

**Request for Proposals (“RFP”)
For General Contractor**

This RFP is Being Issued by:

Mountain West Montessori Academy
4125 West Foxview Drive
South Jordan, Utah 84095
Tel. 801.566.6962

Date of RFP Issue: December 5, 2022

Deadline to Submit Proposals: January 6, 2023 by 5:00 p.m.

I – KEY DATES

- A. Date of RFP Issue: December 5, 2022. The RFP will be posted on Mountain West Montessori Academy’s website (<https://mwmacademy.org/>) from December 5, 2022 through January 6, 2023.
- B. Deadline to Submit Proposals: January 6, 2023 by 5:00 p.m.
- C. Questions: Questions about this project or this RFP should be directed to the School’s Principal, Angie Johnson, in writing at ajohnson@mwmacademy.org. All questions about this RFP must be submitted by December 23, 2022 at 5:00 p.m. Any questions submitted after this deadline may not be answered. By approximately January 3, 2023 at 5:00 p.m., the School will post on its website answers to all substantive questions submitted before the deadline. The names of offerors or potential offerors who submit questions as described above will not be identified.
- D. Opening of Proposals: January 9, 2023 at 9:00 a.m. at Mountain West Montessori Academy’s front office.
- E. Review of Submitted Proposals: Approximately January 9, 2023 to January 30, 2023.
- F. Anticipated Contract Award Date: January 30, 2023.
- G. Anticipated Contract Term: Approximately January 2023 to project completion.
- H. Commencement of Construction: Spring 2023.
- I. Completion of Construction: No later than August 18, 2023.

II – GENERAL INFORMATION

- A. Basic Information about Mountain West Montessori Academy. Mountain West Montessori Academy (“MWMA” or the “School”) is a Utah nonprofit 501(c)(3) corporation and public charter school located in South Jordan, Utah. MWMA enrolls approximately 460 students in grades K-9 each year.
- B. **Purpose of RFP. The School would like to expand its campus building to include a new kindergarten classroom and bathroom as well as an accompanying corridor/hallway and two vestibules. The size of the new addition will be approximately 1,408 square feet and will be located on the northeast side of the campus building.**

The purpose of this RFP is to solicit proposals from general contractors to complete all of the work necessary to construct the addition in accordance with the construction plans posted with this RFP.

- C. Construction Materials. The construction materials used for the new addition must match the materials used to construct the existing campus building.
- D. Change in Scope of Project. The School reserves the right to reduce or increase the scope of this project if the School, in its sole discretion, determines that it would be prudent for them to do so. For example, if the School feels it can’t afford to do both the addition and a new artificial turf playfield, it may elect to just do the addition.
- E. Award of Contract. The contract will be awarded to the offeror whose proposal is determined to be the most advantageous to MWMA, taking into consideration all substantive evaluation criteria

outlined in this RFP as well as cost. No other criteria will be used in the evaluation. Please note that the Utah Procurement Code requires that most cost information be evaluated independently from the substantive evaluation criteria. The final determination shall be in writing and shall be determined at the sole discretion of MWMA's Board. To the extent permitted by law, MWMA may reject any and all proposals and may waive any informality or technicality in any proposal received if MWMA's Board determines it would serve the best interests of the School.

- F. Contract Documents. The successful offeror selected by MWMA's Board pursuant to this RFP will be required to enter into a written guaranteed maximum price contract consistent with the acceptable services, terms, and conditions outlined in the successful proposal and the requirements set forth in this RFP.

III – PROPOSAL INFORMATION

- A. **Proposals must be submitted to MWMA by email in compliance with Section V of this RFP. Proposals received by regular mail, hand delivery, telephone, fax, or any other unapproved form are not acceptable and may not be considered.**
- B. **The content of a proposal must address the requirements stated in Section V of this RFP.**
- C. **As stated above, proposals will be opened publicly at the School's front office on January 9, 2023 at 9:00 a.m.** Proposals will be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. Only the names of offerors who submitted proposals will be identified at the opening of proposals.
- D. The School's Evaluation Committee may, for the purpose of assuring full understanding of and responsiveness to the RFP's requirements, enter into discussions or conduct interviews with, or attend presentations by, offerors who submit proposals.
- E. Offerors acknowledge that the School's issuance of this RFP does not obligate the School to accept any of the proposals submitted in response to this RFP, nor does it guarantee that the School will in fact accept any of the said proposals. No agreement exists on the part of the School and any offeror until a written contract is approved and executed by the School.
- F. This RFP does not obligate the School to pay for costs of any kind whatsoever that may be incurred by an offeror or any third parties in connection with a proposal. All submitted proposals, responses, and supporting documentation shall become property of the School. The School shall not be liable to any offeror, person, or entity for any losses, expenses, costs, claims or damages of any kind arising out of, by reason of, or attributable to, the offeror responding to the RFP.
- G. At any time during the evaluation process, MWMA's evaluation committee may, with appropriate approval, request best and final offers, as provided for in Utah Code § 63G-6a-707.5, from responsible offerors who submit responsive proposals that meet any minimum qualifications, evaluation criteria, or score thresholds identified in this RFP.

IV – SERVICE REQUIREMENTS

Expectations for the School

- A. The School owns the building and property at which the work will take place. The School will allow the winning offeror to have adequate access to the building(s) and property to complete the work described in this RFP. In addition, School officials or representatives will be reasonably available to consult with and advise the winning offeror throughout the project.

B. The School will pay for this project with existing funds.

Expectations for Offerors

- A. Offerors must hold current licensure to engage in the work described in this RFP.
- B. Offerors that utilize subcontractors must ensure the subcontractors have current licensure to engage in the work described in this RFP. Subcontractors must sign an approved lien release form and have adequate insurance before offerors disburse payments to them.
- C. Offerors must have adequate financing to fund their business and work obligations during the term of the contract.
- D. Offerors must have sufficient general liability and workers comp insurance as well as auto insurance on all vehicles used in their business.
- E. Offerors must have previously performed construction work for other public schools in Utah and completed projects similar in scope to the one described in this RFP.
- F. Offerors must have knowledge of and comply with any applicable construction reporting requirements for public schools in Utah.
- G. Offerors must comply with and follow instructions in this RFP.
- H. The winning offeror must act as a general contractor for the School on this project.
- I. The winning offeror must enter into a guaranteed maximum price written contract with the School within a reasonable deadline required by the School. In addition, the winning offeror must, upon request, agree to include a reasonable liquidated damages provision in the contract which requires an amount for each day the project goes beyond the scheduled completion date.
- J. The winning offeror must meet all applicable legal requirements of charter school or school construction in the State of Utah and will comply with all applicable building codes, statutes, and rules governing charter school or school construction.
- K. The winning offeror must obtain all necessary and appropriate approvals, permits, and authorizations to commence work at the School's property as indicated herein, including any and all approvals from the City of South Jordan.
- L. The winning offeror is expected to be able to commence the work described in this RFP in the Spring of 2023 and to complete the work no later than August 18, 2023.

Expectations Regarding Pricing Proposal

- A. Offerors must include a total anticipated guaranteed maximum price to be charged by the offeror to complete the project.

V – PROPOSAL REQUIREMENTS

- A. **Submission of Proposals. Proposals must be emailed to the School's Principal, Angie Johnson, at ajohnson@mwmacademy.org by January 6, 2023 at 5:00 p.m. in PDF format as described in this paragraph.** Proposals must be separated by cost and non-cost related information. All non-cost related information of a proposal (the information provided by an offeror in response to Section V(B)) must be contained in one PDF file titled with a phrase

similar to “Construction Proposal: Non-Cost Related Information.” All cost-related information of a proposal (the information provided by an offeror in response to Section V(C)) must be contained in a different PDF file titled with a phrase similar to “Construction Proposal: Cost-Related Information.” No cost information may be submitted in the PDF that includes non-cost information. All cost and non-cost proposal information must be separate.

B. Content of Proposals – Non-Cost Related Information. Offerors must include the following non-cost information in their proposals:

1. *Experience and Qualifications.* Provide information demonstrating that the offeror has the experience and qualifications necessary to perform the work described in this RFP. The information must include at least the following:
 - a. Summaries, examples, and/or lists of past (and current, if any) projects where offeror has performed construction work for district or charter schools in Utah, including projects similar to the project described in this RFP;
 - b. Offeror’s key personnel and their qualifications and experience; and
 - c. Copy of the offeror’s valid Utah general contractor license.
2. *Past Performance for MWMA and/or References.* Identify any construction projects the offeror has completed for MWMA in the past. If the offeror has not completed any construction projects for MWMA, the offeror must provide a list of references for at least three construction projects similar to the project described in this RFP. Offerors who have completed construction projects for MWMA may also provide a list of references for up to three other projects similar to the project described in this RFP.
3. *Management Plan.* Describe how the offeror will complete this project in a timely manner, within budget, in a safe manner, and in a way that minimizes disruption to students and staff during the school year. Part of this description must include a proposed project schedule and a safety plan.

C. Content of Proposals – Cost Related Information. Offerors must include the following cost information in their proposals:

1. *Pricing.* Provide the total anticipated guaranteed maximum price to be charged by the offeror to complete this project. Pricing must be reasonably itemized.

D. Selection and Scoring. Selection of a general contractor will be based on offerors’ responses to the proposal content requirements in relation to the Evaluation Criteria set forth in **Section VI**. The successful proposal will address each of the required content requirements and clearly demonstrate how the offeror will meet or exceed the School’s needs. The Evaluation Criteria set forth in **Section VI** contains a numerical score for each of the proposal content requirements and proposals will be ranked based on their score. The Evaluation Committee will first subjectively score the non-cost portion of each proposal (the Evaluation Criteria Unrelated to Cost) based on offerors’ responses to the proposal content requirements contained in **Section V(B)**. The Evaluation Committee will then objectively score the cost portion of each proposal (the Evaluation Criteria Related to Cost) by using the following formula: Total Cost Points Possible x (Lowest Proposed Price/Proposal Price Being Evaluated). The offeror with the lowest proposed price (which proposed price is provided by offerors in response to the proposal content requirement in **Section V(C)**) meeting the requirements of the RFP will receive 100% of the cost points (30) and all other offerors will receive a portion of the cost points based on the formula above. **Note:** Proposals that are not compliant with **Section V** may not be considered.

E. Submission of Protected Information. Protection of disclosure of information submitted by an offeror in response to this RFP is governed by Utah’s Government Records Access and

management Act in Utah Code Ann. § 63G-2-101 *et seq.* and Utah Administrative Code Rules R33-7-105 and R33-7-106. An offeror that desires to request protected status of any information it submits to the School in response to this RFP must specifically identify the information that it desires to protect and the reasons that the information should be afforded protected status under the law. In making this request, the offeror shall comply with the requirements in Utah Code Ann. § 63G-2-305, Utah Code Ann. § 63G-2-309, and Utah Administrative Code Rule R33-7-105. In turn, the School will comply with Utah Code Ann. § 63G-2-309 and Utah Administrative Code Rule R33-7-106 with respect to disclosing such information. Submission of protected information in response to this RFP shall be deemed an acknowledgment and consent by the offeror that the offeror agrees with this paragraph and will indemnify, defend, and hold harmless the School, its members, directors, officers, staff, and agents from any and all liability relating to the proper disclosure of information provided by the offeror in response to this RFP, even if the offeror requested protected or other confidential status for the information.

F. Submission of Proposals with Protected Business Confidential Information. In accordance with Utah Administrative Code Rule R33-7-107, if an offeror submits a proposal that contains information claimed to be business confidential or protected information, the offeror must submit two separate proposals:

1. One redacted version for public release, with all protected business confidential information either blacked-out or removed, and marked as “Redacted Version;” and
2. One non-redacted version for evaluation purposes clearly marked as “Protected Business Confidential.”

Note: Proposal pricing may not be classified as business confidential and will be considered public information. In addition, an entire proposal may not be designated as “protected,” “confidential,” or “proprietary” and shall be considered non-responsive unless the offeror removes the designation.

VI – EVALUATION CRITERIA

Evaluation Criteria Unrelated to Cost

- A. Offeror’s Experience and Qualifications (35 points possible). This criterion is based on the information provided in response to the proposal content requirements contained in **Section V(B)(1)**.
- B. Past Performance for MWMA and/or References (10 points possible). This criterion is based on the information provided in response to the proposal content requirements contained in **Section V(B)(2)**.
- C. Offeror’s Management Plan (25 points possible). This criterion is based on the information provided in response to the proposal content requirements contained in **Section V(B)(3)**.

Evaluation Criteria Related to Cost*

- D. Pricing (30 points possible). This criterion is based on the pricing proposal provided in response to the proposal content requirements in **Section V(C)(1)**.

Total points possible based on Evaluation Criteria: 100 points

* **NOTE:** Cost will be scored independently from the substantive evaluation factors.