such similar evidence, if any insurance policy has an expiration or renewal date occurring during the term of this Contract. Copies of any endorsements or policy language providing Additional Insured or Named Insured status to the entities required above must accompany the Certificate of Insurance upon submission. The Design-Builder must submit evidence of insurance to the Public Building Commission prior to Contract award. The receipt of any certificate does not constitute agreement by the Commission that the insurance requirements in the Contract have been fully met or that the insurance policies indicated on the certificate are in compliance with all Contract requirements. The failure of the Commission to obtain certificates or other insurance evidence from Design-Builder is not a waiver by the Commission of any

requirements for the Design-Builder to obtain and maintain the specified insurance. The Design-Builder will advise all insurers of the Contract provisions regarding insurance. Non-conforming insurance does not relieve Design-Builder of the obligation to provide insurance as specified in this contract. Non-fulfillment of the insurance conditions may constitute a breach of the Contract, and the Commission retains the right to stop work until proper evidence of insurance is provided, or the Contract may be terminated.

The insurance must provide for 30 days prior written notice to be given to the Commission in the event coverage is substantially changed, canceled, or non-renewed.

The PBC reserves the right to obtain copies of insurance policies and records.

Any deductibles or self-insured retentions on referenced insurance must be borne by Design-Builder. All self insurance, retentions and/or deductibles must conform to these requirements.

The Design-Builder waives and agrees to cause all their insurers to waive their rights of subrogation against the Public Building Commission of Chicago, the Board of Education of the City of Chicago and the City of Chicago, their respective Board members, employees, elected officials, officers, or representatives.

The insurance coverage and limits furnished by Design-Builder in no way limit the Design-Builder's liabilities and responsibilities specified within the Contract or by law.

Any insurance or self-insurance programs maintained by the Public Building Commission of Chicago, the Board of Education of the City of Chicago and the City of Chicago will not contribute with insurance provided by the Design-Builder under the Contract.

The required insurance to be carried is not limited by any limitations expressed in the indemnification language in this Contract or any limitation placed on the indemnity in this Contract given as a matter of law.

If Design-Builder is a joint venture or limited liability company, the insurance policies must name the joint venture or limited liability company as a Named Insured.

The Design-Builder must require all subcontractors to provide the insurance required herein, or Design-Builder may provide the insurance for subcontractors. All subcontractors are subject to the same insurance requirements of Design-Builder unless otherwise specified in this Contract.

If Design-Builder or subcontractor desires additional coverage, the party desiring the additional coverage is responsible for the acquisition and cost.

Design-Builder must submit the following at the time of award:

1. Standard ACORD form Certificate of Insurance issued to the Public Building Commission of Chicago as Certificate Holder including:
 - a. All required entities as Additional Insured
 - b. Evidence of waivers of subrogation
 - c. Evidence of primary and non-contributory status
2. All required endorsements including the CG2010 04 13 and the CG2037 04 13 or equivalents

The PBC's Director of Risk Management maintains the rights to modify, delete, alter or change these requirements.

EXHIBIT E – SCHOOL INVESTMENT PROGRAM TECHNICAL AND COST PROPOSAL

The proposing Design-Build Entity (_____) has carefully reviewed *Exhibit B – School Investment Program Scope and Performance Criteria* and *Exhibit C - School Investment Program Matrix*; understands and acknowledges the objectives of the 2013 School Investment Program; is committed to the delivery of any Project it is awarded at a Guaranteed Maximum Price of less than \$12 million and is committed to complete all Project work (except for final installation of elevators and specified mechanical work) by August 12, 2013.

Indicate below with a numerical ranking from 1 (greatest preferred) to 17 (greatest preferred) for the Project(s) for which Proposer is seeking to be considered for award:

PROJECT	RANKING
PROJECT 1	
PROJECT 2	
PROJECT 3	
PROJECT 4	
PROJECT 5	
PROJECT 6	
PROJECT 7	
PROJECT 8	
PROJECT 9	
PROJECT 10	
PROJECT 11	
PROJECT 12	
PROJECT 13	
PROJECT 14	
PROJECT 15	
PROJECT 16	
PROJECT 17	