



REAL ESTATE AND CONSTRUCTION SERVICES

301 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155-1625
Voice: (651) 201.2399
TTY: (800) 627.3529
FAX: (651) 296.7650

Web: www.admin.state.mn.us/recs

Date

Name
Address

Re:

Your firm is under Master Contract with the Real Estate and Construction Services. This letter requests a proposal from your firm for the above-referenced project. If your firm is selected from those responders making formal offers, you will receive an award letter and a Work Order Contract in the mail. You should sign and return it as promptly as possible. The state will then sign the work order contract. **ONLY WHEN ALL SIGNATURES HAVE BEEN AFFIXED TO THE CONTRACT WILL IT BE CONSIDERED EFFECTIVE AND BINDING.** If your firm is not selected, you will be notified.

A. Request for Proposal Documents:

Attached to this Request for Proposal are the following documents:

1. This letter constitutes the RFP for this project.
2. Exhibit A, Scope of Services
3. Exhibit B, Fee Proposal (to be completed by Responder)

The following exhibits are considered to be part of this RFP and may be found at www.admin.state.mn.us/recs

4. Exhibit E, Affirmative Action Certification (to be completed by Responder) **[Required clause if RFP is anticipated to be in excess of \$100,000]**
5. Exhibit F, Certification Regarding Lobbying (to be completed by Responder) **[Required if the RFP is anticipated to be in excess of \$100,000, where any federal money (1) will be used or (2) may potentially be used for the contract work.]** Exhibit G, State's Designer Procedures Manual
6. Exhibit H, AIA 201 General Conditions (1997 Edition) as modified by the state. (Available from the Real Estate and Construction Services and incorporated by reference)
7. Exhibit I, Affidavit of Non-Collusion

B. Goal: The goal of this RFP is to enter into a contract to obtain services with the best value responder. This RFP does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

C. Scope of Services: **See Exhibit A** attached to this request for proposals which includes responsibilities, tasks and deliverables.

D. Informational Meeting Date, Time and Location:

E. **General Requirements:**

1. **Terms and Conditions:** Responder is responsible for reading the terms and conditions in the Work Order Contract and Exhibits samples of which are found in the Master Contract the responder has with the state.
2. **Licensure Requirements:** The successful responder is required to be under Master Contract with the State of Minnesota.
3. **Affidavit of Noncollusion:** Each responder must complete the attached Affidavit of Noncollusion, Exhibit I, and include it with the response.
4. **Disposition of Responses:** All materials submitted in response to this RFP will become property of the State and will become public record upon completion of the evaluation process, which means when the State has completed negotiating the Work Order contract with the selected responder. If the Responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, Minn. Stats. § 13.37, the Responder must:
 - clearly mark all trade secret materials in its response at the time the response is submitted,
 - include a statement with its response justifying the trade secret designation for each item, and
 - defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the Responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the fees and fee schedule submitted by the Responder to be proprietary or trade secret materials.

Notwithstanding the above, if the State contracting party is part of the judicial branch, the release of data shall be in accordance with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court as the same may be amended from time to time.

5. **Contingency Fees Prohibited**--Pursuant to Minn. Stats. § 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.
6. **Reimbursements:** Reimbursement for travel and subsistence expenses actually and necessarily incurred by the contractor as a result of the contract will be in no greater amount than provided in the current "Commissioner's Plan" promulgated by the commissioner of Minnesota Management and Budget. Reimbursements will not be made for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.

7. **Conflicts of Interest**—Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this RFP. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.
8. **Organizational Conflict of Interest:** The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division ("MMD") which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to MMD, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the State's rights.
9. **Preference to Targeted Group and Economically Disadvantaged Businesses and Individuals (TG/ED):** In accordance with Minnesota Rules, part 1230.1810, subpart B and Minnesota Rules, part 1230.1830, certified Targeted Group Businesses and individuals submitting proposals as prime contractors will receive a six percent preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors will receive a six percent preference in the evaluation of their proposal. Eligible TG businesses must be currently certified by the Materials Management Division prior to the solicitation opening date and time. For information regarding certification, contact the Materials Management Helpline at 651.296.2600, or you may reach the Helpline by email at mmdhelp.line@state.mn.us. For TTY/TDD communications, contact the Helpline through the Minnesota Relay Services at 1.800.627.3529.
10. **Veteran-owned Preference:** In accordance with Minnesota Statute §16C.16, subd. 6a, veteran-owned businesses with their principal place of business in Minnesota and verified as eligible by the United States Department of Veterans Affairs' Center for Veteran Enterprises (CVE Verified) will receive up to a 6 percent preference in the evaluation of its proposal.

Eligible veteran-owned small businesses include CVE verified small businesses that are majority-owned and operated by either recently separated veterans, veterans with service-connected disabilities, and any other veteran-owned small businesses (pursuant to Minnesota Statute §16C.16, subd. 6a).

Information regarding CVE verification may be found at <http://www.vetbiz.gov>.

Eligible veteran-owned small businesses should complete and **sign** the **Veteran-Owned Preference Form** in this solicitation. Only eligible, CVE verified, veteran-owned small businesses that provide the required documentation, per the form, will be given the preference.

11. **Costs:** All costs incurred in responding to this RFP will be borne by the Responder. **E-Verify Certification (In accordance with Minn. Stat. §16C.075)**
By submission of a proposal for services in excess of \$50,000, Contractor certifies that as of the date of services performed on behalf of the State, Contractor and all its subcontractors will have

implemented or be in the process of implementing the federal E-Verify program for all newly hired employees in the United States who will perform work on behalf of the State. In the event of contract award, Contractor shall be responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at <http://www.mmd.admin.state.mn.us/doc/EverifySubCertForm.doc>. All subcontractor certifications must be kept on file with Contractor and made available to the State upon request.

12. **Human Rights Requirements** *[Required clause if RFP is anticipated to be in excess of \$100,000]*

13. For all contracts estimated to be in excess of \$100,000, responders are required to complete the Affirmative Action Data page, available at <http://www.admin.state.mn.us/recs/cs/cs-mgf.html>, and return it with the response. As required by Minnesota Rule 5000.3600, "It is hereby agreed between the parties that Minnesota Statute § 363A.36 and Minnesota Rule 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of Minnesota Statute § 363A.36 and Minnesota Rule 5000.3400 - 5000.3600 are available upon request from the contracting agency."

F. Proposal Content: By submission of a proposal, Responder warrants that the information provided is true, correct, binding, and reliable for purposes of evaluation for potential work order contract award. The submission of inaccurate or misleading information may be grounds for disqualification from the award and may subject the responder to suspension or debarment proceedings as well as other remedies available by law. The proposal must contain the following documents **(proposal will not be evaluated if the below items are not received by the RFP Response Due Date and Time):**

1. ____ copies of the Responder's proposal, and
2. The following Exhibits:
 - i. **Exhibit A.** Project Description and Scope of Work (return of this document affirms Responder's agreement to the scope of work)
 - ii. **Signed Exhibit B, Fee Proposal.** Responder's fee proposal provided in a **separate sealed envelope**. Responder's fee proposal, including fees of subconsultants on the State's master roster, must be based on hourly rates no greater than those currently placed on file with the State. Hourly rates of subconsultants not on the State's master roster shall be submitted with Exhibit B. All rates will remain in force for the duration of the contract.

Additional Exhibits that must be returned with Responder's Proposal (found at <http://www.admin.state.mn.us/recs/cs/cs-mgf.html>):

1. Exhibit E, Affirmative Action Certification *[Delete if RFP has anticipated value under \$100,000]*
2. Exhibit F, Certification Regarding Lobbying *[Delete if removing Certification Regarding Lobbying clause – See clause 12 below]*
3. Exhibit I, Affidavit of Noncollusion
4. Exhibit M, Veteran-Owned/Service-Disabled Veteran-Owned Preference Form (if applicable)

G. Proposal Evaluation: Representatives of RECS will review and evaluate all proposals received by the due date and time. The State reserves the right to request additional information as needed to complete its evaluation. The criteria and scoring on which proposals will be rated are identified as follows:

Criteria	Maximum Points

Proposed Fee	100
Total	100

H. Questions regarding this project must be emailed to: _____, Real Estate and Construction Services at _____. Responses to questions will be emailed to all potential responders invited to provide a proposal.

Other State or consultant personnel are NOT allowed to discuss the RFP services with anyone, including responders, before the proposal submission deadline. Contact regarding the RFP services with any personnel not listed above may result in disqualification.

I. **Deadline for Submission and Mailing/Delivery Instructions:** All proposals must be in a sealed envelope and received no later than Noon, Central Time on _____, as indicated by a date stamp made by the receptionist at the following address on receipt of proposal package. Late proposals will not be considered. Fax and email responses will not be considered. Submit your RFP response to this person & address:

Contracts Specialist
 Real Estate and Construction Services, Department of Administration
 309 Administration Building, 50 Sherburne Avenue
 St. Paul, MN 55155

END