

Cost Savings Measurers Subcommittee**For Measurers D (2002), J (2006), D (2010) and E (2012)****Agenda, May 21, 2015 at 4:00 PM, FOC, Meeting No. 2**

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3 Mission: Understanding and reviewing “soft-costs.” Reviewing efforts by the
4 school district to maximize bond revenues by implementing cost-saving measures,
5 including, but not limited to, all of the following: (A) Mechanisms designed to
6 reduce the costs of professional fees, (B) Mechanisms designed to reduce the costs
7 of site preparation, (C) Recommendations regarding the joint use of core facilities,
8 (D) Mechanisms designed to reduce costs by incorporating efficiencies in school
9 site design, (E) Recommendations regarding the use of cost-effective and efficient
10 reusable facility plans. ¹ Also to monitor progress on master facilities plan
11 development and to provide feedback on the format and substance of the plan. ²

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13 **Meeting Number: 2**

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15 **Call to Order** by Chair Tashia Flucas

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17 **Roll Call Members**

- 18 • Tashia Flucas, Chair
- 19 • Kelvin Love
- 20 • Charlene Harlan-Ogbeide
- 21 • Anton Jungherr
- 22 • Antonio Medrano

23 **CBOC Chairperson - Ivette Ricco**24 **Staff**

- 25 • Lisa Leblanc
- 26 • Mark Bonnett
- 27 • Luis Freese

¹ The CBOC approved the formation of the Cost Savings Measurers Subcommittee on December 10, 2014 with this scope. This is an ad-hoc committee not subject to the Brown Open Meeting Act.

² CBOC Resolution 14-1, adopted December 10, 2014, Comprehensive Planning for the WCCUSD School Construction Program Using Different Resource Scenarios/ “The End Game”. The Chair’s report dated March 18, 2015 assigned monitoring of the master facilities plan development to this CBOC Subcommittee.

**Cost Savings Measurers Subcommittee
For Measurers D (2002), J (2006), D (2010) and E (2012)
Agenda, May 21, 2015 at 4:00 PM, FOC, Meeting No. 2**

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29 **Agenda Review and Adoption**

30 **Public Comments**

31 **Approval of Minutes, March 19, 2015 ***

32 **Review SGI Agreement Reports ***

33 **Review March 19, 2015 Subcommittee action - contractor's overhead and**
34 **profit on error 3 change orders be charged back to the architect.**

35 • CBOC Independent Legal Counsel Adam Ferber invited

36 **SGI Agreement End Date ***

37 **Long Range Facilities Master Plan**

38 • Request for Qualifications *

39 • Statement of Qualifications – due April 24, 2015

40 • Request for Proposals – issued on or after May 11, 2015

41 • Responses to Request for Proposals – due June 5, 2015

42 • Interview firms – during the week of June 15, 2015

43 • Governing Board approval – to be determined

44 • Subcommittee role in review of firms

45 **Pinole Valley High School Cost Estimate**

46 **Meeting Schedule**

47 **Work Plan Each Meeting**

48 • Long Range Facilities Master Plan

49 • SGI Agreement Reports

50 **Next Meeting**

51 **Adjournment**

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Cost Savings Measurers Subcommittee

For Measurers D (2002), J (2006), D (2010) and E (2012)

Agenda, May 21, 2015 at 4:00 PM, FOC, Meeting No. 2

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54 **Documents Attached**

- 55 • Minutes, March 19, 2015
- 56 • SGI Agreement Reports
- 57 • SGI Agreement End Date
- 58 • Request of Qualifications

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63 **Prepared by:** Anton Jungherr, Secretary
64 Cost Savings Measurers Subcommittee

65 **Approved by:** Tashia Flucas, Chair
66 Cost Savings Measurers Subcommittee

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68 *Backup document attached.

69 **Distribution:** Subcommittee Members, CBOC Chairperson, LeBlanc, Bonnett,
70 Freese, Gallea (post to CBOC Website)

Cost Savings Measurers Subcommittee

For Measurers D (2002), J (2006), D (2010) and E (2012)

Minutes, March 19, 2015 at 4:00 PM FOC

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Scope: Reviewing efforts by the school district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following: (A) Mechanisms designed to reduce the costs of professional fees, (B) Mechanisms designed to reduce the costs of site preparation, (C) Recommendations regarding the joint use of core facilities, (D) Mechanisms designed to reduce costs by incorporating efficiencies in school site design, (E) Recommendations regarding the use of cost-effective and efficient reusable facility plans. ¹

Meeting Number: 1

Call to Order by Chair Tashia Flucas at 4:07 PM

Roll Call Members

- Tashia Flucas, Chair - present
- Kelvin Love - present
- Charlene Harlan-Ogbeide - present
- Anton Jungherr - present
- Antonio Medrano - absent

CBOC Chairperson - Ivette Ricco - present

Staff

- Lisa Leblanc - present
- Mark Bonnett - present
- Luis Freese – present

Others Present

- Linda Lozito, Concerned Citizen

¹ The CBOC approved the formation of the Cost Savings Measurers Subcommittee on December 10, 2014 with this scope. This is an ad-hoc committee not subject to the Brown Open Meeting Act.

WCCUSD CBOC
Cost Savings Measurers Subcommittee
For Measurers D (2002), J (2006), D (2010) and E (2012)
Minutes, March 19, 2015 at 4:00 PM FOC

5/6/2015 4:41 PM

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29 **Contractors Errors & Omissions:** The members discussed whether architects
30 should be responsible for paying for the cost of change orders required because of
31 an architect design errors (code 3 in the District's change order coding system).

32 It was noted that an architect's design fee does not increase because of change
33 orders.

34 **M/S/C²Jungherr/Flucas That the CBOC Cost Savings Measurers**
35 **Subcommittee recommend to the CBOC that the contractor's overhead and**
36 **profit on error 3 change orders be charged back to the architect.**

37 **Subcommittee Secretary** – Anton Jungherr volunteered to be the Secretary for the
38 Subcommittee.

39 **Construction Standards:** The members discussed the current construction
40 standards. Mr. Jungherr volunteered to provide the members with comments on
41 this matter from prior Total School Solutions performance audit reports.

42 **Next Meeting** at the call of the Chair

43 **Adjournment** at 5:15 PM by the Chair

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² M/S/C = motion by/ seconded by/ carried

Cost Savings Measurers Subcommittee

For Measurers D (2002), J (2006), D (2010) and E (2012)

Minutes, March 19, 2015 at 4:00 PM FOC

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46 **Documents Distributed at Meeting:**

- 47 • SGI Agreement, October 1, 2013
- 48 • Program Management, Performance Audit Report June 30, 2013, pages 44-
49 48
- 50 • CBOC Resolution 14-1 Comprehensive Plan for the WCCUSD School
51 Construction Program Using Different Resource Scenarios/"The End Game"
52 adopted December 10, 2014

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56 **Prepared by:** Anton Jungherr, Secretary
57 Cost Savings Measurers Subcommittee

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61 **Distribution:** Subcommittee Members, CBOC Chairperson, LeBlanc, Bonnett,
62 Freese, Gallea

For Measurers D (2002), J (2006), D (2010) and E (2012)

SGI Reports

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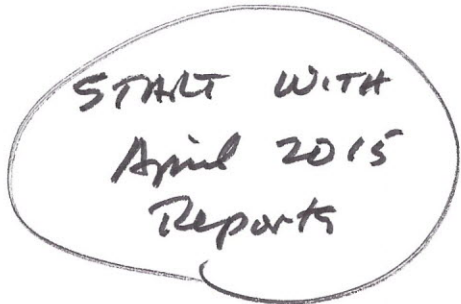
SGI Agreement Reports

SGI, as required under of its agreement, provides various reports to the District.

It is requested that the following reports be made available on a continuing basis for use by the Cost Savings Measurers Subcommittee:

- Annual review of existing systems, policies, procedures and personnel
- Monthly schedule status
- Monthly cost controls
- Value engineering recommendations
- Change order log
- Non-conforming work observed
- Final completion reports
- Online access (view only) to Primavera Project Management, Primavera Contract Management and Central Program Reports Data Base (CPRDB)

Anton Jungherr
April 8, 2015



START WITH
April 2015
Reports

NAME of REQUESTER	DATE OPERATION S OFFICE RVCD.	SUBJECT	FORWARDED FOR RESPONSE TO:	RESPONSE	RESP. DATE	FAQ Posted
54) Ivette Ricco - Jungherr (5)	3/23/2015	What is the termination date of the SGI October 1, 2013 agreement with the District?	3-23-15-Lisa LeBlanc	The October 1, 2013 contract does not have specific language regarding the termination date. However, the District is guided by the Education Code which provides the authority that contracts for services to be performed cannot exceed five years.	4/2/2015	4/2/2015
55) Ivette Ricco - Jungherr (4)	3/23/2015	25 assorted questions dealing with SGI Contracts & Performance Audit Agreement.	3-23-15- sent to assorted personnel.	4-16-15-Flash Drive with requested documents was picked up by Ivette Ricco.	4/16/2015	N/A

KT

West Contra Costa Unified School District
Facilities Operations Center
1400 Marina Way South
Richmond, CA 94804-3747



**REQUEST FOR QUALIFICATIONS ("RFQ") FOR
LONG RANGE FACILITIES MASTER PLANNING SERVICES
Request for Qualifications # 2015-04-03**

April 03, 2015

The West Contra Costa Unified School District ("District") is requesting submission of statements of qualifications from qualified persons, firms, partnerships corporations, associations or professional organizations ("Firm(s)") for long range master planning services ("Statement(s) of Qualifications" or "SOQ") related to the planning and construction of additions to existing school sites and modernization/reconstruction/renovation of existing schools, District facilities and new school construction for the next ten (10) and fifteen (15) year time periods.

Local firms within District boundaries as well as firms from within the greater Bay Area are encouraged to submit an SOQ.

Firms that intend to submit a Statement of Qualifications must be insured and appropriately licensed.

Interested Firms are invited to submit a Statement of Qualifications as described below, with one (1) original and five (5) copies of requested materials to:

**E. Keith Holtslander
Director of Facilities and Construction
West Contra Costa Unified School District
1400 Marina Way South
Richmond, CA 94804-3747**

Questions regarding this RFQ must be received in writing and directed to E. Keith Holtslander, at kholtslander@wccusd.net, on or before Wednesday, April 15, 2015, no later than 4:00 p.m. The District may respond to questions presented via addenda to this RFQ.

All Statements of Qualifications must be received on or before Friday, April 24, 2015, no later than 4:00 p.m.

Faxed, electronically transmitted, or late responses will not be accepted.

STATEMENT OF QUALIFICATIONS

1. Introduction

The District provides quality instruction to over thirty thousand (30,000) students in grades Kindergarten through 12, and Adult Education, in fifty six (56) schools at fifty three (53) sites. There are two (2) shared school sites, with one occupied by a middle and a high school and one (1) occupied by a K-8 and a high school. One (1) school is located within a Contra Costa College facility. In addition, there are five (5) District Administrative sites.

The District serves the cities of El Cerrito, Hercules, Pinole, Richmond & San Pablo and the unincorporated communities of Bayview-Montalvin Manor, East Richmond Heights, El Sobrante, Kensington, North Richmond & Tara Hills. The District employs approximately 1,621 certificated personnel, 1,420 classified personnel, and 148 administrators. The District has been engaged in a major modernization and replacement program for over sixteen (16) years. The District successfully past six (6) Local Bond Measures, starting in 1998 until 2010, for a total of \$1.63 Billion ("Bond Program"). There is approximately \$457M in remaining bond authority at this time of which a significant portion is committed to projects currently underway. Since 1998, the District has modernized twenty (20) school sites, demolished and replaced twelve (12) school sites, completed designs to demolish and replace five (5) school sites, master planned for the demolition and replacement of six (6) school sites and constructed five (5) school sites within the last fifteen (15) years. Six (6) school sites have not been included in the Bond Program to date.

The District strives to create a positive learning environment that prepares children to be lifelong learners who seek education, strive for excellence, aspire to greatness, and who will ultimately contribute to the future of the world. The District is committed to the goal of achieving academic excellence through a program of instruction which offers each child an opportunity to develop to the maximum of his/her individual capabilities.

In order for education to succeed, the District believes in an ongoing partnership between parents, students, educators, and the community. The District's philosophy is that public education is of fundamental importance to a free society and to the continued development of democratic values, individual liberty and an appreciation for cultural diversity in society.

Additional information regarding the District's facilities is available at the District's website www.wccusd.net, and at the District's Bond Program website www.wccusdbondprogram.com.

2. General Information / Instructions

- 2.1. The District invites Statements of Qualifications for planning, coordination, administration, consulting and advice, and related services ("Service(s)") as further defined in the form of *Agreement for Master Planning Services*, attached hereto as Attachment "1". The Attachment is for reference only, and the District reserves the right to modify it as required.
- 2.2. The District will evaluate the Statements of Qualifications received from this RFQ and seek proposals from the three (3) to five (5) highest scoring Firms. Thereafter, from the Firm(s) selected to respond to a Request for Proposal to be issued, the District will interview Firms and intends to ultimately select one (1) Firm, but reserves the right to select more than one (1) Firm, that has a record of excellence in school planning and project delivery. The Firm must have extensive experience with the Office of Public School Construction ("OPSC"), the CA Division of the State Architect ("DSA"), the Uniform Building Code ("UBC"), and Title 24 of the California Code of Regulations.
- 2.3. The Statement of Qualifications must contain all requested information about the Firm. Statement of Qualifications should be complete and prepared to provide an insightful, straightforward and concise overview of the capabilities of the Firm.

3. Description of Services

The following provides a general overview, without limitation, of the scope of Services the selected Firm may provide the District:

- 3.1. **Community Outreach** – The scope of Services will include individual school meetings with the community and the staff at District school sites to identify key issues related to the school facilities. In addition, community outreach will include high school area meetings. Firm should be prepared to facilitate these meetings with District staff, collect and document the input from the participants. Firm will also meet and coordinate with District staff to review the requirements of the District's administrative and maintenance facilities. Firm shall also propose additional methods (e.g. website, interviews, surveys and focus groups) to gather information and a schedule to obtain additional community input regarding school facilities.
- 3.2. **Enrollment Projections, Facility Capacity and Utilization Study** – District is currently working with a firm(s) to prepare an Enrollment Projections, Facility Capacity and Utilization Study (“Projections Report”), and a Demographics Study, that is expected to be completed in mid-May 2015. Firm will review and utilize the Projections Report and make recommendations in order to achieve the school site sizes, within the existing school sites, which will accommodate the enrollment projections Firm will take into consideration existing and potential Charter school needs within the District including identifying long-term solutions, if applicable.
- 3.3. **Facilities Needs Assessment, Maintenance, Schedules** – Firm shall utilize the results of the demographic study and the Projections Report to provide the District with recommendations regarding maximum site sizes, possible school additions, a review of current enrollment by school. Firm may recommend the future use of schools currently in use. Firm will prepare a digital database of all existing District properties including location, age of each of the buildings on the sites, land area, site improvements, square footage by use and specialized facilities. Firm will use the database to review, in detail:
 - 3.3.1. The six (6) schools that have not been involved in the Bond Program:
 - 3.3.1.1. Collins Elementary School;
 - 3.3.1.2. Grant Elementary School;
 - 3.3.1.3. Crespi Elementary School;
 - 3.3.1.4. North Campus Continuation High School;
 - 3.3.1.5. Serra Adult Education School; and
 - 3.3.1.6. Alvarado Adult Education School.
 - 3.3.2. The five (5) schools that have completed plans for replacement
 - 3.3.2.1. Fairmont Elementary School;
 - 3.3.2.2. Stege Elementary School;
 - 3.3.2.3. Valley View Elementary School;
 - 3.3.2.4. Wilson School; and
 - 3.3.2.5. Pinole Valley High School (project to be underway in 2015).
 - 3.3.3. The six (6) schools that were Master Planned for replacement, in order to determine the need for repairs, upgrades, additions and/or replacement:
 - 3.3.3.1. Highland Elementary School;
 - 3.3.3.2. Lake Elementary School;
 - 3.3.3.3. Olinda Elementary School;
 - 3.3.3.4. Riverside Elementary School;
 - 3.3.3.5. Shannon Elementary School; and
 - 3.3.3.6. Cameron School.

- 3.3.4. Firm shall review the District's 2010 Facilities Conditions Assessment Final Report, and will consult and work closely with the District's maintenance and operations staff. Firm will also consult with the appropriate District staff in order to incorporate the recommendations from the District's Educational Technology Master Plan into the long range facilities master plan. The findings will include a detailed list of the needs for repairs, upgrades, changes, additions and/or replacement of the facilities on each school site and District facilities, including schedules of regular and deferred maintenance needs. The condition assessment will focus on those schools that have not been replaced or have had major improvements.
- 3.4. **District Recommendations and Policies** – Firm shall consult with, and be directed by the District's facilities and planning staff in order to incorporate District recommendations and policies into the long range facilities master plan.
- 3.5. **District Governing Board Policies** – Firm shall incorporate the District's Governing Board Policy 7100 (Planning) and Board Policy 7115 (Educational Facilities Design Standards) into the Services and perform Services consistent with those policies.
- 3.6. **Cost Estimates** – Firm shall, in conjunction with the District, identify and project cost estimates associated with the recommended facility repairs, upgrades, additions and improvements. Firm will work with the District to identify the source of these estimates and the construction cost escalation that may be applied for projected facilities, repairs, upgrades, additions, upgrades and renovations.
- 3.7. **Prioritization of Upcoming Planned Projects** – Firm shall work with a Prioritization Committee in order to establish the guiding principles and prioritization criteria, including community outreach and input, in order to assist the committee in scoring and ranking planned projects. Project prioritization shall align with funding availability and options.
- 3.8. **Educational Specifications and Standards** – Firm shall provide recommendations to modify, if needed, the District's current Educational Specifications and Standards to be consistent with the District's Educational Program and with consideration of the input received from the community and District staff.

4. Content of Statement of Qualifications

Statement of Qualifications must be concise, well organized, and demonstrate Firm's qualifications. Statement of Qualifications shall be formatted as outlined below. Statement of Qualifications shall be no longer than thirty (30) pages, 8½" x 11" paper, inclusive of résumés, forms, and pictures, and tabbed according to the numbering system reflected below.

- 4.1. **Letter of Interest** - A dated Letter of Interest must be submitted, including the legal name of the firm(s), address, telephone and fax numbers, and the name, title, and signature of the person(s) authorized to submit the Statement of Qualifications on behalf of the Firm. The Letter of Interest should provide a brief statement of Firm's experience indicating the unique background and qualities of the Firm, its personnel, and its sub-consultants, and what will make the Firm a good fit for work in the District.
- 4.2. **Table of Contents** - A table of contents of the material contained in the Statement of Qualifications should follow the letter of interest.
- 4.3. **Executive Summary** - The executive summary should contain an outline of Firm's planning approach, along with a brief summary of Firm's qualifications.
- 4.4. **Proposed Personnel** – Identify the key personnel Firm proposes to use in providing the Services. Provide resumes of the proposed key personnel.

- 4.5. **Narrative** - Provide a comprehensive narrative of the planning services offered by Firm. The narrative should include the following:
- 4.5.1. **Statement of Services.** Prepare a detailed Statement of Services for which Firm is submitting its Statement of Qualifications.
 - 4.5.2. **Proposed Schedule of Services.** Based on the best information currently available to Firm, provide a schedule that depicts the number of days in duration and a start and complete date for completion of the Services. The schedule should include each phase or task Firm will perform and shall take into consideration a total contract duration of 10 months
 - 4.5.3. **Firm Information**
 - 4.5.3.1. Provide a brief history of Firm, and, if a joint venture, of each participating entity. Identify legal form, ownership, and senior officials of company(ies). Describe number of years in business and types of business conducted.
 - 4.5.3.2. Describe Firm's philosophy and how Firm will work with the District's architects, construction managers, District administration officials, including assistant superintendents, facilities directors, teachers and site principals, to develop a program and projects that respond to the unique challenges of educational program requirements.
 - 4.5.3.3. Identify all K-12 programs for which Firm provided master planning services in the past three (3) years in California. District requires Firm to have relevant **experience in providing master planning services to other public school district with similar demographics as District and at least 30,000 ADA**. Limit response to no more than the twenty (20) most recent programs. Include the following information for each program:
 - 4.5.3.3.1. Name of program and K-12 district;
 - 4.5.3.3.2. Scope of program, description of services provided;
 - 4.5.3.3.3. Contact person and telephone number at K-12 district;
 - 4.5.3.3.4. Contact person and telephone number of architects and construction managers that worked on the program;
 - 4.5.3.3.5. Firm person in charge of each program;
 - 4.5.3.3.6. Dollar value of each program; and
 - 4.5.3.3.7. Any claims, litigation, or assessed damages directly or indirectly related to your Firm's performance of services.
 - 4.6. **Experience with Project Prioritization and Methods Utilized** – Specify the Firm's experience as it may relate to developing project prioritization including the methods utilized to achieve consensus and alignment with available funding.
 - 4.7. **Additional Data** - Provide additional information about the Firm as it may relate to Firm's Statement of Qualifications. Include letters of reference or testimonials. Indicate ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the District in understanding Firm's qualifications and expertise. Include any program/planning materials that indicate excellence in program and/or project development.
 - 4.8. **Firm's Current Work Commitments** - Specify the current and projected workload of Firm and describe Firm's ability to complete the Services as required herein.

5. Form of Agreement

- 5.1. Attached as Attachment "1" to this RFQ is a form of Agreement for Master Planning Services ("Agreement"), including the indemnification provision that the District will include in that Agreement. Please indicate in Firm's response if Firm has any comments or objections to the form of Agreement. The District does not intend to consider any substantive changes to the form of Agreement if they are not submitted at or before this time; however, the District reserves the right to modify the agreement to be aligned more closely with the scope of work.

6. Selection Process and Projected Dates

The projected dates and anticipated calendar the District will utilize in selecting the successful Firm for the Services will be as follows; please review the following anticipated dates and deadlines carefully:

- 6.1. Statement of Qualifications – Statements of Qualifications are due to the District as described herein on or before Friday, April 24, 2015, no later than 4:00 pm.
- 6.2. Questions Regarding the RFQ – Firms must submit any questions regarding this RFQ on or before Wednesday, April 15, 2015, no later than 4:00 pm.
- 6.3. Review and Screening – The District will review and screen submitted Statements of Qualifications during the weeks of April 27 and May 04, 2015. The District may, at its discretion, conduct interviews of responding Firms during this period.
- 6.4. Issue Request for Proposals – District anticipates it will issue the Request for Proposals ("RFP") on or after Friday, May 11, 2015 to the top three (3) to five (5) most qualified, highest scoring Firms.
- 6.5. Responses to the RFP – Responses to the RFP will be due on or before Friday, June 05, 2015.
- 6.6. Interview Firms – District's Selection Committee is tentatively scheduled to interview Firms who respond to the RFP during the week of June 15, 2015. Firms will be notified of the District's selection when interviews are completed.
- 6.7. Governing Board Approval – Upon receipt and review of the responses to the RFP, and interviews, the District will recommend to the District's Board of Education for approval of the selected Firm(s) to provide the Services at the Board of Education's meeting on TBD.
- 6.8. Commence Services – The District anticipates the selected Firm will begin providing the Services immediately following Board approval of the selected Firm.

7. District's Evaluation

- 7.1. From the Firms who submit a Statement of Qualifications to the District the District may, at its discretion, interview some or all of those firms.
- 7.2. Submitted Statement of Qualifications will be reviewed and evaluated by a Selection Committee. Review and evaluation will be based on the following categories, in no particular order: Statement of Qualifications responsiveness to this RFQ; available services; background/history and philosophy; experience and references, with K-12 preferred; staff qualifications; litigation history; and any other pertinent information. The Statement of Qualifications shall address these items succinctly and specifically within the appropriate sections as noted herein. Selection will be based on responsiveness to the listed categories, as well as how the firms score based on the Selection Criteria noted herein.

- 7.3. The Firms selected to respond to the RFP, to be issued, will be chosen based on qualifications and demonstrated competence that include relevant experience with public agencies, including local agencies, and a proven track record of success for these type of Services. A “best value” method of selection will be utilized. The “best value” method evaluates the selection criteria listed below based on the designated, relative weight given to each criteria as a percentage of the RFQ’s total points possible:

Selection Criteria	Relative Weight (%)
Cost/Pricing	25
Proposed Services	20
Experience with school facility planning	15
Technical expertise	10
Team experience	10
Recent success with similar Services	5
Prior experience with District staff and current consultants	5
Availability of qualified staff	5
Other Qualifications	5

8. Terms and Conditions

- 8.1. The District reserves the right to contract with any Firm responding to this RFQ for all or portions of the above-described Services, to reject any Statement of Qualifications as non-responsive, and not to contract with any Firm for the Services described herein. The District makes no representation that participation in the RFQ process will lead to an award of contract or any consideration whatsoever. The District reserves the right to seek proposals from or to contract with any Firm not participating in this process.
- 8.2. The District is not responsible for late delivery of a Statement of Qualifications. It is the responsibility of the responding Firm to ensure that the Statement of Qualifications is submitted on time to the District. Responses that are received after the deadline may not be considered.
- 8.3. Responses to this RFQ will become the property of the District and subject to the California Public Records Act, Government Code sections 6250 et seq. Those elements in each response that are trade secrets as that term is defined in Civil Code section 3426.1(d) or otherwise exempt by law from disclosure and which are prominently marked as “TRADE SECRET,” “CONFIDENTIAL,” or “PROPRIETARY” may not be subject to disclosure. The District shall not be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of the Court. A Firm that indiscriminately identifies all or most of its response as exempt from disclosure without justification may be deemed non-responsive. In the event the District is required to defend an action on a Public Records Act request for any of the contents of a response marked “Confidential,” “Proprietary,” or “Trade Secret,” the Firm agrees, by submission of its response for the District’s consideration, to defend and indemnify the District from all costs and expenses, including attorneys’ fees, in any action or liability arising under the Public Records Act.
- 8.4. Issuance of this RFQ does not commit the District to award a contract for Services or to pay any costs incurred with the preparation of a response Statement of Qualifications. All respondents should note that the execution of any contract pursuant to this RFQ is dependent upon successful negotiation of terms and fees as well as approval by the District’s Board of Education.

- 8.5. The selected Firm(s) and each of its (their) sub-consultants and/or co-venture partners, shall comply with all applicable federal and California laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended, Executive Orders 11246, 11375, and 12086, the California Fair Employment and Housing Act beginning with Government code section 12900, Labor Code section 1735, and any other applicable federal and state laws and regulations hereinafter enacted, including the Federal Americans with Disabilities Act (ADA). Firms shall be responsible for establishing and implementing an ADA program within the Firm's work place. Firms shall not discriminate against any prospective or active employee based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. The selected respondent shall cause the above provisions to be inserted in all subcontracts for any work covered by this RFQ so that such provisions will be binding upon each sub-consultant.
- 8.6. Prior to contract execution, proof of all insurances at the levels specified in the specific contract will be required. Fingerprinting of all personnel who will visit school sites is also required. The District reserves the right to amend this RFQ by means of addenda.
- 8.7. In the event Firm is asked to attend an interview, it is mandatory that the proposed primary project contact and a principal of the Firm with the authority to enter into binding contracts with the District attend the interview. The District is not responsible for any costs the Firm may incur in the preparation of the Statement of Qualifications, interview or selection process.

9. Protests.

Any protest regarding this RFQ must be submitted in writing to the District, before 4:00 p.m. of the THIRD (3rd) business day following the date of notification by the District that a firm has been selected following the evaluation / selection process.

- 9.1. The protest must contain a complete statement of any and all bases for the protest.
- 9.2. The protest must refer to the specific portions of any documents that form the bases for the protest.
- 9.3. The protest must include the name, address and telephone number of the person representing the protesting party.
- 9.4. The party filing the protest must concurrently transmit a copy of the protest and any attached documentation to all other parties with a direct financial interest that may be adversely affected by the outcome of the protest; and all other Firms or proposers who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.
- 9.5. The procedure and time limits set forth in this paragraph are mandatory and are each Firm's sole and exclusive remedy in the event of protest. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the protest, including filing a Government Code Claim or legal proceedings.

Attachment "1"

Form of Agreement for Master Planning Services