REQUEST FOR PROPOSALS
FAIR AND OPEN SOLICITATION PROCESS

For Construction Project Owner’s Representative Services to be Provided to the Board for the Joint Health Sciences Center in Camden, NJ

RFP Issued: 01/11/2016
Pre-Proposal Meeting Date: 01/20/2016
Vendor Questions Due: 01/22/2016
Proposals Due: 01/26/2016

ISSUED BY:
Rowan University / Rutgers-Camden Board of Governors
NOTICE TO PROPOSERS
RFP # 2016-1

For Construction Project Owner’s Representative Services
to be Provided to the Board for the
Joint Health Sciences Center

The Rowan University / Rutgers-Camden Board of Governors (“Board”) is soliciting proposals for Construction Project Owner’s Representative Services for the Joint Health Sciences Center in Camden, NJ (“Project”), as more fully described in the Request for Proposals # 2016-1, available from the Board’s administrative office, 200 Federal Street – Suite 300, Camden, New Jersey 08103, and which are available from said office weekdays between the hours of 8:30 am to 4:30 pm, telephone number (856) 203-6757 or email smcandrew@rurcbog.com. Proposals must be submitted in the form provided in the proposal packet.

Proposers can download all documents from the Board’s website www.rurcbog.com.

These proposals are being solicited in order to obtain Construction Project Owner’s Representative (“Owner’s Rep”) Services for the Project.

The selected Owner’s Rep will work with the design professionals retained by the Board and will have responsibility for the oversight of the Project as well as the oversight for the development and construction of the Project pursuant to a Project Development Agreement (PDA) between the Board and the Camden County Improvement Authority. The Board will also retain a separate architectural firm (the “Architect”) to function as consultants to both the Owner’s Rep and the Board on this Project. The services performed by the Architect will include, but will not be limited to, consulting services relative to constructability and design issues both pre-construction and during construction. The Architect will consult with the Owner’s Rep in connection with such architectural services.

Sealed responses to these requests must be received by the Authority no later than 4:30 p.m. on the prevailing date. Proposals that are not received by 4:30 p.m. at the Board’s offices will be rejected. The envelope or package containing a proposal shall be plainly marked on the outside Rowan University / Rutgers-Camden Board of Governors as listed above.

These services are being bid pursuant to N.J.S.A. 19:44A-20.5, et seq. The contract will be awarded by the Board at a public meeting(s), in accordance with the criteria set forth in the Request for Proposals and in accordance with applicable laws.
A pre-proposal meeting will be held Waterfront Technology Center, 200 Federal Street, Room 119, Camden, NJ 08103 on January 20, 2016 at 10:30 a.m. While attendance at the pre-proposal meeting is not mandatory, it is highly encouraged.

Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq. Rowan University / Rutgers-Camden Board of Governors, Purchasing Agent.
1.0 INTRODUCTION AND DESCRIPTION OF THE PROPOSAL PROCESS

1.1 Issuing Entity, Nature and Purpose of Procurement

Through the issuance of this Request for Proposals ("RFP"), the Rowan University / Rutgers-Camden Board of Governors (the “Board”), is inviting potential respondents (“Proposers”) to submit responses to the Board for Construction Project Owner’s Representative Services for the construction of the Project.

1.2 Project Description

This Project consists of the construction of an approximately 65,000 square foot building and will include wet and dry laboratory spaces, a café, meeting rooms, conference rooms, classrooms, faculty and staff offices, and biomedical research laboratories. The Project will represent the development of a new Health Sciences Building in the Camden “Eds & Meds” corridor. The Project will also include the “greenspace” of an existing city block surrounding the new building and will include a new parking area for the building. The design at present rises to four (4) stories in height. No basement is anticipated, and underground parking will not be considered due to concerns over potential extraordinary costs, and a relatively high water table in the area. A need for realignment of the roadway alongside of the building is being considered to allow for a better traffic flow and an occupant pick-up area.

1.3 Scope of Services

Construction Project Owner’s Representative Services. The Board is soliciting proposals from firms to provide Owner’s Rep services including, but not limited to, the onsite oversight, cost estimation, procurement review, meeting coordination, payment application review and sign off, preliminary scheduling, inspection, reporting, management and completion of the project, budgeting, value engineering evaluation and all other services outlined in AIA Document B801 Section 2.3 related to the construction of the Project.

- The Board will also retain a separate architectural firm (the “Architect”) to function as a consultant to both the Owner’s Rep and the Board on this Project. The Owner’s Rep will work with the Architect retained by the Board and will have responsibility for the development and construction of the referenced building pursuant to a Project Development Agreement (PDA) with the Camden County Improvement Authority.
Schedule of the Project

1.4 Pre-Proposal Meeting

A pre-Proposal meeting and site tour will be held on January 20, 2016 at 10:30 a.m., at the Waterfront Technology Center, 200 Federal Street, Suite 119, Camden NJ 08103. The pre-Proposal meeting is not mandatory, however the Board will not grant concessions for errors in the proposals due to incorrect assumptions that would have been clarified at the meeting. Inspection of the potential site for the Project is allowed and the Proposers will be required to rely solely and completely on information obtained by the Proposers as a basis for Proposals. If a prospective Proposer cannot attend the informational meeting, or if they require more time for their inspections, they may arrange for an opportunity to inspect the site prior to the Proposal submittal by contacting the Board’s Director of Project Management, to schedule an appointment.

1.5 Proposal Submission Date

One (1) original, two (2) hard copies and three (3) electronic copies on CD-ROMs or flash drives of the Proposal responding to this RFP must be submitted no later than 4:30 p.m. (Eastern Time) on the prevailing date in accordance with the instructions set forth in Section 5.0. To efficiently review and evaluate the Proposals received (and to avoid the need for a costly and lengthy clarification process), the Proposer shall strictly conform to the submission and format requirements set forth in Section 5.0 of this RFP.

1.6 Project Participants and Advisors

The Board has assembled a group of Board employees and consultants to form a project team to assist in this procurement process (“Project Team”). The Project Team will serve the function of directing and reviewing the detailed activities undertaken with regard to the procurement.
1.7 Inquiries and Correspondence

All inquiries and correspondence relating to this RFP should be directed to:

Kris Kolluri, Esq.
Chief Executive Officer
Rowan University/Rutgers-Camden Board of Governors
200 Federal Street, Suite 300
Camden, New Jersey 08103
Phone: (856)203-6757
Facsimile: (856)379-3953
Email: kkolluri@rurcbog.com

With a copy of all written correspondence to:

Raymond Console, Esq.
Cozen O’Conner
457 Haddonfield Road, Suite 300
Cherry Hill, NJ 08002
Phone: (856) 910-5011
Facsimile: (877) 286-4535
Email: rconsole@cozen.com

All questions regarding this RFP or procurement process shall be sent in writing and delivered no later than 3:30 p.m. (Eastern Time) on January 22, 2016 to the above addresses or sent by facsimile or email to Mr. Kolluri and Mr. Console. The Board may, but shall not be obligated to, respond to such questions. Any responses will be distributed by the Board to all prospective Proposers via an addendum to this RFP.

1.8 Summary of the Procurement Process

1.8.1 Legal Authority and Requirements

The Proposer must comply with all local, state and federal laws, rules and regulations applicable to this contract and to the work to be done hereunder including, but not limited to:

.1 If awarded a contract, winning Proposer will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

.2 The Board is committed to affirmative action and equal opportunity in all areas of operation. Those submitting proposals must certify that their company has an updated affirmative action/equal opportunity program.
The Proposer submitting proposals must not be barred or otherwise suspended from doing business with government entities.

Proposers shall obtain and maintain in full force and effect all required licenses, permits, and authorizations necessary to perform this contract. The evidence of such, as applicable, shall be submitted subsequent to contract award. All costs associated with any such licenses permits and authorizations shall have been considered and included by the Proposer in its bid proposal.

Whenever an unforeseen change in applicable law or regulation affects the services that are the subject of this contract, the Proposer shall advise the CEO of the Board, Kris Kolluri and Raymond Console, Esq., in writing and include in such written transmittal any estimated increase or decrease in the cost of its performance of the service as a result of such change in law or regulation. The CEO and the Proposer shall negotiate an equitable adjustment, if any, to the contract price.

After the Board receives the Proposals, it may conduct clarification discussions with each proposing firm and then select one qualified Proposer with which to enter into negotiations (“Preferred Proposer”). The Board and the Preferred Proposer shall, within 45 days after selection of the Preferred Proposer, enter into a contract memorializing the terms of the selected Proposal (the “Contract”). If a satisfactory Contract fails to be negotiated with the Preferred Proposer, the Board may conduct negotiations with another qualified Proposer. The Board will adopt a resolution approving the proposed Contract.

1.8.2 Addenda or Amendments to the RFP

During the period provided for the preparation of Proposals, the Board may issue addenda or amendments to this RFP. The Board shall issue notice that addenda or amendments have been made available, and will send such addenda or amendments to the prospective Proposers that have requested a copy of the RFP. These addenda will be issued by, or on behalf of the Board, and will constitute a part of the RFP. Each Proposer is required to acknowledge receipt of all addenda at the time of submission of the Proposal by completing Proposal Form 3 contained in Appendix A. All responses to this RFP shall be prepared with full consideration of the addenda issued prior to the Proposal submittal date.

1.8.3 Cost of Proposal Preparation

Each Proposal and preparation of all information required pursuant to this RFP shall be prepared at the sole cost and expense (including engineering and legal costs) of the Proposer. There shall be no claims whatsoever against the Board, its staff, or its consultants for reimbursement for the costs or expenses (including engineering and legal costs) incurred
during the preparation of the Proposal or other information required by this RFP or procurement process or in connection with the selection process or Contract negotiations.

1.8.4 Correction of Errors

Prior to the submission of Proposals, erasures or other corrections in the Proposal must be initialed by a designated signatory of the Proposer. The Proposer further agrees that in the event any errors are noticed by the Board after the Proposal is opened, the Board reserves the right, but does not have the obligation, to waive such errors.

1.8.5 Modification of Proposals

Prior to the Proposal submission date, a Proposer may modify its previously submitted Proposal if a modified Proposal is either hand delivered to the Waterfront Technology Center, 200 Federal Suite 300, Camden NJ 08103 by or on behalf of an authorized representative of the Proposer, or delivered to the Rowan University/Rutgers – Camden Board of Governors, Waterfront Technology Center, 200 Federal Suite 300, Camden NJ 08103 by certified mail to the address set forth in subsection 5.1.1 of this RFP.

1.8.6 Withdrawal from Procurement Process

A Proposer may withdraw a Proposal prior to the date and time set for the opening of the Proposals, provided that a written request to withdraw the Proposal is hand delivered to Rowan University/Rutgers – Camden Board of Governors, Waterfront Technology Center, 200 Federal Suite 300, Camden NJ 08103 by or on behalf of an accredited representative of the Proposer or the request is delivered by certified U.S. Mail to the address set forth in subsection 5.1.1 of this RFP.

1.8.7 Disclosure of Information in Proposals

The Board will consider requests to protect proprietary information submitted with Proposals but shall have no liability for failure to do so. The Proposer should clearly and specifically label all such material and cite the appropriate law which protects such proprietary information. General requests to protect the entire Proposal are not acceptable. The Board shall notify a Proposer of any Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) requests for information that has been designated as proprietary information by the Proposer. It is the responsibility of the Proposer to defend any such action brought under the Open Public Records Act at its sole cost.

Proposers, by submitting their Proposals, expressly acknowledge and agree that the Board, its staff and its consultants will assume no liability for any loss, damage, or injury which may result from any disclosure or use of marked data or any disclosure of this or other information to third parties.
1.8.8 No Authority Liability

Neither the Board, its staff, its representatives, nor any of its consultants will be liable for any claims or damages resulting from the solicitation, collection, review or evaluation of responses to this RFP.

1.8.9 Disposal of Proposals

All Proposals are the property of the Board and will not be returned. At the conclusion of the procurement process, the Board may dispose of any and all copies of Proposals received in whatever manner it deems appropriate in its sole discretion.

1.9 Rights of the Board and Conditions

The Board reserves, holds and may exercise, at its sole discretion, the following rights and conditions with regard to this RFP. By responding to this RFP, Proposers acknowledge and consent to the following conditions relative to the procurement process and the determination of a Preferred Proposer:

- All inquiries will be addressed as set forth in Section 1.7 above.
- This RFP does not obligate the Board to procure or to contract for any services.
- The Board reserves the right to change or alter the schedule for any events associated with this procurement.
- All costs incurred in connection with responding to this RFP, the evaluation and selection process undertaken in connection with this procurement, and any negotiations entered into in connection with negotiating a Contract will be borne by the Proposer.
- The Board reserves the right to reject, for any reason in accordance with applicable law, any and all Proposals and components thereof and to eliminate, for any reason, any and all Proposers responding to this RFP from further consideration for this procurement.
- The Board, in accordance with applicable law, reserves the right to reject all Proposals or any particular Proposal, including, without limitation, one that fails its evaluation or that is in any way unbalanced, unreasonable, non-conforming, unqualified, incomplete, non-responsive or otherwise irregular.
- The Board reserves the right to eliminate any Proposer who submits incomplete, inadequate responses or is not responsive to the requirements of this RFP.
- The Board reserves the right to seek clarification of any aspect of a Proposal and to seek best and final Proposals based upon such clarifications.
- The Board reserves the right to waive any informalities in the Proposals or non-
material deviations from the requirements set forth in this RFP.

- The Board reserves the right to designate a representative to act in its place or on its behalf during this procurement process.

- The Board reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information, prior to or following Proposal submissions.

- All Proposals become the property of the Board and will not be returned.

- All Proposer’s activities shall be subject to all applicable federal, State and local laws, regulations, rules and/or requirements.

- The Board (including its staff and advisors) reserves the right to visit and examine any of the projects referenced in each Proposal to observe and investigate the operation of such facilities. Such site visits will be made at a mutually agreeable time.

- Neither the Board, its staff, nor any of its consultants will be liable for any claims or damages resulting from the solicitation, submission, collection, review or evaluation of Proposals.

- The Board reserves the right to request recipients of this RFP, and after Proposal submission, Proposers, to send representatives to a location determined by the Board for interviews and presentations.

- The Board reserves the right to conduct investigations of the Proposers and their Proposals, to clarify the information provided pursuant to this RFP, and to request additional evidence to support the information included in any Proposal.

- The Board reserves the right to reject any Proposal if its investigation of the Proposer reveals that, in the opinion of the Board, the Proposer is not properly qualified to carry out the obligations of the Contract and complete it as outlined herein.

- The Board reserves the right to discontinue negotiations with any Proposer.

- The Board reserves the right to enter into a Contract with the Proposer submitting a Proposal which is determined to be the most favorable to the Board, in the Board's sole discretion.

- The Board shall not be required to award the Contract to the lowest bidder.

- In the event of equal or tied Proposals, the Board reserves the right to award the Contract, at its sole discretion, to any one of the equal or tied Proposers.
2.0 BACKGROUND INFORMATION

2.1 General County Profile

Camden County is located in the southwestern portion of New Jersey, across the Delaware River from Philadelphia. Gloucester, Burlington, and Atlantic Counties border Camden County on the south, north, and east. The County is 227 square miles in area, with a population of about 514,000. There are thirty seven municipalities in Camden County.

2.2 General Board Profile

The Board was created by State statute in 2012 and has been tasked with the responsibility to enhance higher education opportunities and create vibrant educational institutions that attract businesses to New Jersey. In collaboration with Rowan University and Rutgers-Camden the Board intends to increase the academic and research opportunities for workforce development toward the long term redevelopment of Camden, NJ.

3.0 CONTRACT

3.1 Term of the Contract

Proposers must submit Proposals which provide for Construction Project Owner’s Representative Services for the Project. The term of the Contract shall run concurrent with the project timeline through the completion and final close out of the Project.

3.2 No Discrimination

The Contract shall include the mandatory Equal Employment Opportunity provisions contained in Appendix D of this RFP.

3.3 Codes, Standards, Laws and Regulations

The Proposer will be required to comply with all applicable law during the Term. All work done under the Contract shall be undertaken in accordance with applicable laws and best industry standards.

3.4 Operating Requirements

The Proposer shall perform its obligations in accordance with the terms and conditions of the Contract. The Proposer shall make efforts, through procedures and investments, to protect its workers’ health and safety.
3.7 Utility Usage/Cost

The Proposer shall not be responsible for the costs associated with its usage of electricity, and any other utilities. The General Contractor shall be responsible for the costs of arranging connections to any required utilities.

3.8 Oversight

The Board will exercise oversight of the Proposer during the Project to assure compliance with the provisions of the Contract. The Board may exercise oversight through formal designation of a Board contract administrator who will be the liaison with the Proposer’s representative. Monthly reports will be required which will contain all pertinent scheduling, and progress data on the performance of the Proposer’s obligations. The Board will perform inspections to assure that Project is progressing in compliance with the terms of the Contract.

3.9 Personnel

The Proposer shall, at its own cost and expense, provide all necessary personnel to perform its obligations under the Contract in a professional and safe manner. The Proposer shall provide an on-site manager at all times. This individual shall hold all training and processing credentials necessary for the Project and to comply with the Proposer’s own safety programs and any other applicable regulatory requirements.

4.0 EVALUATION CRITERIA

4.1 General

The objective of the Board in seeking responses to this RFP is to enable it to select Firms that will provide Owner’s Rep services for the construction and completion of the Project. Each Proposal will be evaluated in terms of the reasonableness of the claims and/or commitments made, the completeness of the data provided, the reliability of the approach taken, geographic proximity to southern New Jersey, and conformance with the requirements of and the instructions provided in this RFP. The Preferred Proposer will not be determined solely on the basis of economic factors. Proposals will be evaluated based on economic factors and on non-economic factors. Non-economic factors include the Proposer’s approach, experience and business Proposal (including, but not limited to, financial strength and proposed modifications to the draft Contract).

The Board will coordinate the review and evaluation of Proposals submitted in response to this RFP. After Proposers have submitted their Proposals, the Board will begin the Proposal evaluation process. The Board will evaluate Proposals in a manner consistent with the provisions set forth in the Contracting Act.
The Board will award the respective contracts through a fair and open process in which the proposals/bids are ranked by criteria including, but not limited to:

1. Lump Sum Cost
2. Experience in Construction Project Owner’s Representative Services for Higher Education Building Projects
3. Locally Based (the Board will also consider whether the Proposer is based in Southern New Jersey; which shall be defined as the southern eight (8) New Jersey counties. This is not a condition precedent but will be one of the criteria considered.)

4.2 Determination of Completeness and Compliance

Upon receipt of Proposals, the Project Team will review the Proposals to determine completeness and compliance with the submittal requirements set forth herein. Only complete and responsive Proposals will be further evaluated.

4.3 Determination of Qualified Proposers

Following the determination of completeness and compliance with submittal requirements, the Board will review each complete and responsive Proposal to determine if the minimum qualification requirements (“Minimum Qualification Requirements”) set forth in this Section have been satisfied. Only those Proposers which are determined to meet the Minimum Qualification Requirements will be fully evaluated by the Board. In order to meet the Minimum Qualification Requirements, Proposers shall provide information, as required in Section 4.4 (including providing a reference and contact information for each reference facility), demonstrating that the Proposer team has performed construction project owner’s representative services for at least two (2) similar educational building projects.

Compliance with the Minimum Qualification Requirements will be determined based upon an evaluation of both the past experience of the Proposer and the information on reference projects submitted in the Proposal. A Proposer may be a joint venture whose participants collectively meet the Minimum Qualification Requirements. Additionally, a Proposer may organize a team of companies which collectively meet the Minimum Qualification Requirements; however, one member of the team (the Proposer) shall be designated as the responsible party for negotiation of the Contract and shall assume responsibility for obligations under the Contract and give or obtain financial guarantees and commitments. Once a Proposal has been submitted, the Proposer cannot change or substitute team members without the consent of the Board.
The Board may, in its discretion, request clarification from a Proposer. In the event any Proposal does not clearly demonstrate that the Proposer has met the Minimum Qualification Requirements, the Board may decline to review and evaluate such Proposal.

4.4 Comparative Evaluation Criteria

Proposals will be evaluated based upon, among other criteria, experience implementing similar projects, the Proposer’s technical approach, the strength of its business Proposal and the economic benefit to be received by the Board.

4.4.1 Evaluation of Experience

The Proposer’s experience will be evaluated based on the following factors, including but not limited to:

- Experience in Construction Project Owner’s Representative Services of educational building projects similar to that being proposed for this Project, including higher education buildings
- General expertise, experience and reputation, including key personnel, indicating that the Proposer is capable of performing the proposed services consistent with the terms of its Proposal and the depth of experience and success in executing similar projects

4.4.2 Intentionally omitted

4.4.3 Evaluation of Business Proposals/Financial Strength

Business Proposals will be evaluated based on factors including, but not limited to, the following:

- Feasibility of the Proposer’s business plan
- The financial strength of the Proposer and the benefit of any additional security provided by the Proposer
- Risk placed on the Board
- Benefits to the Board of the overall structure of the plan of financing, if applicable
- Allocation of financial risk between the Proposer and the Board
- Plan of Finance, if applicable
4.4.4 Evaluation of Economic Proposals

It is the intent of the Board to obtain the most favorable cost ratio, while minimizing the risk to the Board. A Proposal submitted in response to this RFP must contain an economic Proposal that fully conforms with and satisfies the format and content requirements described herein. The economic Proposal will be evaluated on factors including, but not limited to, the following:

- The Board’s determination of the economic benefit to be derived by the Board over the term of each Proposal utilizing, among other things, the Proposer’s response to the RFP
- The overall costs or modifications necessitated by the Proposer’s approach
- The nature of any economic benefits proposed
- The extent to which any Proposals would permit the Board to avoid currently incurred or future costs, and other proposed financial benefits
- Acceptance or deviation of the economic benefit allocation for environmental attributes and unanticipated tax/grant benefits received by the Project
- The overall economic costs/benefits to the Board proposed by the Proposer

4.4.5 Evaluation of Proposer’s Ability to Adequately Staff and Respond to Issues at the Project, including, Whether the Proposer is Locally Based as Defined in Section 4.1

The Board will consider the staffing ability within the context of the Proposer’s ability to respond to issues arising at the Project. The Board will also consider whether the Proposer is based in Southern New Jersey (which shall be defined as the southern eight (8) New Jersey counties) as it relates to staffing ability as well.

5.0 INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF PROPOSALS

5.1 Submission Requirements

5.1.1 Proposal Submission; Timing of Submission; Number of Proposals to be Submitted

Sealed Proposals must be submitted by 4:30 p.m. (Eastern Time) on January 26, 2016. One (1) original, two (2) hard copies and three (3) electronic copies on CD-ROMs of the Proposal shall be submitted. Proposals shall be submitted to:
Proposals that are not received by the date and time set forth above will be rejected. The Board will return late rejected Proposals to the Proposer unopened.

One copy of the Proposal documents must be clearly marked as the original and must contain the original signature forms and other original documents. The remaining two copies can be reproductions. Proposers shall number each set of documents in sequential order on the upper right corner of each cover. Proposals must be enclosed in a sealed envelope or package bearing the name and address of the Proposer. “ROWAN UNIVERSITY / RUTGERS-CAMDEN BOARD OF GOVERNORS - CONSTRUCTION PROJECT OWNER’S REPRESENTATIVE SERVICES BID/NEW JOINT HEALTH SCIENCES CENTER” MUST BE DESIGNATED ON THE OUTSIDE OF THE ENVELOPE OR PACKAGE.

All Proposals submitted will remain unopened until the deadline for submission of the Proposals has passed. At such time, all Proposals received will be opened and distributed to the Project Team for review.

The delivery of the Proposal to the Board on the above date and prior to the time specified herein is solely and strictly the responsibility of the Proposer. The Board shall not, under any circumstances, be responsible for delays caused by the United States Postal Service or any private delivery service, or for delays caused by any other occurrence.

The Proposer, by submitting a Proposal, attests to the fact that neither the Proposer nor any of its proposed sub-contractors are prohibited from receiving the award under N.J.S.A. 34:11-56.38 (regarding State of New Jersey list of debarred contractors and sub-contractors).

5.1.2 Proposal Forms

Each submission shall be accompanied by the following Proposal Forms:

(1) Proposal Transmittal Letter

(2) Contractor Information Form
(3) Acknowledgement of Addenda
(4) A copy of the applicable Business Registration Certificate
(5) Proposal Bond or Security, if applicable
(6) A Statement of Ownership Form
(7) A Non-Collusion Affidavit
(8) Disclaimer Statement
(9) Intentionally omitted
(10) Financial Capacity Data Form
(11) Intentionally omitted
(12) Lump sum fee schedule
(13) Insurance Company Letter of Intent
(14) Intentionally omitted
(15) Pay to Play Form
(16) EEO/AA Evidence

These Proposal Forms are set forth in Appendix A. All applicable forms listed above (#1 through #16) shall be completed in their entirety and included as part of the Executive Summary as further specified in Section 5.3.

Each Proposer must fill out all of the forms completely. Use “N/A” to specify any items set forth in the Proposal Forms which are not applicable to the Proposal. It should be noted that the failure to fully complete all applicable Proposal Forms by incorrectly providing that certain Proposal Forms (or portions thereof) are not applicable to a Proposal may result in a determination that the Proposal is unresponsive. To provide additional information, use separate sheets following the Proposal Form format.

In cases where a written price in words is used with a numeric price, the written price in words will govern.

5.1.3 Completeness

The Proposer must follow each and all of the instructions set forth in this Section in order for a Proposal to be deemed responsive to this RFP. In all cases, the Board reserves the
right to determine, at its sole discretion, whether any aspect of the Proposer’s Proposal meets the submission requirements of this RFP. The Board reserves the right to reject any Proposal which, in its judgment, does not comply with these Proposal submission guidelines. In providing the information required within this Section 5.0, the Proposer should emphasize and should be responsive to the evaluation criteria described in this RFP.

5.2 Organization and Form of Proposal

5.2.1 Organization of Proposal

Proposals submitted in response to this RFP should consist of the following sections:

SECTION I: Executive Summary

SECTION II: Technical Qualifications and Approach

SECTION III: Business Proposal/Financial Strength

SECTION IV: Economic Proposal

5.2.2 Form of Proposal

The Proposer shall provide the appropriate information required for each section, in accordance with the following content and format requirements:

- The responses shall be concise, clear, factual, and complete with a minimum of extraneous material.

- The information provided shall identify the section of the RFP being addressed.

- The Proposal shall be indexed and divided into sections and shall be prefaced with a table of contents.

The Proposal documents shall be typed or printed (1-1/2 spacing) on 8-1/2-inch x 11-inch paper, except for figures or maps, which must be prepared at a larger size due to scale requirements in order to be legible. Oversize maps and figures greater than 11 inches x 17 inches shall be organized in appendices whenever possible.

5.3 Section I: Executive Summary

5.3.1 General Provisions

The Executive Summary shall summarize, in clear and concise language, the information contained in all other parts of the Proposal. The Executive Summary should be drafted so that it may be easily understood. The Executive Summary shall include one copy each of the Proposal Forms (in consecutive order), including a copy of the Proposer’s
Business Registration Certificate, pursuant to Proposal Form 4 and the Proposal Bond or Security, pursuant to Proposal Form 5.

5.3.2 Transmittal Letter and Signature Requirements

Together with each Proposal, the Board must receive one transmittal letter, in the form attached as Proposal Form 1, copied onto the official letterhead of the Proposer acknowledging, among other things, that the Proposer has completely reviewed and understands and agrees to be bound by the requirements of this RFP and such letter commits the Proposer, if selected, to carry out the provisions of the Proposal. Such letter must further state that (a) all information submitted in support of the Proposal is current, correct and complete; (b) all representations made are true; (c) the Proposal is provided fairly, without collusion, fraud or any other action taken in restraint of free and open competition; (d) the proposed Proposer is currently not suspended or debarred from doing business with any governmental entity; (e) the Proposer has reviewed all of the engagements and pending engagements of the proposed Proposer and no potential exists for any conflict of interest or unfair advantage; (f) no person or selling agency has been employed or retained to solicit the award of the Contract under an arrangement for a commission, percentage, brokerage or contingency fee or on any other success fee basis, except bona fide employees of the Proposer; and (g) the Proposer will, if chosen as the Preferred Proposer, accomplish the scope of work in accordance with the provisions of the Contract. Finally, the letter must designate a contact person for all communications to and from the Board with respect to this RFP.

The transmittal letter must be signed by an officer of the Proposer’s entity who is empowered to sign such material and to commit the Proposer to the obligations contained in the Proposal. A certificate attesting to such authorization must be attached to the cover letter. If the Proposer is a partnership, the Proposal shall be signed in the name of each firm by one or more of the general partners. If the Proposer is a corporation, the authorized officer shall sign his/her name and his/her title beneath the full corporate name. Anyone signing the Proposal as an agent must file with the Proposal legal evidence of his/her authority to execute such Proposal.

5.3.3 Business Registration

The Proposer shall include with its Proposal a Business Registration Certificate as required by N.J.S.A. 52:32-44 and as set forth in Proposal Form 4. Business Registration Certificates must also be included with the Proposal for all participating firms named in the Proposal. Pursuant to P.L. 2009, C.315, failure to submit a Business Registration Certificate with the Proposal may be cured as long as the Business Registration Certificate is submitted prior to the award of the Contract and the Proposer is properly registered as of the Proposal due date.
5.3.4 Intentionally omitted

5.4 Section II: Technical Qualifications and Approach

5.4.1 Technical Qualifications Information

The information to be provided pursuant to this Section is intended to allow the Project Team to evaluate the Proposer on its qualifications to perform its proposed contractual obligations. The Proposer shall demonstrate its qualifications by citing one or more reference projects in which it has performed services similar to those being proposed hereunder. The Proposer shall describe the differences between the reference projects and the proposed project in its Proposal.

The Proposer shall provide the information requested below as it pertains to the reference project offered to demonstrate the appropriate technical experience:

1. Proposer shall provide a list of all reference projects which demonstrate the qualifications the Proposer wishes to submit in its Proposal. If the Proposer desires to submit the qualifications of a subcontractor, licensor, franchisor or joint venture partner in order to demonstrate its technical qualifications, the Proposer must submit a description of the overall experience of its subcontractors, licensors, franchisors or joint venture partners, if any, with similar equipment on similar projects. The Proposer shall also identify the names, addresses and telephone numbers of subcontractor or partner contacts and include written evidence that the Proposer’s subcontractor or partner intends to act as a subcontractor or joint venture partner for the Proposer. The professional and business relationship between the Proposer and the subcontractor and/or equipment suppliers shall be defined. For each reference project, Proposer(s) shall provide the information listed below utilizing the same alphanumerical notation.

- Location of facility
- Names and telephone numbers of the owner of the reference project.
- Names and telephone numbers of municipal or utility references
- A detailed description of the facility, process and equipment employed with respect to such facility
- Number of people employed and job categories for providing the services
- Current status of the reference project
- A listing and description of all major permits, licenses and approvals
  (i) applied for, and
  (ii) received with respect to each operation. Include a list of permit
numbers and the name of the party to which the permit was issued

- Any claims, litigation, judgments, notices of violation, or administrative enforcement actions arising out of the construction and/or operation and maintenance of the equipment and/or the operation
- All performance guarantees or requirements (if any) and any failure to meet such guarantees or requirements

2. Proposer shall submit a description of overall experience with Construction Project Owner’s Representative Services. Proposer shall also submit a detailed description of similar projects on which it has been involved, with particular focus on educational building in a college setting.

The Board reserves the right to conduct an investigation of the Proposer’s and its subcontractors’ and other team members’ (including key individuals) technical qualifications by contacting project references or accessing public information. Additional information may be requested during the technical qualifications review.

5.4.2 Key Project Staff, Resumes and Applicable Experience

The Proposer shall provide the relevant qualifications and resumes of all key staff that will be assigned to perform the services under the Contract. This submission shall include the key project staff of the Proposer, its parent (if applicable), partner firms, and its subcontractors. To the extent applicable, information shall include length of time practicing in profession, licenses and certifications, design, construction, testing, operations, maintenance and management, and proposed project leadership. Information for key design personnel shall also demonstrate design experience with facilities demonstrated as capable of achieving the performance standards set forth in the draft Contract on a scale comparable to the services proposed in response to this RFP. The Proposer shall identify any professional engineers, registered architects, certified construction project managers and operating personnel that are either (i) currently and appropriately licensed in the State of New Jersey, or (ii) who are expected to become appropriately licensed in the State of New Jersey, to provide the owner’s rep services for this Project. The Proposer shall provide resumes of key personnel (including the following types of roles: Project Manager, Construction Manager, Construction QA/QC Manager, and Project Executive). For each of the key personnel identified, indicate on which reference projects that person played a key role and identify the role.

All resumes required herein of persons with responsibility for this Project shall include the person’s name, title, current location, history of employment experience with a brief description of relevant responsibilities, titles, employer’s name and city and state
location, certifications, and education. Dates must be provided for all education, certifications and employment of each employer. The Board reserves the right to seek and contact references of the named individuals for the purpose of evaluating the individual’s past performance.

5.4.3 Intentionally omitted.

5.4.4 Intentionally omitted.

5.4.5 Intentionally omitted.

5.4.6 Staffing Plan

The Proposer shall determine and identify the staffing level to safely and properly perform its obligations. The Proposer shall provide a table of organization for the personnel to be employed for the performance of the Contract. Job descriptions shall be provided for all supervisory personnel. In narrative discussion, the Proposer shall describe its plan for staffing and training of proposed personnel.

5.5 Section III: Business Proposal/Financial Strength of Proposers

5.5.1 Business Plan

A Proposal submitted in response to this RFP must contain a business plan that fully conforms with and satisfies the format and content requirements described herein, and sets forth the Proposer’s business terms to perform its obligations. In evaluating the business plan, the Board will apply the evaluation criteria set forth in Section 4.4. Accordingly, Proposers are requested to include in their business plan all information necessary to permit the Authority to make an informed evaluation under each factor stated in Section 4.4. The Proposer shall provide the information necessary for the Authority to determine the business merit of the Proposer’s business plan including but not limited to:

- A description of how the proposed operation will benefit the Board.

- A textual description of the financial strength of the Proposer (in addition to the detailed financial information required by subsection 5.5.2), if applicable.

- Risk placed on the Board
5.5.2 Financial Statements

Proposers shall complete and provide (in the Executive Summary section) Proposal Form 10 for the Proposer (that will enter into the Service Contract) in order to provide the Board with an overview of the financial information requested by this RFP. Proposal Form 10 shall be completed separately by the Proposer and signed by an authorized official of the Proposer. If any information requested on Proposal Form 10 is not available, an explanation shall be provided as to the absence of such information.

In addition, if the Proposer is not a public company, it shall provide independently audited financial statements and may request that the information be treated confidentially by the Authority. If the Proposer has been in existence less than three years, the information will be provided for the period of its existence.

The following financial information shall be furnished with Proposals:

- Annual audited financial reports for each of the past three fiscal years, prepared in accordance with Generally Accepted Accounting Principles (“GAAP”), and all relevant notes.
- The most recent Form 10-K and Form 10-Q filed with the SEC; or, if the proposed Proposer is not regulated by the SEC, then the most recent quarterly financial report.
- With respect to the proposed Proposer, a description of any material adverse changes in financial position within the past five years; and any bankruptcy proceedings, mergers, acquisitions, takeovers, joint ventures or divestitures within the past five years.
- Description of the financial impact of any past or pending legal proceedings and judgments that could materially affect the financial position of the proposed Proposer, or the ability to provide services to the Authority.
- All credit reports, credit bulletins, and any other published statements by the most recognized rating agencies (Standard and Poor’s Ratings Services, Moody’s Investors Service, Dunn and Bradstreet, Fitch, and Value Line) that have been issued or published within the past five years.
- The prospectus or offering statement for the latest security or equity offering of the proposed Proposer.
- The name, contact person, telephone number, e-mail address, and fax number of at least two references from bank or institutional lenders which have extended credit to the proposed Proposer, in the past five years; or if the proposed Proposer has not applied for credit in the past five years, the name, contact person, telephone number, e-mail address, and fax number of at least two references from banks with which the proposed Proposer conducts business.
The name, contact person, telephone number, e-mail address, and fax number of at least two references from prior owners.

Any additional information which the Proposer believes is appropriate to fully reflect the financial strength of the proposed Proposer.

Failure to provide such information is cause for rejection of the Proposal at the sole discretion of the Board. All information shall be provided in the English language. If the audited financial statements of the participating firm are not in the English language, then a certified English translation shall be provided (including numeric conversion of amounts into U.S. dollars).

Under a joint venture or other partnership arrangement, the Proposer shall provide binding letters from each party in the joint venture or other partnership arrangement stating its role and its willingness to meet the requirements of this RFP and any Contract that will be executed. The partners shall be jointly and severally liable to meet the Proposer’s obligations.

In addition, the Proposer may propose to provide additional security, in the form of a performance bond, letter of credit or other security instrument, to strengthen its Proposal. If the Proposer proposes such additional security, the Proposer must provide evidence of its ability to provide such security in a form of a letter from its surety or other security provider similar to the format provided in Proposal Form 13.

5.5.3 Intentionally omitted.

5.5.4 Exceptions to the Business and Contractual Terms

As further described in Section 3.2, the Board will be preparing, and issuing through a subsequent addenda to this RFP, a draft Contract that demonstrates the anticipated risk allocation between the parties which the Board believes will be the basis of the final Contract between the Authority and the Preferred Proposer. The Board reserves the right to amend, modify or delete any of the terms and conditions set forth in the draft Contract during the procurement process.

Acceptance of the terms and conditions of the draft Contract will be a factor in the evaluation of Proposals. However, the Board recognizes that Proposals may be conditioned on the mutual resolution of particular issues identified by Proposers. In accordance with Section 3.2, the Proposer shall indicate its willingness to accept the draft Contract as stated, or indicate specific provisions of the draft Contract to which the Proposer takes exception and offer alternative contract language which the Proposer would accept in the form of a neatly hand-written mark-up or a “track-changes” electronic mark-up of the draft Contract.
In evaluating proposed terms and conditions, the Board will assume that the Proposal includes all suggested changes and that the Proposer accepts all terms and conditions that are not specifically addressed in its mark-up of the draft Contract. Except with respect to a change in law or other uncontrollable circumstances occurring between the date of Proposal submittal and the date of execution of the Contract, the Board does not intend to discuss or negotiate any issue, term or condition that is not specifically identified in the Proposer’s mark-up of the draft Contract contained in the Proposal. In the event that the Proposer selected for negotiations raises any such issue, term or condition, the Board reserves the right to suspend or terminate negotiations with such Proposer and to commence negotiations with a different Proposer.

Proposers are cautioned that significant deviations from the terms and conditions set forth in the draft Contract may result in an unfavorable evaluation under the business Proposal criterion. In addition, to the extent that the proposed changes to the terms and conditions substantially change the nature of the transaction or the scope of services, the Board may reject the Proposal in its sole discretion as non-responsive to the requirements of this RFP. In the event of a conflict between the draft Contract and other Sections of the RFP, the draft Contract shall govern.

5.6 Section IV: Economic Proposal

The Proposer shall provide the information necessary for the Board to determine the strength of the Proposer’s economic Proposal. Proposers are requested to include in their economic Proposal all information necessary to permit the Project Team to make an informed evaluation under the factors stated in Section 4.4 as well as a discussion regarding the mitigation of costs that the Board would incur in connection with the implementation of the Proposer’s Proposal (e.g., permit modifications). The Authority will evaluate both the magnitude of the economic benefit proposed as well as the nature of such benefits (e.g., guaranteed versus contingent). The Proposer shall, therefore, provide a clear discussion of the benefits proposed. Any explanatory text the Proposer wishes to include pertaining to its proposed economic Proposal plan should be included here.

5.6.1 Economic Benefit to the Board

In evaluating the economic Proposal, the Board may apply the evaluation criteria set forth in subsection 4.0. By submitting a Proposal, each Proposer agrees that the economic terms submitted in connection with the Proposal shall be held firm for a period of 360 days following the date of submittal of the Proposal to the Authority. All pricing economic terms shall be subject to adjustment solely in accordance with the terms and conditions of the Contract.
Proposers shall furnish the following information:

- The overall costs to the Board of any required permit modification or other modifications proposed by the Proposer.
- Any additional factors which would permit the Board to avoid currently incurred or future costs, and other proposed financial benefits.
- The overall economic costs/benefits to the Board.