

MARIN COMMUNITY COLLEGE DISTRICT

Request for Qualifications/Proposals For Program/Construction Management Services

Request for Qualifications/Proposals Issued:
Deadline for Submittal of Qualifications/Proposals:
Selection and Award:

December 15, 2016
January 20, 2017
February 21, 2017

**REQUEST FOR QUALIFICATIONS and PROPOSALS (RFQ/P)
SELECTION OF CONSULTANT TO PROVIDE PROGRAM/CONSTRUCTION
MANAGEMENT SERVICES FOR THE
MARIN COMMUNITY COLLEGE DISTRICT**

The Marin Community College District (“College of Marin” or “District”) is seeking Statement of Qualifications and Proposals (SOQ/P) from qualified persons, firms, partnerships, corporations or organizations to perform planning, program management and/or project/construction management services related to the District’s capital facility program. Services may include any or all of the following: program management, construction management and may also include augmenting District staff for either program management, construction management or both. It is the intent of the District to approve one or more “preferred” firms that will be used to update the Facilities Master Plan and complete projects during the next several years under for the recently passed \$265,000,000 Measure B bond. The project list for use of Measure B funds is attached in Appendix A.

Qualified persons, firms and organizations are invited to submit an original plus ten (10) copies of said SOQ/P and e-mail one PDF version of the SOQ/P that meet the requirements described herein no later than **3:00 p.m. on January 20, 2017**, to the following address:

**Marin Community College District
Attention: Greg Nelson, V.P. Finance and College Operations
Fiscal Services Department
1800 Ignacio Blvd.
Novato, CA 94949
e-mail: gnelson@marin.edu**

PLEASE NOTE: United Parcel Service (UPS) DOES NOT DELIVER TO THIS ADDRESS

This RFQ/P does not commit the College of Marin to award a contract or pay any costs incurred in the preparation of a proposal responsive to this request. The District reserves the right to accept all or part of any SOQ/P or to cancel in part or in its entirety this RFQ/P. The District further reserves the right to accept the SOQ/P that it considers to be in the best interest of the District.

Thank you for your interest in working with our District.

David Wain Coon, Ed.D.
Superintendent/President
MARIN COMMUNITY COLLEGE DISTRICT

INSTRUCTIONS FOR SUBMITTAL OF SOQ/P'S

I. GENERAL INSTRUCTIONS

A. Submittal of SOQ/P'S

SOQ/P's should be reviewed for accuracy before submission to the District since said document may not be adjusted after submission to the District. The District will not be responsible for errors or omissions in any SOQ/P. The District reserves the right to reject any and all SOQ/P's, or to waive any irregularities, or informalities in the SOQ/P's. Signatures

All SOQ/P's must include a signature of an authorized officer of the firm submitting the SOQ/P. A signature form has been included with this document.

B. Disqualified SOQ/P's

Any SOQ/P received after **3:00 p.m. on January 20, 2017**, shall be refused and returned to the firm unopened.

C. Withdrawal of SOQ/P's

Firms may withdraw their SOQ/P, either personally or by written request, at any time prior to **3:00 p.m. on January 20, 2017**. Any request to withdraw a SOQ/P is effective only if received on or before **3:00 p.m. on January 20, 2017**, at the following location and addressed to:

Marin Community College District
Attn: Greg Nelson, V.P. Finance and College Operations
Fiscal Services Department
1800 Ignacio, Blvd
Novato, CA 94949

D. Copies of SOQ/P's

Each firm submitting a SOQ/P must include the signed original plus ten (10) printed copies, along with a PDF version submitted by e-mail to Greg Nelson, V.P. Finance and College Operations at: gnelson@marin.edu.

E. Contacts

In order to control information disseminated regarding this RFQ/P, firms interested in submitting SOQ/P's are directed **not** to make personal contact with members of the Board of Trustees and District Administration with the exception of the individual listed below:

Greg Nelson, V.P. Finance and College Operations
Marin Community College District
(415) 883-2211 ext. 8100
E-Mail Address: gnelson@marin.edu

Any questions concerning this RFQ/P must be submitted by e-mail to the above address no later than **January 10, 2017**. Responses to individual queries will be provided as soon as possible. An anonymous summary of all Q&A's will be posted on the District's website after **January 11, 2017 but no later than January 16, 2017**. Respondents who wish to be placed on an e-mail list to receive the summary Q&A's and any updates concerning this RFQ/P must e-mail Greg Nelson, V.P. Finance and College Operations at gnelson@marin.edu to request placement on the e-mail list.

F. District Required Forms

Your SOQ/P must include the District Required Documents that are enclosed herein which include: the Offer to Enter into Contract; Terms and Conditions; Qualification Certification; and Non-collusion Affidavit.

G. Rights of the District

The District reserves the right to incorporate terms and conditions it determines to be proper or necessary into any contract negotiated as a result of a SOQ/P submitted in response to this RFQ/P.

II. OVERVIEW OF THE DISTRICT

The District is located in Marin County and has annual enrollment of approximately 9,000 credit and noncredit students. It was established in 1926 and serves Marin County. The District currently maintains one comprehensive community college, College of Marin, with campuses in Kentfield and Novato (Indian Valley). The District is fully accredited by the Accrediting Commission of Community and Junior Colleges ("ACCJC").

The District has been a Basic Aid district since fiscal year 2001-02. "Basic Aid" community college districts are those districts whose local property taxes, student enrollment fee collections, and Education Protection Account funds exceed the revenue allocation determined by the program-based model.

The District is governed by a seven-member Board of Trustees (the "Board of Trustees"), each member of which is elected at-large to a four-year term. Elections for positions to the Board of Trustees are held every two years, alternating between three and four available positions. The management and policies of the District are administered by a Superintendent/President appointed by the Board of Trustees who is responsible for day-to-day District operations, as well as the supervision of the District's other key personnel. Dr. David Wain Coon is the District Superintendent/President and Mr. Greg Nelson is the Vice President, Finance and College Operations.

III. DESCRIPTION OF SERVICES REQUIRED

A. Background Information

The District has a long-range facility master plan in place that it is in the process of updating. The facility master plan includes demographic information, proposed improvements to existing campuses based on updated district educational specifications and standards, proposed improvements to existing campuses and funding for facility improvements funded by Measure B.

Measure B was placed on the ballot through a vote of the governing officials of the District and was approved on June 7, 2016 by 64.04% of voters. Measure B authorizes \$265 million in bonds to update and maintain the College of Marin campuses by modernizing classrooms, science, computer/biotechnology labs; repairing, modernizing and providing job-training classrooms; ensuring that classrooms meet

earthquake, fire and safety codes; providing access for disabled students; and repairing, constructing, acquiring, and equipping classrooms, labs, sites and facilities. A more detailed project list for use of Measure B funds can be found herein as Appendix A.

To fulfill the purposes of Measure B, the District intends to enter into agreements with program/construction management firms for services as identified in the RFQ/P. Further, the District intends to use the SOQ/P's submitted in response to the RFQ/P as the basis for determining the selected program/construction management firms to work with District staff to implement the District's facility master plan, which is on track to be completed and updated for both the Indian Valley and Kentfield campuses this fall.

B. Selection of Qualified Organization

The Board of Trustees has appointed a subcommittee to evaluate and rank qualified firms ("Preferred Firms") based on the criteria in Section VI. The Board of Trustees will review and consider the subcommittee's evaluation and ranking and may, in its discretion, award all or parts of the work described below to one or more of the Preferred Firm(s). Each firm submitting a proposal must submit a budget for each phase and break-out the cost for each phase as well as an overall cost if the firm is given all phases of work. Further, the successful firms must have the demonstrated ability to complete the requirements of the RFQ/P within an agreed upon timeline and at a competitive agreed upon fee.

C. Services Required of Selected Firm

The firm(s) selected as a result of this process shall be responsible for the following general categories of work:

- 1. Implementation of Updated Facilities Master Plan**—Using the District's Facility Master Plan Update, the selected firm shall update cost estimates, provide feedback on appropriate scope and advise the District on phasing, grouping of projects and other cost saving methods.
- 2. Program Management**—Work with the District on overall scheduling, budgets and communication for all capital projects; report to the District on program and individual project status on a regular basis. More specifically:
 - Assist the District in prioritizing construction projects;
 - Verify and update cost estimates;
 - Assist the District in the development of the timing of construction projects;
 - Assist the District in the development of a project communication plan that includes project participants, District administration, school site personnel, parents, and the updating of the facility department website;
 - Work with District staff in the development and maintenance of reporting systems for the scoping, sequencing, scheduling, budgeting and communication for all capital facility projects;
 - Advise the District in the selection of the Inspector of Record and coordinate the work of sub-consultants (DTSC, CEQA, etc.); and

- Advise on an ongoing basis the status of submittal and approval of projects by various local and State agencies including, but not limited to, DSA, OPSC, CDE.
- Provide design-phase services in conjunction with all architectural firms awarded work by the District; assist with bidding; manage the construction contracts and “close-out” the projects. Assist the District in the selection of the most appropriate construction delivery method.

3. Project and Construction Management—Provide project based design-phase services in conjunction with all architectural firms awarded work by the District; assist with bidding; manage the construction contracts and “close-out” the projects. Assist the District in the selection of the most appropriate construction delivery method (design-bid-build; design-build, etc.). More specifically:

- Design Phase—Work with District staff and architects to develop and refine designs to correlate design and scope to project budget; assist with verification of site conditions; perform constructability reviews at appropriate stages of design; assist in segregating bid packages for maximum cost effectiveness; advise District staff regarding owner-supplied equipment and other potential cost-saving measures; report to District staff on the status of design and State and local agency approvals versus the approved schedule; assist in obtaining all necessary approvals; attend meetings as required;
- Pre-Construction & Bidding Phase—Assist the District staff and other consultants (architects, engineers, etc.) in the development of the initial budget and budget updates for each project; work with District staff in conducting pre-bid conferences, conduct pre-construction meetings, assist with prequalification and the evaluation of responses, participate in the bidding process and reporting to District staff on bid results, assist in dealing with any bid protests and assist District staff in coordinating contracts with selected low bidders including the evaluation of bonds, insurance, conformance with DIR requirements and DVBE compliance;
- Construction Phase—Assist District staff in the administration and coordination of the following aspects of the construction project: monitor the work of contractors on a daily basis; enforce performance, scheduling and notice requirements; monitor schedule and cost information for each contractor for each project; document the progress and cost of each project; report and advise proactively on potential schedule and budget variances and impacts on schedules and budgets; recommend potential solutions to schedule and cost issues; work cooperatively with architects and contractors; attend weekly job site meetings and prepare and circulate weekly job site minutes when required; evaluate and process payment applications; evaluate and process change order requests; evaluate and track requests for information (RFI’s) and responses; work with District staff and architect to develop lists of incomplete or unsatisfactory work (punchlists); submit necessary reports to State authorities including DSA verified reports; ensure that all documents from all parties are submitted to DSA in a timely manner to complete project closeout; and
- Post-Construction Phase—Work with District staff to ensure completion of all punchlist work; coordinate contractor closeout requirements including obtaining all guarantee documents, keys, as-built drawings, daily logs and verified reports; monitor warranty work if requested; coordinate systems training with District staff and

contractors and assist in the moving District staff into new/renovated facilities upon project closeout.

4. **Coordinate with District Facilities Staff**—Coordinate with existing District facilities staff, which could include augmentation of District staff for either program or construction management services or both.

IV. CONTENTS OF STATEMENTS OF QUALIFICATIONS

A. General

For SOQ/P's to be considered, said SOQ/P must be clear, concise, complete, well organized and demonstrate both respondent's qualifications and its ability to follow instructions. The quality of answers, not length of responses or visual exhibits is what is important in the SOQ/P.

Respondents shall submit one (1) **unbound** original plus ten (10) copies of the SOQ/P in 12-point font and, with the exception of the unbound original, all copies shall be spiral bound into books of approximately 8 ½" x 11" format, **not to exceed thirty (30) pages**. Further, one PDF version of the SOQ/P shall be emailed to Greg Nelson, V.P. Finance and College Operations at gnelson@marin.edu at the time the SOQ/P is submitted. **The envelope in which the bound copies are submitted must identify the title of the SOQ/P.** Although not required, firms are permitted to include an appendix of samples of past projects. The appendix will **NOT** be considered part of the thirty (30) page SOQ/P maximum, but please limit the length of the appendix to twenty (20) pages total. All respondents shall follow the order and format specified below. Each section of the SOQ/P shall be tabbed to correspond to the numbers/headers shown below:

B. Submittal Letter

The cover letter shall be brief (three pages maximum). Include the SOQ/P's title and submittal due date, the name, address, fax number and telephone number of the responding firm (or firms if there is a joint venture or association). If the firm is proposing to co-respond with another principal firm, the cover letter must specify the type of services to be provided by each firm and the proposed percentage allocated to that phase or function for the co-respondent. The submittal letter will **NOT** be considered part of the thirty (30) page limit.

1. All respondents must address whether they are providing the following:
 - a. Both Program and Construction Management Services
 - b. Program Management Services Only
 - c. Construction Management Services Only
2. If respondent is proposing to provide services as referenced in item b. or c. above, they must provide the name of the other party/respondent to complete the team and describe in detail the joint venture/partnership relationship and the services to be provided by each party/respondent. (SEE EXAMPLE)

EXAMPLE. Company A, which is providing Program Management Services, may submit with Company B, which is providing Construction Management Services, but neither Company A nor Company B can submit without a corresponding joint venture/partnership relationship.

C. Table of Contents

Include complete and clear listings of headings and pages to allow easy reference to key information. The table of contents and any appendixes will **NOT** be considered part of the thirty (30) page limit.

D. Description of Firm

This section should provide the District information regarding size, location, nature of work performed, years in business, and approach that will be used to meet the District's needs.

E. Project Team

The selected firm shall employ at its expense professionals properly licensed and skilled in the execution of the functions required for the planning, program management and project/construction management of the projects.

Identify the key personnel that would be assigned to the District for each phase of the work and their respective roles. In addition, identify the experience each member of your professional team and support staff to be assigned to the District has in working on K-12 school district and community college district capital facility programs including experience in working with local and State agencies including DSA, DTSC, CDE, OPSC, etc.

The District reserves the right to help determine and/or place staffing from selected respondent to ensure continuity within the culture and needs of the District.

F. Experience of Firm with California K-12 School Districts and California Community Colleges Districts

Describe experiences your firm has in assisting K-12 school districts and community college districts in California in providing program, planning and constructions services as outlined in this RFQ/P. Describe experiences your firm has with the California State Chancellor's Office and the Facilities Utilization, Space Inventory Options Net ("FUSION") database.

G. References

Identify at least five (5) California K-14 districts in which you have provided consulting services as described in this RFQ/P under a direct contract with the District, three (3) of which should be California Community College Districts. Further, use this section of the proposal to indicate the areas of expertise you have previously provided and how the firm's expertise will enable the district to benefit from said expertise. Include the name of the district, the size of the district, the type of services provided, a description of the project, the dollar amount of the project, and scope changes (*e.g.*, RFP's, RFI's, unforeseen conditions).

H. Proposed Methodology and Capabilities

Describe the technical capabilities for scheduling, budgeting, cost estimating, document control and public information websites used by your firm in working with K-14 California school districts. Provide recent examples of reports for each of the above categories.

I. Quality Control

Describe in detail how your company ensures quality control during the pre-construction, construction, and post-construction phases. Provide recent examples of quality control measures used for recent projects. Describe the methods used to prevent and/or resolve conflicts.

J. Insurance

Please provide proof of insurance coverage as set out in this section. The intent of the required insurance is to protect the District from any claims, suits, actions, costs, damages, or expenses arising from any negligent or intentional act or omission of the firm or subcontractor, or their agents, while performing services under the terms of the program/construction management services agreement.

Commercial General Liability: Limits of at least \$2,000,000 per occurrence and \$5,000,000 aggregate. District shall be included as additional insured on the CGL on a Primary, Non-Contributory basis (Including Completed Operations). Additional Insured will be notified within ten (10) days of insurance policy cancellation for reasons other than non-payment of premium.

Automobile Liability: Limits of \$1,000,000 for each accident for owned, hired and borrowed and non-owned motor vehicles. District shall be included as additional insured on the auto policy on a primary, non-contributory basis. Additional Insured will be notified within ten (10) days of insurance policy cancellation for reasons other than non-payment of premium.

Professional Errors and Omissions Insurance: capital limits of \$2,000,000 per occurrence or claim, \$5,000,000 aggregate for the professional acts of the consultant performed under the contract for the District. If written on a "claims made" basis, the retroactive date must predate the inception of the contract or agreement. Coverage shall remain in effect for three (3) years following the completion of work.

All insurance required under this section shall contain a waiver of subrogation if available.

All insurance shall be issued by insurance companies with an A.M. Best financial rating of no less than A X.

K. Legal Issues

Please respond to each of the following questions:

- Is there now pending any legal action against your firm by another public agency related to services, or lack thereof, provided by your firm?
- Have there been any settlements or judgments involving such actions within the last ten (10) years? Please describe each such settlement or judgment, including the nature of the action and the amount of recovery?
- Within the past ten (10) years, has your firm ever had a professional services contract terminated by a California public agency? If yes, please identify the name of the public agency and the reason for the termination.

L. Conflict of Interest

No officer, member or employee of the District and no member of its Board of Trustees may have any financial interest, direct or indirect, in the award of the contract or the fees to be earned under the awarded contract further to this RFQ/P. Respondents are asked to disclose any such pecuniary

interest. In addition, respondents are asked to disclose any financial relationship with any existing officers, members of employees of the District, members of the Board of Trustees or agents or independent contractors of the District. Any such conflict of interest shall be described to provide transparency in the public procurement process. This section will not be scored in the overall scoring and award of this RFQ/P. For purposes of this Section L, the term “respondents” includes respondents’ officers, directors and principals. The purpose of such disclosures is to ensure transparency in the procurement process and compliance with California conflict of interest laws.

M. Fees

Understanding that fees are negotiable depending on the scope of the project agreed to by the District and successful firm, provide a preliminary cost and fee summary for each phase of the work described in this RFQ/P. The proposal can be in terms of a “fixed fee” for each phase or if you prefer to list an hourly rate for each member of the team to be assigned to a project also include any additional costs above the hourly rate as well as a “not-to-exceed” amount for each phase of the work identified in this RFQ/P.

N. Other

Each firm is encouraged to provide any additional information or description of resources that are pertinent for this project.

V. SOQ/P SELECTION CRITERIA PHASE 1 – TOTAL MAXIMUM 150 POINTS

A. GENERAL OVERVIEW

The District will evaluate the qualifications, experience and capabilities of short-listed respondents using a two-phase process. In Phase 1, the screening committee will review and evaluate each short-listed respondent’s SOP using a 150-point system. In Phase 2, short-listed respondents will be interviewed by the screening committee using a 100-point system. Each short-listed respondent’s total scores for Phase 1 and Phase 2 will be combined for purposes of the screening committee ranking short-listed respondents and making recommendations to the Board of Trustees for awarding contracts.

B. Firms submitting SOQ/P’s are advised that all SOQ/P’s will be evaluated to determine whether the firm is qualified and meets the needs of the District. Qualified firms will be invited to interview with the District as described above. Firms will be evaluated based on the following one hundred fifty (150) point criteria:

1. Reasonableness of fee schedule, including the Firm’s current standard fee schedule indicating fees for labor by staff or position, other direct costs, and fees and any indirect costs; indicate how often/when schedule is updated; (45 points)
2. The commitment of the College of Marin to equal opportunity applies to the selection of Firms, including certified Minority Business Enterprises and Women’s Business Enterprises; (5 points)
3. Whether during the past five (5) years the Firm was required to pay any award or settlement resulting from litigation; (10 points)

4. The level of experience and background in performance of similar projects; experience must demonstrate ability to coordinate many project partners and adherence to project schedules, deadlines, and budgets; (10 points)
5. Demonstrated understanding of profit distribution and timing thereof in Joint Venture Agreements; (5 points)
6. Previous experience with special requirements appropriate to the needs of the District under consideration with evidence or expression that appropriate design and/or consulting advice can be obtained as required; (5 points)
7. Reasonable proximity to the District through main or branch office; (10 points)
8. Demonstrated competence in California Community College education design and construction and evidence of ability to provide experienced staff and timely support during the project, including experience with an elected governing board; (10 points)
9. Demonstrated experience in the design-bid-build **and** design-build delivery methods; (10 points)
10. Demonstrated experience in project labor agreements; (5 points)
11. Demonstrated understanding of the principles underlying the differences between joint venture and single-entity service delivery; (10 points)
12. Demonstrated commitment to the philosophy of sustainability and demonstrated ability to provide energy efficient, creative design and sustainable solutions that embrace environmental best practices; (10 points)
13. Capability to undertake appropriate research to resolve design problems specific to the needs of the program or project under consideration; (5 points)
14. Recognition of the consultative processes associated with work on a college campus and evidence of ability to provide experienced staff and timely support to the District's needs. (10 points)

C. ORAL INTERVIEWS—PHASE 2 – TOTAL MAXIMUM POINTS = 100

The Short-Listed respondents will be invited to participate in interviews. Topics covered at interviews are at the discretion of the screening committee members conducting the interviews; however, respondents should be prepared to address the following topics:

Scope of services required to achieve the District's objectives;

Assessment of current Bond Program issues and potential risks;

Approach to managing and mitigating perceived Bond Program issues and risks;

Respondent's record and experience delivering quality services on similar Programs;

Respondent's record of meeting cost and schedule commitments on similar Programs; and

Familiarity with the duties and responsibilities of community college governing bodies, particularly in the context of bond program and construction management oversight.

D The following Key Personnel shall, at a minimum, be present at the interview:

- Program Manager;
- Project Manager(s);
- Project Scheduling Manager; and
- Cost Estimating Manager.

The total number of persons attending for the respondent shall not exceed six (6). Presentations shall be conducted by key personnel and not by sales persons or business development personnel of the respondent.

Interviews will begin with an opening presentation by the respondent. The duration of this presentation is limited to a maximum of forty (40) minutes. The respondent may at its discretion use PowerPoint or other visual aids during the presentation, provided that the District is given one (1) printed copy and one (1) electronic copy of any visual aids used during the presentation. Following the interview, there will be a question and answer period for the District to ask questions of the respondent's key personnel. This part of the interview is expected to last approximately twenty-thirty (20-30) minutes, or longer, as the District deems appropriate and in its sole discretion. Following the period of questions and answers, the respondent may make a five (5) minute closing statement.

INTERVIEW EVALUATION CRITERIA – 100 points broken down as follows:

Opening Presentation: 10 points

Responsiveness to Questions: 20 points

Communication/Interpersonal Skills: 20 points

Demonstrated Knowledge: 30 points

Overall Performance: 20 points

E. Reserved Rights

The Board of Trustees of the District reserves the right to accept or reject any or all SOQ/P's, to select a qualified firm with or without interviews and to negotiate with one or more than one of the responsible submitters. Submitters shall be responsible for any and all expenses that they may incur in preparing proposals. Responses received from this RFQ/ P will be used as the foundation for the development of an agreement and contract with specific provisions subject to review, negotiations, and approval of the Marin Community College District Board of Trustees.

F. Appointment of Firm(s) to Serve as Preferred Program/Construction Management Firms

Based on the interviews and SOP's, the screening committee will make its recommendation of award of contract to the Superintendent/President who will then make a recommendation to the District Board of Trustees.

VI. PROPOSAL FORM

Once awarded by the Board of Trustees, the selected “preferred” firms will be expected to enter into a contract with the District acceptable to both parties within 15 days following notification of being selected to complete the project(s) as described in the RFQ/P.

The following “**Offer to Enter into Agreement**” must be completed and included with responses to the RFQ/P in order for the proposal to be accepted by the District. As a final reminder, all SOQ/P’s must be received in the Fiscal Services Department, Marin Community College District, 1800 Ignacio, Blvd, Novato, CA 94949 no later than **3:00 p.m. on January 20, 2017.**

OFFER TO ENTER INTO AGREEMENT

The undersigned hereby proposes to enter into an agreement with the Marin Community College District and furnish services as outlined in the request for qualifications subject to the terms and conditions contained herein.

Name and Address of Firm

Signature of Authorized Officer or Employee

Name

Signature

Address

Title

City and State

Date

Telephone Number

Fax Number

E-mail Address

MARIN COMMUNITY COLLEGE DISTRICT

TERMS AND CONDITIONS

1. **INSTRUCTIONS AND USE OF FORMS.** In order to preserve uniformity and to facilitate the award of contracts, Respondents shall complete and return the enclosed District-required forms with their responses.
2. **ACCEPTANCE OR REJECTION OF RESPONSES.** The District reserves the right to reject any and all Responses that are incomplete, contain errors, arrive after the due date/time or are submitted by unqualified respondents. The District reserves the right not to award a contract if the District, in its sole discretion, deems the responses received pursuant to this RFQ/P lacking in any respect or insufficient to meet the District's requirements and needs.
3. **PROPOSAL PROTESTS.** The following instructions must be followed by a Respondent who wishes to challenge the District's selection and award of any contract pursuant to this Request for SOQ/P's:
 - a) Any protest must be submitted in writing to the V.P. of Finance and College Operations, Marin Community College District 1800 Ignacio, Blvd, Novato, CA 94949, before 3:00 p.m. on the fifth (5th) business day following the District's notification of its intention to award a contract pursuant to this RFQ/P.
 - b) Only respondents who submitted a proposal in response to this RFQ/P may file a protest.
 - c) Protests must contain the following specific information:
 - Protestor's name, address, tele. #, and e-mail address;
 - Date on which protestor's Response was submitted to the District;
 - Protestor's *specific, detailed basis for the protest*, which must be *supported by facts and/or documentation*. Protests based on hearsay, feelings or opinions not supported by facts, will be deemed invalid.
 - d) The protestor shall send a copy of the initial protest document and any attached documentation to all other parties that may be affected financially by the outcome.
 - e) The District will review and evaluate the protest for validity, including, if required, review by outside counsel. The District and/or counsel will provide a response within ten (10) days of review of the protest letter.
 - f) If upon review, the proposal protest is found to be frivolous or lacking validity, the protest will be rejected and the protesting party may be deemed ineligible to participate in future District bidding or contracts.
4. **ASSIGNMENT PROHIBITED.** No contract awarded under this proposal shall be assigned without the express, prior written approval of the District. Any attempted assignment in violation of the provision may be voided at the option of the Board of Trustees.
5. **NO CONTACT WITH BOARD OF TRUSTEES.** Firms may not contact any member of the Marin Community College Board of Trustees regarding this RFQ/P.

6. **NON-DISCRIMINATION.** The District does not discriminate in the selection, acceptance, or treatment of any contractor based upon race, color, national origin, religion, sex, sexual orientation, handicap, age, veterans status, medical condition as defined in Section 12926 of the California Government Code, ancestry, marital status, or citizenship, within the limits imposed by law. The District likewise prohibits discrimination by contractors and subcontractors, and may require the successful respondent(s) to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement, in compliance with Government Code 12990.

ACCEPTANCE OF TERMS AND CONDITIONS

The undersigned hereby acknowledges receipt and acceptance of the above Terms and Conditions.

Company Name: _____

Authorized Signature and Date

Printed Name: _____

Title: _____

MARIN COMMUNITY COLLEGE DISTRICT

Qualification Certification

I, the undersigned, certify and declare, with specific reference to the California False Claims Act, Government Code sections 12650, *et seq.*, that I have reviewed all of the information presented in this submittal and know its contents. The matters stated in the submittal are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Name: _____

Signature: _____

Title: _____

Date: _____

MARIN COMMUNITY COLLEGE DISTRICT

NON-COLLUSION AFFIDAVIT TO BE EXECUTED AND RETURNED WITH PROPOSAL

(Public Contract Code Section 7106)

_____, deposes and says that
Authorized Representative

he/she is _____ of _____
Title Company Name,

the party providing the foregoing proposal; that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or sham; that the respondent has not directly or indirectly colluded, conspired, connived, or agreed with anyone else to put in a sham proposal; that the respondent has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other respondent, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the proposal are true; and, further, that the respondent has not, directly or indirectly, submitted his or her price or any breakdown thereof, or the contents thereof, or divulged information of date relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, proposal depository, or to any member of agent thereof to effectuate a collusive or sham proposal.

Signature

Typed or Printed Name

APPENDIX A

Project List for Use of Measure B Funds

<i>Kentfield Campus Projects</i>
Child Study Center
PE Complex
Performing Arts
Fine Arts
Corte Madera Creek Mitigation
Science Math & Nursing
Maintenance & Operations Building
Village Square Replacement
Site Improvements
Multi-Purpose/Lecture Community Space
Athletic Synthetic Turf Fields
Parking Structure
Student Services
Fusselman Hall
Learning Resource Center
Pool Renovations
<i>Indian Valley Campus Projects</i>
Organic Farm/Garden Enhancements
Maintenance & Operations Building
Storage
Pool Renovations
ADA Barrier Removal/ Site Improvements
Multi-Purpose/Lecture Community Space
Pomo Building Cluster
Admin Building Cluster
Miwok Building Cluster
Ohlone Building Cluster
Pool Building
Building 27 (Dental, EMT, Court Reporting, Library)
<i>District Wide</i>
Environmental Impact Reduction
Information Technology
Instructional Equipment