



**REQUEST FOR QUALIFICATIONS FOR
Progressive Design-Build Services Design and Construction of the
Fire Services Training Center
Bates Technical College, Tacoma, Washington
DES Project No. 2023-166**

Submittal Deadline Date: No Later than 2:00 PM PST Thursday May 25, 2023

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SECTION 01 - PROJECT OVERVIEW

1.1 INTRODUCTION

On behalf of Bates Technical College (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 Fire Service Training Center, located at the Bates Technical College South Campus in Tacoma, Washington (Project). In accordance with RCW 39.10.300, et seq., the Owner/DES will utilize a 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.

1.2 COMMUNICATIONS

- A.** All communications regarding this RFQ should be addressed to Essa Ahmed, DES Project Manager/Owners Representative, essa.ahmed@des.wa.gov
- B.** Proposers are required to conduct the preparation of their SOQs with professional integrity and free of lobbying activities. Communication with the Owner regarding this Project shall be via email only and directed to the Owner's Representative listed above. Do not communicate about the Project or the Procurement with any other Owner or DES employees, representatives, or consultants. Communication with other Owner or DES employees, representatives, or consultants regarding the procurement may cause the firm involved to be disqualified from submitting under this procurement. Any verified allegation that a responding Proposer or Team Member or an agent or consultant of the foregoing has made such contact or attempted to influence the evaluation, scoring, and/or selection of Finalists may be the cause for Owner/DES to disqualify the Proposer team from submitting an SOQ or Proposal, to disqualify the Team Member from participating in the procurement and/or to discontinue any further consideration of such Proposer or Team Member.

1.3 PROJECT BUDGET AND SCHEDULE

- A.** The target budget for the design and construction of the Project, as established by the Maximum Allowable Design and Construction Cost (MADCC), for the Design-Build portion of the Project is anticipated to be \$33,317,000 exclusive of Washington State and local sales tax.
- B.** The project is anticipated to begin design in September 2023 and achieve substantial completion of the building by February 2025. The project is fully funded.

1.4 PROJECT DESCRIPTION

- A.** Bates Technical College's (BTC) Fire Services Training Center (FSTC) has a robust program, training professional firefighters for jobs in the Pacific Northwest.

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The FSTC occupies 14,500 sf of Building D in BTC's South Campus and uses a modular building for additional program space. A single, portable fire training tower and supplemental connex boxes limit on-site training and require the college to utilize off-site space to meet training requirements for certifications. The building's capacity is too small and outdated for current enrollment and does not allow program growth.

The program is growing: In the past 5 years the fire training and EMT programs FTE count has grown by 91%.

As of Fall 2020 registration already had a wait list of 77 prospective students for the fire training program and 21 for EMT classes.

The current fire training facilities do not comply with WA State WAC 296-305 Safety Standards for Firefighters nor NFPA 1402 Standard on Facilities for Fire Training and Associated Props. The proposed project would bring the FSTC up to WAC and NFPA safety standards, meet the needs of the program and future growth projections, and expand opportunities for training partnerships with regional fire districts.

The proposed project will meet the needs of the program and future growth projections and expand opportunities for training partnerships with regional fire districts.

In the Pre-Design the college evaluated two potential sites for the new Fire Services Training Center. The preferred Alternate considers a new, combined academic and training support building, and new live training tower with outdoor training spaces. The site is located at the entrance to north campus and would provide a new "front door" while showcasing the fire training program. The north site has more physical space for future expansion of exterior training props, and room for multiple partnership training opportunities. This Alternate depends on the existing Commercial Driver License (CDL) vacating the area.

This project will construct a new, 34,600 sf combined academic and training support building, and new 18,900 sf live training tower with outdoor training spaces, an improved parking area to the west and supporting site utility infrastructure. Demolition of existing classroom portables and associated site appurtenances is within the scope of this project.

The Owner/DES will work with the selected Design-Build team to optimize value to the Owner. The Owner/DES fully embrace a collaborative project delivery that emphasizes a cooperative approach to problem solving. The Owner/DES expect the team contributes its best efforts for the benefit of the Project.

1.5 REASONS FOR USING THE DESIGN-BUILD PROCEDURE

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:

- A.** Contractor participation during design provides effective management of project costs: It is expected that the Design-Build method will allow the college to evaluate design

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options against construction costs to establish the best value.

- B. Significant acceleration of the Project Schedule: By allowing for overlap with the design and construction phases, the Design-Build method allows for a compressed schedule. The intent is to bring the completed building online faster and provide project efficiency and expedited schedule to help mitigate cost escalation.
- C. Collaborative approach enables risk mitigation: The Design-Build approach reduces the risk of change orders and construction claims, providing a more predictable budget for the Owner.
- D. The Design-Build approach brings the contractor, architect, and Owner/DES together early in the process to allow for a more collaborative project, resulting in greater innovation and collaboration, critical in a complex project.

1.6 PROJECT GOALS

The Owner/DES have established the following Project Goals:

- A. **Produce a project that exceeds the Owner's definition of Design Excellence:** Create an exceptional and distinctive project that meets the programmatic, functional, operational, and aesthetic vision for the Fire Services and EMS Program, in addition to the state and federal safety and security standards and sets the standard for further development of the campus. The project design must gracefully and simultaneously facilitate successful hands-on training for entry-level careers in firefighting and EMS, ongoing fire service and EMS training, support those students continuing on to leadership positions in fire services and EMS and, invite community partnerships. All facilities will be designed to allow for flexibility in instruction, and rigor in intensive physical training.
- B. **Execute a successful Progressive Design-Build (PDB) Process to produce the envisioned Project:** The Design-Build team will develop and utilize a collaborative relationship between the Design-Build Team, DES, the Owner and its stakeholders to achieve Design Excellence within the Owner/DES budget and schedule using proficient design, project management and construction methods throughout the Progressive Design-Build process.
- C. **Maximize Scope within the Guaranteed Maximum Price (GMP):** Achieve the most cost effective, creative, operationally efficient, and programmatically balanced project including as much scope as possible under the established GMP and MADCC. The primary project goals are to construct the Project with the best value to the Owner within the stated budget and in the shortest timeframe that can reasonably be achieved.
- D. **Quality and Context of a Low Maintenance Building:** Create a true training center designed with future maintenance at the forefront; specify long life systems, durable finishes, and accessible infrastructure. The Design-Build Team will work with College Facilities leadership and Stakeholders to provide equipment, materials, systems and training props for honing basic and advanced firefighting skills and enhance training realism.

SECTION 02 - PROCUREMENT AND CONTRACTING PROCESS

2.1 DEFINITIONS

Business Day: any day on which the Owner/DES is open for regularly conducted business.

Design-Builder: The entity with the prime Design-Build contract with the Owner/DES.

Design-Build Team: All entities listed by the Design-Builder as providing services or construction on the project. The Design-Builder is not required to list all members of the Design-Build Team in the Statement of Qualifications (SOQ) but must list the prime contractor and architect. Members of the Design-Build Team may also be referred to as "Team Members".

Design Excellence: Design that embodies the college mission and values; and to foster learning, creativity, and community. That gracefully and simultaneously facilitates successful hands-on training for entry-level careers in firefighting an EMS, supports those students continuing on to leadership positions in fire services and EMS and, invite community partnerships. Use of materials that reflect our connection to cultural influences, the natural environment, and the local geology with durable, sustainable finishes and materials. A flexible and energy efficient plan that fuses technology with hands-on effective learning and training.

Finalists: Entities that have been shortlisted and participate in the RFP process.

Guaranteed Maximum Price (GMP): The maximum amount that the Design-Builder may be compensated pursuant to the Design-Build Contract, exclusive of WSST.

Key Team Member: Individuals who will be assigned to the Project who play an important role in the design, construction, or management of the Project.

Owner: The Owner is the agency, institution of higher education, board, or commission with funding authority.

Mandatory Minimum Requirements: Mandatory Minimum Requirements are those requirements that are designated as Pass/Fail in Section 2.6 of the RFQ.

Maximum Allowable Design and Construction Cost ("MADCC") is stated in RFQ Section "Project Budget and Schedule" and will be set forth in Section 3.1 D. of the Contract. The MADCC is the maximum amount that the Design-Builder may receive as compensation for the Project. The MADCC may only be changed through Change Order.

Price Factor: The Price Factor is the Design-Builder's Fee Percentage, which includes the items set forth in Section 6.4 of the General Conditions.

Procurement: The Owner's/DES' process for selecting a Design-Build Team for this Project.

Procurement Documents: All documents issued by the Owner/DES in connection with the Procurement or Project.

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Proposers: Entities submitting SOQs in response to this RFQ. Any provision in the RFQ or RFP that references Proposers also applies to Finalists.

Projects of Similar Scope and Complexity: Projects that had completion dates within the last 10 years and that have many or all of the following characteristics:

- a. Design Build Projects of a similar size and budget that include new construction of an instructional facility 30,000 square feet or greater and with major site and infrastructure development over 2 acres in size on an occupied campus.
- b. Projects that demonstrate focus on fire and/or emergency services training, exterior flammable props, or fire station construction, regardless of project delivery method.
- c. Projects other than Design-Build where the design team and/or the contractor have demonstrated a collaborative approach to resolving challenges during construction.

RFP: The Owner's/DES' Request for Proposals, which will be issued to those Finalists who are selected to proceed to the next phase of this Procurement.

SOQ: The Statement of Qualifications submitted in response to this RFQ.

2.2 SELECTION SCHEDULE

Design Build Selection Schedule for 2023-166 Fire Service Training Center

Issue Request for Qualifications	Tuesday, May 02, 2023
All attachments to be posted	Monday, May 08, 2023
Pre-Submission Meeting	Friday, May 12, 2023
Statements of Qualifications Due at 2:00 pm	Thursday, May 25, 2023
Phase 1 Finalists Scores due from Panel	Thursday, June 08, 2023
Consensus Meeting with Panel & notify all Proposers of Phase 1 scores	Friday, June 09, 2023
Issue Request for Proposals	Friday, June 16, 2023
Proprietary Meetings with each Finalists (one 1.5- hour mtg. for each team)	Friday, June 23, 2023
Site Walk with each Finalists (45 minutes each)	Friday, June 23, 2023
Last Request for Information & Proprietary Meeting Notes Due from Finalists	Friday, June 30, 2023
Last Addendum Issued	Friday, July 07, 2023
Proposals Due at 2:00 pm	Friday, July 14, 2023
Scoring of Proposals	Friday, July 21, 2023
Interview with the Evaluation Committee (one 1.5- hour mtg. for each team)	Monday, July 24, 2023
Public Announcement of Scores at 10:00 am	Tuesday, Aug 01, 2023
DES and Bates Technical College Initiates Negotiations with Highest Scoring Proposer	Tuesday, Aug 08, 2023
Preliminary Agreement Contract Award	Tuesday, Aug 22, 2023
Notice to Proceed	Tuesday, Sep 05, 2023

2.3 OWNER/DES RIGHTS

A. The Owner/DES reserve the following rights and conditions and may exercise them at its sole discretion:

1. To reject any or all proposals, at any time, for any reason. Failure to respond to any evaluation criteria may result in the elimination of the Proposal from further consideration in the selection process. In the event the Owner/ DES does so, it shall provide its reasons for rejection in writing to all Proposers.
2. To conduct reference checks for all firms (including, without limitation, firms on proposed teams) at any stage of the selection process. In the event that information obtained from the reference checks reveals concerns about a firm's past performance, or its ability to successfully perform the work to be executed based on this RFQ and subsequent RFP, Owner/DES may, at its sole discretion, consider this information in the context of the evaluation of the information in either the SOQ or the Proposal and/or determine that the firm is not qualified to perform the contract and deem the Proposer not eligible for further consideration. DES also reserves the right to check references from projects and/or organizations not identified by the firm.
3. To cancel the procurement process at any time.
4. To waive any informality or irregularity.
5. To require confirmation of information furnished by a Proposer or Finalist, require additional information from a Proposer or Finalist concerning its SOQ or Proposal and require additional evidence of qualifications to perform the work described in this RFQ or a subsequent RFP.
6. To approve or disapprove of the use of particular Subconsultants, Subcontractors, or Key Team Members and/or substitutions and/or changes to Subconsultants, Subcontractors, or Key Team Members from those identified in the SOQ or Proposal, such approval or disapproval shall not be unreasonably exercised.
7. To ask written questions of Finalists, seek written clarifications, and conduct discussions with Finalists on Proposals.
8. To take any action affecting the RFQ process, the RFP process, or the project that is determined to be in the Owner's/DES best interest.

B. CONFLICT OF INTEREST

The Selection Panel will consist of the following people:

- Nick Lutes, Bates Technical College Vice President of Finance and Administrative Services
- Charlene Wilson, Bates Technical College Project Manager
- Essa Ahmed, DES Project Manager
- Yelena Semenova, DES Project Manager
- Laura Maman, Private Sector Architect

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Any known or perceived conflict of interest between any of the Design-Builder team members and the Selection Panel shall be disclosed. Owner/DES will reveal any such conflict of interest to all of the Proposers' Points of Contact and make a determination on how the conflict of interest will be resolved. If any Proposer disagrees with the determination made by DES, the Proposer must submit the issue as a protest under Section 4.3.

C. PROPOSER ELIGIBILITY CRITERIA

Consultants are often hired to assist client agencies with project development and project delivery. Some of these services include creating Master Plans, Budget Estimates, Site Studies, Feasibility Studies, Project Request Reports (PRR), Predesign, and Design Build Selection.

D. Consultants and/or contractors that are deemed by DES to have an unfair advantage over competing proposers regarding the knowledge of the project shall be ineligible to participate as a proposer or on a Design-Build team.

1. Performance of the following services are not considered to have an unfair advantage of the project and those proposers are eligible to compete for a Design-Build contract: Master Plan, Budget Estimate, Site Study, and Feasibility Study.
2. Proposers who developed (or assisted with developing) a Predesign Report and/or a Project Request Report (PRR) for a project are eligible to compete for a Design-Build contract on that project if the following conditions are met: The agreement for the Predesign Report and/or PRR work was closed more than 180 calendar days prior to the public advertisement for the Design-Build RFQ. Furthermore, the PRR and/or Predesign Report shall be made available to all proposers prior to RFQ solicitation.
3. Consultants and/or contractors that assisted the owner in preparing Design-Build procurement documents (to include instructions for bidders and evaluation criteria) are ineligible to complete for that Design-Build contract.

2.4 RFQ PROCESS

Pre-Submission Meeting. There is an optional pre-submission meeting scheduled for **Friday, May 12, 2023, at 10:30 am.** At the meeting, the Owner's team will provide an overview of the project and the selection process.

The pre-submission meeting will be located at:

Bates technical College
South Campus Auditorium
Building E Room E102-103
2201 S 78th
Tacoma, WA 98409

- A.** Interested Proposers may visit Bates Technical College campus unguided, and without notice. No access to the interior of the fire services instructional facility, truck bays or training grounds will be permitted during the RFQ process. Finalists that are invited to submit an RFP Proposal will be scheduled for an in-person tour per the Selection Schedule.

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- B.** Proposers will submit their SOQ, and other deliverables required pursuant to this Procurement at the time and in the manner set forth in this RFQ and any addenda. The Owner/DES will not consider SOQ or other deliverables that are submitted after the time set forth in the RFQ. Proposers are solely responsible for making sure that the Owner/DES receives the SOQ in a timely fashion.
- C.** The Owner/DES will evaluate the SOQ submitted by each Team. The SOQ will be reviewed for responsiveness by DES, including pass/fail items. If all submission requirements have not been met, the SOQ will be rejected as non-responsive and will not be considered further by the Owner/DES in this Procurement. The Owner/DES will evaluate the SOQ provided by each Team pursuant to the evaluation system described in this RFQ.
- D.** All SOQ will be evaluated in accordance solely with the criteria established in the RFQ and any addenda issued thereto. The evaluation criteria are listed below, including the relative weight or importance given to each criterion.
- E.** Not more than three responsive and responsible Proposers will be selected as Finalists. Only those Proposers that have been short-listed will be invited to submit a Proposal in response to the RFP.
- F.** The scoring of the SOQ evaluations will be carried forward into the RFP process and included in the final evaluation and selection.
- G.** Design-Build Team Members and individual Key Team Members as defined in section 3.2.C (the selection is focused on the core team Builder and Architect) will be used as a basis for selection. SOQ's that include subconsultant, subcontractors and or trade partners will be rejected. Once shortlisted, the Proposer and Team Members may not be substituted without the consent of DES, such consent shall not be unreasonably withheld. Further, a change to any submitted Team Member or Key Team Member will result in re-evaluation and may result in a change to the evaluation and scoring of the Team, up to and including exclusion from the short list.

2.5 RFP PROCESS

- A.** The Owner/DES will issue the RFP to the Finalists. The RFP will further explain the evaluation criteria, Proprietary Meetings, and other elements of the RFP process.
- B.** Prior to the submission date for Proposals, written questions will be accepted as defined in the RFP.
- C.** The Owner/DES will conduct two confidential individual meetings with each Finalist that will provide an opportunity for direct interaction between the Finalist and the RFP Selection Panel.
 - 1. The first confidential individual meeting will be an Interactive Proprietary Meeting that will occur prior to the submission of the Proposals and will allow the Owner/DES to evaluate the Finalists' ability to collaborate with the Owner's/DES' team and to allow the Finalists to ask the Owner/DES questions

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regarding the Project and the Owner's/DES' goals and concerns. There may be a project scenario to respond to.

- a. DES does not penalize the team for substituting members at the proprietary meeting.
 - b. Finalists should consider the Meeting to be the first project meeting with the Owner/DES. It is anticipated that each Finalist will prepare their own agenda and conduct the meeting as if the Finalists was selected on the Project.
 - c. Attendees for the Owner/DES will include the Selection Panel and non-voting representatives of the faculty.
2. The second confidential individual meeting will be an Interview after the submission of the Proposals and will allow the Finalists to give a quick overview of their Proposal and allow Owner/DES to ask questions regarding the Design- Build Team's Proposal. The confidential individual meetings will be further described in the RFP.
 3. All information from the Design-Build Teams provided in the confidential individual meetings will remain confidential during the procurement process; however, see Section 4.4. B with respect to the potential public disclosure of information provided during the procurement pursuant to any applicable public records act.
- D.** Finalists will submit a Proposal and Price Factor Form in accordance with the Procurement schedule.
1. The Price Factor Form will be submitted electronically, as a separate file from the Proposal.
 2. No Maximum Fee Percentage has been established for this Project.
 3. The Price Factor should include all premiums for contractually required payment and performance bonds, premiums for all insurance contractually required including Builders Risk insurance, liability insurance, Business & Occupations, excise, income and any other taxes (except sales taxes on progress payments).
 4. Bid bonds are not required.
 5. The Price Factor Form will be opened and scored after the Proposals are scored.
 6. The Price Factor will be scored as follows:
 - a. The Finalist with the lowest Price Factor will receive the full number of points.
 - b. All Finalists other than one with the lowest Price Factor will receive points based on the following percentage: $\text{Lowest Price Factor} \div \text{Finalist Price Factor} = \text{Price Factor Percentage}$

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c. The Price Factor Ratio will then be multiplied by the number of points allocated to the Price Factor, and the Finalist will be awarded the calculated number of points.

d. By way of example:

The number of points allocated to the Price Factor is 5.

If the low Finalist's Price Factor was 4% and the second low Finalist's Price Factor was 4.5%, the second low Finalist's score for the Price Factor would be as follows:

$$4\% \div 4.5\% = 0.89. \text{ Then } 0.89 \times 5 = 4.45.$$

The second low Finalist would receive 4.45 out of 5 points for the Price Factor.

2.6 EVALUATION AND SCORING OF PROPOSERS AND FINALISTS

- A. 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 Individual 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.
- B. The relative weights of the Evaluation Criteria for the **Statement of Qualification** are as follows:

SOQ CRITERIA	WEIGHTING (max. points)
Team Organization, Team Collaboration, Key Team Members and Collaboration with Owner (<i>Team Building, Partnering, Project-First Mindset</i>)	25
Demonstrated Experience of Successful Projects of Similar Scope and Complexity (<i>Schedule and Budget, Owners Involvement, Challenges and Solutions, Project Successes</i>)	20
Design Management and Design Excellence (<i>Qualifications, Design Ethos, Life Cycle Cost, Sustainability, Capacity to Perform</i>)	20
Project Controls (<i>Safety, Quality, Communication Methods and Mediums, Progress Monitoring and Course Correction, Closeout Procedures and Documentation</i>)	15
Design-Build Construction Experience and Training (<i>Technical Qualifications, demonstrated knowledge Design-Build Delivery Method, Capacity to Perform</i>)	20
Financial Capacity (<i>Insurance and Bond Statements</i>)	Pass/Fail
Maximum SOQ Points	100

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

PROPOSAL CRITERIA	WEIGHTING (max. points)
Diverse Business Inclusion Plan	Pass/Fail
Acceptance of Contract, and commitment to provide Bonding and Insurance <i>(included on the cover letter)</i>	Pass/Fail
Overall Management Approach and Management Plan <i>(Ability to Meet Time and Budget Requirements, including Recent, Current, and Projected Workloads of the Firm; Location)</i>	25
Design Development and Management	25
GMP Development Plan	25
Project Sequencing and Scheduling	20
Safety <i>(Overall firm safety, safety specific to this project)</i>	5
Maximum Points	100

D. The relative weights of the Evaluation Criteria for the entire procurement are as follows:

CRITERIA	WEIGHTING (max. points)
SOQ	20
Proprietary Meeting	20
Proposal	35
Interview	20
Price Factor	5
	100

E. The Selection Panel will evaluate each of the above criteria according to the weights set forth above and the guidelines set forth in Section 2.6.D of the RFQ. The Owner/DES will determine the Highest Scored Finalist and notify all Finalists in writing of its determination.

F. 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 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

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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.
- G.** The Owner/DES Selection Panel will review and evaluate the SOQ, the Proposal, the Proprietary Meetings/Interview, and the Price Factor in accordance with the published evaluation criteria. The RFP Selection Panel may be the same as the RFQ Selection Panel.
 - H.** Owner/DES will provide written notification of the firms selected as Finalists. At the request of a firm not selected as a Finalist, Owner/DES will provide the requesting firm with a scoring summary of the evaluation factors for its SOQ.
 - I.** To be responsive to the RFP, Finalists must indicate they will substantially agree with proposed contract, (Attachments 1 and 1a), the General Conditions and Supplemental Conditions, (Attachment 2 and 2a), and Attachment B – Scope of DB Services (Attachment 3).
 - J.** Owner/DES will open the Price Factor Forms after the proposals have been scored and award the points according to the process set forth above.
 - K.** Owner/DES will provide written notification to all Finalists of the selection decision and make a selection summary available to all Proposers within two business days after notification of the selection decision.

2.7 NEGOTIATION AND CONTRACT

A. CONTRACTING PROCESS

This Design-Build procedure includes a 2-phase Contract incorporated by reference:

1. Phase 1 includes establishing major design elements and negotiating a price (GMP) within the MADCC for completing the project.
2. Phase 2 of the Contract governs the completion of design, construction, commissioning, performance guarantees and other aspects of scope and terms sufficient to complete the project.

Additional general terms and conditions are incorporated into the Design-Build Contract in this process.

- B.** At Owner's/DES' discretion, it will initiate negotiations with the Highest Scored Finalist. If the Owner/DES is unable to execute a contract with the Highest Scored Finalist, negotiations with the Highest Scored Finalist may be suspended or terminated, and the Owner/DES may proceed to negotiate with the next Highest Scored Finalist. The Owner/DES will continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated. Negotiations are at the Owner's/DES' sole discretion. By submitting a Proposal pursuant to the RFP, the Finalist represents and warrants that it will enter into the contract provided by the Owner/DES subject to the terms set forth in its Proposal.
- C.** The Design-Build Contract is set forth in Attachment 1.
- D.** The unsuccessful Finalists submitting a responsive Proposal and fully participating in the process outlined in the RFP will receive an honorarium of twenty thousand dollars (\$20,000.00). Honorariums will be distributed after the selected Finalist and Owner/DES enter into a Contract.

SECTION 03 - SOQ SUBMISSION

3.1 FORMAT

- A.** Proposers shall submit SOQs in the following format:
 1. An electronic copy in text searchable PDF format uploaded containing the above-listed RFQ information.
 2. SOQ's are limited to twenty (20) 8.5"x11" numbered pages. Font size shall be no less than 10 points. 11"x 17" page size may be used and will be counted as one page only for, charts, schedules, or pictures. Any other content with text on 11 x 17 will be counted as two pages.
 3. The body of the SOQ must be organized according to Section 3.2 below.
 4. The following submissions are not included in the page count
 - a. Letter of interest or cover letter

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- b. Identification of Projects Table
 - c. Resumes of Key Team Members
 - d. Divider tabs, provided they contain no substantive content, photos are allowed
 - e. Cover pages, provided they contain no substantive content.
5. Submit the following as separate electronic files (not included in page count)
- a. Designated Point of Contact for Design-Build Team (Attachment 0)
 - b. Financial Capacity statements regarding ability to provide payment and performance bond and ability to meet the Owner/DES' insurance requirements.
 - c. Representative QA/QC plan that was developed and implemented for a similar project.
- B.** Faxed or emailed submittals will not be accepted. Proposers are responsible for ensuring receipt of the SOQ at DES by the deadline stated above and should take into account potential delays that may occur when uploading the submittals. Submittals received after the deadline will be returned unaccepted.
- C.** **SOQs that exceed the page limit may be rejected.** Owner/DES at its sole discretion, reserves the right to reject SOQs that exceed the page limit or to remove pages from the sections of any non-conforming SOQ submittals to bring each non-conforming SOQ submittal within the page count requirement.
- D.** Please submit electronically using these instructions:

Submittal Requirements

Only electronic submittals will be accepted. Electronic submittals must be uploaded as a single PDF file and must be received by DES no later than the date and time specified.

DES has created a secure access point for uploading your SOQ for this project: <https://wades.app.box.com/f/4919b2e9400842e48bd1bf13a9c26706>. This link will be active until the submittal deadline, at which point the upload access will be removed. If you have trouble uploading or would like confirmation of your upload, please contact Angeline (Ernst) Butros via email: angeline.butros@des.wa.gov

Failure to submit the SOQ by the specified date and time above will render the SOQ as non-responsive to this notice and rejected by DES for consideration. Failure to adhere to the submittal requirements may also render the SOQ as non-responsive to this notice and rejected by DES for consideration.

If you experience difficulty accessing the upload link or have other questions regarding this request, please contact both Essa Ahmed and Angeline Butros via email at: essa.ahmed@des.wa.gov; angeline.butros@des.wa.gov

All submittals must be received no later than Thursday May 25th, 2023, prior to 2:00 PM PST.

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- E. Any addenda issued for this RFQ and RFP will be published at the following website address: <https://des.wa.gov/services/facilities-and-leasing-management/design-build-gccm-alternative-public-works-projects/design-build-project-selections>. Proposers are responsible for checking the website for any addenda prior to submission of qualifications and proposals. Attachments to this RFQ will also be posted at the above website. If you are unable to download the addenda, please contact both Essa Ahmed and Angeline Butros via email at: essa.ahmed@des.wa.gov; angeline.butros@des.wa.gov

3.2 SOQ ORGANIZATION AND CONTENT

The SOQ shall demonstrate the Design-Build Team's ability to undertake the Project by describing the technical and management qualifications of the Proposer, Team Members, and individual Key Team Members. The Proposer is responsible for ensuring that contact information contained in their referenced project profiles is correct. The inability to contact a reference may have a detrimental impact on the evaluating qualifications.

Proposers should focus the narrative on how their past experience on Projects of Similar Scope and Complexity will assist the Owner/DES in exceeding the Project Goals and achieving Design Excellence. Emphasis will be placed on experience and expertise in performing substantive work on Projects of Similar Scope and Complexity, as defined in Section 2.1. The Owner/DES reserve the right to award more points to projects that have more of the characteristics set forth in the definition of Projects of Similar Scope and Complexity. The Owner/DES also reserve the right to award more points to successful projects in which Team, Team Members, and/or individual Key Team Members had substantial responsibility for their respective scopes of work.

The SOQ content below corresponds with the Criteria set forth in Section 2.6.B. The maximum number of points for each Criterion is set forth in Section 2.6.B.

SOQs shall consist of the following parts and shall be organized as follows.

A. Letter of Interest (*Not included in the page count, maximum 2 pages, No points*)

The SOQ must include a letter of interest/cover letter containing (1) the names of the Proposer and the key team members of the Contractor and Architect for the Project and (2) the type of firm or organization (corporation, partnership, joint venture, etc.) that will serve as the prime contracting party. The letter of interest may be a maximum of two (2) pages. (Attachment 0 will contain one point of contact information for the selection.)

B. Technical Competence and Management Qualifications (*Included in the page count*)

Team Organization, Team Members, Key Team Members, and Collaboration.

Throughout this selection process the team should only include the Contractor and Lead Design Firm.

1. Provide an organization chart (showing Team Members, Key Team Members, and their firm affiliation) for all phases of the Project from design through final

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acceptance and warranty and maintenance period. Be certain to identify specific individuals for key functions and show interrelationships and reporting hierarchy. Note whether individuals are performing multiple functions. Based on the information available to the Design-Builder, enumerate the proposed percentage of time that the Design-Builder intends to assign this individual to the Project. At a minimum identify the Key Team Members performing the functions identified below. To the extent that the Design-Builder has additional Key Team Members on their team, the Design-Builder should include those individuals. Provide resumes of Key Team Members below as required in Section 3.2.G.1

- a. Person responsible for the overall management of the project and Design-Build contract.
 - b. Designer of Record.
 - c. Design Manager responsible for design management/preconstruction manager and coordination between the disciplines. It is anticipated that this position will likely be an architect with broad experience coordinating interrelated design disciplines. This individual may be an employee of either the contractor or the architect firm in the Design Build team.
 - d. Person responsible for overall construction management and coordination/clash detection between trades.
 - e. Person responsible for on-site field supervision and direction of construction (Superintendent).
 - f. Safety officer.
 - g. Person responsible for quality assurance to provide construction quality management.
 - h. Person responsible for cost estimating.
 - i. Person responsible for cost controls and budgeting; and
 - j. Person responsible for scheduling.
2. Provide a narrative regarding the Team and include the following information:
- a. Describe the benefits of the team structure and the benefits that each Team Member and Key Team Member provides to the Project, specifically explaining how the Design-Build Team and Key Team Members will achieve Design Excellence and exceed the Project Goals.
 - b. Identify how the design and construction resources of your team will be integrated into a cohesive Design-Build organization, including a description of the management strategies, internal communication protocols, coordination tools, and planning efforts that you will employ, to ensure an effective project.
 - c. Describe the Team's past performance working together and/or describe the steps the Team has taken to promote integration and a collaborative working environment. If the Team has not worked together, describe the efforts the Team has undertaken to create a collaborative teaming environment.

C. Demonstrated Experience of Successful Projects of Similar Scope and Complexity

1. Describe the Team's past performance in successfully managing Design-Build (or a similar integrated delivery model) Projects of Similar Scope and Complexity that include management and communications of an integrated team of design consultants, specialty subcontractors, and trade contractors. Include a description of any issues or problems that arose on the projects and how those issues or problems were resolved. List all projects cited in the SOQ in the Identification of Projects table as required in Section 3.2.G.2. All projects listed on individual resumes are not required to be included in the "Identification of Projects" table. The table should include projects that represent the proposed team. This should include projects by the contractor and architect and should reflect work by key team members.
2. Profile at least three (3) completed Design-Build Projects of Similar Scope and Complexity and describe their similarities to the project. If the Proposer has not completed three Design-Build projects, list three projects which were successfully completed and which provide the Proposer with the necessary experience and skills to successfully complete the project.
 - a. Describe how Team Members have used collaborative, innovative design, and construction techniques and/or state of the art technology and sustainability measures to achieve the owner's goals, Design Excellence, increase safety, and/or enhance communication and collaboration.
 - b. Note each Key Team Member who had a material role in each Project of Similar Scope and Complexity described.
 - c. Describe the QA/QC plan that was developed and implemented (to be submitted separately from the SOQ.)

D. Design Management and Design Excellence

1. Describe the Design-Builder's past performance in managing the design process and collaborating with owner's representatives and stakeholders to achieve Design Excellence in Projects of Similar Scope and Complexity. Include a description of any issues or problems that arose on the projects and how those issues or problems were resolved.
2. Describe instances where the Team has achieved Design Excellence for previous owners on Projects of Similar Scope and Complexity. Explain how your successes on those projects will predict success on this project.
3. Describe the tools and resources used by the Team for design services, including a description of the Building Information Modeling system or other specialized software or processes the Team would utilize for this Project.

E. Project Controls

1. Describe the Team's past performance with Progressive Design-Build or similar integrated projects, development and management of Project budgets, including collaboratively developing a GMP and/or flexible scope within a fixed GMP with an owner.

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2. Discuss how the estimating and cost monitoring reporting process provided substantive and meaningful information to the owner.
3. Describe any issues or problems that arose on the projects discussed in this section and how those issues or problems were resolved.
4. Describe approach to controlling safety on the project.

F. Design-Build Construction Experience

1. Describe the Team's past performance with the management of Design Build Delivery Method on Projects of Similar Scope and Complexity. Include a description of any issues or problems that arose on the projects and how those issues or problems were resolved.
2. Include in the narrative the Team's approach to the following:
 - a. Working collaboratively through the Design Process and into Construction.
 - b. Utilizing means and methods and/or sequencing construction activities to maximize efficiency and minimize impact on the owner.
 - c. Assessing whether the Design-Builder has achieved performance requirements.
 - d. Change orders; and
 - e. Configuration, commissioning, and testing Projects of Similar Scope and Complexity.
3. Describe the Team's understanding of Design-Build Done Right Best Practices. (<https://dbia.org/best-practices/>)

G. ATTACHMENTS TO THE SOQ (Not included in the page count)

Provide the following attachments to the SOQ.

1. Resumes of Key Team Members

Provide a resume for all Key Team Members. Resumes should be no longer than 1 page and should include the following information at a minimum. The resumes will not be evaluated separately. Rather, the resumes will be evaluated in the context of the criteria set forth in Section 2.6.F.

Description of the individual's proposed Project role.

- a. Identification of employer and number of years employed by the firm.
- b. Educational background, professional licenses, and/or certifications, including LEED and DBIA Certification and or training.
- c. Experience relevant to their proposed role on the Project and how their experience will benefit this Project.
- d. Specific roles and responsibilities for each project listed; and
- e. Two professional references with phone and email contact information. Please alert professional references that an Owner/DES representative will be contacting them during the selection process.

2. Identification of Projects Table

The Proposer must submit an Identification of Projects Table with the required information set forth herein. The Identification of Projects Table may be submitted on 8.5" x 14" paper or 11"x17" format may be used. Please format in such a way that the document may also be printed on 8.5x11 sheets and may be no more than two pages in length. The Proposer is responsible for ensuring that contact information contained in their Identification of Projects is correct. The inability to

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contact a reference may have a detrimental impact on the evaluating qualifications. The Owner/DES reserves the right to contact any person listed in the Identification of Projects or any other person with knowledge regarding any Project in which any Design-Build Team Member or Key Team Member participated. The identification of projects will not be evaluated separately. Rather, the projects will be evaluated in the context of the criteria set forth in Section 2.6.F.

- a. Name of project.
 - b. Owner.
 - c. Location of project (include address).
 - d. Delivery method.
 - e. Name of each Design-Build Team Member and Key Team Member who is proposed for this Project who played a significant role on the listed project, including an identification of their project function.
 - f. The initial contract price, the final contract price, and an explanation for any difference between the two amounts.
 - g. The initial date scheduled for substantial completion, the actual date of substantial completion, and an explanation for any difference between the two dates.
 - h. Identify whether there was a MWBE/Disadvantaged or other Business Equity Goal, the amount of the goal, and the actual performance against the goal; and
 - i. Project contact information of the Owner or customer and their role on the project (current address, e-mail, and phone number) who can verify the characteristics of the listed project.
- 3. Representative QA/QC plan that was developed and implemented for a similar project (to be submitted separately from the SOQ file) and *not included in the page count***

This is considered part of the scoring criteria for Demonstrated Experience of Successful Projects of Similar Scope and Complexity.

- 4. Financial Capacity – Bonding and Insurance Statements (to be submitted separately from SOQ file) and *not included in the page count***

Submit bonding and insurance statements as separate electronic files with “Confidential Financial Material” in the titles. This financial information will not be distributed except as needed in the financial review process and will not be provided for other firms to review, except as required by law. The Owner/DES, in its sole discretion, will determine whether the firm identified to be the contracting entity has the financial capacity to deliver the project, based on statements of ability to provide insurance and bonds. Owner/DES may reject those SOQs which it judges to fail that criterion.

- a. Statement from surety of Proposer’s Ability to Provide a Performance and Payment bond: Statement should clearly indicate that surety has reviewed the bonding requirements in Article 5 of the General Conditions and Design-Builder can meet them; Surety should state that it is a responsible corporate surety (a) licensed as a surety and qualified to do business in the State of Washington; (b)

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in good standing on the list maintained by the United States Department of Treasury; and (c) having an A.M. Best rating of "A" or better (please state the rating.)

- b. Statement from insurance broker of Proposer's Ability to meet the Owner/DES' Insurance Requirements: Statement should clearly indicate that insurance broker has reviewed the insurance requirements in Article 5 of the General Conditions and Design-Builder can meet them.

SECTION 04 - MISCELLANEOUS

4.1 DIVERSE BUSINESS INCLUSION

A. 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.

B. Definitions.

- 1 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
- 2 Subcontracting means direct performance of commercially useful work through subcontracting as part of the proposed project team.

C. 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

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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.

D. 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 on the DES Forms and References Page (<https://des.wa.gov/services/facilities-and-leasing-management/construction-contractors/formsreference-documents>) 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)

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.”

E. 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.

F. 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

G. 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

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

- H. 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.
- I. 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.
- J. 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.

4.2 APPRENTICESHIP UTILIZATION REQUIREMENTS

Mandatory apprentice utilization of at least 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-Builders shall comply with the requirements of the Contract Documents related to apprenticeship. Proposers may contact the Department of Labor & Industries, Apprenticeship Program at 360-902-5320 to obtain information on apprenticeship programs. A monetary incentive of \$1,000 will be paid to the Design-Builder meeting the apprentice utilization requirement. The cost value associated with meeting the apprentice utilization requirement is included in the MADCC. 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 shortfall 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. <Note: Contract Sum is not a defined term.>

This penalty is calculated as the shortfall of apprentice hours multiplied by the applicable labor rate as shown in the example below.

Contract Value		\$10,000,000.00
Total Number of Labor Hours Reported (From Certified Payroll)		100,000.00
Apprenticeship Hours Required (15% of Total Labor Hours)		15,000.00
Apprenticeship Hours Reported (From Certified Payroll)		14,000.00
Actual Utilization (Hours Reported / Hours Required)		14%
Shortfall Hours (Hours Required – Hours Reported)		1,000.00
Applicable Wage (Step 1 Apprentice Labor Rate)		\$30.00
Penalty (Shortfall Hours X Applicable Wage)		\$30,000.00

4.3 PROTEST PROCEDURE

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.

A. Protests Prior to Submission of SOQ

1. A Proposer may protest the terms of this RFQ prior to the time for submission of SOQs on the grounds that:
 - a. A material provision in this RFQ is ambiguous to the extent that it hinders the Proposer’s ability to accurately respond.
 - b. Any aspect of this RFQ is contrary to legal requirements applicable to this procurement.
 - c. Any conflict-of-interest determination that impacts a Proposer, or
 - d. This RFQ in whole or in part exceeds the authority of Owner/DES.
2. 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.
3. 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.

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4. Protests regarding this RFQ shall be filed electronically by delivery 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 four (4) business days after the Addendum to the RFQ is issued.
5. Owner/DES may 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.
6. 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 Professional Services (FPS) shall decide the protest on the basis of the written submissions. The DES Assistant Director of FPS 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, Owner/DES will make appropriate revisions to this RFQ by issuing Addenda. Owner/DES may extend the SOQ due date, if necessary, to address any protest issues.
7. 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.

B. Protests Regarding Responsiveness and Finalist Selection Process after Submission of SOQs

1. A Proposer may protest the results of the evaluation and finalist selection process by filing a notice of protest by electronic delivery 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.
2. Notice of protest of any decision to accept or disqualify a SOQ on responsiveness grounds must be filed within five (5) 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.
3. 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,

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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.

4. 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.
5. Other Proposers may file by electronic 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. Owner/DES will promptly forward copies of any such statements to the protesting Proposer.
6. No evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the DES Assistant Director of FPS, a hearing or oral argument may be permitted if deemed useful in rendering a decision. The DES Assistant Director of FPS shall issue a written decision regarding the protest within thirty (30) calendar days after Owner/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. Owner/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 FPS, the RFP shall not be issued to the Finalists until DES issues its written decision on the protest.
7. If the DES Assistant Director of FPS concludes that the Proposer filing the protest has established a basis for protest, the DES Assistant Director of FPS 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.

4.4 PROPRIETARY OR CONFIDENTIAL INFORMATION

- A. All members of the Design-Build Team and the Owner/DES' team will be required to sign a confidentiality agreement after this RFP is issued.
- B. Owner/DES is subject to RCW 42.56, the Public Records Act (PRA) and the provisions of RCW 39.10.470. Unless disclosure expressly required under RCW 39.10.330(3), all documents related to the procurement shall remain confidential until announcement of the highest scoring Finalist. Thereafter, the documents shall be disclosable public records as defined in the PRA. To the extent consistent with the PRA, Owner/DES shall maintain the confidentiality of proposer's information marked confidential or proprietary. If a request is made for the proposer's proprietary information, Owner/DES will notify proposer of the request and of the date that the records will be released to the requester unless proposer files a motion to enjoin that disclosure, or the requester and proposer reach an agreement on the extent of such disclosure, which

agreement will be forwarded to Owner/DES by the requester prior to the date for disclosure. If proposer fails to obtain the requester's agreement or the court order enjoining disclosure, Owner/DES will release the requested information on the date specified.

- C.** Any information contained in the documents that is proprietary or confidential must be clearly designated. Each selection claimed to be exempt from disclosure must reference the specific basis claimed under the PRA or other state or federal law that provides for the nondisclosure of your information. Marking of an entire document or entire Sections of a document as proprietary or confidential will not be accepted nor honored. Owner/DES' sole responsibility with regard to matters in the documents marked confidential or proprietary shall be limited to maintaining the information in a secure area and notification of proposer of any request(s) for disclosure.

SECTION 05 – ATTACHMENTS

Please note the following additional information that is part of this RFQ:

- Attachment 00 – Designated Point of Contact for Design-Build Team
- Attachment 01 – Draft Contract
- Attachment 01A – GMP Amendment to the Contract
- Attachment 02 – Design-Build General Conditions
- Attachment 03 – Attachment B - Scope of Design Build Services
- Attachment 04 – Draft RFP
- Attachment 05 – Owner Project Requirements
- Attachment 06 – Owner Program Requirements
- Attachment 07 – Not Used
- Attachment 08 – Campus/Project Map
- Attachment 09 – Not Used

The Forms required to be submitted with the RFP:

- Attachment 10 – Diverse Business Inclusion Plan
- Attachment 11 – Price Factor Form
- Attachment 12 – Confidentiality Certificate

COMMUNICATIONS: All communications regarding this RFQ should be addressed to the DES Point of Contact: Essa Ahmed, Project manager, DES – Engineering and Architectural Service essa.ahmed@des.wa.gov