



Cañada College • College of San Mateo • Skyline College

**REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSOQ)
FOR DESIGN-BUILD SERVICES**

**RFSOQ 86734
Cañada Building 23, New Math, Science, and Technology Building
Cañada College, Redwood City**

**Department of General Services
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August 22, 2016

TABLE OF CONTENTS

1. NOTICE TO DESIGN BUILD ENTITIES 3

2. INTRODUCTION..... 4

3. PROJECT DESCRIPTION 4

4. SCOPE OF DESIGN-BUILD ENTITY’S WORK 5

5. INTERESTED PARTIES..... 6

6. DESIGN-BUILD ENTITY SELECTION PROCESS..... 6

7. RFSOQ MANDATORY CONFERENCE 7

8. INSTRUCTIONS FOR SUBMITTING AN SOQ 7

9. DISTRICT REPRESENTATIVE FOR THE SELECTION PROCESS..... 8

10. QUESTIONS 8

11. STATEMENT OF QUALIFICATION REQUIREMENTS AND SCORING..... 8

1. NOTICE TO DESIGN-BUILD ENTITIES

NOTICE IS HEREBY GIVEN that the San Mateo County Community College District of San Mateo, California, acting through its Governing Board, hereinafter the District, invites Design-Build Entities (DBE) to a Pre-Qualification Conference for an upcoming Design-Build project.

RFSOQ 86734
Cañada Building 23, New Math, Science, and Technology Building
Cañada College
Redwood City, CALIFORNIA

The project generally consists of a 3-story, approximately 50,000SF classroom building, including labs and faculty offices. Potential Applicants may access the RFSOQ documents through the District's Online Vendor Portal (PlanetBids) at: <https://www.planetbids.com/portal/portal.cfm?CompanyID=20507&BidID=29026>.

A representative from the General Contractor and/or Architect of Record member of a proposed DBE must attend one of two mandatory conferences to discuss this Request for Statement of Qualifications (RFSOQ) and the delivery process. Other potential members of DBEs, such as design consultants and specialty trade contractors are encouraged to attend. These conferences will be held in the Board Room at the District Office, 3401 CSM Drive, San Mateo, California, 94402 at 2:30 PM, on Tuesday, August 30, 2016 and at 9:00 AM on Wednesday, August 31, 2016. The doors to the meeting will be secured at 15 minutes past the start of the meeting. Those who arrive after that time will be turned away. Interested parties are advised to arrive early in order to park and obtain a parking pass from parking permit machines.

The District intends to solicit proposals from the three (3) most highly qualified Design-Build Entities for the project. The District intends to contract with the Design-Build Entity that can clearly demonstrate the Best Value to the District for the project.

The San Mateo County Community College District is an equal opportunity employer.

Board of Trustees
San Mateo County Community College District
Thomas Mohr, Vice President-Clerk

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2. INTRODUCTION

The San Mateo County Community College District ("District") of San Mateo, CA, acting through its Governing Board, hereinafter referred to as the District, is requesting Statements of Qualifications (SOQ) from interested and qualified Design-Build entities (Applicants) to provide design and construction services for the project referenced above (Project). The District will select a design-build entity consisting of a general contractor and architect (Design-Build Entity, DBE) **based on qualifications and proposed fees (a design competition is not utilized)**. The selection criteria for determining the shortlisted firms is included in this RFSOQ and does not include cost at this stage. Refer to Section 6 for more information on the selection process.

The delivery method for this Project is a design-build delivery method.

The District intends to create a highly successful Design-Build process that will incorporate the principles and practices of, a fully integrated and collaborative team. The goal is to harness the talents and insights of all participants in order to optimize efficiency, reduce rework through all phases of planning, programming, design, preconstruction, procurement, construction management, commissioning, and project closeout while incorporating new ideas and innovative technologies. The Design-Build process will leverage collaboration between the District, DBE, specialty trade contractors, and suppliers from early design through project completion.

The DBE shall, at a minimum, identify and include in their SOQ the mechanical, electrical and plumbing (collectively "MEP"), fire protection and structural principal engineers and design-assist or design-build trade contractors, who will be members of their DBE team. The DBE may also include any other design specialists and/or design build trade contractors necessary for the DBE to accomplish complete design and construction services to facilitate a collaborative and integrated approach to delivering the project.

Upon conclusion of this RFSOQ process, the District intends to solicit proposals from the three (3) highest ranked Design-Build Entities as determined through this RFSOQ process. The final DBE selection criteria will consist of qualifications criteria with a cost component for proposers to indicate their proposed costs for preconstruction services, general conditions, and overhead and profit. Pursuant to Education Code section 81702(c)(2)(C), each of the following scoring criteria for the Request for Proposal (RFP) will receive at least 10% of the total points: price, technical expertise, life cycle costs over 15 years or more, skilled labor force availability, and acceptable safety record. Additional criteria may be included in the RFP.

The District intends to implement an open book design-build process in a manner that equitably shares risks and rewards between the District and DBE. The successful DBE will commit to a Guaranteed Maximum Price (GMP) approximately 30 days after DSA approval of the Construction Documents (CDs) has been obtained. Work to be performed by specialty trade contractors that are not part of the DBE shall be competitively and openly bid through bid packages prepared by the DBE with review and approval of the District.

The District intends to enter into a two part contract with the successful DBE. Part A will cover the preconstruction fees and services. Part B will cover the GMP and contingencies once they've been established. The District intends to establish the GMP with the DBE approximately 30 days after DSA approval of the CDs, which will include a Construction Contingency. The unused portion of the Construction Contingency would be shared 50/50 between the District and the DBE at project completion. The cost component of the RFP selection criteria for short-listed DBE proposers will be based on their proposed fees for preconstruction services as a lump sum cost, and the following costs will be stated as a percentage of the Direct Construction Cost Budget; general conditions, overhead and profit.

3. PROJECT DESCRIPTION

The Project consists of the construction of a new science classroom building at the north end of the campus, which will include lab spaces and faculty offices. The new building is expected to be a three story structure, approximately 50,000SF, with the main entrance on the first level, and a secondary entrance on one of the upper levels due to the slope of the site, which rises to the east. This slope means that there will be a need for a retaining wall on the east side of the building. The existing single-story classroom building, Building 22, is directly west of the building site, and will continue to operate during construction. The existing exterior space enclosed by Buildings 16, 17, 18, and 22 will be improved to be a functional and attractive plaza.

The architectural design of the building should both blend into the existing college campus, and reflect the exciting materials and spaces that invite students, staff, and visitors inside to enjoy the experience of a modern building. Along with the adjacent plaza, the building will be a magnet to draw students to the north end of the central circulation corridor of the campus. The building should be a good illustration of the sustainability goals targeted by the District.

The college campus, including the Loop Road that is on the north side of the building site and the service road immediately to the east, will remain in use during construction of the new building. The DBE will be responsible for facilitating safe campus vehicular and pedestrian traffic and minimizing disruption at all times. Any shutdown of site utilities must be carefully planned to minimize impact to college operations. The new building shall receive LEED Gold certification (Leadership in Energy and Environmental Design) and shall exceed Title 24 energy efficiency requirements by 15% to demonstrate the commitment of the San Mateo County Community College District to sustainable building design and construction. The successful DBE shall participate in the PG&E Savings by Design Program. An Environmental Impact Report (EIR) has been adopted for the entire Capital Improvement Program, including this Project, and this project will be designed and constructed in compliance with the required measures and mitigations for the Cañada campus.

There is an additional component that is a part of this project:

Parking Lot 10 expansion: The open area to the southwest of the building site which will become a plaza includes a “hump” of fill material, which will be excavated down to the general level of the surrounding grade. This material will be moved to Parking Lot 10, also on the north end of the campus. Material excavated for the new Building 23 will also be moved to Parking Lot 10. These fill materials will be incorporated into the expansion of Parking Lot 10.

- The Estimated Direct Construction Cost is \$28,500,000, exclusive of contractor profit and overhead, bonds, and general conditions/general requirements.
- Preconstruction and Architect/Engineer fees are not included in the Direct Construction Cost Budget. These fees will be identified as a separate line item as part of the cost proposal section to be submitted with the RFP by the shortlisted firms.
- The contract duration estimate is 1,150 calendar days. Improvements to estimated budgets and durations will be entertained during the RFP Process.
- The Design-Build Entity is required to be licensed in the state of California with a ‘B’ license.
- The Architect of Record is required to be licensed in the state of California.

4. SCOPE OF DESIGN-BUILD ENTITY’S WORK

The District will specify work to be performed by the Design-Build Entity in the Request for Proposal and design-build contract documents. The anticipated services will likely consist of, but will not be limited to, the following tasks:

1. Participate in a Partnering Process.
2. Validate the initial program, schedule, and other Project criteria.
3. Develop design deliverables per District requirements and assist with presentations to user groups, the College President’s Cabinet, and the District Board of Trustees.
4. Provide cost estimates at the conclusion of each design phase, and upon establishment of the GMP. Review and confirm the initial budget and provide continuous cost management to assure the schematic and final design remains within the budgeted cost estimate.
5. Commit to a GMP with the DBE approximately 30 days after DSA approval of the CDs, which will include a Construction Contingency.
6. Provide quality assurance and control during preconstruction and construction phases. Shortlisted proposers will submit a quality control plan as part of the proposal process.
7. Procure all agency review, peer review and local agency approvals as required.
8. Provide construction planning, phasing, scheduling, site logistics and safety plan during design and through construction completion.

9. Develop and maintain a critical path schedule that incorporates-tasks and approvals necessary to complete the Project within the contract duration.
10. Develop specialty trade bid packages, publicly advertise, and assist the District in receiving competitive bids from specialty trade contractors who are not already members of the DBE team.
11. Comply with prevailing wage laws and requirements, as well as all other Authorities Having Jurisdiction.
12. Participate in the mandatory Owner Controlled Insurance Program (OCIP) for this project.
13. Comply with the requirements of the District's Program Labor Stabilization Agreement and its Amendments. These documents are available on the District's website:
<http://www.smccd.edu/facilities/community/>.
14. Ensure Project compliance with California Environmental Quality Act (CEQA) and District's approved Final EIR. This document is available on the District's website:
<http://www.smccd.edu/facilities/community/>.

5. INTERESTED PARTIES

Participation in More Than One Proposal. General Contractors and Architects of Record will not be allowed to participate in the Request for Proposal process, in any capacity, as Design-Build Entity Members, to more than one Design-Build Entity. For purposes of interpreting and applying the requirements of this paragraph, branch offices of a General Contractor and Architect of Record that is an individual, corporation, partnership, or other legal entity, where such branch offices are owned and/or managed, in whole or in substantial part, by such individual, corporation, partnership, or other legal entity, shall be deemed identical to such General Contractor and Architect of Record.

District Consultants. Pursuant to California Education Code Section 81703: Consultants or Subconsultants to the District who (1) are participants or advisors to the District or College in respect to the design-build Project, are exempt from participating as a Design-Build Entity Member or as a Subconsultant or Subcontractor, of any Tier, to a Design-Build Entity. The following firms are not eligible to participate in this project:

- Lionakis
- Artik Art and Architecture (Formerly Bill Gould Architectural Corporation)
- Research Facilities Design (lab design)
- TBD Consultants (cost estimating)

6. DESIGN-BUILD ENTITY SELECTION PROCESS

The District will select the Design-Build Entity using a two-step process:

Step 1 – Request for Statements of Qualification (RFSOQ): The District will appoint a selection committee to review and score the SOQs to establish whether an Applicant meets the District's prequalifying criteria, as set forth in this RFSOQ. The three (3) highest ranked firms who confirm their willingness and ability to continue in the process will receive the Request for Proposal (RFP). The District reserves the right to reject all responses to this RFSOQ. The District will notify all Applicants of the outcome.

Step 2 – Requests for Proposals (RFP): **The District will select a design-build entity based on qualifications and proposed fees (a design competition is not utilized).** Pre-proposal meetings will be held; the District's Selection Committee will score the proposals from the finalists, conduct interviews, and perform reference checks. Selection of the successful Proposer in Step 2 shall be based upon pre-established criteria set forth in the Request for Proposal, which include cost and other factors. Award of the Design-Build Contract will be made to the Proposer whose Design-Build Proposal is determined by the District to be overall the best value to the District. As the process does not include a design competition, stipends will not be awarded. The District reserve the right to reject all proposals.

ANTICIPATED SELECTION PROCESS SCHEDULE:

Schedule Activities	Schedule
RFSOQ Advertised	Monday, 8/22/16
RFSOQ Mandatory Conference (see section 7)	Tuesday, 8/30/16 at 2:30 PM and Wednesday, 8/31/16 at 9:00 AM
Last day to submit questions about the RFSOQ (RFIs)	Friday, 9/9/16 at 2:00 PM
Final RFSOQ Addendum issued (if required)	Wednesday, 9/14/16
Statement of Qualifications due	Thursday, 9/22/16 at 2:00 PM (Proposals may not be delivered prior to noon on the due date)
Shortlist published	Monday, 10/10/16
RFP distributed to shortlist	Monday, 10/10/16
Pre-Proposal Mandatory Conference	Thursday, 10/20/16
Confidential Meetings	Weeks of 10/24/16 and 11/1/16
Last day to submit questions about the RFP (RFIs)	Wednesday, 11/9/16
Final RFP Addendum issued (if required)	Monday, 11/14/16
Design-Build Proposals due	Friday, 11/18/16 at 2:00 PM
Proposing firms interviewed	Week of 11/28/16
Best and Final Offer	12/5 to 12/19/16
Notice of Intent to Award	Wednesday, 1/11/17
Board of Trustees Approval	Wednesday, 1/11/17
Notice of Award	Thursday, 1/14/17

The District reserves the right to change any and/or all of the dates stated above. Any changes to the schedule for the RFSOQ/RFP process will be issued by addenda posted to the Online Vendor Portal (PlanetBids) <https://www.planetbids.com/portal/portal.cfm?CompanyID=20507&BidID=29026>. It is the sole responsibility of an Applicant to check the website for any and all addenda and to be completely familiar with the contents thereof.

7. RFSOQ MANDATORY CONFERENCE

A representative of the General Contractor and/or Architect of Record member of a proposed DBE must attend one of two mandatory conferences to discuss this RFSOQ and the delivery process. Other potential members of DBEs, such as design consultants and specialty trade contractors are encouraged to attend. These conferences will be held in the Board Room at the District Office, 3401 CSM Drive, San Mateo, California, 94402 at 2:30 PM, on Tuesday, August 30, 2016 and at 9:00 AM on Wednesday, August 31, 2016. The doors to the meeting will be secured at 15 minutes past the start of the meeting. Those who arrive after that time will be turned away. Interested parties are advised to arrive early in order to park and obtain a parking pass from parking permit machines.

8. INSTRUCTIONS FOR SUBMITTING AN SOQ

Statements of Qualifications must be received in the District Office shown herein before the date and time shown in the Anticipated Selection Process Schedule.

Applicants for this Project shall submit an SOQ in accordance with the following instructions:

1. Provide all information requested in this RFSOQ in the order specified in Section 11 below.
2. Provide information as it pertains to your team. When referencing projects that were joint ventures, or individual efforts, indicate such and explain each individual's or firm's role in the project.
3. The SOQ should be well organized and as concise as possible as outlined in Section 11.
4. Information you believe is relevant to the selection of your firm for this Project but not requested by the RFSOQ may be submitted as an appendix to the SOQ.
5. Where contact information is requested, include the company name, company representative's name, current phone number and e-mail address.

6. The SOQ shall be printed not less than 11 point font, single spaced and double-sided on letter-size (8 ½ x 11) paper and be bound (plastic comb or spiral preferred). Do not use metal-ring hard cover binders.
7. Submit seven (7) hard copies of the SOQ, (only two (2) separately bound hard copies of the Prequalification Application (Attachment 1) are required); and one (1) digital version in PDF format on a permanently marked computer disk or flash drive.
8. Deliver the SOQ **between the hours of noon and 2pm sharp only**, on the due date, in a sealed package clearly marked on the outside as follows:

**“CONFIDENTIAL: SOQ for Cañada Building 23, New Math, Science, and Technology Building
SMCCD RFSOQ 86734**

**Attn: Yanely Pulido
3401 CSM Drive
San Mateo, CA 94402**

From: Design-Build Entity Business Name”

9. Deliver the SOQ by the date and time indicated in the Anticipated Selection Process Schedule. Any SOQ received after the deadline will not be considered and will be returned unopened. Faxed or emailed SOQ submittals will not be accepted.

9. DISTRICT REPRESENTATIVE FOR THE SELECTION PROCESS

The District Representative for the Design-Build Selection Process is:

Name	Yanely Pulido Contracts Manager Department of General Services
Address (mailing):	3401 CSM Drive San Mateo, CA 94402
Telephone:	(650) 358-6863
E-Mail:	pulido@smccd.edu

Please note: Applicant will receive a date/time stamped receipt upon submission of your Statement of Qualifications and Financials. Applicants are advised to arrive early in order to purchase a parking permit and find parking.

10. QUESTIONS

All questions and issues regarding this RFSOQ processes, requirements, criteria, and/or information, must be submitted electronically by posting same to the District’s Online Vendor Portal (PlanetBids) at: <https://www.planetbids.com/portal/portal.cfm?CompanyID=20507&BidID=29026>. All questions must be submitted no later than the due date indicated in the Anticipated Selection Process Schedule in Section 6. Questions received after the due date will not be considered. No email or telephone call questions will be responded to. It is the sole responsibility of each Applicant to check the District’s Online Vendor Portal for any and all addenda and to be completely familiar with the contents thereof.

11. STATEMENT OF QUALIFICATION REQUIREMENTS AND SCORING

A Statement of Qualifications should be prepared simply and economically, providing a straight forward, concise description how the Applicant can meet the requirements of the RFSOQ. Emphasis shall be on the quality, completeness, clarity of content, responsiveness to the requirements, and an understanding of the District’s needs. Applicants shall submit a complete response to all requirements thereof. An incomplete SOQ will be considered non-responsive and subject to rejection.

It is very important that an Applicant follow the instructions set forth in this RFSOQ and in Attachment “1” and Attachment “2”. Additional instructions are set forth in the Attachments. Following the Cover Page and Table of Contents, the SOQ should be organized with numbered tabs corresponding to Sections 1 through 9 only:

Required Information:	Points
Statement of Qualifications	
1. Basic Information	
<ul style="list-style-type: none"> ▪ Cover letter/Letter of Interest The letter will confirm that Applicant’s SOQ submittal is in response to this RFSOQ and agrees to enter into a design-build contract if selected. The letter must be no more than two (2) pages and must be signed by a representative(s) of the Applicant with authorization to bind the DBE. ▪ Organization Chart Provide a basic organization chart depicting the firms comprising the DBE and the individuals in key roles for each, if known. 	0 points
<hr/>	
2. Key Personnel	
<p>List the key personnel who will be assigned to this Project, which the DBE considers to be integral to the delivery of the project, such as;</p> <ul style="list-style-type: none"> ▪ General Contractor (GC) Executive in charge of the Project ▪ GC Project Manager ▪ GC Superintendent ▪ Architect Project Manager ▪ Architect of Record ▪ Structural Engineer of Record ▪ Mechanical Engineer of Record ▪ Electrical Engineer of Record ▪ Plumbing Engineer of Record ▪ Civil Engineer of Record <p>For each individual provide a Resume which should be no more than 2 pages. It must present the individual’s overall experience, education, licensing, DBIA certification, LEED certification, and other general information; including their design-build project design and/or construction experience. Each Resume must also include at least two (2) current and verifiable references for each of the projects identified for each individual.</p> <p>These individuals are to be committed to the roles indicated for the project and may not be subject to substitution without prior written approval of, and at the sole discretion of, the District. Any individual so substituted must possess qualifications equal to or better than the original approved individual, in the District’s judgment.</p>	100 points

3. Design-Build Team Project Experience (Attachment 2)

Using the Project Information Sheets, affixed to this RFSOQ as “Attachment 2,” provide the requested information as further instructed in Attachment 2:

1. *General Contractor Design-Build Project Performance*
2. *General Contractor California Schools Project Performance*
3. *Architect Design-Build Project Performance*
4. *Architect California Schools Project Performance*

A maximum of three pages per project will be reviewed. The first page must be the Project Information sheet from Attachment 2. The second and third pages may consist of text expanding upon the Project Information sheet and/or photographs or other materials at DBE’s discretion.

Include a one- page matrix depicting the relationships between DBE team members and all submitted projects.

100 points

Ideally, the GC/AE team members will have performed as a DBE on some of these projects. Consideration will also be given for projects that the DBE GC and Architect have completed together that are not DB projects. Individual team members who have participated on DB projects together, while working for other firms will be given consideration. Names and references must be **current** and **verifiable**.

Desirable attributes of Projects completed by the DBE Team Members include;

- Higher education (post-K12).
- Projects on which proposed DBE team members have worked together.
- Multi-story classroom buildings that include lab spaces.

4. School Campus Project Approach

In general terms, describe the following:

- Site safety and logistics on an occupied campus.
- Maintaining pedestrian and vehicular access to adjoining facilities during normal operation of college and instructional activities.
- Maintaining continuous utility services and managing required utility interruptions/cutovers. Describe experience of team members with these conditions.
- Strategies to minimize operational impacts.
- Communication strategies.
- Your approach to implementation of integrated design process in a participatory governance environment.

100 points

5. DSA Experience

In general terms, describe the following:

- Experience with Collaborative Process (informal or formal).
- Other strategies to facilitate timely review and stamp out.
- Successful strategies to facilitate timely DSA closeout.
- Examples of gaining DSA approval of unusual or innovative systems or approaches.

100 points

6. Project Specific Requirements

In general terms, describe the following:

- DBE’s approach to design and permitting of classroom building that include lab spaces.
- DBE’s approach to achieving LEED Gold certification for a facility featuring; 100 points
 - Large western exposure; built into the slope of the site to the east.
 - Water conservation, including potential recapture strategies.
- Please share key lessons learned from prior classroom buildings.

7. Schedule

- In general terms, describe successful strategies to compress design and construction schedules. 50 points
- In general terms, describe your approach to recovery schedules.
- Describe techniques you have employed to ensure that design services, construction management, materials and labor are available to meet the project schedule. Describe specific experience with phased design and construction.

8. Applicant’s unique qualifications to perform on this Project

- DBE Configuration 50 points
 - What differentiates the firms that comprise your team making it uniquely qualified for this project.
- DBE Personnel
 - What differentiates the personnel that comprise your team making it uniquely qualified for this project.

- 9. Applicant’s strategies for working in the Bay Area, particularly in the Peninsula between San Francisco and Silicon Valley. 50 points

Completed Prequalification Questionnaire (Attachment 1)

The Prequalification Questionnaire is affixed to this RFSOQ as “Attachment 1.” Attachment 1 must be filled out and submitted as a separately bound document along with the SOQ. The additional documents and information requested by the Prequalification Questionnaire (except for the Financial Statements) should be inserted and arranged immediately following the completed Prequalification Questionnaire form as an appendix. Additionally, the additional documents and/or information you provide (in response to the Prequalification Questionnaire form) should be tabbed and identified using the same Question Number that corresponds with the Prequalification Questionnaire Question Number. Further instructions are included in Attachment 1. Only one (1) copy of General Contractor’s Financial Statements is required and shall be placed in a separate sealed envelope labeled “Confidential”. Pass/Fail

- Response to RFSOQ was clear, concise and responsive. (No tab required) 25 points

TOTAL Maximum Points 675

Ongoing Obligation to Update the District Regarding Information. If at any time during this RFSOQ Process, or subsequently during the RFP Process, any information submitted by a DBE becomes inaccurate, incomplete, misleading, and/or untrue, the DBE must immediately notify the District representative identified herein and immediately provide updated accurate information in writing, under penalty of perjury.

12. OTHER TERMS AND CONDITIONS OF THE RFSOQ PROCESS

The District expressly reserves the unqualified right to undertake any of the following if advantageous to the District:

1. Accept or reject any or all of the submitted SOQs;
2. Waive or decline to waive any and all defects as to form, content, informalities, minor technical inconsistencies and/or irregularities in any SOQ or the RFSOQ process;
3. Terminate the RFSOQ process at any time;
4. Modify and/or suspend any and all aspects of the RFSOQ;
5. Re-issue the RFSOQ;
6. Extend the time frame for submission of the SOQs to the parties known to District to have received a copy of the RFSOQ. Any deadlines, if extended, will be done by the issuing of Addenda posted to the District's website. It is solely an Applicant's obligation to check the website for any and all Addenda and the contents thereof;
7. Request clarification of information submitted, or to request additional information, from any or all submitting Applicants;
8. Hold all SOQs for a period of sixty (60) days after the deadline for receipt of SOQs;
9. Decline to enter into a contract with any Applicant after the RFP process following the RFSOQ process;
10. Conduct personal interviews of any or all Applicants during the RFSOQ process before making selection of the three finalists in this RFSOQ process;
11. The SOQs submitted in response to this RFSOQ will become the property of the District and may be used by the District in any way it deems appropriate;
12. While the information submitted in your SOQ will become a public record after award of a contract, the reviewed and audited financial information submitted by an Applicant will remain confidential and not disclosed in response to any Public Record Act Request or similar request for information. District will use these documents as part of the basis of rating Applicants for the Project. District reserves the right to verify and check information submitted from all other sources available to District. District's decision will be based on objective evaluation criteria as set forth in the RFSOQ and its Attachments;
13. Acceptance of any SOQ will take into consideration the reliability of the Applicant, past documented performance of the Applicant, and all of its proposed team members and sub-consultants, and the appropriateness of the information provided. The District will, in the exercise of its discretion, be the sole judge in the determination of the quality and appropriateness of the SOQ. The District's decision will be final;
14. All costs for preparation, submission and/or delivery incurred by the Applicant is the sole responsibility of the Applicant and will not be paid by the District. The District will not be liable for any costs incurred in the preparation of SOQs or incidental to the preparation and presentation of qualifications either orally or in writing. Any costs incurred in the preparation of the SOQ, in the submission of additional information, and/or in any other aspect of the SOQ before the award of a contract will be borne by the Applicant;
15. SOQs that are submitted with conditional clauses, alterations, items not called for in the RFSOQ, or irregularities of any kind are subject to rejection by the District, at its option;
16. By submitting a SOQ the Applicant acknowledges that they have investigated and satisfied itself as to the conditions affecting the work. The District shall not be responsible for any conclusions or interpretations made by an Applicant of the information made available by the District;
17. The District reserves the right to require that the Applicant demonstrate that it has the skills, equipment, and other resources necessary to satisfactorily perform the nature and magnitude of work and services necessary to complete the Project within the proposed contract schedule;
18. The Applicant shall furnish the District with such additional information as the District may reasonably require and request;
19. The District will require the selected DBE to have a valid California Architect's License and a valid Contractor's B License issued by the state of California, appropriate valid professional licenses, and to provide evidence of appropriate insurance and bonding coverage/capacity;
20. At the end of the RFP process, the District will require the selected DBE to enter into a contract prepared by the District, a sample of which will be included in the RFP;

21. Unless and except requested to do so in writing either in response to a written request for clarification from District or as otherwise permitted by the RFSOQ/RFP Documents, Applicants/Proposers and their Design Team Members, Sub-consultants and Subcontractors shall not communicate, either verbally or in writing, with: (1) any member of the Selection Committee; (2) any consultant or professional retained by the District for the purpose of providing the District or College advice or professional services in respect to the Project, the Request for Proposal process or the Award of the Design-Build contracts; or (3) any trustee, officer, employee or representative of the District or College with respect to any matter relating to the Project;
22. Statements of Qualifications and/or Financial Statements received after the time and date specified, whether delivered or mailed, may not be considered and may be returned to the Applicant unopened, at the sole discretion of the District. It is the sole responsibility of each Applicant to ensure that their Statement of Qualifications and Financial Statements arrive at the required locations before or at the time and date specified;
23. No individual or firm responding to this RFSOQ shall obtain any claim or cause of action against the District by reason of any aspect of the RFSOQ, defects or abnormalities contained herein, defects or abnormalities in the selection process, the rejection of any SOQ, the acceptance of any SOQ, any statements, representation, acts or omissions of the District, the exercise of any discretion by the District in connection with any of the foregoing, or any and all other matters arising out of all or any of the foregoing;
24. No contract will be awarded in response to this RFSOQ. A contract may be awarded to one of the Finalists selected through the RFP process, but only after a subsequent Request for Proposal process takes place involving the Finalists. The District reserves the right to increase the number of Finalists at any time before the award of a contract if the District determines it is in its best interest to do so;
25. **Appeal Process:** Any Applicant that submits a Statement of Qualifications and does not receive pre-qualified status can appeal that decision to the Appeal Panel formed by the District for this RFSOQ process. If such an Applicant wishes to appeal the determination and has good grounds for doing so, such an Applicant must submit a Request for Review within three (3) business days of the District posting the Qualification results on its website. It is an Applicant's sole responsibility to check the District's website for such a posting. The Request for Review must be sent via email only to strugarfritschc@smccd.edu and pulidoy@smccd.edu with attached documentation supporting the appeal. The Request for Review must specifically state why the District's determination is not correct by referencing in the Request for Review the applicable part or parts of the Applicant's Statement of Qualifications and then the Pre-qualification Questionnaire (Attachment 1). Information not set forth in an Applicant's Statement of Qualifications will not be considered as part of the appeal process, unless such information was specifically requested by the District and the Applicant had previously provided it to the District. No new information, data or documents, can or will be considered during the appeal process. An appeal shall in no way suspend or delay the RFSOQ or RFP process from proceeding. The Appeal Panel's decision on an appeal is final. There is no appeal for not being ranked in the "Finalist" group. The fact that an Applicant does not achieve prequalified status for this procurement does not mean that the Applicant is "non-responsible" and it does not mean that an Applicant is precluded from submitting qualifications and/or bids or proposals for other District procurements.

-End of Request for Statement of Qualifications-