



Solicitation Information
6 February 2012

RFP # 7449458

DESIGN/BUILD SERVICES for the Paul W. Crowley East Bay Met Center

Submission Deadline: 9 March 2012@ 11:00 AM (Eastern Time)

PRE-BID/ PROPOSAL CONFERENCE: Yes Date: 24 Feb 2012 Time: 10:00 AM (ET)

Mandatory : Yes

Location: One York Street, Newport, RI 02840

Any pertinent questions subsequent to this solicitation may be submitted questions@purchasing.ri.gov
Interested parties must disclose their name/company affiliation along with inquiry.

Questions shall be submitted by E-Mail to the above referenced address no later than **Monday, February 27, 2012, by 12:00 Noon (Eastern)** as time stamped by the server. The E-mail shall clearly reference the Project Title and RFP Number on all correspondence and attachments. Questions received, if any, will be answered and posted on the Internet Purchasing Website as addendum to this solicitation. All questions shall be submitted in an attached Microsoft Word Document Version 2003 or Later or an Equal Word Processing Document allowing conversion to Microsoft Word.

SURETY REQUIRED: Yes (Firms selected for Phase II only)
BOND REQUIRED: Yes (Firms selected for Phase II only)

Jerome D. Moynihan, C.P.M., CPPO
Assistant Director for Special Projects

Vendors must register on-line at the State Purchasing Website at www.purchasing.ri.gov.

NOTE TO VENDORS:

Offers received without the entire completed three-page RIVP Generated Bidder Certification Form attached may result in disqualification.

THIS PAGE IS NOT A BIDDER CERTIFICATION

Disk Based Bidding Information

File Format

All disk based bid files are ZIP files that you can open using the **WinZip 8.1** software. The ZIP file will contain one or more files based on the type of Bid/RFP.

Downloading the Disk Based Bid

Bids that have a file for download are marked with a "D" in the Info field of the bid search results. The "D" will be an active link to the WinZip file until the bid reaches its opening date. Clicking on the active "D" link will allow you to open or save the ZIP file associated with the bid. Opening the WinZip file will download a copy to your computer's temporary directory.

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Completing the Disk Based Bid

Once the Microsoft Office files are properly saved, open the individual files and enter the required information in the appropriate fields. Save each file again to capture the new information you entered.

Submitting the Disk Based Bid

Save the completed files to a CD or diskette. Label the CD or diskette with the Bid/RFP number and bidder's name (company name, not contract name). Submit as instructed in the Bid or RFP solicitation document.

DESIGN/BUILD SERVICES

RHODE ISLAND DEPARTMENT OF EDUCATION
255 WESTMINSTER STREET
PROVIDENCE, RI 02903

REQUEST FOR PROPOSALS

Design Build Firms are hereby solicited by the State of Rhode Island Department of Administration/ Division of Purchases on behalf of the Rhode Island Department of Education (RIDE) to acquire **DESIGN/BUILD** services for the design and construction of the Paul W. Crowley East Bay Met Center, located in Newport, Rhode Island.

The Proposal will be administered through a TWO PART process which will enable the fast track design and construction of the Paul W. Crowley East Bay Met Center.

Part One (Phase One) of this process is the submission of **STATEMENTS OF QUALIFICATION (SOQ)** from Design Build Firms.

The Statements of Qualifications will be evaluated as delineated here-in and those firms that have met the criteria as established by the prescribed process shall then be provided the **Part Two (Phase Two)** documents that will be used to establish cost and other appurtenant details for the Project which establishes the firm to be awarded the Design Build Services work.

It is critical to know that this Project will include the following criteria at the appropriate period of the process, all of which shall fully comply with all state rules, relations and laws:

- MBE Goal is Ten Percent (10%)
- State Prevailing Wage Rates and all Applicable Standards that Apply
- Department of Labor, Apprenticeship Program.
- Mandatory Pre-Proposal Conference, Friday, February 24, 2012
- Firms participating in this project shall have been incorporated or otherwise legally established as a business in the State of Rhode Island and Providence Plantations. In the event of a Joint Venture see the applicable section for further details.

INTRODUCTION

The State of Rhode Island Department of Administration/ Division of Purchases on behalf of the Rhode Island Department of Education (RIDE) requests Proposals from **DESIGN/BUILD TEAMS (D/B TEAM)** focused on the design and construction of public educational facilities. This request is directed to firms that are interested in providing a Request for Proposal for the design and construction of the Paul W. Crowley East Bay Met Center (PROJECT) that will be awarded as a "Cost of the Work Plus Design-Builder's Fee with a Guaranteed Maximum Price" as prescribed in AIA Document A141-2004 Entitled "Standard Form of Agreement Between Owner and Design-Builder" and in accordance with the design/build procurement provisions of Rule 8.11 "*CONSTRUCTION CONTRACTING MANAGEMENT*" of the State Purchasing Procurement Regulations.

The Project will administered and constructed utilizing a fast track design build methodology which will include, but not be limited to, site remediation, the complete design and construction of a 16,000 square foot new educational (school) facility, parking, landscaping, main driveway/entrance, and a walkway connecting the new facility with the existing facility and photovoltaic systems. The project has a net zero strategy and will be, designed and constructed to meet the Northeast Collaborative for High Performing Schools protocol and the "Living Building Challenge" verification process. This PROJECT is solicited in accordance with a two-part, procurement process as defined herein. For purposes of assisting Respondents, RIDE estimates the cost to complete the design and construction the PROJECT to be approximately **\$6.5 Million**. In addition, the selected D/B team must achieve substantial completion of the PROJECT **by Monday, May 20, 2013**.

Existing INFORMATIONAL MATERIALS will be made available on disk at no cost through the State Division of Purchasing

CONFLICT OF INTEREST:

Where applicable, all proposed members of each D/B TEAM must disclose in their SOQ any and all PROJECT-related work with RIDE. Full disclosure must include specific contract information and/or relationship as well as current active status or specific completion date of services. The State will be the sole judge as to whether or not any conflict of interest exists.

CURRENT STATUS

On September 3, 2009, the Board of Regents for Elementary and Secondary Education approved an \$8.8 million project for the creation of the Paul W. Crowley East Bay Met School campus in Newport. The school is currently housed in the Gallagher wing (Owned by the State of Rhode Island) of the Florence Gray Community Center (See Figure One), located at One York Street, Newport, Rhode Island. This facility was never meant to be utilized as a school and is currently beyond capacity. The Paul W. Crowley East Bay Met School has been forced to operate in makeshift, antiquated, and educationally inadequate spaces. There is no space for a library, laboratories, art instruction, or locker rooms.



Figure 1

The property is located on Plat 5 Lot 100 in Newport, RI (property map enclosed in Phase 1 Information CD).

It is anticipated that an Owner Developed Preliminary Architectural Design will be provided in Phase Two for the building and that document will be approximately 25% complete. In addition, an Environmental Remediation action work plan will be in place. Additional preliminary design information to be provided as part of the Phase Two Documents will include architectural renderings, typical cross sections; a geotechnical report; boring location plans; general plans; profiles; an overall site plan; grading and drainage plans; and performance specifications.

Phase Two Documents will define in detail specifics of the Design/Build contract structure which will be Modified AIA Document A 141-2004. [Modified AIA Document A 141- 2004 entitled "Standard Form of Agreement Between Owner and Design Builder including Exhibits A- C addressing Terms General Conditions (A), Determination of Cost of Work (B) and Insurance and Bonds including the States

Standard Insurance Requirements (C)] all of which the selected Design Build Team will be expected to execute. Additionally the Standard RIDE contract will be included and enumerated as part of the overall agreement.

Proposals received must be in strict accordance with guidelines as outlined in this request and the State's General Conditions of Purchase which can be accessed online through the *Rhode Island Vendor Information Program*, or "RIVIP" as it is known, at :

<http://www.purchasing.ri.gov>

All Respondents are advised to review all sections of this request thoroughly and to follow the instructions carefully. Failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.

GENERAL INSTRUCTIONS AND NOTIFICATIONS TO RESPONDENTS:

- All Respondents MUST register online at the RIVIP'S Internet website at: www.purchasing.ri.gov.
- A fully completed, signed **RIVIP BIDDER CERTIFICATION COVER SHEET** – All three pages MUST accompany EACH response (copy) submitted. This document must be downloaded off the RIVIP website. Failure to make a complete submission inclusive of this three-page document may result in disqualification.
- Should there be a need for assistance in registering and/or downloading any document, call (401) 574-8100 and request the RIVIP HELP DESK for technical assistance. Office Hours: 8:30 AM – 4:00 PM.
- All costs associated with developing or submitting documents in response to this solicitation and/or in providing oral or written clarification of its content shall be borne by the Respondent. The State assumes no responsibility for these costs.
- It is intended that a selection pursuant to this proposal will be made to a respondent who will assume all aspects of the work. **Joint Ventures** will be permitted, provided a Joint Venture Agreement is included in the SOQ which clearly identifies the entities which comprise the Joint Venture and the Officers of the Joint Venture and meets the criteria established in this document. Agreement documentation must also be included if Respondent is structured as a **Corporation, Limited Liability Company, General Partnership, Limited Partnership or other form of organization.**

Additional Criteria related to Joint Ventures is Established Later In this Document.

- Submissions in response to this solicitation are considered to be irrevocable for a period of not less than one hundred twenty (120) days following the established due date and may not be withdrawn without the express written permission of the State Purchasing Agent.

Responses misdirected to other State locations or which otherwise are not received by the State Division of Purchases by the established due date for any cause will be determined to be late and will not be considered. The office clock, for the purpose of registering the arrival of a document, is in the reception area of the Department of Administration (DOA), Division of Purchases, One Capitol Hill, Providence, Rhode Island.

- Respondents shall provide evidence that the **Primary Constructor/Contractor** is registered with the State of Rhode Island Contractors' Registration and Licensing Board as required under RI Gen Laws

5-65-19. A copy of the current registration is required in SOQ.

- The Contractor shall comply with all Rhode Island Certification Requirements.

The State Contractors' and Licensing Board can be contacted as follows:

Contractors' Registration and Licensing Board
1 Capitol Hill, 2nd Floor
Providence, RI 02908

Telephone: (401) 222-1268
Fax: (401) 222-1940
Website: www.crb.state.ri.us

Any Respondent who does **NOT** have a current RI Contractor's Registration **MUST** acknowledge non-compliance with this requirement and confirm *in writing* that, if shortlisted for the project, they will expedite acquisition of a Rhode Island registration(s) and Certificate of Authorization **prior to RFP distribution**. The letter of acknowledgement for this requirement **MUST BE INCLUDED BEHIND THE FRONT PAGE OF EACH COPY OF THE SOQ.**

- Provide evidence that Primary/Design **Team (Designer)** is licensed to practice architecture and engineering as applicable in the State of Rhode Island in accordance with RI Gen Laws 5-8. A copy of the current Rhode Island Certificate of Authorization **FOR THE FIRM** and current Rhode Island registrations(s), **FOR THE INDIVIDUAL(S)** who would perform the specified engineering services is required to be submitted in the SOQ.

The State Board for Design Professionals can be contacted as follows:

Board for Design Professionals
1511 Pontiac Avenue
Building 68-2
Cranston, RI 02920

Telephone: (401) 462-9592
Fax: (401) 462-9532
Website: www.bdp.state.ri.us

Any Respondent who does **NOT** have a current Certificate of Authorization for the firm and applicable Rhode Island registration(s) **MUST** acknowledge non-compliance with this requirement and confirm *in writing* that, if shortlisted for the project, they will expedite acquisition of a Rhode Island registration(s) and Certificate of Authorization **prior to RFP distribution**.

The letter of acknowledgement **MUST BE INCLUDED BEHIND THE FRONT PAGE OF EACH COPY OF THE SOQ.**

- Respondents are advised that all materials submitted to the State for consideration will be considered to be public records as defined in RI Gen Laws 38-2, without exception, and will be released for inspection immediately upon request once an award is made.
- In accordance with RI Gen. Laws 7-1.2-1401, no **FOREIGN CORPORATION** (a corporation established other than in Rhode Island) has the right to transact business in this State until it has procured a Certificate of Authority to do so from the Office of the Secretary of State (401) 222-2357. **IF APPLICABLE, A COPY OF RESPONDENT'S CERTIFICATE OF AUTHORITY MUST BE INCLUDED AS PART OF THE SOQ LOCATED BEHIND THE FRONT PAGE OF EACH COPY OF THE SOQ.**

Any Respondent who does **NOT** have a current Certificate of Authority for the firm **MUST** acknowledge non-compliance with this requirement and confirm *in writing* that, if shortlisted for the project, will expedite acquisition of a Certificate of Authority **prior to RFP distribution**. The letter of acknowledgement **MUST BE INCLUDED BEHIND THE FRONT PAGE OF EACH COPY OF THE SOQ.**

- MBE GOAL: Respondents must provide a written statement in the SOQ signed by an authorized representative of the D/B TEAM, that the D/B Team is committed to meeting or exceeding a total of **TEN PERCENT (10%)** Minority Business Enterprise (MBE) participation goal during design and construction of the PROJECT. RFP documentation will require full disclosure of RI certified MBE Firm(s), assigned task(s), current certification and MBE contract cost and required documentation.

RIDE School Construction Regulations state that 10% of the dollar value of the work including the values of all adjustments in contract sum shall be performed by an MBE where it has been determined that subcontract opportunities exist, and where certified MBE, WBE or DBE are available.

Hereafter, MBE refers to businesses owned or controlled by socially and economically disadvantaged person(s) as certified by the RIDOA for RIDE. It is the intention of this provision that firms owned and controlled by those groups determined to be **MBEs** shall include those definable minority groups as prescribed in Section 3.01 Entitled "Membership Requirement" of the Rules, Regulations, Procedure and Criteria Governing Certification and Decertification of MBE Enterprises, by the State of Rhode Island.

List of current Rhode Island State certified MBE firms may be obtained through the State's MBE Office website at: www.mbe.ri.gov. Any questions should be directed dorinda.keene@doa.ri.gov or to:

Minority Business Enterprise Compliance Office
One Capitol Hill
2nd Floor
Providence, RI 02903
(401) 574-8670

- Rhode Island Apprenticeship Program (On the Job Training): The Respondent must also provide a **written statement** signed by an authorized representative of the D/B TEAM that the D/B TEAM will develop and maintain a continuous on-the-job-training (OJT) program achieving the required Training hours. If the Respondent is selected for the Project, they must possess a RIDE approved OJT Program prior to award in conformance with the RI Department of labor and Training, Apprenticeship Program.

The trainee hours for this project are based on **project duration** for completion; the total hours for OJT trainees are established to be **FIVE THOUSAND FIVE HUNDRED (5,500) training hours**. Phase Two documentation will detail requirements for Trainee submission and review.

ADDITIONAL REQUIRED FORMS:

Besides the **RIVIP Bidder Certification Cover Sheet** -as required at the State level and obtained through the RIVIP website, RIDE also requires that the following **forms** be completed and included by **EACH D/B TEAM Participant** in your SOQ submission package. These FORMS will be reviewed for completeness and at the point of award will be made part of contract document.

- **CONFLICTS DISCLOSURE STATEMENT:** In line with directions stated, completed FORM(s) must be signed and submitted accordingly by **EACH** D/B TEAM Member.
- W-9 FORM: Must be completed and signed by authorized agent of the Respondent Team. ***Form may be downloaded at www.purchasing.ri.gov.***

ALL FORMS (Except W-9) ARE ATTACHED TO SOLICITATION AND MUST BE COMPLETED AND COPIES SUBMITTED ALONG WITH EACH SOQ PROPOSAL SUBMISSION. ("ORIGINAL" & COPIES). PLEASE NOTE, **FOR W-9 FORM ONLY**, ONE (1) UNBOUND "ORIGINAL" COPY IS REQUIRED AT TIME OF SUBMISSION. COPIES OF W-9 NEED **NOT** BE INCLUDED IN INDIVIDUAL PROPOSAL SUBMISSIONS.

SITE VISIT AND PRE-PROPOSAL MEETING

There will be a Mandatory Pre- Proposal Conference at which time the Owner will review the site with proposers, provide additional project details, and to address questions from the prospective proposers.

This meeting is scheduled for:

Friday, **February 24, 2012 @ 10:00 A.M.** at

One York Street, Newport, RI 02840

Any questions relative to the SOQ, as well as any questions regarding RIDE procedures and proposal format will be addressed at the Pre-Proposal Meeting.

Attendance will be limited to **FOUR (4)** representatives from each prospective D/B Team.

A summary of the Pre-Proposal Meeting will be posted on-line as an addendum to this solicitation at the RIVIP'S Internet website at: www.purchasing.ri.gov. It is the responsibility of all interested parties to download this information.

Persons requesting the services of an interpreter for the hearing impaired may obtain those services by calling (401) 222-4971 forty eight (48) hours in advance of the scheduled Meeting.

PROPOSAL QUESTIONS AND SOQ SUBMISSION REQUIREMENTS

Any pertinent questions subsequent to this solicitation may be submitted questions@purchasing.ri.gov. Interested parties must disclose their name/company affiliation along with inquiry.

Questions shall be submitted by E-Mail to the above referenced address no later than the date & time located on page one of this solicitation, as time stamped by the server. The E-mail shall clearly reference the Project Title and RFP Number on all correspondence and attachments. Questions received, if any, will be answered and posted on the Internet Purchasing Website as addendum to this solicitation. All questions shall be submitted in an attached Microsoft Word Document Version 2003 or Later or an Equal Word Processing Document allowing conversion to Microsoft Word.

Each question shall be identified with a number and multiple questions are permitted in a single document.

The Proposer shall submit **One (1) "ORIGINAL" + FIVE (5) copies** of completed Statement of Qualifications (SOQ) to the Division of Purchases by the specified deadline as listed on page one of this

solicitation.

Additionally, the Proposer shall submit the SOQ submission Digitally in Adobe PDF format on **two (2) CD-ROM** as follows:

The CD ROM shall be clearly labeled with all appurtenant project information and be attached to the inside cover of each SOQ submission. **The Division of Purchases and RIDE requires that the two (2) electronic version of said SOQ be submitted in Adobe PDF format.**

The submission including all requested documentation is to be either mailed or hand delivered in a sealed envelope clearly marked:

RFP # 7449458 - DESIGN/BUILD Services for the Paul W. Crowley East Bay Met Center, Newport, RI no later than the date & time indication on page one of this solicitation. **to:**

**RI Department of Administration
Division of Purchases (2nd fl)
One Capitol Hill
Providence, RI 02908-5855**

NOTE:

Proposals received after the above-referenced due date and time will not be considered. Proposals must be presented to the Purchasing Receptionist for check-in and time stamp prior to the bid opening date and time. Proposals misdirected to other State locations or which are otherwise not presented in the Division of Purchases by the scheduled due date and time will be determined to be late and will not be considered. Proposals faxed or emailed, to the Division of Purchases will not be considered. The "official" time clock is located in the reception area for the Division of Purchases on the second floor. (Please be advised that Fed-Ex/UPS and other carriers do not always arrive by Bid Deadline Time, as such you are encouraged to send your submission to arrive at least one day early)

Design/Build Evaluation Committee (COMMITTEE)

A **Design/Build Evaluation Committee (COMMITTEE)** will be appointed by Owner comprised of a Chairperson and members representing the End User and RIDE as voting members that are responsible for the project under consideration.

The COMMITTEE will be assigned to evaluate and score each phase of Design Build Team Selection until a final recommendation has been determined. The COMMITTEE Chairman will be responsible to present final selection recommendation for Departmental approval. In addition to the appointed COMMITTEE Members, RIDE may use any appropriate technical resources to provide assistance in evaluating the submittals. Technical resources will act in an advisory capacity only and will not review or score any documentation. All SOQ documents will be treated with extreme confidentiality. Documents will not be accessible to the general public, to Proposers, or to RIDE employees not involved in the selection process.

Procurement Overview of the Project

RIDE will use a two-phase process for the selection of the Design Build Team for the Project. Phase One [(SOQ) (this response)] represents the *first phase* in the selection process. RIDE intends to short-list a **minimum of THREE (3) D/B Teams** based upon the evaluation criteria established in this Proposal Request. The assigned COMMITTEE will evaluate the SOQ documents received per criteria defined in

this Proposal Request and recommend the qualifying firms for short-list consideration. The COMMITTEE Chairperson will present the short-list recommendations to the appropriate parties for approval and subsequent acceptance by the Director.

Only the short-listed Respondents will move forward to the second phase of the Proposal

Request. RIDE will issue a formal short-list notification and schedule a mandatory **SCOPING MEETING** at which each short-listed Respondent will be issued the documents defined in this proposal so that they can prepare the Phase Two portion of the proposal.

Receipt of the Phase Two documents will entail the simultaneous submission of *separately sealed* TECHNICAL and PRICE PROPOSALS (Proposals) from each short-listed Respondent which will initiate the *second phase* of the selection process. The COMMITTEE will evaluate and rank short-listed Proposals in line with selection criteria defined in the Phase Two RFP Documents. The COMMITTEE will provide a written final selection recommendation defining the top-ranked Respondent for award of a “Cost of the Work Plus Design-Builder’s Fee with a Guaranteed Maximum Price” pending formal Departmental acceptance and State approvals, award preparation will commence outlining all contractual requirements and accepted pricing. For informational purposes the Phase Two cost proposal will be broken down into multiple prices defining schedule values of design, construction, FFE and other details. This will be clearly defined in the Phase Two documents.

At any point during the selection process, D/B TEAMS may be required to give an oral presentation to the COMMITTEE or to otherwise provide clarifying information needed to properly evaluate qualifications. D/B Teams must clearly understand that RIDE retains the option to determine which D/B TEAMS, if any, will be invited to make oral presentations or to provide additional information. RIDE retains the right to reject any or all submittals.

Respondents are on notice that Purchasing and RIDE may, at their discretion, negotiate and award a design-build contract to a Respondent if, upon a written determination, Purchasing and RIDE determines that such Respondent is the only Respondent fully qualified to perform the proposed design-build contract, or that such Respondent is clearly more highly qualified than the others under consideration.

SUPPORTING DATA INFORMATION PACKAGE

The Phase One Information Package will include the following information:

- Feasibility Study.
- Property Map.
- Northeast Collaborative for High Performance Schools Protocol, Version 2.0. which is a regulatory requirement.
- School Construction Regulations, by reference and considered included here-in as if attached and written in full. This is a Regulatory Requirement.
- Living Building Challenge, by reference and considered included here-in as if attached and written in full.
- State / RIDE RFP schedule

The Phase Two Information Package CD will include the following information, and be distributed at a later date:

- Twenty-five Percent (25%) Bridging Documents including but not limited to Architectural, Mechanical, Plumbing, Structural, Special Systems, Surveys, Project Manuals, Remediation Work Action Plans,
- Remediation Work Action Plan
- Cost Proposal Template
- Selection Criteria
- Geo Thermal Feasibility Study
- NECHPS Check List
- Boring Locations

Aforementioned PROJECT PLANS AND INFORMATIONAL MATERIALS, Phase I, are posted with this solicitation, and can be accessed as follows:

To access informational documents relating to this solicitation, go to the website

<http://www.purchasing.ri.gov/RIVIP/BidSearch.asp>

Enter the bid number 7449458

Disk Based Information

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Opening the Disk Based Bid

Once downloaded, you can open the ZIP file with Winzip and view the Microsoft Office files contained within the WinZip file. Immediately save (extract) the individual files to an appropriate directory on your computer, such as "Desktop" or "My Documents".

SUBMISSION REQUIREMENTS

Upon review of the RFQ, SOQ submissions must include at a minimum the following information for RIDE review and subsequent shortlist recommendation:

- **RIVIP BIDDER CERTIFICATION FORM:** ALL THREE (3) Pages **MUST** accompany each response submitted. Failure to make a complete submission of this document may result in disqualification. (**SEE GENERAL NOTIFICATIONS**).

- **Letter of Transmittal:** A Letter of Transmittal must accompany each response signed by an owner, officer, or other authorized agent of the D/B Team.
- **RIDE RFQ and Addenda:** Respondents shall include as part of SOQ submission a copy of RIDE's original Request for Qualifications and any supplemental Addenda, as applicable.

CONTENTS OF STATEMENTS OF QUALIFICATIONS

- **General**
- Provide the **NAME OF EACH COMPANY and COMPANY STRUCTURE comprising the D/B Team, including Sub-Contractors and any proposed MBE Firms**, identifying the indicated role of each participant included in the SOQ. Include the identity of the Primary Constructor/Contractor and the Primary/Design Team (Designer) , which shall be responsible for guaranteeing the delivery of the PROJECT on time and within the Guaranteed Maximum Cost in accordance with the contract provisions.
- Provide the name, title, address, telephone and facsimile numbers, and electronic mail address of the D/B Team **PRINCIPAL CONTACT(S)**. The D/B Team principal contact(s) must remain constant throughout the life of the PROJECT.

RIDE must be informed of any changes in personnel *at any time* during the contract term. RIDE reserves the right to reject personnel and/or if in the event key personnel are no longer available, RIDE reserves the right to terminate this agreement.

- Identify the team members who will undertake **financial responsibility** for the Project and describe any liability limitations. If the D/B Team is a Joint Venture, Limited Liability Company or partnership, describe the **bonding approach** that will be used and the members of such organizations who will have joint and several liabilities for the performance of the work required for the Project. If the D/B Team is a limited liability company, joint venture or any form of partnership, provide complete copies of the **organizational documents** that allow, or would allow by the time of contract award, the Respondent to do business in the State of Rhode Island.

JOINT VENTURES

Firms that are bidding this Project as part of a Joint Venture Partnership shall meet the following criteria in order to be eligible to participate in the Project.

- At least one (1) of the firms participating in the Joint Venture Partnership shall have been incorporated or otherwise legally established as a business in the State of Rhode Island and Providence Plantations for not less than five (5) years;
- Each entity shall have participated and completed a minimum of four (4) previous Joint Venture Partnerships in the last five (5) years; and
- At least two (2) of those projects shall have been of the same magnitude as this Project.

Joint Venture Partnerships meeting the above criteria shall provide the Owner with the following information, for review and consideration of its Bid:

- Legal Documentation as to the Legal Structure of the Joint Venture Partnership.

- b) Detailed explanation of how the Joint Venture Partnership is financed and by whom.
- c) Explanation of which Co-Venturer will be primarily responsible in the overall Joint Venture Partnership.
- d) Detail which Co-Venturer will be providing the Surety.
- e) Detail which Co-Venturer will and has the authority to make decisions on behalf of the Joint Venture Partnership.
- f) Detail which Co-Venturer will run the day-to-day operations of the Joint Venture Partnership.
- g) Detail what percentage of employees will be used from each of the Co-Venturer's firms and describe which roles those employees will participate.
- h) Clearly outline the insurance structure proposed for the Joint Venture Partnership and the proposed term of the insurance. This shall also include details as to who will be the long term insurance administrator after the Joint Venture Partnership ceases to exist.

Joint Venture Partnerships that have submitted a Bid for this Project shall meet all of the eligibility requirements detailed above and shall submit with the Bid all documentation that has been requested in regards to the Joint Venture Partnership. Joint Venture Partnerships that have not submitted the appropriate requested information shall not be eligible for Bid Award.

- Give names and detailed addresses of all **affiliated and/or subsidiary companies**. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed accordingly. An affiliate shall be considered as any business entity which is closely associated to another business entity so that one entity controls or has power to control the other entity either directly or indirectly; or, when a third party has the power to control or controls both; or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in Joint Ventures, etc. as to cause a public perception that the two firms are one entity. Firms which are owned by a holding company or a third party, but otherwise meet the above conditions and do not have interlocking directorships or joint officers serving, are not considered to be affiliates.
- If a D/B Team has no affiliated and/or subsidiary companies other than the Respondent's legal business entity, the Respondent should include a statement in the submittal indicating the same.
- Provide a description of EACH D/B TEAM Member's experience and qualifications, particularly with respect to
 - 1) Public Educational Facility Design, School Site Work Design, and Public School Construction Utilizing the Design Build Methods of Delivery
 - 2) Living Building Challenge Criteria
 - 3) NECHPS + School Construction Regulations
 - 4) Net Zero Strategy

5) Related site work

with a particular focus on the ability to deliver such projects on time and on budget. **Identify and describe all projects with a construction value of a minimum of \$6.5 Million or more completed by EACH company in the past TEN (10) YEARS** which demonstrates adequate experience in Public School Design and Construction including project safety on school construction projects similar in scope and/or complexity to the PROJECT defined here in.

- Respondent should provide relevant and verifiable evidence of good performance or lessons learned from previous experience and give convincing ways in which lessons learned or past good performance will be used for the benefit of the PROJECT defined here in.
- With respect to EACH project identified, include the following information: project name and contract number; owner's name, address, principal contact, and current phone and fax numbers and e-mail addresses; dates of design and/or construction; project description; description of work and percentage actually performed by each company; and the initial bid price and final contract price (including the number and value of contract modifications and claims) and an explanation regarding the causes (whether upward or downward) of contract value adjustments.
- Provide an **organizational chart** identifying companies responsible for major functions to be performed in designing and constructing the PROJECT. The chart should show the functional structure of the organization and identify key personnel by name and affiliation. The chart must identify the critical support elements of overall project management of the D/B Team, Project Management of each firm participating as part of the Team, project administration, construction management, design quality control and design quality assurance, construction quality control and construction quality assurance, and subcontractor administration.

Identify the Key Firms you would be anticipating as part of your overall Design Build Team as follows:

Design:

Such as but not limited to:

Architectural Design Team
Acoustical Engineer
Structural Design Team
Soils Design Team
Civil and Site Design Team
Geotechnical Design
Landscape Designer
Electrical Design Team
Data/Telco Design Team
Mechanical (HVAC) Design Team
Plumbing Design Team
Interior Finishes Design Team
Interior Furnishings
Exterior Furnishings
Fixture and Equipment Design Team
Food Service Design Team
Audio Visual Design Team
Lighting Design Team
Living Building Challenge Criteria/Net Zero/NECHPS Compliance Team
Building Commissioning by Owner, however Team Member Working with this Owner Consultant

Constructor/Builder:

Provide Key Primary and Subcontractors you would be considering as part of your overall Construction Team based on the disciplines defined above in the Design category.

Additionally Include Scheduling resources and the ability to deliver Fast Track Construction under a Design Build Model with the resources available to the team.

Additionally provide separate **resumes** for all key management staff of the D/B Team, including the Project Director, Principal On-Site Superintendent, Design Manager and individuals selected to perform and manage the following functions:

Quality Assurance for Design
Design Peer Reviewers
Quality Control for Design
Construction Project Controls
Subcontracts and Procurement
Quality Assurance for Construction
Quality Control for Construction Safety
Labor Relations and Harmony
MBE/ Apprenticeship Program

In addition, include the **approximate percentage** of each employee's time to be expended on this project.

AIA Document B305 - 1993 Entitled "Architects Qualification Statement" must be completed by the Lead Designer and included in RFQ response

Key management resumes will indicate where roles, if any, may overlap and will include the proposed role and experience in the area of responsibility, history of employment, experience in design, construction or maintenance of similar projects, and other relevant background information.

THREE (3) references shall be provided for the Project Director, Principal On-Site Supervisor and Design Manager.

At least ONE (1) reference shall be provided for all other key personnel.

References shall be previous owners or clients with whom the key personnel have worked within the past FIVE (5) YEARS and should include the name, position, company or agency, current phone and fax numbers and e-mail addresses for each reference.

- Discuss the current design and/or construction backlog of EACH D/B TEAM Member and the capacity to perform the PROJECT to achieve substantial completion by **Monday, May 20, 2013**.
- **Project Development**
- SOQ must include a description of the D/B TEAM'S approach to development of the proposed PROJECT, including key assumptions to be included in its development of Final Design plans, including compliance with the School Construction Regulations, NECHPS, the Living Building Challenge, and attaining net zero.

- SOQ must include a description of how the schedule for implementation of the PROJECT will be developed, identifying sequential milestones for each of the major phases leading to completion. Please also include a description of any innovative approaches to PROJECT delivery which may be proposed, with a description of the D/B TEAM'S experience in delivering such innovations.
- SOQ must identify relevant criteria and methods to address PROJECT contingencies and minimize risk associated with latent conditions, delays in securing necessary permits, dealing with third party interveners, the treatment and handling of hazardous waste and materials, etc. Discuss how risks will be mitigated, which party is best able to control the risk and/or manage the consequences, and how risks should be allocated among the parties.
- Provide a general outline of key groups that will require coordination/relations during the PROJECT including community groups, environmental, staff, teachers, and students; and address how these groups will be addressed.
- **Project Controls**
- Describe the means and methods by which the Respondent will plan and control the fast track process required for scheduling of work to meet the contractual completion date(s). This should include examples of plans which address meeting the goal of the defined substantial completion date.
- Include procedures for tracking progress, roles and responsibilities for reporting results internally and externally and proposed methods for addressing delays and other issues impacting the project objectives.
- **Project Safety**
- Describe the means and methods by which the Respondent will develop a safety plan for the Project, both inside and outside of the construction work area including maintenance and protection of traffic traveling through and adjacent to the construction area. The Respondent will discuss the means and methods that will be implemented to provide safe effective construction activities while protecting the existing population of the existing facility. Respondents will also discuss measures that are planned to be implemented that will promote safety while maintaining traffic flow through and adjacent to the construction area, the student population and community center activities.
- The Respondent Team will demonstrate that they have experience in successfully delivering projects with similar scope and complexity and demonstrate the applicability of this work history and lessons learned to the Project. The Respondent Team will demonstrate skills and experience necessary to provide a safe work environment.
- **Legal and Other Issues**
- The D/B Team will be required to pay prevailing wages for all labor to be performed in construction of the PROJECT in accordance with the Davis-Bacon Act which shall be administered and adjusted in strict accordance with the standards prescribed and enforced by the by the Rhode Island Department of Labor. (RIGL 37-13-13)
- With respect to EACH D/B TEAM Member, identify any and all arbitration and litigation proceedings, including claims against any Performance and Payment Bonds, **in excess of \$25,000** related to performance and payment on capital projects in which any team member has been involved during the last **TEN (10)** years. Include all claims and counterclaims by owners, material suppliers, labor and by court, caption and docket no(s). Indicate whether claims were

resolved against the D/B Team Member(s) or its insured/ sureties or resulted in reductions in compensation to the participant. For each instance, identify an owner's representative with a current phone and fax number and e-mail address.

- With respect to EACH D/B TEAM Member, describe any project that has resulted in **delays exceeding three (3) months** and/or has resulted in the assessment of **liquidated damages** against any D/B TEAM Member during the last **TEN (10)** years and describe the causes of delays and amounts assessed. Describe any outstanding damage claims by any owner. Describe any amounts now being withheld by any owner pending claim resolution. For each instance, identify an owner's representative with a current phone and fax number and email address.
- Identify whether any contract entered into by a D/B TEAM Member during the last **TEN (10)** years has been terminated for cause or required completion by another party. Describe the reasons for the termination and the amounts involved.
- Identify whether any D/B TEAM Member has been cited by OSHA or any owner for safety violations on any project. For each instance, provide a copy of the citation and a description of the resolution.
- With respect to EACH D/B TEAM Member, indicate whether any member has ever filed for or been placed in bankruptcy or other type of receivership under similar State Law and with respect to each, identify the caption, court and docket number.

- **License/ Registration**

- Provide evidence that the **Primary Constructor/Contractor** is registered with the State of Rhode Island Contractors' Registration and Licensing Board as required under RI Gen Laws 5-65-19. A copy of the current certificate of registration is required in SOQ.
- Provide evidence that Primary/Design **Team (Designer)** is licensed to practice architecture and engineering in the State of Rhode Island in accordance with RI Gen Laws 5-8. A copy of the current Rhode Island Certificate of Authorization FOR THE FIRM *and* current Rhode Island registrations(s), FOR THE INDIVIDUAL(S) who would perform the specified architectural and engineering services is required in SOQ.

- **Evidence of Surety and Insurance Requirements**

- SOQ must include evidence that the **Primary Constructor/Contractor** is capable of obtaining *Performance and Payment Bonds at a minimum of \$6.5 Million*. A letter must be provided from the **DISTRICT OFFICE of the Surety** Company accompanied by a separate letter of transmittal by the **LOCAL AGENT** indicating their willingness to provide the required bonding capacity. District Office correspondence should state the correct legal name of surety and *address of its home office*. All surety companies must be listed with the Department of the Federal Treasury, Fiscal Services, Circular 570 (latest revision published by the Federal Register).
- If the Respondent is a Joint Venture, the Proposal Guaranty must be made out to the name of the Joint Venture and all parties of the Joint Venture must be named in the execution of the Proposal Guaranty made by the same thereon. If there is more than one Surety to the Bid Bond, each surety shall be named and execution made by same thereon.

At point of contract award, execution of the Bid Bonds will not be considered complete unless accompanied by a certified copy of the Power of Attorney for the Surety's Attorney-In-Fact.

- Letters indicating "unlimited" bonding capacity are NOT acceptable. The letter should recognize the participant's backlog and work-in-progress in relation to its bonding capacity.

- SOQ must include evidence that the Lead Designer holds Professional Liability Insurance (**Minimum \$1 Million**) and Valuable Papers Insurance (**Minimum \$150,000.00**); evidence of Workers' Compensation coverage must also be provided.

SELECTION CRITERIA:

SOQ evaluation will determine responsiveness to the requirements of this RFQ in accordance with the criteria and scoring described below. At any time RIDE may hold interviews, ask written questions, seek written clarifications, conduct discussions, and solicit updated information of the Respondent Teams during the evaluation and short-listing process.

RIDE will evaluate the **SOQ** submissions based on the following Selection Criteria and maximum scoring:

<p>1. <u>RELEVANT WORK EXPERIENCE</u> - The COMMITTEE will evaluate D/B Team experience in the following areas:</p> <ul style="list-style-type: none"> • Teams Exposure to the Design and Construction of Public Educational Facilities. • Demonstrated ability to complete complex Design Build projects on time and within budget. • Demonstrated ability in carrying out design-build projects, including organizational experience and the ability of D/B TEAM MEMBERS to work together and with the client. • Demonstrated history of avoiding claims and disputes. • Current workload and evidence of bonding capacity. • Experience with School Construction Regulations, Northeast Collaborate for High Performing Schools and Living Building Challenge. • Demonstrated ability to provide a high level of quality services related to Educational Facility Design, School Site Work Design and School Construction. 	<p>0-40 POINTS</p>
<p>2. <u>UNDERSTANDING OF THE WORK</u> The COMMITTEE will evaluate the DB Team's approach to delivering the PROJECT based on the following factors:</p> <ul style="list-style-type: none"> • Approach to development of design and the integration of design and construction of the PROJECT • Approach to development of schedule, maintenance of schedule and to schedule recovery • Approach to allocating risk between the Team and the Owner • Approach to avoiding claims and disputes 	<p>0-20 POINTS</p>
<p>3. <u>EXPERIENCE AND AVAILABILITY OF PROPOSED TEAMS and KEY PERSONNEL</u> The COMMITTEE will consider the experience of key management personnel who will be committed to the following positions, which RIDE has determined to be the most important for the successful completion of the PROJECT. The COMMITTEE will evaluate whether the level and authority of the key management personnel are commensurate with the scope and complexity of the Project. The COMMITTEE will also evaluate the experience of key management personnel in delivering complex projects on time and on budget, and the extent to which they have successfully managed to solve major design and construction issues in collaboration with project owners. The COMMITTEE will also evaluate key personnel's experience with the School Construction Regulations and NE CHPS.</p>	<p>0-20 POINTS</p>

<ul style="list-style-type: none"> ● Project Director ● Principal On-Site Superintendent ● Design Manager <p>4. PERSONNEL BY DISCIPLINE The COMMITTEE will consider the experience of D/B Team personnel assigned to the disciplines defined here-in such as bit not limited to:</p> <ul style="list-style-type: none"> ● Civil design, particularly in design/build, and school design ● Complex construction, particularly in design/build ● Contract and project management ● Design quality control and assurance ● Construction quality control and assurance ● Geotechnical investigation and foundation design ● Subcontractor management ● Utility coordination ● Landscape design ● Labor relations ● Survey control ● Safety <p>5. GENERAL EVALUATION The COMMITTEE will consider whether the SOQ is merely adequate or whether it is more fully descriptive; whether the SOQ is organized as requested or whether it contains superfluous or extraneous information; whether the Team's approach demonstrates a logical interrelationship between activities; and whether the Team has identified major points of coordination between the design and construction phase.</p>	<p style="text-align: center;">0-10 POINTS</p> <p style="text-align: center;">0-10 POINTS</p> <p style="text-align: center;">100 POINT MAX</p>
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RIGHTS AND OBLIGATIONS OF RIDE

Reservation of Rights

In connection with this D/B procurement, RIDE reserves to itself all rights (which rights shall be exercisable by RIDE in its sole discretion) available to it under applicable laws and regulations, including without limitation, the following, with or without cause and with or without notice:

- The right to cancel, withdraw, postpone or extend this Proposal Request Phase One or Two in whole or in part at any time prior to the execution by RIDE of a design-build contract, without incurring any obligations or liabilities.
- The right to issue a new Proposal Request.
- The right to reject any and all submittals, responses and proposals received at any time.
- The right to modify all dates set or projected in this RFP.
- The right to terminate evaluations of responses received at any time.

- The right to suspend and terminate the procurement process for the Project, at any time.
- The right to revise and modify, at any time prior to the RFP submittal date, factors it will consider in evaluating responses to this RFQ and the subsequent RFP and to otherwise revise its evaluation methodology.
- The right to waive or permit corrections to data submitted with any response to this RFP until such time as RIDE declares in writing that a particular stage or phase of its review of the responses to this RFP has been completed and closed.
- The right to issue addenda, supplements, and modifications to this RFP, including but not limited to modifications of evaluation criteria or methodology and weighting of evaluation criteria.
- The right to permit submittal of addenda and supplements to data previously provided with any response to this RFP until such time as RIDE declares in writing that a particular stage or phase of its review of the responses to this RFP has been completed and closed.
- The right to hold meetings and conduct discussions and correspondence with one or more of the D/B TEAMS responding to this RFP to seek an improved understanding and evaluation of the responses to this RFP.
- The right to seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to the RFP, including the right to seek clarifications from D/B TEAMS.
- The right to permit D/B TEAMS to add or delete firms and/or key personnel until such time as RIDE declares in writing that a particular stage or phase of its review has been completed and closed.
- The right to add or delete D/B TEAM responsibilities from the information contained in this RFP.
- The right to appoint and change appointees of any evaluation committee.
- The right to use assistance of outside technical and legal experts and consultants in the evaluation process in a technical advisory capacity only.
- The right to waive deficiencies, informalities and irregularities in an RFP, accept and review a non-conforming RFP or seek clarifications or supplements to an RFP.
- The right to disqualify any D/B TEAM that changes its submittal without RIDE approval.
- The right to change the method of award between the advertisements of the RFP.
- The right to respond to all, some, or none of the inquiries, questions and/or requests for clarification received relative to the RFP.
- The right to short-list from among the highest ranked Respondent Teams and to move to Phase Two only to those short-listed Respondent Teams. RIDE intends to short-list a **minimum of THREE (3)** of the highest-ranked Respondents based upon the evaluation criteria established in this RFP; The State / RIDE may increase or decrease the number of short-listed Respondents, if it is in the best interest of the State to do so.

RIDE NOT OBLIGATED FOR COSTS OF PROPOSING

The State / RIDE assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to

and/or responding to this RFP.

All of such costs shall be borne solely by each Respondent and its team members.

All responses to this RFP together with all other data and reports completed and accepted by the successful Respondent under this Contract shall become the property of RIDE. RIDE may utilize this material in any way it sees fit, and the successful Respondent agrees to make no claims against the State or any authorized agent thereof, for any such usage of them.

PROTESTS

This Section simply summarizes protest remedies available with respect to the provisions of the Rhode Island law. This section does not purport to be a complete statement of those provisions and is qualified in its entirety by reference to the actual provisions themselves. The protesting Respondent shall concurrently file a copy of its notice of protest with all other Respondents. All protests shall comply with State laws including but not limited to relevant provisions of RIGL 37-2.

An award need not be delayed for the period allowed a Respondent to protest, but in the event of a timely protest, no further action to award the Contract will be taken unless there is a written determination by the Chief Purchasing Agent, that proceeding without delay is necessary to protect the public interest or unless the Design-Build Proposal would expire. Further, pending a final determination of a protest or appeal, the validity of the contract awarded and accepted in good faith shall not be affected by the fact that a protest or appeal has been filed.

The following excerpts of Rhode Island statutes are provided for the Respondents' convenience, however Respondents shall be responsible for reviewing the applicable statutes:

§ 37-2-35 Finality of determinations. – The determinations required by §§ 37-2-19(a), (b), (c) and (f); 37-2-20(a), (b), and (c); 37-2-21; 37-2-22; 37-2-24(a); 37-2-27(3); 37-2-30(a); and 37-2-52(c) shall be final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.

§ 37-2-51 Decision presumed to be correct. – The determinations of any official, board, agent, or other person appointed by the state concerning any controversy arising under or in connection with the solicitation or award of a contract shall be entitled to a presumption of correctness. The decision shall not be disturbed unless it was: procured by fraud; in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error or law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; arbitrary, capricious, characterized by an abuse of discretion; or clearly unwarranted exercise of discretion.

§ 37-2-52 Authority to resolve protests. – (a) the Chief Purchasing Agent or his or her designee shall have authority to determine protests and other controversies of actual or prospective Respondents in connection with the solicitation or selection for award of a contract.

(b) Any actual or prospective Respondent, offeror, or contractor who is aggrieved in connection with the solicitation or selection for award of a contract may file a protest with the Chief Purchasing Agent. A protest or notice of other controversy must be filed promptly and in any event within two (2) calendar weeks after the aggrieved person knows or should have known of the facts giving rise thereto. All protest or notices of other controversies must be in writing.

(c) The Chief Purchasing Agent shall promptly issue a decision in writing. A copy of that decision shall be mailed or otherwise furnished to the aggrieved party and shall state the reasons for the action taken.

All Respondents must have internal control systems in place that meet federal requirements for accounting. These systems must comply with requirements of 48 CFR 31, "*Federal Acquisition Regulations, Contract Cost Principles and Procedures*," and 23 CFR 172, "*Administration of Engineering and Design Related Service Contracts*."

RIDE assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all sub-consultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) when requested by the Department to respond to the RFP. This requirement applies to all consulting firms with fifteen (15) or more employees.

RIDE does not discriminate because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

MISCELLANEOUS

Requirement to Keep Respondent Team Intact

The D/B Team, including but not limited to the Lead Contractor, the Lead Designer, Key Personnel, and other individuals identified must remain on the D/B Team for the duration of the procurement process and, if the D/B Team is awarded the Design-Build Contract, the duration of the Design-Build Contract. If extraordinary circumstances require a proposed change, it must be submitted in writing to RIDE. RIDE will determine whether to authorize a change. Unauthorized changes to the D/B Team at any time during the procurement process may result in the elimination of the Respondent from further consideration.

Conflict of Interest

Each Respondent shall require its proposed Team Members to identify potential conflicts of interest or a real or perceived competitive advantage relative to this procurement. Respondents are notified that prior or existing contractual obligations between a company and Federal or State Agency relative to the Project may present a conflict of interest or a competitive advantage. If a potential conflict of interest or competitive advantage is identified, the Respondent shall submit in writing the pertinent information as part of SOQ submission. RIDE will be the sole judge as to whether or not any conflict of interest exists.

RIDE, in its sole discretion, will make a determination relative to potential organizational conflicts of interest or a real or perceived competitive advantage, and its ability to mitigate such a conflict. An organization determined to have a conflict of interest or competitive advantage relative to this procurement that cannot be mitigated, shall not be allowed to participate as a Design-Build team member for the Project. Failure to abide by RIDE's determination in this matter may result in a proposal being declared non-responsive.

Conflicts of interest and a real or perceived competitive advantage are described in state and federal law, and, for example, may include, but are not limited to the following situations:

- An organization or individual hired by RIDE, or its Consultants, to provide assistance in the development of instructions to Respondent Teams or evaluation criteria for the Project.
- An organization or individual with a present or former contract with RIDE, or its Consultants, to prepare planning, environmental, engineering, or technical work product for the Project, and has a potential competitive advantage because such work product is not available to all potential Respondent Teams in a timely manner prior to the procurement process.

RIDE reserves the right, in its sole discretion, to make determinations relative to potential conflicts of interest on a project specific basis.

RIDE may, in its sole discretion, determine that a conflict of interest or a real or perceived competitive

advantage may be mitigated by disclosing all or a portion of the work product produced by the organization or individual subject to review under this section. If documents have been designated as proprietary, the Respondent will be given the opportunity to waive this protection from disclosure. If a Respondent elects not to disclose, then the Respondent may be declared non-responsive.

Ethics in Public Contracting

RIDE may, in its sole discretion, disqualify the Respondent from further consideration for the award of the Design-Build Contract if it is found after due notice and examination by RIDE that there is a violation of the RI Code of Ethics, Chapter 36-14.1 of the Rhode Island General Laws or any similar statute involving the Respondent in the procurement of the contract.

Rhode Island Access to Public Records Act

All SOQ documentation submitted to RIDE becomes the property of RIDE and is subject to the disclosure requirements of the Rhode Island Access to Public Records Act (APRA). Respondents are advised to familiarize themselves with the provisions of this Act referenced herein to ensure that documents identified as confidential will not be subject to disclosure under APRA. In no event shall the State, the Director, or RIDE be liable to a Respondent for the disclosure of all or a portion of a SOQ submitted pursuant to this request not properly identified as confidential.

Proprietary Disclosure

If a Respondent has special concerns about information which it desires to make available to RIDE but which it believes constitutes a trade secret, proprietary information, or other confidential information exempted from disclosure, such Respondent should specifically and conspicuously designate that information as such in its SOQ and state in writing why protection of that information is needed. The Respondent should make a written request to the RIDE. The written request shall:

- Invoke such exemption upon the submission of the materials for which protection is sought.
- Identify the specific data or other materials for which the protection is sought.
- State the reasons why the protection is necessary.

Blanket designations that do not identify the specific information shall not be acceptable and may be cause for RIDE to treat the entire SOQ as public information. Nothing contained in this provision shall modify or amend requirements and obligations imposed on RIDE by applicable law, and the applicable law(s) shall control in the event of a conflict between the procedures described above and any applicable law(s).

In the event RIDE receives a request for public disclosure of all or any portion of a SOQ identified as confidential, RIDE will come to its own determination whether or not the requested materials are exempt from disclosure.

Because of the confidential nature of the evaluation and negotiation process associated with this Project, and to preserve the propriety of each Respondent's SOQ, it is RIDE's intention, subject to applicable law, not to consider a request for disclosure until after RIDE's selection of the shortlist of Respondents.

LIST OF EXHIBITS:

For the purpose of clarification, the following includes but is not limited to the potential list of exhibits to be included in RFQ document. Exhibits should not be included under one tab but should be individually

tabbed and labeled and be incorporated where applicable. Exhibit information must also be brief and specific to documents requested. For instance, resumes should be limited to “key participants” only.

EXHIBITS, AS APPLICABLE (not necessarily in this order):

- Transmittal Letter
- *Completed RIVIP FORM*
- *Copy of Primary/Design Team (Designer) RI PE and Architectural License (FOR INDIVIDUAL) and Certificate of Authorization (FOR THE FIRM)*
OR Non-Compliance acknowledgement
- *Copy of Primary Constructor/Contractor RI Registration from State of Rhode Island Contractors' and Licensing Board*
OR Registration Non-Compliance acknowledgement
- *Foreign Corporation Certificate of Authority*
OR Foreign Corporation Non-Compliance acknowledgement
- *Evidence of Surety (Primary Constructor/Contractor)*
- *Evidence of Errors and Omissions Insurance etc. [Primary/Design Team (Designer)]*
- *RIDE RFP and Addenda*
- *D/B TEAM'S Key Resumes*
- *Sub-Consultant Proposal(s) inclusive of individual requirements i.e. resumes*
- *MBE and TRAINEE Commitment Statements*
- *Required FORMS: Debarment, Lobbying, Disclosure from each D/B Team Participant (ONE TAB FOR ALL)*
- *References (NO MORE THAN THREE REQUIRED)*
- *D/B TEAM Organizational Chart*
- *AIA Document B305 – 1992 Architects Qualifications Statement*

PROPOSED TENTATIVE SCHEDULE:

The current tentative schedule for the Project is for substantial completion by Monday, May 20, 2013 with Final Completion date of Monday, July 22, 2013.

Purchasing and RIDE currently anticipate conducting this procurement in accordance with the following list of milestones. This schedule is subject to revision and RIDE reserves the right to modify this schedule as it finds necessary, in its sole discretion.

The State reserves the right to make an award or multiple awards or to reject any or all proposals based on what it considers to be in its best interest.