

***Note to Respondents:**

The State Designer Selection Board Request for Proposals document was adopted by the Board on **August 22, 2017**, last modified June 2017. 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
- The State Designer Selection Board is committed to **diversity and inclusion** in its public procurement process. The goal is to ensure that those providing goods and services to the State are representative of our communities and include businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within our communities, and fosters economic development and equality.

The State Designer Selection Board encourages responders to highlight in its proposal response the prime firm's efforts for promoting diversity inclusion. Efforts may be considered as part of the evaluation process.

To further this commitment, the Department of Administration operates a program for Minnesota-based small businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Businesses who may qualify can get more information to obtain certification, and proposers seeking firms owned by TG/ED/VO businesses, may contact the Department of Administration's Office of Equity in Procurement at 651-201-2402 or via email at procurement.equity@state.mn.us. For additional information on this program, or to determine eligibility, please call 651-296-2600 or go to <http://www.mmd.admin.state.mn.us/mn02001.htm>.

- Projects may be required to meet the design and operational requirement of the B3 (Minnesota Sustainable Building Guidelines and Energy Standard of Sustainable Building 2030 – see Section I. C.
- Forms to be returned: Please review and complete the forms indicated in Section II. D., as well as noted on the Transmittal Form. These forms have been altered, added or deleted over time. Please note the current requirement.

**Department of Administration, State Designer Selection Board
Request for Proposals for Designer Selection for (Project 18-14)
Technology and Business Center
Inver Hills Community College**

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 THURSDAY, December 27, 2018. Proposals received after the submission deadline will not be considered.** Submit proposals to:

Jennifer Barber, 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

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 18-14

A. PROJECT DESCRIPTION:

The Technology and Business Center project at Inver Hills Community College (IHCC) will respond to the changing educational needs of the Business and Accounting, STEM and Paralegal programs as well as address deferred maintenance needs of this building. The project will improve learning environments, improve utilization of existing spaces, and reduce facility operating costs through improved building systems.

The project scope includes a complete renovation of the Business Building as well as a new link proposed between Business and Heritage Hall. See attached Pre-Design Summary Sheet (Exhibit A) for additional details on this project including Site Plan. A link to the full Pre-Design document is shared on page 7 of this RFP.

B. SCOPE OF SERVICES:

- Professional services for the design and construction phases of the Inver Hills Community College Technology and Business Center renovation in accordance with the Predesign Report dated October 12, 2018.
- The project is currently funded for the Design Phases only. The scope of services includes Schematic Design through 100% Construction Document phase services.
- It is the State's intent, as construction funds become available, to contract with the selected designer through Supplemental Agreements to the original contract, for Bidding, Construction Administration, and Close-Out phase services as required to complete this project.

- The selected Design Team shall provide the following services in accordance with the Minnesota State Design Standards, and e-Manual:
http://www.minnstate.edu/system/finance/facilities/design-construction/pm_emanual/index.html and
<http://www.minnstate.edu/system/finance/facilities/design-construction/resources.html>
- Design Team shall have an Architect as Team Lead.
- This project delivery method will be Construction Manager at Risk project as defined in Minnesota Statute MS 16C.34.
- Evaluate existing adjacent building's structural, mechanical, electrical and telecommunications systems to determine capabilities and design capacities to support the proposed new link.

C. SPECIAL CONSIDERATIONS:

- When the project is funded by State bond proceeds, is a new building, addition, or major renovation, applying the Minnesota Sustainable Building Guidelines (B3) with the Sustainable Building 2030 program shall be included in the scope of work. Training and past experience in applying the B3/SB2030 guidelines are preferred. For purposes of this RFP, a major renovation is defined as a renovation of 10,000 square feet or greater or the replacement of the mechanical, ventilation, or cooling system of the building or a section of the building). Applicable resources are:
 - Case Study Database: <http://casestudies.b3mn.org/>
 - B3 Guidelines: <http://www.b3mn.org/guidelines/index.html>
 - SB 2030: <http://www.b3mn.org/2030energystandard/index.html>
- The campus is occupied during construction which will limit space for construction staging.
- The team lead/Architect/Project Manager has had a minimum of 10 years prior experience in design and construction of similar facilities and has demonstrated such in the firm's response.
- This project is technically complex and the Architectural and Engineering Disciplines need to work in unison and have a history of close working relationships on past projects. The prime firm shall have worked with each of the sub-consultants on at least one previous project of similar scale and complexity.

D. REQUIRED CONSULTANT TEAM:

- Architectural Services – including all services related to the State of Minnesota B3 Sustainable Building 2030 standards, specifically as the Guideline Leader, for design and construction of the project.
- Interior Design - including furniture fixtures and equipment (FF&E) design, interior and exterior signage design.
- Structural engineering
- Mechanical engineering
- Electrical engineering
- Civil engineering
- Landscape architecture
- Cost estimating consultant
- Roofing consultant, familiar with Minnesota State Roof Design Standards.
- Energy modeling consultant

E. SERVICES PROVIDED BY OTHERS:

The owner may contract directly for, or arrange to provide:

- *Commissioning Agent*
- *Telecommunications and audio-visual/Low Voltage AV*
- *Security consultant*
- *Fire protection engineering*
- *Site survey, geo-technical, environmental and material testing programs*
- *Hazardous materials abatement survey*
- *Construction testing, exterior envelope inspection.*
- *Envelope Commissioning. Review design and observe construction of roofing, waterproofing, doors/window, wall systems. (Required for State Agency Projects).*

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. A representative of the Prime Firm must have attended the mandatory meeting and shall so state in the affirmative statements.
3. 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.

G. PROJECT BUDGET/FEEES:

- *The estimated cost of construction is \$ 12,066,250.00.*
- *2018 Laws, Chapter 214, Section 3, Subdivision 7, appropriated \$698,000.00 to design the renovation of the Technology and Business Center to include the link to Heritage Hall.*
- *The design fee for full design services (SD-CD) is estimated to be 8-9%.*
- *Final total design fees are to be negotiated.*

H. PROJECT SCHEDULE:

Phase	Begin	Complete (Incl. 2 weeks for Owner Review)
Schematic Design	February 11, 2019	April 19, 2019
Schematic Design Owner Review and Presentation	April 22, 2019	April 30, 2019
Design Development	June 1, 2019	September 6, 2019
Construction Documentation	September 23, 2019	December 20, 2019
Bidding (If funding is avail)	July, 2020	July, 2020
Construction	August, 2020	August, 2021
Commissioning	Sept, 2021	

The final schedule will be negotiated and confirmed with the awarded firm.

I. PROJECT PRE-DESIGN INFORMATION:

The Predesign Report, dated **October 12, 2018** by **Architecture Advantage** is available for review at <http://minnstate.edu/system/finance/facilities/index.html>

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

A mandatory informational meeting will be held on **Tuesday, December 11, 2018** at **1:00** CT at the **Inver Hills Business Building, Second Floor, Classroom B-207**. The meeting will include a tour of the proposed project areas and a review of the scope of work.

K. QUESTIONS REGARDING THIS PROJECT

Questions regarding this RFP must be received by **Friday, December 14, 2018** no later than **4:00 p.m.** 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 **Paul Demuth, Project Manager**. **Submit questions by e-mail only to: PDeMuth@inverhills.edu**. When emailing questions, please include the subject line, "Business RFP questions from (firm name)".

Agency anticipates posting answers to such questions no later than **10:00 a.m.** Central Time on **Tuesday, December 18, 2018**. All questions and answers will be posted at <http://minnstate.edu/system/finance/facilities/index.html>. 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.

L. STATE DESIGNER SELECTION BOARD CONTACT

Questions concerning State Designer Selection Board procedures should be referred to: Jennifer Barber, Executive Secretary 651.201.2389 jennifer.barber@state.mn.us

M. STATE DESIGNER SELECTION BOARD SCHEDULE:

Mandatory Pre-Proposal Project Information

Meeting and/or Site Visit:	Tuesday, December 11, 2018, 1:00 p.m. CT
Questions Due:	Friday, December 14, 2018, 4:00 p.m. CT
Project Proposals Due:	Thursday, December 27, 2018 by 12:00 noon CT
Project Shortlist:	Wednesday, January 9, 2019
Project Interviews:	Wednesday, January 23, 2019

N. 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.

O. 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.

P. SAMPLE CONTRACT:

The successful Respondent will be required to execute the Minnesota State’s AIA B133 Contract which contains the agency’s standard contract terms and conditions, and includes insurance requirements and compliance with Minnesota State e-Manual and Design Standards. The Contract can be referenced:

II. PROPOSAL FORMAT

- A. 12 paper copies
- B. **Two (2)** electronic copies on two (2) flash drives 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 –numbered from 1 to 20.
Excludes faces of the cover letter, front and back covers, blank dividers, Proposal Transmittal Form and its required attachments and additional pages of Fee Chart if more than one page is necessary to list fees. The Fee Chart must start on or before page 20.
- E. Font size no smaller than 10 point (this does not apply to the Fee Chart referenced in Section III).
- F. 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/ Economically Disadvantaged/Veteran-Owned Subcontracting Form (if applicable)
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/Veteran-Owned 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
 - 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 the day-to-day contact(s), 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

For architectural, planning, and/or landscape architecture 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

- a. 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.
- b. Describe the Team’s understanding of, and experience with, applying the Minnesota Sustainable Building Guidelines (B3) and the Sustainable Building (SB) 2030 Program to your design approach. Address the Energy Use Intensity (EUI) of past projects by comparing the SB2030 Energy Standard to the design model and actual building energy use (if actuals are available). Provide print-outs from the SB 2030 Case Studies Data Base that demonstrates this information. If the design team does not have past experience in applying B3 and SB2030 to projects, describe any SB 2030 training received by any of the team members or experience and results of energy modeling on past projects prior to SB2030 Standards.

6. FEE CHART

List all State of Minnesota, Minnesota State Colleges and Universities (MN State) 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 Sub-consultant 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, MN State or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies, MN State or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies, MN State 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 NAME	(A) Gross Fee	(B) Sub-consultant Portion	(C) Net Total Project Fee
	Total column A	Total column B	Total A -Total B = C

7. ADDITIONAL FORMS

Please attach the following to the Transmittal Form. These forms may be found and down-loaded from <https://mn.gov/admin/government/construction-projects/sdsb/forms/>. One (1) copy of the following forms must be included with the proposal submitted:

- a. **Targeted Group/ Economically Disadvantaged/Veteran-Owned** Subcontracting Form is completed (if applicable).
- b. **Workforce Certificate** is completed and signed.
- c. **Equal Pay Certificate form** is completed and signed.
- d. **Affidavit of Non-collusion** 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 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. **Primary: 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. This is demonstrated by the team's proposal and discussion in the interview.
- E. **Primary: The proposed team's understanding, experience and approach to sustainability and energy efficiency**, specifically related to The Minnesota Sustainable Building Guidelines (B3) and the Minnesota Sustainable Building (SB) 2030 Energy Standard. This is demonstrated by the content in the Approach/Methodology, experience of the proposed team on past projects, and discussion in the interview.

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

1. If certified as a Targeted Group/ Economically Disadvantaged/Veteran-Owned firm. For information regarding certification, contact the Office of Equity in Procurement at 651.201.2402, or Procurement.equity@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.vip.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 Non-collusion. 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

<https://mn.gov/admin/government/construction-projects/sdsb/forms/>. 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 <https://mn.gov/admin/government/construction-projects/sdsb/forms/>.

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 Office of State Procurement ("OSP"), 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 OSP, 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 REQUIREMENT

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

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 <https://mn.gov/admin/business/vendor-info/construction-projects/manuals-guidelines-forms/forms/>, 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.vip.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. TARGETED GROUP (TG) /ECONOMICALLY DISADVANTAGED (ED) PREFERENCE

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 shall receive a preference in the evaluation of its proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors will receive a preference in the evaluation of their proposal. Eligible TG or ED businesses must be currently certified by the Office of State Procurement prior to the solicitation opening date and time. For information regarding certification, contact the Office of State Procurement 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. Include a copy of the letter of certification or a screen print of the appropriate website showing certification as part of the RFP response submittal."

J. CERTIFICATION OF NONDISCRIMINATION (In accordance with Minn. Stat. § 16C.053)

The following term applies to any contract for which the value, including all extensions, is \$50,000 or

more: Contractor certifies it does not engage in and has no present plans to engage in discrimination against Israel, or against persons or entities doing business in Israel, when making decisions related to the operation of the vendor's business. For purposes of this section, "discrimination" includes but is not limited to engaging in refusals to deal, terminating business activities, or other actions that are intended to limit commercial relations with Israel, or persons or entities doing business in Israel, when such actions are taken in a manner that in any way discriminates on the basis of nationality or national origin and is not based on a valid business reason.

**[Project Name & #]
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:

- | | |
|---|---|
| <input type="checkbox"/> Affidavit of Non-Collusion | <input type="checkbox"/> Resident Vendor Form (<i>if applicable</i>) |
| <input type="checkbox"/> Organizational Conflict of Interest Form | <input type="checkbox"/> Veteran Owned/Service Disabled |
| <input type="checkbox"/> Workforce Certificate | <input type="checkbox"/> Veteran Owned Preference Form (<i>if applicable</i>) |
| <input type="checkbox"/> Equal Pay Certification | |
| <input type="checkbox"/> Certification Regarding Lobbying | |
| <input type="checkbox"/> Targeted Group Subcontracting Form w/TG Cert proof attached (<i>if applicable</i>) | |

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

(XXX) Copies of Proposal: (each proposal is no more than twenty pages and includes:)

- | | |
|---|---|
| <input type="checkbox"/> Cover Letter | <input type="checkbox"/> Project Approach/Methodology |
| <input type="checkbox"/> Information on Firms | <input type="checkbox"/> Pages are numbered |
| <input type="checkbox"/> Project Team | <input type="checkbox"/> Portrait format and stapled |
| <input type="checkbox"/> Team Organization | <input type="checkbox"/> No plastic dividers or covers |
| <input type="checkbox"/> Project Experience | |
| <input type="checkbox"/> Fee Chart (or statement of no fees in last four years) | |
| <input type="checkbox"/> Does not exceed 20 faces (excluding cover letter, blank dividers, front & back 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.
- Respondent acknowledges that one or more representatives of the Prime Firm attended the mandatory project informational meeting.

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/MN State's/U of M's) contract terms, and is willing to sign the contract should it be offered to our firm.
5. Respondent confirms that a representative of the Prime Firm attended the mandatory meeting.
6. Respondent has completed the required Targeted Group Subcontracting Form (*if applicable*).

Signature:

Dated: