## SOLICITATION/RFP INFORMATION REQUIREMENTS

**REQUEST FOR CONSTRUCTION MANAGEMENT AT RISK**

**PROPOSALS TWO STEP PROCESS**

**FOR**

**DENISON ISD 2019 BOND PROGRAM PROJECTS**

## FOR THE

**DENISON INDEPENDENT SCHOOL DISTRICT**

**DENISON, TEXAS**

**STEP I**

**Corgan Associates, Inc.**

**401 North Houston**

**Dallas, Texas 75202**

**November 21, 2019**

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**Step I**

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The Construction Manager at Risk contract is intended to be the AIA A133 and AIA A201 with TASB Amendments.

Contract will be negotiated with the successful firm.

## NOTICE OF REQUEST FOR PROPOSALS CONSTRUCTION MANAGER-AT-RISK

Sealed Proposals for Construction Manager-at-Risk for the construction of 2019 bond program project to include Mayes Elementary School and Hyde Park Elementary School for the Denison Independent School District will be received at the Denison ISD Administration Building, Attention: Randy Reid, 1201 Rusk, Denison, Texas, until 10:00 am (Local Time), **Tuesday, December 17, 2019**. Proposals received by hand delivery or mail after that time will be returned unopened.

A pre-proposal conference will be held at the Denison ISD Administration Building on **Tuesday, December 3rd** at 2:00 PM. Attendance is not mandatory but is encouraged by all proposers.

No proposer shall withdraw a proposal within forty five (45) days after the actual date of opening thereof.

The Owner reserves the right to waive any informality or to reject any or all proposals.

The Request for Proposals will be released on 2:00 pm (Local Time) November 21st, 2019, from Corgan, 401 N Houston, Dallas, TX. Contact Keith Cummins for further information. [keith.cummins@corgan.com](mailto:keith.cummins@corgan.com)

## REQUEST FOR CONSTRUCTION MANAGEMENT AT RISK PROPOSALS

Pursuant to the provisions of the Texas Education Code Section 44.031 and Government Code 2269.251, it is the intention of the Denison Independent School District to select a Construction Management at Risk (CMR) for the construction of AISD 2019 Bond program Projects. The method to be used to select the CMR is the two-step process as detailed in section 2269.253 of the Government Code. The first step is qualifications. The second step is a cost proposal. The selected CMR is to assist the District and its Architect with construction of the above-mentioned projects as a CMR. The attached materials describe the scope and schedule for the projects as currently defined.

Proposals are to include the information requested in the sequence and format prescribed. In addition to and separate from the requested information, organizations submitting may provide supplementary materials further describing their capabilities and experience.

Sealed Proposals (two hard copies and one digital copy in .pdf format) are to be submitted to the Denison Independent School District to the attention of Randy Reid, Assistant Superintendent, Denison ISD Administration Building, 1201 Rusk, Denison, Texas 75020, no later than 10:00 am (CST), **Tuesday, December 17, 2019.**

A panel consisting of district personnel and representatives of the architectural firm will review all step one proposals. The evaluation committee will evaluate and rank each proposal submitted in relation to the evaluation criteria set forth in the Request for Proposals for Construction Manager at Risk. Upon review and ranking of the proposals, the district will create a short list of no fewer than two or more than 4 firms to continue to step two. Firms invited to participate in step two will be notified by the end of day **5:00 PM January 03, 2020**. Step two proposals will be due **Friday, January 10, 2020**. The district evaluation committee will contact the proposers who will be asked to interview.

Interviews will be conducted on January 14 thru 17, 2020. The committee will recommend the CMR they feel provides the best opportunity for the project to be successful.

The District’s Board of Trustees will consider the selection of a Construction Manager at Risk for the project at a called Board Meeting to be held on **Tuesday, January 21, 2020.**

Inquiries about the project and Request for Proposals should be addressed to: Keith Cummins, Corgan Associates, Inc., 401 N Houston, Dallas, TX 75202, [keith.cummins@corgan.com](mailto:keith.cummins@corgan.com) .

## SCOPE OF SERVICES/CONTRACT

**Contract Form and Scope of Services**

The Owner will contract directly with a Construction Manager at Risk (CMR) for performing construction management for the project. The CMR will then conduct the subcontractor selection/bidding and contract with all other subcontractors required for the work. The Owner reserves the right to contract separately with other suppliers, vendors and contracts as he deems in the best interest of their project.

The CMR will be reimbursed for the cost of the Work plus a Fee. For purposes of this proposal, terms of the contract will be the AIA Document A133-2009 with the AIA-201-2007 General Conditions of the Contract for Construction and TASB Amendments to the contract language. All contracts should be read carefully for district requirements. Candidates should identify in their proposal any exceptions taken or additions/modifications requested that are considered by the Construction Manager to be mandatory as conditions of their proposal. Objections to the contract type or format not included within the proposal submission will result in immediate disqualification of proposal.

The CMR will participate in pre-construction services by preparing construction cost estimates and construction phasing scheduling assistance as identified in the Pre -Construction Services section below.

The CMR competitively bids and enters into subcontracts for all portions of the work, with the exception of work specifically approved by the Owner when appropriate to schedule or logistics. Any potential self-performed work will still be competitively bid by the CMR when reasonable and possible. All subcontract bids are reviewed and approved by the Owner prior to award. Bidding shall be to at least three subcontractors for each trade, unless circumstances preclude or are not appropriate to the project.

The CMR will be required to coordinate with any other contracts the owner may issue directly such as access controls, CCTV cameras, ACM abatement, etc.

Payment and performance bonds will be required of the CMR. The Owner will make all construction payments directly to the CMR for their distribution of payments to subcontractors and suppliers as appropriate.

The Owner may elect to procure certain materials/equipment directly, with coordination and scheduling support from the CMR. The equipment would then be assigned to the CMR for their full acceptance of responsibilities for coordination and installation. A specific fee for this approach is requested, should the Owner elect to do so for any materials/equipment.

The Owner has business impact and related costs for late completion. Failure to complete the project within the Contract time will result in damages being sustained by the Owner. Such damages are, and will continue to be, impracticable and extremely difficult to determine. Should the Construction Manager fail to achieve Substantial Completion of the project within the allotted time, Construction Manager agrees to pay Owner, as the owner’s remedy for delay, the sum of $1,500 per calendar day. Execution of the contract under these specifications shall constitute agreement by Owner and Construction Manager that the amounts stated in this paragraph are the minimum value of the costs and actual damages caused by failure of the Construction Manager to substantially complete the work within the allotted time, that such sums are liquidated damages and shall not be construed as a penalty, and that such sums may be deducted from payments due the Construction Manager if such delay occurs.

## Audits

The owner will retain the right to audit the accounting records of the projects upon demand for up to 3 years after the final completion of the work. The accounting method must clearly show the breakdown of the following as a minimum:

Unit and materials costs Specific wage rates for all trades

Premium time mark ups for all trades, if any Contractor’s Fee

Materials mark-up Subcontractors’ mark-up Insurance and bond costs Equipment and tool rental costs

Audits will occur at regular or irregular intervals. CMR must be able to provide documentation required upon request within 24 hours during the duration of the project. Audits will use the pricing information provided at bidding as the basis for verification of costs at each audit.

## Subcontractor Bidding Phase

Sealed bids shall be received and opened by the Owner and the CMR at a location to be determined by the Owner. CMR shall comply with Government Code 2269.255, including the following:

1. A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions.
2. A construction manager-at-risk may seek to perform portions of the work itself if:
   1. the construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and
   2. the governmental entity determines that the construction manager-at-risk's bid or proposal provides the best value for the governmental entity.

And Government Code 2269.256, including the following:

1. The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or governmental entity. All bids or proposals shall be made available to the governmental entity on request and to the public after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals.

## Background check / Felony Conviction Notification

AGREEMENT/BID PACKAGE BETWEEN SCHOOL DISTRICT AND

CONSTRUCTION MANAGER - (Note: The requirements for Felony Conviction Notification and Drug Testing will only be required for personnel who enter the job site and construction site **AFTER** the building has achieved Substantial Completion and during the close out and Warranty period of the project. No one will be allowed on the project site after Substantial Completion without complying with the regulations as stated below.)

* + Criminal History Background Checks and Drug Testing

Construction Manager, all Subcontractors and all Sub-subcontractors shall ensure that any person assigned to perform work at any District location under the Contract meets the following criterion:

* + - No records in the Texas DPS Sex Offender Registration database.
    - No felony convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for crimes involving sex, violence or any other offense against or injury to a child.
    - No felony convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for the past seven (7) years, except for crimes involving sex, violence or any other offense against a child for which there is no time limit.
    - No misdemeanor convictions, open deferred adjudications or

pending criminal trials in jurisdictions checked for crimes involving sex or any other offense against a child.

* + - No misdemeanor convictions, open deferred adjudications or pending criminal trials in jurisdictions checked for the past seven (7) years for crimes involving violence.
    - No positive drug test results. Drug test shall consist of a five-panel screen for drugs of abuse. Substances and cut-off levels shall be consistent with Department of Transportation requirements. All positive results shall be laboratory confirmed and independently verified by a Medical Review Officer (MRO).

Construction Manager shall perform and shall require, as a condition of contracting, all Subcontractors and Sub-subcontractors to perform criminal history background checks and drug testing on any person who is assigned to perform any work at any District location under the Contract and shall promptly produce to Owner the results of such background checks and drug testing upon request. Any person noticeably under the influence of drugs or other, that a drug test will be demanded.

A photo identification badge shall be issued to those persons meeting the screening criterion described above. Any person who is assigned to perform any work at any District location under the Contract shall be required to wear their identification badge while on-site.

To facilitate this requirement and for ease of record keeping and uniformity of required project badges, Owner has arranged for this background screening and drug testing to be coordinated through FC Background, LLC, Melanie Laird, (972) 404- 4479. Subcontractor shall coordinate screening and testing of their employees prior to mobilizing the project. The estimated cost is $53 per person per twelve-month period. The cost for this background screening and drug testing shall be included within the bidder’s bid proposal.

**Pre Construction Services** are included and are to be separated from the Base Fee. Services will include:

Schedule

Provide a detailed schedule of the work to detail how the project will be executed

and completed as per the owners’ time lines.

Budgeting / Cost Estimating

Cost estimating and the development of construction cost should occur similar to the process below:

Owner and Architect will establish construction budget.

CMR provides a cost estimate during the design development phase.

CMR provides one detailed estimate at the completion of 60% construction documents.

CMR updates the detailed estimate at the completion of 90% construction documents.

CMR will be required to attend bi weekly coordination related meetings with the owner and architect.

Once contract documents are issued, they are hard bid to suppliers and subcontractors as appropriate and a FGMP (Final Guaranteed Maximum Price) is established.

The contract amount is amended to include the FGMP.

Continue to monitor and maintain the construction portion of the project budget. Provide substantially detailed estimates as an evaluative tool in the selection of subcontractors.

Provide cost saving analysis for systems and configurations. Evaluate quality, initial costs, maintenance and appropriateness.

Develop and report with a comprehensive Constructability Report based upon the project type, schedule and construction documents presented prior to final completion of the construction documents.

Develop, monitor and maintain project schedule.

Assess the availability of all building components in regard to the project schedule.

Coordinate the bidding and issue of all pre-purchase order for long lead items, if required.

Make recommendations and provide references for manufacturers, suppliers and other subcontracts considered during design.

## PROPOSAL RESPONSE GUIDELINES

***Respondents’ response to this Request for Proposal shall include:***

* ***AIA Document A305, Contractor Qualification Statement***
* **Questionnaire**
* ***Project Related Experience List*** including relevant recent completed project work in K-12 education facilities including dates, sizes of contracts and references for the same.
* ***Resumes and Reference for Key Personnel*** proposed for this project. Resumes of key personnel must show educational experience in projects of similar size, complexity and related challenges. Provide references, which can substantiate their completed experience and background. Note on response how much time each person will be dedicated to the project and how much of their time will be spent onsite.
* ***Project Scheduling.*** Detailed example of level of scheduling quality to be expected on the project by submission of a schedule for another educational project with similar scheduling complexity.
* ***Certificate of Insurance and Indemnification.*** A Certificate of Insurance must accompany all proposals on an ACORD form itemizing the Contractors normal coverage at the time of the proposal. Additional insurance coverage available to the Owner without increase in cost (due to normal coverages carried by the company) will be considered of benefit to the Owner. Please show available excess or umbrella coverages on the insurance certificate, should such coverages be in place. Property insurance (Builder’s Risk) will be provided and paid for by the CMR.
* ***Disqualification of Proposals.*** The Owner reserves the right to disqualify any proposal without cause. By submission of a proposal, proposers waive any rights to make claim against the Owner, his employee, agents and consultants related in any way to the submission of the proposal for the Owner’s disqualification of it as a result.
* ***Aesthetics of Proposal.*** Aesthetics of the proposal will play no part in the award of a contract for the work. Clarity and completeness are requested.
* ***Modifications.*** No modification to this RFP or the resulting proposal will be considered bona fide unless in writing. Any oral modification must be followed in writing.
* ***Life of Proposal.*** No proposals may be withdrawn for a period of forty five (45) calendar days after the submission date.
* ***Fees and General Conditions.* Do not submit any costs associated with fees or general conditions with this proposal.** Fees and GCs will be requested only from those firms invited to participate in step two.

## EVALUATION CRITERIA

The selection process is not just fee based, but weighted heavily on other important issues critical to the success of the project. Following is the selection criteria used to rank the proposals:

|  |  |
| --- | --- |
| **FINANCIAL** | |
| Financial Strength – Ability to bond the project. | 5 points |
| **EXPERIENCE OF COMPANY** | |
| What is the respondent's litigation record? | 5 points |
| Is the respondent experienced in the North Texas construction market? | 5 points |
| Has the respondent constructed educational projects of similar size and complexity? | 5 points |
| Does the respondent have prior experience with Denison ISD and if so were projects completed on budget and in allotted time? | 15 points |
| **EXPERIENCE AS CM@R (References)** | |
| Does the respondent will work effectively in a team environment with the Owner and Architect during the preconstruction, bidding and construction phases of the project? | 5 points |
| What was the quality of the cost estimates provided by the respondent? | 5 points |
| Did the respondent manage the project changes and modifications appropriately and timely? | 5 points |
| How well did the respondent manage the schedule and execute an action plan to complete the project in the allotted time? | 5 points |
| **PERSONNEL** | |
| Does the team of personnel proposed including the Project Superintendent and Project Manager have previous experience with an elementary school addition and renovation of an occupied campus? | 15 points |
| **INTERVIEWS** | |
| Interview (if applicable) | 30 points |

## PROPOSAL/SELECTION SCHEDULE

Proposals are due to be received not later than 10:00 am on **Tuesday, December 17, 2019**. The evaluation committee will create a short list of firms to participate in step II. Those firms will be notified by **January 03, 2020** and sent a copy of the Step II request for fees. Fees and general conditions are due to be received no later than 10:00 am on **Monday, November 12, 2018.** Firms will be notified by **Friday, January 10, 2020** on interview times. Interviews will be conducted on January 14 thru 17, 2020 to review proposals, strategies and proposed staff. At the **Tuesday, January 21, 2020** called Denison ISD Board of Trustees meeting, the board will act on a recommendation of the district evaluation committee for a selection of a CMR.

Each Candidate CMR should submit three (2) hard copies and one (1) digital copy of proposals to arrive on or before the date/time identified above.

## INTERVIEWS

Proposals will be taken and reviewed immediately upon receipt. It is anticipated a short list of up to five (5) Construction Managers might be interviewed, but the Owner reserves the right not to conducts any interviews and base the selection strictly on the proposals submitted or to eliminate any Construction Manager(s) from the selection as late as the day prior to any potential interview if the Owner determines the proposal is insufficiently responsive to merit further consideration.

Interviews, if conducted, will be up to 30- 45 minutes including 20-25 minutes for the Construction Managers presentation and the remaining time for questions and discussions. As to the project team, the project manager, superintendent, and lead estimator should be in attendance, at a minimum. The chemistry of the proposed team with DISD staff and architect is vital to the selection. The contractor’s focus on the interview should be specific to this project and the owner’s concerns, including:

1. What has the Construction Manager done recently that is similar in size and scope?
2. What is the experience of the individuals proposed?
3. What are the Construction Mangers thoughts on project phasing, schedule and initial budget?
4. What will the team do to assure that subcontractors are brought on board that have experience in this type of work and have completed similar educational projects?
5. What unique leverages/ advantages do you offer to the project?
6. How will local subcontractors be assured to get the opportunity to propose on this work?

## FOLLOW UP QUESTIONS AND INFORMATION

All questions regarding this RFP may be made by telephone, fax or email to: Keith Cummins

Corgan Associates, Inc. Phone: 214-748-2000

Email: [keith.cummins@corgan.com](mailto:keith.cummins@corgan.com)

In the interest of efficiency and continuity, one contact from each candidate CMR should be responsible to coordinate and make any direct telephone communications with Corgan Associates, Inc. During the proposal process **no contact** should be made with DISD upper administration or

the Denison ISD Board of Trustees, Superintendent of Schools or Deputy. All contact should be with the Architect listed above. **Any contact with DISD regarding this RFP during the proposal process will result in immediate disqualification of the offending firm**.

## SUMMARY

On behalf of Denison ISD and Corgan Associates, Inc. we want to thank you for your interest in this project. It is an exciting and challenging project, and we are looking to continue to build a great team with the selection of the Construction Manager at Risk.

## REQUEST FOR COMPETITIVE SEALED PROPOSALS-QUESTIONNAIRE

Please provide the following information in the sequence and format prescribed by this questionnaire. Supplemental materials providing additional information may be attached, but the information requested below is to be provided in this format.

1. Firm Information Name of firm:

Address of principal office: Phone, Fax:

Form of Business Organization (Corporation, Partnership, Individual, Joint Venture, other?): Year Founded:

Primary Individual to Contact:

1. Organization
   1. How many years has your organization been in business as a CMR/Contractor?
   2. How many years has your organization been in business under its present name? Under what other or former names has your organization operated?
   3. If your organization is a corporation, answer the following: Date of incorporation, State of incorporation, President’s name, Vice-President’s name(s), Secretary’s name, Treasurer’s name.
   4. If your organization is a partnership, answer the following: Date of organization, type of partnership (if applicable), and names of general partner(s).
2. Experience
   1. List the categories of work that your organization normally performs with its own forces.
   2. List any subcontractors in which your organization has some ownership and list the categories of work those subcontractors normally perform.
   3. Claims and suits (If the answer to any of the questions below is yes, please attach details).
      1. Has your organization ever failed to complete any work awarded to it?
      2. Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?
      3. Has your organization filed any law suits or requested arbitration with regards to construction contracts within the last five years?
   4. Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)
   5. List the major construction projects your company currently has in progress. Give the name, location, owner, architect, contract amount, percent complete and scheduled completion date.
   6. List major projects constructed by your company over the last 5 years. Give the name, location, owner, architect, size of project in S.F., final construction cost, completion date and method of award.
   7. List any prior experience your company has with Denison ISD.
3. Financial Information:
   1. Attach a financial statement, preferably audited, including your organization’s latest balance sheet and income statement showing the following items:
      * Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and pre-paid expenses).
      * Net Fixed Assets
      * Other Assets
      * Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes).
      * Other Liabilities (e.g., capital stock, authorized and outstanding shares par value, earned surplus and retained earnings).
   2. Name and address of firm preparing attached financial statement and date thereof.
   3. Is the attached financial statement for the identical organization named under Item 1 above? If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g. parent-subsidiary).
   4. Will the organization whose financial statement is attached act as guarantor of the contract for construction?
   5. Provide name, address and phone number for bank reference.
   6. Surety: Name of bonding company, name and address of agent. Provide letter from surety stating current bonding capacity.
4. Experience with and concepts for work as a Construction Manager at Risk
   1. Describe your organization’s concepts for working in a team relationship with the Owner and Architect during the design and construction of major projects.

Describe your organization’s methods for estimating costs, and for scheduling during the design/documents phases. Which (one or more) of those projects listed above best exemplify these concepts and experience?

* 1. Cost Estimates

Attach a sample conceptual cost estimate prepared during the design phase of an educational project, and a sample of the final cost estimate/breakdown used to fix the contract amount for the construction of the same project. (The identify of the project may be concealed. The intent is to see the nature and format of the cost information provided).

## Fees, General Conditions

**Do not submit any fees or general condition costs with this proposal. These will be solicited with Step II.**

* 1. Savings

Describe your organization’s concept for the disposition of savings realized during construction. Is the full amount returned to the owner?

* 1. Contingencies

Describe your organization’s concept for cost contingencies during design? During construction? What is your organization’s concept for the disposition of contingency funds after the completion of the project?

* 1. Cost Information

Does your firm make all cost information during design and construction available to owner, architect?

* 1. Subcontractor bond requirements

Is it your intent or a requirement of your company or surety to bond or insure any subcontractors for these projects? If yes, please explain. If Subcontractor Default Insurance is proposed in lieu of subcontractor performance and payment bonds, clearly describe this program as utilized by your company including how costs are determined and billed to the Owner.

* 1. Schedule

Describe your strategies to ensure it is completed within the allotted time.

1. Personnel

Given the scope and schedule of the project, identify the specific Project Manager, Estimator, and Superintendent who would work on the project. Provide a resume for each individual.

1. Owner/Contractor Agreement

We propose to base the Owner/Construction Manager Agreement on the AIA Document A133-2009 with the AIA-201-2007 General Conditions of the Contract for Construction and TASB Amendments to the contract language. The contracts will be included in the Step II packet.

1. References

For six (6) of your firms most recently completed educational projects of similar size, scope and construction time line, identify a representative of the owner and a representative of the architect (provide name, phone/fax numbers) whom we could contact as references re: your organization’s services. Ideally all of the references should be for educational projects of comparable scopes and cost.

## Project Description

**DENISON ISD 2019 BOND PROGRAM PROJECTS INTRODUCTION/PROJECT DESCRIPTIONS**

**Architect:**

Corgan

401 N. Houston

Dallas, Texas 75202

## Scope of Work:

The projects included in the scope of work include Mayes Elementary School and Hyde Park Elementary School.

2019 Bond Projects included:

**Mayes Elementary School** – Additions include a new Cafeteria and Kitchen, (5) new classrooms in the existing courtyard and new administration office space. A portion of the new scope will be designed as a storm shelter.

The renovations include (5) new classrooms in the existing cafeteria/kitchen space, roofing repairs and connections, and new EMS for the entire building.

Site improvements include new parking spaces, new bus and parent drives, a loading area for the new kitchen and miscellaneous landscape improvements.

The addition is approximately 22,000 square feet.

Construction Budget: $10,600,000.

**Hyde Park Elementary School** – Additions include a new Cafeteria and Kitchen, (6) new classrooms, a new media space and a new courtyard area. A portion of the new scope will be designed as a storm shelter.

The renovations include (4) new classrooms in the existing cafeteria/kitchen space, roofing repairs and connections, and new EMS for the entire building.

Site improvements include new parking spaces, new bus and parent drives, a loading area for the new kitchen and miscellaneous landscape improvements.

The additions and renovations are approximately 23,000 square feet.

Construction Budget: $10,250,000.

Proposed Schedule: Phase II of Denison High School

CM selected by DISD school board January 21, 2020

Preconstruction Services begin January 22, 2020

Issue documents for subcontractor bids: Site Package March 17, 2020

Issue documents for subcontractor bids: Building Package May 14, 2020

Substantial Completion: May 24, 2021

Final Completion: June 24, 2021