



May 4, 2020



DESIGN-BUILD REQUEST FOR QUALIFICATIONS

TRI-CITIES READINESS CENTER
PROJECT NO. 18-586
RICHLAND, WA

BY DEPARTMENT OF ENTERPRISE SERVICES AND WASHINGTON MILITARY DEPARTMENT

STATEMENT OF QUALIFICATIONS DEADLINE:
MAY 19, 2020

TRI-CITIES READINESS CENTER
REQUEST FOR QUALIFICATIONS

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STATE OF WASHINGTON
DESIGN-BUILD REQUEST FOR QUALIFICATIONS

DEPARTMENT OF ENTERPRISE
SERVICES OLYMPIA, WASHINGTON

NOTICE TO GENERAL CONTRACTORS, ARCHITECTS & ENGINEERS

Design-Build team services are required for Project No. 18-586
Tri-Cities Readiness Center - Richland, WA

The proposed project will provide a modern regional training center that meets the multi-level training and operational requirements for the assigned Army National Guard units and the Washington State Military Department.

Maximum allowable design and construction cost for the Project is \$13,150,900 including Washington State Sales Tax.

To immediately obtain a copy of the "Request for Qualifications" please access web site
<https://www.des.wa.gov/services/facilities-leasing/public-works-design-construction/architecture-engineering-design-consultants>

A virtual pre-submittal informational meeting will be held on Tuesday May 12th at 10:00 a.m.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/861092613>

You can also dial in using your phone.

United States: +1 (872) 240-3212

Access Code: 861-092-613

RFQ holders interested in receiving potential amendments to the RFQ document and answers to questions from other teams should register by emailing david.hickman@des.wa.gov

If a firm does not have access to the Internet, a copy of the information will be mailed after calling David Hickman at (360) 407-7950 or email david.hickman@des.wa.gov

To qualify for review, submittals are required to be delivered to Olympia and date/time stamped by E&AS prior to 1:00 PM PDT, Tuesday, May 19, 2020.

Prevailing wages apply for Benton County.

***Due to the Governor's "Stay Home, Stay Safe" proclamation – hand deliveries and courier deliveries will only be accepted on May 19, 2020 between 10:00 AM and 1:00 PM.**

The Owner has Federal Funding or other special requirements for this project. The Bidder will be required to comply with the "SECTION 00 74 10 FEDERAL SPECIAL CONDITIONS" section in the specifications. Please direct questions regarding this subject to the office of the Consultant.

The State of Washington is an affirmative action employer. This is not a request for a proposal. All submittals become the property of the State.

REQUEST FOR QUALIFICATIONS

1.0 Introduction

On behalf of Washington State Military Department (Owner), the Department of Enterprise Services (DES) (jointly referred to as Owner/DES) is soliciting Statements of Qualifications (SOQ) from qualified Design-Build teams, which may include joint ventures, to design and construct the Tri-Cities Readiness Center. The Tri-Cities Readiness Center will be located in Richland, Washington.

In accordance with RCW 39.10.300, et seq., the Owner/DES will utilize a Design-Build (Design-Build) approach for the procurement and delivery of the project meaning that the Design-Builder will be selected based on qualification and the criteria in the Request for Qualifications (RFQ) and Request for Proposals (RFP) issued pursuant to this procurement.

Owner/DES are using the Design-Build alternative public works contracting procedure authorized under RCW 39.10. This project delivery method is considered appropriate for this project because

1. The Design-Build approach is critical in developing a creative and complex construction methodology required for this project.
2. The Design-Build approach creates a streamlined, efficient project delivery method, which reduces project delivery time and brings the new facility on line sooner than traditional delivery methods.

The primary mission of this project is to provide a cost-effective and operationally efficient specialized training facility for the assigned units of the Washington Army National Guard and its personnel located in the Washington Military Department's Tri-Cities area. The successful proposer will deliver an innovative, highly- efficient design that includes survivability and fitness for use in the event of a natural or man-made emergency. Additionally, the final building solution must:

1. be designed to comply with all pertinent Department of Defense, Department of the Army, and National Guard Bureau Standards and Regulations;
2. have internal security zones to facilitate public use both as a rental facility and an emergency shelter;
3. be constructed to meet facility standards and comply with all pertinent Department of Defense anti-terrorism/force protection (AT/PF) standards, including UFC 4-010-01; and
4. be designed and constructed to successfully achieve LEED Silver certification

DES is a certified public body using the design-build alternative public works contracting procedures authorized under Chapter 39.10 RCW and the Washington State Capital Projects Advisory Review Board's Project Review Committee. DES expects a collaborative, creative, and productive design-build process involving the design-builder, DES staff, Washington Military department staff, and DES consultants.

A two-step competitive selection process will ultimately determine the most qualified, price-competitive and creative design solution. Interested firms must submit SOQs in the form detailed below prior to the designated submittal date and time. The most highly qualified responders to this RFQ will be invited to submit detailed design and cost proposals based on a detailed architectural program and performance criteria, per "Basis of Design" documents issued in a separate Request for Proposals (RFP).

2.0 Background Information

A. Project Description

The Tri-Cities Readiness Center will be located in Richland on an approximately 40-acre site bounded by 1st Street on the north, by Parkway on the east and by smaller parcels on the west.

1. Size: Authorized 39,731 gross square feet (gsf). Work will also include associated site development and other minor support facilities.
2. Budget: The maximum allowable design and construction cost (MADCC) for the Project, which cost is inclusive of the design and all other services to be performed under the design-build contract, is \$13,150,900 including Washington State Sales Tax.
3. Schedule: See Section 2.D.
4. Performance: The project will comply with National Guard Bureau (NGB) standards and achieve LEED Silver certification.
5. Area Summary:

Schedule 1 - Common Use Areas

<u>Area</u>	<u>SF EA</u>	<u>Total SF</u>
Assembly Hall (1)	5,400	5,400
Lg Classroom (1)	1,650	1,650
Sm Classroom (1)	860	860
Learning Center (1)	500	500
Multi-Purpose Training Area (1)	1,500	1,500
Kitchen (1)	1,500	1,500
Break / Vending (1)	300	300
Toilet / Shower	varies	1,740
Lactation Area (1)	80	80
Family Readiness Office (1)	250	250
Retention Office (1)	110	110
Table / Chair Storage (1)	300	300
Physical Fitness (1)	700	700

Schedule 2 - Units and Special Space Allowances

Basic Space (1)	1,200	1,200
- Commander Office (1)	120	120
- Executive Officer's Space (1)	120	120
- First Sergeant (1)	110	110
- JSS Office (1)	110	110
- Platoon Office (4)	110	440
- Supply Office (1)	230	230
- Training NCQ (1)	110	110
- Readiness NCQ (1)	110	110
- Open Office (1)	860	860

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Arms Vault - Large (1)	900	900
Arms Vault - Small (1)	300	300
Heated Storage Space (1)	4,000	4,000
TA50 Locker Space (1)	2,144	2,144
General Purpose Training Bay (1)	3,168	3,168
- Office (1)	0	0
- Storage (1)	0	0

Schedule 3 - General Building Spaces

Maintenance and Storage (1)	865	865
Mechanical (1)	1,141	1,141
Electrical (1)	300	300
Telecom/IT (1)	289	289
Circulation Allowance (1)	4,712	4,712
Structural Allowance (1)	3,612	<u>3,612</u>

Gross Readiness Center Space **39,731**

Schedule 4 - Detached Spaces Total Gross Controlled Waste

Handling Space	330
Unheated Storage Space	533
Detached Flammable Materials Storage	110

Paved Areas:

1. Privately Owned Vehicles: 132 Spaces
2. Military Equipment Parking: 1,325 SY
3. Circulation to Dock, Military Parking, Exterior Building Pedestrian Circulation

Special Requirements

1. Emergency Generator
2. Photovoltaic Power
3. Geothermal Heat Pump System

B. Owner Consultants/Technical Support Not Eligible to Participate

A previously-selected team of consultants led by ALSC Architects, Coffman Engineers and Design Balance LEED Consultant have prepared Basis of Design and requirements set forth in the Request for Proposal including a detailed architectural program, performance requirements, and contract. These team members are not eligible to serve on design-build teams. The Basis of Design documents will be made available to short-listed competitors, known as Finalists. Proposers are prohibited from contacting or communicating with any of these consultants to solicit technical, legal, financial, contractual, or any other type of advice or information relative to the Project.

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Additional detail regarding proposal evaluation including relative weighting of Project priorities will be given to the Finalists with the issuance of the RFP.

C. Description of the Procurement Process

The Project will be designed and constructed using design-build, as specified in Chapter 39.10 RCW and as defined in enabling legislation.

This RFQ is the first step in a two-step proposal process for the selection of a design-builder for the Project. SOQ's will be evaluated by the Evaluation Committee appointed pursuant to Section 2.D below and scored in accordance with the terms of this RFQ. The evaluation process is intended to identify those Proposers who, in the opinion of the Owner and DES, in the opinion of the Owner and DES, are best qualified to execute successfully the design and construction of the Project based on the criteria identified in this RFQ.

Three Finalists will be invited to proceed to the second step of the procurement process, which will include a detailed Request for Proposal requiring the submission of a design solution and other supporting data.

Up to three proprietary meetings are planned with each Finalist where proposers are given time with DES, the Owner, and DES consultants to review design concepts and address specific questions. Details of proprietary meetings will be given to the Finalists.

The contract form contemplated at this time (to be included in the RFP) is a lump sum contract.

An honorarium will be paid to the non-successful Finalists submitting responsive proposals in accordance with the Request for Proposal. The honorarium sum is \$100,000 per Finalist.

Award of the design-build contract will be made to the Finalist deemed to provide the best value to the Owner and DES, in accordance with the processes and requirements set forth in the Request for Proposal. Additional detail regarding proposal evaluation including relative weighting of Project priorities will be given to the Finalists with the issuance of the RFP.

D. Project Milestone Schedule

The Owner and DES currently anticipate conducting the procurement of the Project in accordance with the following list of milestones leading to award of a design- build contract. This schedule is subject to revision and the Owner / DES reserve the right to modify this schedule as either finds necessary, in its sole discretion.

Request for Qualifications

Advertise RFQ	May 4, 2020
Virtual Pre-Submittal Informational Meeting	May 12, 2020, 10:00 AM
Last Day/Time for Questions	May 13, 2020, 5:00 PM
Last Addendum Issued (If Necessary)	May 14, 2020
SOQ's Due	May 19, 2020, 1:00 PM

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Notification of Shortlisted Teams	May 26, 2020
<u>Request for Proposals</u>	
Earliest RFP Release Date	May 29, 2020
Initial Proprietary Meetings	June 12, 2020
Second Proprietary Meetings	July 3, 2020
Third Proprietary Meetings (if required)	July 17, 2020
Last Day for Questions	July 27, 2020
Design and Price Proposals Due	August 7, 2020
Presentation By D/B Teams	August 20-21, 2020
Announce Successful D/B Team	August 24, 2020
Debrief of Unsuccessful Finalists (if requested)	August 26-28, 2020
<u>Contracting</u>	
Negotiation of Final Lump Sum Price	September. 1-14, 2020
Review / Approval (NGB)	September 1-14, 2020
Contract Award/NTP	September 14, 2020
Substantial Completion	460 Calendar Days
Final Completion	60 Calendar Days

*Dates are dependent on federal funding approval

E. DES Point of Contact

DES' sole point of contact for this Project shall be David Hickman, Project Manager ("Point of Contact"). Mr. Hickman is the only individual authorized to discuss this RFQ with any interested parties, including Proposers. All communications with Mr. Hickman about the Project or this RFQ shall be via email.

David Hickman
Email: david.hickman@des.wa.gov

F. Evaluation Committee

The Statements of Qualification will be evaluated by a committee ("Evaluation Committee") comprised of David Hickman and one other DES Project Manager, Washington Military Department representatives, ALSC Architects - Architect representative in a (non- voting) advisory role, and one public representative. Other technical, legal, and financial consultants, and/ or DES staff with expertise in fields such as capital project management, operations and maintenance, engineering, design, construction, may serve as advisors to the Evaluation Committee.

G. Site Visit

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1. No formal site visit will be held. The site may be visited at any time by potential proposers.
2. Directions:
From the East: I-90 to US 395 to WA 240 West in Richland. Take Exit 4 from I-82 West. Continue on WA 240 West to Kingsgate Way to 1st Street.
From the West I-90 East to the I-82 East at Exit.
110. At Exit 96, take WA 224 East (Webber Canyon Road). Continue on WA 224 East (Twin Bridges Road) to WA 240 East. Turn North at Kingsgate Road, then turn East to 1st Street.



3.0 Minimum Proposer Qualifications

The evaluation process established by this RFQ is intended to enable Proposers to demonstrate their qualifications to perform the Project. At a minimum, Proposers are to have the following qualifications:

1. Completed at least one similar project valued at \$15,000,000 or greater in the past ten (10) years.
2. The designer-of-record will be required to have an active office located within the State of Washington during the duration of the Project. This office will have responsibility for the design work associated with the Project. All design associated with the Project, including that design work within the responsibility of Specialty Subconsultants, shall be accomplished or reviewed and approved by design professionals registered to practice in the particular professional field involved in the State of Washington.
3. Proposer, the lead contractor and the designer- of-record shall be legally qualified to do business in the State of Washington and shall provide registration or license numbers as required by this RFQ.
4. Proposer, the lead contractor and the designer- of-record shall not have filed for bankruptcy protection within the past five (5) years, nor shall such organizations have been reorganized under a new company name, or the current name, after filing bankruptcy in the past five (5) years.
5. Proposers, individually or as a team, must have the capacity to obtain performance and payment bonds, in accordance with the terms of this RFQ, for the full value of the design-build contract, in an amount not less than the MADCC.
6. Proposers shall comply with additional minimum qualification requirements set forth in Section 4 of this RFQ.

4.0 Statement of Qualification and Proposal Requirements

4.1 This section describes specific information that must be included in the SOQ. The format for the presentation of such information is described in Section 6.

DES reserves the right to conduct an independent investigation of any information, including prior experience, identified in a SOQ by contacting project references, accessing public information, contacting independent parties, or any other means.

A. Letter of Submittal

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Provide a Letter of Submittal on the Proposer's letterhead identifying the official representative and point of contact for the Proposer. The letter shall identify such representative's title, address, phone, and e-mail addresses.

An authorized representative of the Proposer's organization shall sign the letter. If the Proposer is not yet a legal entity or is a joint venture, all major participants or joint venture members shall sign the letter. All signatures shall be original and signed in ink.

B. Proposed Team

Describe the proposed project team; include resumes for all key staff outlining employment history, education, relevant experience, personal references and other relevant information.

Provide an organizational chart showing the "chain of command" with lines identifying participants who are responsible for major functions to be performed, and their reporting relationships in managing, designing and constructing the Project, and post-completion services during the performance guarantee and warranty periods. This chart should include design subconsultants, Specialty Subconsultants and major Subcontractors (if selected).

Provide a matrix of proposed staff identifying the team's common projects, and relevant project experience as detailed in Section 4.C of this RFQ.

Clearly identify the following key staff:

1. Design-Build Project Director – The individual primarily responsible for the overall project design, construction quality management, contract administration and DES' primary point of contact for the Project.
2. Lead Designer – The individual acting as the architect-of-record.
3. Specialty and Engineering consultant leaders including those responsible for building electrical and mechanical systems.
4. Project Management, Superintendent and Engineering – The individuals responsible for planning and executing day-to-day pre- construction and construction activities.
5. Energy performance and Sustainable design specialist(s).
- 6 Other key designer and builder staff members.

Identify where the Proposer intends to maintain its project office(s) and where a majority of the design work will be performed.

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Identify any Washington State employees or former State employees employed or on the Proposer's governing board as of the date of the SOQ submission. Include their position and responsibilities within the Proposer's organization.

C. Relevant Experience

Provide up to six individual project profiles demonstrating the proposed team's relevant experience and history of working together on either design-build or other delivery methods. Relevant experience may include National Guard readiness centers with attention given to anti-terrorism/force protection AT/FP features, other Department of Defense facilities, sustainable buildings, design-build projects and buildings of similar program. Demonstrate your team's understanding and experience with modern training and workplace environments, managing the design-build process and delivering high-performance buildings.

For each project profile identify:

1. The name of the project and the owner's contract or project number.
2. Owner's name, address, contact person, and current telephone number and email address.
3. Dates of design, construction.
4. Description of the work or services provided.
5. Initial construction price and final construction contract price, including the quantity and dollar value of contract modifications and claims, and an explanation of the causes of the differences.
6. Total cost per square foot, less site costs, but including all soft costs.
7. Occupied EUI in kBtu/sf-yr and number of occupants.
8. Level of LEED Certification, e.g. Silver.
9. Relevance to the Tri-Cities Readiness Center project.
10. Which proposed project team members delivered services for the project.
11. The delivery method used with reference to Chapter 39.10 RCW.

General Team Experience:

1. Outline your experience in life cycle operating costs and energy efficiency

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measures.

2. Provide an explanation of the history and business relationship, if any, between the Proposer's lead contractor and designer-of-record.

D. Project Approach

Describe your overall approach to delivering the project, maximizing the value of design-build delivery and building a highly collaborative and effective project team including:

1. Your design process to meet WMD goals for the Tri-Cities Readiness Center Project within the budget and schedule planned.
2. Your approach to addressing the detailed needs of WMD and individual tenants within project funding constraints.
3. How you engage with building tenants in support of modern training and workplace design to optimize space and energy efficiency while enabling them to complete their mission.
4. Your high performance design approach that demonstrates low life cycle costs and balances the constraints of limited first cost funding.
5. Your approach to overall project management that promotes effective decision making, effective communications, risk management and predictable outcomes.
6. Your approach to overall quality control including day to day review, reporting and follow up to assure quality construction.
7. Your recommendations regarding building commissioning, measurement and verification on building performance post-occupancy.
8. Your approach and recommendations to:
 - a. Proposed energy, life cycle and energy use index goals.
 - b. The operations of the building during the first year of occupancy.
9. Describe your approach and past performance in successfully employing small and disadvantaged business enterprises.

E. Safety

Provide sufficient information to enable the Owner and DES to understand and evaluate the capability of the Proposer to provide a safe working environment for all individuals associated or affected by the Project. At a minimum, each SOQ shall respond to the following requirements:

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1. Provide the safety record of the Proposer and its lead contractor for the past five (5) years.
2. Provide the workers' compensation modifiers for the past five (5) years for Proposer and its lead contractor, listed by state where the Proposer or such contractor has performed work.
3. Provide a list of all OSHA, WISHA, or other state safety agency citations and their dispositions for the past five (5) years against Proposer and its lead contractor and subcontractors with contract amounts over 10% of the contract amount.
4. Provide a summary of the Proposer's safety and accident prevention program for the Project.

F. Financial Capacity

Provide sufficient information to enable the Owner and DES to understand and evaluate the capability of the Proposer to remain viable for the duration of the Project, that it can be contractually bound to and abide by its contractual obligations to DES, and that it can meet the required financial commitments associated with the Project. At a minimum, each SOQ shall respond to the following requirements:

1. Provide an explanation of the legal structure of the Proposer and its design- build team. If the Proposer is a limited liability company, joint venture or any form of partnership, provide complete copies of the organizational documents that allow, or would allow by the time of contract award, the Proposer to do business in the state of Washington.
2. List the State of Washington design and construction licenses and registrations held by the Proposer, the lead contractor, designer-of- record and specialty subconsultants.
3. Provide evidence from a surety or insurance company (with a Rating of A minus and VIII or better by A.M. Best Co.) stating that the Proposer is capable of obtaining a performance and payment bond in amounts not less than the MADCC, which bonds will cover the Project and any warranty periods. If the Proposer is a limited liability company, joint venture or any form of partnership, specifically identify how bonds will be obtained and which member(s) and/or partner(s) will be providing such bonds.
4. Describe any project that Proposer, lead contractor or designer-of-record were involved in within the past five (5) years that resulted in:
 - a. The assessment of liquidated damages against one of such parties;
 - b. Claims being submitted by or against one of such parties that involved the project;

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- c. One of such parties having received a notice to cure a default due to the party's non-performance or poor performance of the underlying contract; or
- d. One of such parties being terminated for cause.

For each such situation, explain the circumstances and identify the project's representative and its current telephone number.

- 5. Disclose past or current bankruptcies, convictions, debarments, or suspensions involving Proposer, the lead contractor, or the designer-of-record.
- 6. Debarment and Suspension prohibits the Washington Military Department from contracting with persons, organizations, or companies who have been excluded from participating in federal contracts or grants. As evidence of compliance with this requirement, Proposer shall complete and submit to Owner Attachment A - "Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification" with Statement of Qualifications.

4.2 Proposal Requirements:

The information provided in response to the Evaluation Section of the RFP will be scored based on the following:

- a. The Proposed Design-Build Team's understanding of the delivery method;
- b. The degree to which the Proposed Design-Build Team understands the Owner's/DES' goals and objectives with respect to the Project; and
- c. The strength of the Proposed Design-Build Team's management plan for the Project, including not only the specific topics and specialized components outlined in the RFP or discussed in the Interactive Meeting but also any other component or element that the Proposed Design-Build Team deems essential to the success of the Project.

The evaluation factors are listed below.

- 1. Proposal and Design Solution 30 points
How well does the proposal and design solution meet the program and technical approach to the Design solution? How well does the design solution demonstrate long term value and low life cycle costs to the State of Washington, DES, and the WMD?
- 2. Overall Management Approach; Ability to Meet Time and Budget Requirements 10 points
Describe the Finalist's overall management approach to the Project. In responding to this evaluation factor, Finalists shall identify three

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- (3) key issues, risks, and challenges to the Project, and, for each issue or challenge identified, describe how to mitigate its potential negative impacts (i.e., risk mitigation strategy) and any unique approaches or strengths the Finalist may have to implement such mitigation strategies. Cost or price related factors may include operating costs.
3. Operations, Maintenance, Energy Performance, Sustainability 20 points
How well does the proposed design solution demonstrate sustainable design strategies, operations / maintenance / energy efficiency, and innovation?

 4. Ability of Professional Personnel: 20 points
 - a) How well does the proposed design and construction team demonstrate the skills and competence in high-performance design and construction and its understanding of DES's overall goals for the project?
 - b) Confirm that the Proposed Design-Build Team and Key Team Members are available to perform the Project. To verify this availability, provide the following information in the form of a table:
 - Recent, current and projected workloads of Proposed Design-Build Team Members;
 - Recent, current and projected workloads of Key Team Members;
 - Location of home office of Proposed Design-Build Team Members and whether they have an office in the Tri-Cities area; and Home office location of Key Team Members and proposed location during the performance of the Project.

 5. Past Performance on Similar Projects 20 points

 6. Financial Capacity – Bonding and Insurance Statements: Pass/Fail
Ability to provide a performance and payment bond for the project. Submit one copy of bonding and insurance statements (none of which are included in the page count), in a sealed envelope marked “Confidential Financial Material in Response to the RFQ.” This financial information will not be copied or distributed except as needed in the financial review process and will not be provided for other firms to review, except as required by law

 7. Total Possible Score 100 points
Each evaluation criterion has an assigned maximum number of points that demonstrates its relative importance. Each Evaluation Committee Member scores all Proposals. All Evaluation Committee Members’ scoring will be totaled for each Proposal for a combined

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summary score. The selection of the Finalist will be made on the basis of which Proposal has the highest combined score.

Diverse Business Inclusion Plan
Provide Diverse Business Plan per Section 10.0D

Not Scored

5.0 Evaluation Process for Design-Build Team Selection

In the evaluation and scoring of Proposers and Finalists, the Owner/DES will consider the information submitted in the SOQ, the Technical and Price Proposal, and Confidential Proprietary Meetings with respect to the evaluation criteria set forth in the RFQ and RFP. The result of the evaluation will be a comparative scoring of Proposers.

The relative weights of the Evaluation Criteria for the SOQ are as follows:

CRITERIA	WEIGHTING (Max points)
Proposed Team	35 points
Relevant Experience	35 points
Project Approach	25 points
Safety	5 points
Financial Capacity	PASS/FAIL

The relative weights of the Evaluation Criteria for the Proposal are as follows:

CRITERIA	WEIGHTING (Max points)
Proposal and Design Solution	30 points
Overall Management Approach, Ability to Meet Time & Budget	10 points
Operations, Maintenance Energy Performance Sustainability	20 points
Ability of Professional Personnel	20 points
Past Performance on Similar Projects	20 points
Ability to provide performance and payment bond for the project	Pass / Fail
Diverse Business Inclusion Plan	Not Scored
 Total Proposal Scores	 100 points

Relative weights of the Evaluation criteria for the entire procurement are as follows:

CRITERIA	WEIGHTING (Max points)
SOQ	15 points
Proposal	40 points
Proprietary Meetings/Interview	35 points
Contract Amount	10 points

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Total

100 Points

In evaluating each of the criteria, the Selection Panel will identify significant and minor strengths and weaknesses from the submissions. The Selection Panel will then use the following guidelines to evaluate the submissions and determine the number of points for each Evaluative Criteria based on the percentages assigned in the RFQ, the RFP and any addenda. In the description below, the term “Proposer” includes both Proposers in the SOQ phase as well as Finalists in the RFP phase of the procurement.

1. Definition of “strength” and “weakness”:

- a. The term “strength” ultimately represents a benefit to the Project and is expected to increase the Proposer’s ability to meet or exceed the Project Goals and/or meet the definition of Design Excellence. A minor strength has a slight positive influence and a significant strength has a considerable positive influence on the Proposer’s ability to exceed the Project Goals and meet the definition of Design Excellence.
- b. The term “weakness” detracts from the Proposer’s ability to meet the Project Goals or the definition of Design Excellence and may result in inefficient or ineffective performance. A minor weakness has a slight negative influence and a significant weakness has a considerable negative influence on the Proposer’s ability to exceed the Project Goals and meet the definition of Design Excellence.

2. Scoring:

- a. **Excellent** (81-100 percent): The Evaluative Criteria demonstrates an approach that is considered to exceed the Project Goals and the RFQ or RFP requirements and provide a consistently outstanding level of quality. For the Evaluative Criteria to be considered *Excellent*, it must be determined to have significant strengths and/or a number of minor strengths and few or no appreciable weaknesses. The minimum allocation of points for *Excellent* is 81 percent of the maximum points available for a given evaluation criterion. The greater the significance of the strengths and/or the number of strengths will result in a higher percentage, up to a maximum of 100 percent. An Evaluative Criteria that is evaluated as Excellent is considered to present virtually no risk that the Proposer would be unsuccessful in delivering the Project to the Owner's/DES satisfaction and would most likely exceed all Project Goals and meet the definition of Design Excellence.
- b. **Good** (61-80 percent): The Evaluative Criteria demonstrates an approach that is considered to meet the RFQ or RFP requirements in a beneficial way (providing advantages, benefits, or added value to the Project) and offers quality. For the Evaluative Criteria to be considered *Good*, it must be determined to have strengths and few, if any, significant weaknesses. Minor weaknesses are offset by strengths. The minimum allocation of points for *Good* is 61 percent of the maximum points available for a given evaluation criterion. The greater the significance of the strengths

and/or the number of strengths, and the fewer the minor weaknesses will result in a higher percentage, up to a maximum of 80 percent. There is little risk that the Proposer would be unsuccessful in delivering the Project to the Owner's/DES' satisfaction and would most likely meet all Project Goals and may meet the definition of Design Excellence.

- c. **Fair** (41-60 percent): The Evaluative Criteria demonstrates an approach that contains minor and/or significant weaknesses and limited appreciable strengths. The minimum allocation of points for *Fair* is 41 percent of the maximum points available for a given evaluation criterion. The greater the significance of the strengths and/or the number of strengths, and the fewer the minor or significant weaknesses will result in a higher percentage, up to a maximum of 60 percent. There is some risk that the Proposer would be unsuccessful in delivering the Project to the Owner's/DES' satisfaction and meeting the Project Goals or the definition of Design Excellence.
- d. **Deficient** (0-40 percent): The Evaluative Criteria demonstrates an approach that contains significant weaknesses and no appreciable strengths. The minimum allocation of points for *Deficient* is 0 percent. The greater the significance of the strengths and/or the number of strengths, and the fewer the minor or significant weaknesses will result in a higher percentage, up to a maximum of 40 percent of the maximum points available for a given evaluation criterion. It is expected that the Proposer would not be able to deliver the Project to the Owner's/DES' satisfaction and meet the Project Goals or the definition of Design Excellence. The Owner/DES, at its sole discretion, may reject any Proposal deemed *Deficient* in fulfilling the requirements of the RFQ or RFP requirements.
- e. **Non-Responsive**: Does not meet the Minimum Qualifications required for evaluation. In addition, the Owner/DES, at its sole discretion, may reject any Evaluative Criteria deemed non-responsive to any of the requirements of the RFQ or RFP.

No more than three Finalists will be invited to provide Proposals in accordance with a Request for Proposals. Proposers who are not selected as Finalists will be eliminated from further participation in the procurement process and will not be eligible to submit Proposals.

6.0 Statement of Qualifications Submittal Requirements

This section describes the requirements that all Proposers must satisfy in submitting SOQ's. Failure of any Proposer to submit its SOQ in accordance with this RFQ may result in rejection of its SOQ.

Due Date, Time and Location:

The SOQ must be delivered to, and date/time stamped by E&AS prior to date/time indicated

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in Section 2.D. If you have delivery questions, please contact David Hickman at 360.407.7950.

Address submittals to:

Engineering & Architectural Services 1500 Jefferson Street SE
Olympia, WA 98501 Attn: Selection Administrator

or:

Engineering & Architectural Services
P.O. Box 41476
Olympia, WA 98504-14176
Attn: Selection Administrator

*Due to the Governor's "Stay Home, Stay Safe" proclamation – hand deliveries and courier deliveries will only be accepted on May 19, 2020 between 10:00 AM and 1:00 PM.

Neither fax nor email submissions will be accepted. Proposers are responsible for effecting delivery by the deadline above, and late submissions will be rejected without opening, consideration, or evaluation, and will be returned unopened to the sender.

Any addenda issued for this RFQ and RFP will be published at the following website address: <https://des.wa.gov/services/facilities-leasing/public-works-design-construction/architecture-engineering-design-consultants/current-projects-advertised-consultant-selection>. Proposers are responsible for checking the website for any addenda prior to submission of qualifications and proposals. If you are unable to download the addenda, you may contact the individual noted at the end of this RFQ. Attachments to this RFQ will also be posted at the above website.

DES accepts no responsibility for misdirected or lost proposals.

Format:

The SOQ shall follow the requirements and format prescribed below. Submittals that do not follow the format prescribed below may be considered non-responsive and may be eliminated from further consideration.

The SOQ must not exceed thirty (30) sheets, printed front and back. Except for charts, exhibits and other illustrative and graphical information, all information shall be prepared on 8.5" x 11" white paper.

Charts, exhibits and other illustrative and graphical information may be on 11" x 17" paper, but must be folded to 8.5" X 11" and will be counted as one page. All printing, except for the front cover of the SOQ and any appendices, must be a font of no less than 10-point. In addition to the above, a complete copy of the Proposer's SOQ must be submitted on a high density flash drives in Adobe PDF format.

Each section shall be separated by numbered tabs, with the following sections corresponding to the order set forth in Section 4, namely (1) Letter of Submittal; (2) Proposed Team; (3) Relevant Experience; (4) Project Approach; (5) Safety; (6) Financial

and Legal.

Provide eight (8) copies in three-ring binders, and one flash drive. Each copy must be identified on its front cover, in the upper right-hand corner, as "Copy of 8 Copies."

7.0 Questions and Clarifications

All questions and requests for clarification regarding this RFQ shall be submitted to DES in writing to the Point of Contact. No requests for additional information, clarification or any other communication should be directed to any other individual.

Questions or clarifications requested after date/time indicated in Section 2.D will not be answered, unless DES elects, in its sole discretion, to do so.

DES' responses to questions or requests for clarification shall be in writing, and will be accomplished by an Addendum to this RFQ. DES will not be bound by any oral communications, or written interpretations or clarifications that are not set forth in an Addendum.

DES, at its sole discretion, shall have the right to seek clarifications from any Proposer to fully understand information contained in the SOQ necessary to help evaluate and rank the Proposers.

8.0 Rights and Obligations of the DES

9.0 Reservation of Rights

In connection with this procurement, DES reserves to itself all rights (which rights shall be exercisable by DES in its sole discretion) available to it under applicable law, including without limitation, the following, with or without cause and with or without notice:

1. The rights to cancel, withdraw, modify postpone or extend this RFQ or the subsequent Request for Proposals in whole or in part at any time prior to the execution by DES of a design-build contract, without incurring any obligations or liabilities.
2. The right to reject any and all submittals, responses and proposals received at any time.
3. The right to terminate evaluations of responses received at any time.
4. The right to suspend and terminate the procurement process for the Project, at any time.
5. The right to issue addenda, supplements, and modifications to this RFQ, including but not limited to modifications of evaluation criteria or methodology and weighting

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of evaluation criteria.

6. The right to hold meetings and conduct discussions and correspondence with one or more of the Proposers responding to this RFQ to seek an understanding of the responses to this RFQ.
7. The right to seek or obtain data from any source that has the potential to improve the understanding and enable evaluation of the responses to the RFQ, including the right to seek clarifications from Proposers.
8. The right to appoint and change members of the Evaluation Committee.
9. The right to use assistance of outside technical and legal experts and consultants in the evaluation process.
10. The right to waive minor deficiencies, informalities and irregularities in an SOQ, accept and review a non-conforming SOQ or seek clarifications or supplements to an SOQ.
11. The right to disqualify any Proposer that changes its submittal without DES approval.

B. DES and Owner Not Obligated for Costs of Proposing

DES and the Owner assume no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or the subsequent Request for Proposals. All of such costs shall be borne solely by each Proposer and its team members.

C. DES and Owner Obligations

Except as set forth in the following paragraph, in no event shall DES or the Owner be bound by, or liable for, any obligations with respect to the Project until such time (if at all) a design-build contract, in form and substance satisfactory to DES, has been executed and authorized by the DES and, then, only to the extent set forth therein.

Notwithstanding the preceding paragraph, the Owner will provide the Finalists who submit a responsive Proposal, but are not awarded the design-build contract, an honorarium in the amount of \$100,000. The terms for attaining such honorarium payment will be specified in the Request for Proposals.

9.0 Protests

A. General

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This Section sets forth the exclusive protest remedies available with respect to this RFQ. Each Proposer, by submitting its SOQ, expressly recognizes and agrees to the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision on any protest, as provided herein, shall be final and conclusive unless wholly arbitrary. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Proposers.

Such waiver and agreement by each Proposer are also consideration to each other Proposer for making the same waiver and agreement.

B. Protests Prior to Submission of SOQ

A Proposer may protest the terms of this RFQ prior to the time for submission of SOQ's on the grounds that:

1. A material provision in this RFQ is ambiguous to the extent that it hinders the Proposer's ability to accurately respond;
2. Any aspect of the procurement process described herein is contrary to legal requirements applicable to this procurement; or
3. This RFQ in whole or in part exceeds the authority of DES.

Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with the Point of Contact in an effort to remove the grounds for protest.

Protests regarding this RFQ shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements, if any, shall be submitted as signed, certified declarations under penalty of perjury.

Protests regarding this RFQ shall be filed by hand delivery or courier to the Point of Contact. The time for filing a protest is as soon as the basis for protest is known to the Proposer, but in any event it must be actually received no later than ten (10) days before the SOQ submittal due date. Protests regarding an Addendum to the RFQ shall be filed and actually received no later than five (5) business days after the Addendum to the RFQ is issued.

DES will distribute copies of the protest to the other Proposers and may, at its sole discretion: (1) request that other Proposers submit statements or arguments regarding the protest, and (2) discuss the protest with the protesting Proposer. If other Proposers are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven (7) calendar days of the request.

The protesting Proposer shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest. The DES Assistant Director of Facilities shall decide the protest on the basis of the written submissions. The DES Assistant Director of Facilities shall issue the decision in writing to each Proposer. The decision shall be final and conclusive. If necessary to address the issues raised in the protest, DES will make appropriate revisions to this RFQ by issuing

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Addenda. DES may extend the SOQ due date, if necessary, to address any protest issues.

The failure of a Proposer to protest a particular ground prior to submission of the SOQ shall preclude consideration of that ground in any protest after submission of the SOQ. However, this preclusion does not apply if such ground was not and could not have been known to the Proposer prior to the final date to protest after submission of the SOQ.

C. Protests Regarding Responsiveness and Finalist Selection Process after Submission of SOQ's

A Proposer may protest the results of the evaluation and finalist selection process by filing a notice of protest by hand delivery or courier to the Point of Contact.

The protesting Proposer shall concurrently provide a copy of its notice of protest to the other Proposers. The notice of protest shall specifically state the grounds of the protest.

Notice of protest of any decision to accept or disqualify a SOQ on responsiveness grounds must be filed within four (4) business days after the earliest of: notification of non-responsiveness, the scheduled date for oral meetings and presentations (if any), or the public announcement of the Finalists. Notice of protest of the decision on the finalist selection process must be filed and actually received by DES within four (4) business days after the public announcement of the Finalists.

Within seven (7) calendar days of the notice of protest, the protesting Proposer must file with the Point of Contact a detailed statement of the grounds, legal authorities and facts, including all documents and evidentiary statements, in support of the protest. The protesting Proposer shall concurrently deliver a copy of the detailed statement to all other Proposers. Evidentiary statements, if any, shall be submitted as signed certified declarations under penalty of perjury. The protesting Proposer shall have the burden of proving its protest by clear and convincing evidence.

Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or finalist selection process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.

Other Proposers may file by hand delivery to the Point of Contact a statement in support of or in opposition to the protest. Such statement must be filed within seven (7) calendar days after the protesting Proposer files its detailed statement of protest. DES will promptly forward copies of any such statements to the protesting Proposer.

No evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the DES Assistant Director of Facilities, a hearing or oral

argument may be permitted if deemed useful in rendering a decision. The DES Assistant Director of Facilities shall issue a written decision regarding the protest within thirty (30) calendar days after DES receives the detailed statement of protest, unless notice is given to the protesting Proposer that additional time is needed.

Such decision shall be final and conclusive. DES shall deliver the written decision to the protesting Proposer and copies to the other Proposers. Unless necessary for the successful completion of the Project, as determined at the sole discretion of the DES Assistant Director of Facilities, the Request for Proposals shall not be issued to the Finalists until DES issues its written decision on the protest.

If the DES Assistant Director of Facilities concludes that the Proposer filing the protest has established a basis for protest, the DES Assistant Director of Facilities will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new RFQ or taking other appropriate actions.

10.0 Miscellaneous

A. *Public Records Act*

1. Confidential Records. As used herein, "confidential records" includes any trade secrets, proprietary information or confidential content the Proposer submits to DES.
2. Public Records Requests for Confidential Records. DES will respond to any requests for confidential records consistent with 42.56 RCW and in particular with 39.10.470 RCW which provides for the protection of trade secrets as follows: *"Trade secrets, as defined in RCW 19.108.010, or other proprietary information submitted by a bidder, offeror, or contractor in connection with an alternative public works transaction under this chapter shall not be subject to chapter 42.56 RCW if the bidder, offeror, or contractor specifically states in writing the reasons why protection is necessary, and identifies the data or materials to be protected."* 39.10.470(2)
3. In the event that Proposer does not comply with the 39.10.470 RCW requirements above, DES will respond to any Public Records request for Proposer's confidential records by (i) notifying Proposer of the request and (ii) of DES' intent to disclose Proposer's confidential records on a date certain unless Proposer obtains a court order directing DES to withhold such records pursuant to 42.56.540 ("Court Protection of Public Records").

B. *Conflict of interest*

DES may, in its sole discretion, disqualify any Proposer from further consideration for the award of the design-build contract if it is found after due notice and examination

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by DES that there is a violation of the Ethics in Public Service Act, Chapter 42.52 RCW, or any similar statute involving the Proposer in the procurement of the design-build contract.

C. Requirement to Keep Team Intact

The team proposed by Proposer, including but not limited to the lead contractor, the designer-of-record, key personnel, and other individuals identified pursuant to Section 4.B hereof, shall remain on Proposer's team for the duration of the procurement process and, if the Proposer is awarded the design-build contract, the duration of the design-build contract. If extraordinary circumstances require a team member change, the proposed change must be submitted in writing to DES's Point of Contact. DES, at its sole discretion, will determine whether to authorize a change. Unauthorized changes to the Proposer's team at any time during the procurement process may result in the elimination of the Proposer from further consideration.

Notwithstanding the above, DES will consider providing the Finalists with a limited opportunity to add or remove consultants, subcontractors and/or key personnel to address deficiencies identified by DES in the Proposal. This opportunity will only be allowed in writing during the Proposal process.

D. Diverse Business Participation

In accordance with [RCW 39.19.010](#), the state of Washington encourages participation in all of its contracts by OMWBE certified firms.

In accordance with [RCW 43.60A.200](#) and [RCW 39.26.240](#), the state of Washington encourages participation in contracts that are exempt from competitive bidding under RCW 39.26.125 by firms certified by Department Of Veteran Affairs.

In accordance with [RCW 39.26.005](#), the state of Washington encourages participation in all of its contracts by Washington small businesses.

DES is committed to providing the maximum practicable opportunity for participation by Diverse Businesses through direct contracts with DES, subcontracts, sub-consulting, and supplier participation.

1. Definitions.

- a) Diverse Business includes Washington small business, micro-business, and mini-business as defined in RCW 39.26.010, Minority and Women Business Enterprises (M/WBEs) as defined in RCW 39.39.19 and WAC 326-20, and Veteran-owned businesses as defined in RCW 43.60A.010. If the proposed subcontractors are self-identified diverse businesses, the Proposer will encourage and support state efforts for their certification with the appropriate Washington state agencies.
- b) Subcontracting means direct performance of commercially useful work through

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subcontracting as part of the proposed project team.

2. *Participation Goals.* The aspirational diversity goals for DES contracts are:
 - ✓ 10% Minority Owned Business (MBE) certified by the Washington State Office of Minority and Women Business Enterprises
 - ✓ 6%, Women Owned Business (WBE) certified by the Washington State Office of Minority and Women Business Enterprises
 - ✓ 5% Veteran Owned Business (VOB) certified by the Washington State Department of Veterans Affairs
 - ✓ 5% Washington Small Businesses self-identified in the Washington Electronic Business Solution
<http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx> (WEBS).

Participation goals for this project are 10% for MBEs, 6% for WBEs, 5% VOB, and 5% for Washington Small Businesses.

3. *Inclusion Plan.* To be considered responsive, Finalists must submit a Diverse Business Inclusion Plan (Attachment 10) as part of their proposal. The Proposer must prepare and provide a “Diverse Business Inclusion Plan” and may use the template below as guidance. The Proposer’s goals are voluntary. No preference will be included in the evaluation of proposals, no minimum level of MWBE or Veteran Owned or Washington Small Business participation will be required as a condition for receiving an award and proposals will not be rejected or considered non-responsive on that basis (unless a zero (0) goal amount is submitted).

Public Works Inclusion Plan Template		
Voluntary goals for certified diverse business participation: <i>(Of the total contract work, what is the percentage of diverse business participation proposed for this project, including the prime and subcontracting/joint venturing on this project?)</i>		
1. Anticipated Certified Diverse Business Participation (Goals)		
State certification category	Washington State / DES Goals	Anticipated Percent of Contract Amount (Goals)
Minority-owned business	10%	
Women-owned business	6%	
Veteran-owned business	5%	
Small/mini/micro business	5%	
2. Describe your firm’s efforts to identify diverse business subcontractors for this proposal?		
3. Planned efforts by the firm to meet or exceed the voluntary inclusion goals. To include, but not limited to the following:		
a. General description;		
b. Mentoring, training and capacity building programs;		
c. Prompt payment, retainage and dispute resolution		
4. A description of firm’s planned efforts at outreach to the diverse business community		
5. A description of firm’s process for ensuring diverse businesses have enough time and information to provide your firm with bids/quotes:		

6. An explanation of how firm ensures diverse businesses understand the bid and specifications and are able to learn ways to improve if they are not selected (i.e. pre-bid meetings, debriefing, etc.);
7. A description of how firm considers diverse businesses in the development of bid packages
8. Does the firm have and the name of any “Diversity Inclusion Expert”?
9. A list of projects (5 max.) with diverse business participation in the last five (5) years
10. Statement of firm’s awareness and commitment to reach out to diverse businesses and helping Washington State reduce the disparity of participation by minority and women owned businesses in state contracts
11. Description of proposer’s educational and training programs to communicate the firm’s expected employee behaviors and performance relative to implementing the Diverse Business Inclusion Plan
12. Any additional information the firm would like to include as a part of their plan.

The Design Builder commits to a genuine effort to achieve the proposed subcontract amounts with diverse business subcontractors by working with the Agency to develop a comprehensive “Outreach Strategy.”

4. *Contact Information.* For information on certified firms, prime Proposers may contact:
 OMWBE at <http://www.omwbe.wa.gov/> or (360) 664-9750
 DVA at <http://www.dva.wa.gov/BusinessRegistry/Search.aspx> or (360) 725-2200.
 DES Public Works Diverse Business Manager, Charles Wilson
charles.wilson@des.wa.gov or (360) 407-8455 for a list of self-certified Washington Small Businesses that downloaded this solicitation and selected to allow their contact information to be shared.

5. *DES Diversity Compliance Program.* The successful Proposer is required to register and create an account in the DES Diversity Compliance Program (B2Gnow) at <https://des.diversitycompliance.com>. Every month for the duration of your contract, and while your contract is active in the B2Gnow system, submit and accurately maintain the following payment information through B2Gnow:
 1. Payments received by the prime contractor from the Agency
 2. Payments paid to each subcontractor
 3. Payments paid to each supplier

6. *Maintenance of Records.* Design-Builder shall maintain, for at least six (6) years after Final Acceptance, relevant records and information necessary to document the level of utilization of Diverse Businesses and other businesses as Subcontractors on this Project, as well as any efforts Design-Builder made to increase the participation of Diverse Businesses. The Design-Builder shall also maintain, for at least six (6) years after Final Completion, a record of all quotes, bids, estimates, or proposals submitted to Design-Builder by all businesses seeking to participate as Subcontractors on this Project. Owner/DES shall have the right to inspect and copy such records. If this Contract involves federal funds, Design-Builder shall comply

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with all record keeping requirements set forth in any federal Governmental Rules referenced in the Contract Documents.

7. *Advertisements.* Design-Builder shall advertise opportunities for Subcontractors in a manner reasonably designed to provide Diverse Businesses capable of performing the work with timely notice of such opportunities, and all advertisements shall include a provision encouraging participation by Diverse Businesses. Advertising may be done through general advertisements (e.g. newspapers, journals, etc.) or by soliciting bids directly from Diverse Businesses. The Design-Builder shall provide Diverse Businesses that express interest with adequate and timely information about plans, specifications, and requirements of the Project.
8. *Non-Discrimination.* The Design-Builder shall not create barriers to open and fair opportunities for all businesses, including Diverse Businesses, to participate in all state contracts and to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services. In considering offers from and doing business with subcontractors and suppliers, the Design-Builder shall not discriminate on the basis of race, color, creed, religion, sex, age, nationality, marital status, or the presence of any mental or physical disability in an otherwise qualified disabled person.
9. *Violations.* Any violation of the mandatory requirements of this part of the Contract shall be a material breach of the Contract for which the Design-Builder may be subject to a requirement of specific performance, or damages and sanctions provided by contract, by RCW 39.19.090, or by other applicable laws.

E. Apprenticeship Participation

APPRENTICE UTILIZATION REQUIREMENTS

The apprentice labor hours required for this project are 15% of the total labor hours. The Design-Builder signing the Proposal agrees to utilize this level of apprentice participation. A monetary incentive of \$1,000 will be paid to the Design-Builder meeting the apprentice utilization requirement. A monetary penalty will be applied to the Design-Builder failing to meet the utilization requirement and failing to demonstrate a Good Faith Effort. The penalty will be applied to every hour of short-fall of the minimum number of required apprentice hours using the applicable published wage of a Step 1 apprentice laborer. The penalty will not exceed five percent (5%) of the total Contract Sum. The cost value associated with meeting the apprentice utilization requirement is included in the Proposal Price.

Mandatory apprentice utilization of at least fifteen percent (15%) of the total construction labor hours worked on the Contract is required. Apprentices must be registered as apprentices with the State Apprenticeship and Training Council. Design-Builder shall comply with the requirements of the Contract documents and with statutory requirements in accordance with Chapters 39.04 and 49.04 RCW. related to apprenticeship. Proposers may contact the Department of Labor & Industries, Apprenticeship Program at

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360-902-5320 to obtain information on apprenticeship programs.

A. In accordance with [RCW 39.04.320](#), for all public works estimated to cost one million dollars or more, the State of Washington requires no less than **15% of the labor hours be performed by apprentices**. The design-builder or subcontractor may not be required to exceed the 15% requirement. This is an applicable project and the minimum required percentage of apprentice labor hours compared to the total labor hours.

1. **Incentives** - The Design-Builder who meets or exceeds this utilization requirement on eligible contracts, will be awarded a monetary incentive described in the Apprentice Utilization Requirements section above.
2. **Penalties** - The Design-Builder who fails to meet the utilization requirement and fails to demonstrate a Good Faith Effort, as outlined below, is subject to penalties described in the Apprentice Utilization Requirements section above. Design-Builder will receive an invoice payable to the Owner within 30 days of determination.
3. **Cost Value** - The expected cost value associated with meeting the goal is included in the Proposal Amount as described above.
4. **Utilization Plan** - The Design-Builder shall provide an **Apprentice Utilization Plan** (Plan) demonstrating how and when they intend to achieve the Apprenticeship Utilization Requirement. The Plan shall have enough information to track the Design-Builder's progress in meeting the utilization requirement. The Design-Builder shall submit the Plan on the Apprentice Utilization Plan template (on the DES Public Works Forms website) **within 30 days of Notice to Proceed of the Construction portion of the contract and prior to submitting the first construction invoice**. The Design-Builder shall provide an updated Plan during the course of construction when there are significant changes to the Plan which may affect their ability to meet the requirement.
 - (a) The Plan shall be uploaded to the Department of Labor & Industries' (L&I) ***Prevailing Wage Intents and Affidavit (PWIA) system on L&I's website.***
 - (b) The Plan is not submitted for approval.
 - (c) It is expected that the Design-Builder will actively seek out opportunities to meet the Apprentice Utilization Requirement during construction even if the Plan indicates a shortfall in meeting the requirement.
 - (d) If the Plan indicates that the Design-Builder will not attain the Apprentice Utilization Requirement, then Design-Builder must submit "Good Faith Effort" (GFE) documentation with their Plan to L&I's PWIA system.

5. **Good Faith Effort (GFE)**

- (a) Good Faith Effort (GFE) documentation shall describe in detail why the Design-Builder is not or was not able to attain the Apprentice Utilization Requirement.
 - 1. The Design-Builder may submit Good Faith Effort (GFE) documentation at any time during the construction.
 - 2. All GFE documentation must be submitted no later than 30 days before substantial completion.
- (b) Good Faith Effort (GFE) documentation must be in signed letter format uploaded to the PWIA system and include:
 - 1. The contract number, title and the apprentice utilization requirements,
 - 2. The amount of apprentice labor hours the contract can or did attain along with the percentage of labor hours,
 - 3. Design-Builder may receive a GFE credit for graduated Apprentice hours through the end of the calendar year for all projects worked on as long as the Apprentice remains continuously employed with the same Design-Builder they were working for when they graduated. If an Apprentice graduates during employment on a project of significant duration, they may be counted towards a GFE credit for up to one year after their graduation or until the end of the project (whichever comes first). Determination of whether or not Contract requirements were met in good faith will be made by subtracting the hours from the journeyman total reported hours for the project and adding them to the apprentice hour total. If the new utilization percentage meets the Contract requirement, the Design-Builder will be reported as meeting the requirement in good faith,
 - 4. Anticipated or actual shortfall (in apprentice labor hours and percentage) and the reason(s) for not attaining the required apprentice labor hours,
 - 5. Information from one or more of the following areas:
 - (a) Names of any State-Approved Apprentice Training Programs contacted with the name(s) of person(s) contacted and dates of contacts, and a copy of each response from the Training Program(s),
 - (b) Reference Contract Specifications or documents that affected the Design-Builder's ability to attain apprentice utilization,

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- (c) Discuss efforts the Design-Builder has taken to require Subcontractors to solicit and employ apprentices,

6. Backup documentation to the letter consisting of the following:

Letters, emails, phone logs including names dates and outcomes, posters, photos, payrolls, timecards, schedules, copies or references to other contract specifications or documents.

Additional Resource Information

- (a) For questions regarding how to complete the Apprentice Utilization Plan template or Good Faith Effort documentation, please contact the Project Manager listed in the RFQ.
- (b) Step-by-step instructions on how to access and navigate the L&I's PWIA system, including uploading required documents can be found on the L&I website.
- (c) Additional information about apprentice utilization on Public Works Project can be found on the L&I website.

11.0 Attachments

- A. Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion Form

Washington Military Department Contract Number: _____

Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form

NAME		Doing business as (DBA)	
ADDRESS	Applicable Procurement or Solicitation #, if any:	WA Uniform Business Identifier (UBI)	Federal Employer Tax Identification #:
This certification is submitted as part of a request to contract.			

Instructions For Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

READ CAREFULLY BEFORE SIGNING THE CERTIFICATION. Federal regulations require contractors and bidders to sign and abide by the terms of this certification, without modification, in order to participate in certain transactions directly or indirectly involving federal funds.

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the department, institution or office to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable CFR, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under applicable CFR, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business activity.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under applicable CFR, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

The prospective lower tier participant certifies, by submission of this proposal or contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this form.

Bidder or Contractor Signature: _____

Date: _____

Print Name and Title: _____

FEDERAL DEBARMENT, SUSPENSION INELIGIBILITY and VOLUNTARY EXCLUSION

(FREQUENTLY ASKED QUESTIONS)

What is “Debarment, Suspension, Ineligibility, and Voluntary Exclusion”?

These terms refer to the status of a person or company that cannot contract with or receive grants from a federal agency.

In order to be debarred, suspended, ineligible, or voluntarily excluded, you must have:

- had a contract or grant with a federal agency, and
- gone through some process where the federal agency notified or attempted to notify you that you could not contract with the federal agency.
- Generally, this process occurs where you, the contractor, are not qualified or are not adequately performing under a contract, or have violated a regulation or law pertaining to the contract.

Why am I required to sign this certification?

You are requesting a contract or grant with the Washington Military Department. Federal law (Executive Order 12549) requires Washington Military Department ensure that persons or companies that contract with Washington Military Department are not prohibited from having federal contracts.

What is Executive Order 12549?

Executive Order 12549 refers to Federal Executive Order Number 12549. The executive order was signed by the President and directed federal agencies to ensure that federal agencies, and any state or other agency receiving federal funds were not contracting or awarding grants to persons, organizations, or companies who have been excluded from participating in federal contracts or grants. Federal agencies have codified this requirement in their individual agency Code of Federal Regulations (CFRs).

What is the purpose of this certification?

The purpose of the certification is for you to tell Washington Military Department in writing that you have not been prohibited by federal agencies from entering into a federal contract.

What does the word “proposal” mean when referred to in this certification?

Proposal means a solicited or unsolicited bid, application, request, invitation to consider or similar communication from you to Washington Military Department.

What or who is a “lower tier participant”?

Lower tier participants means a person or organization that submits a proposal, enters into contracts with, or receives a grant from Washington Military Department, OR any subcontractor of a contract with Washington Military Department. If you hire subcontractors, you should require them to sign a certification and keep it with your subcontract.

What is a covered transaction when referred to in this certification?

Covered Transaction means a contract, oral or written agreement, grant, or any other arrangement where you contract with or receive money from Washington Military Department. Covered Transaction does not include mandatory entitlements and individual benefits.

Sample Debarment, Suspension, Ineligibility, Voluntary Exclusion Contract Provision

Debarment Certification. The Contractor certifies that the Contractor is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Contract by any Federal department or agency. If requested by Washington Military Department, the Contractor shall complete a Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion form. Any such form completed by the Contractor for this Contract shall be incorporated into this Contract by reference.