

Request for Proposals

Hale Center Foundation for the Arts and Education
in partnership with Pleasant Grove City and doTERRA

is seeking

Construction Manager / General Contractor
Services for the

The Ruth and Nathan Hale Theater

a new performing arts facility
on the doTERRA campus in Pleasant Grove, Utah

May 25, 2022

I. Introduction

Hale Center Foundation for the Arts and Education in conjunction with Pleasant Grove City and doTERRA is soliciting competitive proposals from qualified and motivated general contractors to provide Construction Manager/General Contractor (CM/GC) Services for the construction of the Ruth and Nathan Hale Theater, a new performing arts facility, to be located on the doTERRA campus at 400 South Pleasant Grove Boulevard, Pleasant Grove, Utah 84062.

II. Project Description

The Hale Center Foundation in partnership with Pleasant Grove City and doTERRA is seeking proposals from qualified general contractors interested in CMGC services for the new Ruth and Nathan Hale Theater. The Fixed Limit of Construction Cost (FLCC) for this project is anticipated to be \$29,000,000. The site is approximately 2.5 acres with a total anticipated building size of approximately 62,000 GSF. The theater will share parking and site amenities with the doTERRA campus.

Hale Theater will relocate most of its theater functions from Orem, Utah to the doTERRA Campus in Pleasant Grove, Utah which is located in the beautiful Rocky Mountain region of Utah, forty miles south of Salt Lake City. Pleasant Grove is a community with a population of about 40,000 people and is the home of doTERRA Worldwide Head Quarters. Hale Theater currently serves approximately 150,000 patrons and plans to triple that amount over the next few years. Pleasant Grove is a thriving community that has recently experienced phenomenal growth and prosperity. The new Performing Arts Facility will serve and benefit Pleasant Grove's citizens and all of Utah County and beyond.

The Hale Center Foundation for the Arts and Education is a 501(c)(3) non-profit performing arts organization that operates a theater and performing arts education programs. Established in 1990 by Ruth and Nathan Hale and their children (Cody and Linda Hale) and grandchildren (Cody and Anne Swenson), the theater has stood as a pillar of the performing arts in Utah Valley and has received a number of awards and recognitions including consistently being voted "Best Live Theater" in Utah County. The theater produces nearly 400+ performances of family friendly comedies and musicals each year. It is home to one of the top acting and vocal performance education venues in America. After many years in the current facility in Orem, Utah, the Foundation has found a new home on the doTERRA campus in Pleasant Grove, Utah to enhance performance and patron experiences with new facilities and program opportunities.

The Project will include the following:

Main Theater

- large auditorium with 680+ seats
- stage with large proscenium thrust
- full trap
- miscellaneous storage for properties, risers, sound, tool, lights, ...
- dressing, off stage restrooms and wardrobe
- greenroom and miscellaneous cast support spaces
- tension wire grid, technical galleries, and control rooms

Studio Theater

- flexible space multi-configurable 250+ studio theater
- full trap
- miscellaneous storage spaces for properties, risers, sound, tool, lights, ...
- dressing, off stage restrooms and wardrobe
- greenroom and miscellaneous cast support spaces
- tension grid and control room

Patron Amenities

- lobby
- concessions
- ticketing
- coat check, front of house manager, and support spaces

Ballroom and VIP lounge rooms and support spaces

Education Center

- recording studio
- recital studio
- multi-function studios
- vocal studios
- administrative and support

Foundation, Theater, and Performing Arts Education Administrative

- offices
- reception
- conference rooms
- storage and support

III. SCOPE OF SERVICES TO BE PERFORMED BY THE SELECTED CM/GC

CM/GC Work Phases

The CM/GC work for the project consists of two (2) phases: Pre-construction and Construction.

1. Pre-construction Phase: This phase of the work includes, but is not limited to, estimating and cost control, schedule development, drawing and constructability reviews. The CM/GC shall provide a full construction estimate at the Schematic Design, Design Development and 90% Construction Document phases of the project. The CM/GC shall furthermore assist the Owner and Design Consultant in maintaining the cost of construction within the Fixed Limit of Construction Cost (FLCC) and the duration of the construction within the project's schedule.
2. Construction Phase: This phase of the work consists of the CM/GC furnishing and installing all work as required in the Contract Documents. Please note that the work of the Construction Phase may be bid in several packages, such as excavation, footings and foundations, structural steel, etc.

FLCC and GMP

1. FLCC: The Fixed Limit of Construction Cost or FLCC is the project's construction budget as listed in the RFP's General Overview and Description of Project Objective section. The Owner, the Design Consultant and the CM/GC agree to work together to keep the cost of construction, as represented in the design, within the FLCC.
2. Guaranteed Maximum Price (GMP):
The CM/GC will provide a Guaranteed Maximum Price (GMP) at the 100% construction drawing level. The GMP is the final price that the CM/GC agrees to accept in full performance of the attached Construction Manager/General Contractor Agreement (CM/GC Agreement) and is based on the final contract drawings and specifications. The GMP shall include all fees and percentages required by this RFP, as well as the costs for General Conditions and all work as required in the Contract Documents. Please note that should the work be completed in project phases and bid packages, the successful CM/GC will be required to submit a GMP for each of these phases and packages of the work. The sum or total of all the GMP's for these phases of the work, shall be the final GMP. In addition to the Pre-construction Fee, all other GMP's for the phases of the work shall become part of the CM/GC Agreement by contract modification. The final GMP is normally determined at the completion of the Contract Documents and receipt of subcontractors bid. However, a GMP may be negotiated at an earlier point.
3. Allowances & Contingency Funds: Allowances and contingency funds may be identified during the design and/or construction process by the Owner, Design Consultant or CM/GC.

III. REQUIRED PROPOSAL SUBMITTAL GUIDELINES

These guidelines are developed to standardize the preparation of submittals by CM/GC firms. The purpose for these guidelines is to help ensure consistency in format and content of submittals that are prepared by CM/GC firms and submitted to the Hale Center Foundation for the Arts and Education. The submittal should provide the Selection Review Committee with an understanding of the CM/GC's ability to undertake and complete the proposed project in a thorough and timely manner.

It is very important that submittals be clear and concise in the recommended format so they can be evaluated in an objective manner by the Selection Review Committee. Each section in the submittal should be tabbed for easy reference.

In addition to other required submittals in this RFP, the submittal should contain the following information in the order listed.

1. **Summary Statement** – Provide a brief statement that summarizes the qualifications of the CM/GC in relation to the unique and general requirements of this project. **(2 pages maximum)**
2. **Proposed Project Team Organization and Qualifications** – Provide a chart that identifies the roles of each of the key individuals involved in each phase of the project. Provide resumes for all key individuals on the proposed project team outlining qualifications, education and specific experience and expertise related to theater construction. List current work commitments to other projects or activities in sufficient detail to indicate that individuals assigned to the proposed project will be able to meet time commitments. Personnel indicated as assigned to the project

must be actively engaged in completion of the tasks. Any change of personnel after the RFP is submitted or after award of the contract must be approved by the Hale Center Foundation for the Arts and Education before the change is made to assure consistent expertise throughout the term of the project or any signed contract may be deemed in breach. **(5 pages maximum)**

3. **Proposed Project Team Performance on Past Projects** – Provide information on at least three similar type/sized theater projects that demonstrate the CM/GC's ability to accomplish a project of this scope and magnitude. For each project identified, provide the following information: Owner, Location of Project, Project Description, Photo, Square Footage, Cost, Date Completed. **(5 pages maximum)**
4. **References** – Provide a reference for each project listed above who may be contacted for further information regarding the performance of the project team. Include name of contact, telephone numbers and email address. **(1 pages maximum)**
5. **Team Roles and Responsibilities** – Provide a description of the roles and responsibilities of the CM/GC's Project Team members and how the Team will work together to achieve the objectives of the project. Explain internal policies and procedures related to work quality and cost control. List and describe any potential conflicts of interest. **(2 pages maximum)**
6. **Proposed Project Schedule** – Provide a schedule that includes individual phases as applicable. The proposed project schedule shall list important dates, times, and project benchmarks. Identify internal methods that will be used for project schedule control. **(3 pages maximum)**
7. **Proposed Project Approach** – Outline the tasks and approaches and the plan for both preconstruction and construction. Please use experience of past theater projects to inform your approach. Innovation and alternatives to the scope proposed here are welcome. **(5 pages maximum)**
8. **Project Understanding** – Describe your knowledge of the project and criteria that needs to be considered in the building construction and project execution of a performing arts center/theater. **(2 pages maximum)**
9. **Public Project Experience** – Discuss your experience in constructing similar projects, which are funded by public monies. **(2 pages maximum)**
10. **Anticipated fees for CM/GC services. (Utilize 2 page Fee Proposal form and Signature Page provided)**

Before submitting a Fee Proposal, each CM/GC shall carefully examine the RFP; shall visit the site of the work; shall fully inform themselves as to all existing conditions and limitations; and shall include in the proposal the cost of all items required by the RFP. If the CM/GC observes that portions of the RFP Documents are at variance with applicable law, building codes, rules, regulations or contain obvious erroneous or uncoordinated information, the CM/GC shall promptly notify the specified Hale Center Foundation for the Arts and Education Representative and the necessary changes shall be accomplished by addendum.

In a separate sealed envelope (on one copy), please provide a completed Fee Proposal Form.

The Fee Proposal, bearing original signatures, must be typed or handwritten in ink on the Fee Proposal Form provided in the RFP documents. All contractors shall furnish the following fees and markups as part of the Fee Proposal:

- A. Pre-construction Fee: This lump sum fee consists of all costs for the CM/GC to provide the required services of the Pre-construction Phase, except pre-authorized, out-of-state travel. No other reimbursable costs will be allowed or considered in addition to this fee.
- B. Construction Management Fee: This fee shall consist of and include overhead related to profit, office personnel who will be managing the project during bidding, construction, and closeout, including the warranty period. This fee does not include General Conditions. Show as a percentage.
- C. Construction Supervision Cost: This is a per month cost to the project from Notice to Proceed to final completion for the CM/GC's on-site management/supervision team (e.g., project manager, superintendent, project engineer, etc.). All personnel not specifically identified as a Construction Supervision Cost will be considered to be part of the lump sum Construction Management Fee. This includes receptionist, accountants, etc. This cost does not include General Conditions or people performing the actual construction activities.
- D. CM/GC Change Order Markup: This is the fixed percentage markup that the CM/CG may apply to a change order for scope increase to the CM/GC Agreement. The markup shall replace the percentages indicated in the CM/GC Agreement and shall apply to subcontractors/supplier costs for the additional work.
- E. Self Performed Work Markup: This is a fixed percentage markup that will be applied to the cost for the CM/GC's actual labor plus burden cost, material costs and equipment costs for self performed work.

The CM/GC will be allowed to self perform work. The CM/GC shall identify in their proposal which work they anticipate to be self performed. The CM/GC's bid will then be evaluated by the Owner and Design Consultant and must be determined to be the best value bid for the work to be awarded to the CM/GC. The cost of any work that is self-performed will be part of the established GMP.

All plans, schedules and fee proposals are required to reflect the project construction time. Non-compliance with the schedule will not result in automatic disqualification; it will be evaluated by the Selection Review Committee in determining the final selection.

Of particular interest and concern is the management team and the ability of the CM/GC to deliver the project within the construction time. The CM/GC will need to demonstrate the method of delivery and the competency of the individuals who will manage its successful completion.

- 11. **Bid Bond security, in the amount of five percent (5%) of the Fixed Limit of Construction Cost, made payable to Pleasant Grove City Local Building Authority** Bid Bond security, in the amount of five percent (5%) of the Fixed Limit of Construction Cost, made payable to Pleasant Grove City Local Building Authority, shall accompany proposal. THE BID BOND

MUST BE ON THE BID BOND FORM PROVIDED IN THE PROCUREMENT DOCUMENTS IN ORDER TO BE CONSIDERED AN ACCEPTABLE PROPOSAL.

If the Bid Bond security is submitted on a form other than the Owner's required Bid Bond form, and the bid security meets all other legal requirements, the CM/GC will be allowed to provide an acceptable Bid Bond by the close of business on the next business day following notification by Owner of submission of a defective Bid Bond security.

Include graphs, charts, photos and resumes at your discretion within the submittal page requirements.

IV. GENERAL PROPOSAL INSTRUCTIONS AND REQUIREMENTS

1. **THE DEADLINE FOR ALL PROPOSALS IS Friday, June 10, 2022 at 5:00pm MST.** Any proposal not received before the date and time specified shall not be accepted. All proposal submittals must e-mailed to rfp@haletheater.org
2. A MANDATORY Pre-submittal Meeting will be held on Wednesday, June 1, 2022 at Noon. The meeting will be held at the Hale Center Theater Orem (225 West 400 North, Orem, Utah 84057). During the meeting, a presentation will be made to describe the overall Scope of Services and intended schedule. Interested firms may ask questions and request clarification about the project and the procurement process.
3. If the proposal is a joint venture consisting of a combination of any or all of the above entities, each joint venture shall execute the proposal. Anyone signing a proposal as an agent of another or others shall submit with his or her proposal, legal evidence of his or her authority to do so. The office address, telephone number, fax number and email address shall be given after his/her signature.
4. All CM/GC's must be properly licensed to conduct business in the State of Utah. All CM/GC's shall provide evidence that the firm is licensed to do business in the State of Utah. Proof of all applicable professional licenses is required.
5. The selected CM/GC will be required to enter into a written contract with the Pleasant Grove Local Building Authority and Hale Center Foundation for the Arts and Education in order to provide the services required in the RFP.

This Request for Proposal does not commit Pleasant Grove City or the Hale Center Foundation for the Arts and Education to award a contract, to pay any costs incurred in the preparation of proposals to this request or to procure or contract services. Pleasant Grove City Local Building Authority and Hale Center Foundation reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in its entirety the Request for Proposal, if it is in the best interest of the Pleasant Grove Local Building Authority or Hale Center Foundation. Submittals become the property of the Pleasant Grove Local Building Authority, are treated as privileged documents and are disposed of according to City Records Retention policies.

V. COMMUNICATION, ADDENDA AND EXPLANATIONS

1. Jeff Fisher, Hale Center Foundation, will be the primary contact for interested CM/GC's in fulfilling the work described in this RFP. Contact Information: 225 West 400 North, Orem, Utah 84057. Telephone (435) 688-3861 and email rfp@haletheater.org
2. Any and all questions regarding this RFP should only be submitted via email (rfp@haletheater.org) no later than 5:00 p.m. MST on Monday, June 6, 2022.
3. Responses to requests for explanations and questions shall be made in the form of an addendum, on Wednesday, June 8, 2022 to be distributed to CM/GC's via email.
4. Addenda issued to CM/GC's shall become part of the Contract Documents and all proposals shall include the work described in the addenda.

VI. SELECTION PROCESS AND EVALUATION CRITERIA TO BE USED

Proposals will be evaluated and ranked by a selection committee. The weight totals one hundred (100) points. A select number may, if it is in the best interest of the Hale Center Foundation, be invited for an oral interview. A recommendation will then be presented to the Hale Center Foundation and Pleasant Grove City for consideration and approval. Evaluation ***Criteria and Weights*** are as follows:

Contractor Qualifications [20 points]

The CM/GC demonstrated qualifications and ability to perform the required services. The offeror's indication of the capabilities and understanding of the purpose and scope of the proposed services as evidenced by the type of services routinely provided by your firm on theater projects of this nature.

Project Team [20 points]

The professional experience, qualifications, and background of the individuals assigned to this project in working together and conducting similar theater work of comparable size and complexity. The shown capability of previous team efforts and the ability to deal effectively with the Hale Center Foundation based upon references provided with other community arts groups or local governmental agencies.

Relevant Experience [25 points]

The offeror's background and related theater experience in conducting similar projects of comparable type, size, and complexity.

Proposed Approach [15 points]

The overall approach the offeror proposes to take through preconstruction and construction.

Project Schedule [10 points]

The demonstrated ability of the offeror to perform the services within a reasonable schedule for the scope requirements set forth in the RFP, by the adherence to the terms, conditions, and requirements of the specifications listed.

Proposal Fee [10 points]

The cost to be charged by offeror to the Hale Center Foundation for performance of the services required under the solicitation.

PROPOSED CM/GC SELECTION AND PROJECT SCHEDULE

<u>Event</u>	<u>Completion Date</u>	<u>Time (MST)</u>
RFP Issuance Date	May 25, 2022	Noon
Mandatory Pre-Proposal Conference	June 1, 2022	Noon
Final Day to Submit Questions	June 6, 2022	5:00pm
Addendum Deadline	June 8, 2022	Noon
Proposal Due Date	June 10, 2022	5:00pm
Short List Announcement	June 15, 2022	Noon
CMGC Interviews (if required)	June 23, 2022	TBD
Anticipated Notice to Award	June 27, 2022	

Fee Proposal Form

NAME OF PROPOSER _____ **DATE** _____

The undersigned, responsive to the "Notice of Request for Construction Manager/General Contractor Services" and in accordance with the "Request for Proposals" for The Ruth and Nathan Hale Theater, propose a Pre-construction Fee at the price stated below. This price is to cover all expenses incurred in performing the pre-construction services as outlined in the proposal of which this proposal is a part:

- A. **Preconstruction Fee:** For all work during the pre-construction period, I/we agree to perform for the lump sum of:

_____ DOLLARS (\$ _____)
(In case of discrepancy, written amount shall govern)

- B. **Construction Management Fee:** For all work during the construction phase of the contract for the management of the project, I/we agree to perform for the percentage of:

_____ percent (_____ %)
(In case of discrepancy, written amount shall govern)

- C. **Monthly Construction Supervision Cost:** For project supervision and support team costs not covered in the above management fee, I/we agree to perform for a monthly sum of:

_____ DOLLARS (\$ _____) per month
(In case of discrepancy, written amount shall govern)

- D. **Contractor Change Order Markup:** For all work added to the contract by change order, I/we agree to add not more than _____ % to the subcontractor/supplier costs for the additional work.

- E. **Self Performed Work Markup:** For all self performed work, I/we agree to add no more than _____ % to our labor and material costs to perform the work.

I/We guarantee that the work will be complete, including punch list items, within the negotiated time frame after receipt of the Notice to Proceed, should I/we be the successful proposer.

The approximate FLCC for this project is \$29,000,000. Enclosed is a Bid Bond in the amount of 5% of the FLCC.

With the cooperation of Hale Center Foundation and their Consultants, the undersigned will continue to work with due diligence to provide a Guaranteed Maximum Price (GMP) within the FLCC.

We acknowledge any addendums to this RFP.

This bid shall be good for 45 days after bid submission.

The undersigned Contractor's License Number for Utah is: _____

Upon receipt of Notice of Award of this bid, the undersigned agrees to execute the contract within fifteen (15) days, unless a shorter time is specified in the Contract Documents and deliver acceptable Performance and Payment Bonds in the prescribed form in the amount of 100% of the contract sum for faithful performance of the contract upon final agreement of the GMP. The Bid Bond attached, in the amount not less than five percent (5%) of the FLCC, shall become the property of Hale Center Foundation, as liquidated damages for delay and additional expenses caused thereby in the event that the contract is not executed and/or acceptable or 100% Performance and Payment Bonds are not delivered within the time set forth.

Name of Proposer:

Company:

Address:

Phone:

Email:

Authorized Signature

Authorized Signature

Bid Bond Form

Procedure:

- A. The Bid Bond may be submitted on AIA Document A310, as published by the American Institute of Architects, 1736 N.Y. Ave. N.W., Washington, D.C. 20006. If said form is not reasonably available, bid security may be submitted on another form, provided the same is acceptable to the City, and approval of said form is obtained by Bidder prior to submitting Bid.
- B. The Bid Bond may also be submitted utilizing the form set forth below:

KNOW ALL MEN BY THESE PRESENTS, that we _____, as Principal, and _____, as Surety, are held and firmly bound unto Pleasant Grove City, Utah County, State of Utah, hereinafter called the CITY, in the penal sum of _____ dollars, lawful money of the United States, successors, jointly and severally, by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that:

Whereas, the Principal has submitted its bid, dated _____ 20____, for the construction of that certain Project identified as Project Number _____, and described as “ _____ ”; and,

Whereas, the penal sum set forth above is _____ percent (_____%) [NOTE: Must be at least five (5) percent] of the total amount of the bid of Principal submitted to CITY;

NOW, THEREFORE, if the Principal shall not withdraw said bid within the period specified in said bid after the opening of the same, or, if no period be specified, within sixty (60) days after said opening, and shall within the period specified therefore, or if no period be specified, within ten (10) days after the prescribed forms are presented to him for signature, enter into a written contract with City in accordance with Principal’s bid, as accepted, and give bond with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such contract, or in the event of Principal’s withdrawal of said bid within the period specified, or Principal’s failure to enter into such contract and give such bond within the time specified, or if the Principal shall pay City the difference between the amount specified in Principal’s bid and the amount for which City may procure the required work and/or supplies if the latter amount be in excess of the former, then the Principal’s and Surety’s obligation hereunder shall be void and of no effect; otherwise said obligation to remain in full force and effect.

IN WITNESS WHEREOF, the above-bounded parties execute this instrument under their respective seals this _____ day of _____, 20____.

Principal's Signature

Witness (if an individual)

Witness (If an individual)

CERTIFICATE AS TO CORPORATE PRINCIPAL

STATE OF _____)
: ss.
COUNTY OF _____)
: ss.
CITY OF _____)

I certify that I am the _____ of the corporation named as Principal in the within bond; that _____ is the _____ of said corporation and signed the said bond on behalf of the Principal, and that said bond was duly signed, sealed and attested for and in behalf of said corporation by authority of its governing body.

Signature of Secretary

Corporate Seal

Subscribed and sworn to before me, a notary public authorized to administer oaths, this _____ day of _____, 20____.

NOTARY PUBLIC

Residing at: _____

[SEAL]

Surety Company Name

Address

Surety Telephone Number

Signature of Surety

Title

CERTIFICATE AS TO SURETY

STATE OF _____)
: ss.
COUNTY OF _____)
: ss.
CITY OF _____)

I certify that I am the _____ of the corporation named as Surety in the within bond; that _____ is the _____ of said corporation and signed the said bond on behalf of the Surety, and that said bond was duly signed, sealed and attested for and in behalf of said corporation by authority of its governing body.

Corporate Seal

Signature Attorney-in-Fact

Subscribed and sworn to before me, a notary public authorized to administer oaths, this _____ day of _____, 20____.

NOTARY PUBLIC

Residing at: _____

[SEAL]