

April 16, 2024

IDEA PUBLIC SCHOOLS – Donna Building Envelope

GMS ARCHITECTS
BROWNSVILLE, TEXAS 78526
(956) 546-0110

ADDENDUM NO. 1

A. PURPOSE AND INTENT

This addendum is issued for the purpose of modifying the plans and specifications for the Idea Public Schools – Donna Building Envelope.

This addendum shall become part of the contract and all CONTRACTORS shall be bound by its content. All aspects of the specifications and drawings not covered herein shall remain the same.

The General Conditions and the Special Conditions of the specifications shall govern all parts of the work and apply in full force to this addendum.

B. SCOPE

I. CLARIFICATION:

- Proposals must be submitted by sending a hard copy to:

IDEA Public Schools
Attn. Purchasing Department
2115 West Pike Blvd
Weslaco, TX 78596

Proposals sent by mail must be in a sealed envelope marked with the RFP Number and Title and include:

- a) One (1) clearly identified hard copy ORIGINAL of the Proposal.
- b) One (1) copy of the Proposal on FLASH DRIVES, marked with the Respondent's name.

Note: Faxed or emailed Proposals will not be accepted.

- The proposal will be read aloud via Microsoft Teams at the link below:

[Join the meeting now](#)

Meeting ID: 222 119 618 202

Passcode: y8ZDrX

- Estimated Budget: \$ 2,500,000.00.
- Anticipated Start Date: May 27,2024

II. SPECIFICATIONS:

- Replace Section 001000 – Request for Competitive Sealed Proposals (1 Page) to Construction Documents.

- Replace Section 002000 – Instructions to Proposers (7 Pages) to Construction Documents.

III. PLANS:

N/A

REQUEST FOR COMPETITIVE SEALED PROPOSALS

IDEA Public Schools Board, in accordance of Texas Education Code Chapter 44, Subchapter B and Chapter 2269 of the Texas Government Code, has delegated to its Construction Committee of the Board the authority of the selection of procurement method, determining the evaluation/ranking criteria, ranking of respondents, selection of the respondent that will provide best value to the the District. The Board desires to delegate to the CEO/Superintendent (or her designee) the authority to negotiate a contract with the selected respondent. The Chief Executive Officer has elected to utilize the Competitive Sealed Proposal procurement process. Furthermore, The Board has delegated the authority to open proposals to the Owner's independent Project Manager or the Architect/Engineer of Record. Competitive Sealed Proposals will be received from qualified General Contractor Proposers for the entire scope of Work described below in accordance with Proposal Documents, and Addenda as may be issued, by IDEA Public Schools, until the date and time fixed for the Proposal Opening, as identified below:

OWNER: IDEA Public Schools – 2115 W Pike Blvd. Weslaco Tx 78596.

ARCHITECT: Gomez Mendez Saenz, Inc. – 1150 Paredes Line Rd., Brownsville, Texas 78521 Representative: Roan G. Gomez, AIA, (956) 546-0110 rgg@gmsarchitects.com

PROJECT & LOCATION: **IDEA Donna Building Envelope**
The project site for Idea Donna Building Envelope is located at 401 S 1st St, Donna, TX 78537. The Project consists of re-roofing, exterior metal panels and stucco repairs, sealant replacement.

PLANS AVAILABLE: March 10, 2024, from GMS ARCHITECTS (Electronically Only). For Electronic Document request email to: susana@gmsarchitects.com.

PRE-PROPOSAL CONFERENCE: Wednesday, April 17, 2024 at 8:30am at the IDEA Donna Campus.

Representatives of the Architect and Owner will be present at this meeting. All Proposers are encouraged to attend.

Any questions concerning the Project shall be forwarded to the Architect by email at rgg@gmsarchitects.com.

PROPOSAL DATE AND TIME: **Wednesday, April 24, 2024 at 3:00 p.m.** Proposals received after the time indicated will not be accepted and will be returned unopened. Bid submissions that are accepted will be read aloud immediately after the bid opening date and time.

PROPOSAL LOCATION: **Sealed proposals will be submitted on or before 3:00 PM C.S.T. on April 24, 2024 to:**
IDEA Public Schools Headquarters,
Attn: Solicitation Team,
2115 W Pike Blvd, Weslaco, TX 78596.

Remit an electronic copy of the Bid Proposal and Bid Bond to Roan G. Gomez, AIA, Architect of Record; rgg@gmsarchitects.com. Accepted bids will be read aloud on a video conference call at the link below:

[Join the meeting now](#)
Meeting ID: 222 119 618 202
Passcode: y8ZDrX

END OF DOCUMENT

DOCUMENT 002000

INSTRUCTIONS TO PROPOSERS

The IDEA Public Schools Board, in accordance of Texas Education Code Chapter 44, Subchapter B and Chapter 2269 of the Texas Government Code, has delegated to its Construction Committee of the Board, the authority of the selection of procurement method, determining the evaluation/ranking criteria, to rank respondents, and to select the respondent that will provide best value to the District. The Board desires to delegate to the CEO/Superintendent (or her designee) the authority to negotiate a contract with the selected respondent. The Board has also authorized its Project Manager or Architect to open bid submissions to be publicly read aloud at the time of opening. The following Instructions to Bidders outlines the decisions by the Chief Executive Officer.

AVAILABILITY OF PROPOSAL DOCUMENTS

- A. Proposal Documents will be available on the date and time indicated in Document 001000 - Request for Competitive Sealed Proposals.
- B. The Proposal Documents, made available by the Owner and Architect, are for the exclusive purpose of obtaining proposals for the Work indicated; availability does not confer a license or grant for any other use. The Proposal Documents remain the property of the Owner and must be returned if not used for construction purposes.
- C. Complete sets of the Proposal Documents shall be used for the preparation of proposals; partial sets will not be issued. Neither the Owner nor the Architect assumes any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Proposal Documents.
- D. Successful Proposers may retain their Proposal Documents for construction use.

1.2 WORK COVERED BY CONTRACT DOCUMENTS

Project Description: **The Project consists of roofing, plaster repair, sealant replacement, concrete flatwork.**

Project Location: Idea Donna Building Envelope is located at 401 S 1st St, Donna, TX 78537.

Owner: IDEA Public Schools, 2115 W. Pike, Weslaco, Texas 78596.

Architect: The Contract Documents were prepared for this Project by Gomez Mendez Saenz, Inc. (GMS Architects), 1150 Paredes Line Rd., Brownsville, Texas 78521 and their consultants identified on the Project Directory page of this Project Manual.

1.3 EXAMINATION OF PROPOSAL DOCUMENTS, SITE AND LOCAL CONDITIONS

- A. Proposers shall carefully examine the Proposal Documents and shall visit the site to examine the existing conditions under which the Work is to be performed. Extra payments will not be authorized for Work that could have been foreseen by careful examination of the Site.
- B. Proposers shall carefully examine the Proposal Documents to verify that they agree with the Table of Contents in the Project Manual, the Index of Sheets on the Drawings, and the Cover Page of Addenda. Proposers shall be responsible for obtaining any pages or sheets that may have been inadvertently left out during the printing process.

1.4 BIDDERS ACCESS TO PREMISES

INSTRUCTIONS TO PROPOSERS

- A. A site tour will be conducted immediately after the Pre-Proposal Conference for the purpose of acquainting bidders with the Project.

1.5 INTERPRETATION OF PROPOSAL DOCUMENTS

- A. Proposers shall promptly notify the Architect of any ambiguity, inconsistency or error that they may discover upon examination of the Proposal Documents or of the site and local conditions.
- B. Proposers requiring clarification or interpretation of the Proposal Documents shall submit written questions 48 hours before the specified time of bid.
- C. Replies will be issued to Proposers in the form of an Addendum, which will be available for purchase and on file at each location where the Proposal Documents are on file for examination.

1.6 SUBSTITUTION OF PRODUCTS, MATERIALS AND EQUIPMENT

- A. The products, materials and equipment described, indicated and specified in the Proposal Documents establish a standard of required function, dimension, appearance, and quality and have been selected as the basis of design because of their particular suitability and/or record of satisfactory performance. It is not the intent to preclude the use of other products, materials and equipment provided that it is determined to be equivalent or better by the Architect and Owner.
- B. Due to limited time available during bidding period, request for substitutions will not be evaluated by Architect until after "Notice to Proceed". For period of fifteen (15) consecutive calendar days after "Notice to Proceed", substitutions will be considered by Architect. Requests for substitution after that time will be considered or rejected at the discretion of the Architect. Refer to Section 012510 - Substitution Procedures for additional information. For gymnasium equipment and lockers – products by manufactures that meet the design standards will be accepted.

1.7 PROPOSER'S REPRESENTATIONS

- A. By submitting a Proposal, the Proposer agrees with the following provisions: failure to do so constitutes basis for disqualification from being awarded the contract for the Work:
 - 1. The Proposal Documents have been examined and the Proposal is being submitted in accordance with the indicated requirements.
 - 2. The site has been examined and the Proposer is familiar with the conditions under which the Work is to be performed and observations at the site have been correlated with the Proposal Documents.
 - 3. Work will begin immediately upon receipt of an executed contract and a notice to proceed.
 - 4. The Proposer will participate and cooperate with the Architect.
 - 5. The Proposer agrees to complete the Work within the time limits indicated (confirmation required on bid form).
 - 6. **A competent, full-time superintendent will be assigned for the duration of the Work, including completion of outstanding work required for issuance of the certificate of substantial completion.**
 - 7. If awarded the contract for the Work, the Proposer shall furnish a performance bond and a payment bond as required.
 - 8. If awarded the contract for the Work, the Proposer shall obtain and carry for the duration of the Work the insurance coverage required.
 - 9. The Proposer has included only products, materials and equipment as specified by the Proposal Documents.

1.8 CERTIFICATION OF CRIMINAL HISTORY BACKGROUND CHECKS FOR CONTRACTORS

- A. The new law is found in Texas Education Code § 22.0834, which can be accessed through www.tlo2.tlc.state.tx.us/statutes/statutes.html. This new law was created through the

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enactment of Senate Bill 9 ("SB 9") by the 80th Legislature. Senate Bill 9 can be accessed through the Texas Legislative website at www.capitol.state.tx.us and typing SB 9 into the search engine. Information regarding the fingerprinting obligations required by Senate Bill 9 can also be found on the Department of Public Safety ("DPS") website at www.txdps.state.tx.us. Much of the information can also be found in the DPS publication, *Senate Bill 9 Background Check for Education: A Reference Guide*.

- B. The contractor shall be responsible for complying with all provisions of the law. Refer to additional information provided in specification section 004150. The contractor shall include an executed "Contractor Criminal Background Certification" in the Competitive Sealed Proposal.

1.9 FELONY CONVICTION NOTIFICATION

- A. Section 44.034 of the Texas Education Code requires a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony. Subsection (b) states, "... a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for the services performed before the termination of the contract." Subsection (c) states, "... this section does not apply to a publicly held corporation."
- B. Proposer shall execute the form contained in Document 004200 - Felony Conviction Notification Form and include in the Competitive Sealed Proposal.

1.10 PROPOSAL EVALUATION WAIVER

- A. By submitting a Proposal, each Proposer, and by extension each subcontractor, supplier and vendor, agrees to waive any claim it has, or may have, against the Owner and its respective employees, the Architect and its respective employees, the Architect's Consultants and its respective employees, arising out of or in connection with the administration, evaluation, or recommendation of any Proposal; waiver of any requirements under the Proposal Documents, acceptance or rejections of any Proposal; and award of the contract.
- B. Proposer shall execute the form contained in Document 004300 - Proposal Evaluation Waiver Form, and include in the Competitive Sealed Proposal.

1.11 NON-DISCRIMINATORY EMPLOYMENT

- A. All Proposers, if awarded the contract for the Work, and subcontractors, suppliers and vendors shall agree to refrain from discrimination in terms and conditions of employment on the basis of race, color, religion, sex, or national origin, and agrees to take affirmative action as required by Federal Statutes and Rules and Regulations issued in order to maintain and insure non-discriminatory employment practices.
- B. Proposer shall execute the form contained in Document 004400 - Affidavit of Non-Discriminatory Employment Form and include it in the Competitive Sealed Proposal.

1.12 PARTICIPATION OF UNDER-UTILIZED BUSINESSES

- A. As a policy, IDEA Public Schools promotes the inclusion of under-utilized businesses as part of the construction team to provide opportunities for less-advantaged enterprises where possible and appropriate. Proposers are encouraged to submit proposed M/WBE subcontractors who will be actively engaged in the project. In addition, if the firm has a formal program involving mentoring of under-utilized subcontractors and suppliers to provide management and technical assistance, information related to the mentoring program should be provided. If the Proposer is not engaged in a formal mentoring program, then letters from under-utilized firms describing the mentoring efforts provided are encouraged and will be accepted.

1.13 SUBMISSION PROCEDURES FOR PROPOSALS

- A. A Proposal will be considered invalid if it has not been received, regardless of how sent, at the designated location prior to the designated time fixed for the Proposal Opening, or prior to any extension issued by Addenda. Proposals received in this manner will be returned to the Proposer unopened.
- B. If a Proposal Form is sent by U.S. Mail, it must be sent as Registered Mail. Proposals received by facsimile machine will be rejected.
- C. Proposals shall be made on unaltered forms furnished within the Proposal Documents. All blank spaces shall be properly filled in by typewriter or manually in black or blue ink. The signer of the Proposal must initial any alteration or erasure to information entered in the blank spaces. Oral, telephonic or personal proposals will not be considered.
- D. Proposal Forms submitted in paper copy shall be placed in an opaque envelope with the following information on the outside front and sealed:

(Name of General Contractor Proposer)
IDEA Public Schools – IDEA Donna Building Envelope
2115 W. Pike Blvd.
Weslaco, Texas 78596
 Attention: Purchasing Department

E. Proposers are requested to submit the following documents to:

IDEA Public Schools
2115 W. Pike Blvd.
Weslaco, Texas 78596

- **One (1) Hard Copy containing the completed Bid Proposal Form along with the Bid Bond. Label the file: “Bid Proposal – Bid Bond – Name of Contractor”.**
- **One (1) PDF file containing the proposer’s complete submission to be evaluated and ranked. Refer to Section F below for forms required.**

F. The Competitive Sealed Proposal shall contain the following fully executed documents:

1. Proposal:

- a. Document 004100 - Proposal Form, signed in longhand below the typed name of the person authorized to bind the Proposer to a contract. Where the Proposer is a corporation, the Proposal must be signed with the legal name of the corporation followed by the name of the State of Incorporation and the legal signature of a person authorized to bind the corporation to a contract.
- b. Document 004200 - Felony Conviction Notification Form
- c. Document 004300 - Proposal Evaluation Waiver Form
- d. Document 004400 - Affidavit of Non-Discriminatory Employment Form

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- e. Document 004500 – Conflict of Interest Questionnaire
 - f. Document 006100 - Bid Bond
 - g. Information required in Section 1.15 below.
 - h. Proposed subcontractor list (within 24 hours after bid time and date).
 - i. AIA 305 Qualifications Statement
- G. The Owner reserves the right to reject any Proposal if the evidence submitted by, or investigations of, such Proposer fails to satisfy the Owner that such Proposer is properly qualified to carry out the obligations of the contract and to complete the Work therein.
- H. Failure to submit a Proposal in the form requested, or the inclusion of stipulations, conditions, qualifications, limitations, or provisions distorting the intent of the Proposal Documents, will render the Proposal irregular and subject to rejection.
- I. A Proposal may be withdrawn only upon written request by the Proposer provided it is received by the Owner at the place fixed for the Proposal Opening at least 48 hours prior to the time fixed for the Proposal Opening. The withdrawal of a Proposal does not prejudice the right of the Proposer to submit a new Proposal at the time and place fixed for the Proposal Opening. Proposals may not be withdrawn for a period of five (5) calendar days after the time fixed for the Proposal Opening.
- J. Proposals shall be valid for sixty (60) calendar days from the date and time of opening. By signing this proposal, the Proposer certifies and represents to the Owner that the Proposer has not offered, conferred, or agreed to confer any pecuniary benefit or other thing of value for the receipt of special treatment, advantage, information, recipient's decision, opinion, recommendation, vote or any other exercise of discretion concerning this proposal. The Proposer further certifies that the Proposer is not prohibited from doing business with any Federal or State Department or Agency and that to the best of their knowledge no company employee, either full or part time, owner, official, stockholder, subcontractor, or member of their immediate family, are related to a member of the Board of Trustees in violation of the Nepotism Prohibition of the State of Texas Government Code (Chapter 573 Gov. Code). Venue for any litigation arising from this contract shall lie in the County where the project is located.
- K. The drawings and specifications set forth for this proposal are not intended to be restrictive. The intent of this proposal is to obtain the best construction project at the most economical price available. The specifications are established to ensure that the Owner remains within the bounds of the rules and regulations that govern its operation and to protect the taxpayer's investment in this entity.
- 1.14 BID BOND
- A. A Proposal will only be considered if accompanied by an executed Bid Bond per Document 006100, in the amount of not less than 5 percent of the greatest amount proposed (considering alternates, if any).
- B. Proposer shall execute the Bid Bond form referenced in Document 006100 - Bond Forms and include in the Competitive Sealed Proposal.
- C. The Bid Bond shall ensure the execution of the contract and the furnishing of an acceptable performance bond and payment bond by the Successful Proposer within five (5) calendar days after Notification of Award. The Proposal of the Successful Proposer may not be withdrawn within 5 calendar days after the time fixed for the Proposal Opening without the written consent of the Owner.
- D. Should the successful Proposer refuse to enter into such contract or fail to furnish the required bonds, the amount of the Bid Bond shall be forfeited to the Owner as liquidated damages, not as a penalty.

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- E. The attorney-in-fact who executes the bond on behalf of the surety shall affix to the bond a certified and current copy of the power of attorney.
- F. The Owner reserves the right to retain the Bid Bond of Proposers to which an award is being considered until either the contract has been executed and bonds have been furnished, or the specified time has elapsed so that Proposals may be withdrawn, or all Proposals have been rejected.

1.15 DETERMINATION OF SUCCESSFUL PROPOSER

A. SUBCONTRACTOR INFORMATION

- B. Upon request from the Owner, within five (5) calendar days the Successful Proposer shall furnish a statement of costs for each major portion of the Work included in the Proposal. Each section of the specifications shall be considered a major portion of the Work and shall be shown as a separate cost item.

1.16 AWARD OF CONTRACT

- A. After the time fixed for the Proposal Opening, at the discretion of the Owner, the Proposer determined to be the Successful Proposer will be promptly notified that the Owner intends to enter into a contract for the Work.
- B. If any of the following occurs related to the Successful Proposer, the Owner has the right to award the contract for the Work to another Proposer, or Proposer's, or may call for the submission of new Proposals:
 - 1. The Proposer withdraws the Proposer's Proposal within five (5) calendar days after the time fixed for the Proposal Opening.
 - 2. The Proposer fails or refuses to execute the contract, or other required forms within 5 calendar days after they have been presented for execution.
 - 3. The Proposer fails or refuses to furnish a properly executed performance bond, a properly executed payment bond, and a certificate of insurance within five (5) calendar days of the request.

1.17 NOTICE TO PROCEED

- A. The Successful Proposer / General Contractor shall not commence the Work under this contract until the contract has been duly executed by both parties, and a written Notice to Proceed has been issued by the Owner.

B. FUNDING/NOTICE TO PROCEED TO COMMENCE WORK

- 1. Notice regarding construction project financing: This project is a "public project" for purposes of Tx. Bus. Comm. Code chapter 56. Unlike a traditional school district where a bond election must be held and approved before major construction projects are undertaken charter schools such as IDEA are authorized to use interim financing, traditional bank financing and to issue tax exempt bonds that do not require an election. IDEA typically uses a combination of the above, and proceeds with construction using an available line of credit before issuing bonds to finance the completed project. Responding bidders and the selected contractor acknowledge the financing plan of the Owner and agree that they will comply with IDEA's notice to proceed and commence construction when and as directed, in order to meet IDEA's construction timelines. The following information is provided to the selected contractor and shall be provided by each contractor in writing to each subcontractor in accordance with Bus. Comm. Code 56.054(e):

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Owner/Obligor: IDEA Public Schools, 2115 W. Pike, Weslaco, Texas 78596

Surety: [INSERT NAME ADDRESS OF SURETY ON PAYMENT BOND]

Statement: IDEA is the primary obligor and provides the following statement: "funds are available and have been authorized for the full contract amount for the construction of the improvements"

1.18 WORK UNDER OTHER CONTRACTS

- A. Simultaneous Separate Contracts: Owner will award separate contracts for performance of certain construction operations at Project site. Those operations may be conducted simultaneously with work under this Contract. The separate contracts **excluded** from this contract will include the following:
 - B. contractors so work on those contracts may be carried out smoothly, without interfering with or delaying work under this Contract.

1.19 WORK SCHEDULE AND COMPLETION TIME

- A. A Notice to Proceed (NTP) will be issued on or about **May 15, 2024** for the full building permit.
- B. The project shall have Substantial Completion shall not be later than **November 11, 2024 (180 days from Issuance of NTP)**. Final completion shall be 60 days after Substantial Completion.
- C. **Contractor Work schedule shall include the weather days listed in Section 15 of the Supplementary General Conditions**

1.20 WORK RESTRICTIONS

- A. Reference section 011400 for work restrictions.

1.21 PERFORMANCE BOND AND PAYMENT BOND AND RETAINAGE AMOUNT

- A. Each Proposer shall include in the Proposal the cost for a performance bond and a payment bond, each in the amount of 100 percent of greatest amount proposed (considering alternates, if any). The retainage amount will be 5% of the Contract amount.
- B. These bonds shall cover the faithful performance of the contract and payment of all obligations arising thereunder in such form as the Owner may prescribe. The bonding companies must be acceptable to the Owner.

END OF DOCUMENT