

DR. P. PHILLIPS PERFORMING ARTS CENTER

ORLANDO, FLORIDA

REQUEST FOR PROPOSAL, PART 1
FOR
CONSTRUCTION MANAGER AT RISK

PRESENTED BY:
HINES
DEVELOPMENT MANAGER
ON BEHALF OF THE
ORLANDO PERFORMING ARTS CENTER CORPORATION

JUNE 18, 2008

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1.0 INTRODUCTION

The Dr. P. Phillips Performing Arts Center will be a new, world-class performing arts center in downtown Orlando (the “Project”). The Project for which these services are being solicited is comprised of three performance venues and additional facilities including rehearsal rooms, office space, lobbies and circulation areas, support and loading spaces. Hall 1 will consist of $\pm 1,800$ seats in a natural acoustical environment with intimacy and sightlines as priorities. Hall 2 will be a $\pm 2,800$ seat proscenium theater for large-scale productions. There will also be a ± 300 -seat theater, education/classroom space, and an outdoor plaza that will function as a performance space. A more detailed description of the Project is provided in Attachment A.

The Orlando Performing Arts Center Corporation (“Owner”) has selected Hines to act as its Development Manager (“Development Manager”) for the Project. The Development Manager, under the direction of the Owner, is responsible for coordinating all aspects of the Project including design, engaging the Construction Manager at Risk (“CM”), oversight of the subcontractor selection process, and oversight of construction administration. Major decisions regarding the scope of the Project and critical Project team members are vested with the Owner. The City of Orlando (the “City”) will ultimately own the performance halls and related improvements described in Exhibit “A” and the improvements shall be constructed on property owned by the City. The City, along with the Development Manager, is an integral party in the proposed design, construction and development of the Project.

Part 1 of this Request for Proposal (“RFP, Part 1”), including all of its schedules and related documents, is being issued to solicit statements of qualifications and other information from potential construction managers for the Project. The Owner’s Procurement Committee expects to select a short list of construction managers (“Bidders”) to answer the second part of this request for proposal (“RFP, Part 2”) for the Project.

This RFP, Part 1 seeks to obtain current information on the size, capabilities, experience, available staff, special resources, current workload, financial strength and other pertinent information to provide a complete side-by-side evaluation of each firm and select the most qualified bidders for the shortlist. For RFP, Part 2, the Bidders’ proposals will generally include providing a guaranteed maximum price for: all general conditions including permits, payment and performance bonds, and contractor’s insurance (“General Conditions Amount”), contingency, and a lump sum fee (“Contractor’s Fee”) for the construction of the Project.

It is the Owner’s and the Development Manager’s intention to complete the first step of this qualification process and issue RFP, Part 2 to a shortlist of Bidders on or before July 29, 2008. The CM will be selected following responses to RFP, Part 2. The CM, Architect, Owner and Development Manager shall work together to complete the Construction Documents and establish a Guaranteed Maximum Price that is acceptable to the Owner in accordance with the attached schedule

Capitalized terms not defined herein shall be deemed to have the same meaning as defined in the Construction Contract and/or General Conditions.

2.0 QUALIFICATION STATEMENT

Please provide the following information on your organization:

Maximum length requirements for each section refer to single-side 12-pitch type or larger. Graphs and photos are encouraged, but will count in the maximum page count. Extraneous marketing materials will not be considered in the evaluation.

Letter of Interest (2 pages maximum)

A letter confirming your organization's interest in providing a proposal to act as construction manager (at risk) in the construction of the Project. Include the name, address, phone numbers, email and any other contact information for the person who will act as your primary contact during the proposal process. Acknowledge that your organization does not take exception to the Project Schedule included as Attachment B. This letter should concisely explain the structure of your team.

Background Information (2 pages maximum per partner)

An overview of your organization's structure including type of business (i.e. corporation, partnership, etc.), primary location of business, state of incorporation, number of years in the business, years in business under the current management structure, number of permanent employees, and a brief history. Include information on proposed joint ventures or firms you are proposing to partner with. Information on each proposed venture partner or sub-partner is required.

Management Structure (2 pages maximum)

An overview of the management structure of the organization including the names, roles and relationships of the key members of your senior management team.

Local Organization (2 pages maximum)

An overview of your operations in Florida including: number of permanent employees in your local office, name of the most senior local manager, address and phone number of the local office, number of years in Orlando, projects constructed in Orlando and the surrounding area, and the number of square feet constructed in the Orlando area and in Florida. It is required that the Construction Manager be a licensed general contractor in the state of Florida. Please state whether your organization meets this requirement.

Experience of the Organization (10 pages maximum)

An overview of your organization's construction experience, focusing on large performance hall, civic, cultural and other similar projects you have constructed. Include:

- i) Projects completed;
- ii) Projects under construction;
- iii) Number of square feet constructed;

- iv) Number of square feet under construction;
- v) Similar projects completed or under construction;
- vi) Number of square feet for similar projects completed or under construction.

Future Capacity of the Organization (5 pages maximum)

A detailed list of all projects your firm currently has under construction or anticipates to have under construction in Central Florida in the next five (5) years. For each project include the following information:

- i) Anticipated start date;
- ii) Anticipated completion date;
- iii) Size of project (number of floors and square feet of constructed area)
- iv) Cost of project;
- v) Any other information that could affect the capacity of your firm to successfully manage and staff the Project.

Recent Similar Experience (10 pages maximum)

A detailed list of similar projects your firm has completed in the last 10 years or now has under construction. For each project include the following information:

- i) Date started;
- ii) Dated completed;
- iii) Size of project (number of floors and square feet of constructed area);
- iv) Cost of project;
- v) Name of architect and contact information for the principal;
- vi) Name of structural engineer and contact information for the principal;
- vii) Name of the MEP engineer and contact information for the principal;
- viii) Name of major structural subcontractors and contact information for the principals;
- ix) Name of major mechanical and electrical subcontractors and contact information for the principals;
- x) Name of Owner and contact information for the principal;
- xi) Any other information which would give a fuller understanding of the project.

Commitment to M/WBE Participation (4 pages maximum)

A description of your approach to meeting the Owner's MBE and WBE goals for the Project, as well as your approach to comply with the "Blueprint for Using Community Venues to Create a Sustainable Economic Impact". Your proposal should describe how your team will approach achievement of M/WBE goals and Blueprint compliance for both the Construction Manager's general conditions scope and for the subcontracting of construction trade work. Provide a discussion of your history of performance in achieving similar goals on past projects, if any.

Experience with HKS, Baker Barrios, TLC, Barton Myers Associates, and Hines (1 page maximum)

A list of the projects your organization has worked on with HKS, Baker Barrios, TLC, Barton Myers Associates, or Hines and include the name of your prime contact at each organization for each project.

Experience with Projects that are Exempt from Florida Sales Tax (1 page maximum)

A list of the projects your organization has worked on that have been Florida sales tax exempt.

Experience with Projects that have achieved LEED Certification (1 page maximum)

A list of the projects that your organization has worked on that have been LEED Certified, including the level of certification.

Risk, Cost, Quality and Schedule (4 pages maximum)

A description of your approach to managing projects, addressing separately your management tools and practices employed to ensure cost control, risk mitigation, quality control and schedule management. Indicate whether your firm has been involved in projects in which Building Information Modeling (BIM) systems have been used. If so, please indicate the project, which specific BIM product was used, and describe how that system was used. As the Construction Manager will be engaged during the design process, please include a description of both your preconstruction capabilities and construction capabilities.

Safety (2 pages maximum)

A description of your organization's approach to managing safety on construction projects. If you have a published safety program, please provide a copy. Also include an overview of your company's recent safety record and your company's experience modification rate (EMR) for the last three years.

Project Team (20 pages maximum)

A list of the individuals you propose for the key management positions on this Project. Include name, role on the project team, resume, years of experience, years of experience with your organization, experience on performing arts projects, if any, detailed description of current and ongoing commitments, and references with contact information.

Construction Manager's Capabilities (2 pages maximum)

A description of the scopes of work other than general conditions work your organization might consider performing with its own forces.

Special Resources (2 pages maximum)

A description of any special resources or capabilities your organization could employ on the Project which would enhance the value your organization would bring to the Project.

Financial (3 pages maximum)

Information on your organizations financial position including:

- i) Description of bonding capacity available;
- ii) Name and contact information for your organization's surety;
- iii) Description of the insurance coverages your organization could provide;
- iv) Name of your insurance carriers;
- v) Name of your primary bank(s);
- vi) Contact information for your banker(s).

In addition to the above, DPAC may require Proposers to make audited financial statements available for review prior to the Procurement Committee's evaluation of submissions. Access to audited statements will be required for significant joint venture partners and team members, and to unaudited, review level statements for minority partners, at DPAC's discretion.

Litigation History (2 pages maximum)

A list of all lawsuits your organization is currently involved in or has been party to in the last ten (10) years. Briefly describe the nature of each action and its disposition or current status.

Acceptance of Terms and Conditions (as required)

A statement of your organization's acceptance of the terms and conditions of the proposed form of Construction Contract and General Conditions which are attached to RFP, Part 1 as Attachment C. To the extent you take exception to any of the terms and

conditions therein, identify specifically the item to which exception is taken and include suggested alternative wording. (Attachment C will be issued as an addendum to this RFP. The addendum will be available on orlandopac.org at a future date.)

3.0 PARTICIPATION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE)

The Owner and Hines embrace the goal of offering business opportunities to all segments of the community and will work with the City to accomplish the “*Blueprint for Using Community Venues to Create a Sustainable Economic*”. To find the Blueprint go to cityoforlando.net/elected/venues/pdf/blueprint_book.pdf. Accordingly, this RFP is being issued in accordance with Articles II and III of Chapter 57 of the Orlando City Code relating to the participation of minority business enterprises (MBE) and women business enterprises (WBE) in the design and construction of the Project. The Owner has established a minimum participation goal of 18 percent MBE and 6 percent WBE for all services to be rendered in connection with this Project. An important part of the Owner’s selection criteria is based on how you respond to the M/WBE objective. You are strongly encouraged to submit a response to this RFP that indicates a firm commitment to comply with the terms of this M/WBE policy. Only M/WBE firms certified or recognized by the City of Orlando or Orange County (pursuant to a certification process acceptable to the City) will count toward the achievement of participation goals. Please indicate if you or your team members are a City or County certified or recognized MBE or WBE.

Responses will be evaluated on the basis of proposed M/WBE participation and specific plan to comply with the “*Blueprint for Using Community Venues to Create a Sustainable Economic Impact*”. The extent and meaningfulness of such participation will be reviewed. Responses should be very specific and clearly document M/WBE participation. The participation must be such that the firms are performing useful business functions according to custom and practice in the industry.

MBE/WBE participation may be by means of a joint venture arrangement and/or by subcontracting. For joint ventures, respondents should submit documentation which includes the following: ownership interests, management responsibility, estimated M/WBE percentage participation, scope of work, term and profit and loss sharing.

The selected construction manager shall submit monthly reports of participation by minority and women-owned businesses, as well as activities to comply with the “*Blueprint for Using Community Venues to Create a Sustainable Economic Impact*” in such form and manner and at such time as the Project and City M/WBE Directors may prescribe. Monthly status reports shall be provided to the Project and City M/WBE Directors at his request. The Project M/WBE Director and City MBE director shall have the right to review and audit records, receipts, and documents upon reasonable notice.

The construction manager and the Owner will select the subcontractors. Please indicate how you will make good faith efforts to meet the M/WBE goals by such measures as encouraging joint ventures, dividing the work into segments that will allow smaller firms to participate, etc.

During the course of the contract, any deviation from the proposed MBE/WBE participation must be reported to, and approved in writing by, the Project M/WBE

Director. Deviations shall only be allowed for good cause. Failure to comply shall result in the imposition of penalties.

For further information regarding this program, please refer to Chapter 57 of the Code of the City of Orlando.

Firms must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, national origin, age, disability or marital status.

4.0 SUBMISSION OF QUALIFICATIONS

Deliver your response as listed below on or before 4:00 p.m. (EDT), July 23, 2008.

Mr. Michael Gross (8 copies)
Hines
455 South Orange Avenue, Suite 410
Orlando, Florida 32801
(407) 839-0119 (T)
(407) 839-0116 (F)
Michael_Gross@hines.com

Mr. Mark Chenoweth (2 copies)
Hines
2800 Post Oak Boulevard, 48th Floor
Houston, Texas 77056-6118
(713) 966-7890 (T)
(713) 966-2637 (F)
Mark_Chenoweth@hines.com

Questions concerning the Project, RFP, Part 1, or the selection process should be directed via e-mail only to **both**:

Mr. Mark Chenoweth
Mark_Chenoweth@hines.com

and

Mr. Michael Gross
Michael_Gross@hines.com

5.0 SELECTION PROCESS

The successful Proposer will be selected by the Owner’s procurement committee (the “Procurement Committee”). To ensure fair consideration for all Proposers, as of the date of issuance of this RFP, there is a prohibition of any discussion with Procurement Committee members about the Project during the selection process except during the public meetings held to consider the proposals. The Owner bylaws and City rules prohibit communications initiated by a Proposer to any Owner Board member (whether involved in evaluating the proposals or not) or to any City official involved in evaluating

or considering the proposals (including the Mayor and City Commissioners), prior to the time the City Council meets to consider the ranking of the Proposers. Any Proposer, either directly or indirectly through any third party, attempting to contact any member of the Owner Board of Directors, the Procurement Committee, or any government official (elected or appointed) in an effort to influence the selection process for contracts to be awarded or entered into by the Corporation may be immediately disqualified.

The Procurement Committee members for this Project are Jim Pugh – Committee Chairman, Roger Chapin, Royce Walden, Tim Ackert and Kevin Edmonds.

The Procurement Committee will review and evaluate the Proposals. All firms submitting Proposals will be evaluated to determine if they are fully qualified to perform services required herein. After this evaluation process, a minimum of three (3) Proposers presenting the most responsive Proposals will be shortlisted based upon the evaluation criteria detailed in the table below entitled “Evaluation Criteria for Shortlisting Proposers” and invited to respond to RFP, Part 2. The response to RFP, Part 2 will include presentations to the Procurement Committee and Development Manager, as well as additional follow-up interviews. Failure to promptly supply information in connection with further inquiry, including but not limited to information regarding past performance, financial stability, and ability to perform on schedule, may be grounds for determination of non-responsiveness with respect to the Proposal.

Following the interviews, the Procurement Committee will rank the short-listed Proposers based on criteria to be defined in RFP, Part 2 and submit this information to the appropriate City official who will seek approval by the City Council of the ranking and permission to finalize a contract with the top-ranked Proposer. Following and subject to City Council’s decision, the Owner will enter into negotiations with the top-ranked Proposer with the intention of entering into an agreement. If negotiations with the top-ranked Proposer are unsuccessful, then negotiations with this Proposer will be terminated and negotiations will begin with the next successively ranked Proposer until a successful contract is negotiated. Once an agreement is negotiated, the City official will seek approval from the City Council to enter into the Agreement.

Evaluation Criteria for Shortlisting Proposers

The Procurement Committee will evaluate and score the Proposers based upon their written responses to RFP, Part 1, in accordance with the following rating factors.

RATING FACTORS	ITEM SCORE
A. Overall experience with complex projects of similar size and scope including the firm’s history and capability to assist during preconstruction.	
B. Specific experience with Performing Arts Centers.	
C. Experience of proposed team members, working together, as well as working on similar size and complex projects.	

RATING FACTORS	ITEM SCORE
D. History of work in Orlando and with Orlando subcontractors.	
E. Comments to form of Construction Contract and General Conditions.	
F. Commitment to the Blueprint and M/WBE involvement.	
G. Experience with sales tax exempt projects, LEED certified projects, and Building Information Modeling (BIM) systems.	
H. Financial strength, record of litigation, and safety record (as reflected by current EMR).	
TOTAL SCORE	

Each Procurement Committee member will evaluate the above factors to determine the short-listed Proposers. Each member will assign an “item score” of zero (0) to five (5) to items A-H where five (5) is the best possible score. The item scores will then be added to determine the Total Score. The maximum possible Total Score for this evaluation table is forty (40). Each member will then rank the Proposers based upon the member’s score for each Proposer. Each member’s top-ranked firm (the firm with the highest numerical Total Score) will be assigned one (1) point, second-ranked firm two (2) points and so on. After accumulating the members’ scores, the firm with the lowest score shall be ranked first, the next lowest score shall be ranked second, and so on.

6.0 OTHER

You will receive no reimbursement for your expenses in preparing your response to this RFP. The Owner is under no obligation to accept your proposal and specifically reserves the right to reject it for any reason.

All materials and documents submitted hereunder shall become the sole property of the Owner and the Owner may use and disclose the same as the Owner may deem necessary or reasonable.

A response to this RFP shall not be construed as a contract nor indicate a commitment of any kind on the part of the Owner. The Owner reserves the right to reject any or all responses to this RFP, or to accept any response deemed to be in the Owner’s best interest.

7.0 LEGAL NOTICE

NOTICE OF REQUEST FOR PROPOSALS FOR

**THE SERVICES OF A CONSTRUCTION MANAGER AT RISK FOR THE
ORLANDO PERFORMING ARTS CENTER PROJECT**

The Orlando Performing Arts Center Corporation, doing business as the Dr. P. Phillips Orlando Performing Arts Center Corporation (“DPAC”), is soliciting sealed Proposals for the proposed project, to be received by 4:00 p.m. local time on July 23, 2008, at the reception desk of the DPAC office, 4th Floor, 455 South Orange Avenue, Orlando, Florida 32801. A Request for Proposal may be obtained free of charge at the same location from 9:00 a.m. to 4:00 p.m. beginning June 18, 2008.

DPAC has adopted Minority and Women-Owned Business Enterprise goals and the “*Blueprint for Using Community Venues to Create a Sustainable Economic Impact*”. Proposers are encouraged to utilize M/WBE firms as subcontractors or in joint-venture arrangements and address how they will comply with the “*Blueprint for Using Community Venues to Create a Sustainable Economic Impact*” in responding to this Request for Proposal. Such utilization will be given favorable selection consideration. Proposers must certify that employees and applicants for employment are not discriminated against because of race, color, religion, sex, national origin, age, marital status or disability.

DPAC reserves the right to waive any informalities in the selection process and to reject any or all Proposals or to re-advertise.

8.0 PUBLIC RECORDS STATEMENT

In accordance with Chapter 119 of the Florida Statutes (Public Records Act) and except as may be provided by other applicable state and federal law, all Proposers should be aware that Requests for Proposals and responses thereto are in the public domain. Unless an exemption applies, the Owner will not be able to treat Proposers’ responses as confidential.

9.0 ATTACHMENTS

- Attachment A Project Description
- Attachment B Project Schedule
- Attachment C Construction Contract and General Conditions

End of Request for Proposal, Part 1

ATTACHMENT A

PROJECT DESCRIPTION

General Description

DPAC and related development shall be situated on the two city blocks bounded by South Street, Orange Avenue, Rosalind Street and Anderson Street. In addition to the performing arts center, the proposed mixed-use project may include parking facilities, residential units, hotel and office uses as well as retail and restaurant spaces engaging a new public square aligning the entrances of DPAC and City Hall. The new public areas will be flexible enough to accommodate the needs of weekday workers, public outdoor functions, including performances, and night-time dining and DPAC related uses.

Below are detailed descriptions of the major DPAC components, including public areas, back-of-house and servicing as well as the main halls, the $\pm 1,800$ -seat multi-form acoustical hall, the $\pm 2,800$ -seat amplified hall and the ± 300 -seat theater. The commercial and residential project elements are not part of the scope of the Project other than coordination of adjacencies, shared service facilities, if any, etc.

Drop-off and Visibility

The intention of the master plan is to have an open and accessible performing arts center with access from several existing parking structures. Patrons will be coming from all directions and it is the intent of the plan that DPAC should be as visible as possible on the new public plaza. The portion of Magnolia which is bounded by South and Anderson will have paving and features that relate it to DPAC and the plaza.

Quality Standard

Finishes to performance and public spaces are of high quality. Service and office areas are of functional quality. Mechanical and electrical systems' qualities are high to respond to these several areas of differing acoustical, environmental and comfort requirements.

The level of acoustical criteria, sound attenuation and vibration isolation characteristics should achieve a noise level criteria level of:

- PNC-25 for the $\pm 2,800$ -seat theater
- N1 for the $\pm 1,800$ -seat theater
- PNC-20 for the ± 300 seat theater
- PNC-20 for the Rehearsal Hall

Main Foyer

All patrons will enter a main foyer and ticketing area prior to entering their specific theater lobby. This area may include coat check, concessions, restrooms and potential use for public events.

Lobbies

Each of the main halls shall have an independent lobby, correlated to the size of each room. The separation of the lobbies will allow for operational efficiency. Adjacent to the lobbies will be corporate and donor rooms.

Street Level Amenities

The current plan calls for a raised orchestra level in the theaters which enable street level retail and/or public functions at the public square level.

±2,800-seat Amplified Hall

The ±2,800-seat hall is designed for large “Broadway” type shows with amplified sound. Compared to the acoustical hall, the quality level will be slightly lower in terms of finishes but will enable larger number of patrons and shows with broad appeal. The hall will have a large fly tower, three load-in bays and full functionality for touring shows.

±1,800-seat Acoustical Hall

The ±1,800-seat hall is envisioned as a high-end hall, configured to provide capability for concert, opera and drama. The quality level of the finishes will be higher than amplified hall and the acoustics will be designed for natural rather amplified sound.

±300-seat Theatre

The ±300-seat hall will be a flexible hall for small local groups to perform, such as chamber music, modern dance, local theater, and can be used for education.

Education Facility

Approximately 10,000 square feet of education space will accommodate advanced learning opportunities through public areas, rehearsal rooms, classrooms, and support space.

Plaza/Outdoor Areas

The main plaza will function as a public space and outdoor performance space, holding approximately 3,000 people for performances, festivals and events.

Back-of-House and DPAC Administration

The back-of-house areas will include spaces for performers, operations, administration, storage and building systems. The performer spaces will be accessed through a rear stage and security area. The performer areas are currently being planned, but will allow two shows to be live simultaneously.

END OF ATTACHMENT A – PROJECT DESCRIPTION

ATTACHMENT B

PROJECT SCHEDULE

Complete Schematic Design	June 5, 2008
Select Construction Manager at Risk	September 2008
Complete Design Development	January 6, 2009
Bid and Award early trade packages	July 1, 2009 – December 1, 2009
Start Construction (Site Work)	August 26, 2009
Complete Construction Documents	November 5, 2009
Bid and Award balance of trade packages	November 6, 2009 – January 14, 2010
Establish Final GMP	January 28, 2010

END OF ATTACHMENT B – PROJECT SCHEDULE

ATTACHMENT C

CONSTRUCTION CONTRACT AND GENERAL CONDITIONS

To be issued via addendum to this RFP.