



SPECIFICATIONS, INSTRUCTIONS, AND BID FORMS

FOR

RFQ #21180

Construction Manager at Risk

FOR THE

CLEVELAND MUNICIPAL SCHOOL DISTRICT

**DBA: THE CLEVELAND METROPOLITAN SCHOOL DISTRICT
1111 SUPERIOR AVENUE E, SUITE 1800
CLEVELAND, OHIO 44114**

UNDER THE DIRECTION OF THE CAPITAL PROJECTS DIVISION OF THE BOARD OF EDUCATION OF
THE CLEVELAND METROPOLITAN SCHOOL DISTRICT – CUYAHOGA COUNTY OHIO

Contents

SECTION II: LETTER REQUESTING STATEMENTS OF QUALIFICATIONS	3
SECTION III: INSTRUCTIONS TO BIDDERS	4
SECTION III: CERTIFICATE OF DEBARMENT	7
SECTION III: CONFLICT OF INTEREST FORM	9
SECTION IV: VENDOR QUALIFICATIONS FORM	11
SECTION IV: PROPOSER'S QUALIFICATION FORM	15
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORMS	16
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORMS	17
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM A	21
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM B	22
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM C	23
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM D	24
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM E	26
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM: NON-MINORITY PRIME AFFIDAVIT FOR DBE	27
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM: DBE FORM F	28
SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM: NON-MINORITY PRIME AFFIDAVIT (JOINT VENTURE)	30
SECTION VII: EOA CONTRACTUAL DECLARATION FORMS	31
SECTION VII: EOA CONTRACTUAL DECLARATION FORM: FORM 1: VENDOR CONTRACT COMPLIANCE FORM	34
SECTION VII: EOA CONTRACTUAL DECLARATION FORM: FORM 2 COMPLIANCE DECLARATION .	35
SECTION VII: EOA CONTRACTUAL DECLARATION FORM: DESCRIPTION OF CATEGORIES	36
SECTION VEOA CONTRACTUAL DECLARATION FORM: PART II EMPLOYMENT DATA FORM	37

Appendix A: Request for Qualifications (CM at Risk) – State of Ohio Standard Forms and Documents

Exhibit A: Community Inclusion Plan Program Statement

SECTION II: LETTER REQUESTING STATEMENTS OF QUALIFICATIONS

Date: **December 17, 2015**

Subject: **Request for Qualifications for Construction Manager at Risk**

Dear Vendors:

In order to be considered, all Statements of Qualifications must be received at the Cashier's Office of the Cleveland Metropolitan School District, 1111 Superior Ave, Cleveland, OH 44114 on or before **1:00 pm, January 15, 2016**. One (1) original, with blue ink signatures, and Four (4) copies of the Statement of Qualifications, including supporting documentation must be submitted. Four (4) electronic copies on CDs in PDF format are also requested. The RFQ name and number must be stated on the exterior of the submission envelope(s). This includes shipping labels. All submissions must be received in sealed envelopes.

Written questions must be received on or before **12:00 pm January 6, 2016**. No telephone calls will be permitted. Send questions via email to: Denyse.Hirsch@clevelandmetroschools.org. Under no circumstances should any firm interested in providing services identified in this RFQ, their designees, or any affiliated with their firm, contact any other District employee or official during the RFQ process in an attempt to lobby or influence the selection of a vendor pursuant to this RFQ. RFQ number and title must be included in all correspondence. All questions/concerns with corresponding answers will be sent to every prospective vendor and posted on the District's webpage. Any errors and/or omissions will be addressed via Addenda.

The Cleveland Municipal School District has a Diversity Business Enterprise and Affirmative Action Program in effect. Information about this program and forms for compliance are enclosed. All firms submitting a statement must complete the appropriate forms and submit same with their statement. While the District no longer certifies DBE companies, we accept any company certified through the City of Cleveland, Cuyahoga County, or the State "EDGE" program. The Cleveland Municipal School District accepts no obligations for costs incurred by proposers in preparing or submitting a statement and reserves the right to reject any and all statements received.

M. Angela Foraker
Director of Procurement

SECTION III: INSTRUCTIONS TO BIDDERS

Requests for Qualifications for Construction Manager at Risk

1. Statements of Qualifications are due at the Cashier's Office of the Cleveland Metropolitan School District, 1111 Superior Avenue E, Suite 1800, Cleveland, Ohio 44114, before 1:00 pm local time on or before January 15, 2016.
2. The Cleveland Metropolitan School District reserves the right to reject any and all Statements of Qualifications, to waive any and all informalities or irregularities, and to disregard all non-conforming responsive conditional Statements.
3. Vendors understand and agree that subsequent to the submission of the Statement, any District resolution authorizing the award of a contract or agreement does not vest any contractual rights in the vendor.
4. Vendor understands and agrees that any such District resolution operates only to encumber funds necessary for the projects and does not create a binding contract.
5. Vendor acknowledges and agrees that it has no vested contractual right until such time as a purchase order and contract have been issued.
6. Vendor further acknowledges and agrees that execution of a contract and issuance of a purchase order is not a ministerial function, but is a formal requirement.
7. Vendor must present evidence to the District, upon request, that they are fully competent and have the necessary facilities, equipment, and financial resources to perform the work required within the time frame required.
8. Vendor's workmen, foremen, other personnel, and subcontractors will be required to meet Cleveland Metropolitan School District security requirement. Vendor must issue personnel identification badges. Any worker not complying with CMSD security requirements will be immediately ordered off the project and without prejudice or recourse to CMSD.

9. Vendor agrees to successfully complete background checks on all of its employees, agents, and subcontractors who provide services under this Agreement to CMSD facilities. Vendor agrees to warrant that it will not at any time hire or utilize any individual to provide services under this Agreement on CMSD premises where such person has been convicted of, or pleaded guilty to, any criminal offense enumerated in O.R.C.3319.39(B).
10. The successful company, their subcontractors, and suppliers of labor and/or materials for this project on behalf of the Cleveland Metropolitan School District, including organizations having personnel, equipment, and vehicles on District property, shall provide evidence of insurance as follows:

A. Commercial General Liability:	Including limited contractual liability - \$1,000,000 Limit of Liability (per occurrence)
B. Automobile Liability:	Including non-owned and hired - \$1,000,000 Limit of Liability (per occurrence)
C. Workers Compensation:	Workers compensation and employer's insurance to the full extend as required by applicable law
D. Professional Liability:	Per occurrence/in the aggregate - \$1,000,000/\$3,000,000

This requirement must be fulfilled by the successful vendor providing the Purchasing Office of CMSD with a current Certificate of Insurance (standard ACORD form), showing the Board of Education of the Cleveland Municipal School District as an additional insured (Certificate holder does not constitute being an additional insured), within five (5) business days of Notice of Intent to Award Agreement. The certificates of insurance shall contain a provision that the policy or policies will not be canceled without thirty (30) days prior written notice to the District.

The required insurance must be provided by a company licensed by the State of Ohio, which company must be financially acceptable to the Administration of the Cleveland Municipal School District.

11. The Diversity Business and Vendor Contract Compliance Programs shall make every good faith effort to ensure that certified diversity business enterprises in the Cleveland Metropolitan School's relevant geographic market area shall be afforded the maximum opportunity to compete for contracts, services, and purchases. The general

goals for diversity business participation are: 15% for services, 20% for goods and suppliers, and 30% for maintenance, construction, and repair.

The Diversity Business goals for this RFQ are: 15% for services.

SECTION III: CERTIFICATE OF DEBARMENT



Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 13 CFR Part 145. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211). Copies of the regulations are available from local offices of the U.S. Small Business Administration.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this proposal.

Business Name _____

Date _____

By _____
Name and Title of Authorized Representative

Signature of Authorized Representative

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the ineligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

SECTION III: CONFLICT OF INTEREST FORM

Statement of Potential Conflicts of Interest

Vendor Name:	Primary Contact:
Address 1:	Telephone #:
Address 2:	Fax #:
City:	Email:
State, Zip:	Website:

Cleveland Metropolitan School District (CMSD) adheres to Ohio Ethics Law and strictly follows the opinion of the Ohio Ethics Commission. As such, each vendor is requested to submit this statement declaring any potential conflicts of interest in doing business with the District. Please answer the following two questions providing all requested information.

1. Are any current Cleveland Metropolitan School District (CMSD) employees, Cleveland Board of Education members, or any of their immediate family members, also members of the vendor's board of directors, hold any officer position with the vendor, or own any shares of any stock issued by the vendor?

Yes____ No____

If Yes, and if the CMSD employee, CMSD board member, or immediately family member is a member of the vendor's board of directors or holds an office with the vendor, please state the person's name and position with the vendor.

Name:_____

Position:_____

If Yes, and if the CMSD employee, CMSD board member, or immediate family member owns share of any stock in the vendor organization or company, state the percentage of all outstanding company shares owned by the CMSD employee or board member.

_____%

2. Are any current CMSD employees, CMSD board members, or any immediate family members also employees of the vendor?

Yes____ No____

If Yes, please state the person's name and provide a description of their job duties for the provider:

Name:_____

Job Duties:_____

If Yes, please describe the contact that the vendor will have with the CMSD employee or CMSD board member in the course of providing services to the District:

CERTIFICATION

I do hereby certify that the foregoing statements are true and accurate, and that my signature below attests to the authenticity of my identity as the person actually signing this form. This document is not a contract. In order for a binding Agreement to exist, a signed Agreement will be required prior to any legally binding commitment by the District.

NOTARIZED STATEMENT

_____ being duly sworn and deposes says

That he/she is the _____ of
(title)

_____, and answers to all the
(organization)

Foregoing questions and all statements therein contained are true and correct.

(signature)

Subscribed and sworn before me this ____ day of _____, 20__

Notary Public: _____

My commission expires: _____

SECTION IV: VENDOR QUALIFICATIONS FORM

Proposer must answer all questions or attach a written explanation for each question.

PROPOSER NAME: _____

ADDRESS: _____

CITY; STATE: _____ ZIP: _____

CONTACT PERSON: _____

TITLE: _____

TELEPHONE: () _____ TOLL FREE: () _____

TAXPAYER IDENTIFICATION NUMBER: _____

1. What type of organization? (i.e. corporation, partnership, etc.)
2. How many years has your organization been in business?
3. How many years has your organization been in business under its current name?
4. List any other aliases your organization has utilized in the last two years and the form of Business
5. If you are currently a corporation, list the following:
 - a. State of incorporation
 - b. Date of incorporation
 - c. President's name
 - d. Secretary's name
 - e. Treasurer's name

- f. Statutory agent's name
 - g. Name of shareholders, if less than 10
 - h. Principal place of doing business
- 6. If you are currently in a partnership, list the following:
 - a. Name and address of all general and limited partners.
 - b. Original name and date of organization's inception
- 7. If you are neither a corporation nor a partnership, please describe your organization and list principals.
- 8. Are you legally qualified to do business in the State of Ohio?
- 9. Are you legally qualified to do business in Cuyahoga County and the City of Cleveland?
- 10. Has your organization ever been sued by a customer for failure to completely a contract or properly perform services in a timely manner? If yes, please state where, when, and why.
- 11. Has your organization ever been cited by a local, county, state, or federal authority for violation of a regulation or statute or failing to timely complete a contract in accordance with specifications? If yes, please state date, agency, and final disposition.
- 12. Has your organization ever filed for bankruptcy? If yes, please state where, when and why?

13. On a separate sheet, list the major customers for whom your organization has provided this type of equipment or service in the past five years. Include owner's name and type of work performed.

14. Has your organization ever been sued by a supplier for failure to timely pay for materials or equipment provided? If yes, please provide details.

15. What is the dollar limit of your firm's General (CLS) Liability Insurance?

Name of insuring company:_____

Policy number:_____

16. What is the dollar limit of your firm's Automotive Liability Insurance?

Owned vehicles_____

Non-Owned vehicles_____

Name of insuring company_____

Policy number_____

17. List the name and address of every person having an interest in this Bid.

18. Has any federal, state or local government entity ever cited or taken any action against your organization or any of its principals for failure to pay or remit any taxes including but not limited to income, withholding, sales, franchise, or personal property taxes? If yes, please give name of agency, date and amount of taxes overdue and resolution of the issue.

19. Is your organization and its' principals current in payment of personal property taxes?
20. The prospective lower tier participant certifies, by submission of this Bid, that neither it nor its principals is presently debarred, suspended, proposed, for debarment or suspension, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal Department or Agency.
21. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this Bid.

SECTION IV: PROPOSER'S QUALIFICATION FORM

NOTARIZED STATEMENT

_____ being duly sworn and deposes says

That he/she is the _____ of
(title)

_____, and answers to all the
(organization)

Foregoing questions and all statements therein contained are true and correct.

(signature)

Subscribed and sworn before me this ____ day of _____, 20__

Notary Public: _____

My commission expires: _____

SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORMS

PART I: THE DISTRICT'S DBE PROGRAM

PROGRAM OVERVIEW

It is the goal of the Diversity Business Enterprise (DBE) program to ensure the firms owned and/or controlled by minorities and women have the opportunity to compete for any expenditure of funds including but not limited to contracts, lease purchase, requisitions, and all forms of equipment, work services, materials, construction, etc.

The DBE program shall make every good faith effort to ensure that certified DBE's in the relevant Cleveland Municipal School District geographic market have the maximum opportunity to bid for contracts. The Cleveland Municipal School District geographic market is Cuyahoga, Summit, Lake, and Lorain counties.

The District has established goals for DBE participation in all contracts that it awards. The goals range from 15 to 30 percent and vary by the type of contract awarded:

- 15% Service Contracts
- 20% Goods and Supplies
- 30% Maintenance/Construction Repair

A Diversity Business Enterprise encompasses Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs)

A DBE is an enterprise in which minorities, African Americans, Native Americans, Hispanic or Latin Americans, Asian Pacific Islander Americans, and/or women own at least 51% of the shares of stock or controlling interest.

A FBE is a female-owned enterprise with at least 51% of the shares of stock or controlling interest, which is held by female.

A company may be in compliance with the District's DBE program although the applicable numerical goal is not met if a company makes a good faith commitment to comply with DBE regulations. The Purchasing Director determines whether a company has made a good faith commitment.

DBE requirements under certain circumstances can be waived by the district with convincing proof of good faith efforts.

SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORMS

PART I: THE DISTRICT'S DBE PROGRAM

TERMS AND CONDITIONS OF NOTICE AND REQUIREMENTS TO ENSURE DIVERSITY BUSINESS ENTERPRISE (DBE) OPPORTUNITY

Definition of DBE: A Diversity Business Enterprise (DBE)

"Small Diversity business concern" means a small business concern that is at least fifty-one (51) percent unconditionally owned by one or more individuals who are both socially and economically diverse, or a publicly owned business that has at least fifty-one (51) percent of its stock unconditionally owned by one or more socially and economically diverse individuals and that has its management and daily business controlled by one or more such individuals. This term also means a small business concern that is at least fifty-one (51) percent unconditionally owned by an economically diverse Indian tribe or Native Hawaiian Organization, or a publicly owned business that has at least fifty-one (51) percent of its stock unconditionally owned by one of these entities, that has its management and daily business controlled by members of an economically diverse Indian tribe or Native Hawaiian organization.

1. "Socially diverse individuals" means individuals who have been subjected to racial or ethnic prejudice or culture bias because of their identity as a member of a group without regard to their qualities as individuals.
2. "Economically diverse individuals" means socially diverse individuals whose ability to compete in the free enterprise system is impaired due to diminished opportunities to obtain capital and credit as compared to others in the same line of business who are not socially diverse. Individuals who certify that they are members of named groups (African Americans, Hispanic Americans or Latin Americans, Native Americans, Asian-Pacific Islander Americans, Subcontinent Asian Americans) are to be considered socially and economically diverse.

Definition of FBE: Female Business Enterprise (FBE)

"Female-owned small business concern" means a small business concern:

1. Which is at least fifty-one (51) percent owned by one or more women; or, in the case of any publicly owned business, at least fifty-one (51) percent of the stock of which is owned by one or more women and;
2. Whose management and daily business operations are controlled by one or more women.

TERMS

1. DBE participation will be counted toward meeting the goals outlined in the notice as follows:

- a. The total dollar value of a correct contract or subcontractor indirect subcontract awarded toward a certified DBE will be counted toward the applicable goal.
 - b. In the case of a joint venture, certified by the Cleveland Municipal School District, the portion of the total dollar value of the contract equal to the percentage of the ownership and control of the DBE partner in the joint vendor will be counted toward the applicable goal. (PLEASE RETURN DBE FORM E)
 - c. Only expenditures to DBE that perform a commercially useful function in the work of a contract or subcontract or indirect subcontract will be counted toward DBE goals. A DBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of work of a contract or subcontract and carries out its responsibilities by actually performing, managing, and supervising the work involved. If a DBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE is presumed not to be performing a commercially useful function. The DBE may present evidence to rebut this presumption.
 - d. The total dollar value of materials and supplies obtained from DBE suppliers and manufacturers will be counted toward DBE goals if the DBE assumes the actual and contractual responsibility for the provision of the materials and supplies.
2. A proposer who fails or refuses to complete and return this Notice may be deemed a non-responsive proposer.
3. The contractor's goals as set forth in this Notice shall express the contractor's commitment to the percentage of DBE utilization during the term of this contract. The contract shall be deemed to have met its commitment for DBE utilization if the DBE utilization rate of the contractor meets the goals established by this Notice.
4. The contractor must receive the approval of the District before making substitutions for any subcontractors listed in the Notice. Substitution of DBE is not allowed unless the contractor receives District approval.
5. The contractor's commitment to a specific goal is to meet the DBE objectives and is not INTENDED and shall not be used to discriminate against any qualified company or group or companies.
6. The contractor's commitment to a specific goal for DBE utilization as required by this Notice shall constitute a commitment to make every good faith effort to meet such goal by a subcontracting to or undertaking to joint venture with DBE firms. If the contractor fails to meet the goal, it will carry the burden of furnishing sufficient documentation as part of the Bid response of its good faith efforts to justify a grant of relief from the goals set forth in this Notice. Such justification will take the forms of a detailed report which will document at least the following information.

- a. Attendance at the pre-bid meeting, if any, scheduled by the District to inform DBE's of Subcontracting opportunities under a given solicitation.
 - b. Advertisement in general circulation media, trade association publications, and minority-focus media for at least twenty (20) days before bids or proposals are due. If twenty (20) days are not available, publication for a shorter reasonable time is acceptable.
 - c. Written notification to DBE that their interest in the contract is solicited, and follow-up contact to determine whether the DBE's were interested.
 - d. Efforts made to select portions of the proposed work to be performed by DBE in order to increase the likelihood of achieving the stated goals.
 - e. Efforts to negotiate with DBE for specific sub-bids, including at a minimum:
 - i. The names, addresses, and telephone numbers of DBE's that were contacted.
 - ii. A description of the information provided to DBE regarding the plans and specifications for portion of the work to be performed; and
 - iii. A statement of why additional agreements with DBE were not reached.
 - iv. Completion of (Form E) if DBE's are not involved in the Bid.
 - f. Concerning each DBE the supplier/contractor contacted but rejected as unqualified, the reasons for the supplier's/contractor's conclusion.
 - g. Efforts made to help the DBE's contacted that needed assistance in obtaining required bonding, lines of credit, or insurance.
 - h. Use of the services of minority community organizations, minority contractor's groups, governmental minority business assistance offices, and other organizations that assist in the recruitment and placement of DBE's.
7. Suppliers/contractors that fail to meet DBE goals and fail to demonstrate sufficient good faith efforts are may not eligible for contract awarded.
8. The District, through its Diversity Officer will review the contractor's minority business enterprise involvement efforts during performance of this contract. Such review will include, but not be limited to, contractor's quarterly statement of income from the District and what portion of said income went to the DBE enterprise(s) as evidenced by affirmation of the DBE enterprise(s) which the contractor hereby agrees to supply each quarter during the term of its contract with the District. If the contractor meets its goal or if the contractor demonstrates that every reasonable effort has been made to meet its goal, the contractor shall be presume to be in

compliance. Where the Diversity Officer finds that the contractor shall be presume to be in compliance. Where the Diversity Officer finds that the contractor has failed to comply with the requirements of this Notice, said Diversity Officer shall inform the Purchasing Director who shall immediately notify the contractor to take corrective action. If the contractor fails or refuses to comply promptly, then the Purchasing Director, upon approval of the District, shall issue an order stopping all or part of the work until satisfactory corrective action has been taken. No part of the time lost due to any such stop orders shall be made subject of claim for extension of time or for excess costs or damages by the contractor. When the District proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of coming forward and showing that it has met the good faith requirements of the Notice, specifically including paragraph 7 hereof. Where the contractor is found to have failed to exert every good faith effort to involve DBE in the work provided, the District may declare that the contractor is ineligible to receive further District funds, whether as a contractor, subcontractor, or as a consultant, for a period of up to three (3) years.

9. The contractor will keep records and documents for three (3) years following performances of this contract to indicate compliance with this Notice. These records and documents, or copies thereof, will be made available at reasonable times and places for inspection by any authorized representative of the District upon request together with any other compliance information which such representative may require.
10. Proposers and contractors are bound by all requirements, terms and conditions of this Notice.
11. Nothing in this Notice shall be interpreted to diminish the present contract compliance review.

**SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION
FORM A**

Name of Firm: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Type of Business (Product or Service): _____

Date of Proposed Contract Award: _____

Amount of Proposed Contract Award: _____

Diversity Business Enterprise Subcontractor(s):

Dollar Amount Subcontract Award: _____

Percent of Subcontract Award: _____

D.B.E. Participation: _____ \$ _____

F.B.E. Participation: _____ \$ _____

Name of EEO Officer: _____

(Signature of owner, partner, or authorized officer)

Name: _____ Dated: _____
(printed)

Title: _____

DO NOT COMPLETE BELOW THIS LINE

___Compliant

___Compliance Pending

___Non-Compliant

Compliance Date: _____

(signature, DBE Department)

(date)

SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM B

NOTICE OF REQUIREMENT TO ENSURE DIVERSITY BUSINESS ENTERPRISE (DBE) OPPORTUNITY

Note: All eligible proposers for award of the contract should comply with the Requirements, Terms, and Conditions of this Notice.

The undersigned bidder hereby agrees that the goal it has established for DBE participation in this project through either subcontracting or entering into a joint Venture with DBEs in conformity with the Requirements. Terms and Conditions of this Notice is a goal of thirty 30% percent for a construction/repair/ maintenance contract, twenty (20%) percent for a supply contract, and fifteen (15%) for a service contract of the total contract amount of this project. In no event will the absence of goals as stated above be deemed as compliance with the requirements, terms and conditions of this notice.

In addition, the undersigned will complete and attach hereto the DBE (Form C) Schedule for DBE participation, showing all DBE/FBE that will participate as subcontractors or joint ventures in this contract and a DBE (Form D), DBE Letter of Intent form for each DBE/FBE listed on the Schedule.

Proposer: _____

Date: _____

By: _____

Title: _____

Definition of DBE: A Diversity Business Enterprise (DBE)

"Small Diversity business concern" means a small business concern that is a least (51) percent unconditionally owned by one or more individuals who are both socially and economically diverse, or a publicly owned business that has at least (51) percent of its stock unconditionally owned by one or more socially and economically diverse individuals and that has its management and daily business controlled by one or more such individuals. This term also means a small business concern that is at least (51) percent unconditionally owned by an economically diverse Indian tribe or Native Hawaiian Organization, or a publicly owned business that has least (51) percent of its stock unconditionally owned by one of these entities, that has its management and daily business controlled by members of an economically diverse Indian tribe or Native Hawaiian Organization.

SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM C

SCHEDULE MBE/FBE PARTICIPATION

Project Name:_____

Name of Non-DBE Contractor:_____

Identification Number:_____

Location:_____

Name of Minority Contractor:_____

Address:_____

City, State, Zip:_____

Type of work to be performed and work hours involved:

Projected commencement and completion dates for work:

Agreed price in dollars or percentage:

The undersigned will enter into a formal agreement with DBE for work listed in this schedule conditioned upon execution for a contract with the Cleveland Municipal School District

TO BE RETURNED WITH THE BID

Signature of Non-DBE Prime Contractor

Date:_____

**SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION
FORM D**

DBE LETTER OF INTENT

To: _____
Non-DBE Prime or General Proposer

Project: _____

NON-DBE PRIME OR GENERAL PROPOSER

The Undersigned intends to perform work in connection with the above-referenced project as
(check one):

☐ an individual ☐ a corporation ☐ a partnership ☐ a joint venture

DBE status of the undersigned is confirmed in the Cleveland Municipal School District's DBE file of bona fide enterprises with a certification date of: _____

The Undersigned is prepared to perform the following described work in connection with the above referenced project. Specify in detail particular work items or parts thereof to be performed:

at the following price or percent of contract: \$ _____

You have projected the following commencement date of such work, and the undersigned is projecting completion of such work as follows:

Items _____

Projected Commencement Date _____

Projected Completion Date _____

_____ % (percent) of the dollar value of the subcontract will be sublet and/or awarded to NON-DBE contractor (s) and/or NON-FBE SUPPLIERS.

The undersigned will enter into a formal agreement for the above work with you conditioned upon your execution of a contract with the Cleveland Municipal School District.

Date

Name of DBE Firm (where applicable)

Signature of DBE (where applicable)

Signature of MBE Firm (TO BE RETURNED WITH BID)

Name of FBE Firm

Signature of FBE Firm

SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM E

DBE Unavailability Certification

I, _____,
Name Title

Of _____, certify that on _____
Date

I contacted the following DBE to obtain a bid for work items to be performed on:

Board Project: _____

Minority Contractor: _____

Work Items Sought: _____

Form of Bid Sought: _____

Female Contractor: _____

Work Items Sought: _____

Form of Bid Sought: _____

To the best of my knowledge and belief said minority business enterprise was unavailable (exclusive of the unavailability due to lack of agreement on price) for work on this project or unable to prepare a bid for the following reason (s):

Signature, Non-DBE prime Bidder

Date

_____ was offered an opportunity to bid on the above-referenced
work
on _____ by _____
Date Non-DBE Prime Proposer

Signature, Non-DBE Prime Bidder

The above statement is a true and accurate account of why I did not submit a bid on this project.

Signature, Non-DBE prime Proposer

**SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION
FORM: NON-MINORITY PRIME AFFIDAVIT FOR DBE**

**STATE OF
COUNTY OF**

} SS.

AFFIDAVIT

The undersigned swear that the foregoing statements are correct and include all material information necessary to identify and explain the items and operation of our subcontract and the intended participation by each party in the undertaking. Further, the undersigned covenant and agree to provide to the Cleveland Municipal School District current, complete, and accurate information regarding actual subcontract work and the payments thereof, and any proposed changes in any of the subcontract arrangements and to permit the audit and examination of the books, records and files of the subcontract or those of each party relevant to the subcontract, by authorized representatives of the Cleveland Municipal School District. Any material misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under federal and state laws concerning false statements.

Name of Firm:_____

Signature:_____

Name and Title:_____

Date:_____

STATE OF }
COUNTY OF } SS.

On this _____ day of _____ 20____, before me appeared

_____, to me personally known, who being duly sworn,

did execute the foregoing affidavit, and did state that they were properly authorized by

_____ to execute the affidavit and did so as their free act and deed.

(Seal)

Notary Public_____

Commission expires_____

SECTION VI: DIVERSITY BUSINESS ENTERPRISE PARTICIPATION FORM: DBE FORM F

This form need not be completed if all join venture firms are diversity business enterprises

1. Name of Joint Venture:_____
2. Address of Joint Venture:_____
3. Phone Number of Joint Venture:_____
4. Identify the firms which comprise this joint venture. (The DBE partner must complete DBE Form A or have current DBE Certification)

 - a. Describe the roll of the DBE firm in the joint venture:_____
 - b. Describe briefly the experience and business qualifications of each non-DBE Joint Venture:_____
5. Nature of Joint Venture's Business:_____
6. Provide a copy of the Joint Venture Agreement.
7. What is the percentage of DBE Ownership? DBE____% FBE____%
8. Ownership of Joint Venture: (This need not be completed if described in the Joint Venture agreement provided in response to question 6).
 - a. Profit and loss sharing:_____
 - b. Capital contributions, including equipment:_____

c. Other applicable ownership interest:_____

9. Control of and participation in this contract. Identify by name, race, and “firm” those individuals and their titles who are responsible for day-to-day management and policy decision making, including, but not limited to, those prime responsibility form:

a. Financial decisions:_____

b. Management decisions, such as:

i. Estimating:_____

ii. Marketing and Sales:_____

iii. Hiring and firing of management personnel:_____

iv. Purchasing of major items or supplies:_____

c. Supervision of field operations:_____

Note: If after complete the DBE Form B and before the completion of the join venture’s work on any contract awarded, there is any significant change in the information submitted, the joint venture must inform the Cleveland Municipal School District, either directly or through the non-DBE prime subcontractor if the joint vendor is a subcontractor.

SECTION VII: EOA CONTRACTUAL DECLARATION FORMS

PART III: CMSD AFFIRMATIVE ACTION PROGRAM: VENDOR CONTRACT COMPLIANCE, PROCEDURES, AND GUIDELINES

Note: Please read carefully all of the information contained in these documents.

Pursuant to the Affirmative Action Policy Adopted by the Cleveland Municipal School District, the following guidelines and procedures will be implemented to ensure that all vendors doing business with the District are in compliance with Equal Employment Opportunity Standards.

A. SUBMISSION OF VENDOR EMPLOYMENT PRACTICE REPORT

All vendors and contractors who propose to provide goods, services, supplies, and equipment through formal proposals/bids, informal proposals/bids, and contract term agreements are required to submit a Vendor Employment Practice Report with each proposal/bid. Approved status by the Vendor Employment Practice Report includes the following documents which must be completed in their entirety and returned with the proposal/bid.

Please note, compliance approval consists of both DBE and Vendor Contract Compliance approval.

1. General Information Sheet (Form 1): Provides basic information on the vendor.

1a. SMSA/OR RECRUITMENT AREA: Indicates the relevant labor area in which your facility is located. Designate the Standard Metropolitan Statistical Area, county, or city from which the facility can draw applicants or recruit for most positions.

In making relevant labor area determinations, examine the statistics on racial, ethnic, and gender composition of the Standard Metropolitan Statistical Area, county, or city surrounding your organization, as well as other appropriate adjacent areas.

The relevant labor area should be the SMSA county or city with the highest population of minorities and women.

1b. DEFINITION: As defined by the U.S. Bureau of the Census, SMSA is: "Except in the New England States, a county or group of contiguous counties which contains at least one city of 50,000; in addition contiguous counties if they are socially and economically integrated within the central city; in the New England States towns and cities instead of counties. Each SMSA must include at least one central city."

2. **Compliance Declaration Form (Form 2)** - The Agreement indicating the vendor is in compliance with Equal Employment Opportunity requirements, will take affirmative action, and will comply with all Fair Labor Standard practices.

3. **Current Employment Data Form** (Form 3) – Current personnel data indicating employees in each job category classified by gender and race.
4. **Existing Affirmative Action Program** – If any and copies of any agreement between the vendor and the Equal Employment Opportunity Commission, Office of Federal Contract Compliance Program or court order pertaining to equal employment opportunity.

B. EVALUATION OF COMPLIANCE DATA

1. The Diversity Officer will evaluate data submitted by vendors who are recommended to receive District bids and contracts. Vendors found in compliance with the District's Equal employment opportunity standards (Affirmative Action and DBE Program) will be placed on the approved vendor's list.
2. In the event that a vendor is found not in compliance with the District's equal employment opportunity standards, the Diversity Officer will inform the Purchasing Director of the Reason(s) and ask that the Purchasing Director not award the contract or bid to the vendor pending compliance. The Purchasing Director or Manager of Diversity will inform the vendor of reason(s) for non-compliance. Vendors found not in compliance will be given ten (10) business days from the time of notification by the Purchasing Director or Manager of Diversity to submit an acceptable affirmative action program to the Diversity Officer.
3. If the vendor which has been found not in compliance submits an acceptable affirmative action plan to the Diversity Officer within ten (10) business days of notification, the vendor may be given conditional approval.

C. AFFIRMATIVE ACTION PLAN

1. Vendor found not in compliance with the District's equal employment opportunity standards are expected to develop and implement affirmative action programs if they expect to be eligible to successfully propose for District contracts.
2. While it is the vendor's responsibility to develop an affirmative action program which will result in equal employment opportunity for persons from all sectors of the community, the Officer in Charge of the Diversity Program may refer prospective proposers to resources which may be of assistance in developing affirmative action programs.
3. In the event that a vendor who has been awarded a District contract does not make satisfactory progress toward goals in the affirmative action program, the District will no negotiate a new contract until the vendor assures the Diversity Officer that significant progress will be made.

D. CONDITIONS UNDER WHICH BIDS MAY BE REJECTED OR CONTRACTS TERMINATED ON EQUAL EMPLOYMENT OPPORTUNITY GROUNDS

1. Vendor fails to submit completed and signed EEO documents with bid or other requested information in a timely manner.

2. The vendor is found not to be in compliance with EEO laws, regulations and District policy, and does not have an acceptable Affirmative Action Program, or if the vendor has an acceptable Affirmative Action Program but the Diversity Officer determines the vendor has not made satisfactory progress toward goals in the plan and shows no promise of achieving the goals.
3. Any inconsistencies of misrepresentation of the facts in any of the requested information designed to portray the vendor in a more favorable position with respect to Equal Employment Opportunity Compliance will be grounds for cancellation of the contract by the Purchasing Director upon recommendation by the Diversity Officer and confirmation by the Cleveland Municipal School District.

**SECTION VII: EOA CONTRACTUAL DECLARATION FORM: FORM 1:
VENDOR CONTRACT COMPLIANCE FORM**

Name of Firm:_____

Address:_____

City, State, Zip Code:_____

Telephone Number:_____

Standard Metropolitan Statistical Area:_____

Recruitment Area:_____

Type of Business (product or service):_____

Name of EEO Officer:_____

Signature of Owner, Partner, or Authorized Officer:_____

Name (type or print):_____

Date:_____ Title:_____

Do not complete below this line

Status of Vendor:

☐ Compliance ☐ Conditional Compliance

☐ Non-Compliance ☐ Compliance Pending

Comments:_____

Date:_____ Signature:_____

SECTION VII: EOA CONTRACTUAL DECLARATION FORM: FORM 2 COMPLIANCE DECLARATION

The following must be filled out completely

It is the policy of _____ that equal employment opportunity be afforded to all qualified persons without regard to race, religion, color, sex, national origin, age, or handicap.

In support of this policy, _____ will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, or handicap.

_____ will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to race, color, sex, national origin, age, or handicap. Such action will include, but not be limited to:

Recruitment, advertising, or solicitation for employment, hiring, placement, upgrading, transfer or demotion, selection for training including apprenticeship rates of pay or other forms of compensation, layoffs or termination.

The undersigned company states that they are of current applicable requirement pertaining to Fair Labor Standards and Non-Discriminatory Practices of Federal, State, and Local Governments.

The undersigned further acknowledges that if the contract is awarded to the undersigned, that the undersigned will comply with all Fair Labor Standard Practice.

(Name of Company)

(Signature of Company Official)

Date: _____

STATE OF ()
COUNTY OF ()SS.

BEFORE ME, a Notary Public in and for said County and State personally appeared the above-named Company_____by _____

Its _____, who acknowledged that they knowingly signed the aforesaid instrument, and that the same is their free act and deed duly authorized and the free act and deed of said company.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed seal at

_____, _____, this day of _____, 20____.

SECTION VII: EOA CONTRACTUAL DECLARATION FORM: DESCRIPTION OF CATEGORIES

OFFICIALS, MANAGERS, AND SUPERVISORS

Occupations requiring administrative personnel who set District policies, exercise overall responsibility of the places, and direct individual departments or special phases of a firm's operations includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents, buyers, and kindred workers.

PROFESSIONALS

Occupations requiring either college graduation or experience of such kind and amount as to provide background. Includes: accountants and auditors, airplane pilots and editors, engineers, layers, librarians, mathematicians, natural scientists, personnel and labor relations workers, physical scientists, physicians, social scientists, teacher's and kindred workers.

TECHNICIANS

Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through (about) two years of post high school education, such as that which is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: drafters, engineering aides, junior engineers, mathematical aids, nurses, photographers, radio operators, scientific assistants, surveyor of technical illustrators, technicians (medical, dental, electronic, physical sciences), and kindred workers.

SALES WORKERS

Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salespersons, insurance agents and brokers, real estate agents and brokers, stock bond salespersons, demonstrators, sales persons, sales clerks, and kindred workers.

OFFICE AND CLERICAL

Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual, includes: bookkeepers, cashiers, collectors (bills and account), messengers and office clerks, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators and kindred workers.

CRAFTWORKERS (SKILLED)

Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the process involved in their work, exercise considerable independent judgment, and usually receive an extension period of training. Includes: the building trades hourly paid foremen who are not members of management, mechanics and repairers, skilled machine operators, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors and kindred workers.

OPERATIVE (SEMI-SKILLED)

Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require limited training.

LABORERS (UNSKILLED)

Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farmers), ground-keepers, long-shore workers, craftsperson and stevedores, lumber's and wood chippers, laborers performing lifting, digging, mixing, loading, and pulling operations, and kindred workers.

SERVICE WORKERS

Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other instruction, professional and personal service), barbers, and cleaners, cooks, guards, door keepers, stewards, janitors, police officers and detectives, porters, food services, and kindred workers.

APPRENTICES

Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprentice, regardless of whether the program is registered with a Federal or State agency.

SECTION VEOA CONTRACTUAL DECLARATION FORM: PART II EMPLOYMENT DATA FORM

Please note this data may be obtained by visual survey or post-employment records. Neither visual surveys nor post-employment records are prohibited by any Federal, State or local law. All specified data is required to be filled in by District policy.																
	ALL EMPLOYEES				MALES					FEMALES						
JOB CATEGORIES	TOTAL MALES & FEMALES	MALES	FEMALES	WHITE (NOT OF HISPANIC ORIGIN)	BLACK (NOT OF HISPANIC ORIGIN)	ASIAN AMERICAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE	HISPANIC	WHITE (NOT OF HISPANIC ORIGIN)	BLACK (NOT OF HISPANIC ORIGIN)	ASIAN AMERICAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE	HISPANIC			
OFFICIALS MGRS & SUPERVISORS																
PROFESSIONALS																
TECHNICIANS																
SALES WORKERS																
OFFICE/CLERICAL																
CRAFTWORKERS (SKILLED)																
OPERATIONS (SEMI- SKILLED)																
LABORERS (UNSKILLED)																
SERVICE WORKERS																
APPRENTICES																
TOTALS																
ADDITIONAL INFORMATION (OPTIONAL)																
Describe any other action taken which show that all employees are recruited, hired, or trained or promoted without regard to their race, religion, color, sex, handicap, age or national origin. Use second sheet if additional space is needed.																
The undersigned certifies that they are legally authorized by the bidder to make the statements and representations contained in this report, and that they have read all of the foregoing statements and representations which are true and correct to the best of their knowledge and belief.																
FIRM OR CORPORATE NAME: _____ DATE: _____																
SIGNATURE: _____ TITLE: _____																

APPENDIX A – RFQ CM at Risk – State of Ohio

Standard Forms and Documents

Administration of Project: Local Agency

Project Name	<u>Various</u>	Response Deadline	<u>1/15/2016 @ 1:00 pm</u>
Project Location	<u>Various</u>	Project Number	<u>RFQ #21180</u>
City / County	<u>Cleveland / Cuyahoga County</u>	Project Manager	<u>Gary Sautter</u>
Owner	<u>Cleveland Municipal School District</u>	Contracting Authority	<u>CMSD</u>
Delivery Method	<u>CMR</u>	Prevailing Wage	<u>Davis Bacon Wages</u>
No. of paper copies requested		No. of electronic copies requested on	
(stapled, not bound)	1 original, 4 copies	CD (PDF)	<u>4</u>

Project Overview

A. Project Description

The electors of the Cleveland Municipal School District recently authorized the issuance of \$200,000,000 in bonds to fund various school improvements. The funds will be divided into two projects: one project will be co-funded by the OFCC, the other is for refreshing various non-funded OFCC school buildings. The RFQ is for the Refresh Schools.

The District anticipates that it will have between \$20,000,000 and \$40,000,000 for refresh work. The District's enrollment has leveled off. It is currently working with the OFCC to revisit the enrollment projections. It is possible that some of the Refresh work could become co-funded requiring the termination of all or part of the CMR contract contemplated through this RFQ or otherwise reducing the overall scope of the Refresh work.

Notwithstanding potential enrollment changes, the District currently plans on beginning the Refreshing of 4 schools during the Summer of 2016. The work may carry over into the school year or following summer depending on the work. Four of those Schools are the subject of this RFQ. The District is planning on total project costs of approximately \$15,500,000. The preliminary budgets are:

Joseph Gallagher	\$8,000,000
Wilbur Wright	\$2,500,000
William Cullen Bryant	\$2,500,000
Ben Franklin	\$2,500,000

As a general matter the work will be prioritized as follows: Life safety, building envelop, major building systems, educational technology and cosmetics. The type of work that may be included at each school is described below:

Carpentry: Replace exterior doors and jambs. Refinish/Replace gym floors, refinish wood classroom floors; replace wood sash windows; replace VCT; Motorize bleachers. point block walls; replace rubber stair treads.

APPENDIX A – RFQ CM at Risk – State of Ohio

Standard Forms and Documents

Electrical:	Replace Fire Alarm, Repair exterior lights, replace three phase switchgear; install panel/outlets in computer classrooms; replace exit/emergency lights; replace PA systems; replace exhaust fans; replace interior light fixtures with LED lights; install air conditioning in computer rooms
Elevator:	Modernize
Glazing:	Replace plexi-glass with laminated glass and add security screens to first floor windows; re-glaze interior door and window panes
HVAC :	Replace boilers and related equipment: replace steam traps; Replace roof top units; replace thermostats and vacuum pumps
Painting:	Paint building interior spaces.
Plumbing:	Install back up water tanks; replace flush valves, drinking fountains; renovate rest rooms; ADA compliance issues; replace backflow preventers; install dual sump pump systems
Roof and Paving:	Tuck point masonry; replace deteriorated sidewalk; replace parking lots: fill in coal bins; repair/replace fencing; replace roofs; repair steps and handrails; coat and stripe parking lots; replace skylights:
Sheetmetal:	Replace restroom partitions: replace exhaust fans: replace univert motors; Replace lockers:

The final scope of work at each School will be determine based on the budget. Professional design services are being provided by different architectural firms at each school.

B. Scope of Services

As required by the Agreement, and as properly authorized, provide the following categories of services: constructability review comments on documents produced by the A/E during the Construction Document stages; develop and maintain estimates of probable construction cost, value engineering, project schedules, and construction schedules; lead and manage the Subcontractor Prequalification and Bidding process, Construction and Closeout Stage.

Refer to the contracts for additional information about the type and extent of services required for the work.

The preconstruction and construction services are generally described below. Subcontracts including but not limited to Plumbing, Fire Protection, HVAC, Electrical and AV/Technology will be awarded by the CM to prequalified vendors using a competitive process. The parties will engage in an "open book" pricing method in which all subcontracted work shall be based upon competitive pricing that

APPENDIX A – RFQ CM at Risk – State of Ohio

Standard Forms and Documents

will be reviewed by the Owner, the A/E and the CM. The Owner shall have access to all books, records, documents and other data in the CM's possession related to itself, its subcontractors and material suppliers pertaining to bidding, pricing or performance of the Agreement.

Preconstruction Services: The CM will work cooperatively with the Owner, A/E and Project Team, and will provide, among other services, cost estimating, budgeting, value engineering, constructability review, scheduling and preconstruction planning throughout the preconstruction stage. When the drawings and specifications are at 75% Construction Documents (the "Basis Documents"), together with the A/E's detailed listing of any material incomplete design elements and the A/E's statement of intended scope with respect to such incomplete elements (the "Design Intent Statement"). The CM shall submit to the Owner and the A/E its proposed Guaranteed Maximum Price (the "Contract Sum") and its qualifications and assumptions based upon the Basis Documents and the Design Intent Statement. The CM, the Owner and the A/E (along with selected engineers and consultants) shall meet to reconcile any questions, discrepancies or disagreements relating to the qualifications and assumptions, the Basis Documents or the Design Intent Statement. The reconciliation shall be documented by an addendum to the qualifications and assumptions that shall be approved in writing by the Owner, the A/E and the CM. The CM shall then submit to the Owner, for approval, the CM's proposed final Contract Sum based upon the Basis Documents, the approved qualifications and assumptions and the Design Intent Statement. Contingent upon the Owner's approval of the final Contract Sum (GMP Amendment), the parties will enter into an amendment to the Agreement establishing the Contract Sum (GMP Amendment). The final negotiated Contract Sum shall not exceed the Project Budget established for construction. If the proposed Contract Sum exceeds such budget, then the Owner may terminate the agreement with the CM and seek from other firms, bids for completion of the Project.

Construction Services: The CM shall construct the Project pursuant to the construction documents and in accordance with the schedule requirements. The CM shall hold all subcontracts and shall be fully responsible for the means and methods of construction, project safety, project completion within the schedule agreed upon in the preconstruction phase, compliance with all applicable laws and regulations and submitting monthly reports of these activities to the Owner. All subcontracts shall be on the subcontract form prescribed by OAC Section 153:1-03-02. The Owner reserves the right to approve the CM's selection of subcontractors and any supplement terms to the form subcontract.

C. Funding / Estimated Budget

Total Project Cost	\$15,500,000
Construction Cost	\$14,000,000
State Funding	\$0.0
Other Funding	\$15,500,000

D. Anticipated Schedule

CM Services Start (mm/yy)	02 / 16
Construction Contracts Start (mm/yy)	05 / 16
Construction Contracts Completed (mm/yy)	08 / 16
CMR Services Completed (mm/yy)	09 / 17
GMP Approval (mm/yy)	4 / 16

E. EDGE Participation Goal

Percent of Total Construction Contracts Awarded	See Inclusion Plan	Percent of <i>initial</i> TOTAL CM Fee	See Inclusion Plan
---	--------------------	--	--------------------

APPENDIX A – RFQ CM at Risk – State of Ohio

Standard Forms and Documents

F. Evaluation Criteria for Selection

Selection Criteria: The CM will be selected using (i) a qualification based selection process during the initial Request for Qualifications (RFQ) stage to develop a short list and (ii) a best value selection process during the final Request for Proposal stage for the final CM selection. The Owner will request one consolidated proposal for the work at the four schools. The qualifications-based selection criteria for the RFQ is included in this announcement. The best value criteria used in evaluating proposals from the short listed firms will include such factors that are determined to derive or offer the greatest value to the Owner, combining both qualifications and fee.

Short List:

Unless otherwise noted or exempt, all documents submitted to the Owner in response to this RFQ or RFP are public and will be available for inspection at the conclusion of the selection process. The following information shall remain confidential and will not be released: (1) Financial Capacity; and (2) Bonding/Insurance.

Proposers are requested to submit the information requested by Ohio Facilities Construction Commission F110-330 (available from the OFCC website). Additionally, in Section H, please provide the following:

1. Summary: Provide a summary, on one page or less, describing why your firm/team is the most qualified for the Project.
2. Bonding/Insurance: Provide evidence of capacity to provide bonding in the amount of the construction budget for the Middle and High School Projects or if responding for only one of them evidence of bonding for that project alone and a copy of the firm's certificate of insurance showing the firm's current limits of liability for commercial general liability, employer's liability, business automobile liability and professional liability.
3. Management Systems: Describe the scheduling and cost control systems the firm would propose to use for the Project
4. Self-Performed Work: Indicate whether the firm intends to self-perform any work on the Project through a competitive process and, if so, the nature of the work and capability to self-perform.
5. Estimating: Demonstrated track record of performance of in-house estimating on projects comparable to the Project.
6. Scheduling: Demonstrated track record of performance of managing projects to the original schedule.

Firms are requested to identify professional registrations, memberships and credentials including but not limited to: LEED GA, LEED AP, LEED AP+, CCCA, CCM, CCS, CDT, DBIA, and any other appropriate design and construction industry credentials. Identify that information on the resume page for individual in Block 22, Section E of the F110-330 form.

APPENDIX A – RFQ CM at Risk – State of Ohio

Standard Forms and Documents

Selection Criteria	Value	Score
1. Primary Firm Location, Size, and Workload (Maximum 5)		
a. Proximity of primary office where the majority of work will be performed to the project site	Less than 10 miles from project site	4 - 5
	11 miles to 50 miles from project site	2 - 3
	More than 50 miles from project site	0 - 1
2. C/M Qualifications (Maximum 55)		
a. Overall Project Team	Experience/ability of Project Team to design and manage scope/budget/schedule/quality	0 - 10
b. Project Management Lead	Experience/ability of project manager to manage scope/budget/schedule/quality	0 - 10
c. Project Administration Staff	Experience/creativity of Project administration staff to achieve Owner's vision and requirements	0 - 10
d. Pre-Construction Staff	Experience/ability of staff in design, estimating, scheduling, quality control	0 - 10
e. Technical Staff	Experience / ability of field representatives to identify and solve issues during construction	0 - 10
f. Key Consultants	Experience/ability of key consultants to perform with the c/m	5
3. Overall Team Qualifications (Maximum 10)		
a. Previous Collaboration of the Project Team (sample projects on which a significant number of individual team members have worked together)	1-3	1-3
b. LEED*** Training / Professional Accreditation (demonstrated either by the Designer or Contractor or relevant consultant)	GA	1
	AP	2
	AP+	3
c. LEED*** Registered / Certified Project Experience (demonstrated either by the Design Builder)	RP	1
	CP	2
d. Team Organization (showed formal relationships between owner, contracting authority, consultants)	Clarity of responsibility / communication demonstrated by table of organization	0 - 2
4. Overall Team Experience (Maximum 30 points)		
a. Past Performance of the Project Team	Past performance as indicated by evaluations and references	0-10
b. Experience with similar projects and CMR		0-10
c. Knowledge of Ohio School Design Manual		0 - 5
d. Budget and Schedule Management (included data on estimate versus bid and original contract sum & time versus change orders for sample projects)		0-5
Subtotal		

Notes:

Evaluator:

Name _____

Signature _____

Date _____

EXHIBIT A: COMMUNITY INCLUSION PLAN PROGRAM STATEMENT

The Cleveland Municipal School District Capital Improvement Project (the Project) will be the largest construction project in the District's history. The Cleveland Municipal School District Board of Education (the Board of Education) believes that a successful Project will result in the construction of excellent educational facilities and that community involvement in all elements of the Project will best assure the achievement of that result. To facilitate community involvement in the construction portion of the Project, the Board of Education has authorized the development of a Community Inclusion Plan. That Community Inclusion Plan will require the District to partner with the community to develop and implement fair and effective programs for achieving diversity and local participation in all elements of the Project. To facilitate a portion of the Community Inclusion Plan the District has adopted a Diversity Business Enterprise Program and Workforce Participation Program.

THE DIVERSITY BUSINESS ENTERPRISE PROGRAM

The Board of Education has established the Diversity Business Enterprise ("DBE") Program for the purpose of promoting equal business opportunity for all minorities and women doing business with the Cleveland Municipal School District. The DBE Program aspires to achieve the following goals: DBE participation of fifteen percent (15%) in service contracts, twenty percent (20%) in contracts for goods and supplies and thirty percent (30%) in contracts for construction provided that the District may adjust those percentages based upon data gathered relating to the percentage of DBEs available to work on the Project. All prime contractors and subcontractors are required under the DBE Program to use Good Faith Efforts to subcontract portions of the work to DBEs and to otherwise achieve the goals of the DBE Program.

Good Faith Efforts

A Bidder's compliance with the requirement to make Good Faith Efforts to locate and engage the services of DBE businesses in connection with the Project shall be a matter of Bidder responsiveness. The Bidder can demonstrate that it has complied with the requirement by certifying to the Board of Education or its designee, in writing, that as of the date of the bid submittal, that:

(i) the Bidder has selected and engaged the services of DBEs, in which case the certification shall include

(a) the names and addresses of those enterprises engaged by the Bidder

(b) the value of the subcontract and

(c) a description of the work on the Project to be performed by such firm(s) and/or individuals,

or

(ii) if despite the Bidder's Good Faith Efforts, the Bidder was not able to select and engage the services of such enterprises, in which case the Bidder shall include in its written certification the following:

- (a) affirmation that, prior to determining that it was unable to locate DBEs, the bidder consulted business registries including those identified by the School District.
- (b) affirmation that the bidder attended any pre-bid meeting scheduled to inform DBEs of subcontracting opportunities.
- (c) a copy of the written notifications sent to DBEs soliciting their interest in being a subcontractor or supplier on the Project;
- (d) The names, addresses, and telephone numbers of DBEs contacted, the date of such contact and the date set for receipt of bids from those businesses;
- (e) A copy of the information or a description of the information provided to DBEs regarding the plans and specifications for the work proposed to be subcontracted and how that information could be accessed;
- (f) A statement from the Bidder explaining why any DBEs contacted by bidder were not engaged; and

Upon written request of the Board of Education or an authorized representative thereof, an appropriate representative of the Bidder will attend a meeting of the Board of Education to discuss the specific measures the Bidder has utilized in undertaking the Bidder's Good Faith Efforts.

Definitions

DBE: A Diversity Business Enterprise (DBE) includes

- (a) A Minority Business Enterprise. "Minority Business Enterprise" means a business concern that (i) has been Certified as an MBE or (ii) is at least 51 percent owned by one or more minorities, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minorities and has its management and daily business controlled by one or more such individuals. Minorities are individuals who provide information sufficient for the School District to certify that they are members of one of the following named groups: African Americans, Hispanic Americans or Latino Americans, Native Americans, Asian-Pacific Islander Americans, Subcontinent-Asian Americans or Native Hawaiian.

(b) A Female Business Enterprise. "Female Business Enterprise" means a business concern that (i) has been Certified as an FBE or (ii) is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women and has its management and daily business operations controlled by one or more women.

Certified means certified by the Cleveland Municipal School District, the City of Cleveland, Cuyahoga County, the State of Ohio or any of its instrumentalities or such other or governmental entities as the School District may designate.

Calculations

1. DBE participation will be counted toward meeting the goals as follows:
 - a. The total dollar value of a direct contract or subcontract or indirect subcontract awarded to a certified DBE will be counted toward the applicable goal.
 - b. In the case of a joint venture, the portion of the total dollar value of the contract equal to the percentage of the ownership and control of the DBE in the joint venture will be counted toward the applicable goal.
 - c. Only DBEs that perform a commercially useful function in the work of a contract or subcontract or indirect subcontract will be counted toward the DBE goals. A DBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract or subcontract and carries out its responsibilities by performing, managing, and supervising the work involved. If a DBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE is presumed not to be performing a commercially useful function. The DBE may present evidence to rebut this presumption.
 - d. The total dollar value of materials and supplies obtained from DBE suppliers and manufacturers will be counted toward DBE goals if the DBE assumes the actual and contractual responsibility for the provision of the materials and supplies.
 - e. The District, through its Diversity Officer will review the contractor's DBE involvement efforts throughout contract performance. Such review will include, but will not be limited to, the contractor's and the DBE's quarterly statements of income from the District which shall document the portion of said income paid to DBE. The Contractor agrees to supply copies of any documentation the District requires in order to complete such a review.

THE WORKFORCE PARTICIPATION PROGRAM

The Board of Education, with the Commission's approval, has established the Workforce Participation Program ("Workforce Participation Program") for the purpose of:

- (a) maximizing the involvement of the Cleveland Municipal School District Community in the Project;
- (b) expanding employment opportunities for students and graduates of the District; and
- (c) promoting the participation of Minority, female and District residents in providing services in connection with the Project.

The Workforce Participation Program aspires to achieve the following goals; participation by minorities of twenty percent (20%), female participation of five percent (5%) and Cleveland Municipal School District resident participation of twenty percent (20%) of all Project hours worked. Contractors are required by the Workforce Participation Program to use Good Faith Efforts to employ minorities (minorities includes African Americans, Hispanic Americans or Latino Americans, Native Americans, Asian-Pacific Islander Americans, Subcontinent-Asian Americans or Native Hawaiian), females and District residents to supply services in connection with the Project and to otherwise achieve the goals of the Workforce Participation Program.

Good Faith Efforts

A Bidder's compliance with the requirement to make Good Faith Efforts to employ minority, female, and District residents to supply on-site labor in connection with the Project shall be a matter of bidder responsibility. A Bidder can demonstrate that it has complied with the requirement by certifying to the School District or its designee, in writing, that as of the date of such certification, which date shall be subsequent to the opening of bids and prior to the award of the related contract, that:

- (a) the Bidder employs the services of minority, female, and/or District residents permitting it to reach Workforce Participation Program goals, in which case the Bidder shall certify that it has the ability to achieve the goals and complete the Current Employment Data Form and provide a preliminary description of the work on the Project to be performed by such individuals; or,
- (b) the Bidder does not employ minority, female, and/or District residents permitting it to reach Workforce Participation Program goals, in which case the Bidder shall include in its written certification the following:
 - (1) An estimate of the number of full and part-time employees the Bidder will be deploying on the Project and the number of new hires it anticipates needing to perform the work; and

- (2) The Bidder attended all pre-bid meetings scheduled by the Construction Manager to inform Bidders of the availability of minority, female and District residents to provide labor for the applicable portion of the Project; and
- (3) If the Bidder were to be awarded a contract, the Bidder shall agree in the construction contract to:
 - (i) Continue to use good faith efforts to locate and employ as new hires minority, female, and District residents to supply on-site labor in connection with the Project in accordance with Workforce Participation Program goals;
 - (ii) Maintain records of the Bidder's efforts to employ persons listed on any registry of minority, female and District residents which may be compiled by the School District or its designee including any reason persons on that registry who were contacted by the Bidder were not subsequently employed;
 - (iii) Maintain a file of minority, female and District resident job applicants and the reasons for any action taken regarding each such applicant;
 - (iv) Maintain records detailing the Bidder's efforts to recruit minority, female, and District residents;
 - (v) Give notice to the School District or its designee of any practice by any party encountered by the Bidder that serves to impede the employment of minority, female and District residents;
 - (vi) Compile and provide to the School District or its designee weekly labor utilization reports in sufficient detail so as to allow the School District or its designee to track the Bidder's good faith efforts to meet the Workforce Participation Program goals;
 - (vii) Upon written request of the School District or its authorized representative, the Bidder will provide to the School District documentation (including, but not limited to, the records described above) describing the specific measures it has utilized in striving to comply with Workforce Participation Program goals;

- (viii) Upon written request of the School District Board or its authorized representative, an appropriate representative of the Bidder will appear at a meeting of the School District Board to discuss the specific measures the Bidder has utilized in striving to comply with Workforce Participation Program goals; and
- (ix) The Bidder agrees to bind its subcontractors and supplies to engage in Good Faith Efforts to comply with the workforce Participation Program goals.

Determination of Good Faith Efforts

Compliance with the Workforce Participation Program is a matter of bidder responsibility. The procedures governing bid rejection based on a Bidder's failure to make the Good Faith Efforts shall be governed by the Instructions to Bidders. The School District or its designees, shall monitor the bid evaluation procedure.

**THE CLEVELAND MUNICIPAL SCHOOL DISTRICT
FINANCE DEPARTMENT**

General Information

Name of Firm: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Type of Business (Product or Service): _____

Date of Proposed Contract Award: _____

Amount of Proposed Contract Award: _____

Diversity Business Enterprise Subcontractor(s): _____

~~DBE~~

~~DBE~~

D.B .E. Participation _____ \$

F.B.E. Participation _____

_____ \$

Name of EEO Officer:

Signature of owner, partner or authorized officer

~~Name~~

Date: _____ Title: _____

DO NOT COMPLETE BELOW THIS LINE

Compliance ☐ **Compliance-pending** ☐ **Non-compliance**

Compliance Date _____

Signature, Diversity Business Enterprise Department

Date

CLEVELAND MUNICIPAL SCHOOL DISTRICT

**NOTICE OF REQUIREMENT TO ENSURE
DIVERSITY BUSINESS ENTERPRISE (DBE) OPPORTUNITY**

Note: All eligible bidders for award of the contract, should comply with the Requirements, Terms, and Conditions of this Notice.

The undersigned bidder hereby agrees that the goal it has established for DBE participation in this project through either subcontracting or entering into a joint Venture with DBEs in conformity with the Requirements. Terms and Conditions of this Notice is a goal of thirty 30% percent for a construction/repair/ maintenance contract, twenty (20%) percent for a supply contract, and fifteen (15%) for a service contract of the total contract amount of this project. In no event will the absence of goals as stated above be deemed as compliance with the requirements, terms and conditions of this notice.

In addition, the undersigned will complete and attach hereto the DBE (Form C) Schedule for DBE participation, showing all DBE/FBE that will participate as subcontractors or joint ventures in this contract and a DBE (Form D), DBE Letter of Intent form for each DBE/FBE listed on the Schedule.

Bidder

Date

By

Title

Definition of DBE: A Diversity Business Enterprise (DBE)

"Small Diversity business concern" means a small business concern that is a least (51) percent unconditionally owned by one or more individuals who are both socially and economically diverse, or a publicly owned business that has at least (51) percent of its stock unconditionally owned by one or more socially and economically diverse individuals and that has its management and daily business controlled by one or more such individuals. This term also means a small business concern that is at least (51) percent unconditionally owned by an economically diverse Indian tribe or Native Hawaiian Organization, or a publicly owned business that has least (51) percent of its stock unconditionally owned by one of these entities, that has its management and daily business controlled by members of an economically diverse Indian tribe or Native Hawaiian Organization.

CLEVELAND MUNICIPAL SCHOOL DISTRICT

Schedule MBE/FBE Participation

~~DBE~~

~~NON-DBE~~

~~DBE~~

Location:

Name of minority contractor _____

Address _____

City, State, Zip _____

Type of work to be performed and work hours involved _____

~~Signature~~

~~Date~~

The undersigned will enter into a formal agreement with DBE for work listed in this schedule conditioned upon execution of a contract with the Cleveland Municipal School District.

Signature of NON-DBE Prime Contractor

Signature

Identification No.

Location

For Office Use Only

To: _____

Non-DBE Prime or General Bidder

Project: _____

NON-DBE PRIME OR GENERAL BIDDER

The Undersigned intends to perform work in connection with the above-referenced project as (check one):

☐

an individual

☐

a corporation

☐

a partnership

☐

a joint venture

DBE status of the undersigned is confirmed in the Cleveland Municipal School District's DBE file of bona fide enterprises with a certification date of _____

The Undersigned is prepared to perform the following described work in connection with the above referenced project. Specify in detail particular work items or parts thereof to be performed:

Signature

You have projected the following commencement date of such work, and the undersigned is projecting completion of such work as follows:

Items _____

Projected Commencement Date _____

Projected Completion Date _____

_____ % (percent) of the dollar value of the subcontract will be sublet and/or awarded to NON-DBE contractor (s) and/or NON-FBE SUPPLIERS.

The undersigned will enter into a formal agreement for the above work with you conditioned upon your execution of a contract with the Cleveland Municipal School District.

Date

Name of DBE Firm (where applicable)

Name of FBE Firm

Signature of FBE Firm

CLEVELAND MUNICIPAL SCHOOL DISTRICT

DBE Form E
DBE Unavailability Certification

I,

Name

, _____
Title

Of _____, certify that on _____
Non-DBE Prime Bidder

I contacted the following DBE business enterprise to obtain a bid for work items to be performed on Board Project. _____

Minority Contractor _____

Work Items Sought _____

Form of Bid Sought _____

Female Contractor _____

Work Items Sought _____

Form of Bid Sought _____

To the best of my knowledge and belief said minority business enterprise was unavailable (exclusive of the unavailability due to lack of agreement on price) for work on this project or unable to prepare a bid for the following reason (s):

Signature, Non-DBE prime Bidder

Date

was offered an opportunity to bid on the above-referenced work

on _____ by _____
Date *Non-DBE Prime Bidder*

Signature, Non-DBE Prime Bidder

The above statement is a true and accurate account of why I did not submit a bid on this project.

Signature, Non-DBE prime Bidder

CLEVELAND MUNICIPAL SCHOOL DISTRICT

DIVERSITY BUSINESS ENTERPRISE DEPARTMENT

TO BE COMPLETED BY NON-MINORITY PRIME

**STATE OF }
COUNTY OF } SS.**

AFFIDAVIT

The undersigned swear that the foregoing statements are correct and include all material information necessary to identify and explain the items and operation of our subcontract and the intended participation by each party in the undertaking. Further, the undersigned covenant and agree to provide to the Cleveland Municipal School District current, complete, and accurate information regarding actual subcontract work and the payments thereof, and any proposed changes in any of the subcontract arrangements and to permit the audit and examination of the books, records and files of the subcontract or those of each party relevant to the subcontract, by authorized representatives of the Cleveland Municipal School District. Any material misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under federal and state laws concerning false statements.

Name of Firm: _____

Signature: _____

Name and Title: _____

Date: _____

STATE OF }
COUNTY OF } SS.

On this _____ day of _____ 20 __ , before me appeared

_____, to me personally known, who being duly sworn,

did execute the foregoing affidavit, and did state that they were properly authorized by

_____ to execute the affidavit and did so as their free act and deed.

(Seal)

Notary Public _____

Commission expires _____

CLEVELAND MUNICIPAL SCHOOL DISTRICT

DBE FORM F
Information for Determining Joint Venture Eligibility

(This form need not be completed if all joint venture firms are DIVERSITY business enterprises).

1. Name of Joint Venture: _
2. Address of Joint Ve ntur e: _____
3. Phone Number of Joint Venture: _____
4. Identify the firms which comprise the joint venture. (The DBE partner must complete DBE Form A or have current DBE certification)

(a) Describe the role of the DBE firm in the joint venture:

(b) Describe briefly the experience and business qualifications of each non-DBE Joint Venture:

5. Nature of Joint Venture's business: _____

6. Provide a copy of the Joint Venture Agreement.

7. What is the percentage of DBE ownership? DBE _____ % FBE _____ %

8. Ownership of Joint Venture: (This need not be completed if described in the Joint venture agreement provided in response to question 6).

Bidder

Signature, Non-DBE prime Bidder

(b) Capital contributions, including equipment:

(c) Other applicable ownership interests:

9. Control of and participation in this contract. Identify by name, race and "firm" those individuals and their titles who are responsible for day-to-day management and policy decision making, including, but not limited to, those with prime responsibility for:

(a) Financial decisions _____

(b) Management decisions, such as (1) Estimating

(2) Marketing and Sales

(3) Hiring and firing of Management Personnel

(4) Purchasing of major items or supplies _____

(c) Supervision of Field Operations _____

NOTE: If, after completing the DBE Form B and before the completion of the joint venture's work on any contract awarded, there is any significant change in the information submitted, the joint venture must inform the Cleveland Municipal School District, either directly or through the non-DBE prime contractor if the joint venture is a subcontractor.

STATE OF]
COUNTY OF]SS.

The undersigned swear that the forgoing statements are correct and include all material information necessary to identify and explain the items and operation of our subcontract and the intended participation by each joint venture in the undertaking. Further, the undersigned covenant and agree to provide to the Cleveland Municipal School District current, complete, and accurate information regarding actual joint venture work and the payments thereof and any proposed changes in any of the subcontract arrangements and to permit the audit and examination of the books, records and files of the joint venture or those of each party relevant to the joint venture, by authorized representatives of the Cleveland Municipal School District. Any material misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under federal and state laws concerning false statements.

15

CLEVELAND MUNICIPAL SCHOOL DISTRICT
Finance Department
Affirmative Action Division

Vendor contract Compliance Program
General Information

Name of Firm: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Standard Metropolitan Statistical Area _____

Recruitment Area: _____

Type of Business (product or service): _____

Name of EEO Officer: _____

Signature of Owner, Partner or Authorized Officer: _____

Name (type or print): _____

DATE: _____ TITLE: _____

DO NOT COMPLETE BELOW THIS LINE

STATUS OF VENDOR

<input type="checkbox"/> Compliance	<input type="checkbox"/> Conditional Compliance
<input type="checkbox"/> Non-Compliance	<input type="checkbox"/> Compliance Pending

Comments: _____

Date

Signature
Affirmative Action Division

CLEVELAND MUNICIPAL SCHOOL DISTRICT
Finance Department
Affirmative Action Division

Compliance Declaration

The following must be filled out completely.

It is the policy of _____ that equal employment opportunity be afforded to all qualified persons without regard to race, religion, color, sex, national origin, age, or handicap.

In support of this policy, _____ will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, or handicap.

_____ will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to race, color, sex, natural origin, age, or handicap. Such action will include, but not be limited to:

Recruitment, advertising, or solicitation for employment, hiring, placement, upgrading, transfer or demotion, selection for training, including apprenticeship rates of pay or other forms of compensation, layoffs or termination.

The undersigned company states that they are of current applicable requirement pertaining to Fair Labor Standards and Non-Discriminatory Practices of Federal, State and Local Governments.

The undersigned further acknowledges that if the contract is awarded to the undersigned, that the undersigned will comply with all Fair Labor Standard Practice.

Name of Company

Signature of company Official

Date: _____

STATE OF (_____)
COUNTY OF (_____)

BEFORE ME, a Notary Public in and for said County and State personally appeared the above-named Company by _____

Its _____, who acknowledged that they knowingly signed the aforesaid instrument, and that the same is their free act and deed duly authorized and the free act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed seal at

_____, this _____,

day of _____, 200 ____.

DESCRIPTION OF JOB CATEGORIES

OFFICIAL, MANAGERS AND SUPERVISORS

Occupations requiring administrative personnel who set District policies, exercise overall responsibility for execution of the plaices, and direct individual departments or special phases of a firm's operations includes: officials, executives, middle management, plant managers, department managers and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, and kindred workers.

PROFESSIONALS

Occupations requiring either college graduation or experience of such kind and amount as to provide a background. Includes: accountants and auditors, airplane pilots and editors, engineers, lawyers, librarians, mathematicians, natural scientists, personnel and labor relations workers, physical scientists, physicians, social scientists, teacher's and kindred workers.

TECHNICIANS

Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through (about) two years of post high school education, such as that which is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: drafters, engineering aides, junior engineers, mathematical aids, nurses, photographers, radio operators, scientific assistants, surveyor of technical illustrators, technicians (medical, dental, electronic physical sciences), and kindred workers.

SALES WORKERS

Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salespersons, insurance agents and brokers, real estate agents and brokers, stock bond salespersons, demonstrators, sales persons, sales clerks, and kindred workers.

OFFICE AND CLERICAL

Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual, includes: bookkeepers, cashiers, collectors (bills and account), messengers and office clerks, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators and kindred workers.

CRAFTWORKERS (SKILLED)

Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the process involved in their work, exercise considerable independent judgment, and usually receive an extensive period of training. Includes: the building trades hourly paid foremen who are not members of management, mechanics and repairers, skilled machine operators, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors and kindred workers.

OPERATIVE (SEMI- SKILLED)

Workers who operate machine or processing equipment or perform other factor-type duties of intermediate skill level which can be mastered in a few weeks and require limited training.

LABORERS (UNSKILLED)

Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgement.

Includes: garage laborers, car washers and greasers, gardeners (except farmers), ground-keepers, long-shore workers, craftsperson and stevedores, lumber's and wood chippers, laborers performing lifting, digging, mixing, loading, and pulling operations, and kindred workers.

SERVICE WORKERS

Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other instruction, professional and personal service), barbers, and cleaners, cooks, guards, doorkeepers, stewards, janitors, police officers and detectives, porters, food servers, and kindred workers.

APPRENTICES

Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

CURRENT EMPLOYMENT DATA**FORM 3**

Please note this data may be obtained by visual survey or post-employment records. Neither visual surveys nor post-employment records are prohibited by any Federal, State or local law. All specified data is required to be filled in by District policy.															
		ALL EMPLOYEES				MALES				FEMALES					
JOB CATEGORIES	TOTAL MALES & FEMALES	MALES	FEMALES	WHITE (NOT OF HISPANIC ORIGIN)	BLACK (NOT OF HISPANIC ORIGIN)	ASIAN AMERICAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE	HISPANIC	WHITE (NOT OF HI SPANIC ORIGIN)	BLACK (NOT OF HISPANIC ORIGIN)	ASIAN AMERICAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE	HISPANIC		
OFFICIALS MGRS & SUPERVISORS															
PROFESSIONALS															
TECHNICIANS															
SALES WORKERS															
OFFICE/CLERICAL CRAFT WORKERS (SKILLED)															
OPERATIONS (SEMI- SKILLED)															
(UNSKILLED)															
SERVICE WORKERS															
APPRENTICES															
TOTALS															
ADDITIONAL INFORMATION (OPTIONAL)															
Describe any other action taken which show that all employees are recruited, hired, or trained or promoted without regard to their race, religion, color, sex, handicap, age or national origin. Use second sheet if additional spece is needed.															
The undersigned certifies that they are legally authorized by the bidder to make the statements and representations contained in this report, and that they have read all of the foregoing statements and representations which are true and correct to the best of their knowledge and belief.															
FIRM OR CORPORATE NAME:									DATE:						
SIGNATURE:									TITLE:						