

***Note to Respondents:**

The State Designer Selection Board Request for Proposals document was adopted by the Board on September 8, 2020, last modified July 2022. Please carefully review all of the requirements of the RFP when preparing your response to ensure compliance with the RFP.

The changes include but are not limited to:

- Shortlisting and Interview Meetings: New Meeting Procedures
- RFP Proposal Submittal Procedure
- Section II: Proposal Format Section
- **Pay particular attention to Section I. F. Pass/Fail Requirements to ensure you've included and met all requirements referenced in this section;**
- The State Designer Selection Board is committed to diversity and inclusion in its public procurement process. The goal is to ensure that those providing goods and services to the State are representative of our communities and include businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within our communities, and fosters economic development and equality.

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

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

- Projects may be required to meet the design and operational requirement of the B3 (Minnesota Sustainable Building Guidelines and Energy Standard of Sustainable Building 2030 – see Section I. C.;
- Forms to be returned: Please review and complete the forms indicated in Section II. D., as well as noted on the Transmittal Form. These forms have been altered, added or deleted over time. Please note the current requirement. Please note there are new submittal requirements and the Proposals and forms need to be submitted as two (2) separate attachments. See requirements on Page 1 of the RFP and Section II of the RFP.

Department of Administration, State Designer Selection Board Request for Proposals for Designer Selection for (Project 23-05) Military Affairs Renovation of Building 10-137, Camp Ripley, Little Falls, MN (DMA Project No. 25102)

To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a Design Team for the above project. Proposals from interested firms must be received by, **12:00 noon CT Monday, April 24, 2023. Proposals received after the submission deadline will not be considered.** The State and State Designer Selection Board shall not be responsible for any errors or delays caused by technology-related issues, even if they are caused by the State.

Submit proposals to:

Heather A. Nelson, Executive Secretary
State Designer Selection Board
SDSB.Proposals.ADM@state.mn.us

Proposals and other communications sent to SDSB.Proposals.ADM@state.mn.us will have an automatic reply indicating that the email was received. Keep this automatic reply as record of your submittal and communication. If you do not receive this email verification, notify the Executive Secretary immediately at heather.a.nelson@state.mn.us.

REQUIRED SDSB Proposal Submittal Naming Convention:
SDSB Project 22-XX FIRM NAME Proposal
SDSB Project 22-XX FIRM NAME Forms

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at heather.a.nelson@state.mn.us. Questions relating to the project are to be referred to the Project Contact(s) in Item 1.k.

I. PROJECT 23-05

A. PROJECT DESCRIPTION:

Building number 10-137, located at Camp Ripley, is a multi story concrete block building with a gross building area of approximately 13,600 square feet. It is estimated to have been constructed around 1977. The building functions as troop barracks and includes sleeping bays, showers, latrines, a mess hall with kitchen, and office spaces. This project will extend the useful life of the facility through the following renovation work:

- Replacement of HVAC systems with duct cleaning where existing ducts can be reused
- Replacement of water heating systems with analysis of potential instantaneous systems.
- Expansion of plumbing fixture counts to meet current codes. This will likely require an addition to the building.
- Insulate interior of walls to meet current energy code.

- Replace interior and exterior doors and hardware as needed.
- Replace all interior lighting with new LED fixtures.
- Add fire suppression system to entire building.
- Include analysis of potential for adding water softener system.
- Add additional floor drains as-needed for new mechanical equipment
- Verify main water service and increase as-needed to serve new fire suppression system and plumbing.
- Provide code review and determine need to enclose existing interior stairs and the need to provide cover for exterior exiting stairs.
- Provide structural analysis for existing cracking of CMU walls.
- Provide Alternate Bid Items for replacement of select finishes TBD.

B. SCOPE OF SERVICES:

- The scope of services include: Pre-Design, Schematic Design, Design Development, Contract Documents, Construction and Post Construction phase services. Construction Administration services shall be included for the duration of construction and warranty periods. The selected design team shall provide services in accordance with the Basic Services Agreement which is posted on the following website <https://minnesotanationalguard.ng.mil/requests-for-proposal/> This project is funded for construction in Federal Fiscal Year 2025 (starting October 2024).
- The Design Team shall have an Architect as Team Lead.
- See Attachment A "Floor Plan/Facility Photographs".

C. SPECIAL CONSIDERATIONS:

1. The Consultant shall facilitate a Design Charette during the Pre-Design Phase of design. The Design Charrette is anticipated to last a full day. The Charette will be conducted at Camp Ripley, Little Falls, MN.
2. The team lead/architect/project manager shall have demonstrated prior experience in design and construction of similar types and sized facilities, including familiarity with Department of Defense (DoD) and Department of Military Affairs (DMA) processes and procedures and shall include them in the firm's response.
3. The Consultant shall incorporate sustainable design measures into their design. Sustainability, Energy/High Performance Buildings and System: This project is funded with 100% Federal Funds and as such does not require the design of the project to comply with the State of Minnesota Sustainable Building Guidelines (MSBG) – also known as B3 Guidelines. The following sustainability/energy guidelines are required. LEED – Silver Certification, DoD's Unified Facilities Criteria's High Performance and Sustainable Building Requirements (JFC 1-200-02), and ASHRAE 189.1 Standards.

D. REQUIRED CONSULTANT TEAM:

- Architecture
- Structural engineering
- Mechanical engineering
- Electrical engineering
- Civil engineering
- Telecommunications and audio-visual/Low Voltage AV (RCDD Certified)
- Cost estimating consultant (outside of the Prime firm)
- Fire protection engineering
- Food Service consultant

E. SERVICES PROVIDED BY OTHERS:

The owner may contract directly for or arrange to provide:

- Hazardous materials survey, design, and abatement
- Construction Testing

F. PASS/FAIL REQUIREMENTS:

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

1. The Proposal must be submitted on time to SDSB.Proposals.ADM@state.mn.us. Hard copy proposals will not be accepted.
2. A representative of the Prime Firm must have attended the mandatory meeting and shall so state in the affirmative statements.
3. Respondents shall make affirmative representations of the following on the Transmittal Form attached to this RFP:
 - A. Submittal shall bear a signature. Electronic Signatures will be accepted.
 - B. A statement that proposal contents are true and accurate to the best knowledge of signatory
 - C. A statement of commitment to enter into the work promptly, if selected, by engaging the Sub-Consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
 - D. A statement indicating that the Sub-Consultants listed have been contacted and have agreed to be a part of the team.
 - E. A statement indicating that the Prime Firm and Sub-Consultants are willing to enter into a contract using the state’s contract forms and agreeing to their terms.
 - F. Responder must submit the TG/ED/VO Subcontracting Form, which affirms that the Responder will comply with and meet the State's 10% TG/ED/VO subcontractor goal.

G. PROJECT BUDGET/FEES:

The budgeted cost of construction is \$3,440,000.00.

The fee for design and construction administration will be a negotiated all-inclusive total fee. For allowable reimbursable expenses, refer to Article 9.5 of the State’s Basic Services Agreement posted on the website: <https://minnesotanationalguard.ng.mil/requests-for-proposal/>

It is expected negotiations in connection with the selected firm will occur in a timely and cooperative manner.

H. PROJECT SCHEDULE:

[Phase]	[Begin]	[Complete]
[Predesign]	June 2023	June 2023
[Schematic Design]	July 2023	August 2023
[Design Development]	August 2023	September 2023
[Construction Documentation]	September 2023	February 2024
[Bidding]	March 2024	April 2024
[Construction]	May 2024	August 2025
[Post Construction]	August 2025	August 2026

I. PROJECT PRE-DESIGN INFORMATION:

There is no Predesign report to include. Predesign is part of this scope of services.

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

A mandatory informational meeting will be held on **April 12, 2023** at **10:00am** CT at Building 10-137, Camp Ripley, 15000 Highway 115, Little Falls, MN 56345. Please see Attachment B – Map of Camp Ripley for directions to the meeting site. The meeting will include a tour of the proposed project areas and a review of the scope of work.

K. QUESTIONS REGARDING THIS PROJECT

Questions regarding this RFP must be received by **April 14, 2023** no later than **4:00pm** Central Time. Only Prime Firms responding to this RFP should send inquiries on behalf of themselves and of their Sub-consultants.

There is only one person authorized to respond to questions regarding this RFP. Questions concerning the project RFP should be referred to **Mr. Ryan Roden, State Project Manager**. **Submit questions by e-mail only to: ryan.p.roden.nfg@army.mil**. When emailing questions, please include the subject line, "RFP questions from (firm name)".

Agency anticipates posting answers to such questions no later than **4:30pm** Central Time on **April 19, 2023** All questions and answers will be posted at <https://minnesotanationalguard.ng.mil/requests-for-proposal/>. Note that questions will be posted verbatim as submitted.

Addenda and Supplementary Information: All prospective Respondents shall be responsible for information regarding this Project and RFP posted to the web page, including any addenda to this RFP and for answers to submitted questions.

No representatives of Prime Firms responding to this RFP nor its Sub-consultants shall have discussions regarding this RFP nor regarding the Project with any member of the Requesting Agency or its local employees other than the prescribed communications provisions set forth in this RFP from the date of the publication of the RFP in the State Register until after the completion of Consultant Selection for this Project. Proposals may be rejected or disqualified by the State Designer Selection Board if prohibited discussions occur with the Requesting Agency.

L. STATE DESIGNER SELECTION BOARD CONTACT

Questions concerning State Designer Selection Board procedures should be referred to: Executive Secretary, Heather A. Nelson, 651.201.2551, heather.a.nelson@state.mn.us.

M. STATE DESIGNER SELECTION BOARD SCHEDULE:

Mandatory Pre-Proposal Project Information

Meeting and/or Site Visit:

Wednesday, April 12, 2023, 10:00am CT

Questions Due:

Friday, April 14, 2023, 4:00pm CT

Project Proposals Due:

Monday, April 24, 2023 by 12:00 noon CT

Project Shortlist:

Tuesday, May 9, 2023

Project Interviews:

Tuesday, May 23, 2023

N. TEAM CHANGES

Firms selected for interview may not submit any additional materials to the Board beyond their original proposal with the exception of the following:

- New Design Team member consultant firm or firm member: An addendum to the original proposal regarding a new Design Team member, consultant firm or firm member may be submitted under the following conditions:
 - If the team has been awarded another major project since the Request For Proposal due date and the team member is working on the project awarded, resulting in a conflict;
 - If a team member has left one of the submitting firms since the Request For Proposal due date;
 - If a team member must be removed due to cause

In such cases, the addendum should include a cover letter of no more than one page explaining cause and attach a resume of no more than one page.

O. SHORTLISTING MEETINGS

Shortlisting meetings will be conducted virtually via WebEx Event. Shortlisting meetings will be open to the public. Attendees will be required to register when they join the WebEx Event. A WebEx Link is provided here:

<https://minnesota.webex.com/weblink/register/r787f5c271b00a7e8729d29efefa332c7>

Please note: Microphones will be muted upon entering the WebEx Event, Microphones should remain muted.

P. INTERVIEWS AND INTERVIEW MATERIALS

Interviews will be conducted virtually via WebEx Webinar. Firms will be sent a specific interview time and will be asked to connect to the WebEx meeting at their specific time, no earlier. A WebEx link will be provided to those firms that were shortlisted for interviews.

WebEx Link for Interview Meetings for Public Attendees:

<https://minnesota.webex.com/weblink/register/r0164cd24531c58a0fc74e6466344ae0f>

*Note for Interview Meeting Attendees (does not include Shortlisted Firms): Attendees will be required to register when they join the WebEx Webinar. Interview meetings are open to the public.

Respondents who are short-listed for interviews will be notified in writing by email.

- Firms selected for interview may not submit any additional materials to the Board that was not part of their original proposal or part of their interview.
- Only team members listed in the proposal are allowed to participate in interviews with the exception of the Team Changes listed in section N.
- Copies of the presentation material in pdf format may be sent to the Executive Secretary at SDSB.Proposals.ADM@state.mn.us by Noon on the day preceding the interview for distribution to the Board and Agency. File size is limited to 5MB or smaller. Note the

interviewing teams may not request that the Executive Secretary ‘run’ their presentation materials during the interviews. The materials may be referenced by the Board and Agency during the interview at their own discretion.

- Interviewing Teams may provide a “placemat” or Agenda identifying names and roles of interview attendees and outline of their presentation. This can be provided to the Executive Secretary at SDSB.Proposals.ADM@state.mn.us by Noon on the day preceding the interview for distribution to the Board and Agency. File size is limited to 5MB or smaller. The materials may be referenced by the Board and Agency during the interview at their own discretion.

*please note – copies of the presentation and/or a placemats or agendas are not required

Q. SAMPLE CONTRACT:

The successful Respondent will be required to execute the Agency’s Basic Services Agreement, which contains the agency’s standard contract terms and conditions, and includes insurance requirements and compliance with Designer Procedures Manual, Design Guideline, and Revit (RVT) Guidelines. Copies are available on the following website: <https://minnesotanationalguard.ng.mil/requests-for-proposal/>.

II. PROPOSAL FORMAT

1. **Electronic Copy submitted via email to SDSB.Proposals.ADM@state.mn.us. Proposals must be in PDF format and the file size must be 5 MB or less.** Use the reduce file size feature if necessary to accomplish this. The document *MAY NOT BE PROTECTED* from opening, printing or adding markups directly in the document. The document may be secured against editing content or copying of text, images and other content.
2. Maximum 20 faces – numbered from 1 to 20
3. Excludes faces of the cover letter front and back covers, blank dividers (pictures on page dividers are not allowable), Proposal Transmittal Form and its required attachments and additional pages of Fee Chart of more than one page is necessary to list fees. The Fee Chart must start on or before page 20.
4. Font size no smaller than 10 point (this does not apply to the Fee Chart referenced in Section III).
5. All proposals must be formatted to 8.5” x 11” sheet size, portrait or landscape orientation. The PDF shall be exported as single pages (not spreads) to facilitate easier viewing and printing.
6. Respondents are highly encouraged to follow the order of proposal contents found in Section III of this RFP.

III. PROPOSAL CONTENTS

A. TRANSMITTAL COVER:

Prime Firms are required to submit one (1) original Transmittal Form with their responses. The required Transmittal Form is attached and also available on the SDSB website at <http://mn.gov/admin/government/construction-projects/sdsb/>, click on “Forms,” and then on “Proposal Transmittal Form”. Transmittal Form should be submitted as a separate attachment. The following forms should be attached to and submitted with the Transmittal Form (these forms to be submitted separate from the proposal):

- a. Affidavit of Non-collusion Form

- b. Organizational Conflict of Interest Form
- c. Workforce & Equal Pay Declaration Page
- d. Certification Regarding Lobbying
- e. Targeted Group/ Economically Disadvantaged/Veteran-Owned Subcontracting Form
- f. Resident Vendor Form (if applicable)
- g. Veteran Owned/Service Disabled Veteran Owned Preference Form (if applicable)

B. COVER LETTER:

Single face cover letter, including a brief overview of proposal

C. RESPONDENT'S PROPOSAL: (BY SECTION)

1. INFORMATION ON FIRM (S)

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

- a. Name and location
- b. Year established
- c. Legal status
- d. Ownership
- e. Total staff, staffing by discipline, and how many employees are located in Minnesota
- f. For each firm with multiple offices, briefly summarize which office will be the primary firm location, which office will do what parts of the project and how many employees in each office will be working on the project.
- g. Identify if certified as a Targeted Group/ Economically Disadvantaged/Veteran-Owned firm.

2. PROJECT TEAM

- a. Brief statement of the Team's past or present working relationships
- b. For each team personnel member provide:
 - 1) Name and position in firm, include name of firm
 - 2) Home base (if in multi-office firm)
 - 3) Responsibility on this project
 - 4) Years of experience (Note that Section I. C. of this RFP often stipulates requirements for specific team members in this area.)
 - 5) Relevant recent experience (if with another firm, so note)
 - 6) Registration – List Minnesota Registration numbers for licensed professionals (include specialty if Professional Engineer)
 - 7) Specifically address the availability of appropriate personnel and their capacity to accomplish the work within the time constraints.

3. TEAM ORGANIZATION

This section shall explain the cohesiveness and compatibility of the team. The proposal shall demonstrate and explain the team leadership, structure and integration of its members. This may be done using an organizational chart, matrix or other means. This section should identify team leaders and contacts, the degree of their involvement and an understanding of the stakeholders and commitment to assignments/project phases. If planning or design consultants are a part of the team, explain how they will be utilized (e.g. major role during design, absent during construction, etc.)

4. PROJECT EXPERIENCE

For architectural, planning, and/or landscape architecture firms, please provide examples of relevant projects recently completed or in progress including:

- a. Photographs, sketches and/or plans
- b. Name and location
- c. Brief description (e.g. size, cost, relevance)
- d. Firm of Record
- e. Indicate the role of each proposed team member on each relevant project.
- f. Completion date or current status

For engineering or technical firms, provide examples of relevant projects recently completed or in progress, including items a-f above. Photographs, sketches and/or plans should represent only that portion of the work for which firm was responsible. For example, if the firm designed the mechanical system, then a photo of the mechanical system is appropriate, not an exterior building image (unless relevant to the system design).

5. APPROACH/METHODOLOGY

- a. Describe the Team's understanding of the project, significant issues to be addressed and the Team's *specific* approach to the planning, design and construction process for *this* project. Address perceived constraints that may affect this proposed project.
- b. Describe the Team's understanding of, and experience with, applying the Minnesota Sustainable Building Guidelines (B3) and the Sustainable Building (SB) 2030 Program to past projects. Provide the Energy Use Intensity (EUI) of past projects by comparing the SB2030 Energy Standard to the design model and actual building energy use (if actuals are available). Most importantly, describe the challenges and opportunities in meeting the energy goals for this specific project. This narrative must be included within the 20-page limit for the proposals.

6. FEE CHART

List all State of Minnesota, Minnesota State Colleges and Universities (MN State) and University of Minnesota current and past projects and studies awarded to the Prime Firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal (whether your firm was the Prime Firm or a Subconsultant working on projects and studies). Four years shall be from the date the contracts were originally executed.

Projects and studies shall be defined as those projects and studies (1) funded by the state legislature, by state/user agencies, MN State or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies, MN State or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies, MN State or the University of Minnesota without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems, including owner's representative fees.

The Prime Firm(s) shall list and total all Gross Fees contracted for the above projects and studies, whether the fees have been received or are anticipated. In addition, the Prime Firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The Prime Firm(s) shall subtract Consultant Fees from Gross Fees to determine total Net Fees using the format below. The fairness factor will be based on Net Fees of the Prime Firm divided by the number of Minnesota employees of the Prime firm.

PROJECT NAME	(A) Gross Fee	(B) Sub-consultant Portion	(C) Net Total Project Fee
	Total column A	Total column B	Total A -Total B = C

IV. SELECTION CRITERIA

In making its selection of designers the Board considers the criteria stated in Section I, Project Description and the following, which are derived in part from Minnesota Statutes 16B.33 Subd. 4(a) and Minnesota Rules Chapter 3200.0700. The order of the criteria does not imply priority, nor are they necessarily weighted equally.

- A. **(Primary): Qualifications and technical competence** in the required field of design and **prior performance** of the Team on projects for the state and others. This is demonstrated by experience of the proposed Team on similar projects and by the proposed Team's discussion in the proposal and in the interview. [Note: Unsatisfactory performance must be documented in writing from the Commissioner of Administration, the University of Minnesota or Minnesota State Colleges and Universities based on criteria set forth in Minnesota Statutes 16B.33 Subd 4(f).]

- B. **(Primary): Leadership, integration and cohesiveness of the proposed Team, compatibility** between the proposed Team and the project stakeholders, and **availability** of appropriate personnel and capacity to accomplish the work within the required constraints. This is demonstrated by:
 - 1. The organization of the project Team and commitment to assign and support the team members proposed.
 - 2. The team dynamics, previous experience of the team working together, and leadership style shown in the interview.
 - 3. The stakeholders' perception of the style demonstrated at the interview as well as previous positive working relationships.

- C. **(Secondary): Ability to deal with aesthetic factors**, including the level of design your firm brings into the spaces both interior and exterior. This is demonstrated by experience of proposed team on similar projects.

- D. **(Primary): The proposed team's project understanding**, the **approach/methodology** as it applies to this project, and the constraints and issues affecting this proposed project. This is demonstrated by the team's proposal and discussion in the interview.

- E. **(Secondary): The proposed team's understanding, experience and approach to sustainability and energy efficiency**, specifically related to The Minnesota Sustainable Building Guidelines (B3) and the Minnesota Sustainable Building (SB) 2030 Energy Standard or LEED Certification where applicable. This is demonstrated by the content in the Approach/Methodology, experience of the proposed team on past projects, and discussion in the interview.

- F. The following 'fairness' factors are also considered:
 - 1. If certified as a Targeted Group/ Economically Disadvantaged/Veteran-Owned firm. For information regarding certification, contact the Office of Equity in Procurement at 651.201.2402, or Procurement.equity@state.mn.us. For TTY/TDD communications, contact the

Helpline through the Minnesota Relay Services at 1.800.627.3529.

2. If certified by the U.S. Small Business Administration prior to the solicitation opening date and time as a Veteran-owned firm. Information regarding certification by the United States Small Business Administration may be found at <https://veterans.certify.sba.gov/>.
3. Geographic relationship of the Prime Firm's base to the project site. This is demonstrated by the location of the Prime Firm and/or its consultants with respect to the project site.
4. Awards previously made to the Prime Firm by the state. This is in the interest of equitable distribution of commissions. Consideration is given to all state work awarded (by executed contract) to the Prime Firm during the past four years prorated based on the number of employees in the Minnesota office(s) of the Prime Firm.

V. RIGHTS RESERVED

Notwithstanding anything to the contrary, the State reserves the right to:

- A. Reject any and all Proposals received in response to this RFP.
- B. Disqualify any Respondent whose conduct or Proposal fails to conform to the requirements of this RFP.
- C. Have unlimited rights to duplicate all materials submitted for purposes of RFP evaluation, and duplicate all public information in response to data requests regarding the Proposal.
- D. Select for contract or for negotiations a Proposal other than that with the lowest cost or the highest evaluation score.
- E. At its sole discretion, to waive any non-material deviations from the requirements and procedures of this RFP and to waive irregularities contained in the RFP.
- F. Negotiate as to any aspect of the Proposal with the selected Respondent including asking for a Respondent's "Best and Final" offer.
- G. Extend the contract for up to an additional three years, in increments determined by the State, not to exceed a total contract term of five (5) years.
- H. Cancel the Request for Proposal at any time with no cost or penalty to the State.

All costs incurred in responding to this RFP will be borne by the Respondent. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if, in its sole discretion, it is considered to be in the State's best interest.

VI. CONTRACT REQUIREMENTS

A. AFFIDAVIT OF NONCOLLUSION

Each Respondent must complete the attached Affidavit of Noncollusion. This form is available at <http://mn.gov/admin/government/construction-projects/sdsb/>, click on "Forms".

B. CONFLICTS OF INTEREST

Respondent must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals by completing the Organizational Conflict of Interest Form available at <https://mn.gov/admin/government/construction-projects/sdsb/forms/>. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

C. ORGANIZATIONAL CONFLICTS OF INTEREST

The Respondent must include in their proposal a statement warranting that, to the best of its

knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to organizational conflicts of interest by completing the Organizational Conflict of Interest Form available at <https://mn.gov/admin/government/construction-projects/sdsb/forms/>. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the Respondent is unable or potentially unable to render impartial assistance or advice to the State, or the Respondent's objectivity in performing the contract work is or might be otherwise impaired, or the Respondent has an unfair competitive advantage. The Respondent agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Office of State Procurement ("OSP"), 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the Consultant has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the Respondent was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to OSP, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime Consultant, and the terms "contract," "Consultant," and "contracting officer" modified appropriately to preserve the State's rights.

D. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become the property of the State and will become public record in accordance with Minnesota Statutes 13.591 after the evaluation process is completed. Pursuant to the statute, completion of the evaluation process occurs when the government entity has completed negotiating the contract with the selected vendor. If the Respondent submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, Minn. Stat. § 13.37, the Respondent must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the Respondent agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider prices submitted by the Respondent to be proprietary or trade secret materials.

Notwithstanding the above, if the State contracting party is a part of the judicial branch, the release of data shall be in accordance with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court as the same may be amended from time to time.

E. CONTINGENCY FEES PROHIBITED

Pursuant to Minnesota Statutes Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

F. WORK FORCE CERTIFICATION REQUIREMENT

For all contracts estimated to be in excess of \$100,000, Respondents are required to complete the Affirmative Action Data page and return it with the response. The form is available on the State Designer Selection Board website <http://mn.gov/admin/government/construction-projects/sdsb/>, click on "Forms". As required by Minn. R. 5000.3600, "It is hereby agreed between the parties that Minn. Stat. § 363A.36 and Minn. R.5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of Minn. Stat. § 363.36 and Minn. R.5000.3400 - 5000.3600 are available upon request from the contracting agency."

G. EQUAL PAY CERTIFICATION [Required for RFPs anticipated to be in excess of \$500,000]}

{If the Response to this solicitation could be in excess of \$500,000, the Responder must obtain an Equal Pay Certificate from the Minnesota Department of Human Rights (MDHR) or claim an exemption prior to contract execution. A responder is exempt if it has not employed more than 40 full-time employees on any single working day in one state during the previous 12 months. Please contact MDHR with questions at: 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay) or at compliance.MDHR@state.mn.us.

H. WORKERS' COMPENSATION AND OTHER INSURANCE

By submission of a proposal, Respondent certifies that it is in compliance with all insurance requirements specified in the State's Basic Services Agreement available on the RECS website at <https://mn.gov/admin/business/vendor-info/construction-projects/manuals-guidelines-forms/forms/>, titled "BSA-DC".

I. VETERAN-OWNED PREFERENCE

In accordance with Minnesota Statute §16C.16, subd. 6a, veteran-owned businesses with their principal place of business in Minnesota and verified as eligible by U.S. Small Business Administration (prior to the solicitation opening date and time) will receive a preference in the evaluation of its proposal (consistent with RFP Section IV., Selection Criteria). Eligible veteran-owned small businesses include VetCert, certified small businesses that are majority-owned and operated by veterans (pursuant to Minnesota Statute §16C.16, subd. 6a). Information regarding verification may be found at <https://veterans.certify.sba.gov/>.

Eligible veteran-owned small businesses should complete and **sign the Veteran-Owned Preference Form** found at <http://mn.gov/admin/government/construction-projects/sdsb/>, click on "Forms". Only eligible, VetCert verified, veteran-owned small businesses that provide the required documentation per the form, will be given the preference.

J. DEPARTMENT OF ADMINISTRATION 10% TARGETED GROUP/ECONOMICALLY DISADVANTAGED/VETERAN OWNED SUBCONTRACTING GOAL:}

{The Department of Administration has set a ten percent (10%) subcontracting goal for this contract. Prime contractors are required to subcontract at least ten percent (10%) of their contract to certified Targeted Group/ Economically Disadvantaged/Veteran-Owned (TG/ED/VO) businesses or individuals. This provision does not apply to prime contractors which are certified TG/ED/VO businesses or prime contractors which are Veteran-Owned Small Business, as defined in MN Statute 16C.19 (d) as a business with their principal place of business in Minnesota, and verified by the US Small Business Administration (at <https://veterans.certify.sba.gov/>) as being either a veteran-owned small business or a service-disabled veteran-owned small business.

If Responder is the selected consultant, Responder's commitment will be assessed at the time of cost proposal. At the time of cost proposal, if the selected consultant's cost proposal does not result in meeting the 10% TG/ED/VO subcontracting goal, contract negotiations shall not continue and the contracting agency shall contact the State Designer Selection Board's alternate selection for contract award and negotiation.

This provision does not apply to prime contractors which are certified % TG/ED/VO businesses. A complete listing of certified % TG/ED/VO businesses is available on the Office of State Procurement Website at

<https://mn.gov/admin/osp/government/procuregoodsandgeneralservices/tgedvo-directory/>. This is the only acceptable list. Other agencies may have their own similar lists, however, these other similar lists do not apply to this RFP. **[PRINT AND ATTACH PROOF OF TARGETED GROUP/ ECONOMICALLY DISADVANTAGED/ VETERAN OWNED CERTIFICATION available at <https://mn.gov/admin/osp/government/procuregoodsandgeneralservices/tgedvo-directory/>.**{Do this for EVERY % TG/ED/VO subcontractor your firm lists (or for prime firm if prime firm is TG/ED/VO certified) on the TG/ED/VO Subcontracting Form included with your proposal response.}

{Instructions for printing proof of TG/ED/VO certification:

1. Go to <https://mn.gov/admin/osp/government/procuregoodsandgeneralservices/tgedvo-directory/>
2. Enter TG/ED/VO subcontractor company name
3. Click on subcontractor company name
4. Print page that provides TG/ED/VO subcontractor information, attach to the % Targeted Group/ Economically Disadvantaged/Veteran-Owned Subcontracting Form and submit with proposal.

*Do this for every TG/ED/VO subcontractor identified on your firm's completed % Targeted Group/ Economically Disadvantaged/Veteran-Owned Subcontracting Form.

*Note that Targeted Group/ Economically Disadvantaged/Veteran-Owned firms are identified on this website with the following Category codes:

Minorities

- (A) Asian Pacific American
- (B) African American
- (H) Hispanic American
- (I) Indigenous American
- (D) Disabled
- (W) Women

Economically Disadvantaged

- (L) Labor Surplus Area
- (M) Low Median Income County
- (R) Rehabilitation Facility/Extended Employment Provider

Veterans

- (V) Veteran-Owned
- (S) Service Disabled Veteran-Owned

{In order for the proposal to be considered, a list of the TG/ED/VO businesses or individuals to be utilized and the percentage of utilization on this contract MUST be submitted with the proposal. A form has been provided for this purpose and is available at <https://mn.gov/admin/government/construction-projects/sdsb/forms/>. [The total percent to be subcontracted must be equal to or in excess of the stated goal.]

{Prime contractors may request a waiver from the TG/ED/VO subcontracting goal requirement as set out in Minn. Rules 1230.1820. subp. 3 if the Responder has demonstrated good faith efforts to meet the goal by submitting documented unsuccessful efforts to obtain certified subcontractors via e-mail to Tammy Gaglioti, Office of Equity in Procurement, at tammy.gaglioti@state.mn.us (copying Heather A. Nelson, Real Estate and Construction Services, at heather.a.nelson@state.mn.us). If requesting a waiver from this subcontracting goal, **it must be received via email no later than Thursday, April 13, 2023 at 4:30 p.m. C.T.**}

{Whether or not to grant a waiver will be determined on a case-by-case basis by the Office of Equity in Procurement of the Minnesota Department of Administration, who shall review all the documentation submitted by the Responder and all relevant documentation in the Office's possession to determine if good faith steps were taken. The Office of Equity in Procurement must consider whether the documentation demonstrates good faith efforts to achieve the TG/ED/VO subcontracting goal based on the following general types of activities conducted by the Responder. This list is not intended to be an exhaustive list of activities that may be considered good faith steps:

1. Retrieving a list of certified TG/ED/VO Businesses that provide the services included in Responder's proposal (Contact info, not just company names)
2. Contact log (who, how when – particularly important for phone contacts that are not as easily documented as email/fax)
3. Confirmation of contact (emails, faxes, etc)
4. Responses from TG/ED/VO businesses (no response, no thanks, etc.)
5. Notes on evaluation of TG/ED/VO responses (if eliminated from consideration, why)
6. Any other efforts responder made to increase (or attempt to increase) the utilization of TG/ED/VO businesses.
7. Information on any obstacles responder encountered}

{The submission of the Targeted Group/ Economically Disadvantaged/Veteran-Owned Subcontracting form confirming that you have met one of the four requirements listed below is a **PASS/FAIL requirement**; failure to complete and submit this form will result in your proposal not being considered for this project.

1. The Prime Firm is Certified as a TG/ED/VO business
2. The Prime Firm is a Veteran-Owned Small Business as described above
3. The Prime Firm has requested a waiver*
4. The Prime Firm has met the 10% Targeted Subcontracting Goal}

{***Note about requesting a waiver:** You must submit the Targeted Group/ Economically Disadvantaged/Veteran-Owned Subcontracting Form in order to *qualify* for a "PASS" score; however, if you have checked the box indicating that you have requested a waiver you will only receive a "PASS" score if the request is approved by the Office of Equity in Procurement and the waiver is granted. If your request for a waiver is denied, you will receive a score of "FAIL".

{*A Targeted Group/ Economically Disadvantaged/Veteran-Owned Subcontracting Check List is attached for your use.}

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

The following term applies to any contract for which the value, including all extensions, is \$50,000 or more: Contractor certifies it does not engage in and has no present plans to engage in discrimination against Israel, or against persons or entities doing business in Israel, when making decisions related to the operation of the vendor's business. For purposes of this section, "discrimination" includes but is not limited to engaging in refusals to deal, terminating business activities, or other actions that are intended to limit commercial relations with Israel, or persons or entities doing business in Israel, when such actions are taken in a manner that in any way discriminates on the basis of nationality or national origin and is not based on a valid business reason.

L. SUBCONTRACTOR REPORTING

The State of Minnesota is committed to diversity and inclusion in public procurement. If the total value of your contract may exceed \$500,000, including all extension options, you must track and report, on a quarterly basis, the amount you spend with diverse small businesses. When this applies, you will be provided free access to a portal for this purpose, and the requirement will continue as long as the contract is in effect.

M. E-VERIFY CERTIFICATION (In accordance with Minn. Stat. §16C.075)

By submission of a proposal for services in excess of \$50,000, Contractor certifies that as of the date of services performed on behalf of the State, Contractor and all its subcontractors will have implemented or be in the process of implementing the federal E-Verify program for all newly hired employees in the United States who will perform work on behalf of the State. In the event of contract award, Contractor shall be responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at <http://www.mmd.admin.state.mn.us/doc/EverifySubCertForm.doc>. All Subcontractor certifications must be kept on file with the Contractor and made available to the State upon request.

[Project Name & #]
Transmittal Form [company name]

Date:

Prime Firm Name:
Prime Firm Address:
Phone Number:
Fax Number:

Contact Person:
Direct Phone:
Email Address of Contact Person:
Company Email address:

Response includes:

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

Transmittal Sheet - this page with the above items attached to it

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

- | | |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Cover Letter | <input type="checkbox"/> Does not exceed 20 faces (excluding cover
letter, blank dividers, front & back covers) |
| <input type="checkbox"/> Information on Firms | <input type="checkbox"/> Project Approach/Methodology |
| <input type="checkbox"/> Project Team | <input type="checkbox"/> All pages are numbered per Section II
Proposal Format, Letter B. |
| <input type="checkbox"/> Team Organization | |
| <input type="checkbox"/> Project Experience | |
| <input type="checkbox"/> Fee Chart (or statement of no fees in last
four years) | |

Electronic Copy submitted via email to SDSB.Proposals.ADM@state.mn.us

- **Respondent certifies that no member of the proposing firm or its sub-consultants has discussed this Request for Proposal (RFP) or the project with any member of the requesting agency from the date of publication of this RFP in the State Register, other than the prescribed communication provisions set forth in the RFP.**
- **Respondent further certifies that no member of the proposing firm or its Sub-consultants will have any discussions regarding this RFP or project with any member of the requesting agency until after the completion of interviews for this project.**
- **Respondent understands that its proposal may be disqualified if discussions occur with the requesting agency outside the prescribed communications provisions set forth in the RFP.**
- **Respondent acknowledges that one or more representatives of the Prime Firm attended the mandatory project informational meeting.**

By signing below, (Name of Firm) agrees:

1. The proposal contents are accurate to the best knowledge of the undersigned.
2. (Name of Firm) is committed to entering into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet the requirements of the work.
3. The consultants listed in this proposal have been contacted and have agreed to be part of the team.
4. The undersigned has read and agrees to the terms of the (State's/MN State's/U of M's) contract terms, and is willing to sign the contract should it be offered to our firm.
5. Respondent confirms that a representative of the Prime Firm attended the mandatory meeting.
6. Respondent has completed the required TG/ED/VO Subcontracting Form *(if applicable)*.

Signature:

Dated:

State Designer Selection Board

Targeted Group/ Economically Disadvantaged/ Veteran-Owned Subcontracting Check List

- Targeted Group/ Economically Disadvantaged/Veteran-Owned (TG/ED/VO) Subcontracting Form is completed and included with response. This is required for ALL responses. If not included, proposal will receive a score of “FAIL”
- Subconsultant(s) (or prime firm) listed on the TG/ED/VO Subcontracting Form is/are identified on the Office of State Procurement Website at <https://mn.gov/admin/osp/government/procuregoodsandgeneralservices/tgedvo-directory/> on or before the due date/time of the proposal. (Subconsultants in the process of being certified do not qualify.) This is the only acceptable list. If not in compliance, proposal will receive a score of “FAIL”.
- Responder has included a screen print of proof of TG/ED/VO certification available on the Office of State Procurement Website at <https://mn.gov/admin/osp/government/procuregoodsandgeneralservices/tgedvo-directory/> for every TG/ED/VO business identified on the TG/ED/VO Subcontracting Form, including prime firm if prime firm is certified TG/ED/VO (see instructions in RFP).
- TG/ED/VO Subcontracting form identifies anticipated percentages for TG/ED/VO Subconsultant(s) listed and the total percent is equal to or in excess of the goal stated in the RFP and on the TG/ED/VO Subcontracting Form (do not leave percentage blank or identified as “TBD”). If not in compliance, proposal will receive a score of “FAIL”.
- If requesting a waiver, TG/ED/VO Subcontracting Form must still be completed and returned with the proposal, indicating such. If Responder has requested a waiver by the waiver request due date indicated in the RFP, Responder will only receive a “PASS” score if the request is approved by the Office of State Procurement (as indicated in the RFP) and the waiver is granted. If Responder’s request for a waiver is denied and Responder’s proposal (submitted by the proposal due date) does not meet the TG/ED/VO Subcontracting requirement indicated in the RFP, Responder’s proposal will receive a score of “FAIL”.
- If exempt based on prime firm being a Veteran-Owned Small Business, as defined in MN Statute 16C.19 (d) as a business with their principal place of business in Minnesota, and verified by the U.S. Small Business Administration (at <https://veterans.certify.sba.gov/>) as being a certified small businesses that is majority-owned and operated by a veteran, attach a screen print from <https://veterans.certify.sba.gov/> confirming verification.

*Responder’s cannot add TG/ED/VO Subcontractors after the proposal due date.

*The RFP indicates the only situations in which team changes after the proposal due date are allowed.

*This Check List is for assistance and is to be used only as a guide. Responder’s MUST follow all instructions for meeting the TG/ED/VO Subcontracting requirement as indicated in the RFP.