

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES**



REQUEST FOR PROPOSALS

SOLICITATION NUMBER: DCAM-19-CS-RFP-0006

**ARCHITECTURAL/ENGINEERING SERVICES FOR
ELEVATOR DESIGNS FOR BURROUGHS EDUCATIONAL CAMPUS,
LANGLEY ELEMENTARY SCHOOL, TYLER ELEMENTARY
SCHOOL, HART MIDDLE SCHOOL
AND MALCOLM X AT GREEN**

Solicitation Issue Date: Friday, July 19, 2019

**Pre-Proposal Conference
And Site Visit**

Hart Middle School
Wednesday, July 24, 2019 at 9:00 am
601 Mississippi Avenue, SE
Washington, D.C. 20032

Malcolm X at Green
Wednesday, July 24, 2019 at 10:30 am
1500 Mississippi Avenue, SE
Washington, D.C. 20032

Burroughs Educational Campus
Thursday, July 25, 2019 at 9:00 am
1820 Monroe Street, NE
Washington, D.C. 20018

Langley Elementary School
Thursday, July 25, 2019 at 10:30 am
101 T Street, NE
Washington, D.C. 20002

Tyler Elementary School
Thursday, July 25, 2019 at 12:00 noon
1001 G Street, SE
Washington, D.C. 20003

Last Day for Questions: **Friday, July 26, at 4:30 P.M.**

Proposal Due Date: **Monday, August 12, 2019 at 2:00 P.M.**

Contact: Gwendolyn Walters, CPPB
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Executive Summary

The District of Columbia Department of General Services (“DGS” or the “Department”) is seeking a highly qualified Architect/Engineer (“Architect” or “A/E”) to furnish all services, professional and otherwise, to develop a complete design for each of the new elevator installations at the following locations delineated below.

- Burroughs Educational Campus
- Langley Elementary School
- Tyler Elementary School
- Hart Middle School
- Malcolm X at Green

The goal of the Project is to design a new elevator at each of the aforementioned locations that ensures all eligible students and school staff receive benefits and opportunities equal to those provided to non-disabled students and employees, as well as ensure all eligible disabled students and school staff receive requested reasonable accommodations.

The design team shall be expected to provide turnkey activities for this project, resulting in a finished, fully usable design that satisfies all project requirements and contract terms. The design team engaged through this procurement shall be required to provide a full range of planning, design, architectural and engineering services through construction administration and close-out to fully design and support construction of a new elevator.

A.1 Project Delivery Method

The Department intends to implement the Project through a design-bid-build delivery method. The A/E shall complete a permit set of construction documents that will be used as the basis for a Request For Proposal (RFP) to engage a general contractor to construct the Project.

A.2 Form of Contract

The Agreement for Architectural / Engineering Services (“Form of Contract” or “Contract”) and DGS Standard Contract Provisions for Architectural Engineering Contracts are attached to this RFP as **Attachment E (will be issued via addendum) and Attachment G**. Offerors (“Offerors” or “Offeror”) should carefully review the Form of Contract and the Standard Contract Provisions (“SCPs”) before submitting their proposals (“Proposals”). To the extent there are any inconsistencies between this RFP, the Form of Contract and the SCPs shall prevail. Offerors are further advised that they are required to submit their Proposals premised upon entering into a contract that is substantially similar to the Form of Contract and that any proposed changes to the Form of Contract must be clearly identified and described in the Offeror’s Proposal. A Proposal that fails to specifically identify and describe requested changes shall be deemed non-responsive.

A.3 Design Fees and Incentives

As will be more fully described in the Form of Contract, the selected A/E will be paid a fixed price for all design phase services through construction administration services. Offerors will be required to bid a Design Fee that covers all of the Offeror's costs associated with the preparation or provision of the (i) pre-preliminary design; (ii) schematic design; (iii) a set of design development documents; (iv) complete construction documents; and (v) construction administration services. Offerors will also be required to submit a schedule of hourly rates for any additional work that is required.

A schedule of values should be provided that allocates the Design Fee among the various design phases (i.e. pre-preliminary design, schematic design, design development, construction documents and construction administration).

Offerors shall submit, on the Offeror's letterhead, an Offer Letter in substantially the form of **Attachment B** of this RFP that includes the proposed Design Fee, and hourly rates.

The Department desires to have the A/E develop a phasing plan to accommodate the Project as necessary. The cost of developing phasing plan shall be included in the Offeror's Design Fee.

A.4 Selection Criteria

Proposals will be evaluated in accordance with the evaluation criteria as further described in **Section D** of this RFP.

A.5 Estimated Project Schedule

The following is a preliminary project milestone schedule to develop a complete design for each of the new elevator installations at the five (5) schools identified in this RFP.

Milestone	Days from NTP (Business Days)
Schematic Design Submission to DGS	30 Days
Design Development Submission to DGS	60 Days
Permit Document Submission to DGS	90 Days
Permit Application Submission to DCRA	105 Days
Construction Document Submission to DGS	125 Days
Permit Approval	165 Days
Substantial Completion	280 Days
Final Completion	310 Days
Administrative Completion	340 Days

A.6 Procurement Schedule

The schedule for the Elevator Designs procurement is as follows, and is subject to revision at the Department's discretion:

- Issue RFP - Friday, July 19, 2019
- Pre-Proposal Conference & Site Visit - Hart: Wednesday, July 24, 2019 at 9:00 am
- Site Visit(s) - Malcolm X at Green: Wednesday, July 24, 2019 at 10:30 am
 - Burroughs: Monday, July 25, 2019 at 9:00 am
 - Langley: Monday, July 25, 2019 at 10:30 am
 - Tyler: Monday, July 25, 2019 at 12:00 noon
- Last Day for Questions - Friday, July 26, at 4:30 pm.
- Proposals Due Date - Monday, August 12, 2019 at 2:00 pm.
- Notice of Award - Monday, September 30, 2019 (projected)
- Issuance of NTP - Monday, September 30, 2019(projected)

A.7 Attachments

- Attachment A** - Service Contract Act
- Attachment B** - Form of Offer Letter
- Attachment C** - Bidder/Offeror's Certification Form
- Attachment D** - Tax Affidavit
- Attachment E** - Form of Contract (to be issued via addendum)
- Attachment F** - Notice to Proceed and Letter Contract (to be issued via addendum)
- Attachment G** - Standard Contract Provisions for Architectural and Engineering Contracts
- Attachment H** - Equal Employment Opportunity Policy Statement
- Attachment I** - First Source Employment Agreement and Employment Plan
- Attachment J** - 2019 Living Wage Act
- Attachment K** - Past Performance Evaluation Form
- Attachment L** - SBE Subcontracting Plan
- Attachment M** - Conflict of Interest Disclosure Statement

SECTION B SCOPE OF WORK

B.1 Scope of Work

The selected Architect shall be required to provide a full range of architectural and engineering services necessary to design and secure permitting for the installation of a new elevator at each of the five (5) schools locations delineated below.

1. Burroughs Educational Campus
2. Langley Elementary School
3. Tyler Elementary School
4. Malcolm X at Green
5. Hart Middle School

These services shall include both architectural services and engineering services. The A/E team shall design the elevator to implement the following scope of work in a workmanlike and professional manner:

1. Design five (5) traction or Machine-Room-Less (MRL) nonproprietary passenger elevators (one (1) per school) that comply with the Buy American Act.
2. Design all necessary site, structural, architectural, mechanical, and plumbing plans per code.
3. Design an elevator system that meets stretcher requirements and accommodates for movement of office and classroom furniture and equipment and laptop computer carts.
4. Prepare site, architectural, structural, mechanical, plumbing, electrical, and elevator schematic, design development, permit, and construction design plans in AutoCAD.
5. Design an elevator system that meets all Department of Consumer and Regulatory Affairs (DCRA), American Society of Mechanical Engineers (ASME)/American National Standard Institute (ANSI), American with Disabilities Act (ADA) code.
6. Perform upgrade in a timely fashion without undue delays and within the Department of General Services' funding resources available for the project.

B.1.1 Schematic Design Phase

B.1.1.1 Schematic Design Services

The Architect shall be required to develop a schematic design for each of the five (5) schools that meets the program requirements set forth herein and the Department's schedule and budget requirements for the Project. The schematic design shall contain such detail as is typically required for schematic design under standard industry practice. The Architect shall be required to undertake the following tasks during this phase:

- a. Conduct meetings with the DGS representatives to confirm program and verify facility requirements on a space-by-space basis.
- b. Conduct life safety/building code analysis to verify compliance of design with all current applicable codes recently adopted and/or adopted by Washington, DC, including the 2013 District of Columbia Building Code, the 2013 District of Columbia Green Construction Code, the 2013 District of Columbia Energy Conservation Code, the 2013 District of Columbia Fire Code, the 2013 District of Columbia Mechanical Code, and the 2013 District of Columbia Plumbing Code.
- c. Conduct meetings with the DGS representative to consider Value Engineering.
- d. Prepare and submit Environmental Impact Screening Form ("EISF").
- e. Survey existing facility to confirm locations and types of hazardous materials to be abated or mitigated.
- f. Perform alternative mechanical systems evaluation and recommend selection.
- g. Confer with the Department's IT representatives/consultants to verify technological requirements for the Project (if applicable).
- h. Submit an early estimate for the project with a magnitude of error of Not-to-Exceed +/- 10% of the Project hard cost budget.
- i. If it is necessary for the Project, early inquiry with Public Utility Companies PEPCO and Washington Gas as well as Verizon should be conducted.
- j. Conduct Department of Energy and Environment (DOEE) and DCRA Preliminary Design Review meetings (if applicable).

B.1.1.2 Schematic Design Deliverables

The Architect shall be required to prepare and submit to the Department the following deliverables for each of the five (5) schools. All such deliverables shall be subject to review and approval by the Department and the Architect's pricing should assume that revisions may be required to these documents to address concerns raised by the Department and/or other project stakeholders.

- a. Hazardous material survey and analysis update
- b. Historic resources survey
- c. Geotechnical Survey
- d. Digital floor plans and site plan
- e. Preliminary building elevations and sections
- f. Preliminary cost estimates

- g. Project Schedule
- h. If Value Engineering is necessary, it should be executed at this stage of the design submission with all the stakeholders.
- i. Meeting minutes of Preliminary Design Review Meetings

B.1.2 Design Development Phase

B.1.2.1 Design Development Services

The Architect shall be required to progress the schematic design for each school into a full set of design development documents. The design development documents shall represent the logical development of the approved Schematic Design (SD) along with any oral or written feedback provided by the Department and shall be advanced in a manner consistent with the Department's budget for the Project. The specific services required during this phase are:

- a. Select and draft outline specifications for materials, systems, equipment.
- b. Develop detailed and dimensioned plans, wall sections, building section, and schedules.
- c. Complete code compliance analysis and drawing.
- d. Confirm space-by-space equipment layouts with representatives from DGS.
- e. Conduct follow up meetings with agencies as required.
- f. Present the design to CFA and other regulatory agencies as required.

B.1.2.2 Design Development Deliverables

The following deliverables are required for each school during this phase:

- a. 35% (minimum progress) documents for all technical disciplines, drawings and specs.
- b. 60% design development progress printing.
- c. A reconciliation report that addresses issues raised by DGS representatives as a result of the 60% progress printing.
- d. CFA submission materials; meetings and presentations to CFA as required.
- e. Submit the A/E's second estimate for the hard cost of the Project with a Maximum +/- 5% of the Project hard cost budget.

B.1.3 Permit Set Phase

B.1.3.1 Permit Set Services

The Architect shall be required to develop a Permit Set for each of the five (5) schools. The Permit Set shall represent the further progression of the approved DDs together with any value engineering strategies approved by the Department. The Permit Set shall be Construction Documents progressed to approximately 90% completion of those required in a traditional Design/Bid/Build delivery method; however, the Permit Set shall nevertheless be code compliant and permit ready, with all major systems sufficiently

designed, detailed, specified, coordinated, and developed. It is anticipated that such Permit Set shall serve as the basis of a lump sum contract which is to be provided by the Contractor and selected by the Department for the Project. The Department will expect a greater level of detail with regard to Architectural, Structural, MEP, and Fire Suppression System (if applicable) designs.

During this phase, the Architect shall provide the following services:

- a. Prepare detailed and coordinated drawings and specifications for bidding purposes.
- b. Prepare application and submit documents for building permit.
- c. Work with the Department's third-party plan reviewer to review the documents for permit document submission.
- d. Upload all documents to DCRA's permit document review website (ProjectDox) in accordance with their instructions.

The Architect shall incorporate into the Permit Set the design requirements of governmental authorities having jurisdiction over the Project. In addition, the Architect shall be required to (a) define, clarify, or complete the concepts and information contained in the Permit Set; (b) correct design errors or omissions, ambiguities, and inconsistencies in the Permit Set (whether found prior to or during the course of construction); and (c) correct any failure of the Architect to follow written instructions of the Department during any phase of design services or the construction of the Project provided they are compatible with industry standards.

B.1.3.2 Permit Set Deliverables

The Architect shall provide the following deliverables for each of the five (5) schools during this phase:

- a. Drawings and specifications, ready for bidding, hard copy and electronic.
- b. Final estimate of construction cost.

B.1.4 Construction Documents Phase

B.1.4.1 Construction Document Services and Deliverables

The Architect shall be required to develop for each school a complete, coordinated set of Construction Drawings. The Construction Drawings shall represent the further progression of the approved Permit Set together with any value engineering strategies approved by the Department. The Construction Drawings should be progressed to One Hundred Percent (100%) completion of those required in a traditional Design/Bid/Build delivery method.

B.1.5 Construction Phase

B.1.5.1 Bidding and Construction Administration Services

The Architect shall provide support to the Contractor and the Department to support the bidding of trade subcontracts. These services shall include, but are not necessarily limited to:

- a. Assist Contractor with distribution of documents, as needed.
- b. Consider and evaluate requests for substitutions.
- c. Respond to bidding questions and issue clarification and requests for substitution, as needed.
- d. Prepare and issue bidding phase addenda.
- e. Assist with bid openings and tabulations, as needed.

B.1.5.2 Construction Administration

The Architect shall provide support to the Contractor and the Department to support the construction phase of the Project. These services shall include, but are not necessarily limited to:

- a. Attend bi-weekly progress meetings. Architectural site visits are included in base fee. Hourly-not-to-exceed allowance is included for consultant site visits.
- b. Review and process shop drawing submissions, RFI's, etc.
- c. Prepare meeting notes and records of decisions/changes made.
- d. Conduct pre-closeout inspections.
- e. Review closeout documents for completeness, such as As-Built Drawings based on the Contractor's red line drawings and/or coordinated set developed during the subcontractor coordination process. As-Built Drawings should be transmitted to DGS in hard copy, PDF, and CAD formats.

In addition, the A/E shall provide the following deliverables for each school during this phase:

- a. Meeting minutes.
- b. RFI Responses, ASI's and/or other clarification documents.
- c. Punch lists.
- d. Closeout document review comments.
- e. As-Built Drawings.

B.2 Key Personnel

In its Proposal, each Offeror will be required to identify its key personnel. Key personnel shall include, at a minimum, the following individuals: (i) the Design Principal; (ii) the Project Architect; (iii) the Project Designer; and (iv) the key subconsultants required. The bidders should include the subconsultant firms they plan to use and the key personnel those firms propose for this

project. The main subconsultants will be a M/E/P firm, a structural engineering firm, a vertical transportation consultant and possibly a civil engineering firm if the proposed elevators is located outside the building drip edge. The bidders are required to include a vertical transportation consultant on their team to assist with design, permitting, inspection and construction administration. **The A/E will not be permitted to reassign any of the key personnel unless the Department approves the proposed reassignment and the proposed replacement.** The key personnel specified in the contract are considered to be essential to the work being performed. Prior to diverting any of the specified key personnel for any reason, the A/E shall notify the Contracting Officer ("CO") at least thirty (30) calendar days in advance and shall submit justification, including proposed substitutions, in sufficient detail to permit evaluation of the impact upon the contract. The A/E shall obtain written approval of the CO for any proposed substitution of key personnel.

B.3 Licensing, Accreditation and Registration

The A/E and all of its subcontractors and sub-consultants (regardless of tier) shall comply with all applicable District of Columbia, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of the contract. Without limiting the generality of the foregoing, all drawings shall be signed and sealed by a professional architect or engineer licensed in the District of Columbia.

B.4 Conformance with Laws

It shall be the responsibility of the A/E to perform under the Contract in conformance with the Department's Procurement Regulations and all statutes, laws, codes, ordinances, regulations, rules, requirements, orders, and policies of governmental bodies.

B.4.1 Service Contract Act

The A/E agrees that the work performed under the proposed Contract shall be subject to the Service Contract Act Wage Determination in effect on the date the contract is executed and such wages are incorporated as **Attachment A**. Service Contract Wage Schedules are available at www.wdol.gov.

B.4.2 First Source Employment Agreement and Employment Plan

The A/E shall ensure that at least fifty-one percent (51%) of each firm and every subconsultant's and subcontractor's employees hired after the effective date of the Contract, or after such subconsultant or subcontractor enters into a contract with the A/E, to work on the Project shall be residents of the District of Columbia. This percentage shall be applied in the aggregate, and not trade by trade. In addition, the A/E shall use commercially reasonable best efforts to comply with the workforce percentage goals established by the recently adopted amendments to the First Source Employment Agreement Act of 1984 (D.C. Code §§ 2-219.01 *et seq.*) and any implementing regulations.

B.4.3 Living Wage Act

In addition to the requirements set forth in the First Source Employment Agreement, the A/E shall comply with all applicable provisions of the Living Wage Act of 2006, Attachment J, as amended (codified at D.C. Official Code §§ 2-220.01 et seq.) and its implementing regulations.

B.4.4 Equal Employment Opportunity (“EEO”)

The A/E shall comply with applicable laws, regulations and special requirements of the Contract Documents regarding equal employment opportunity and affirmative action programs. In accordance with the District of Columbia Administrative Issuance System, Mayor’s Order 85-85 dated June 10, 1985, the forms for completion of the Equal Employment Opportunity Information Report are incorporated herein as Attachment H. A contract award cannot be made to any contractor that has not satisfied the equal employment requirements.

B.5 Standard Contract Provisions

The Department of General Services Standard Contract Provisions for Architectural and Engineering Contracts Attachment G are applicable to this procurement.

B.6 Time is of the Essence and Substantial Completion Date

Time is of the essence with respect to the proposed Contract. The Project must be substantially complete within 280 days from NTP (“Substantial Completion Date”).

**SECTION C
ECONOMIC INCLUSION**

C.1 Preference for Small, Local, and Disadvantaged Business Enterprises

General: Pursuant to D.C. Official Code § 2-218.43, in evaluating bids or proposals, the Department shall award preferences as follows:

- (A) Three points for a small business enterprise;
- (B) Five points for a resident-owned business;
- (C) Five points for a longtime resident business;
- (D) Two points for a local business enterprise;
- (E) Two points for a local business enterprise with its principal office located in an enterprise zone;
- (F) Two points for a disadvantaged business enterprise;
- (G) Two points for a veteran-owned business enterprise; and
- (H) Two points for a local manufacturing business enterprise.

A certified business enterprise shall be entitled to any or all of the preferences provided in this section, but in no case shall a certified business enterprise be entitled to a preference of more than 12 points or a reduction in price of more than 12 percent.

C.1.1 Preferences for Certified Joint Ventures

- a) A certified Joint Venture will receive preferences as determined by the Department of Small and Local Business Development (DSLBD) in accordance with D.C. Official Code § 2-218.39a (h).
- a) A copy of the certification acknowledgment letter must be submitted with the Offeror's Proposal.
- b) Any vendor seeking certification in order to receive preferences under this RFP should contact the:

Department of Small and Local Business Development
ATTN: CBE Certification Program
441 Fourth Street, NW, Suite 850N
Washington DC 20001
(202) 727-3900

- c) All Offerors are encouraged to contact DSLBD if additional information is required on certification procedures and requirements.

C.2 Subcontracting Plan

An Offeror responding to this RFP which is obligated to subcontract shall be required to submit with its Proposal, any subcontracting plan required by law. Offeror's responding to this RFP shall be deemed nonresponsive and shall be rejected if the Offeror fails to submit a subcontracting plan that is required by law. If the Agreement is in excess of (\$250,000), at least (35%) of the dollar volume of the Agreement shall be subcontracted in accordance with **Attachment M**.

C.2.1 Mandatory Subcontracting Requirements

- b) Unless the Director of DSLBD has approved a waiver in writing in accordance with D.C. Official Code § 2-218.51, for all contracts in excess of \$250,000, for all contracts in excess of \$250,000, at least 35% of the dollar volume of the contract shall be subcontracted to SBEs.
- c) If there are insufficient SBEs to completely fulfill the requirement of paragraph (a) of this **Section C.1.1** above, then the subcontracting may be satisfied by subcontracting (35%) of the dollar volume to any qualified CBEs; provided, however, that all reasonable efforts shall be made to ensure that SBEs are significant participants in the overall subcontracting work.
- d) A Design-Builder ("Prime Contractor") that is certified by DSLBD as a small, local or disadvantaged business enterprise shall not be required to comply with the provisions of paragraphs (a) and (b) above of this **Section C.1.1**.
- e) Except as provided in paragraphs (e) and (g) below of this **Section C.1.1**, a Prime Contractor that is a CBE and has been granted a proposal preference pursuant to D.C. Official Code § 2-218.43, or is selected through a set-aside program, shall perform at least (35%) of the contracting effort with its own organization and resources and, if it subcontracts, (35%) of the subcontracting effort shall be with CBEs. A CBE Prime Contractor that performs less than (35%) of the contracting effort shall be subject to enforcement actions under D.C. Official Code § 2-218.63.
- f) A Prime Contractor that is a certified Joint Venture and has been granted an offer preference pursuant to D.C. Official Code § 2-218.43, or is selected through a set-aside program, shall perform at least (50%) of the contracting effort with its own organization and resources and, if it subcontracts, (35%) of the subcontracting effort shall be with CBEs. A certified Joint Venture Prime Contractor that performs less than (50%) of the contracting effort shall be subject to enforcement actions under D.C. Official Code § 2-218.63.
- g) Each CBE utilized to meet these subcontracting requirements shall perform at least (35%) of its contracting effort with its own organization and resources.
- h) A Prime Contractor that is a CBE and has been granted an offer preference pursuant to D.C. Official Code § 2-218.43, or is selected through a set-aside program, shall perform at least (50%) of the on-site work with its own organization and resources if the Agreement is one (\$1) million dollars or less.

C.2.2 Subcontracting Plan Requirements

If the Prime Contractor is required by law to subcontract under the Agreement, it must submit a subcontracting plan for at least (35%) of the dollar volume of the Agreement in accordance with D.C. Official Code § 2-218.46. The subcontracting plan shall be submitted as part of the Proposal and may only be amended with the prior written approval of the CO and Director of DSLBD. Any reduction in the dollar volume of the subcontracted portion resulting from an amendment of the plan shall inure to the benefit of the District and the Department. Each subcontracting plan shall include the following:

- a) The name and address of each subcontractor;
- b) A current certification number of the small or certified business enterprise;
- c) The scope of work to be performed by each subcontractor; and
- d) The price that the Prime Contractor will pay each subcontractor.

C.2.3 Copies of Subcontracts

Within twenty-one (21) days of the date of award, the Prime Contractor shall provide fully executed copies of all subcontracts identified in the subcontracting plan to the CO, District of Columbia Auditor, City Administrator (CA), and the Director of Department of Small and Local Business Development.

C.2.4 Subcontracting Plan Compliance Reporting

- a) The Prime Contractor has a subcontracting plan required by law for this Agreement; the Prime Contractor shall submit a quarterly report to the CO, CA, District of Columbia Auditor and the Director of DSLBD. The quarterly report shall include the following information for each subcontract identified in the subcontracting plan:
 1. The price that the Prime Contractor will pay each subcontractor under the subcontract;
 2. A description of the goods procured or the services subcontracted for;
 3. The amount paid by the Prime Contractor under the subcontract;
 4. A copy of the fully executed subcontract, if it was not provided with an earlier quarterly report.
- b) If the fully executed subcontract is not provided with the quarterly report, the Prime Contractor will not receive credit toward its subcontracting requirements for that subcontract.

C.2.5 Annual Meetings

Upon at least 30-days written notice provided by DSLBD, the Prime Contractor shall meet annually with the CO, contract administrator ("CA"), District of Columbia Auditor and the Director of Department of Small and Local Business Development to provide an update on its subcontracting plan.

C.2.6 DSLBD Notices

The Prime Contractor shall provide written notice to the DSLBD and the District of Columbia Auditor upon commencement of the Agreement and when the Agreement is completed.

C.2.7 Enforcement and Penalties for Breach of Subcontracting Plan

A Prime Contractor shall be deemed to have breached a subcontracting plan required by law, if the Prime Contractor (i) fails to submit subcontracting plan monitoring or compliance reports or other required subcontracting information in a reasonably timely manner; (ii) submits a monitoring or compliance report or other required subcontracting information containing a materially false statement; or (iii) fails to meet its subcontracting requirements. A Prime Contractor that is found to have breached its subcontracting plan for utilization of CBEs in the performance of a contract shall be subject to the imposition of penalties, including monetary fines in accordance with D.C. Official Code § 2-218.63. If the CO determines the Prime Contractor's failure to be a material breach of the Agreement, the CO shall have cause to terminate the Agreement under the default provisions in the Standard Contract Provisions, **Attachments H1 and H2**. Neither the Prime Contractor nor its subcontractor may remove a subcontractor or tier-subcontractor if such subcontractor or tier-subcontractor is certified as an LSDBE company unless the Department approves of such removal, in writing. The Department may condition its approval upon the Prime Contractor developing a plan that is, in the Department's sole and absolute judgment, adequate to maintain the level of LSDBE participation on the Project.

C.3 Residency Hiring Requirements for Contractors and Subcontractors

At least fifty-one percent (51%) of the Offeror's Team and every subconsultant's employees hired after the Offeror enters into a contract with the Department, or after such subconsultant enters into a contract with the Offeror, to work on this Project, shall be residents of the District of Columbia.

Upon execution of the Agreement, the Offeror and all of its member firms, if any, and each of its subcontractors and subconsultants shall submit to the Department a list of current employees that will be assigned to the Project, the date that they were hired and whether or not they live in the District of Columbia.

The Offeror shall comply with subchapter III of Chapter II of Title 1, and subchapter II of Chapter II of Title 1 of the D.C. Code, and all successor acts thereto and the rules and regulations promulgated thereunder. The Offeror and all member firms, subcontractors, tier subcontractors, subconsultants, and suppliers with contracts in the amount of (\$100,000) or more shall be required to comply with the following: (i) enter into a First Source Employment Agreement with the D.C. Department of Employment Services ("DOES") upon execution of the Agreement; (ii) submit an executed First Source Agreement to DOES prior to beginning work on the Project; (iii) make best efforts to hire at least (51%) District residents for all new jobs created by the Project; (iv) list all employment vacancies with DOES; (v) submit monthly compliance reports to DOES by

the 10th of each month; (vi) at least (51%) apprentices and trainees employed must be residents of the District registered in program approved by the D.C. Apprenticeship Council; and (vii) trade contractors and subcontractors with contracts in the amount of (\$500,000) or more must register an apprenticeship program with the D.C. Apprenticeship Council.

The Offeror shall comply with subchapter X of Chapter II of Title 2, and all successor acts thereto, including by not limited to the *Workforce Intermediary Establishment and Reform of First Source Amendment Act of 2011*, and the rules and regulations promulgated thereunder, including, but not limited to the following requirements:

- a) At least twenty percent (20%) of journey worker hours by trade shall be performed by District residents;
- b) At least sixty percent (60%) of apprentice hours by trade shall be performed by District residents;
- c) At least fifty one percent (51%) of the skilled laborer hours by trade shall be performed by District residents; and
- d) At least seventy percent (70%) of common laborer hours shall be performed by District residents.

C.4 Apprenticeship Act

The District of Columbia Apprenticeship Act of 1946, D.C. Official Code §§ 32-1401 *et seq.* (“Act”), as amended, may apply to this Project. All subcontractors selected to perform work on the Project on a craft-by-craft basis shall be required to comply with this Act. All terms and conditions of the Act, D.C. Apprenticeship Council Rules and Regulations, as well as any federal requirements, shall be implemented. The Prime Contractor shall be liable for any subcontractor non-compliance.

SECTION D EVALUATION AND AWARD CRITERIA

D.1 Award

The Department intends to award a contract to the highest rated qualified A/E firm at a price the CO determines to be fair and reasonable to the District.

D.2 Evaluation Process

The Department will evaluate Offerors' Proposals, qualified A/E firms and any best and final offers ("BAFO(s)") requested and received in accordance with the provisions of D.C. Official Code § 2-356.04 of the Procurement Practices Reform Act of 2010, as amended, and Sections 2620 – 2633 of the District of Columbia Municipal Regulations ("DCMR").

D.2.1 Evaluation Board

D.2.1.1 Selection and Appointment

The head of the contracting agency or designee shall appoint one (1) or more permanent or ad hoc architect-engineer evaluation board ("Evaluation Board") composed of members who, collectively, have experience in architecture, engineering, construction, and District and related procurement matters. Members of the Evaluation Board shall include highly qualified professional employees of the District and may include private practitioners of architecture, engineering, or related professions and shall evaluate all Proposals received from A/E(s) firm interested in the proposed contract under this RFP. The head of the contracting agency shall designate at least one (1) District employee member of each board as the chairperson.

D.2.1.2 Evaluation Board Responsibilities

The Evaluation Board shall:

- a. Review the Department's current data files on eligible A/E firms and Offerors' proposals received in response to this RFP.
- b. Evaluate current statements of A/E firms' qualifications and performance data on file with the Department and Offerors' proposals, in accordance with the prescribed criteria in **Section D.3**.
- c. Hold discussions with at least three (3) of the most highly rated qualified A/E firms about concepts and the relative utility of alternative methods of furnishing the required services; the A/E fees will not be discussed.
- d. Prepare a selection report for the CO recommending, in order of preference, at least three (3) A/E firms that are evaluated to be the most highly qualified to perform the required services, based on the selection criteria in **Section D.3**. The selection report shall include a description of the discussions and evaluation conducted by the board to allow the CO to: review the considerations upon which the recommendations are based; and, make a final, independent determination regarding the order of

preference of at least three (3) of the most highly qualified A/E firms based on the selection criteria in **Section D.3.**

D.3 Evaluation and Selection Criteria

Each Offeror's proposal and eligible A/E firm on file with the Department will be scored on a scale of 1 to 100 points. In addition, eligible Offerors and A/E firms on file with the Department will receive up to 12 preference points as described in **Section C.1** and **Section D.3.6** of this RFP for designation by DSLBD. Thus, the maximum number of points is 112.

A/E firms will be evaluated in accordance with the following selection criteria:

- Past Performance on contracts with the District, other governmental entities, and private industry in terms of cost control, quality of work, and compliance with performance schedules – A/E and sub-consultants (20 points)
- Professional qualifications necessary for satisfactory performance of the required A/E services (20 Points)
- Specialized Experience and Technical Competence in the type of work required under this RFP– A/E and its sub-consultants Key Personnel (30 points)
- Capacity to accomplish the work in the required time – A/E and its sub-consultants Key Personnel (10 points)
- Acceptability of Design Approach and Management Plan (20 points)
- DSLBD Preference Points (up to 12 Points)

D.3.1 Past Performance on contracts with the District, other governmental entities, and private industry in terms of cost control, quality of work, and compliance with performance schedules – A/E and sub-consultants (20 points)

Offerors will be evaluated based on their (i) past performance on contracts with the District, other governmental entities, and private industry in terms of cost control, quality of work and compliance with performance schedule; and (ii) the Offeror's past performance working with its proposed sub-consultants. This element of the evaluation will be worth up to twenty (20) points.

Offerors will be required to submit the following information in their Proposals:

- A. List of all projects that the Offeror A/E and its sub-consultants have worked on in the last 5 years that are similar to this Project. For purposes of this paragraph, similar shall mean projects where the Offeror has served as the lead design consultant for elevators designs. This information may be provided in an overview matrix format or brief list; however, it should include the name and location of the facility, the name of the owner, the time frame of the project, the original budget for the project, and whether the project was delivered on-time and on budget. If a project was not delivered on-time or on budget, a brief description of the reasons should be provided.
- B. The Offeror shall ensure that a minimum of three (3) Past Performance Evaluation forms **Attachment K**, are completed on behalf of the A/E are completed and submitted directly

to the Department's POC stated on **Section F.1** by the due date for Proposals as specified in **Section E.3**. A minimum of two (2) Past Performance Evaluation forms for each sub consultant should be incorporated in the Offeror's technical Proposal.

D.3.2 Professional qualifications necessary for satisfactory performance of the required A/E services (20 Points)

Offerors will be evaluated on their (i) professional qualifications for satisfactory performance designing elevator designs; and (ii) demonstrated experience working as a lead designer in the past five (5) years for construction projects. This element of the evaluation will be worth up to twenty (20) points.

Offerors will be required to submit the following information in their Proposals:

A. List of all projects that the Offeror and the sub-consultants have worked on in the last 5 years that demonstrate design experience for elevator designs. Offerors should have served as the lead design consultant for a construction project. This information may be provided in an overview matrix format or brief list; however, it should include the name and location of the facility, the name of the owner, the time frame of the project, the original budget for the project, and whether the project was delivered on-time and on budget. If a project was not delivered on-time or on budget, a brief description of the reasons should be provided. On each project description, please provide all of the following information in consistent order:

1. Project name and location.
2. Name, address, contact person and telephone number for owner reference.
3. Brief project description including project cost, square footage, firm's scope of work, and key firm strengths exhibited.
4. Identification of personnel involved in the selected project who are proposed to work on this Project.
5. Project process and schedule data including construction delivery method, and construction completion date (any unusual events or occurrences that affected schedule should be explained).
6. Renderings or photographs that show the interior and exterior of the project.

D.3.3 Specialized Experience and Technical Competence and in the type of work required under this RFP– A/E and its sub-consultants Key Personnel (30 points)

Offerors will be evaluated based on their (i) demonstrated experience in elevator designs; (ii) cost estimating and Value Engineering/management; (iii) knowledge of the local regulatory agencies and Code Officials; (iv) demonstrated experience designing and completing high quality, construction projects on-time and on-budget; (v) Key Personnel's technical competence and specialized experience; and (vi) the availability and experience of the Key Personnel assigned to this Project. This element of the evaluation will be worth up to thirty (30) points.

If the Offeror is a team or joint venture of multiple companies, the Evaluation Board will consider the experience of each member of the team or joint venture in light of their role in the proposed team or joint venture.

Offerors will be required to submit the following in their Proposals:

- A. Detailed descriptions of no more than eight (8) projects that best illustrate the Offeror A/E and its sub-consultants' technical competence and specialized experience relevant to this Project. On each project description, please provide all of the following information in consistent order:
 1. Project name and location.
 2. Name, address, contact person and telephone number for owner reference.
 3. Brief project description including project cost, square footage, firm's scope of work, and key firm strengths exhibited.
 4. Identification of personnel involved in the selected project who are proposed to work on this Project.
 5. Project process and schedule data including construction delivery method, and construction completion date (any unusual events or occurrences that affected schedule should be explained).
 6. Renderings or photographs that show the interior and exterior of the project.

- B. A description of the A/E's and sub-consultants' Key Personnel professional qualifications, specialized experience and technical competence necessary for satisfactory performance of the required services, to include at a minimum the following:
 1. List of Key Personnel to include, at a minimum, the following individuals: (i) the Design Principal; (ii) the Project Architect; (iii) the Project Designer; (iv) the lead MEP and Structural engineers; and (v) the Vertical Transportation Consultant .
 2. Organizational chart illustrating reporting lines and names and titles for Key Personnel proposed by the A/E.
 3. Resumes for each Key Personnel proposed by the A/E and sub consultants indicating the individual's previous experience, education, licensing, certifications, current workload over the next two years, specialized experience and demonstrated technical competence necessary to successfully complete their role in the Project; and
 4. A table that identifies the specific staff that will be assigned to this Project. The table should include: (i) the individual's name (if known); (ii) his or her title; (iii) his or her level of effort (i.e. the percentage of time devoted to this Project); and (iv) the time periods during which the individual will be assigned to the Project and (v) experience working together. This table should include all personnel that will be assigned to the Project.

D.3.4 Capacity to accomplish the work in the required time of the RFP – A/E and its sub-consultants Key Personnel (10 points)

Offerors will be evaluated based on the A/E and its sub consultants Key Personnel's capacity to meet the needs of this Project within the required time of the RFP. The Offeror shall include an

analysis of the overall proposed contributions of the A/E and sub consultants as well as the capacity of the individual Key Personnel for this project relative to the current and projected workloads. This element of the evaluation will be worth up to ten (10) points.

The Offeror shall submit a detailed analysis demonstrating that they have the necessary capacity to meet the government schedule. This plan must identify the necessary resources required for the completion of the Project and must include at a minimum the following:

- a) Company resources available to the project manager;
- b) Proposed subcontracting effort in connection with obtaining additional resources;
- c) Current contracts with other public and private entities;
- d) All current projects with the District and DGS and the stage of each project;
- e) A time allocation plan indicating the percentage of time key personnel is allocated over all projects.

D.3.5 Acceptability of Design Approach and Management Plan (20 Points)

Offerors shall submit: (i) a discussion of their intended Design Approach; and (ii) a design Management Plan. These elements of the proposal can be submitted either as separate portions within the Proposal or as a single integrated section.

The Design Approach shall address the basic design theory or ideas that the Offeror proposes to employ in approaching the design of the Project. The Design Approach will be evaluated on the creativity demonstrated and workability of the solutions proposed. The Management Plan shall clearly explain how the Offeror intends to manage and implement the Project, to include all contemplated phasing. Among other things, the Management Plan should explain (i) how the Offeror will manage the engineering subconsultants so as to ensure that the drawings are properly coordinated, including coordination of the drawings in light of the phasing of the project; (ii) how the Offeror will manage the Value Engineering/management process; (iii) how the A/E proposes to staff and handle construction administration and interact with the builder; (iv) how the Offeror will manage the design process to ensure that bid packages are issued in a timely manner and incorporate agreed upon Value Engineering changes; and (v) describe the key challenges inherent and unique to these DCPS facilities in this Project and explain how they will be overcome or mitigated, specific attention should be given to the phasing of construction. The Department will also consider the experience that the Offeror and its team members have working together on similar projects. This element of the evaluation is worth up to twenty (20) points.

D.3.6 Preference Points (up to 12 Points)

At the conclusion of Evaluation Board's discussions and evaluations, up to 12 preference points, as described in **Section C.1** of this RFP, will be added to the Evaluation Board's scores based on each eligible A/E firm's status as determined by the DSLBD. Thereafter, the Evaluation Board will prepare a report for the CO recommending, in order of preference, at least three (3) A/E firms evaluated to be the most highly qualified to perform the required services, based on the selection criteria in Section D.3 of this RFP. The evaluation report will allow the CO to: review the

considerations upon which the recommendations are based; and, make a final, independent determination regarding the order of preference of at least three (3) of the most highly qualified A/E firms based on the selection criteria in Section D.3.

D.4 Discussions

The Evaluation Board will hold discussions with no less than three (3) A/E firms determined to be the most highly qualified A/E firms to provide the required services based upon the criteria set forth in **Section D.3**. The Evaluation Board will discuss concepts and the relative utility of alternative methods of furnishing the required services and rate the A/E's ability to meet the selection criteria in **Section D.3** of this RFP. The discussions will be scheduled through the Department's Contracting and Procurement Division and will include the Evaluation Board and the CO or CO's designee. The Evaluation Board will prepare its selection report based on the discussions and the evaluations conducted.

D.5 Negotiations

The CO will then negotiate a contract with the highest qualified A/E based on the selection report that is provided by the Evaluation Board, at a price that the CO determines in writing to be fair and reasonable to the District. If negotiations are not successful, then the CO shall terminate negotiations with that first highest qualified A/E and undertake negotiations with the second most qualified A/E firm. The CO will follow the same process to terminate negotiations if negotiations with the second most qualified A/E firm is not successful and will initiate negotiations with the third most qualified A/E firm.

SECTION E PROPOSAL ORGANIZATION AND PROPOSALS

This section outlines specific information necessary for the proper organization and manner in which Offerors' Proposals should be proffered. References are made to other sections in this RFP for further explanation.

E.1 Proposal Identification

Proposals shall be proffered in a complete original proposal (Technical and Price Proposals); one (1) copy of the Price Proposal; and four (4) copies of the technical portion of the Proposal as well as one (1) electronic copy on a USB flash drive. The Offeror's Proposal shall be placed in a sealed envelope conspicuously marked:

“Proposal for RFP DCAM-19-CS-RFP-0006 - ELEVATOR DESIGNS”

E.2 Delivery or Mailing of Proposals

Proposals should be delivered to:

D.C. Department of General Services
Attention: George Lewis c/o Gwendolyn Walters
Contracts & Procurement Division
Frank D. Reeves Center
2000 14th St, NW – 8th Floor
Washington, DC 20009

E.3 Date and Time for Receiving Proposals

Proposals shall be received August 12, 2019 at 2:00 pm. The Offeror assumes the sole responsibility for timely delivery of its Proposal, regardless of the method of delivery.

E.4 Submission Size, Organization and Offeror Qualifications

All Proposals shall be submitted on 8-1/2" x 11" bond paper and typewritten. Telephonic, telegraphic, and facsimile Proposals shall not be accepted. The Department is interested in a qualitative approach to presentation material. Brief, clear and concise material is more desirable than quantity. The Proposal shall be organized in two volumes, a technical proposal and a price proposal.

E.4.1 Technical Proposal

The technical proposal shall be organized as follows:

E.4.1.1 Executive Summary

Each Offeror shall provide a summary of no more than three pages of the information contained in the following sections.

E.4.1.2 General Team Information and Firm(s) Data

Each Offeror should provide the following information for the principal A/E firm and each of its subconsultants.

A. Name(s), address(es), and role(s) of each firm (including all sub-consultants)

B. Firm profile(s), including:

1. Age
2. Firm history(ies)
3. Firm size(s)
4. Areas of specialty/concentration
5. Current firm workload(s) projected over the next two years
6. Provide a list of any contract held by the Offeror where the contract was terminated (either for default or convenience). This list should also identify any contracts that resulted in litigation or arbitration between the Owner and the Offeror. If the Offeror has multiple offices, only contracts held by the office submitting this proposal need be listed.

C. Description of the team organization and personal qualifications of key staff, including:

1. Identification of the single point of contact for the A/E
2. Organizational chart illustrating reporting lines and names and titles for key participants proposed by the team.
3. Resumes for each key participant on the team, including definition of that person's role, relevant project experience, and current workload over the next two years.

E.4.1.3 Information for each Selection Criteria

Offerors shall provide the required information and analysis for each selection criteria as described in **Section D.3** of this RFP.

E.4.2 Fee Proposal

The A/E Offeror's Fee proposal shall be submitted separately from Offeror's Technical Proposal and include all of the following:

E.4.2.1 Form of Offer Letter

Each Offeror shall submit an offer letter substantially in the form of **Attachment B**, to bid a Design Fee and hourly rates, in accordance with the attached pricing schedule, and outline any requested changes to the Form of Contract. Material deviations, in the opinion of the Department, from the bid form shall be sufficient to render the proposal non-responsive.

The Department intends to award the Contract to the most qualified firm and the cost information will be used to negotiate a fee for this Project.

E.4.2.2 Fee Proposal Attachments

Each Offeror shall complete and submit the following Attachments in the Offeror's Fee Proposal, which will not be used for evaluation purposes. If, however, the Offeror is determined to be one of at least three (3) of the most highly qualified A/E firms to provide the required services under this RFP, then the CO may utilize the Offeror's Fee Proposal in the negotiation of a contract with the highest qualified A/E firm at compensation rates that the CO determines to be fair and reasonable to the District.

- a) Bidder/Offeror Certification Form (**Attachment C**)
- b) Tax Affidavit (**Attachment D**)
- c) EEO Policy Statement (**Attachment H**)
- d) First Source Employment Agreement and Employment Plan (**Attachment I**)
- e) SBE Subcontracting Plan (**Attachment L**)

Other than the original Proposal (which shall include both a pricing and technical response), Offerors will be required to submit copies of the pricing portion of their proposal (including the Form of Offer Letter and any spreadsheets or other pricing documents referenced in the Form of Offer Letter) separately from the technical portion of their proposal.

**SECTION F
BIDDING PROCEDURES & PROTESTS**

F.1 Contact Person

The Department's sole point of contact ("POC") for matters related to this RFP is the only individual authorized to discuss this RFP with any interested parties, including Offerors. The POC does not have authority to bind the District through the execution of written contract documents. Only Contracting Officers can bind the District and DGS.

All questions and communications with the Department's POC about the Project or this RFP shall be sent in writing to:

Gwendolyn Walters
Contract Specialist
Department of General Services
1250 U Street, 3rd Floor
Washington, DC 20009
Phone: (202) 698-2733
Email: gwendolyn.walters2@dc.gov

The Department disclaims the accuracy of information derived from any source other than this RFP and the Department's POC, and the use of any such information is at the sole risk of the Offeror. All communications and requests for information shall be submitted by the Offeror's point of contact identified in its Proposal.

F.2 Preproposal Conference

A Pre-Proposal Conference will be held on July 24, 2019 at 9:00 am at **Hart Middle School** located at 601 Mississippi Avenue, SE , Washington, D.C. 20032. Interested Offerors are strongly encouraged to attend.

F.2.1 Site Visit

A site visit will be held on the dates and times at the locations delineated below. Interested Offerors ("Offerors") are strongly encouraged to attend. Offerors need to confirm attendance by email to the Contract Specialist, Gwendolyn Walters addressed at gwendolyn.walters2@dc.gov.

**(Pre-Proposal Conference
And Site Visit)**

**Hart Middle School
Wednesday, July 24, 2019 at 9:00 am
601 Mississippi Avenue, SE
Washington, D.C. 20032**

(Site Visit) **Malcolm X at Green**
Wednesday, July 24, 2019 at 10:30 am
1500 Mississippi Avenue, SE
Washington, D.C. 20032

(Site Visit) **Burroughs Educational Campus**
Thursday, July 25, 2019 at 9:00 am
1820 Monroe Street, NE
Washington, D.C. 20018

(Site Visit) **Langley Elementary School**
Thursday, July 25, 2019 at 10:30 am
101 T Street, NE
Washington, D.C. 20002

(Site Visit) **Tyler Elementary School**
Thursday, July 25, 2019 at 12:00 noon
1001 G Street, SE
Washington, D.C. 20003

F.3 Explanations to Prospective Offerors

Each Offeror should carefully examine this RFP and any and all amendments, addenda or other revisions, and thoroughly familiarize itself with all requirements prior to proffering a Proposal. Should an Offeror find discrepancies or ambiguities in, or omissions from, the RFP and amendments, addenda or revisions, or otherwise desire an explanation or interpretation of the RFP, any amendments, addenda, or revisions, it must submit a request for interpretation or correction in writing. Any information given to an Offeror concerning the solicitation shall be furnished promptly to all other Offerors as an amendment or addendum to this RFP if in the sole discretion of the Department that information is necessary in proffering submissions or if the lack of it would be prejudicial to any other prospective Offerors. Oral explanations or instructions given before the award of the contract shall not be binding. Requests and questions should be directed to POC in **Section E.1** by **4:30 p.m. July 26, 2019**. The person making the request shall be responsible for prompt delivery.

F.4 Protests

Protests are governed by D.C. Official Code § 2-360.08 and Section 4734 of the Department's Procurement Regulations (27 DCMR § 4734). Protests alleging defects in this RFP must be filed prior to the time set for receipt of Proposals. If an alleged defect does not exist in this initial RFP, but was incorporated into the RFP by an amendment or addendum, a protest based on that defect must be filed before the next closing time established for proffering Proposals. In all other cases, a protester shall file the protest within ten (10) days after the protester knows or should have known, whichever is earlier, of the facts and circumstances upon which the protest is based. All protests must be made in writing to the Department's Chief Contracting Officer ("CCO") and must be filed in duplicate. Protests shall be served on the Department by obtaining written and dated

acknowledgment of receipt from the Department's CCO. Protests received by the Department after the indicated periods will not be considered. To expedite handling of protests, the envelope shall be labeled "Protest".

This **Section F.4** is intended to summarize the bid protest procedures and is for the convenience of the Offerors only. The applicable law and regulations apply, to the extent any provision of this section is inconsistent with law or regulations.

F.5 Contract Award

This procurement is being conducted in accordance with D.C. Official Code § 2-356.04 of the Procurement Practices Reform Act of 2010, as amended, Sections 2620 – 2633 of the District of Columbia Municipal Regulations ("DCMR"), and Section 4717.5 of the Department's Procurement Regulations (27 DCMR § 4717.5).

F.6 Retention of Proposals

All Proposals shall be retained by the Department and therefore shall not be returned to the Offerors. With the exception of proprietary financial information, the Proposals shall become the property of the Department and the Department shall the right to distribute or use such information as it determines.

F.7 Examination of Proposals

Offerors are expected to examine the requirements of all instructions (including all amendments, addenda, attachments and exhibits) in this RFP. Failure to do so shall be at the sole risk of the Offeror and may result in disqualification.

F.8 Late Proposals: Modifications

- A. Any proposal or BAFO received at the office designated in this RFP after the exact time specified for receipt shall not be considered.
- B. Any modification of a proposal, including a modification resulting from the CCO's requests for best and final offers, is subject to the same conditions as in **Section F.8.A** stated above.
- C. The only acceptable evidence to establish the time of receipt at the Department's office is the time-date stamp of such installation on the Proposal wrapper or other documentary evidence of receipt maintained by the installation.
- D. Notwithstanding any other provisions of this RFP to the contrary, a late modification of an otherwise successful proposal which makes its terms more favorable to the Department may be considered at any time it is received and may be accepted.
- E. Proposals shall be irrevocable and remain in full force and effect for a period not less than 120 days after receipt of proposals.

F.9 No Compensation for Preparation of Proposals

The Department shall not bear or assume any financial obligations or liabilities regarding the preparation of any Proposal submitted in response to this RFP, or prepared in connection therewith, including, but without limitation, any proposal, statements, reports, data, information, materials or other documents or items.

F.10 Rejection of Proposals

The Department reserves the right, in its sole discretion:

- A. To cancel this solicitation or reject all proposals.
- B. To reject proposals that fail to prove the Offeror's responsibility.
- C. To reject proposals that contain conditions and/or contingencies that in the Department's sole judgment, make the Proposal indefinite, incomplete, otherwise non-responsive, or otherwise unacceptable for award.
- D. To waive minor irregularities in any proposal provided such waiver does not result in an unfair advantage to any Offeror.
- E. To take any other action within the applicable Procurement Regulations or law.
- F. To reject the proposal of any Offeror that has submitted a false or misleading statement, affidavit or certification in connection with such Proposal or this Request for Proposals.

F.11 Limitation of Authority

Only a person with prior written authority from the CO shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clauses or conditions of the RFP.

Furthermore, any alteration, amendment, modification, or waiver of any clause or condition of this RFP is not effective or binding unless made in writing and signed by the CCO or its authorized representative.

**SECTION G
INSURANCE REQUIREMENTS**

G.1 Insurance Requirement (Will be issued via Addendum)