

# HELEN GORDON CHILD DEVELOPMENT CENTER PLAY AREA UPGRADES

Solicitation #1505

Request for Proposals  
For Design-Build Services



Portland State  
UNIVERSITY

September 5, 2013

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## SECTION 1 - ADMINISTRATIVE INFORMATION

### 1.1 INTRODUCTION

Portland State University's Helen Gordon Child Development Center (HGCDC), located at SW 12<sup>th</sup> Avenue & Market Street, has as one of its elements an exterior play area. This play area is heavily used throughout the year by the children and staff in all types of weather. The HGCDC staff has identified a number of modifications, upgrades, and changes needed to make the play area safer, more useful, and fun for the children. These changes have been identified in this document. PSU is requesting the services of a Design-Build firm or team to implement these changes.

The Oregon University System (OUS), on behalf of PSU, is seeking a qualified company for this project. In accordance with Oregon Administrative Rule **(OAR) 580-063-0020**, PSU will use the Request for Proposals (RFP) competitive procurement process to select and enter into an agreement with a qualified design-build team.

Interested design-build teams with proven experience with design and installation of these systems while having the resources and ability to meet both PSU and the City of Portland design criteria are invited to submit proposals for services outlined in this document. PSU will evaluate the proposals and may interview the most qualified teams. The solicitation will be conducted under OUS Administrative Rules applicable to requests for proposals. When selected, the design-build team will aid the Project Team consisting of Owner's Authorized Representative and maintenance staff in the successful completion of this project.

This Request for Proposals ("RFP") does not commit PSU to enter into any agreement, to pay any expenses incurred in preparation of any response to this RFP, or to procure or contract for any supplies, goods or services. PSU reserves the right to cancel this RFP and to reject any proposals that do not comply with this RFP or applicable administrative rules, and to reject any and all responses received as a result of this RFP upon a finding that it is in the public interest to do so.

PSU will enter into negotiations with the selected design-build team and, if the negotiations are successful, will enter into an agreement substantially similar to the attached sample agreement. If the negotiations are not successful, PSU reserves the right to enter into negotiations with another design-build team from among the remaining proposers.

### 1.2 SCOPE OF WORK

The design-build team shall take the list of identified modifications and create the documents needed to complete the project, secure permits if needed, and to perform the actual construction needed to complete the project.

We are seeking the services of designers and builders who are experienced in the design and construction of projects dealing with special design and safety requirements when serving children.

Work on this project includes but is not limited to paving, landscaping, fencing, play structures, rain/sun shelters and other related items. The estimated value of the design and construction work is approximately \$100,000.

The proposing firm and its subcontractors shall be qualified to perform the services listed in this RFP and shall hold all necessary licenses and certifications to perform the scope of work.

**No billable work can proceed prior to negotiation and execution of an agreement and the receipt of a Notice to Proceed.**

### **1.3 SELECTION PROCEDURE AND ANTICIPATED TIMETABLE**

The selection procedure is intended to evaluate the capabilities of interested design-build teams to provide services to Portland State University for this project. The Selection Committee will numerically evaluate the responses to the RFP. On the basis of this evaluation, one or more of the highest scoring, responsive and responsible, design-build teams will be selected for final consideration through interviews.

Following the interview, a notice of intent to award to the apparently to the successful proposer shall be issued.

#### **RFP schedule is as follows:**

- September 5, 2013.....Advertisement of RFP
- September 11, 2013 @ 10:00 AM local time.....Non-mandatory pre-proposal conference**  
**Meet at University Services Building, 617 SW**  
**Montgomery Street, Suite 202**  
\*\*Note: parking is difficult to find at PSU. Please schedule your time accordingly.
- September 12, 2013 @ 10:00 AM local time.....Second job walk  
**Meet at University Services Building, 617 SW**  
**Montgomery Street, Suite 202**  
\*\*Note: parking is difficult to find at PSU. Please schedule your time accordingly.
- September 18, 2013 @ 5:00 PM local time .....Applicant questions due, solicitation protest deadline
- September 25, 2013.....Final addendum published if needed
- September 27, 2013 @ 5:00 PM local time.....Proposals Due** \*\*Note delivery address in Section 1.4

#### **The following are proposed timelines and are subject to change without notice:**

- October 2-11, 2013 .....PSU review of Proposals
- October 11, 2013 .....Notice of Intent to Award or notification of the most qualified applicants, and assignment of interview appointments
- October 14-18, 2013 .....Finalist interviews if needed (please hold these dates as finalists will be assigned a time on one of these days.)
- October 21, 2013 .....Notice of Intent to Award issued to apparent successful proposer
- October 28, 2013 5:00PM local time ...Selection protest period ends
- November 5, 2013 .....PSU finalizes Design-Build Agreement

#### **Schedule Milestones**

- December 14, 2013.....Design Completed
- January 2, 2014 .....Construction Begins
- March 30, 2014 .....Final Completion Date

#### **1.4 RESPONSE**

To be considered for selection, written proposals must arrive at Portland State University, Contracting and Procurement Services by the date specified in Section 1.3. Delivery is recommended. Proposers who mail packages should allow ample delivery time to ensure timely arrival. **Please note new mailing address.**

##### **FOR DELIVERY:**

Portland State University  
Contracting and Procurement Services  
Attn: Cate Antisdell  
HGDC Play Area Upgrades DB RFP  
1600 SW Fourth Avenue, Suite 260  
Portland OR 77201

##### **FOR MAIL: (Not Recommended)**

Portland State University  
Contracting and Procurement Services  
Attn: Cate Antisdell  
HGDC Play Area Upgrades DB RFP  
PO Box 751, Mail Stop: FAST-CAPS  
Portland OR 97207-0751

**It is the sole responsibility of the proposer to ensure timely delivery. Late Proposals shall not be considered.**

**Proposals will not be accepted at any other PSU location other than the address specified above.  
FAXED OR EMAILED PROPOSALS WILL NOT BE ACCEPTED**

Proposers selected may be requested to provide additional information, either informally or via the interview process, to clarify their proposals and to ensure mutual understanding of the scope of the work requirements and schedule.

#### **1.5 FORM OF AGREEMENT AND PREVAILING WAGE RATES**

PSU will use the sample agreement (Design-Build Agreement) attached as Appendix 5.1, and the Oregon University System General Conditions for Public Improvement Contracts, July 2012 (General Conditions), which are incorporated into the sample Design-Build Agreement (but separately attached to this RFP as Appendix 5.2 for ease of reference), as the basis for the final agreement, together with the Supplemental General Conditions, attached as Appendix 5.3, and Owner's Division One General Construction Requirements, attached as Appendix 5.5.

The selected design-build team must enter into an agreement substantially similar to the sample Design-Build Agreement, but PSU reserves the right to modify the sample Design-Build Agreement and to negotiate a final agreement which is in the best interests of PSU. If the negotiations are not successful, PSU reserves the right to enter into negotiations with another design-build team from among the remaining proposers.

It is the intention of PSU to enter into an agreement with the selected Contractor.

During the term of any agreement resulting from this RFP, the Contractor shall maintain in force, insurance required by the Contract Documents (see OUS General Conditions and applicable Supplemental General Conditions). An agreement will not be executed, and PSU will not issue a notice to proceed, until acceptable proof of insurance coverage is received.

This Agreement is subject to payment of prevailing wages under ORS 279C.840. Contractor and any subcontractors performing all or part of the Agreement must pay not less than prevailing wages to each worker in each trade or occupation employed in the performance of the Agreement, as determined by the Director of the State of Oregon Bureau of Labor and Industries ("BOLI") in the applicable publication entitled *Definitions of Covered Occupations for Public Works Contract in Oregon*. The latest prevailing wage rates for public works contracts in Oregon are contained in the following publications: The July 1, 2013 Prevailing Wage Rates for Public Works Projects in Oregon, the July 1, 2013 PWR Apprenticeship Rates. Such publications can be reviewed electronically at [http://www.oregon.gov/boli/WHD/PWR/Pages/pwr\\_state.aspx](http://www.oregon.gov/boli/WHD/PWR/Pages/pwr_state.aspx) and are hereby incorporated as part of the Agreement Documents.

## **1.6 INSURANCE & LICENSING REQUIREMENTS**

### **1.6.1 Insurance Provisions**

The design-build team selected for this project will maintain in full force, at its own expense, from companies licensed to do business in Oregon, insurance as outlined in the sample Design-Build Agreement (See Appendix 5.1). In addition, the selected design-build team will be required to provide the Owner with proof of coverage for Professional Liability with a combined single limit of not less than \$1,000,000. The selected design-build team will also be required to comply with any special provisions Owner may add to the Design-Build Agreement to deal with professional liability insurance and/or performance and payment bonds, depending on the makeup of the proposer's team.

The Certificates of Insurance, except for Workers' Compensation and Professional Liability, must provide that the Owner, and its institutions, officers and employees are Additional Insureds with respect to the design-builder services to be provided under the Design-Build Agreement.

### **1.6.2 Professional Registration**

The proposer must be licensed to act as a general contractor in the State of Oregon for the scope of work for this project.

The design-build team must be capable of providing a 100% performance bond and 100% payment bond for this project, covering the fee for both design and construction.

## **1.7 ADDENDA**

PSU encourages an open proposal process, and prospective proposers need to be aware that the RFP will be modified only by documents issued as addenda by PSU. No other direction or comments received by proposers, written or oral, will serve to change the RFP.

## **1.8 QUESTIONS FROM PROPOSERS**

Questions and requests for clarifications or changes from proposers regarding this RFP must be received in writing via email no later than the date specified in Section 1.3 and shall be directed to the Contracting and Procurement Services department at: [proposals@pdx.edu](mailto:proposals@pdx.edu).

All questions and requests that are timely received will be answered via addenda to the RFP. Other information and responses, written or oral, which are not contained in official written addenda to the RFP from PSU or any other source, are not binding on PSU. The final addenda, if any, will be released no

later than the date specified in Section 1.3. Proposers are encouraged to call to check on the status of such addenda prior to submission of their Written Proposals.

## **1.9 PROTESTS**

### **1.9.1 Solicitation Questions, Requests for Clarification or Change, and Protests**

Prospective respondents may submit questions, requests for clarification, or requests for change or protest of particular solicitation provisions and specifications and conditions, (including comments on any specifications that a firm believes limits competition) in writing via email to [proposals@pdx.edu](mailto:proposals@pdx.edu).

These must be in writing and must be received by PSU prior to the date specified in Section 1.3. Such requests for clarification or change must include the reasons for the request and any proposed changes to the solicitation provisions and specifications and conditions. Protests must fully specify the grounds for the protest and include all evidence that the protestor wishes PSU to consider and must otherwise comply with OAR 580-061-0145.

Questions and requests for clarification and change that are timely received will be answered via addenda. Protests will be answered directly with the protesting proposer. Failure to raise an issue with solicitation provisions and specifications and conditions during this period may preclude a selection protest based upon such issue. Any changes arising from questions, requests for change or protests will be made only via addenda to the RFP. Responses from PSU not contained in an official addendum to the RFP are not binding on PSU. Proposers are encouraged to check on the status of such addenda prior to submission of their Proposals.

### **1.9.2 Selection Protests**

Any proposer who responds to this RFP and claims to have been adversely affected or aggrieved by the selection of competing Applicants shall have the opportunity to submit a written protest to the address below. Protests must fully specify the grounds for the protest and include all evidence that the protestor wishes PSU to consider and must otherwise comply with OAR 580-061-0145.

#### **FOR DELIVERY:**

Portland State University  
Contracting and Procurement Services  
Attn: Darin Matthews  
PROTEST - HGDC Play Area Upgrades DB RFP  
1600 SW Fourth Avenue, Suite 260  
Portland OR 77201

#### **FOR MAIL: (Not Recommended)**

Portland State University  
Contracting and Procurement Services  
Attn: Darin Matthews  
PROTEST - HGDC Play Area Upgrades DB RFP  
PO Box 751, Mail Stop: FAST-CAPS  
Portland OR 97207-0751

The written protest must be received within 7 calendar days of the Notice of Intent to Award, which may or may not match the anticipated timetable in Section 1.3. All protests will be answered directly with the proposer.

**1.10 INCURRED COSTS**

Portland State University is not liable for any costs incurred by the design team in the preparation or presentation of their proposals.

**No billable work can proceed prior to negotiation and execution of an agreement and the receipt of a Notice to Proceed.**

**1.11 EQUAL EMPLOYMENT COMPLIANCE REQUIREMENT; SEXUAL HARASSMENT**

By submitting a proposal package, the proposer certifies conformance to the applicable federal, state and local laws, acts, executive orders, statutes, administrative rules, regulations, ordinance and related court rulings concerning Affirmative Action toward Equal Employment Opportunities. All information and reports required by the Federal or Oregon State or local Governments, having responsibility for the enforcement of the foregoing, shall be supplied to PSU upon request for purposes of investigation to ascertain compliance with the foregoing.

Pursuant to OAR 580-061-0030, by submitting a proposal, the proposer certifies that the proposer has not discriminated against Minority, Women or Emerging Small Business Enterprises in obtaining any required subcontracts.

Pursuant to OAR 580-061-0040, proposers are hereby notified that the OSBHE has adopted policies applicable to consultants and contractors that prohibit sexual harassment and that proposers and their employees are required to adhere to PSU's policy prohibiting sexual harassment in their interactions with members of PSU's community.

**1.12 EQUITY AND DIVERSITY**

PSU is committed to ensuring equity and diversity in its procurement and contracting process and increasing opportunities for Minority, Women and Emerging Small Businesses (MWESB). Therefore, PSU strongly encourages its consultants and contractors to utilize MWESB firms in providing services and materials for PSU contracts and projects.

**1.13 PUBLIC RECORDS**

PSU will keep this RFP and one copy of each original proposal received in response to it, together with copies of all documents pertaining to the award of any agreement, as part of file or record that is open to public inspection . If a proposal contains any information that constitutes a trade secret under ORS 192.501(2), each sheet containing a trade secret must be marked with the following legend:

“This data constitutes a trade secret under ORS 192.501(2), and shall not be disclosed except in accordance with the Oregon Public Records Law, ORS Chapter 192.”

The Oregon Public Records Law exempts from disclosure only bona fide trade secrets, and the exemption from disclosure may apply “unless the public interest requires disclosure in the particular instance” (ORS 192.501). Therefore, non-disclosure of documents or any portion of a document submitted as part of a proposal may depend upon official or judicial determinations made pursuant to the Public Records Law. These restrictions may not include cost or price information.

**END OF SECTION 1**



## SECTION 2 - PROPOSAL REQUIREMENTS

### **2.1 PROPOSAL SUBMISSION**

Submit one (1) CD containing a Portable Document Format (pdf) electronic copy of the written proposal as well as five (5) paper copies of the proposal, containing the following items and providing the information as specified. Please respond to the requested information using the following same numbers and order in which the information is requested. Incomplete proposals may not be considered.

Proposals are not to exceed ten (10) double-sided 8 ½ x 11 pages in length for a total of twenty (20) pages. Ledger size 11"x17" pages may be used. Each side of an 11"x17" page counts as two (2) pages. Page count includes *all* sheets submitted except for a blank page. If proposal exceeds the page limit, only the allowed number of pages will be considered starting with the first page. For sustainability reasons, please submit your response in loose leaf, single, unbound sets printed on recycled paper. **Please do not use ring binders, dividers, wire spiral bindings or plastic covers.**

### **2.2 EVALUATION CRITERIA**

#### **2.2.1 Team Background and Experience – 10 points**

Describe your team's history. Explain relevant experience particularly with working on projects of similar scope. Information identifying the team's strengths and weaknesses along with special capabilities that may be appropriate to this Project will assist in the evaluation.

#### **2.2.2 Key Personnel – 10 points**

Provide the names of the primary contact person(s) that you will commit to this Project and their role(s). Demonstrate their specific experience on projects of similar type, size and scope. Provide specific job experience as it relates to their experience with designing and building similar projects.

#### **2.2.3 Proposed Project Schedule –10 points**

Prepare a proposed Project schedule that identifies milestones and duration for each proposed activity.

#### **2.2.4 Proposed Site Logistics Plan - 10 points**

Prepare a proposed logistics plan.

#### **2.2.5 Proposed Safety Plan - 10 points**

Prepare a proposed safety plan.

#### **2.2.6 Equity and Diversity Plan –20 points**

PSU is committed to increasing contract opportunities for Minority, Women and Emerging Small Businesses (MWESB). PSU is seeking qualified firms that demonstrate a commitment to diversity in the workforce and in its contracting practices.

Include a Management Plan for the Project as follows: Include your firms plan to increase the diversity of a business' workforce and to subcontract with or purchase from MWESB firms or businesses that have been historically underrepresented on public contracts. The Management Plan should also include your firms' nondiscrimination practices, subcontracting strategy, workforce

diversity plan, and outreach plan to increase participation by MWESB firms. The Management Plan, except for any percentage goals to utilize MWESB firms, shall become part of the Agreement.

Identify by name any MWESB subcontractors, partners, or suppliers that you will utilize on this Project team. Please include their specific role on the Project. Substitutions of these subcontractors or suppliers after award of the bid shall require PSU approval.

Provide examples of your firms past performance in regards to workforce diversity and subcontracting plans. Please include number and dollar amount of subcontracts awarded, and any utilization percentages or other performance indicators.

**2.2.7 Budget – 70 points**

The stated budget for this Project is \$100,000. Please comment on your ability to work within this budget and achieve the desired scope.

**2.2.8 Optional Reference Check – 5 points**

Provide three (3) professional references from similar projects, including the project name, the name of the design team, key personnel for whom this reference is relevant, and contact name and phone number. Information from references may be utilized for the evaluation of any of the above criteria. References shall only be checked and scored for interviewed firms.

**2.2.9 Optional Interview – 30 points**

Interviews may be conducted to allow the bidder to expand on each of the above categories.

**END OF SECTION 2**

### SECTION 3 - EVALUATION AND SELECTION PROCESS

#### 3.1 SELECTION COMMITTEE

Proposals will be evaluated by a qualified Selection Committee. Selection Committee members will not be announced prior to interviews, should they be held.

#### 3.2 SCORING

The Selection Committee will evaluate each applicant’s qualifications, background, experience and other relevant factors to determine if, in the judgment of the Committee, the organization is adequately qualified to perform the Work.

The evaluation criteria and maximum allowable points to be used in the evaluation process are as stated in Section 2.2:

<u>Item</u>	<u>Criteria and Points</u>
2.2.1	Team Background and Experience – 10 points
2.2.2	Key Personnel – 10 points
2.2.3	Proposed Project Schedule –10 points
2.2.4	Proposed Site Logistics Plan - 10 points
2.2.5	Proposed Safety Plan - 10 points
2.2.6	Equity and Diversity Plan –20 points
2.2.7	Budget – 70 points
<b>Total available for written Proposals – 140 points</b>	
2.2.8	Optional Reference Check – 5 points
2.2.9	Optional Interview – 30 points
<b>Total possible– 175 points</b>	

#### 3.3 SELECTION PROCESS

The proposal package will be evaluated as follows:

- A. Review for inclusion of all elements specified in Section 2.2 EVALUATION CRITERIA. Any proposals which do not include all required elements may be rejected as non-responsive at Owner’s sole discretion.
- B. Total preliminary point ratings will be assigned to the proposal packages using the criteria specified in Section 2.2, items 2.2.1 through 2.2.7.
- C. At Owner’s sole discretion the top proposers submitting the proposal packages receiving the highest point totals, may be invited to an interview with the Selection Committee. Should interviews occur, points will be cumulative with the scores received in Section 2.2, items 2.2.1 to 2.2.7.
- D. A Notice of Intent to Award shall be issued to the proposer with the most cumulative total points (Section 2.2, items 2.2.1 through 2.2.9).

**END OF SECTION 3**

## APPENDICES

- 4.1 SAMPLE DESIGN-BUILD AGREEMENT
- 4.2 SUPPLEMENTAL GENERAL CONDITIONS
- 4.3 OUS GENERAL CONDITIONS FOR PUBLIC IMPROVEMENT
- 4.4 PSU CAMPUS MAP
- 4.5 DIVISION 1
- 4.6 RESERVED
- 4.7 RESERVED
- 4.8 PERFORMANCE BOND (due upon signing an agreement)
- 4.9 PAYMENT BOND (due upon signing an agreement)
- 4.10 PROPOSED CHANGES
- 4.11 EXISTING SITE PLAN