

Request for Proposals for
A Public-Private Partnership for
The Development of a New School Facility for
Falls Church City Public Schools

PROPOSAL DUE DATE IS NOVEMBER 4, 2002, 4:00 P.M.

The Falls Church City Public Schools and the City of Falls Church (collectively referred to as "Falls Church") are inviting the submission of proposals from firms under the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 for a public-private partnership to construct a new school or schools to expand its physical capacity to meet current and future enrollment increases by the opening of the 2006-2007 school year. The proposed school(s) may address any of the following enrollment and organizational patterns:

- 600 students in grades 5, 6, and 7
- 600 special education preschool, kindergarten, first and second grade students
- 400 special education preschool, kindergarten, and first grade students

The projects above are listed in order of priority.

Conceptual programmatic space requirements are outlined in Appendix A.

The successful proposal should include the acquisition of an appropriate site for the school buildings as well as required adjacent playground/play field space and parking. The site should be in or near the City of Falls Church.

Falls Church would also give strong consideration to proposals that include the exchange or sale of City or School Board-owned property as listed in Appendix B or the use of grant funding to minimize the impact on the City's debt service. The proposal may be for sale or lease of the property or other creative financing. Explanation should be included as to the benefits provided by whichever method is proposed. The delivery date of the school facilities for use by the Falls Church City Public Schools is on or before July 1, 2006, time being of the essence.

I. BACKGROUND

The Falls Church City Public Schools are experiencing overcrowding that is threatening to compromise the education of our students. Student enrollment projections confirm the need for additional school facilities. The school population has grown over the last ten years by roughly 50 percent, which is a faster rate than either the Arlington or Fairfax County school systems. . Almost 260 students are now educated in 13 relocatable classrooms. In cooperation with the City Council, the School Board commissioned a study by professional demographers, Grier and Rivkin, to help predict future enrollment trends. Their recently completed demographic study indicates that the Falls Church City schools will continue to grow at an average rate of 40 students per year--the equivalent to two classes--every year for the foreseeable future. Specific enrollment projections, and the Grier demographic study, are available on the website, www.fccps.k12.va.us.

In the summer of 2000, the Board commissioned a Facility Study by the firm of Ballou, Justice Upton of all three sites to determine the viability of appropriately handling an anticipated future enrollment of 2,500 students by additions and modifications to the current school buildings. Although the architects were able to produce schematic designs that accomplished this, the Board found that the plans were not cost effective and seriously crowded the sites. A joint Facilities Working Group composed of representatives of the School Board, City Council and Planning Commission worked through 2000-2001 to review the facility needs of the school division and agreed that no more major construction investment should be made on the GM site. That group also considered sites for the construction of a new school.

The architects were contracted to complete Phase II of the Facility Study to develop conceptual plans for the construction of new schools with expanded capacity to replace the current Mt. Daniel and Thomas Jefferson so that each could accommodate approximately 600 students and of a new school for 400 students in Preschool through first grade on a small site. The Board's proposed Capital Improvement Project (CIP) budget proposal for FY2003 included projects planned for the years 2002-07. The following two construction projects were proposed:

- Construction of a new school for 400 primary students on the Madison Park site,
- Construction of a new school for 575 elementary students on the Mt. Daniel site.

During the spring of 2002 throughout the CIP budget process, members of the public expressed concerns about the use of the Madison Park site for a school and the loss of that site as a park. Prior to the City election in May, the City Council took action to keep open the option of using that site, but also engaged in discussions with the School Board concerning finding an alternative site for a new school.

In the summer of 2002, the Board announced publicly that it was engaged in discussions with the Board of Directors of the Hillwood Square Mutual Association concerning the purchase of 5.67 acres of land, currently unoccupied, on Cherry Street, just outside the City limits in Fairfax County. The Board and Council also announced that they wished to

continue to pursue other options. The issuance of this RFP is to assist in that objective.

II. PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002

A. *“PPEA”* – The Public-Private Education Facilities and Infrastructure Act of 2000 (the “PPEA”) grants to local governments and public school systems the authority to create public-private partnerships for the development of a wide range of projects for public use if the public entities determine there is a need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion. Falls Church has determined that there is an immediate need for new school facilities to be delivered in a timely, cost-effective manner. A comprehensive agreement is to be negotiated between a Proposer and Falls Church that will define the respective rights and obligations of Falls Church and the successful Proposer.

B. *Proposals* – Proposals should be prepared simply and economically, providing a concise description of the Proposer’s capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the public entity. Project benefits to be considered are those occurring during the construction and during the life cycle of the project. Proposals also should include a comprehensive scope of work and a financial plan for the project, containing enough detail to allow an analysis by Falls Church of the financial feasibility of the proposed project.

C. *Two-Step Process* – Falls Church will use a two-part proposal process consisting of an initial conceptual phase and a detailed phase. This RFP invites Proposers to submit initial conceptual proposals that will be evaluated pursuant to the adopted procedures as follows:

1. Conceptual Phase

- a. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by Falls Church for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found at Section III.
- b. Falls Church will determine at this initial stage of review whether it will proceed using: “Procedures for Reviewing and Approving Proposals Received Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002.” (Appendix C)

- c. After reviewing all proposals submitted, Falls Church may determine:
 - (i.) not to proceed further with any proposal,
 - (ii.) to proceed to the detailed phase of review with a proposal, or
 - (iii.) to proceed to the detailed phase with multiple proposals.

2. Detailed Phase

Upon the completion of the conceptual phase, should Falls Church determine that there is merit in continuing the process, one or more Proposers may be invited to submit detailed proposals.

In the event that more than one proposal will be considered in the detailed phase of review, Falls Church will consider whether the unsuccessful Proposer should be reimbursed for costs incurred in the detailed phase of review, and such reasonable costs may be assessed to the successful Proposer in the comprehensive agreement.

D. *Freedom of Information Act* – Generally, proposal documents submitted by private entities are subject to the Virginia Freedom of Information Act (“FOIA”). In accordance with §2.2-3705 A 56 of FOIA, such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to the responsible public entity under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the public or private entity or the bargaining position of either party. In order for confidential proprietary information to be excluded from public release, proposers shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

III. INSTRUCTIONS TO PROPOSERS – CONCEPTUAL PHASE

A. *Falls Church’s Obligation and Honoraria* – This RFP is for bidding purposes only and is not a contract. Falls Church will assume no obligation to reimburse or pay any person or firm responding any costs, fees, honoraria, or expenses incurred in the preparation of a response to this RFP, or for any meetings or travel costs related to such response. Falls Church is under no obligation to any responding party until a contract is executed for the services described within.

B. *Communications and Addenda* - Proposers are encouraged to carefully examine the RFP documents for discrepancies, errors, omissions or ambiguities. Any questions concerning the requirements of the RFP should be directed to:

**Mary Ellen Shaw
Superintendent
Falls Church City Public Schools
803 W. Broad Street, Suite 300
Falls Church, Virginia 22046**

**Telephone: 703-248-5600
Facsimile: 703-248-5613**

Falls Church will review the written questions and requests for clarification, if any, if submitted by October 15. Any and all such interpretations and any supplemental instructions will be in the form of written Addenda which, if issued, will be mailed to all Proposers. All Addenda shall become part of the Contract Documents.

C. *Preparation and Submission of Conceptual Proposals* – Proposals must be submitted to Mary Ellen Shaw at the above address in a sealed envelope bearing the Proposer’s name, address, and project title. Proposals will be received no later than 4:00 p.m., November 4, 2002. Proposals received after such date and time will be rejected

Falls Church reserves the following rights to be exercised at Falls Church’s discretion:

1. To make such investigation as deemed necessary to determine the ability of the Proposer to perform the work.
2. To reject any or all bids without explanation and to make awards in the best interest of Falls Church.

D. *Construction Time* – The time in which the Proposer agrees to complete the work, which the Proposer is to specify in their proposals, and which the Proposer should reasonably have known might include delay, is the essence of the contract. The Proposer contracted with shall proceed expeditiously with adequate forces and make diligent efforts to keep the project on schedule, and shall achieve final completion within the Contract Time. The project must be completed and certified for occupancy as a school by July 1, 2006.

E. *Copies* – An original and five (5) copies of the complete proposal must be submitted. Failure to include required copies and documents may render the proposal non-responsive and the proposal may be rejected.

F. *Qualifications and Experience*

1. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.

2. Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms.
3. Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.
4. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent (20%) or greater.

G. Project Characteristics

1. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.
2. Identify and fully describe any work to be performed by the public entity.
3. Include a list of all federal, state, and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
4. Identify any anticipated adverse social, economic and environmental impacts of the project. Specify the strategies or actions to mitigate known impacts of the project.
5. Identify the projected positive social, economic and environmental impacts of the project.
6. Identify the proposed schedule for the work on the project, including the estimated time for completion.
7. Propose allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project.
8. State assumptions related to ownership, legal liability, law enforcement and operation of the project.

9. Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.

H. *Project Financing*

1. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.
2. Submit a plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required. Describe proposed sources and uses for such funds.
3. Include a list and discussion of assumptions underlying all major elements of the plan.
4. Identify the proposed risk factors and methods for dealing with these factors.
5. Identify any local, state or federal resources that the Proposer contemplates requesting for the project. Describe the total commitment, if any, expected from the governmental sources and the timing of any anticipated commitment.

I. *Project Benefit and Compatibility*

1. Identify who will benefit from the project, how they will benefit and how the project will benefit the overall community, region, or state.
2. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.
3. Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.
4. Describe the anticipated significant benefits to the community, region or state including anticipated benefits to the economic condition of the public entity and whether the project is critical to attracting or maintaining competitive industries and businesses to the public entity or the surrounding region.
5. Compatibility with the local comprehensive plan, local infrastructure development plans, the City and School Board Capital Improvements Projects Budget or other government spending plan.

6. Describe how the partnership would work with the requirements of School Board policies 4.30 and 4.30.1 (Appendix D.)

IV. INSTRUCTIONS TO PROPOSERS – DETAILED PHASE

If Falls Church decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by Falls Church. Detailed proposals shall be due on December 30, 2002, at the above-stated address.

1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project;
2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the Proposer to accommodate such crossings;
3. A statement setting out the plans for securing all necessary property. The statement must include the names and addresses, if known, of the current owners of the subject property as well as a list of any property the Proposer intends to request the public entity to condemn;
4. A detailed listing of all firms that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties;
5. A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. Include in the life-cycle cost analysis a detailed analysis of the projected return, rate of return, or both.
6. A detailed discussion of assumptions about user fees or rates, and usage of the projects.
7. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications.
8. Demonstration of consistency with appropriate local land use laws, including zoning, comprehensive or infrastructure development plans, or indication of the steps required for approval.

9. Explanation of how the proposed project would impact local development plans of each affected local jurisdiction.
10. Identification of any known conflicts of interest or other disabilities that may impact the public entity's consideration of the proposal.
11. Additional material and information the public entity may reasonably request.

V. **PROPOSAL EVALUATION AND SELECTION CRITERIA**

Falls Church shall use procedures as stated in Appendix C.

**Notice of
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- 600 students in grades 5, 6, and 7
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Initial conceptual proposals will be accepted until 4:00 P.M., Monday November 4, 2002 at the office of the Falls Church City Public Schools, 803 West Broad Street, Suite 300, Falls Church, Virginia 22046.

The RFP document will be available on the website www.fccps.k12.va.us, as of October 8, 2002 or by calling Barbara Mitchell in the School Board office at 703-248-5601, or e-mail to mitchellb@fccps.k12.va.us .