



City of Pontiac
Finance Department, Purchasing Division
47450 Woodward Avenue, Pontiac, MI 48342

Construction Manager Preconstruction Phase Services Only
Request for Proposals

Date Posted: March 1, 2024

Solicitation No: 24-15S

Project Name: City of Pontiac Community Recreation Center
Former McCarroll Elementary School
191 North Glenwood Ave, Pontiac, MI

Owner: THE CITY OF PONTIAC
47450 WOODWARD AVE.
PONTIAC, MI 48342

RFP Contact: Alicia Martin, Purchasing Manager
47450 Woodward Ave, Pontiac, MI 48342
P: (248) 758-3120
E: purchasing@pontiac.mi.us

All questions or comments pertaining to the RFP shall be directed to the contact listed above. Applicants are instructed not to contact anyone else associated with the City. The City of Pontiac reserves the right to disqualify applicants from further consideration who violate this request. Replies issued in writing will be in the form of addenda/addendum and offered via email or BidNet. Documents pertaining to this process may also be posted on the City's Purchasing Solicitation web page as time allows.

Proposals shall be delivered via an electronic upload to BidNet no later than the deadline indicated in the enclosed Milestone Schedule (p. 4).

MANDATORY PRE-BID CONFERENCE	DEADLINE FOR FIRMS' QUESTIONS	DEADLINE FOR FIRMS TO SUBMIT PROPOSAL
Wednesday, March 13, 2024 @ 11 am EST Teams Link: Teams Pre-Bid Conference	Monday, March 18, 2024 @ 4 pm EST Upload to BidNet	Monday, April 1, 2024 @ 4 pm EST Upload to BidNet

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I. INTRODUCTION

The City of Pontiac (City) is soliciting an experienced and qualified Construction Manager (CM) to provide preconstruction phase services for the new community recreation center that will serve the City of Pontiac (“City”) residents for several decades. At the conclusion of the preconstruction phase of the Project, or at another appropriate time as determined by the City, and in the event the City intends to proceed with construction of the Project, the City will issue a separate request for proposal for *Construction Phase Services* to the public and award a separate written contract. The CM that performs the preconstruction phase services will be permitted to bid on the *Construction Phase Services* at such time.

Responses to this Request for Proposal for *Preconstruction Phase Services* (the “RFP”) should be made by CM firms or teams (collectively the “CM Team”) that provide all the necessary professional preconstruction services required for the Project including, but not limited to, cost estimation and consultation regarding the design and construction of the project, the preparation and coordination of bid packages, advising regarding long lead items, scheduling, cost control, and value engineering. The City will use best value criteria to select the CM Team for preconstruction phase services for the new City of Pontiac Community Recreation Center to be located at the site of the former McCarroll Elementary School, located at 191 North Glenwood Avenue, Pontiac, Michigan 48342 (“the Project”).

The RFP will be administered in two phases. Phase One will consist of a preliminary evaluation of the proposed CM Team’s technical qualifications and experience with publicly funded municipal projects. It is the City’s intention to develop a short list of finalists who will be invited to continue onto Phase Two of the selection process. Phase Two will include face-to-face presentations to the selection team and responses to illustrative issues that are common in design and construction projects.

Proposals must be received by the deadline indicated in the Milestone Schedule located on page 3. Proposals received after this time will not be considered. Proposals shall be submitted electronically via BidNet. The files submitted should NOT be password-protected and should be capable of being copied to other media. All requests for additional information or questions should be directed to purchasing@pontiac.mi.us.

The City encourages substantial utilization of small businesses, Minority-Owned Business Enterprise (MBE), Disadvantage Business Enterprise (DBE), Woman-Owned Business Enterprise (WBE) firms, and trade partners who are certified by city, township, county, state, federal minority or disadvantage business programs, including but not limited to:

- **Sam.gov-** <https://www.sba.gov/federal-contracting/contracting-assistance-programs/small-disadvantaged-business>
- **US DOT-** <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise>
- **National Minority Supplier Development Council (NMSDC)-**
<https://nmsdc.org/certifications/certification-process/>
- **Women’s Business Enterprise National Council (WBENC)-**
<https://www.wbenc.org/certification/>

- **State of Michigan MDOT** - <https://www.michigan.gov/mdot/business/contractors/dbe>
- **City of Detroit** - <https://detroitmi.gov/departments/civil-rights-inclusion-opportunity-department/detroit-business-opportunity-program/detroit-business-certification>.
- **Wayne County** - <https://www.waynecounty.com/departments/corpcounsel/certification-program.aspx> .
- **Wayne County Airport Authority** - <https://www.metroairport.com/business/doing-business-wcaa/disadvantaged-business-programs>

Please be advised that this list is not comprehensive but is a guide that businesses can use to certify to become a business enterprise as it pertains to servicing the City of Pontiac. The City may consider other city, township, county, state, federal or other certifying agency minority or disadvantaged business enterprise certification programs with proof of certification, subject to the City's review and discretion.

The CM Team and its trade partners shall comply with 2 CFR 200.321 regarding the same.

The City also encourages the CM Team to generate interest in the Project from trade partners located within the City of Pontiac and/or Oakland County.

Per Federal Procurement Requirements, the City cannot award the Project to an entity that is on the Federal System for Award Management (SAM.gov) ("SAM") excluded party list ("EPL"). <https://sam.gov/content/exclusions>.

The City may be using American Rescue Plan Act ("ARPA") funds to pay for the Project in whole or in part. The CM Team will be required to comply with federal funding contractual requirements applicable to professional services. ARPA funding must be obligated by December 31, 2024 and expended by the December 31, 2026.

The City issued an RFP for design services on September 25, 2023, and is in the process of selecting a firm to provide the design services. The City intends to enter into a modified *AIA Document B133-2019 Standard Form of Agreement Between Owner and Architect, Construction Manager as Constructor Edition*. A copy of the RFP for design services including exhibits will be posted to the RFP document section online.

II. PROPOSAL

Solicitation Process Milestone Schedule	
Solicitation Posted	March 1, 2024
Mandatory Pre-Bid Conference via Teams	Wednesday, March 13, 2024 @ 11 am EST Teams Link: Teams Pre-Bid Conference
Deadline to Submit Questions via BidNet	Monday, March 18, 2024 @ 4 pm EST
City's Deadline to Respond to Questions via BidNet	Wednesday, March 20, 2024 @ 4 pm EST
Deadline for Proposal Submission via BidNet	Monday, April 1, 2024 @ 4 pm EST
Bid Opening via BidNet and Teams	Monday, April 1, 2024 @ 4:30 pm EST Teams Link: Bid Opening Link
Notification of Shortlist (Top Three Firms)	Tuesday, April 2, 2024
Scheduled Presentations (Face to Face)	Monday, April 8, 2024 – 1:30 – 2:30 pm EST Friday, April 12, 2024 – 1:30 – 2:30 pm EST Friday, April 12, 2024 – 4-5 pm EST
Intent to Award (estimated)	The week of April 21, 2024
Present to City Council	Tuesday, April 22, 2024
Notice of Award (estimated)	Wednesday, April 23, 2024

1. PROPOSAL CHECKLIST

Failure to submit the items below may result in the proposal being declared non-responsive. Proposal documents must be signed by a representative from the principal CM Team.

- PHASE ONE PROPOSAL:

- ☐ COVER LETTER
- ☐ TEAM OVERVIEW
- ☐ PROJECT APPROACH
- ☐ TEAM EXPERIENCE
- ☐ KEY PERSONNEL
- ☐ REFERENCES

- PHASE TWO PROPOSAL (SHORTLISTED FIRMS ONLY):

- ☐ PRELIMINARY SCHEDULE
- ☐ COST PROPOSAL
- ☐ PRECONSTRUCTION PHASE STAFFING PLAN
- ☐ PROPOSED MODIFICATIONS TO CM PRECONSTRUCTION AGREEMENT
- ☐ CERTIFICATE OF INSURANCE

- LIST OF EXHIBITS:

Respondents are encouraged to reference the exhibits to this document which provide

further information regarding the project.

Exhibit A: *Certificate of Compliance with Public Act 517 OF 2012*

Exhibit B: *AIA Document A133-2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor Edition, as modified with Exhibits*

Exhibit C: *AIA Document A201-2017 – General Conditions of the Contract for Construction, as modified*

2. PROPOSAL FORMAT

Proposals must be submitted electronically via BidNet, in the formatted phases (one and two) below, by the date and time indicated in the Milestone Schedule (above) in accordance with the time indicated on the Milestone Schedule. No proposal submitted may be withdrawn after the proposal opening deadline. No manual copies of proposal will be accepted. CM Teams are responsible for making sure that all the content indicated in the proposal phases is included in their respective proposal.

Please refer to BidNet (City of Pontiac – Bid Opportunities and RFPs | BidNet Direct) or the City's Purchasing Division's web page Solicitations (pontiac.mi.us) for any addendum that may be issued. Purchasing recommends that CM Teams who submit proposals before the deadline are advised to continue monitoring the City's Purchasing web page for any addendums and notices that may be issued. CM Teams may click on the MITN link on the Purchasing web page to access the BidNet site, which is the solution the City uses to post solicitations. The proposal format is indicated as follows:

Phase One: Proposal

Cover Letter: A cover letter shall be provided from the proposed leaders of the CM Team. The letter should contain brief statement of the respondent's understanding of the project and a concise summary as to why the CM Team is best suited for this project.

Team Overview: provide a summary of the proposed CM team composition and a company overview for each team member. At a minimum, include CM Team overview, office location(s), MBE/WBE status, and company size metrics for the following team members:

- Prime Construction Manager
- Subconsultants, if applicable

Project Approach: Describe the CM Team's understanding of the project and approach to providing the services requested.

Briefly describe your team's approach to stakeholder engagement, public engagement, program validation, concept design, and budget validation.

Describe your approach to CM and team collaboration. Based on your previous project experience, describe the cadence of team meetings during each phase and the level of engagement anticipated from the City during each phase of the project.

Provide a narrative response that addresses the team's philosophy relative to the following core values for this project:

- Diversity, equity, and inclusion
- Health and wellness

- Environmental sustainability and stewardship of natural resources
- Universal accessibility
- Fiscal responsibility
- Construction Management excellence
- Safety
- Quality
- Meeting Owner's expectations for contract costs and time.
- Generating Local Trade Partner Interest
- MBE, DBE, and WBE Utilization and Compliance with 2 CFR 200.321.

Key Personnel: Provide a combined team Organizational Chart, which graphically depicts the organization of the team.

Identify proposed Key Staff and provide resumes for each of the following:

- Project Executive Team members
- Project Management Team members
- Key construction professionals
- Project Manager
- Cost Engineer
- Pre-Construction Manager
- Other Key Staff the team deems appropriate

Team Experience: Provide up to 10 project profiles for representative project examples which have been completed in the last 10 years and/or are currently in progress.

This section may be scored based on the following criteria:

- Projects completed for similar municipalities and/or public agencies
- Projects that are of a similar construction value, size, scale, and complexity
- Projects using a CMAR or other highly collaborative project delivery method where the CM is engaged early in the design process (CMAR, IPD, Progressive Design-Build, etc.)
- Projects using preconstruction phase services
- Experience generating interest from and subcontracting with local, MBE and WBE trade partners

References: Provide contact information for Client References, as follows:

- Provide 4-5 references for the CM Team
- References should include municipal or public sector clients for projects that have a value of at least \$10M

Public Act 517 OF 2012: Provide a Certificate of Compliance with Public ACT 517 OF 2012 (See Exhibit A)

Phase Two Proposal (Shortlisted Firms Only)

Preliminary Schedule: Provide a preliminary project schedule including the following:

- Preconstruction phase
- Procurement of Long Lead Items
- Construction Phase

answered in a manner that provides adequate time to prepare a comprehensive and complete response.

Responses to all questions and inquiries will be issued by the date indicated in Solicitation Process Milestone Schedule in the form of an Addenda/Addendum.

It shall be the responsibility of each CM Team to ensure they have received all addenda/addendum before submitting a proposal. All requests for additional information or questions should be directed to purchasing@pontiac.mi.us.

IV. BACKGROUND INFORMATION

The City of Pontiac is preparing to build a new Community Recreation Center at 191 North Glenwood Avenue, Pontiac, Michigan 48342, the former site of McCarroll Elementary School. For anticipated design, bidding and construction schedule, please see Section 1.1.4 of the A133 attached as Exhibit B hereto.

The City has developed the City's Requirements as described below. This information is meant as a starting point for the CM Team to develop the proposal. This document outlines the building requirements as determined by the City.

Project Scope Clarifications:

For purposes of developing appropriate responses and comparable fee proposals, the following scope clarifications and assumptions have been provided:

- The project will include approximately 30,000 to 60,000 Gross Square Feet of New Construction. (to be finalized by City after Schematic Design Phase)
- The Construction Cost of Work is anticipated to be between \$15,000,000 to \$25,000,000 in value. (to be finalized by City after Schematic Design Phase)
- The total Project Cost is anticipated to be between \$20,000,00 to \$30,000,000 in value. (to be finalized by City after Schematic Design Phase)
- The demolition of the existing building will be handled under a separate project.
- Environmental services, asbestos abatement, remediation, UST removal, NEPA, Section 106, Phase II ESA, and other environmental issues will be handled under a separate contract.

Data Collection Services:

- Land Survey Services including Boundary Survey, Topographic Survey, utility locates, and a Title Search will be included in this contract. Engage services of a private utility company for GPR survey as needed to locate existing subsurface utilities and indicate them on the topographic survey.
- Geotechnical Engineering including drilling, lab analysis, and recommendations for foundation design and pavement design shall be included in this contract.
- Phase I Environmental Site Assessment.
- Commissioning Services shall be engaged by the Owner under a separate contract.
- Construction Material Testing and Special Structural Inspections shall be performed under a separate contract.
- This project will not require certification by LEED, WELL, SITES, or any other third-party building performance certification process. However, these systems may be used as a

- general guide for sustainable design features that may be incorporated into the project.
- Though the project is not required to be certified, the project shall be designed to include sustainable design principles that are practical and can responsibly be incorporated in a cost-effective manner, including but not limited to green infrastructure for storm water management, energy efficient MEP systems, regionally produced materials, recycled materials and renewable resources as appropriate.
- After the conclusion of the Schematic Design Phase, and in consideration of the options presented by the Architect and availability of project funds, the City will determine the final size, scope of cost of the program.
-

Anticipated Space Program

Total Building Space Program is anticipated to in the range of 30,000 to 60,000 gross square feet in area, summarized below.

Activity Spaces:

- Gymnasium (Multi-purpose Room)
 - Basketball Courts – competition full size, 2 courts, AAU standards
 - Volleyball; gymnastics; wrestling
 - Bleachers – up to 500 people
 - Locker rooms and toilet rooms (shared with pool)
- Pool – 6 lanes, 25m length, deep end for diving (13' minimum depth), 1m springboard
 - Purpose – high school competition, open swim, lessons, physical therapy
 - Bleachers for spectators
 - Equipment storage
 - Lockers w/ showers (shared with Gym)
 - Toilet Rooms (shared with Gym)
 - Waterslide
- Outdoor Recreation
 - Playground w/ equipment
 - Open play areas
 - Soccer
 - Basketball
 - Softball (2 fields)
 - Ice rink in winter and roller hockey in summer
 - Running track – 8 lanes (indoor)
 - Concessions
 - Pads for food trucks
 - Toilet facilities
 - Bleachers for spectators
 - Tennis Courts
- Before and After School Programs

- Learning Center Art Area
- Reading/Quiet Area/Homework Area
- Creative-Dramatic Area
- Music Area
- Exercise Area
- Music Center (Band Program)
 - Classroom; private/group lessons; soundproof
 - Musical instrument storage
- Activity Room(s)
 - General Activity Room (up to 30people)
 - Dance/Yoga/Martial Arts Activity Room (up to 15people +/- 1000 SF)
- Game Room
- Teen Room/Club
- Meeting Room(s)
- TV Production
- Construction STEM Room (i.e., building tools and saw press)
- Two-lane Bowling Lane
- Bounce House

Customer Service Spaces:

- Reception Area
- Social Recreation
- Office Area/Administration
 - Private offices (6-8 staff offices)
 - Copy/work room
 - Staff lounge
- Staff/Visitor Toilet Room(s)
- Conference Room – 12 people
- Kitchen
 - Culinary Arts
 - Commercial kitchen equipment
 - Dry storage, prep area, refrigeration
- Snack Bar (Café)

Support Areas:

- Medical room/Allied Health services
- Toilet Rooms for staff, public, and outdoor activities

- Locker Rooms
- Storage – equipment, office, and pool
- Mechanical/Electrical Room(s) – Building and Pool
- Circulation
- Laundry/Clean up
- Parking – staff, public, bus drop-off, trash, and service

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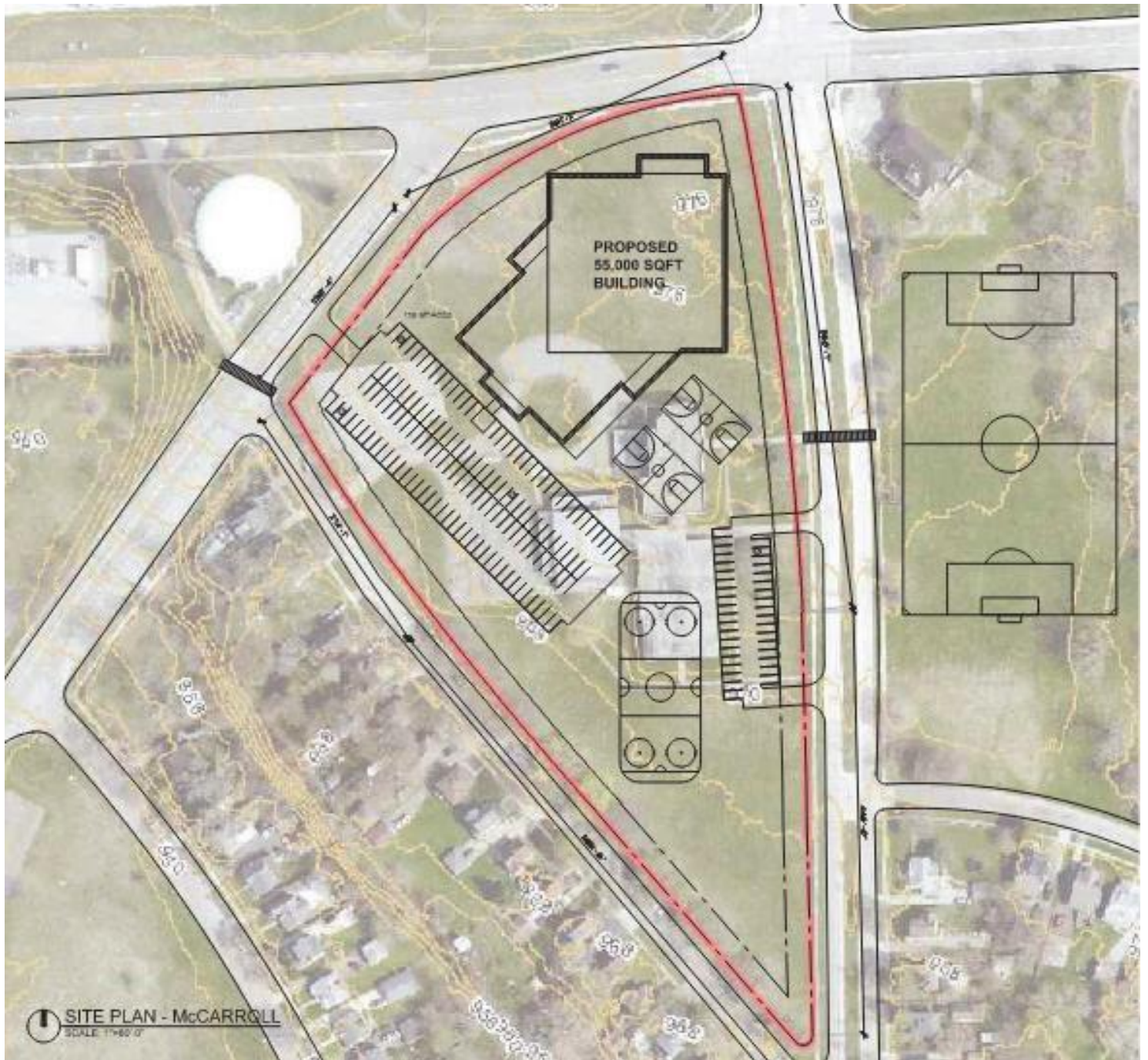
V. PRELIMINARY SPACE PROGRAM

City of Pontiac - New Youth Recreation Center
Preliminary Program Data
REVISED: 11/15/2022

Area	Name	Description	Number of Rooms	Length (in feet)	Width (in feet)	Area (Square Feet)
Activity Areas						
	Gymnasium Court		2	120	76	18,240
	Gym Lobby		1	100	14	1,400
	Spectator Bleacher (Gym)	Telescoping: 250 capacity per Gym	2	88	15	2,640
	Gym Office		2	14	12	336
	Gym Equipment Storage		2	14	10	280
	Locker Room/Toilet Room	Athletic Participants/Officials Men's & Women's	2	47	20	1,880
	Toilet Rooms (Public)	Based upon Gym occupancy loads: Men's & Women's	2	50	12	1,200
	Pool and Pool Deck		1	112	74	8,288
	Spectator Bleachers (Pool)		1	82	15	1,230
	Pool Equipment Storage		2	20	14	560
	Pool Mechanical Room		1	40	14	560
	Multi-Purpose Room (large)	Up to 30 People	1	60	30	1,800
	Multi-Purpose Room (small)	Up to 15 People	2	30	18	1,080
	Meeting Room		1	16	12	192
	TV Studio (film and video)	w/ office	1	45	25	1,125
Customer Service Areas						
	Lobby/Waiting/Visitors	Include Casual Seating Area	1	40	20	800
	Reception		1	12	12	144
	Director Office		1	16	12	192
	Assistant Director Office		1	12	10	120
	Youth/Recreation Manager		1	12	10	120
	Parks Manager		1	12	10	120
	Offices for Future Growth		2	12	10	240
	Before/After School Coordinator		1	12	10	120
	Staff Area		1	24	20	480
	Staff Toilet Rooms		2	8	7	112
	Staff Lounge		1	20	14	280
	Copy/work Room		1	14	12	168
	Conference Room	12 People	1	22	16	352
	Office Storage		1	10	8	80
	Allied Health Services		1	20	10	200
	Commercial Kitchen	Prep, Refrigeration, storage, equipment	1	60	40	2,400
	Concession Support		1	12	10	120
	Café/Snack Bar	With Seating Combined with Casual Seating Area	1	20	16	320
Support Areas						
	Staff Laundry		1	10	10	100
	General Storage	Include Storage of Tables and Chairs	1	20	14	280
	Building Mechanical Room		1	20	16	320
	Building Electrical Room		1	12	12	144
	IT/Network Equipment		1	8	8	64
	Custodial		2	15	14	420
		Sub Total				48,507
	General Circulation	Approx. 20% of Useable Square Footage				9,701
		Total				58,208

To Extend to an Upper Level						
	Stair 1		2	24	12	576
	Elevator & Elev. Equipment Room		1	20	10	200
	Gym: Upper level track		1			5,448
Outdoor Support Area						
	Parking	Based upon recreation use for approx. 58,208 sq. ft. (1/600 sq. ft.)	97	20	10	19,400
	Parking Circulation					4,000
	Bus Drop off/Pick up					2,500
	Trash enclosure and service drive					200
	DPW Storage Building		1	80	40	3,200
	Underground utility infrastructure					
Outdoor Recreation						
	Soccer Field		1	408	279	113,832
	Basketball Hard Surface Area	(2) 1/2 court basketball	2	60	60	7,200
	Open Play Area		1	100	100	10,000
	Softball Field		2	256	256	131,072
	Track		1	581	304	176,624
	Ice Rink	Summer - Roller Hockey	1	200	85	17,000
	Concessions		1	30	15	450
	Toilet Rooms		2	24	12	576

VI. PRELIMINARY CONCEPT SITE PLAN



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VII. CM TEAM SELECTION AND AWARD PROCESS

Proposals will be reviewed to determine if mandatory submission requirements are met. Proposals that do not comply with submittal instructions established in this document and/or that do not include the required information will be considered non-responsive. The CM Team assumes responsibility for meeting submission requirements and addressing all necessary technical and operational issues to meet the objectives of the RFP. An Evaluation Committee will be established by the City to review CM Team proposals and make a recommendation for a contract award.

All CM Team's proposals will be weighted as follows:

No	RFP Ranking Criteria	Points
PHASE ONE EVALUATION CRITERIA		
1	CM Team Organization	10 points
2	CM Team Member Qualifications	10 points
3	Project Approach Response	10 points
4	Experience with Municipalities and Public Agencies	5 points
5	Key Personnel	10 points
6	Client References	5 points
7	MBE/DBE/WBE/Small Businesses: Firm Utilization, Generating Interest With Such Trade Partners; Plans/Experience to comply with 2 CFR 200.321.	5 points
8	Plans/Experience to Generate Interest in the Project from trade partners located within the City of Pontiac and/or Oakland County.	5 points
9	Organization of proposal	5 points
	Subtotal for Phase One	
PHASE TWO EVALUATION CRITERIA		
10	Presentation	10 points
11	Team Interaction and Chemistry	10 points
12	Understanding and Approach	15 points
13	Preliminary Schedule	10 points
14	Certificate of Insurance	5 points
15	Cost Proposal	10 points
16	Proposed Modifications to CM Agreement	10 points
	Subtotal for Phase Two	
TOTAL		135 points

The Evaluation Committee will select the top three CM Teams to interview and then recommend an award based on the criteria and interview.

VIII. TERMS AND CONDITIONS

All proposals are intended for the sole proprietary use of the City. The City is not responsible for any costs incurred by the CM Team for any work performed relative to the preparation of a response to this RFP or negotiation of a contract for professional services, including the costs for the preparation of the information solicited herein. All responses in entirety that are submitted to the City shall become the property of the City and may be considered public information under

applicable law. Michigan FOIA requires the disclosure, upon request, of all public records, subject to limited statutory exceptions; therefore, the confidentiality of information submitted in response to this RFP is not assured. All applicants, by the submission of their proposal, agree not to seek any claim, compensation, damages, or other consideration.

By submission of a response, respondent(s) agree to all stated terms and conditions of the RFP.

IX. CONTRACT TERMS, PERIOD, PROCEDURES AND USE

The City intends to enter into a preconstruction only agreement, based on the standard *A133-2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor Edition*, published by the American Institute of Architects substantially in the form attached as Exhibit B and the *AIA Document A201-2017 – General Conditions of the Contract for Construction*, substantially in the form attached as Exhibit C (collectively the “CM Agreement”). Proposals shall clearly indicate any objections or modifications that the CM Team has with the CM Agreement.

If a successful agreement cannot be executed, the City reserves the right to proceed with contract negotiations with the next most responsive, qualified CM Team.

The successful CM Team will commence work only after the transmittal of a fully executed contract and after receiving written notification to proceed from the City. All requirements of this RFP will be incorporated by reference unless otherwise noted in the final negotiated contract.

All CM Teams are notified that the City reserves the right to delete or modify any task from the Scope of Services at any time during the RFP process, during the negotiation of the CM Agreement and during the performance of the CM Agreement. Such modification may include adding or deleting any tasks this project will encompass and/or any modifications deemed necessary. Any changes in pricing or payment terms proposed by the CM Team resulting from the requested changes are subject to acceptance by the City.

All proposers are notified that contracts are contingent upon Federal, State, and local appropriations.

X. CONFIDENTIAL/PROPRIETARY INFORMATION

The City is a public entity whose records are subject to [Michigan's Freedom of Information Act \(FOIA\), MCL 15.231 et seq.](#) All information from proposers is subject to disclosure and under the provisions of the Public Act. No. 442 of 1976, known as the “Freedom of Information Act”. Once the City awards a contract, then all proposals, whether successful or not, will become public records subject to inspection to public inspection in accordance with the FOIA. For this reason, the City requests that the CM Team DO NOT submit in their proposals information that they consider trade secrets, or otherwise confidential or sensitive commercial, financial, personal, or security-related (“Confidential Information”) except as necessary to respond to the RFP. CM Teams who decide that they need to submit Confidential Information to effectively respond to the RFP will follow this process:

- Package the Confidential Information that is necessary to the RFP response in a file that is separate from the remainder of the RFP response.
- Mark the file with “Confidential Information” or similar words.
- Review the remainder of the proposal and ensure that it contains no Confidential

- Information.
- Include a statement in the proposal that (1) identifies the separately packed information marked “Confidential Information,” and (2) describes the basis on which the CM Team wishes to exempt the content of the package from public inspection under the FOIA.

Following this process may protect some Confidential Information from public disclosure to the extent allowed by the FOIA and other applicable law. The City does not guarantee that following this process will in fact protect Confidential Information from FOIA disclosure.

XI. CITY RESERVATION OF RIGHTS

The City reserves the right to select and subsequently recommend for award the proposed services that best meet its required needs, quality levels, budget constraints, and other factors. The City reserves the right to negotiate with the selected CM Team any terms of CM Agreement as determined in the best interest of the City and may modify the scope of services at any time during the CM Agreement, if in its best interest to do so. The City reserves the right to reject all proposals, to waive any informality on the proposal received, to waive any irregularity on noncompliance in any proposal, including proposals submitted after the prescribed deadline, and to accept any proposal (or part thereof), which it will deem to be most favorable to the interest of the City and reserves the right to make changes to and/or withdraw this RFP at any time. If a successful agreement cannot be executed, the City reserves the right to proceed with contract negotiations with the next most responsive, qualified CM Team(s).

The City reserves the right to interview any number of qualifying firms as part of the evaluation and selection process and further reserves the right to award a contract without an interview, as determined in the best interest of the City.

During the evaluation process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarifications, or to allow correction of errors or omissions. The City is not bound to accept the lowest cost proposal. The City reserves the right to request any additional information at any stage of the RFP process.

The City reserves the right to retain all proposals submitted and to use any ideas in any proposal regardless of whether that CM Team is selected. Submission of a proposal indicates acceptance by the CM Team of the conditions contained in this request for proposal, unless clearly specifically noted in the proposal submitted and confirmed in the written contract between the City and the selected CM Team.

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Exhibit A

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACT 517 OF 2012

I certify that neither _____ (Company), nor any of its successors, parent companies, subsidiaries, or companies under common control, are an "Iran Linked Business" engaged in investment activities of \$20,000,000.00 or more with the energy sector of Iran, within the meaning of Michigan Public Act 517 of 2012. In the event it is awarded Contract as a result of this Request for Proposal, Company will not become an "Iran linked business" during the course of performing the work under the Contract.

NOTE: IF A PERSON OR ENTITY FALSELY CERTIFIES THAT IT IS NOT AN IRAN LINKED BUSINESS AS DEFINED BY PUBLIC ACT 517 OF 2012, IT WILL BE RESPONSIBLE FOR CIVIL PENALTIES OF NOT MORE THAN \$250,000.00 OR TWO TIMES THE AMOUNT OF THE CONTRACT FOR WHICH THE FALSE CERTIFICATION WAS MADE, WHICHEVER IS GREATER, PLUS COSTS AND REASONABLE ATTORNEY FEES INCURRED, AS MORE FULLY SET FORTH IN SECTION 5 OF ACT NO. 517, PUBLIC ACTS OF 2012.

[Company name]

By:

Date: _____ Title:

Subscribed and sworn to before
me this _____ day of _____, _____.

Notary Public,
_____, County, State of _____
My Commission Expires: _____