

***Note to Respondents:**

The State Designer Selection Board Request for Proposals document was adopted by the Board on November 30, 2010, last modified March 2015. Please carefully review all of the requirements of the RFP when preparing your response to ensure compliance with the RFP.

The changes include but are not limited to:

- **Pay particular attention to Section I. F. Pass/Fail Requirements to ensure you've included and met all requirements referenced in this section;**
- **NOTE Pass/Fail Requirement: Targeted Group Subcontracting Goal requirement explained in Section VI. J.;**
- Projects may require Sustainable 2030 – see Section I. C.;
- If section I. D. indicates a discipline is required to be outside of the Prime Firm, clearly identify compliance;
- Identify Minnesota Registration numbers for all licensed professionals identified in Respondent's proposal per the requirements in Section III. C. 2. Project Team, 6);
- Fee Chart requirements clarified in Section III. C. 7.;
- Forms to be returned: Please review and complete the forms indicated in Section II. D., as well as noted on the Transmittal Form. Newer forms include Certification Regarding Lobbying, Organizational Conflict of Interest Form, Equal Pay Certification, Resident Vendor Form, and Targeted Group Subcontracting Form.

Department of Administration, State Designer Selection Board

Request for Proposals for Designer Selection for (Project 15-10)

Mechanical and Electrical (M&E) Retro-commissioning of Agriculture and Health (MDA/MDH) Laboratory (Lab) Building, 601 N. Robert St., St. Paul, MN 55155

To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a Design Team for the above project. Proposals from interested firms must be received by, **12:00 noon CT Monday, August 31, 2015** Submit proposals to:

Charlye McMillan, Executive Secretary
State Designer Selection Board
Department of Administration
Real Estate and Construction Services
Administration Building, Room 309
50 Sherburne Ave.
St. Paul, Minnesota 55155

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at 651.201.2389.

Questions relating to the project are to be referred to the Project Contact(s) in Item 1.k.

I. PROJECT 15-10

A. PROJECT DESCRIPTION:

The State is in need of mechanical and electrical engineering services to retro-commission, design corrections, bid, corrections/construction administration, and post construction services for the entire MDA/MDH Lab Building.

Building size is 181,018 square feet and five levels including the penthouse. It was occupied in 2005 and the architect and engineer was Hammel, Green, and Abrahamson (HGA) Architects.

For purposes of scope the term “corrections” refers to the construction needed to correct systems. Construction Administration refers to the phase of the project when corrections will be carried out.

Building is currently occupied and will remain fully operational and occupied through all work.

B. SCOPE OF SERVICES:

1. Retro-commissioning shall include:

- a. Air balancing of building by NEBB Certified Balancing Professional (current air Balance Report by Bal Tech dated May 5, 2006 enclosed for reference)
- b. Certifications schedule of equipment
- c. Correct any by-pass issues
- d. B3 and PBEEEP requirements (see Sustainability, Energy Conservation/High Performance Buildings and Systems on subsequent pages.)
- e. District Energy requirements
- f. All equipment and systems shown on enclosed HGA record drawings and project manual (specs) Volume 2, 3, and 4 dated April 15, 2006 including but not excluding any other equipment and systems shown or existing in the building:
 - Humidifiers
 - Vacuum System
 - DI System
 - Process Chiller
 - Air handlers
 - EBI Phoenix system
 - TSI (control system for pressure between labs)
 - Electrical systems
 - Back-net to heat wheels
 - Point-to-point for all mechanical including fan coil units
 - Heating and cooling hydronics
 - House side pneumatics
 - Cook fans for HEPA system
 - VAV operation
 - Heating control responses
 - Eye washes / tempered water
 - BSL3 (Bio Safety Level 3) Enhanced lab with separate AHU and welded walls
 - Acid neutralization system

- Solids waste interceptor
 - Fluid decontamination
 - Bench gas distribution
 - Bench Dry Compressed Air System
 - Coolers and freezers with compressors
2. Commissioning/scope shall not include:
 - a. Fire suppression system
 - b. New boilers
 - c. Vault water infiltration
 - d. Building envelope
 3. In addition to the retro-commissioning above, Responsibilities and Instruments of Service/Deliverables. Basic Services include, but are not limited to, design development, construction documents, bidding, construction administration, and post construction. For required Responsibilities and Instruments of Service/Deliverables see Attachments 2 through 6. All services shall be provided in accordance with the Attachments 2-6 and Section I of this Exhibit.
 4. The selected Design Team shall provide the following services in accordance with the Basic Services Agreement, and Consultant Designers Procedures Manual (available at the Real Estate and Construction Services (RECS) website: <http://mn.gov/admin/business/vendor-info/construction-projects/Forms/index.jsp> and <http://mn.gov/admin/business/vendor-info/construction-projects/index.jsp>)
 5. Geographic and seasonal considerations for systems

C. SPECIAL CONSIDERATIONS:

1. Design Team shall have a Licensed Mechanical Engineer as Team Lead.
2. Project Delivery Mode: the intent is for the consultant to retro-commission the entire building, provide a report and budget of proposed corrections, provide design and construction documents for a contractor to bid, oversee and manage a bidding/contractor procurement phase for a single prime contractor through a best value evaluation, observe and report on construction phase of corrective work, inspect for substantial completion, verify or recommission system for compliance in the summer and winter, and close-out the project through all required post construction phase work.
3. System shutdowns not allowed Mon-Fri 6am-6pm and Sat 8am-4:30pm. If the project requires a shutdown to test or work on a system, then the consultant will need to work after normal business hours and weekends.
4. Weekly meetings in Saint Paul, MN.
5. Potential need for multi-week standstill during unforeseen emergency
6. The mechanical and electrical engineer shall coordinate with the contractor to prepare a written system operations and maintenance manual that includes clear instruction and schematics of affected system components and a summary ready checklist of routine maintenance. This manual will be separate from manufacturer's technical information but will extract essential information from it.
7. Sustainability, Energy Conservation/High Performance Buildings and Systems:
 - a. In accordance with MN Statute 16B.325, all new buildings and substantial renovations must be designed using *The State of Minnesota Sustainable Building Guidelines* (also known as the B3

Guidelines), available at the State web site: <http://mn.gov/admin/business/vendor-info/construction-projects/> (or see <http://www.msbg.umn.edu/>).

- b. Beginning on July 1, 2010 ALL Minnesota State bonded projects — new and substantially renovated — that have not already started the Schematic Design Phase by August 1, 2009 will be required to meet the Minnesota Sustainable Building 2030 (SB 2030) energy standards. In lieu of the current B3 energy requirements of 30% less than current state energy code, the SB 2030 energy standard will be incorporated into the Minnesota Sustainable Building Guidelines (B3) which are also required for all state bonded projects.
 - c. Please see the following web site for additional information: <http://www.b3mn.org/>.
 - d. During the performance of services, schedule and coordinate with the facility staff to identify all viable utility rebate opportunities. Specify equipment that meets or exceeds efficiency standards and qualifications for utility rebate programs. Upgraded equipment specifications that have incremental costs covered by project budget are to be pursued. Specifications are to require that the contractor(s) shall provide necessary documentation, including invoices, required by the utility(s) for the purpose of processing and approving rebate applications, and that the contractor(s) shall work with the State’s facility staff to assist the State in obtaining all possible utility rebates on the project.
6. Building requires security clearance and access through special badging.
 7. The team lead project manager has a minimum of **10** years prior experience in retro-commissioning of similar facilities (labs) and has demonstrated such in the firm’s response.
 8. The project must apply the Minnesota Sustainable Building Guidelines (B3) with the Sustainable Building 2030 program to the scope of work. Training and past experience in applying the B3/SB2030 guidelines are preferred.

D. REQUIRED CONSULTANT TEAM:

- Required design disciplines are licensed mechanical and electrical engineering including specialty engineering and commissioning agent of laboratories including a BSL3 Enhanced Lab.
- Licensed electrician for the retro-commissioning phase work.
- Certified controls company for the retro-commissioning phase work.

E. SERVICES PROVIDED BY OTHERS:

- None.

F. PASS/FAIL REQUIREMENTS:

The requirements of this section will be assessed on a pass/fail basis. Respondents must “pass” each of the requirements identified to proceed to the proposal evaluation stage.

1. The Proposal must be submitted on time at the location indicated herein.
2. Respondents shall make affirmative representations of the following on the Transmittal Form attached to this RFP:

- a. Submittal shall bear an original signature, in ink, of a principal of the Prime Firm.
- b. A statement that proposal contents are true and accurate to the best knowledge of signatory
- c. A statement of commitment to enter into the work promptly, if selected, by engaging the Sub-Consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- d. A statement indicating that the Sub-Consultants listed have been contacted and have agreed to be a part of the team.
- e. A statement indicating that the Prime Firm and Sub-Consultants are willing to enter into a contract using the state's contract forms and agreeing to their terms.
- f. 10% Targeted Group Subcontracting Goal – See Section 6. Contract Requirements for requirements and details.

G. PROJECT BUDGET/FEEES:

- Construction budget to be determined by awarded consultant after retro-commissioning and design is complete.
- Anticipated Consultant Fees are to be negotiated in common agreement. A Fee Proposal will be submitted to start negotiations. Retro-commissioning phase fee to be established in a lump sum with schedule of values presented. Hourly rates will be negotiated and agreed upon before start of project.
- Consultant fee after retro-commissioning phase will be negotiated after needed design work selected. This fee will include the design, construction documents, and bidding/contractor procurement phases. Hourly rates will be negotiated and agreed upon before start of project.
- Consultant fee after the bidding/procurement phase most likely to be a negotiated percent of the construction budget. Hourly rates will be negotiated and agreed upon before start of project.
- Licensed electrician with an allowance of \$20,000 in the base negotiated price of the selected vendor for the retro-commissioning phase work.

- Certified controls company with an allowance of \$20,000 in the base negotiated price of the selected vendor for the retro-commissioning phase work.

D. PROJECT SCHEDULE:

- Oct 2015 – SDSB Consultant procurement complete
- Jan 2016 – Retro-commissioning complete
- Feb 2016 – Bidding of corrective work
- Mar 2016 – Corrections/construction start
- Jul 2016 – Corrections Substantial Completion
- Aug 2016 – Verification/retro-commission of work
- Dec 2016 – Retro-commission of building heating systems
- Jan 2017 – Project Final Completion

E. PROJECT PRE-DESIGN INFORMATION:

- Not applicable.

F. PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):

A voluntary informational meeting will be held on **August 24, 2015** at **2:30 pm CT** at the Agriculture and Health (MDA/MDH) Laboratory (Lab) Building, 601 N. Robert St., St. Paul, MN 55155. The meeting will include a tour of the proposed project areas and a review of the scope of work.

G. QUESTIONS REGARDING THIS PROJECT

Questions regarding this RFP must be received by **Wednesday, August 26, 2015** no later than **1:00 pm** Central Time. Only Prime Firms responding to this RFP should send inquiries on behalf of themselves and of their Sub-consultants.

There is only one person authorized to respond to questions regarding this RFP. Questions concerning the project RFP should be referred to Ryan Allen. **Submit questions by e-mail or fax only to: <mailto:ryan.allen@state.mn.us> 651.215.6245.** When emailing or faxing questions, please include the subject line, "RFP questions from (firm name)".

Agency anticipates posting answers to such questions no later than **12:00 pm** Central Time on **Monday, August 31, 2015**. All questions and answers will be posted at <http://state.mn.us/admin/government/construction-projects/sdsb/sdsb-projects.jsp> Click on "Project

15-10.”Note that questions will be posted verbatim as submitted.

Addenda and Supplementary Information: All prospective Respondents shall be responsible for information regarding this Project and RFP posted to the web page, including any addenda to this RFP and for answers to submitted questions.

No representatives of Prime Firms responding to this RFP nor its Sub-consultants shall have discussions regarding this RFP nor regarding the Project with any member of the Requesting Agency or its local employees other than the prescribed communications provisions set forth in this RFP from the date of the publication of the RFP in the State Register until after the completion of Consultant Selection for this Project. Proposals may be rejected or disqualified by the State Designer Selection Board if prohibited discussions occur with the Requesting Agency.

H. STATE DESIGNER SELECTION BOARD CONTACT

Questions concerning State Designer Selection Board procedures should be referred to:

Charlye McMillan, Executive Secretary

651.201.2389

charlye.mcmillan@state.mn.us

I. STATE DESIGNER SELECTION BOARD SCHEDULE:

Voluntary Pre-Proposal Project Information Meeting and/or Site Visit:	Monday, August 24, 2015, 2:30pm CT
Questions Due:	Wednesday, August 26, 2015, 1:00pmCT
Project Proposals Due:	Monday, August 31, 2015, by 12:00noon CT
Project Shortlist:	Tuesday, Sept 15, 2015
Project Interviews and Award:	Tuesday, Sept 29, 2015

J. TEAM CHANGES

Firms selected for interview may not submit any additional materials to the Board beyond their original proposal with the exception of the following:

- New Design Team member consultant firm or firm member: An addendum to the original proposal regarding a new Design Team member, consultant firm or firm member may be submitted under the following conditions:
 - If the team has been awarded another major project since the Request For Proposal due date and the team member is working on the project awarded, resulting in a conflict;
 - If a team member has left one of the submitting firms since the Request For Proposal due date;
 - If a team member must be removed due to cause

In such cases, the addendum should include a cover letter of no more than one page explaining cause and attach a resume of no more than one page.

K. INTERVIEWS AND INTERVIEW MATERIALS

Respondents who are short-listed for interviews will be notified in writing by email.

- Firms selected for interview may not submit any additional materials to the Board that was not part of their original proposal.
- Interview Presentation Materials: During the interview, Respondent's presentation materials may be distributed, such as a PowerPoint presentation or presentation boards. Such materials should include only materials to be referenced by the Team during the interview.
- Only team members listed in the proposal are allowed to participate in interviews with the exception of the Team Changes listed in section N.

L. SAMPLE CONTRACT:

Agencies should include their requirements for signing their contract. For **example**,

The successful Respondent will be required to execute the Agency's Basic Services Agreement, which

contains the agency's standard contract terms and conditions, and includes insurance requirements and compliance with Designer Procedures Manual , Design Guideline , and Computer Aided Drafting (CAD) Guidelines . Copies are available on the RECS website <http://mn.gov/admin/business/vendor-info/construction-projects/Forms/index.jsp> and <http://mn.gov/admin/business/vendor-info/construction-projects/index.jsp> .

II. PROPOSAL FORMAT

- A. **Seven (7)** paper copies [7 copies (including the original) for the SDSB + agency's requirement]
- B. **Two (2)** electronic copies on two (2) CDs in 'pdf' format. The file size should be 2-3 MB or less. Use the reduce file size feature if necessary to accomplish this. The document should be password secured against copying of text, images and other content.
- C. 8 ½ x 11, binding only stapled, in vertical 'portrait' format, no plastic dividers or covers
- D. Maximum 20 faces (excluding faces of cover letter, front and back covers, blank dividers, Transmittal Form, Targeted Group Subcontracting Form, Affidavit of Non-collusion, Affirmative Action Data Page, Equal Pay Certificate Form, Certification Regarding Lobbying, Organizational Conflict of Interest Form, Resident Vendor Form, and additional pages of Fee Chart if more than one page is necessary to list fees)
- E. All pages numbered
- F. Font size no smaller than 10 point (this does not apply to the Fee Schedule referenced in Section III. C. 7. below)
- G. Respondents are highly encouraged to follow the order of proposal contents found in Section III of this RFP.

III. PROPOSAL CONTENTS

A. TRANSMITTAL COVER:

Prime Firms are required to submit one (1) original Transmittal Form with their responses. The required

Transmittal Form is attached and also available on the SDSB website at <http://mn.gov/admin/government/construction-projects/sdsb/>, click on “Forms,” and then on “Proposal Transmittal Form”. Please attach the following to the Transmittal Form:

1. Targeted Group Subcontracting Form
2. Affidavit of Non-collusion Form
3. Affirmative Action Data Page
4. Equal Pay Certificate Form
5. Organizational Conflict of Interest Form
6. Certification Regarding Lobbying
7. Resident Vendor Form (*if applicable*)

B. COVER LETTER:

Single face cover letter, including a brief overview of proposal

C. RESPONDENT’S PROPOSAL: (BY SECTION)

1. INFORMATION ON FIRM (S)

For Prime Firm and each Consultant Firm provide brief description including:

- a. Name and location
- b. Year established
- c. Legal status
- d. Ownership
- e. Total staff, staffing by discipline, and how many employees are located in Minnesota
- f. For each firm with multiple offices, briefly summarize which office will be the primary firm location, which office will do what parts of the project and how many employees in each office will be working on the project.
- g. Identify if certified as a Targeted Group/Economically Disadvantaged firm

2. PROJECT TEAM

- a. Brief statement of the Team’s past or present working relationships
- b. For each team personnel member provide:

- 1) Name and position in firm, include name of firm
- 2) Home base (if in multi-office firm)
- 3) Responsibility on this project
- 4) Years of experience (Note that Section I. C. of this RFP often stipulates requirements for specific team members in this area.)
- 5) Relevant recent experience (if with another firm, so note)
- 6) Registration – List Minnesota Registration numbers for licensed professionals (include specialty if Professional Engineer)
- 7) Specifically address the availability of appropriate personnel and their capacity to accomplish the work within the time constraints.

3. TEAM ORGANIZATION

This section shall explain the cohesiveness and compatibility of the team. The proposal shall demonstrate and explain the team leadership, structure and integration of its members. This may be done using an organizational chart, matrix or other means. This section should identify team leaders and contacts, the degree of their involvement and an understanding of the stakeholders and commitment to assignments/project phases. If planning or design consultants are a part of the team, explain how they will be utilized (e.g. major role during design, absent during construction, etc.)

4. PROJECT EXPERIENCE

Firms please provide examples of relevant projects recently completed or in progress including:

- a. Photographs, sketches and/or plans
- b. Name and location
- c. Brief description (e.g. size, cost, relevance)
- d. Firm of Record
- e. Indicate the role of each proposed team member on each relevant project.
- f. Completion date or current status

For engineering or technical firms, provide examples of relevant projects recently completed or in progress, including items a-f above. Photographs, sketches and/or plans should represent only that

portion of the work for which firm was responsible. For example, if the firm designed the mechanical system, then a photo of the mechanical system is appropriate, not an exterior building image (unless relevant to the system design).

5. APPROACH/METHODOLOGY

Describe the Team's understanding of the project, significant issues to be addressed and the Team's *specific* approach to the planning, design and construction process for *this* project. Address perceived constraints that may affect this proposed project.

6. FEE CHART

List all State of Minnesota, Minnesota State Colleges and Universities (MnSCU) and University of Minnesota current and past projects and studies awarded to the Prime Firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal (whether your firm was the Prime Firm or a Subconsultant working on projects and studies). Four years shall be from the date the contracts were originally executed.

Projects and studies shall be defined as those projects and studies (1) funded by the state legislature, by state/user agencies, MnSCU or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies, MnSCU or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies, MnSCU or the University of Minnesota without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems, including owner's representative fees.

The Prime Firm(s) shall list and total all Gross Fees contracted for the above projects and studies, whether the fees have been received or are anticipated. In addition, the Prime Firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The Prime Firm(s) shall subtract Consultant Fees from Gross Fees to determine total Net Fees using the format below. The fairness factor will be based on Net Fees of the Prime Firm divided by the number of Minnesota employees of the Prime firm.

PROJECT	(A) GROSS FEES	(B) SUBDESIGNERS PORTION	(C) NET TOTAL PROJECT FEE
TOTAL			

The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).

7. ADDITIONAL FORMS

Please attach the following to the Transmittal Form. These forms may be found and down-loaded from <http://mn.gov/admin/government/construction-projects/sdsb/forms.jsp>.

One (1) copy of the following forms must be included with the proposal submitted:

- a. Targeted Group Subcontracting Form is completed.
- b. **Affirmative Action Data Page** is completed and signed.
- c. Equal Pay Certificate form is completed and signed.
- d. **Affidavit of Noncollusion** form is completed, signed, and **notarized**.
- e. **Certification Regarding Lobbying** form is completed and signed.
- f. **Organizational Conflicts of Interest form is completed and signed**.
- g. *If applicable*, **Resident Vendor** form is completed.
- h. *If applicable*, **Veteran Owned Preference** form is completed.

IV. SELECTION CRITERIA

In making its selection of designers the Board considers the criteria stated in Section I, Project Description and the following, which are derived in part from Minnesota Statutes 16B.33 Subd. 4(a) and Minnesota Rules Chapter 3200.0700. The order of the criteria does not imply priority, nor are they necessarily weighted equally.

- A. **(Primary): Qualifications and technical competence** in the required field of design and **prior performance** of the Team on projects for the state and others. This is demonstrated by experience of the proposed Team on similar projects (retro-commissioning laboratories, number of laboratories retro-

commissioned, size of laboratories) and by the proposed Team's discussion in the proposal and in the interview. [Note: Unsatisfactory performance must be documented in writing from the Commissioner of Administration, the University of Minnesota or Minnesota State Colleges and Universities based on criteria set forth in Minnesota Statutes 16B.33 Subd 4(f).]

B. **(Primary): Leadership, integration and cohesiveness of the proposed Team, compatibility** between the proposed Team and the project stakeholders, and **availability** of appropriate personnel and capacity to accomplish the work within the required constraints. This is demonstrated by:

1. The organization of the project Team and commitment to assign and support the team members proposed.
2. The team dynamics, previous experience of the team working together, and leadership style shown in the interview.
3. The stakeholders' perception of the style demonstrated at the interview as well as previous positive working relationships.

C. **(Not applicable): Ability to deal with aesthetic factors**, including the level of design your firm brings into the spaces both interior and exterior. This is demonstrated by experience of proposed team on similar projects.

D. **(Primary): The proposed team's project understanding, the approach/methodology** as it applies to this project, and the constraints and issues affecting this proposed project including BSL3 enhanced work. This is demonstrated by the team's proposal and discussion in the interview.

E. The following 'fairness' factors are also considered:

1. If certified as a Targeted Group/Economically Disadvantaged firm. For information regarding certification, contact the Materials Management Helpline at 651.296.2600, or you may reach the Helpline by e-mail at mmd.help.line@state.mn.us. For TTY/TDD communications, contact the Helpline through the Minnesota Relay Services at 1.800.627.3529.
2. If certified by the U.S. Department of Veterans Affairs prior to the solicitation opening date and time as a Veteran-owned firm. Information regarding certification by the United States Department of Veterans Affairs may be found at <http://www.vetbiz.gov>.

3. Geographic relationship of the Prime Firm's base to the project site. This is demonstrated by the location of the Prime Firm and/or its consultants with respect to the project site.
4. Awards previously made to the Prime Firm by the state. This is in the interest of equitable distribution of commissions. Consideration is given to all state work awarded (by executed contract) to the Prime Firm during the past four years prorated based on the number of employees in the Minnesota office(s) of the Prime Firm.

V. RIGHTS RESERVED

Notwithstanding anything to the contrary, the State reserves the right to:

- A. Reject any and all Proposals received in response to this RFP.
- B. Disqualify any Respondent whose conduct or Proposal fails to conform to the requirements of this RFP.
- C. Have unlimited rights to duplicate all materials submitted for purposes of RFP evaluation, and duplicate all public information in response to data requests regarding the Proposal.
- D. Select for contract or for negotiations a Proposal other than that with the lowest cost or the highest evaluation score.
- E. At its sole discretion, to waive any non-material deviations from the requirements and procedures of this RFP and to waive irregularities contained in the RFP.
- F. Negotiate as to any aspect of the Proposal with the selected Respondent including asking for a Respondent's "Best and Final" offer.
- G. Extend the contract for up to an additional three years, in increments determined by the State, not to exceed a total contract term of five (5) years.
- H. Cancel the Request for Proposal at any time with no cost or penalty to the State.

All costs incurred in responding to this RFP will be borne by the Respondent. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if, in its sole discretion, it is considered to be in the State's best interest.

VI. CONTRACT REQUIREMENTS

A. AFFIDAVIT OF NONCOLLUSION

Each Respondent must complete the attached Affidavit of Noncollusion. This form is available at <http://mn.gov/admin/government/construction-projects/sdsb/>, click on "Forms".

B. CONFLICTS OF INTEREST

Respondent 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 request for proposals by completing the Organizational Conflict of Interest Form available at <http://mn.gov/admin/government/construction-projects/sdsb/forms.jsp>. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

C. ORGANIZATIONAL CONFLICTS OF INTEREST

The Respondent must include in their proposal a statement warranting 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 by completing the Organizational Conflict of Interest Form available at <http://mn.gov/admin/government/construction-projects/sdsb/forms.jsp>. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the Respondent is unable or potentially unable to render impartial assistance or advice to the State, or the Respondent's objectivity in performing the contract work is or might be otherwise impaired, or the Respondent has an unfair competitive advantage. The Respondent 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"), 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the Consultant 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 Respondent 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 Consultant, and the terms “contract,” “Consultant,” and “contracting officer” modified appropriately to preserve the State’s rights.

D. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become the property of the State and will become public record in accordance with Minnesota Statutes 13.591 after the evaluation process is completed. Pursuant to the statute, completion of the evaluation process occurs when the government entity has completed negotiating the contract with the selected vendor. If the Respondent 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. Stat. § 13.37, the Respondent 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 Respondent agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider prices submitted by the Respondent to be proprietary or trade secret materials.

Notwithstanding the above, if the State contracting party is a 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.

E. CONTINGENCY FEES PROHIBITED

Pursuant to Minnesota Statutes Section 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.

F. WORK FORCE CERTIFICATION REQUIRMENT

For all contracts estimated to be in excess of \$100,000, Respondents are required to complete the Affirmative Action Data page and return it with the response. The form is available on the State Designer Selection Board website <http://mn.gov/admin/government/construction-projects/sdsb/>, click on "Forms". As required by Minn. R. 5000.3600, "It is hereby agreed between the parties that Minn. Stat. § 363A.36 and Minn. R.5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of Minn. Stat. § 363.36 and Minn. R.5000.3400 - 5000.3600 are available upon request from the contracting agency."

G. EQUAL PAY CERTIFICATION [Required for RFPs anticipated to be in excess of \$500,000]

If the Response to this solicitation could be in excess of \$500,000, the Responder must obtain an Equal Pay Certificate from the Minnesota Department of Human Rights (MDHR) or claim an exemption prior to contract execution. A responder is exempt if it has not employed more than 40 full-time employees on any single working day in one state during the previous 12 months. Please contact MDHR with questions at: 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay) or at compliance.MDHR@state.mn.us.

H. WORKERS' COMPENSATION AND OTHER INSURANCE

By submission of a proposal, Respondent certifies that it is in compliance with all insurance requirements specified in the State's Basic Services Agreement available on the RECS website at <http://mn.gov/admin/business/vendor-info/construction-projects/Forms/index.jsp>, titled "BSA-DC".

I. 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) (prior to the solicitation opening date and time) will receive a preference in the evaluation of its proposal (consistent with RFP Section IV., Selection Criteria). Eligible veteran-owned small businesses include CVE verified, certified small businesses that are majority-owned and operated by veterans (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** found at <http://mn.gov/admin/government/construction-projects/sdsb/>, click on "Forms". Only eligible, CVE verified, veteran-owned small businesses that provide the required documentation per the form, will be given the preference.

J. DEPARTMENT OF ADMINISTRATION 10% TARGETED GROUP SUBCONTRACTING GOAL:

The Department of Administration has set a ten percent (10%) subcontracting goal for this contract. Prime contractors are required to subcontract at least ten percent (10%) of their contract to certified Targeted Group businesses or individuals. This provision does not apply to prime contractors which are certified Targeted Group businesses or prime contractors which are Veteran-Owned Small Business, as defined in MN Statute 16C.19 (d) as a business with their principal place of business in Minnesota, and verified by the US Department of Veterans Affairs (at www.vetbiz.gov) as being either a veteran-owned small business or a service-disabled veteran-owned small business. If Responder is the selected consultant, Responder's commitment will be assessed at the time of cost proposal. At the time of cost proposal, if the selected consultant's cost proposal does not result in meeting the 10% Targeted Group subcontracting goal, contract negotiations shall not continue and the contracting agency shall contact the State Designer Selection Board's alternate selection for contract award and negotiation. This provision does not apply to prime contractors which are certified Targeted Group businesses. A complete listing of certified Targeted Group businesses is

available on the Materials Management Division Website at www.mmd.admin.state.mn.us/process/search/.

This is the only acceptable list. Other agencies may have their own similar lists, however, these other similar lists do not apply to this RFP. **PRINT AND ATTACH PROOF OF TARGETED GROUP**

CERTIFICATION available at www.mmd.admin.state.mn.us/process/search/. Do this for EVERY Targeted Group subcontractor your firm lists (or for prime firm if prime firm is Targeted Group certified) on the Targeted Group Subcontracting Form included with your proposal response.

Instructions for printing proof of Targeted Group certification:

1. Go to www.mmd.admin.state.mn.us/process/search/
2. Enter TG subcontractor company name
3. Click on subcontractor company name
4. Print page that provides TG subcontractor information, attach to the Targeted Group Subcontracting Form and submit with proposal.

*Do this for every TG subcontractor identified on your firm's completed Targeted Group Subcontracting Form.

*Note that Targeted Group firms are identified on this website with the following Category codes:

- Minorities
 - (A) Asian/Pacific Islander
 - (B) African-American
 - (H) Hispanic
 - (I) American Indian
 - (E) Alaska Native

- (D) Disabled
- (W) Women

In order for the proposal to be considered, a list of the Targeted Group businesses or individuals to be utilized and the percentage of utilization on this contract MUST be submitted with the proposal. A form has been provided for this purpose and is available at <http://mn.gov/admin/government/construction-projects/sdsb/forms.jsp>. The total percent to be subcontracted must be equal to or in excess of the stated goal. Do not leave the percentage blank or identified as "TBD".

Prime contractors may request a waiver from the Targeted Group subcontracting goal requirement as set out in Minn. Rules 1230.1820. subp. 3 if the Responder has demonstrated good faith efforts to meet the goal by submitting documented unsuccessful efforts to obtain certified subcontractors via e-mail to Sheila Scott, Materials Management Division, at sheila.scott@state.mn.us (copying Charlye McMillan, Real Estate and Construction Services, at charlye.mcmillan@state.mn.us and Sherry Van Horn, Real Estate and Construction Services, at sherry.vanhorn@state.mn.us). If requesting a waiver from this subcontracting goal, **it must be received via email no later than Wednesday, August 26, 2015 at 4: 30 p.m. C.T.**

Whether or not to grant a waiver will be determined on a case-by-case basis by the Director of the Materials Management Division of the Minnesota Department of Administration or his designee, who shall review all the documentation submitted by the Responder and all relevant documentation in the Division's possession to determine if good faith steps were taken. The Director or his designee must consider whether the documentation demonstrates good faith efforts to achieve the TGB subcontracting goal based on the following general types of activities conducted by the Responder. This list is not intended to be an exhaustive list of activities that may be considered good faith steps:

1. Retrieving a list of certified Targeted Group Businesses that provide the services included in Responder's proposal (Contact info, not just company names)
2. Contact log (who, how when – particularly important for phone contacts that are not as easily documented as email/fax)
3. Confirmation of contact (emails, faxes, etc)
4. Responses from TGBs (no response, no thanks, etc.)
5. Notes on evaluation of TGB responses (if eliminated from consideration, why)
6. Any other efforts responder made to increase (or attempt to increase) the utilization of TGBs.
7. Info on any obstacles responder encountered

The submission of the Targeted Group Subcontracting form confirming that you have met one of the four requirements listed below is a **PASS/FAIL requirement**; failure to complete and submit this form will result in your proposal not being considered for this project.

1. The Prime Firm is Certified as a Targeted Group business
2. The Prime Firm is a Veteran-Owned Small Business as described above
3. The Prime Firm has requested a waiver*
4. The Prime Firm has met the 10% Targeted Subcontracting Goal

***Note about requesting a waiver:** You must submit the Targeted Group Subcontracting Form in order to *qualify* for a “PASS” score; however, if you have checked the box indicating that you have requested a waiver you will only receive a “PASS” score if the request is approved by the Materials Management Division and the waiver is granted. If your request for a waiver is denied, you will receive a score of “FAIL”.

*A Targeted Group Subcontracting Check List is attached for your use.

**[Project Name & #15-10]
Transmittal Form [company name]**

Date:

Prime Firm Name:
Prime Firm Address:
Phone Number:
Fax Number:

Contact Person:
Direct Phone:
Email Address of Contact Person:
Company Email address:

Response includes:

- Transmittal Sheet - this page with the following attached to it:**
 - Affidavit of Non-Collusion
 - Organizational Conflict of Interest Form
 - Affirmative Action Certificate
 - Equal Pay Certification
 - Certification Regarding Lobbying
 - Targeted Group Subcontracting Form w/TG Cert proof attached (*if applicable*)
 - Resident Vendor Form (*if applicable*)
 - Veteran Owned/Service Disabled Veteran Owned Preference Form (*if applicable*)

- Cover Letter (no more than one page and included with each proposal copy)**

- Seven (7) Copies of Proposal: (each proposal is no more than twenty pages and includes:)**
 - Cover Letter
 - Information on Firms
 - Project Team
 - Team Organization
 - Project Experience
 - Fee Chart (or statement of no fees in last four years)
 - Does not exceed 20 faces (excluding cover letter, blank dividers, front & back covers)
 - Project Approach/Methodology
 - All pages are numbered
 - Portrait format and **stapled**
 - No plastic dividers or covers

- **Respondent certifies that no member of the proposing firm or its sub-consultants has discussed this Request for Proposal (RFP) or the project with any member of the requesting agency from the date of publication of this RFP in the State Register, other than the prescribed communication provisions set forth in the RFP.**
 - **Respondent further certifies that no member of the proposing firm or its Sub-consultants will have any discussions regarding this RFP or project with any member of the requesting agency until after the completion of interviews for this project.**
 - **Respondent understands that its proposal may be disqualified if discussions occur with the requesting agency outside the prescribed communications provisions set forth in the RFP.**

By signing below, (Name of Firm) agrees:

1. The proposal contents are accurate to the best knowledge of the undersigned.
2. (Name of Firm) is committed to entering into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet the requirements of the work.
3. The consultants listed in this proposal have been contacted and have agreed to be part of the team.
4. The undersigned has read and agrees to the terms of the (State's/MnSCU's/U of M's) contract terms, and is willing to sign the contract should it be offered to our firm.
5. Respondent has completed the required Targeted Group Subcontracting Form (*if applicable*).

Signature:

Dated:

State Designer Selection Board

Targeted Group Subcontracting

Check List

- Targeted Group Subcontracting Form is completed and included with response. This is required for ALL responses. If not included, proposal will receive a score of "FAIL"
- Subconsultant(s) (or prime firm) listed on the Targeted Group Subcontracting Form is/are identified on the Materials Management Division Website at www.mmd.admin.state.mn.us/process/search/ on or before the due date/time of the proposal. (Subconsultants in the process of being certified do not qualify.) This is the only acceptable list. If not in compliance, proposal will receive a score of "FAIL".
- Responder has attached a screen print of proof of Targeted Group certification available on the Materials Management Division Website at www.mmd.admin.state.mn.us/process/search/ for every Targeted Group identified on the Targeted Group Subcontracting Form, including prime firm if prime firm is certified Targeted Group (see instructions in RFP).
- Targeted Group Subcontracting form identifies anticipated percentages for Targeted Group Subconsultant(s) listed and the total percent is equal to or in excess of the goal stated in the RFP and on the Targeted Group Subcontracting Form (do not leave percentage blank or identified as "TBD"). If not in compliance, proposal will receive a score of "FAIL".
- If requesting a waiver, Targeted Group Subcontracting Form must still be completed and returned with the proposal, indicating such. If Responder has requested a waiver by the waiver request due date indicated in the RFP, Responder will only receive a "PASS" score if the request is approved by the Materials Management Division (as indicated in the RFP) and the waiver is granted. If Responder's request for a waiver is denied and Responder's proposal (submitted by the proposal due date) does not meet the Targeted Group Subcontracting requirement indicated in the RFP, Responder's proposal will receive a score of "FAIL".
- If exempt based on prime firm being a Veteran-Owned Small Business, as defined in MN Statute 16C.19 (d) as a business with their principal place of business in Minnesota, and verified by the U.S. Department of Veterans Affairs (at www.vetbiz.gov) as being a certified small businesses that is majority-owned and operated by a veteran, attach a screen print from www.vetbiz.gov confirming verification.

*Responder's cannot add Targeted Group Subcontractors after the proposal due date.

*The RFP indicates the only situations in which team changes after the proposal due date are allowed.

*This Check List is for assistance and is to be used only as a guide. Responder's MUST follow all instructions for meeting the Targeted Group Subcontracting requirement as indicated in the RFP.