

## **EXHIBIT 4 RFP EVALUATION CONSIDERATIONS**

### **Section A      General Information**

#### **1. Purpose**

This RFP is for the sole purpose of requesting proposals. It is not an offer to contract in any way and should not be construed to create any legally binding obligations on either the State or any proposer of any kind. The RFP is not subject to RCW 39.26, or any competitive process laws or procurements laws, and should not be construed as creating any process rights or requirements of any kind. The only legal obligation that may be expected to arise in connection with the RFP may be a lease negotiated and fully executed between the State and a proposer, should the State determine to enter such negotiations with a proposer.

#### **2. Constraints**

- 2.1. The Constitution of the State of Washington prohibits payments in advance or in anticipation of receipt of goods and services. The successful proposer who enters into a lease with the State shall be paid only as provided in the lease after goods and services are delivered and accepted and/or services are rendered.
- 2.2. The State will not reimburse any submitter's costs associated with preparing or presenting any proposal in response to this solicitation (RFP).
- 2.3. All properties should have all standard utilities available to the site and building including, but not limited to, water, power, sanitary sewage disposal, electricity, and telephone/cable services.
- 2.4. Properties should be free of any and all hazardous/toxic substances, including without limitation, asbestos, polychlorinated biphenyls, petroleum leakage or agricultural chemicals.
- 2.5. The proposed site should also be free from liens, easements, and any other encumbrances except as enumerated in the proposal and determined to be acceptable to the State.
- 2.6. Where conflict occurs between the RFP and an applicable code or standard, the code or standard should prevail unless the requirements specified in the RFP are more stringent.
- 2.7. If a conflict exists between amendments, or between an amendment and the RFP, the document issued last shall take precedence. DES's official answers to submitter's questions will be considered an amendment to this RFP.

2.8. The State has established certain mandatory requirements which must be included as part of any RFP.

2.8.1. The use of the terms "shall", "must", or "will" (except to indicate simple futurity) in this RFP indicate a mandatory requirement or condition. Failure to comply with a mandatory requirement is grounds for rejection, but DES reserves the right to waive such a requirement as it deems appropriate.

2.8.2. In this RFP, the words "should" or "may" indicate desirable attributes or conditions, but are permissive in nature. Deviation from, or omission of, such a desirable feature will not by itself cause rejection of a proposal.

### **3. No Contract or Binding Commitments by the State**

3.1. Subject to limitations of law, including but not limited to anti-discrimination laws, the State retains complete discretion to:

3.1.1. evaluate any proposal on such grounds as it determines are appropriate to meeting the AGENCY needs and providing value to the State;

3.1.2. decide whether a proposal or the qualifications of a proposer are acceptable and to revise any such decision as it deems warranted;

3.1.3. decide whether a proposal or proposer is rejected, moves on to additional review, or is selected for a status, such as Apparent Successful Proposer(s) / proposal(s), and to revise any such decision as it deems warranted;

3.1.4. with or without notice, to modify, delete or supplement any criteria for evaluation or acceptability of a proposal or proposer;

3.1.5. modify or cancel this RFP or the entire project as it determines appropriate in the interests of the State; and,

3.1.6. proceed in the manner as the State deems appropriate in the event of cancellation.

3.2. The State may amend this RFP and extend the deadline for any submission, as it deems appropriate.

3.3. The evaluation of proposals is done through a qualitative review. To the extent that the evaluation involves a quantification of various criteria, such quantification is considered as only one potential indicator of quality and value that is considered in the overall qualitative review. All project requirements and evaluation criteria referenced for this project, including the specific criteria used to evaluate proposals, the weighting of such criteria, and method of assessment

are subject to modification by the State at any time, for its own purposes and with or without notification to interested parties throughout the Request for Proposal process.

- 3.4. The State intends, solely as a service to proposers, but does not legally commit, to notify proposers if the RFP has been cancelled or amended, an additional stage in the review process has been included, and if a proposal/proposer has been rejected, or selected in a status, such as Apparent Successful Proposer/proposal.
- 3.5. All proposals will be reviewed to determine whether they are compliant with the requirements, specifications and instructions as specified in this RFP. Failure to comply with any requirement, specification or instruction may result in the rejection of the Proposal as non-responsive, but the DES retains discretion to waive non-compliance, as it deems appropriate.
- 3.6. This RFP does not obligate the State of Washington, DES or the AGENCY to lease space as specified in this RFP. The State may, at any time and at its sole discretion cancel or modify the RFP or project, reject all proposals, reissue the RFP, issue a new RFP and/or not execute a Lease as a result of this RFP or subsequent negotiations. Should the State cancel the RFP, the State may re-advertise, perform a market search, negotiate with or enter a lease with any person for any space of its choice, cancel the project, or otherwise proceed, as it deems appropriate.
- 3.7. The provisions of section 1.3 shall prevail over any other inconsistent provision including but not limited to: (1) a statement of the project's staff or any other State representative; (2) any amendment (including any official Q & A) that does not make an explicit exception to the applicable provision of section 1.3; (3) a provision of this RFP that is not in section 1.3.

#### **4. Sole Point of Contact**

- 4.1. Unless otherwise provided in the RFP or an amendment, the RFP Coordinator is the project lead, and is the only person authorized to provide information relative to this RFP; representations from others should be confirmed with the project lead. All communication between DES, the AGENCY and proposers upon the release of this RFP should be with the project lead. Communication regarding this RFP directed to parties other than the project lead may result in disqualification of the Proposer(s) involved.
- 4.2. All detailed and technical questions related to this RFP should be directed to

project lead. Responses to such questions may be made available as appropriate to all the proposers. Proposers should check for written statements issued by the project lead; refer to RFP Part B for direction.. It is the responsibility of the Proposer to check for any information, modification or amendment to this RFP.

## **5. Space Requirements:**

- 5.1. All proposals submitted in response to this advertisement must identify if the proposed space/building will meet or exceed all of the State's requirements as shown in the Leased Space Requirements, Edition 1.0 (LSR), all applicable LSR or Agency addenda, and any additional space requirements provided in this RFP, if applicable, by the date specified for lease commencement.
- 5.2. Typically, the State expects that all proposals will meet the Leased Space Requirements, but exceptions may be recognized. Proposers may identify alternatives to elements in the LSR, and describe how such alternatives could be beneficial to the State using **Exhibit 2**.

## **6. Proof of Control of Property**

- 6.1. For the required term of the lease, Proposers shall provide written and verifiable documentation of the ability to control the property through option to lease, first right of refusal, fee ownership, long-term lease, valid purchase contract or option to purchase contract.
- 6.2. To demonstrate ownership and/or control, proposers should include an executed recorded copy of an option to lease long-term, first right of refusal, long-term lease, valid purchase contract, option to purchase, or fee title deed.
- 6.3. In the event that the Proposer is proposing a property controlled through a lease agreement, Proposers should include a copy of the lease, with all exhibits, attachments and amendments, and a signed, written consent from the legal owner agreeing to a sublease for the length of the term proposed and the terms of the state standard lease form, if owner's approval is required under the lease.

## **7. Owner's Representation**

- 7.1. Although the State encourages brokers to submit proposals, the State does not retain real estate brokers or pay commissions.
- 7.2. Brokers or agents shall include documentation from the Legal Owner(s) of the property authorizing the broker's or agent's submittal with each proposal. This documentation must clearly state the name of the legal owner, the name of the

authorized broker or agent, the location of the building, and be signed and dated by the legal owner, as well as including a copy of the title deed identifying the legal owner.

## **8. Conflict of Interest**

8.1.1. Proposers need to be aware of any potential conflict of interest as defined in RCW 42.52.080 - Employment after public service. No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

- the officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or Agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;
- such a contract or contracts have a total value of more than ten thousand dollars; and,
- the duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts.
- This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

8.1.2. No person who has served as a state officer or state employee may, within a period of two years following separation from state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

## **9. Preparation and Submission of Proposals**

9.1.1. Proposals must be submitted using **Exhibit 1 - Lease Proposal Form**. Proposals not submitted on the Lease Proposal Form will be rejected as non-responsive.

- 9.1.2. Proposers shall provide the original and required copies of their proposals no later than the date and time specified in the RFP.
- 9.1.3. The proposal must contain all the required and supporting documents as described in **Exhibit 3 - Proposal Checklist**.
- 9.1.4. Each proposer must complete and sign the Acknowledgements and Certifications section of the Lease proposal Form. Such signature(s) shall be of the owner(s), corporate officials, or legal representatives of the Proposer.

End of Section A

## **Section B      Assessment Criteria**

### **1. Agency Program and Operational Needs**

#### 1.1. Service Area

The location should be compatible with the Agency's business operations, provide effective administrative support for the Agency's field offices in the region and facilitate the delivery of services to the Agency's clients.

Consideration will be given to how the location facilitates the performance of the Agency's administrative functions and delivery of services.

#### 1.2. Proximity/Adjacency

Proximity to the Agency's "partners" and other service delivery organizations is advantageous. The State encourages the consolidation or co-location of state agencies when appropriate to improve service delivery, minimize the duplication of services, and increase efficiency of operations. In addition, proximity to basic services and amenities such as retail and food outlets within walking distance is desirable.

#### 1.3. Building Suitability for Program

The proposal should demonstrate a clear understanding of the functional and physical requirements of the project, including the unique programmatic requirements of the Agency. Consideration will be given to how well the building meets the Agency mission/goals and objectives, and programmatic and operational needs.

#### 1.4. Location and Site Layout

When appropriate, the primary public entrance to the building(s) should face the street when possible, and the primary public entrance(s) should be clearly visible and identifiable from the street and public sidewalk. A final site layout must allow and utilize input from DES and the Agency in order to best accommodate the needs of the State and the Agency.

#### 1.5. Parking

The State's Commute Trip Reduction policy promotes more effective and efficient utilization of available parking spaces through a parking management system termed "zoned parking". Therefore, the site should facilitate effective parking management in addition to meeting the parking needs indicated in the RFP. Refer to Joint

Comprehensive CTR Plan [2023-03-07-Joint-Comp-CTR-Plan-for-State-Agencies-links-update.pdf](#).

Consideration will be given to how the site facilitates the State's parking management goals as well as meets the Agency's needs.

#### 1.6. Transportation

When siting State facilities, the availability and capacity of public transportation to serve these State facilities merits special attention. Public transportation is an important link in the ability of the State to perform this mission. The State's policy is to locate, develop and manage its owned and leased properties to achieve local and State Transportation Demand Management (TDM) and Commute Trip Reduction (CTR) objectives, as defined in the Commute Trip Reduction (CTR) Law (RCW 70.94.521-551) while meeting the business needs of State agencies.

Consideration will be given to how the site supports the Agency's transportation needs as well as TDM and CTR.

#### 1.7. Site Access

Access to State facilities is a critical function for State government. Equal access means that everybody has the opportunity to access a State facility by a broad range of transportation options, not just by automobiles. This element includes vehicle access and pedestrian access-ingress and egress. Facilities should be sited as close to an accessible bus route as possible. The site should be located near major routes of travel, such as major arterials and freeways. Buildings on the same campus must be connected via an accessible route.

The Americans with Disabilities Act of 1990 is meant to ensure that people with disabilities can fully participate in all aspects of civic life. Under Title II, all state/local governments must follow the ADA regardless of their size. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

#### 1.8. Information Technology

The State leased facilities typically require access to high-speed data links. Proposers should carefully review and address the specific project requirements noted elsewhere in this RFP.

Consideration will be given to how the site supports the Agency's Information Technology needs.

## **2. Building Performance**

### 2.1. Sustainability

The State's policy is to encourage the use of sustainable and energy efficient materials in the construction and operation of its leased and owned facilities. The State is committed to sustainable practices and the stewardship of resources and to incorporating principles of sustainable design and energy efficiency into its projects.

The main objectives of sustainable design are to avoid resource depletion of energy, water, and raw materials; prevent environmental degradation caused by facilities and infrastructure throughout their life cycle; and create built environments that are livable, comfortable, safe, and productive.

To this end, DES is encouraging proposers to include such sustainable elements in their proposals, and to document the incorporation of those elements via the system or process implemented by the choice of program utilized for this project (LEED, Green Globe, SBA, etc.).

### 2.2. Energy Efficiency

The State supports leasing in facilities with a national energy performance rating score of 75 or greater in the Energy Star Portfolio Manager database maintained by the U.S. Environmental Protection Agency (EPA) as defined in RCW 19.27a.

The State encourages proposers to input actual utility bill data into the Energy Star Portfolio Manager to determine an Energy Star rating and/or to conduct an energy audit. The provision of summary information or energy audits related to energy consumption conducted in the last two years for the proposed space, or the Energy Star® rating for the space, will provide the State with important information related to operating costs and efficiencies. The results of either should be provided with the Lease Proposal submission.

### 2.3. Building Systems

High performance HVAC can provide increased user thermal comfort, and contribute to improved indoor environmental quality (IEQ). The quality, condition and functional efficiency of the proposed building, together with proposed improvements, will be considered.

Consideration will be given to the demonstrated quality of the performance of the proposed building systems.

#### 2.4. Building Envelope

This element includes the building exterior, roof, windows and glazing and doors. This includes specific consideration of the existing and proposed condition of the roof, foundation, walls, exterior windows and doors, including their capacity to meet the State's needs in a reliable and efficient manner throughout the lease term.

Consideration will be given to the quality, condition and functional efficiency of the proposed building envelope, together with proposed improvements to these elements.

#### 2.5. Building Efficiency

##### 2.5.1. Efficiency of Space

This element includes floor loading capacity; columns and shear wall spacing; floor plate size; building core efficiency, integrity and location; and the load factor. Consideration will be given to the degree to which the configuration of the proposed space meets the Agency's programmatic needs, taking into account the size and shape of the space and any internal barriers to efficient design and accessibility. A regular, consistent building module that allows for a regular consistent office and workspace layout and the efficient utilization of space is important.

Contiguous space is preferred.

For a small office, the State prefers contiguous space on one floor. For a large office, the State prefers contiguous space with a large floor plate that minimizes the number of floors.

Consideration will be given to how well the configuration of the proposed space efficiently meets the Agency's programmatic needs.

##### 2.5.2. Accessibility

The design of public buildings should meet accessibility standards and practices outlined in the Architectural Barriers Act, ADA/ABA Guidelines, along with IBC, ANSI 117.1 and WAC 51.50.

Consideration will be given to how well the proposal meets the accessibility criteria.

## 2.6. Other Considerations

### 2.6.1. Existing Buildings:

In seeking space to lease, the State attempts to balance the values of leasing facilities that meet the RES definition of "Existing Space", provided in Part B, Definitions. Executive Order 87-04 requires: Consideration will be given to proposals meeting the RES definition of "Existing Space".

### 2.6.2. Historic Preservation

In seeking space to lease, the State attempts to balance the values of preserving historic properties with the needs of the present and future. Public agencies provide leadership in historic preservation by assuring that historic properties are given consideration when seeking additional space to purchase, rent or lease. Projects that use historic sites and buildings can serve as examples for successful reclamation and reuse of cultural and historic resources and signal the government's commitment to historic preservation, sustainability, and local communities.

Executive Order 87-04 requires:

- (7) In renting, leasing or purchasing space for use by State agencies, the Director (of Enterprise Services) shall consider proposals from the owners of historical properties that are available and could potentially meet the State's requirements.
- (8) In evaluating the alternatives for the location of State agencies in the purchase, rent or lease or space, the Director (of Enterprise Services) shall include historical significance as one of the criteria in selecting properties for State use.

Consideration will be given to proposals related to existing designated and registered historic buildings.

## 2.7. Cost

### 2.7.1. Lease Cost

All proposals submitted in response to this RFP should provide the lease rate and cost information, as well as any incentives and inducements. Information on estimated initial costs and operating costs should also be included.

Consideration will be given to the overall cost, the lease cost rate, the terms of the lease,

inducements included and what is deemed to be in the best interest of the State.

End of Section B

## **Section C Evaluation**

### **1. Process**

The State's objective is to acquire the leased space that provides the overall best value to the State and to the Agency.

### **2. Initial Review**

- 2.1. The State will make an initial determination of which proposals, based on the information provided or lack thereof, it will reject from further consideration. Any proposals not received by the Proposal Due Date may be rejected and returned to the sender.
- 2.2. Each proposal shall be reviewed for compliance with the criteria of this RFP. Proposals that do not meet one or more of the criteria may be rejected.
- 2.3. Each Proposer will be notified in writing if the proposal has been rejected and the reason for such determination.

### **3. Site Visits and Proposal Presentations**

DES and the Agency may elect to conduct site visits to verify the information in some or all of the proposals and to facilitate further review of the proposals in consideration. DES may (at DES discretion) request that proposers or their authorized representatives be present at the site visits. DES may (at DES discretion) provide proposers an opportunity to make a presentation regarding their proposals. Presentations will be conducted either on site or at another location arranged ahead of time (at DES discretion). If DES elects to request proposers make a presentation, DES will contact proposers to confirm date time and location of site presentations.

### **4. Invitation to Phase III Negotiation**

Conforming proposals will receive an invitation to participate in Phase III Negotiations. Phase III Response Forms will accompany the invitation.

### **5. Evaluation of Proposals**

- 5.1. The evaluation of proposals is done through a qualitative review. To the extent that the evaluation involves a quantification of various criteria, such quantification is considered as only one potential indicator of quality and value that is considered in the overall qualitative review. (See also Section 1.3 above). The evaluation will include an assessment of the criteria identified elsewhere in this RFP, how well a

proposal meets the build out specifications and timelines, the unique needs of the Agency and any other criteria deemed appropriate by the solicitation team.

- 5.2. The conditional selection of an Apparent Successful Proposer (ASP) will take into account the results of the analysis and evaluation of the proposals. Typically, the Agency/DES will select one ASP at a time, but reserves the right to select more than one ASP and commence negotiations simultaneously with multiple ASPs or in sequence with each ASP and then select the final proposal that the Agency/DES determines to be more favorable.

The term "ASP" is intended in the singular or plural sense depending on whether a singular entity or multiple entities are selected as ASP.

### 5.3. Evaluation Criteria Weighting

Proposals will be evaluated based on a variety of criteria as noted elsewhere in this RFP. The RFP team may, but does not commit to, applying a weight to any or all of the assessment criteria.

## **6. Notification of Proposers**

- 6.1. Upon conditional selection of one or more proposals as the ASP, the ASP will be notified of their selection and other proposers will be notified that they were not selected. Such a selection does not represent a lease and does not commit the State to enter into a lease with this ASP.
- 6.2. The selection of a proposal is subject to negotiating and executing a lease, and may also be conditioned upon the prospective lessor satisfying specific conditions established by the State. It is assumed that the parties will make a good faith effort to negotiate a lease acceptable to the State, the Agency and the ASP.
- 6.3. If agreement is not reached, the State reserves the right to terminate negotiations with the ASP and, if the State desires to continue with the project, to pursue other avenues to achieve the Agency goals. The options the State may pursue include, but are not limited to: conditionally selecting another ASP, modifying the project requirements and requesting revised proposals, modifying and re-issuing the RFP, cancelling the RFP and conducting a Market Search, terminating the RFP without taking any further action or any other action the State determines appropriate.

End of Section C