

YELLOWSTONE COUNTY

**REQUEST FOR QUALIFICATION/REQUEST FOR PROPOSALS FOR
GENERAL CONTRACTOR/CONSTRUCTION MANAGER SERVICES FOR
ALTERNATIVE PROJECT DELIVERY FOR THE
YELLOWSTONE COUNTY COURTHOUSE RENOVATION**

September 2025

The Commissioners of Yellowstone County, Montana approved funding for the design and construction renovation of the Yellowstone County Courthouse facility. The Commissioners of Yellowstone County, Montana, (the “County”), require the services of a competent General Contractor/Construction Manager(s) (GC/CM), normally engaged in this profession and duly registered as a Construction Contractor in the State of Montana, to provide GC/CM services as an alternative delivery process.

TIMELINE FOR REVIEW AND SELECTION AS FOLLOWS:

Advertising dates:	September 12 th , 19 th , 26 th 2025
Submission of firms Qualification’s due:	September 29 th , 2025 3:00PM MST
Review by the County:	October 6 th , 2025
Interviews:	Tentatively scheduled for week of October 6 th
Selection and Negotiation:	TBD
Award:	TBD

REQUEST FOR QUALIFICATIONS

SELECTION PROCEDURE

This RFQ is the first of a multi-part selection process. In order to qualify for further consideration, Proposers must comply with the mandatory requirements provided below. Statements of Qualifications that do not contain the required documentation will be deemed nonresponsive to this RFQ requirement and will be rejected on that basis. Only firms that satisfy the required qualifications as determined by the County selection committee will be able to propose further by having their RFP opened and reviewed by the County. To be eligible and have their proposal reviewed by the County, Proposers must meet certain minimum Qualification Conditions.

The County has identified the following pass/fail Qualification Conditions in order to establish eligibility (qualified) to advance further as part of this RFQ. The scoring questions that follow these Qualification Conditions, will establish the qualified firms to advance to RFP review by the committee.

Qualification Conditions (pass/fail)

1. General Contractor/Construction Manager Firm Information:
 - a. Proposer must demonstrate successful experience and capacity to act as a GC/CM on projects of similar size, type and complexity. Specifically, the County will be looking for successful experience renovating existing courthouse facilities within an occupied building.

b. Firm Background: Describe your firm's history. Include information identifying the firm's annual volume of business, financial/bonding capacities, and speak to the firm's stability in the marketplace. Information identifying the firm's specific capabilities that may be appropriate to this Project will assist in the evaluation.

c. Provide complete information on your bonding company and agent.

i. Provide contact name, phone and email information for this project.

ii. If less than 5 years, or not your exclusive surety source, list others used in the last 5 years

d. In the last five (5) years, have you (for each "yes" response provide an explanation):

i. had a settled or pending claim against your payment or performance bond?

ii. had a contract terminated for default on a project?

iii. been assessed liquidated damages for late delivery of a project?

iv. taken legal action or dispute resolution proceedings against an Owner other than for an Owner's failure to pay?

2. Bonding Capacity:

Provide proof of bonding capacity. The Proposer must be capable of providing a 100% performance bond and 100% payment bond for a project valued up to \$11 million in construction costs, as documented by a letter or binder from the Surety.

3. Construction Contractor Registration:

Proposer must include evidence of valid current Montana construction contractor registration submitted with the RFQ response.

4. Safety

a) Provide the Firm's experience modification rating (EMR) A experience modification rating (EMR) greater than 1.0 may be evaluated as a high a risk for further RFQ evaluation by the County.

b) Provide your firm's number of employees for BLS's most recent reporting period and your firm's applicable NAICS code.

c) Proposer may submit an explanation for and EMR greater than 1.0 for further consideration by the County. The County reserves the sole right to waive the pass/fail requirement if, in the County's sole judgment, sufficient justification exists for any explanation provided. The Owner also reserves the right to request additional information and/or clarification on this item but is not obligated to do so prior to making its determination on whether or not to waive the requirement.

Firms that meet the aforementioned pass/fail requirements will be further evaluated by the County selection committee, to determine reasonableness of meeting the following minimum qualification standards specific to this type of project.

1. Specific Project Requirements:

- a. Proposer should provide evidence of successful experience and capacity to act as a GC/CM on similar projects (i.e. alternative delivery methodology, pre-construction services, phased construction and critical timelines), and on courthouse facilities. Provide a list of courthouses currently under construction, or completed, in the last five years, including size and cost. Provide all pertinent contact information for the agencies and designers familiar with your work on each project.
- b. Proposers' project manager and superintendent should demonstrate that they have successfully completed projects of this type.
- c. Proposers should provide evidence of their success in maintaining project schedules for projects specific to occupied public facilities.
- d. Proposers should provide their current and projected workload, specifically projects under construction and projects under contract.
- e. Proposers should provide a general description of their experience in the preparation and execution of a Subcontracting Plan as pertains to public bidding requirements.
- f. Proposers should provide evidence and knowledge of common cost estimating practices, and ability to maintain established budgets for projects of similar size and scope.

In addition to the above, responders are asked to provide the following:

1. Cover letter / Statement of interest;
2. List the firm's name and complete address. List both street and mailing address;
3. Provide the address of the specific office which will have responsibility for performing the work;
4. Provide résumé's of proposed staff and relevant experience.

SUBMITTAL OF INFORMATION:

Five (5) hard copies and 1 electronic copy of the written response to this RFQ and RFP must follow submittal instructions, must be placed in a separate sealed package, clearly marked RFQ and RFP, and be received at:

Board of County Commissioners
316 North 26th Street
Stillwater Building 3rd Floor
Room 3101
Billings, MT 59107.

To be considered for this Work, all RFQ/RFP's must be received, and date stamped no later than **September 29th, 2025** @ 3:00PM MST at the above address. Late submittals will not be considered.

NOTE: CAREFULLY READ SUBMITTAL INSTRUCTIONS. The separate sealed RFQ and RFP responses will be placed together in a single sealed package.

All questions and contact regarding this RFQ/RFP must be submitted in writing (Email/facsimile is acceptable) to:

Purchasing Department
Yellowstone County Courthouse
["mkessler@yellowstonecountymt.gov"](mailto:mkessler@yellowstonecountymt.gov)
406-256-2717

This RFQ shall not commit the County to enter into any agreement, to pay any expenses incurred in preparation of any response to this request, or to procure or contract for any supplies, goods or services. The County reserves the right to accept or reject any and all responses received as a result of this RFQ if it is in the County's best interest to do so. By offering to perform services under this procurement, proposers agree to be bound by the laws of the State of Montana, including but not limited to: applicable wage rates, gross receipts taxes, building codes, Equal Opportunity Employment practices, and safety. Only the RFP responses of those firms which are adjudged, by the determination of the selection committee, as qualified, will be opened and reviewed following this RFQ process.

- END OF RFQ –

**REQUEST FOR PROPOSALS FOR
GENERAL CONTRACTOR/CONSTRUCTION MANAGER SELECTION
FOR THE YELLOWSTONE COUNTY COURTHOUSE RENOVATION
BILLINGS, MONTANA**

It is the Commissioners desire to engage a qualified GC/CM firm to work with the County and the selected Architectural firm for the performance of this project. The County has selected A&E Architects as the Design Firm for the project. The Architects are currently in design development which can be viewed at the following website: <https://aedesign.egnyte.com/fl/ft7r9hvJGpRy>

Time is of the essence, as the project shall be fully complete and ready for occupancy by no later than December 2026.

The final form of the contract shall be an amended AIA A-133™ - 2017 "Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of

Work Plus A Fee with a Guaranteed Maximum Price”, in conjunction with AIA A201™ - 2017 “General Conditions of the Contract for Construction.” It is the intent of the County to make a single award for these services specific to this RFP.

The entire context of this RFP for GC/CM services can be found on the County’s website at the following link: <https://www.yellowstonecountymt.gov/purchasing/> and are also available at Yellowstone County Commission offices located at:

316 North 26th Street
Stillwater Building 3rd Floor
Room 3101
Billings, MT 59107

The County is requesting proposals from qualified business firms, corporations, joint ventures, partnerships, or individuals (Respondent) dealing in Commercial General Construction for the subject project located in Billings, MT and which responded to and were qualified through the RFQ process. Those candidates that meet all RFQ requirements and can provide all of the services indicated herein are being provided with an opportunity to submit a proposal for the work.

SUBMITTAL OF INFORMATION:

Five (5) hard copies and 1 electronic copy of the written response to this RFP must follow submittal instructions, must be placed in a separate sealed package, clearly marked RFP, and be received at:

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To be considered for this Work, all RFP’s must be received, and date stamped no later than **September 29th, 2025 @ 3:00PM MST** at the above address. Late submittals will not be considered.

The costs for developing and delivering responses to this RFP and any subsequent presentations of the proposal as requested by the County are entirely the responsibility of the offeror. The County is not liable for

any expense incurred by the offeror in the preparation and presentation of their proposal or any other costs incurred by the offeror prior to execution of a contract. All materials submitted become the property of the County.

GENERAL REQUIREMENTS FOR GC/CM SERVICES:

SCOPE OF PRECONSTRUCTION SERVICES

Each GC/CM firm invited to respond to the RFP shall propose a maximum Pre-Construction services fee for Construction Phase Services. The specific scope of preconstruction services will be negotiated prior to signing the Contract. In general, preconstruction services are anticipated to include the following:

1. Participation in all subsequent design, coordination, and building committee meetings if invited;
2. Review of all designs for constructability;
3. Work with the County and design team on phasing, scheduling, and other strategies to complete construction of this scale of project on or before the stated date;
4. Coordination and gathering of input from subcontractors regarding constructability;
5. Prepare construction cost estimates for the project at the remaining phases of design taking into consideration schedule and market conditions;
6. Consult with, advise, assist, and provide recommendations to the County and design team on all aspects of the planning and design of the work accomplished to date;
7. Provide information, estimates, schemes, and participate in decisions regarding construction materials, methods, systems, phasing, sustainability and costs to assist in determinations which are aimed at providing the highest quality building, constructed using the most sustainable construction materials and practices, within the budget and schedule;
8. Review in-progress design and construction documents and provide input and advice on construction feasibility, alternative materials, costs and availability;
9. Review completed design and construction documents prior to subcontractor/supplier bidding/selection and suggest modifications to improve completeness and clarity and to eliminate construction change requests due to inconsistencies or omissions in the construction documents;
10. Provide input to the Owner and the design team regarding construction market bidding climate, status of key subcontract markets, and other relevant economic conditions;
11. Recommend and actively source labor and material resources necessary to complete the project construction;
12. Provide input to the Owner and the design team regarding long lead time materials and equipment, impact on the construction schedule and strategies for mitigating the impact;
13. Notify the Owner and design team immediately if construction cost estimates appear to be exceeding the construction budget, and reconcile each cost estimate with the Architect's cost estimate, if required;
14. Furnish a final construction cost estimate for the Owner's review and approval;
15. Develop a comprehensive CPM construction schedule;

16. Develop all subcontractor/supplier bid packages and perform all advertising and receipt of Subcontractor and Supplier bids;
17. Obtain bids per trade for the Owner's/Architects review, unless otherwise approved by Owner in order to meet resourcing requirements, per GC/CM Contract. Self-performed work must be advertised and bid against at least two subcontractors, if readily available;
18. Upon execution of any Early Work Amendment prior to a GMP agreement, undertake early material procurement, site preparation, and advance construction work.

SCOPE OF CONSTRUCTION PHASE SERVICES

In general, construction phase services are anticipated to include the following:

It is anticipated that a GMP for the entire project will be requested near the completion of the Construction Documents phase provided the cost estimate is within the Owner's budget. The established GMP will be the maximum amount paid for the entire work, unless scope changes are requested by the Owner. Acceptance of the GMP by contract will constitute completion of preconstruction services and that a subsequent GMP Agreement/Amendment will initiate the construction period services for the Project. For any on-site construction work started prior to the executed amendment for GMP, the GC/CM will be required to submit performance and payment bonds in total of the cost of the work progressively. At the time of execution of the GMP amendment, the GC/CM will be required to submit a 100% performance and 100% payment bond for the amount of the GMP. Any back-bonding of sub-contractors to be considered "cost of the work" or to be considered reimbursement is completely at the discretion of the Owner. The Owner retains the option to cancel the construction phase services, or to start a new process for the construction of the Project, or terminate the contract and negotiate a replacement contract with the next highest rated Proposer from this solicitation, or to conclude the GC/CM's services at pre-construction and issue the Project on a lowest, responsible bidder method.

Reference to The State of Montana Wage Rates/Schedule incorporated in this RFQ is provided for informational purposes only. The selected GC/CM will be required to comply (as a minimum allowable rate schedule) with those Rates adopted and effective at the time of signing the GMP Agreement/Amendment. Full text for rates and compliance can be found on the State of Montana, Department of Labor website at:

https://erd.dli.mt.gov/_docs/labor-standards/Prevailing-Wage/BC-Final-2025-July.pdf

SELECTION PROCEDURE:

The County intends to evaluate and award a contract for the project without conducting discussions. However, the County reserves the right to conduct discussions if determined by the County to be in the best interest of the County at any time leading up to contract award. As such, the Respondent is encouraged to provide their best possible pricing initially as Final Proposal Revisions may not be requested.

The GC/CM shall submit all required information by the response date of this RFP request. All information will be evaluated and rated in a manner that best serves the interests of the County. Past Performance, Critical Personnel and Equipment, Scheduling and Pricing are all of significant importance.

RFP's provided by qualified firms, as adjudged by the selection committee, will be reviewed, and the top three (3) firms as scored, specific to project approach and price, will have the opportunity to make a formal presentation (interview) to the County Selection Committee.

PROJECT APPROACH (Scored from a total of 100 points)

Provide details of your proposed project approach which shall address, at a minimum:

1. A description of your project management approach to meet the needs of the project. Provide input concerning your proposed project managers duties, responsibilities and time allotted to the project;
2. A description of your project supervisory approach to meet the needs of the project. Provide input concerning your proposed supervisor(s) duties, responsibilities and time allotted to the project;
3. Your past experience and ability to work with the selected A/E firm during the design, budgeting and construction phase;
4. List and describe what you consider the most critical components of providing construction services adjacent to and within an occupied public facility.
5. Provide a list of public facilities, currently under construction, or completed, in the last five years. Provide the following information for each: Project name, Owners name, project location, current Owner contact with phone number and email address, size of project (SF), construction cost of project, and the name and contact information for the Architect of the project.
6. Outline and describe your company's specific procedures regarding safety and security while working in an occupied public facility.
7. How you plan to encourage local participation in subcontracting, suppliers and the local labor pool. Provide a detailed description of work normally performed by your own forces, and provide a detailed description of work normally subcontracted to other firm or companies. Discuss your subcontracting plan and thoughts on engaging services of local firms as well as your prequalification process for selection of potential subcontractors. Major subcontractors (e.g. mechanical, electrical, technology/data and security) may be selected by the GC/CM on a qualification, performance, or best value basis in conjunction with the Owner, Architect, and Engineers, as appropriate. Subcontracts may be awarded to qualified subcontractors on a low cost or best value basis in concurrence with the Owner, Architect and Engineers;

Note: Any back-bonding of sub-contractors for reimbursement or considered "Cost of the Work" will be exclusively at the discretion of the County.

8. Proposed Project Schedule: The Respondent shall demonstrate their proposed approach including a progress schedule in a time scaled Gantt Chart format. The horizontal axis shall be scaled for time beginning with the Notice to Proceed and concluding with contract completion.

All schedule items shall show start and completion dates and specific tasks. Provide adequate detail to demonstrate your understanding of the project delivery. For the purpose of responding to this RFP assume a start date for on-site construction of January '26, and with completion no later than December '26.

PRICE (Scored from a total of 100 points):

- a. Preconstruction Services Fee - Provide your firm's Preconstruction Services Fee as a maximum, not-to-exceed amount for this Project, together with hourly rates or other basis of compensation for those assigned to the preconstruction phase. These services are to be paid on a cost reimbursement basis up to the stated maximum. This fee is for the services described above and other services you describe herein. A zero-dollar or token Preconstruction Services Fee is prohibited.
- b. GC/CM Fee - Provide your firm's GC/CM Fee for overhead and profit as a percentage of the Estimated Cost of Work for this Project. Assume the Estimated Cost of Work (ECoW) to be \$11,000,000. The ECoW does not include the project design/construction contingency.
- c. GMCR- Provide your firm's proposed "guaranteed maximum costs for reimbursables" as a percentage of the construction costs. This will include all fees associated to reimbursable expenses including any "General Requirements/General Conditions" connected to completion of this project expressed as a percentage of the ECoW of \$11,000,000.
- d. Method of Adjustment for Change Orders - The proposal shall include the method of adjustment as a single, combined percentage for the GC/CM's overhead and profit allowance for Owner-directed changes in the Work.
- e. Sub-Contractor Method of Adjustment - The proposal shall include the method of adjustment as a single, combined percentage for the limit of your subcontractors overhead and profit allowance for Owner-directed changes in the Work.
- f. Owner's analysis of fees and costs: The ECoW and GMCR will be multiplied by the firm's GC/CM Fee percentage then added to the proposed General Conditions Costs and Preconstruction Services Fee to provide an overall cost comparison among the firms. *(this comparison is only one factor in how the committee may score this portion of the RFP)*

$$\text{GMP} = \$11,000,000 + \text{GMCR} + [\text{GC/CM Fee} * (\$11\text{M} + \text{GMCR})] + \text{Precon Fee}$$

Pricing will be evaluated to determine reasonableness and evaluate potential performance risks. In this context, reasonableness may be determined by comparing offered prices with the initial budget study or other critical factors. Pricing will be evaluated as either reasonable or unreasonable. The County reserves the right to cancel the RFP and re-solicit via another mechanism should a fair and reasonable price not be achieved or reasonableness of price cannot be determined.

PRESENTATION AND INTERVIEW (Scored from a total of 100 points)

The top 3 highest scored respondents on project approach and pricing will have the opportunity to interview with the County selection committee. The interview date, time and location will be provided. The format of the presentation and interview will be left up to the proposing firm. Presentations will be

limited to 60 minutes to include Q&A, with a 15-minute transition time between firms. At a minimum, the GC/CM's proposed project manager, pre-construction services estimator, and construction superintendent(s) must be present at the interview.

PROJECTED COST RANGE: The estimated cost for direct construction is \$11,000,000. This cost will be utilized to calculate an overall price for scoring purposes but DOES NOT include; GC/CM GMCR, overhead, profit, permits, performance or payment bonds.

BONDING:

For any on-site construction work started prior to the executed amendment for GMP, the GC/CM will be required to submit performance and payment bonds in total of the cost of the work progressively. The County will require the successful GC/CM(s) to provide a performance and payment bond in the amount of 100% of the final established value of the work (GMP), Back-Bonding of subcontracts will be at the sole discretion of the County to be included for reimbursement or CoW.

COMPLIANCE WITH LAWS

The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, the Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects Subcontractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing under the contract.

INSURANCE - WORK ON A COUNTY FACILITY

The Contractor shall, at its own expense, provide and maintain during the entire performance of this contract at least the kinds and minimum amounts of insurance required in the Schedule or elsewhere in the contract.

Before commencing work under this contract, the Contractor shall notify the County in writing that the required insurance has been obtained. The Contractor shall insert the substance of this clause, including this paragraph, in Subcontracts under this contract that require work on a County installation and shall require Subcontractors to provide and maintain the insurance required in the Schedule or elsewhere in the contract. The Contractor shall maintain a copy of all subcontractors' proofs of required insurance, and shall make copies available to the County upon request.

Contractor shall carry the following insurance and shall provide the County with certificates verifying coverage for the following:

A. **Insurance Carrier:** Must be rated at least "A-" by A.M. Best Company or acceptable State Fund for Workers Compensation.

B. Workers Compensation: Copy of Contractors Exemption, if applicable and proof of Workers Compensation Insurance. The County may withhold a percentage to cover costs if proof of coverage is not provided.

Workers Compensation- Employers Liability Limits-	Statutory \$1,000,000 Each Accident \$1,000,000 Disease- Policy Limit \$1,000,000 Disease- Each Employee
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C. Commercial General Liability Insurance: Including Premise & Operations, Personal & Advertising Injury, Blanket Contractual (no restrictive endorsements such as CG 2139,CG 2426,CG 2294) and Products & Completed Operations.

Limits:	\$1,000,000 Each Occurrence \$2,000,000 Products/Completed Operations \$2,000,000 General Aggregate
Aggregate	

The County shall be named as a **Primary Additional Insured**. The policy will provide an endorsement to provide coverage for the County as an additional insured including **Completed Operations Liability**. The use of the ISO CG 3287 and CG 3290 or its equivalent is acceptable. If the **additional insured endorsement** does not accompany the certificate of insurance, the certificate of insurance must list the form numbers/edition dates for the Additional Insured Endorsement being used and the actual endorsement must be mailed when received. The Additional Insured Endorsement including Products and Completed Operations is required to be maintained for 2 Years upon completion of the project.

**Waiver of Subrogation in favor of the County.
Per Project Aggregate Endorsement required.**

D. Automobile Liability:

Limits:	Owned Autos	\$1,000,000 Each Accident
	Hired/Non-Owned Autos	\$1,000,000 Each Accident

E. Umbrella/Excess Liability:

Limits: \$1, 000,000 Each Occurrence

F. Owners & Contractors Protective Liability (OCP):

Limits: \$1,000,000 Each Occurrence
\$2,000,000 Aggregate

Policy will be in the name of the County

G. Contractor Tools/Equipment: All tools leased, borrowed or owned by the Contractor/Subcontractor will be their responsibility.

H. Cancellation/Non-Renewal Notice: Minimum of 45 days on Certificate of Insurance.

Builders Risk Insurance will be priced by the Contractor for consideration by the County.

- INSTRUCTIONS TO PROPOSERS

Proposals must:

1. Follow the format outlined in the Selection Procedure, above.
2. Be signed by an officer or principal of your firm.
3. Be contained in a document not to exceed 20 pages total (single or double-sided printing is acceptable) including whatever pictures, charts, graphs, tables, and text the firm deems appropriate to be part of the review of the firm's qualifications. A separate transmittal letter, cover page, cover

sheets, sample schedules, and dividers are exempted from the page limit. The page size is limited to 8-1/2 x 11 inches, with basic text information reasonably legible.

4. Include a proposed project schedule, and which does not count toward the page limit.

-End of RFP-