

Department of Administration, Real Estate and Construction Services

Request for Proposals for Owner's Project Representative (OPR) for capital improvement projects, including to 1) predesign, design, construct and equip a new legislative office, hearing room and parking facilities for legislative and other functions; 2) to design, construct and equip temporary parking facilities and two new permanent parking facilities; and, 3) other asset preservation projects as needed.

The State of Minnesota (State), acting through its Department of Administration, Real Estate and Construction Services (RECS) is seeking owner's project representative services for all phases of the above-referenced projects. Proposals from interested firms must be received by, **12:00 noon CT Monday, June 25 2013**.

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED. All responses to this RFP must be submitted through the State of Minnesota's Supplier portal, referred to as "SWIFT" (<http://supplier.swift.state.mn.us>). See Section II, Proposal Instructions.

Questions regarding this project must be emailed to: Sherry Van Horn, Real Estate and Construction Services at sherry.vanhorn@state.mn.us no later than June 13, 2013 at 4:00 p.m. C.T. Responses to questions will be posted as an addendum in SWIFT

The **Complete Request for Proposals** is comprised of all the following documents:

1. RFP
2. Exhibit A-1, Scope of Services
3. Exhibit A-2, Design Guidelines and Imperatives
4. Exhibit A-3, Design Scoping Process
5. Attachment A, Preliminary Pre-Design, New Legislative Office Building , available at http://www.admin.state.mn.us/recs/docs/13_05_09_NLOB_Final.pdf
6. Attachment B, Predesign Report, New Parking, Capitol Complex, available at <https://collaborativedesigngroup.sharefile.com/d/f0bdbc3ba7d84123>
7. Attachment B-1, Amendment to Predesign Report, New Parking, Capitol Complex
8. Exhibit B, Fee Proposal

Documents above are available in SWIFT, unless otherwise noted, as well as at <http://www.admin.state.mn.us/recs/cs/cs-sa.html>.

Content of Responder's Proposal: By submission of a proposal, the Responder affirms its willingness to abide by the terms and conditions of the state's contract documents. By submission of a proposal, Responder warrants that the information provided is true, correct and reliable for purposes of evaluation for potential 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.

I. CAPITAL IMPROVEMENT PROJECTS

A. BACKGROUND:

Legislative Office, Hearing Room and Parking Facilities

With the completion and presentation of the Comprehensive Master Plan and the appropriation of \$44M in 2012, the Capitol Restoration project began. As part of the planning process, the design team and the program manager explored different configurations of the Capitol. Each of these configurations demonstrated that regardless of which organizational scheme that was decided upon there was space in the Capitol that would be displaced to another building other than the Capitol Building.

Based on reviewing the different configurations for the Capitol Building, the Speaker of the House and the Majority Leader of the Senate sent a joint letter to the Governor and the Commissioner of Administration to request that consideration be given to go outside of the original footprint of the Capitol and consider the option and cost of construction a new legislative building that could house the entire Senate.

The Preliminary Pre-Design contains information on the scope, cost, schedule and location for the new legislative office building and associated parking. The selected sites were identified in the authorization legislation. The site for the office building and on-site parking facilities is the block bounded by Sherburne Avenue on the north, Park Street on the west, University Avenue on the south, and North Capitol Boulevard on the east. The site for a parking structure is the state-owned land located in the block bounded by Sherburne Avenue on the north, Park Street on the east, University Avenue on the south, and Rice Street on the west.

The authorization legislation further required that the legislative office facility must provide office accommodations for all senators and senate staff not housed in the capitol building and disabled visitors to senate offices.

Capitol Complex Parking Facilities

The Department of Administration has had a long standing arrangement with Sears to lease 635 parking spaces at the south end of the Sears Shopping plaza located on Rice Street. These 635 spaces, known as State Parking Lot X, are in-turn leased by the Department of Administration to state employees and state contract vendors on a monthly basis in order to provide them a place to park in close proximity to their work. In December 2012 Sears announced plans to further develop its Rice Street Shopping Plaza. The development plans eliminate Lot X. Sears Representatives have indicated that development will occur as soon as a satisfactory number of tenants commit to lease the retail and office spaces. Consequently, Sears has opted to limit its current lease for parking spaces with the State to one year or to terminate any time prior to the end of the lease with a 90 day notification.

In December 2012 the Department of Administration commissioned a design firm to conduct a predesign for parking replacement facilities. Professionals from the Minnesota Department of Transportation's Transit Office and the Capitol Area Architectural Planning Board (CAAPB) served with the Department of Administration and the Consultant on the predesign team. The predesign report recommends two parking structures be constructed on the Capitol Complex. These new structures would be built in the place of existing parking lots. The first would be built in the current location of Lot F, directly west of the Transportation Building. It would accommodate 480 vehicles. Since Lot F already contains 113 parking spaces this new ramp would provide 367 net new parking spaces on the Complex. The second structure would be built in Lot L which is directly east of the Judicial Center. This facility would accommodate 400 vehicles, but since Lot L already contains 92 spaces, the net gain of parking from this structure would be 308 new parking spaces on the Capitol Complex. In total, these new structures would provide approximately 880 new spaces, with a net replacement of approximately 675 parking stalls.

Legislative Broadcast Media Facilities and Infrastructure

Senate Media Services and House of Representatives Public Information Services provide audio, video and broadcast TV and webcast coverage of the Minnesota legislature. The content originates in the House and Senate

Chambers, Governor's Office, committee rooms, press centers, interview rooms and media support rooms. As part of the restoration of the Historic State Capitol Building and construction of a new legislative office building to provide space for all Senators and staff who do not have offices in the State Capitol Building and approximately seven (7) hearing rooms, broadcast functions for the Senate Media Services and House of Representatives Public Information Services will be relocated to the new legislative office building and State Office Building, respectively.

Under a separate solicitation, the State will evaluate proposals and select a design-builder to design, construct, equip and install audio, video and broadcast media facilities and infrastructure to: 1) maintain and/or upgrade audio, video and broadcast media services in the State Capitol Building and State Office Building; 2) relocate broadcast functions and operations for Senate Media Services to the New Legislative Office Building and House Public Information Services to the State Office Building; and, 3) provide the broadcast audio/video system and presentation audio/video system for the New Legislative Office Building. This work will require close coordination with the State Capitol Restoration and New Legislative Office Building design and construction firms.

B. PROJECT DESCRIPTION:

The following is the scope of the primary projects: 1) predesign, design, construct and equip a new legislative office, hearing room and parking facilities for legislative and other functions; 2) to design, construct and equip temporary parking facilities and two new permanent parking facilities; and 3) to design, construct, equip and install audio, video and broadcast media facilities and infrastructure to: a) maintain and/or upgrade audio, video and broadcast media services in the State Capitol Building and State Office Building; b) relocate broadcast functions and operations for Senate Media Services to the New Legislative Office Building and House Public Information Services to the State Office Building; and, c) provide the broadcast audio/video system and presentation audio/video system for the New Legislative Office Building.

The scope of other asset preservation projects will be established if and when OPR services are requested. OPR fees will be negotiated based on the scope of work with the intent to supplement the OPR's contract. The State, at its sole discretion, may determine not to supplement the OPR's contract for this work and select another firm to provide the services.

C. SCOPE OF SERVICES:

The owner's project representative (OPR) services for projects during the predesign, design, construction documents, bidding, construction administration, commissioning and warranty phases are listed on Scope of Services (See Exhibit A-1).

D. SPECIAL CONSIDERATIONS:

- Communications
- Cost of Ownership
- Security
- State's B3 and Sustainable 2030 requirements

E. REQUIRED EXPERTISE:

- Owner's and/or tenant's representative expertise

F. SERVICES PROVIDED BY OTHERS:

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

- Hazardous materials abatement survey
- Construction Document quality control review consultation

- Testing for construction quality control
- Peer Reviews
- Move Coordination
- Other Services as determined by the State

G. PASS/FAIL REQUIREMENTS:

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

1. The Proposal must be received in SWIFT on or before the due date and time specified for this event in SWIFT.
2. Proposals must include Exhibit B, Fee Proposal described in Section III, J. (as a separately attached document)

H. PROJECT BUDGET/FEES:

The budget for the OPR for all phases of the projects to 1) predesign, design, construct and equip a new legislative office, hearing room and parking facilities for legislative and other functions is set at up to a maximum of \$1,500,000; 2) to design, construct and equip temporary parking facilities and two new permanent parking facilities is set at up to a maximum of \$250,000; and, 3) predesign, design, construct, equip and install audio, video and broadcast media services is set at up to a maximum of \$200,000 . The budget for the OPR for other asset preservation projects will be established if and when OPR services are requested.

I. PROJECT SCHEDULE:

The project kick-off for the new legislative office, hearing room and parking facilities is anticipated to be no later than August 1, 2013 and achieve substantial completion no later than April 30, 2015.

The project kick-off for the two new parking facilities is anticipated to be no later than August 1, 2013 and achieve substantial completion no later than December 31, 2014.

The schedule for the OPR for other asset preservation projects will be established if and when OPR services are requested.

J. ADDITIONAL INFORMATION:

CAAPB information is available at <http://mn.gov/caapb/index.html>.

K. QUESTIONS REGARDING THIS PROJECT

Questions regarding this RFP must be received by Thursday, June 13, 2013 no later than 4:00 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 Sherry Van Horn. **Submit questions by e-mail only to: sherry.vanhorn@state.mn.us.** When emailing questions, please include the subject line, “RFP questions from (firm name)”.

Agency anticipates posting answers to such questions no later than 4:00 PM Central Time on June 19, 2013. All questions and answers will be posted as an addendum in SWIFT. 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 SWIFT, 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 Department of Administration, Capitol Area Architectural and Planning Board, selection committee members or other executive, legislative or judicial branch members or 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 if prohibited discussions occur.

M. STATE SELECTION SCHEDULE:

Questions Due:	Thursday, June 13, 2013, 4:00 PM CT
Project Proposals Due:	Tuesday, June 25, 2013, by 12:00 noon CT
Project Shortlist:	Thursday, June 27, 2013
Project Interviews:	Wednesday, July 10, 2013
Project Award:	Wednesday, July 17, 2013

N. INTERVIEWS, TEAM CHANGES 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 State beyond their original proposal with the exception of the following:

- New OPR member consultant firm or firm member: An addendum to the original proposal regarding a new OPR 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.

- 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.

While not encouraged by the State, in cases of emergency, unresolvable issues, or schedule conflicts of an interviewing Team member, a substitute Team member can attend the interview.

O. SAMPLE CONTRACT:

The successful Respondent will be required to execute the Agency's Professional/Technical Services Contract. Copies are available on the RECS website <http://www.admin.state.mn.us/recs/>.

The successful respondent will begin on the date of contract execution and will expire 120 months after that date, subject to legislative authorization to exceed five (5) year limit for contract term as provided for under Minnesota Statute 16C.05, Subd. 2(b) and Minnesota Statute 16C.08, Subd. 3, Subpart (5).

The following exhibits will be considered part of the contract (Exhibits A-B may be found in SWIFT, unless otherwise noted, as well as at <http://www.admin.state.mn.us/recs/cs/cs-sa.html>; Exhibits D-M and Organizational Conflict of Interest form may be found at <http://www.admin.state.mn.us/recs/cs/cs-mgf.html>):

1. Exhibit A, Proposal (To be provided by responder)
 - a. Exhibiti A-1, Scope of Services
 - b. Exhibit A-2, Design Guidelines and Imperatives
 - c. Exhibit A-3, Design Scoping Process
 - d. Attachment A, Preliminary Pre-Design, New Legislative Office Building , available at http://www.admin.state.mn.us/recs/docs/13_05_09_NLOB_Final.pdf
 - e. Attachment B, Predesign Report, New Parking, Capitol Complex, available at <https://collaborativedesigngroup.sharefile.com/d/f0bdbc3ba7d84123>
 - f. Attachment B-1, Amendment to Predesign Report, New Parking, Capitol Complex
2. Exhibit B, Fee Proposal (To be completed by responder)
3. Exhibit C, Not Used
4. Exhibit D
 - a. D1, State Insurance Requirements
 - b. D2, Consultant Certificate of Insurance (to be provided by the Responder if awarded a contract)
5. Exhibit E, Affirmative Action Certification (to be completed by Responder) (attached)
6. Exhibit F, Certification Regarding Lobbying (to be completed by Responder) (attached)
7. Exhibit G, Not Used
8. Exhibit H, Not Used
9. Exhibit I, Affidavit of Noncollusion (to be completed by Responder) (attached)
10. Exhibit J, Not Used
11. Exhibit K, Consultant Performance Evaluation
12. Exhibit L, Not Used
13. Exhibit M, Veteran-Owned Preference Form (if applicable) (attached)
14. Organizational Conflict of Interest Form (to be completed by Responder) (attached)

II. PROPOSAL INSTRUCTIONS

- A. All responses to this RFP must be submitted and received in SWIFT no later than the Event End Date and time as set forth in the SWIFT Event Details applicable to this RFP.
- B. All responses should include the following **separately attached** documents, unless otherwise specified:
 1. a Technical Proposal (Section III, items A-I, as one attachment);
 2. a Fee Proposal, Exhibit B, (Section III, item J);
 3. a separate document containing all Non-Public/Trade Secret data (as defined by Minn. Stat. §13.37).
NOTE: all non-public/trade secret data must be posted to the “Add Non Public/Trade Secret Data” link on the Event Information page in SWIFT. The State is unable to ensure the protection of non-public/trade secret data contained in any other attachment.
- C. Interested responders may begin preparing and entering their response into SWIFT as soon as they have downloaded the RFP. Electronic submissions to the state will be accepted beginning on the SWIFT Preview Date for this RFP. Cost information must be loaded into the system as a separate document(s) from your technical response.

All proposals will be automatically time and date stamped internal to the SWIFT system when they are received. Proposals received after End Date above will not be considered. The State shall not be

responsible for any errors or delays caused by technology-related issues, even if they are caused by the State.

NOTE: If you are reviewing this RFP in the SWIFT system or downloaded the RFP from the SWIFT system, you are likely already a registered vendor with the State. **If you are reviewing this RFP in paper form,** you may need to register as a vendor by going to <http://www.mmb.state.mn.us/vendorresources>. **For new vendors, please note that approval of your registration may take 3 – 4 business days.** If you need assistance obtaining a vendor ID or completing the registration process, please call 651-201-8100, Option 1.

- D. Maximum 25 faces (excluding faces of cover letter, front and back covers, blank dividers, Targeted Group Subcontracting Form, Affidavit of Non-collusion, Affirmative Action Data Page, Certification Regarding Lobbying, Organizational Conflict of Interest Form and Fee Proposal).
- E. All pages numbered
- F. Font size no smaller than 11 point
- G. Respondents are highly encouraged to follow the order of proposal contents found in Section III of this RFP.

Late proposals will not be accepted.

All costs incurred in responding to this RFP will be borne by the responder. Fax, e-mail, and printed proposals will not be accepted or considered.

Proposals will be evaluated on “best value” as specified below.

Cost information must be loaded into the system as a separate document(s) from your technical response. Fee proposals will not be reviewed by the evaluation team prior to the qualification scores being finalized.

III. PROPOSAL CONTENTS

A. COVER LETTER:

Single face cover letter, including a brief overview of proposal

B. INFORMATION ON FIRM(S)*

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

1. Name and location
2. Year established
3. Legal status
4. Ownership
5. Total staff, staffing by discipline, and how many employees are located in Minnesota
6. 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.
7. Identify if certified as a Targeted Group firm

*If respondent is an individual, proposal must include Item 1 and Item 3 only.

C. PROJECT TEAM

1. Provide an organizational chart of key personnel, including consultants, to be assigned to the project.
2. For each key personnel member provide:
 - a. Name and position in firm, include name of firm
 - b. Home base (if in multi-office firm)
 - c. Resume, with references for relevant projects
 - d. Responsibility on this project
 - e. Years of experience
 - f. Relevant recent experience (if with another firm, so note), including project name, project size in dollars, project type and responsibilities on project
 - g. Registration – List Minnesota Registration numbers for licensed professionals (include specialty if Professional Engineer)
 - h. Availability during preconstruction and construction activities and capacity to accomplish the work within the time constraints.

* If respondent is an individual, proposal must include Items 2c – 2h only.

D. PROJECT EXPERTISE

Briefly summarize the OPR's unique qualifications for this project. Unique qualifications of the OPR Team are demonstrated by qualifications that set it apart from the other individuals or teams, with special consideration to technical expertise and documented experience overseeing highly sensitive public projects with diverse stakeholders with varying and competing interests. Demonstrate the knowledge/expertise on historic conservation and applicable standards and the ability to analyze and integrate requirements from multiple building tenants into an optimal solution.

E. PROJECT EXPERIENCE

A summary of the OPR's background and experience, with particular emphasis on large-scale historic local, state and federal government work, with multiple clients; preferably active working civic buildings similar to state capitol buildings. Provide examples of similar work on project(s) of similar size during the past ten years. Describe previous experience of key personnel working together on relevant projects. Provide schedule, cost at completion and indicate construction delivery method. Please indicate whether the project was completed within schedule and budget originally established by the owner. Include an explanation of any deviations from the schedule and budget originally established by the owner. Provide a Project Team/Project Experience matrix showing the proposed team and their involvement on each of the sample projects.

F. PROJECT UNDERSTANDING

Describe the OPR's understanding of the project and significant issues to be addressed. Describe understanding of the constraints and risks affecting the project. Include recommended strategies to mitigate those risks.

G. PROJECT BUDGET and SCHEDULE

Provide the OPR's professional assessment of the budget and schedule included in the Preliminary Pre-Design for the New Legislative Office Building and Predesign for Capitol Complex Parking Facilities.

Describe your process for working with the project team to ensure the design proceeds within budget throughout the design process and your process for working with the project team to re-align the design to the budget if it is determined the project as designed does not fit within the established budget.

H. APPROACH/METHODOLOGY

1. Provide a statement of the objectives, goals and tasks to demonstrate the OPR's view of the nature of the contract services, and the ability to administer all professional services within the project scope, budget and schedule. Indicate a breakdown of tasks by position title.
2. See Attachment A-3 for the State's intended Design Scoping Process. See Attachment A-2 for an outline for the Design Guidelines and Imperatives to be developed. Provide your professional assessment of the Design Scoping Process and outline for the Design Guidelines and Imperatives for the following projects: 1) predesign, design, construct and equip a new legislative office, hearing room and parking facilities for legislative and other functions; and, 2) to design, construct and equip temporary parking facilities and two new permanent parking facilities.
3. Describe the OPR's *specific* approach to overseeing the planning, design and construction process for *this* project.
4. Describe leadership approach to ensure an integrated and cohesive project team and coordination of multiple disciplined team members and consultants.
5. Describe the process the OPR will implement to ensure implementation of the project definition documents through the design and construction phases
6. Describe the process the OPR will implement to ensure a clearly defined project (scope, schedule and budget) at each stage of the project, continuous collaboration among all team members and stakeholders throughout the project, and owner's and tenant's expectations are met.
7. Describe the OPR's approach to communication. Address communication to owner, project team members, building occupants, legislative and media inquiries. Include description of the proposed use of a website(s) and other communication tools for the project.
8. List the name, location and total project budget of projects that OPR worked on that used Building Information Modeling (BIM). How was BIM used on the project? What were the challenges? How were they resolved? What were the benefits?

I. COLLABORATION

Describe your approach to collaborating and interacting with the entire project team including the owner, owner's program manager, design team, construction manager, building occupants and other stakeholders.

J. FEE PROPOSALS

Information in this section is to be loaded into the system as a **separate document from your technical response**. The OPR will be paid an amount not to exceed the total contract amount. Responder shall submit an all-inclusive Detailed Fee Proposal for all services and phases of the project under this RFP on the State's form (See Exhibit B). In addition, responder shall submit an hourly rate fee schedule for all disciplines/subconsultants, by position, to apply to all services described in Exhibits A and A-1 and any additional services approved in writing by the State. Hourly rate must include all travel expenses, mileage, meals, and lodging. State will not pay for travel time. The fee schedule may be revised once a year; however, hourly rates may not exceed a 2% increase each year. Revised fee schedules meeting the requirements of this section will be effective on the date received by the State. The State, at its cost, will provide access to one workstation, office supplies, computer, telephone/fax, and copying/scanning located within the office of the Real Estate and Construction Services Division in Saint Paul, MN for the OPR.

K. ADDITIONAL FORMS

Please include the following completed forms with response. These forms are attached or may be found and down-loaded from <http://www.admin.state.mn.us/recs/cs/cs-mgf.html> .

1. **Exhibit E - Affirmative Action Data Page** is completed and signed.
2. **Exhibit F - Certification Regarding Lobbying** form is completed and signed.
3. **Exhibit I - Affidavit of Noncollusion** form is completed, signed, and **notarized**.
4. **Organizational Conflicts of Interest** form is completed and signed.
5. Exhibit M – Veterans Preference Form (if applicable)

IV. EVALUATION PROCESS

Representatives of the State will review and evaluate all proposals received by the SWIFT Event End Date and time. The State reserves the right to request additional information as needed to complete its evaluation. Fee proposal for shortlisted firms will be reviewed and evaluated after interviews and evaluation of qualifications.

OPR proposals will be evaluated on the project criteria in a two-step process. Criteria points will be awarded during the Shortlisting Process, and then again during the Interview Process, weighted as indicated in the table. The State will select a subset of the highest scoring firms to be shortlisted and interviewed.

A OPR Selection Committee will shortlist the OPR proposals on June 27, 2012 and conduct interviews of the selected respondents on July 10, 2012. Time and place to be determined.

The State reserves the right to request additional information as needed to complete its evaluation. The factors and weighting on which proposals will be judged are:

Project Criteria Summary	Shortlistng Points	Interview Points
1. EXPERTISE Qualifications of OPR including specialized expertise & technical certifications.	250	50
2. EXPERIENCE OPR's Previous experience in providing owner's project representative services on similar projects, and record of past performance during past 10 years.	250	50
3. PROJECT UNDERSTANDING Statement of project understanding, discussing the significant issues to be addressed and demonstrating knowledge of the existing conditions of the facility.	100	100
4. PROJECT BUDGET AND SCHEDULE Assessment of project budget and schedule. Approach to schedule and cost management.	100	100
5. APPROACH/METHODOLOGY Proposed approach, methodology and management techniques to meet project requirements of budget, scope & schedule.	150	200
6. COLLABORATION Approach to collaborating and interacting with the entire project team, including owner, owner's program manager, construction manager and end users.	150	200
Sub-Total	1000	700
Proposed Not to Exceed, Total Contract Amount (<i>Exhibit B</i>)	-	200

Proposed Average Hourly Rate (<i>Exhibit B</i>)		100
Point Total	1000	1000
6% TG/ED or Veteran-Owned Preference (See Section VII, paragraphs J and K below)	60	60
Maximum Point Total	1060	1060

Combined Total for Shortlisting and Interview Points	2000
Combined Maximum Point Total	2120

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. In the event that successful negotiations cannot be reached with the proposer receiving the highest evaluation score, the State may, in its sole discretion, commence negotiations with the second proposer in the rankings. The State may, in its sole discretion, continue this process with additional proposers until an agreement acceptable to the State is reached.
- 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 in increments determined by the State, not to exceed a total contract term of ten (10) 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 Exhibit I, Affidavit of Noncollusion. This form is available at <http://www.admin.state.mn.us/recs/cs/cs-mgf.html>.

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://www.admin.state.mn.us/recs/cs/cs-mgf.html>. 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://www.admin.state.mn.us/recs/cs/cs-mgf.html>. 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. 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 Employee Relations. 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.

G. HUMAN RIGHTS REQUIREMENTS

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 at <http://www.admin.state.mn.us/recs/cs/cs-mgf.html>. 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."

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://www.admin.state.mn.us/recs/cs/cs-mgf.html>, titled "BSA-DC".

I. 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 Employee Relations. 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.

J. PREFERENCE TO TARGETED GROUP AND ECONOMICALLY DISADVANTAGED BUSINESS AND INDIVIDUALS

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.

K. VETERAN-OWNED PREFERENCE

In accordance with Minn. Stat. § 16C.16, subd. 6a, (a) Except when mandated by the federal government as a condition of receiving federal funds, the commissioner shall award up to a six percent preference on state procurement to certified small businesses that are majority-owned and operated by:

- (1) recently separated veterans who have served in active military service, at any time on or after September 11, 2001, and who have been discharged under honorable conditions from active service, as indicated by the person's United States Department of Defense form DD-214 or by the commissioner of veterans affairs;
- (2) veterans with service-connected disabilities, as determined at any time by the United States Department of Veterans Affairs; or
- (3) any other veteran-owned small businesses certified under section 16C.19, paragraph (d).

In accordance with Minn. Stat. § 16C.19 (d), a veteran-owned small business, the principal place of business of which is in Minnesota, is certified if it has been verified by the United States Department of Veterans Affairs as being either a veteran-owned small business or a service disabled veteran-owned small business, in accordance with Public Law 109-461 and Code of Federal Regulations, title 38, part 74.

To receive a preference the veteran-owned small business must meet the statutory requirements above by the

solicitation opening date and time.

If you are claiming the veteran-owned preference, attach documentation, sign and return Exhibit M, Veteran-Owned Preference Form with your response to the solicitation. Only eligible veteran-owned small businesses that meet the statutory requirements and provide adequate documentation will be given the preference.

L. 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.