

 <p>PUBLIC BUILDING COMMISSION OF CHICAGO www.pbcchicago.com</p>	<p>REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGEMENT SERVICES FOR RICHARD EDWARDS ELEMENTARY SCHOOL ANNEX— PS2036</p> <p>ISSUED: SEPTEMBER 5, 2014</p>
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SUBMISSION DEADLINE: SEPTEMBER 30, 2014, BY 11:00 AM CENTRAL TIME

Submit one signed original copy (marked as such), 5 bound copies, 1 unbound copy and 2 copies on compact disk (CD) or thumb drive in a sealed envelope or container bearing the project and Contract Officer's name.

RESPONDENT:	
CONTACT NAME:	
CONTACT TELEPHONE:	
CONTACT EMAIL:	

Public Building Commission of Chicago
Richard J. Daley Center, Room 200
50 W. Washington St.
Chicago, IL 60602
www.pbcchicago.com

Mayor Rahm Emanuel
Chairman

Erin Lavin Cabonargi
Executive Director

<p>This qualification process is unique to the Project 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 construction managers wishing to provide Construction Management Services on this project must comply with the qualification requirements as defined in this document.</p>
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KEY INFORMATION ABOUT THIS RFQ – PS2036

- I. **SCOPE OF SERVICES:** The Public Building Commission (“PBC”) is seeking a highly qualified and well experienced construction management firm to provide Pre-Construction and Construction Management services for the Richard Edwards Elementary School Annex Project (“Project”). The PBC will be making a qualifications based selection of a Construction Manager for the Project. The Construction Manager is to provide pre-construction services and, at the discretion of the PBC, the Construction Manager may be authorized to proceed with Construction Management At-Risk services pursuant to a Guaranteed Maximum Price contract. While Construction Management at Risk is its preferred option, the PBC may at any time following the initial appointment, elect to negotiate a Construction Management agency agreement with the Construction Manager.
2. **RFQ CONTACT:** The RFQ contact, identified below, is the sole point of contact regarding the RFQ from the date of issuance until selection of the successful Respondent.

Contract Officer
 Raven DeVaughn
 Public Building Commission of Chicago
 50 West Washington, Room 200
 Chicago, Illinois 60602
Raven.dev Vaughn@cityofchicago.org

3. **QUESTIONS:** Please direct all questions in writing to the Contract Officer. E-mail correspondence is preferred. The PBC may, at its discretion, respond to questions via the publication of Addenda to this RFQ. Notice of any Addenda so published will be posted on the PBC website, www.pbcchicago.com.
4. **SUBMISSION DEADLINE AND PROCUREMENT TIMETABLE:** The following dates are set forth for informational and planning purposes; however, the Commission reserves the right to modify the schedule by published Addendum.

Action	Date
Issue RFQ	September 5, 2014
Pre-Submission Conference	September 16, 2014 at 2:00 pm in the PBC Board Room
RFQ Submission Deadline	September 30, 2014 at 11:00 am CST
PBC RFQ Submission Review & Short List CMs*	September 30-October 6, 2014
Interview Short-listed CMs/Short-listed Firms	October 16, 2014
Proposal Due	
Recommended CM Notified	October 20, 2014
Present Recommendation to Board for Approval/Contract Award	November 12, 2014

* The PBC shall provide a copy of a draft agreement expected to be executed for this project to short-listed CMs only.

5. **NUMBER OF COPIES:** Submit one signed original copy (marked as such), 5 bound copies, 1 unbound copy and 2 copies on compact disk (CD) or thumb drive in a sealed envelope or container bearing the project and Contract Officer's name.
6. **SUBMIT STATEMENT OF QUALIFICATIONS TO:**
 Raven DeVaughn
 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 at any time. The PBC shall not be liable for costs incurred by Respondents associated with this procurement process.

PROJECT DESCRIPTION – PS2036

Richard Edwards Elementary School Annex

4815 S. Karlov Avenue
Chicago, Illinois

Project Scope:

Program: The Project includes the construction of a three story 50,000 square foot annex and associated site development (the "Annex") and select interior renovations to the existing Edwards Elementary School. The Project will also include a new parking lot, removal of existing modular units, landscaping and storm water management. The Annex will provide Edwards Elementary School with capacity to serve an additional 540 students. The Annex construction is expected to be spread footings and will consist of a slab on grade with a steel frame structure. The exterior will be clad in masonry with cold-formed steel backup.

Construction Schedule: The Annex must be substantially complete by June 30, 2016 so that it will be ready for start of school on September 5, 2016.

Construction Budget: \$15 million

Design Team: The PBC has selected STL, LLC as Architect of Record ("AOR") for the Project. The AOR is expected to be appointed at the September meeting of the PBC Board of Commissioners. The AOR's contract anticipates that Construction Management At-Risk will be the project delivery method for the Project.

Owner: The Richard Edwards Elementary School is owned by the Chicago Board of Education ("BoE") and operated by the Chicago Public Schools ("CPS"). The property to be developed by the Project is owned by the BoE.

Proposed Project Schedule: While the design schedule and other proposed dates and bid packaging discussed in this RFQ are subject to change based on PBC, BoE and CPS requirements, the purposes of this RFQ, the required completion date for the Annex is June 30, 2016. Completion of the Annex will be followed by a 9 week move-in period for CPS prior to the start of school on September 5, 2016.

Agreement for Construction Management Services: The PBC anticipates the successful Respondent will enter into an Agreement for Construction Management Services ("Construction Management Agreement") with the PBC in a form substantially similar to the Construction Management Agreement which will be provided to the shortlisted firms for their review. The Construction Management Agreement will provide for the delivery of pre-construction and construction management services. As discussed below, the Construction Manager will provide pre-construction advising, value engineering and constructability reviews as to enable the project to be completed within the timeframe and budget specified. Pre-construction services will begin in November 2014.

Guaranteed Maximum Price ("GMP"): It is anticipated that the Construction Manager will assemble a Guaranteed Maximum Price ("GMP") based on 100% Construction Drawings. Subject to negotiation with the PBC, the Construction Manager will propose a GMP for its services and all Project work under its management. The GMP will be included in the Construction Management Agreement by amendment at the appropriate time and the Construction Manager will guarantee timely completion of the Project. The GMP and schedule guarantee will be based on the construction documents developed for the Project by the AOR in collaboration with the Construction Manager and be supported by price proposals received by the Construction Manager from pre-qualified trade contractors.

Trade Contract Award and Management:

All subcontractor awards for Project work will be to trade contractors pre-qualified to bid pursuant to a publicly advertised and PBC-approved prequalification process. The Construction Manager will administer the pre-qualification procedures and manage the bid and award process. The pre-qualification, bid and award procedures shall conform with the requirements of

the Public Building Commission Act, 50 ILCS 20/1 *et seq.*, (the "Act") and the PBC's policies concerning MBE/WBE utilization, minority and female hiring and City of Chicago resident and community hiring.

All subcontract awards will be reported the PBC Board of Commissioners.

The Construction Manager shall collaborate with the AOR to assemble bid packages for trade subcontracts to be bid.

The Construction Manager shall schedule and administer a public bid opening for each trade subcontract, with the supervision and participation of the PBC.

The Act requires that any contract for construction be awarded to the responsible bidder submitting the lowest responsive bid. The Construction Manager shall work closely with the PBC to analyze bids received and determine each bidder's responsiveness. The Commission's decision as to whether a bid is responsive shall be considered a conclusive and final determination.

MBE/WBE participation in Trade Contracts is an important consideration in determining bidder responsibility and the participation goals must be clearly defined in the Construction Manager's Invitation for Bid. The PBC will work closely with the Construction Manager to establish protocols for including appropriate aspirational goals in the Invitation for Bid.

Coordination with AOR: The PBC has engaged STL as AOR for the Project. The Construction Manager will be an integral member of the design management team and shall be responsible for coordinating the issuance of bid packages through the PBC and the AOR.

Proposed Design Schedule: The Project schedule anticipates approximately 8 months for production of 100% Construction Documents by the AOR.

Pre-Construction Services: The Construction Manager shall provide pre-construction services to assist the PBC, the AOR and CPS in estimating the probable construction costs, reviewing the design documents for constructability, identifying possible cost savings, and supporting the PBC and the AOR to develop a permitting strategy and obtain all necessary permits and approvals. The Construction Manager shall provide estimating services and develop a complete budget estimate at each design milestone.

SUBMITTAL OVERVIEW – PS2036

I. SUBMITTAL REQUIREMENTS

A. Format.

Submit one signed original copy (marked as such), 5 bound copies, 1 unbound copy and 2 copies on compact disk (CD) or thumb drive in a sealed envelope or container bearing the project and Contract Officer's name.

Submit a completed Key Project Information Form (attached) for each of the projects submitted as representative of Respondent's Construction Management At-Risk Experience.

B. Information Required in Qualifications Submittal.

1. Construction Management At-Risk Experience.

Provide project descriptions and information on three projects completed or substantially completed within the last five years of similar complexity, size and type. Respondent's role on each project must have been as a Construction Manager at Risk where Respondent provided pre-construction and construction services. Limit description of each project to three (3) pages.

Provide the following information for the three (3) projects submitted as representative examples of Respondent's CM at Risk experience:

- a) A brief description of the project including location, schedule, square footage, construction type, and foundation system;
- b) A brief description of the pre-construction services provided on the project specifically addressing:
 - (i) building systems analysis and selection (structural, mechanical, electrical, plumbing, fire protection, building envelope);
 - (ii) value engineering analyses performed and cost savings recommendations made;
 - (iii) cost estimating and budget management services provided;
 - (iv) constructability reviews performed;
 - (v) bidding and procurement activities; and
 - (vi) construction scheduling services.
- c) Original forecast completion date and actual completion date;
- d) Original budget/GMP and actual cost of project at completion;
- e) Amount of construction manager contingency included in the GMP and amount remaining at project completion;
- f) Contact information from each project owner/developer and Architect of Record.

2. Project Approach and Methodology.

Include a description of Respondent's proposed approach to the Project including:

- a) Pre-Construction. Discuss your cost estimating, cost control and change management processes; Describe your value engineering approach; Describe your constructability and building systems evaluation process; Describe your bid and procurement management processes; Describe your Scheduling Compliance and Control systems; Describe your approach to regulatory, environmental and permitting management.
- b) Bidding/Procurement. Describe your approach to managing Trade Subcontractor bidding process; Describe your current and proposed processes for pre-qualifying Trade Subcontractors; Describe your philosophy and methods for ensuring maximum participation by MBE/WBE firms; maximizing opportunities for minority and female employment; and maximizing City of Chicago Resident and Community Resident employment including compliance with minimum 50% City of Chicago Resident employment and 7.5% Community Resident employment.
- c) Construction. Describe your proposed schedule and budget/cost control approach; Describe your construction site safety and security programs: Complete Safety Questionnaire (Attached); Describe your Quality Control Plan: Submit a table of contents and a copy of one of the firm's recent Quality Control Programs;

3. Expertise and Experience of Key Staff.

- a) Submit resumes evidencing project experience of your proposed staff functions ("Key Staff Members"):
 - i. Pre-Construction: Project Manager, Estimators, MEP/Technical Coordinator, Constructability Reviewer/Manager.
 - ii. Bidding/Procurement: Project Manager, Procurement Manager, Diversity/MBE/WBE Manager;

- iii. Construction: Project Executive, Project Manager, Superintendent, Project Engineer
 - b) Proposed organization chart indicating Key Staff Members potential roles and responsibilities on the Project at each stage: Pre-Construction, Bidding/Procurement & Construction.
4. **K-12 Education Experience.**
Provide project descriptions and information on three (3) projects completed within the last five years where the Respondent provided pre-construction, construction management and/or general contracting services on K-12 educational projects. Limit description of each project to two (2) pages. Include contact information from each project owner/developer and Architect of Record.
5. **Minority and Women Owned Business Participation.**
- a) Provide commitments and percentages of actual M/WBE participation achieved on the three projects submitted as representative of Technical Competence: Construction Management At Risk.
 - b) Provide commitments and percentages of actual M/WBE participation achieved on the three projects submitted as representative of Past Experience: K-12 Educational Experience.
6. **Equal Employment Opportunity and City of Chicago Residency Participation.**
- a) Provide percentages of minority, female and Chicago resident labor actually employed on the three projects submitted as representative of the firm's Technical Competence: Construction Management At Risk Experience. Compare these percentages to any employment goals to which the firm was committed.
 - b) Provide percentages of minority, female and local labor actually employed on the three projects submitted as representative of the firm's Past Experience: K-12 Education Experience. Compare these percentages to any employment goals to which the firm was committed.
7. **Safety.**
Provide the Safety Program's Table of Contents and a copy of the Firm's NCCI current experience modification (EMR) rating worksheet. Complete the Safety Questionnaire included in this RFQ.
8. **Quality.**
Provide the Table of Contents and a copy of one of the firm's recent Quality Control Programs.
9. **Legal Actions.**
Complete the Legal Actions form included in this RFQ.

EVALUATION OVERVIEW – PS2036

I. EVALUATION PROCESS

- A. An Evaluation Committee consisting of PBC and CPS representatives will review Statements of Qualification in accordance with the evaluation criteria set forth herein. The Evaluation Committee may also request additional documentation in order to seek clarification of the submittal, and/or request one or more meetings with Respondents.
- B. The PBC intends to create a short-list of the highest qualified Respondents who will be invited to be interviewed their qualifications and proposed approach to the project.
- C. The PBC intends to provide some additional project specific information to short-listed Respondents. Short-listed Respondents will be asked to make a presentation to the Evaluation Committee identifying their approach to the Project regarding, site logistics, bid packaging, procurement and bidding, personnel to be assigned to the Project, Project staffing, Project schedule and MBE/WBE participation approach. The Evaluation Committee may request sealed proposals from the short-listed Respondents that include pre-construction fees, construction management fees and general conditions (staffing) costs. However, final fees and costs will be negotiated with the successful Respondent after the selection is made.
- D. After evaluating all information and interviews, the Evaluation Committee will make a final evaluation and submit the findings and a recommended Construction Management firm for the contract award to the Executive Director. The Executive Director will report the Evaluation Committee's findings and make a recommendation to the Board. Once accepted by the Board, Respondents will be notified.
- E. The PBC reserves the right to reject any and all response submittals and to waive any informality in the submitted qualification submittals whenever it determines such rejection or waiver is in its best interest.
- F. The PBC reserves the right to cancel this procurement process at any time. The PBC shall not be liable for costs incurred by Respondents associated with this procurement process.

II. EVALUATION CRITERIA

The PBC shall review and evaluate the qualifications of each Respondent in accordance with the following criteria:

- A. **Construction Management At Risk expertise and experience:**
Quality of experience and competence demonstrated on Construction Management At-Risk projects completed within the last five years on the three projects identified and selected by the Respondent as relevant and comparable based on complexity, size and type.
- B. **Project Approach and Methodology**
Quality of approach and methodology for providing pre-construction services, bidding and procurement services and construction management services on the Project.
Submittals must demonstrate Respondent's thorough understanding of the requirements for Trade Subcontractor pre-qualification and public bidding and must demonstrate Respondent's ability to manage a Trade Subcontractor procurement process that will ensure that the project goals for MBE/WBE participation are met or exceeded and that employment opportunities are maximized for minorities, women, City and community residents.
- C. **Expertise and Experience of Key Staff**
Quality of experience and past performance of individuals identified on Project Team in providing pre-construction, bidding and procurement, and construction management services.
- D. **K-12 educational experience**
Quality of experience and past performance providing Pre-Construction, Construction Management and/or General Contracting services on the three projects completed within the last five years identified by the Respondent as representative of Respondent's Past Performance: K-12 Educational Experience.

SAFETY QUESTIONNAIRE – PS2036

PBC is committed to working with safe construction managers. To that end, the PBC has developed a safety questionnaire to aid in selection of construction managers with good safety records. As a part of the construction manager submittal process you must answer the questions below.

DOES YOUR ORGANIZATION HAVE A SAFETY PROGRAM?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
MONTH AND YEAR FIRST IMPLEMENTED:		/	
METHOD OF REVIEW OF PROGRAM			
PLEASE INDICATE WHETHER REGULAR WORK SITE SAFETY MEETINGS ARE HELD AND HOW FREQUENTLY			
PLEASE PROVIDE A COPY OF TABLE OF CONTENTS OF SAFETY/LOSS CONTROL MANUAL			
HAVE ANY CITATIONS BEEN ISSUED TO YOUR ORGANIZATION DURING THE PERIOD OF THE LAST THREE YEARS FOR WORKPLACE SAFETY LAW VIOLATION?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, provide detailed information for each occurrence regarding:			
1. The nature of the violation for which your organization was cited.			
2. Summary of your position of the matter			
3. Official resolution of violation			
PLEASE PROVIDE YOUR ORGANIZATION'S OSHA REPORTABLE INCIDENT RATE:			
<i>(If this is greater than 3.0, please attach your OSHA Form 300A Summaries for the last three years and a written explanation to the qualification questionnaire. (Please attach narrative as necessary).</i>			
PLEASE PROVIDE A COPY OF YOUR ORGANIZATION'S NCCI CURRENT EXPERIENCE MODIFICATION RATE FACTORS ("EMRF") RATING WORKSHEET			
<i>(If this is greater than 3.0, please attach your OSHA Form 300A Summaries for the last three years and a written explanation to the qualification questionnaire. (Please attach narrative as necessary).</i>			
PLEASE PROVIDE NCCI RATING FOR THE PAST FOUR YEARS			
YEAR	NCCI RATING	YEAR	NCCI RATING

KEY PROJECT INFORMATION SHEET – PS2036

Construction Management Experience:

For each project submitted as representative of Respondent’s Construction Management Experience, provide the following information (provide more projects on a separate sheet if applicable):

Project Name: _____

Project Owner: _____

Owner Contact and Phone No.: _____
 Commencement of Services Dates for:

Pre-Construction _____

Bidding/Procurement _____

Construction _____

Date Project GMP was established
 (“GMP Date”): _____

Guaranteed Substantial Completion
 Date established at GMP Date: _____

Project GMP Amount at GMP Date: _____

Actual Substantial Completion Date: _____

Reason for Variance (if any): _____

Final Contract Amount: _____

Reason for Variance (if any): _____

Trade Contracts Awarded:

Trade Contractor Scope	Trade Contractor Name	Amount
Earthwork		
Earth Retention		
Caissons/Foundations		
Concrete		
Masonry		
Steel		
Mechanical		
Electrical		
Plumbing		
Fire Protection		

**EXHIBIT A
LEGAL ACTION**

Firm Name: _____

If the answer to any of the questions below is **YES**, you must provide a type written, brief description, and/or explanation on a separate sheet following this page. Each question must be answered.

Question	Yes	No
Has the firm or venture been issued a notice of default on any contract awarded to it in the last 3 years?	<input type="checkbox"/>	<input type="checkbox"/>
Does the firm or venture have any legally filed judgments, claims (liquidated damages, or other), arbitration proceedings or suits pending or outstanding against the firm or venture or its officers?	<input type="checkbox"/>	<input type="checkbox"/>
If the answer to the preceding question is "Yes", provide the requisite explanation on a separate sheet and enter the dollar amount of claims or judgments and the contract value of the contract on which the claim was filed _____.	<input type="checkbox"/>	<input type="checkbox"/>
Within the past 3 years has the firm or venture been a party to any lawsuits or arbitration proceedings with regard to any contracts?	<input type="checkbox"/>	<input type="checkbox"/>
Within the last 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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
Has the firm or venture ever been temporarily or permanently debarred from contract award by any federal, state, or local agency?	<input type="checkbox"/>	<input type="checkbox"/>
Within the last 3 years, has the firm or venture been investigated or assessed penalties for any statutory or administrative violations (including but not limited to MBE, WBE, EEOC violations)?	<input type="checkbox"/>	<input type="checkbox"/>
Has the firm or venture ever failed to complete any work awarded to it?	<input type="checkbox"/>	<input type="checkbox"/>

**EXHIBIT B
DISCLOSURE AFFIDAVIT**

Any firm proposing to conduct any business transactions with the Public Building Commission of Chicago must complete this Disclosure Affidavit. Please note that in the event the Contractor is a joint venture, the joint venture and each of the joint venture partners must submit a completed Disclosure Affidavit.

The undersigned _____, as _____
Name Title

and on behalf of _____
("Bidder/Proposer/Respondent or Contractor") having been duly sworn under oath certifies the following:

1. Name of Firm: _____

2. Address: _____

3. Telephone: _____ Fax: _____

4. FEIN: _____ SSN: _____

5. Nature of transaction (check the appropriate box):

- Sale or purchase of land
- Construction Contract
- Professional Services Agreement
- Other _____

6. Disclosure of Ownership Interests

Pursuant to Resolution No. 5371 of the Board of Commissioners of the Public Building Commission of Chicago, all bidders/proposers shall provide the following information with their bid/proposal. If the question is not applicable, answer "NA". If the answer is none, please answer "none".

- | | |
|--|--|
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Limited Liability Company |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Not-for-profit Corporation |
| <input type="checkbox"/> Joint Venture | <input type="checkbox"/> Other: _____ |

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**EXHIBIT B
DISCLOSURE AFFIDAVIT**

CORPORATIONS AND LLC'S

1. State of Incorporation or organization: _____
2. Authorized to conduct business in the State of Illinois: Yes No
3. Identify the names of all officers and directors of the business entity (attach list if necessary).

Name	Title

4. Identify all shareholders whose ownership percentage exceeds 7.5% of the business entity (attach list if necessary).

Name	Address	Ownership Interest Percentage

5. LLC's ONLY, indicate management type and name:
 Member-managed
 Manager-managed
Name: _____
6. Is the corporation or LLC owned partially or completely by one or more other corporations or legal entities?
 Yes
 No

If "yes" provide the above information, as applicable, for each such corporation or entity such that any person with a beneficial ownership interest of 7.5% or more in the corporation contracting in the PBC is disclosed. For example, if Corporation B owns 15% of Corporation A, and Corporation A is contracting with the PBC, then Corporation B must complete a Disclosure Affidavit. If Corporation B is owned by Corporations C and D, each of which owns 50% of Corporation B, then both Corporations C and D must complete Disclosure Affidavits.

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**EXHIBIT B
DISCLOSURE AFFIDAVIT**

PARTNERSHIPS

1. If the bidder/proposer or Contractor is a partnership, indicate the name of each partner and the percentage of interest of each therein. Also indicate, if applicable, whether general partner (GP) or limited partner (LP)

Name	Ownership Interest Percentage

SOLE PROPRIETORSHIP

1. The bidder/proposer or Contractor is a sole proprietorship and is not acting in any representative capacity on behalf of any beneficiary: Yes No

If the answer to the previous question is no, complete items 2 and 3 of this section.

2. If the sole proprietorship is held by an agent(s) or a nominee(s), indicate the principal(s) for whom the agent or nominee holds such interest.

Name(s) of Principal(s)

3. If the interest of a spouse or any other party is constructively controlled by another person or legal entity, state the name and address of such person or entity possessing such control and the relationship under which such control is being or may exercised

Name	Address

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**EXHIBIT B
DISCLOSURE AFFIDAVIT**

CONTRACTOR CERTIFICATION

A. CONTRACTORS

1. The Contractor, or any affiliated entities of the Contractor, or any responsible official thereof, or any other official, agent or employee of the Contractor, 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:
 - a. 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
 - b. 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
 - c. Made an admission of such conduct described in 1(a) or (b) above which is a matter of record but has not been prosecuted for such conduct.
2. The Contractor or agent, partner, employee or officer of the Contractor is not barred from contracting with any unit of state or local government as a result of engaging in or being convicted of bid-rigging² 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 Submission of this bid, proposal or response.
3. The Contractor or any agent, partner, employee, or officer of the Contractor is not barred from contracting with any unit of state or local government as a result of engaging in or being convicted of bid-rotating⁴ 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.
4. The Contractor 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.
5. The Contractor certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal, state or local department or agency.
 - b. 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;

**EXHIBIT B
DISCLOSURE AFFIDAVIT**

- c. 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 in paragraph (5)(b) above; and
- d. 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. SUBCONTRACTORS

1. The Contractor has obtained from all subcontractors being used in the performance of this contract or agreement, known by the Contractor 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 Contractor, 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 described as prohibited in this document; (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 in Section 2 which is matter of record but has/have not been prosecuted for such conduct.
2. The Contractor 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 Contractor at this time, certifications substantially in the form of this certification. The Contractor shall not, without the prior written permission of the Commission, use any of such subcontractors in the performance of this contract if the Contractor, based on such certifications or any other information known or obtained by Contractor, 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 as prohibited in this document of 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 as prohibited in this document which is a matter of record but has/have not been prosecuted for such conduct. The Contractor shall cause such subcontractors to certify as to all necessary items. In the event any subcontractor is unable to certify to a particular item, such subcontractor shall attach an explanation to the certification.
3. For all subcontractors to be used in the performance of this contract or agreement, the Contractor shall maintain for the duration of the contract all subcontractors' certifications required by this document and Contractor shall make such certifications promptly available to the Public Building Commission of Chicago upon request.
4. The Contractor 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 Contractor is unable to obtain a certification substantially in the form of this certification.
5. The Contractor 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 Contractor shall insert adequate provisions in all subcontracts to allow it to terminate such subcontract as required by this certification.

**EXHIBIT B
DISCLOSURE AFFIDAVIT**

C. STATE TAX DELINQUENCIES

1. The Contractor is not delinquent in the payment of any tax administered by the Illinois Department of Revenue or, if delinquent, the Contractor is contesting, in accordance with the procedures established by the appropriate Revenue Act, its liability for the tax or amount of the tax.
2. Alternatively, the Contractor 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.
3. If the Contractor is unable to certify to any of the above statements, the Contractor shall explain below. Attach additional pages 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.

4. If any subcontractors are to be used in the performance of this contract or agreement, the Contractor shall cause such subcontractors to certify as to paragraph (C)(1) or (C)(2) 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/FEES

1. The Contractor is not delinquent in paying any fine, fee, tax or other charge owed to the City of Chicago.
2. If Contractor is unable to certify to the above statement, Contractor shall explain below and (attach additional pages 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

1. A Contractor who makes a false statement material to Section II(A)(2) of this certification commits a Class 3 felony. 720 ILCS 5/33E-11(b).

F. JUDICIAL OR ADMINISTRATIVE PROCEEDINGS

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

**EXHIBIT B
DISCLOSURE AFFIDAVIT**

2. If the Contractor 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.

CERTIFICATION OF ENVIRONMENTAL COMPLIANCE

- A. Neither the Contractor nor any affiliated entity of the Contractor 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 Restriction⁵; (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 Contractor cannot make the certification contained in the above paragraph, identify any exceptions (attach additional pages 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.

- B. Without the prior written consent of the Public Building Commission of Chicago, Contractor 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.
- C. Until completion of the Contract's performance under the proposal or contract to which this Affidavit pertains, the Contractor will not violate any federal, state or local statute, regulation or other Environmental Restriction, whether in the performance of such contract or otherwise.

INCORPORATION INTO CONTRACT AND COMPLIANCE

The above certification shall become part of any contract awarded to the Contractor 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 Contractor. Furthermore, Contractor shall comply with these certifications during the term and/or performance of the contract.

**EXHIBIT B
DISCLOSURE AFFIDAVIT**

VERIFICATION

Under penalty of perjury, I certify that I am authorized to execute this Disclosure Affidavit on behalf of the Contractor set forth on page 1, that I have personal knowledge of all the certifications made herein and that the same are true.

The Contractor 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 PBCC. Deliver any such new Disclosure Affidavit to: Public Building Commission of Chicago, Director of Compliance, 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/Respondent or Contractor)

Notary Public Signature and Seal

**EXHIBIT C
DISCLOSURE OF RETAINED PARTIES**

Definitions and Disclosure Requirements

As used herein, "Consultant" means a person or entity who has any contract with the Public Building Commission of Chicago ("Commission").

Commission bids, contracts, and/or qualification submissions must be accompanied by a disclosure statement providing certain information about lobbyists whom the Consultant has retained or expects to retain with respect to the contract. In particular, the Consultant 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 Consultant is not required to disclose employees who are paid solely through the Consultant's regular payroll.

"Lobbyists" means any person who (a) 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.

Certification

Consultant hereby certifies as follows:

This Disclosure relates to the following transaction(s):

Description of goods or services to be provided under Contract:

Name of Consultant: _____

EACH AND EVERY lobbyist retained or anticipated to be retained by the Consultant with respect to or in connection with the contract listed below. Attach additional pages if necessary.

Retained Parties:

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

Check Here If No Such Persons Have been Retained or Are Anticipated To Be Retained

The Consultant understands and agrees as follows:

**EXHIBIT C
DISCLOSURE OF RETAINED PARTIES**

- 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 Consultant's participation in the contract or other transactions with the Commission.

- b. If the Consultant is uncertain whether a disclosure is required, the Consultant 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 Consultant 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 Consultant and that the information disclosed herein is true and complete.

Signature

Date

Name (Type or Print)

Title

Subscribed and sworn to before me

this _____ day of _____ 20__

Notary Public