



## Attention CM/GC Firms

**If you are downloading the RFP from the website, please notify us via email that you have done so (include firm name and address, contact person, phone and email).**

**This notification will allow us to add you to the Proposer List and advise you of any addenda issued. Failure to notify us may cause your submittal to be considered non-responsive.**

**Thank you.**

EMAIL: [jane.barker@osucascades.edu](mailto:jane.barker@osucascades.edu)



# **OREGON STATE UNIVERSITY-CASCADES**

## **REQUEST FOR PROPOSALS**

**OSU-Cascades: Phase One Site Work and Infrastructure  
OSU-Cascades: Academic Building(s)**

**Additive Alternate:**

**Live/Learn facilities (approx. 108,500 sf) which incorporates housing, dining and academic spaces to be developed on the same site by a separate design team**

**Oregon State University-Cascades**

Jane Barker

Senior Project Manager

**Phone: (541) 322-2056**

**FAX: (541) 382-7053**

ISSUE DATE: April 16, 2014

RFP CLOSING (DUE) DATE: May 6, 2014, 3:00 PM, Local Time

**NO LATE RESPONSES WILL BE ACCEPTED**

**SUBMITTAL LOCATION**

Oregon State University  
Attention: Debera Massahos  
Capital Projects Contract Administration  
3015 SW Western Blvd.  
Corvallis, OR 97333

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## I. INTRODUCTION

The Oregon State Board of Higher Education, on behalf of Oregon State University-Cascades (“**OSU-Cascades**”) is seeking Proposals from firms interested in providing Construction Manager/General Contractor (CM/GC) services to OSU-Cascades by submitting a response to this Request for Proposals (“**RFP**”) for the OSU-Cascades Campus Expansion project described below (the “**Project**”).

The attached Sample CM/GC Contract contains contract terms and conditions, as well as the General Conditions applicable to the Work, and will form the basis of the final CM/GC Contract.

The BOLI Prevailing Wage Rates applicable to this Project will be identified at the time the initial set of construction specifications are made available and are incorporated into the CM/GCs sub-bidding efforts for the first Early Work Amendment, or, if no Early Work Amendment occurs, then at the time of the GMP Amendment. Those rates will then apply throughout the Project. See OUS General Conditions, Sections C.1 and C.2, regarding wage rate compliance and payroll certification.

All Proposers must be registered and licensed with the Oregon Construction Contractors Board and have on file with the Construction Contractors Board the required Public Works Bond prior to submitting Proposals. Failure to be licensed and have the bond in place will be sufficient cause to reject Proposals as non-responsive.

When selected, the CM/GC firm will be a part of a construction team composed of OSU, the Architect and other Project consultants through the completion of the Project. The CM/GC firm shall be skilled in actual construction, developing schedules, preparing construction estimates, performing value engineering, analyzing the constructability of alternative designs, studying labor conditions, understanding construction methods and techniques, selecting subcontractors, coordinating gift-in-kind work and materials, coordinating construction processes, have thorough knowledge in sustainability and related building certifications, and be capable of providing assistance to the Owner in procuring long lead equipment. The CM/GC must be able to communicate the construction-related aspects of the Project to all team members throughout the design and construction phases. The CM/GC is expected to take the lead role in the formal partnering process for the Project. In addition, the CM/GC must be familiar with the local labor and sub-contracting market and be capable of working and contracting directly with sub-contractors to generate viable pricing.

Oregon State University will require the successful CM/GC to comply with Oregon University System and Oregon State University rules and procedures requiring good faith efforts in subcontracting with emerging small businesses, and minority and women owned businesses in the Project.

Compensation shall be based upon certain fees and reimbursable costs, as set forth in the Sample CM/GC Contract attached, including use of a Guaranteed Maximum Price (GMP) and the form of GMP Amendment included with the Sample CM/GC Contract.

# OSU-CASCADES ACADEMIC BUILDING & PHASE I INFRASTRUCTURE

## CM/GC RFP

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The successful CM/GC will provide Preconstruction Services. Preconstruction Services include, but are not necessarily limited to, constructability reviews, value engineering, cost estimating, development of phasing programs and development of the GMP. Related contracting provisions are contained in **Exhibits A through G**, as detailed in **Part XVIII** of this RFP entitled "Enclosures".

The sample contract may contain certain notes or alternative provisions. Those alternative provisions will be included at the sole discretion of the University. In addition to the Sample CM/GC Contract, OSU-Cascades will use the July 2012 Oregon University System General Conditions for Public Improvement Contracts (the "**OUS General Conditions**") as the basis for the final agreement (attached to this RFP as **Exhibit A**). The OUS General Conditions, and the Supplemental General Conditions attached to this RFP as Exhibit C, shall apply to the work of all subcontractors and to the work of the CM/GC to the extent that they do not conflict with the CM/GC Contract.

If OSU-Cascades is unable to successfully agree upon a GMP or contract terms or conditions for the Project with the highest ranked Proposer, OSU may terminate discussions and enter into discussions with the next highest ranked Proposer. If for any reason the parties are not able to reach agreement on a GMP, the Owner shall be entitled to obtain Construction Phase Services from any other source available to it under the State's public contracting laws and administrative rules including negotiating with the next highest ranked proposer to enter into a CM/GC Contract specifying a mutually agreed upon GMP.

If OSU-Cascades chooses not to continue the CM/GC Contract beyond the completion of Preconstruction Phase Services, the CM/GC's compensation shall be limited to the costs of the Preconstruction Phase Services, not exceeding the maximum not-to-exceed fee stated in the Contract.

The prospective CM/GC should note that OSU-Cascades will also require as a part of CM/GC Preconstruction Services a full description of items that will be contained in the proposed GMP and the activities that make up the proposed GMP. After preparation, a complete copy of the GMP estimate, including all details within the GMP Supporting Documents, shall be provided to OSU.

OSU-Cascades will monitor the competitive processes used to award subcontracts by the CM/GC in accordance with **Article 11** of the Sample CM/GC Contract. The following minimum requirements shall be used:

- a. The CM/GC shall solicit sealed bids or quotes from subcontractors in a manner consistent with industry practice, and make award decisions based on cost or, if not cost, on another identified alternative competitive basis as approved in advance by OSU-Cascades. When there are single fabricators of materials or special packaging requirements for subcontractor work other than low price, advance approval of the alternative selection criteria by OSU-Cascades is required.
- b. The CM/GC shall use its best efforts to obtain at least three bids or quotes for the particular work to be subcontracted. OSU-Cascades may make exceptions to this practice

in advance of the procurement.

- c. The solicitation of subcontractors shall be made pursuant to **Article 11** in the Sample CM/GC Contract.

## II. PROJECT DESCRIPTION

Phase 1 site work and related infrastructure, construction of the OSU-Cascades academic building and coordination with the Live/Learn Buildings. Scope includes but shall not be limited to all work related to site development for the Phase 1- 10.44 acre site including related earthwork, utility improvements, all agency-required site improvements, and construction of an approximately 45,000 sf academic building; as well as coordination with a Student Housing project (approx. 108,500 sf) to be developed on the same site by a separate design team.

OSU-Cascades is a branch campus of Oregon State University that provides students personalized instruction and OSU's excellence in both academics and innovative research, as well as the lifelong advantages of a premier research university. OSU-Cascades is the first and only branch campus in Oregon, and the only baccalaureate and graduate degree granting institution based in Central Oregon.

OSU-Cascades is creating a new four year university located in Bend, Oregon, following the endorsement by the Oregon University System in August 2012. The Oregon State Legislature approved capital funding in July 2013 that enables the branch campus to establish its own campus as it expands to offer freshman and sophomore classes. The branch campus anticipates completing the first phase of its campus development in fall 2015.

OSU-Cascades opened in the fall of 2001 with initial facilities located on the Central Oregon Community College campus. The campus currently has an enrollment of nearly 950 students. It offers undergraduate degrees in 18 programs and graduate degrees in two programs. Enrollment is projected to grow by 5 and 15% per year for the next 5 years.

OSU-Cascades wants to create a unique campus environment that inspires and engages their community by:

- providing facilities on the leading edge of current collaborative educational learning and office environments that encourages interdisciplinary dialogue among students, faculty, staff and community;
- promoting and demonstrating the importance of resource stewardship with respect for place, people and community through sustainable development and practices; and
- defining an architecture that is warm and welcoming; utilizing materials that reflect and are complimentary to the resources of the central Oregon high desert environment; and exhibiting a character which supports openness and accessibility to the campus and broader community.

Phase One development will include a new Academic Building(s) and Site Infrastructure (including, but not limited to private roadways, parking and utility infrastructure). Concurrent with this Project, under separate contract, is development of a 300-bed Live/Learn community

and dining center. OSU-Cascades reserves the right to increase the scope of work as reasonably related to the Project and coordinate design with the Live/Learn community and dining center design team.

The three major components of the Project include:

1. Construction of site utility infrastructure, roadways and parking to support the development of Phase One buildings including the 45,400 GSF academic building and two residential Live/Learn communities (approximately 108,500 GSF) and support future development on the 10.4-acre parcel.
2. Construction of an approximate 45,400 GSF academic building which includes academic classrooms and labs, offices, and shared campus amenities including learning commons.
3. Additive Alternate: Construction of an approximate 81,800 GSF, 300-bed residential building which includes a range of room occupancies, residential common and support spaces and an approximate 26,700 GSF dining and academic building.

### **III. DESIGN TEAM**

Academic Building (approx. 45,000 sf) – BOORA Architects

Student Housing/ Dining /Academic Buildings (approx. 108,500 sf) – Separate design team

### **IV. BUDGET**

The total direct construction budget range for this Project is currently estimated at approximately \$13.4 Million. The total direct construction budget for the additive alternate scope of work is currently estimated at approximately \$29.0 Million. This includes the Preconstruction Fee for Preconstruction Services, Cost of the Work (including specialty building permit(s) and associated site improvements, as well the CM/GC's Contingency), and the CM/GC Fee. This does not include other "soft" costs; i.e. Owner's labor costs, plan review fees, building permit, special testing services, consultant's fees, furniture and portable equipment, and other indirect development costs.

### **V. SELECTION PROCEDURE AND TIMETABLE**

A mandatory pre-proposal site visit/walk-through will be held on April 22, 2014, at 1:00PM at the OSU-Cascades Graduate & Research Center, Room 124. A walk-through of the site will be held directly after the meeting. A representative of each Proposer's firm is required to attend. The pre-proposal site visit will be the Proposers' main opportunity to discuss the Project with OSU.

**IT IS MANDATORY THAT THE POTENTIAL PROPOSERS ATTEND THIS PRE-PROPOSAL SITE VISIT. PROPOSALS WILL NOT BE ACCEPTED FROM PROPOSERS WHO DO NOT ATTEND.**

Beginning with responses to this RFP, the selection procedure will be used to evaluate the capabilities of interested CM/GC firms to provide CM/GC services to OSU-Cascades for this

Project. The responses to this RFP will be evaluated by the selection committee, which will be comprised of representatives from Oregon State. Interviews of short-listed finalists and further investigation of references will occur following the receipt and review of the Proposals.

Debera Massahos, representative for the Owner, will make the award and present the agreement to the selected CM/GC firm for its signature.

Selection timetable is approximately as follows:

Issuance of CMGC RFP	April 16, 2014
Mandatory Site Visit/Walk-Through	April 22, 2014 @ 1:00PM
Deadline for questions	April 28, 2014
Proposals Submitted to OSU	May 6, 2014 @ 3:00PM
Selection Committee Select Finalists	May 9, 2014
Selection Committee Interview Finalists	May 14, 2014
CM/GC Selection / Notification	May 16, 2014
Contract Execution	Approx. June 9, 2014

## VI. INSTRUCTIONS TO PROPOSERS

Your response must be contained in a document **not to exceed twenty five (25) single sided pages** including pictures, charts, graphs, tables and text the firm deems appropriate to be part of the review of the firm's response. Resumes of key individuals proposed to be involved in this project are exempted from the 25-page limit and should be **appended to the end of your response**. No supplemental information to the 25 page Proposal will be allowed. Appended resumes of the proposed key individuals, along with a transmittal letter, table of contents, front and back covers, and blank section/numerical dividers, etc., will not be counted in the 25 page limit.

Information should be **presented in the same order as the following evaluation criteria**. Your response should follow the format outlined below and be signed by an officer of your firm with the authority to commit the firm. **The response should be submitted in a soft-bound** (comb or spiral, spiral preferred – no three-ring binders) format with page size of 8 ½ x 11 inches with no fold-outs except one fold out project schedule and one site logistics plan (should not exceed 11 x 17 inches each). The basic text information of the response should be presented in standard business font size, and reasonable (we prefer 1 (one) inch) margins.

OSU may reject any submittal not in compliance with all prescribed public bidding procedures and requirements, and may cancel this solicitation or reject for good cause, all responses upon a finding by OSU that it is in the public interest to do so.

Please note that throughout this procurement, OSU will not accept responses or queries that require OSU to pay the cost of production or delivery. OSU is an AA/EEO employer.

**Telephone, facsimile, or electronically transmitted submittals will not be accepted.**

**Responses received after the closing date and time will not be considered.**



## VII. RESPONSE REQUIREMENTS/EVALUATION CRITERIA

The following questions constitute the evaluation criteria for the Selection Committee to score responses. **You must respond to each criterion in numerical order.** For ease in scoring the responses, please provide tabs keyed to each of the following criteria numbers. Indicate in writing the following information about your firm's ability and desire to perform this work. Total points possible are 200.

### 1. Firm Background

Provide a brief description of your firm. List the projects your firm is currently contracted for, the "key personnel" for those projects, and what stage you are in terms of completion. Describe your firm's recent (past 5 years) experience designing similar facilities– use specific examples. Include information about the size, construction type, building uses, construction budget, and project timeline/completion date. In addition, provide the firm's current Oregon CCB license number. (Weight: 25)

### 2. Key Personnel

Identify the personnel in your firm who would be assigned to this project and describe their specific experience on projects of similar size, complexity, and scope as the Project subject to this RFP. For all project management personnel, identify the length of their employment with your firm, their responsibilities on this Project, and their primary office location during project execution. Indicate their time commitment for this Project during the pre-construction and construction phases. Indicate whether the proposed team has worked together on previous projects. Provide contact information (including email) for all proposed personnel. (Weight: 25)

Provide the names and **current** phone numbers of references for each of the key personnel you proposed for this Project in your RFP response. The references should represent at least one of each of the following: owners, subcontractors, and architects. These references should be from projects of a size, scope and/or complexity comparable to the Project subject to this RFP. Verify that the references identified had direct contact with your team member. Results obtained in reference checks may be used to score all evaluation criteria.

### 3. CM/GC Role

Describe the proposed role(s) and responsibilities of your firm in the Project. Identify your firm's expectations of the role of OSU and the Architect. Describe your firm's role to ensure that the Project is completed safely, on schedule and within the contract amount and quality requirements. Describe your firm's relevant experience with negotiated and Guaranteed Maximum Price (GMP) work. Describe your firm's relevant experience with public Construction Management (CM) and Construction Manager/General Contractor (CM/GC) work. (Weight: 20)

### 4. Project Management

Describe your firm's process for managing this specific Project in order to ensure that the Project is completed safely, on schedule and within the contract amount and quality requirements. In addition, provide a description of your process for managing changes in

construction, including efforts made to minimize change orders and claims (Weight: 20)

**5. Workforce Diversity Plan**

Provide a description and identification of Minority Business Enterprise (MBE), Women Business Enterprise (WBE) or Emerging Small Business (ESB) certifications for the Proposer and a description of the Proposer's nondiscrimination practices. Provide any historical information on MBE, WBE or ESB Joint Ventures, subcontracting or mentoring plan, and utilization history for projects completed within the past three (3) years.

Provide a narrative description of the Proposer's current workforce diversity program/plan, and the plan for obtaining subcontracting, consulting, and supplier diversity for this project. Include a description of the outreach program or plan, including a schedule of events and specific steps that will be taken to maximize broad based and inclusive participation and the plan to provide mentoring, technical or other business development services to subcontractors needing or requesting such services.

The Proposer shall perform the Work and the CM/GC Contract with respect to diversity according to the means and methods described in Proposer's workforce plan described in the Proposal, unless changes are requested and approved in writing in advance by OSU or are required by applicable laws, ordinances, codes, regulations, rules or standards. (10)

**6. Proposed Work Plan/Schedule**

Describe your firm's planned approach to the procurement and construction for this Project. Include a one page (30-40 activities) proposed Project schedule indicating procurement, mobilization, construction, and occupancy activities. Identify various bid packages or pre-purchase packages that might be required in order to accomplish the proposed schedule. Highlight any opportunities or constraints related to the acceptance of the additive alternate scope. (Weight: 20)

**7. Proposed Site Coordination/Logistics**

Describe your firm's approach to the management and administration of on-site construction activities for this Project. Include a site plan or diagram depicting your approach. Address mobilization, construction staging, site access, vehicular circulation, pedestrian circulation, noise, material storage, onsite offices, trash/recycling, security, temporary toilet facilities and utilities and other related factors. Describe how your firm will work with the University to maintain work areas and to continue to use adjacent buildings, streets and parking areas concurrent with construction activity. Identify construction activity required to maintain safe user access to continued operation of the adjacent buildings. (Weight: 20)

**8. Value Engineering and Cost Estimating**

Identify areas of concern and opportunity for value engineering on this Project. Describe your proposed level of cost estimating efforts throughout the Project. Describe your plan to incorporate sustainability, constructability, and safety into both the design and construction phases. (Weight: 20)

**9. Sustainability**

Describe your firm's experience with innovative sustainable design and construction practices as related to both site utility infrastructure and building systems. In particular, describe your firm's experience with building envelop assemblies designed to minimize air infiltration. Demonstrate experience with LEED or comparable certification programs which focus on sustainable development protocols. (Weight 20)

**10. CM/GC Fee**

Provide your firm's CM/GC Fee as a percentage of the Estimated Cost of the Work for this project. (Weight: 10)

This fee shall cover, at a minimum, the Construction Management elements and Costs Excluded from Cost of the Work, as specified in the CM/GC Contract and specifically identified in the *Direct Costs/ General Conditions Work Costs Matrix* at Exhibit D ("Matrix"). Items identified in the Matrix as applicable to the CM/GC Fee shall not be reimbursed as General Conditions Work ("GC Work"). GC Work shall mean (i) that portion of the Work required to support construction operations that is not included within overhead or general expense but is called out as GC Work as identified in the Matrix, and (ii) any other specific categories of Work approved in writing by the Owner's Authorized Representative as forming a part of the GC Work. See the attached Sample CM/GC Contract for details.

The Matrix is included in the RFP as guidance to Proposers in developing the CM/GC Fee (cost proposal) and understanding which items will be considered a direct Cost of the Work or General Conditions Work costs and which items are not reimbursable, but which must be recovered through the CM/GC Fee. After Contract award and prior to construction work being performed under the first Early Work Amendment or the GMP Amendment, as applicable, the maximum not-to-exceed amount for General Conditions Work items for the Project will be established and set forth in the applicable Amendment.

**11. Preconstruction Fee**

Please provide a fee proposal for Preconstruction Services on a cost reimbursement basis up to a maximum not-to-exceed amount. Develop the Preconstruction Services Fee based on services related to the OSU Academic Building and Site Development. Propose an Additive Alternate Pre-construction Service Fee based on services related to the Live/Learn facilities. Indicate any fee impact if the schedule for the base project scope and additive alternate scope do not occur concurrently. (Weight: 10)

**12. References**

In addition, please provide the names, addresses and phone numbers of three Owners, three sub-consultants, and three contractors to be used as references for this Project. Please verify that the individuals identified have had direct contact with the referenced project, and the phone number is current. Please do not include references from any firms/individuals included in your "team" for this project. OSU may check with these references and/or may

check with other references associated with past work of your firm. (0)

### **VIII. PROPOSAL EVALUATION**

This Request for Proposals (RFP) is the first step in a two-step process in the selection of a Construction Manager/General Contractor for this Project. The responses to this RFP will be evaluated by the selection committee, which will be comprised of representatives from Oregon State University. On the basis of this evaluation, the selection committee will make its best efforts to limit the field of finalists to three (3), firms to be selected for final consideration through interviews of each finalist and further investigation of references. OSU will utilize this RFP process to obtain information to enable selection of the most qualified Proposer through evaluation of:

- a. The Proposers' responses to questions contained in this document;
- b. Information obtained during an interview of the Proposers by the Selection Committee; and
- c. The results of discussions with the Proposers' references and others.

Each criterion has been assigned a weight between 0 and 30. Each member of the evaluation committee will rate each firm in each criterion between 0 and 5 (five being the highest), and multiply that number by the weight assigned to the criterion. The evaluation committee members will then total the weighted score from all of the criteria to obtain the total score. The result of this total score will be used to rank all respondents.

The RFP also requires reference information for your firm. OSU will utilize this information and any other independently obtained references that can provide background on your firm. This information will not be separately scored, but results obtained from these and/or other reference checks will be utilized in evaluating and scoring in the other criteria and in the final ranking.

In addition, the RFP response will be used in preparation for interviews of the finalists. Firms chosen to participate in the interviews may be asked to respond to additional questions designed to clarify and/or expand on their Proposals. Interviews will include a presentation period for the Proposers to highlight their original Proposal as well as respond to additional questions or information requested in advance by the evaluation committee, and then a separate Q&A session. After all of the interviews/discussions are completed, the evaluation committee will select the Apparent Successful Proposer by ranking the interviewed Proposers based on all information received, presented, found and heard.

### **IX. FINANCIAL RESPONSIBILITY**

OSU reserves the right to investigate and evaluate, at any time prior to award and execution of the contract, the submitting firm's financial responsibility to perform the anticipated contract. Submission of a signed response shall constitute approval for OSU to obtain any credit report information OSU deems necessary to conduct the evaluation. OSU shall notify the firms, in writing, of any other documentation required, which may include, but need not be limited to: recent profit-and-loss history; current balance statements; assets-to-liabilities ratio, including number and

amount of secured versus unsecured creditor claims; availability of short and long-term financing; bonding capacity and credit information; etc. Failure to promptly provide this information shall result in rejection of the submission.

OSU may postpone the award or execution of a contract or selection of finalists in order to complete its investigation and evaluation. Failure of a firm to demonstrate financial responsibility shall render them non-responsible and shall constitute grounds for response rejection.

## **X. SUBMISSION**

Submit **seven (7)** copies of your written response, along with an electronic version on CD, to be received by the closing date and time listed in this document to:

Debera Massahos  
Oregon State University  
Capital Projects Contract Administration  
3015 SW Western Blvd.  
Corvallis, OR 97333  
Email: Debera.massahos@oregonstate.edu  
Phone: 541-737-7694  
Fax: 541-737-4810

**Telephone, facsimile, or electronically transmitted submittals will not be accepted.**

**Responses received after the closing date and time will not be considered.**

## **XI. QUESTIONS**

All questions and contacts with OSU regarding any information in this RFP must be addressed either in writing, fax, or email to Jane Barker at the address, email or fax listed in Section X. If you are unclear about any information contained in this document (Project, scope, response format, etc.), you are urged to submit those questions for formal clarification.

## **XII. SOLICITATION PROTESTS**

Respondents may submit a written request for change or protest of particular solicitation provisions and specifications and contract terms and conditions (including comments on any specifications that a firm believes limits competition) to Debera Massahos at the address, email or fax listed in this document. Such requests for change and protests shall be received no later than 3:00 p.m., April 30, 2014. Such requests for change and protests shall include the reasons for the request and any proposed changes to the solicitation provisions and specifications and contract terms and conditions.

## **XIII. CHANGE OR MODIFICATION**

Any change or modification to the specifications or the procurement process will be in the form of

an addendum to the RFP and will be made available to all firms by publication on the OUS procurement web site. It is the responsibility of each firm to visit the website and download any addendums to this RFP. **Failure to do so may render the firm's submission non-responsive.** No information received in any manner different than as described herein shall serve to change the RFP in any way, regardless of the source of the information.

#### **XIV. SELECTION PROTESTS**

Any respondent to this RFP who claims to have been adversely affected or aggrieved by the selection of a competing respondent shall have three days after notification of that selection to submit a written protest of the selection to Debera Massahos, Capital Projects Contract Administration at 3015 SW Western Blvd., Corvallis, OR 97333 or at [debera.massahos@oregonstate.edu](mailto:debera.massahos@oregonstate.edu). Any such protests must be received by Ms. Massahos no later than three days after the selection has been made.

#### **XV. PROPRIETARY INFORMATION**

The University shall retain this RFP and one copy of each original response received, together with copies of all documents pertaining to the award of a contract. These documents will be made a part of a file or record, which shall be open to public inspection after responder selection and award is announced. If a response contains any information that is considered a trade secret under ORS 192.501(2), mark each sheet of such information 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 applies only “unless the public interest requires disclosure in the particular instance”.

Therefore, non-disclosure of documents or any portion of a document submitted as part of a response may depend upon official or judicial determination made pursuant to the Public Records Law.

In order to facilitate public inspection of the non-confidential portion of the response, material designated as confidential shall accompany the response, but shall be readily separable from it. Prices, makes, model or catalog numbers of items offered, scheduled delivery dates, and terms of payment shall be publicly available regardless of any designation to the contrary. Any response marked as a trade secret in its entirety shall be considered non-responsive and shall be rejected.

#### **XVI. PROJECT TERMINATION**

OSU is seeking to award a contract to a Construction Manager/General Contractor for the Preconstruction and all construction phases; however, OSU reserves the right to terminate the Project or contract during any phase in the Project.

**XVII. CERTIFICATION OF NONDISCRIMINATION AND COMPLIANCE WITH TAX LAWS**

By submission of the Proposal, the undersigned hereby certifies under penalty of perjury that the undersigned is authorized to act on behalf of CM/GC, that CM/GC, as part of its Proposal, has not discriminated against minority, women or emerging small business enterprises in obtaining any required subcontracts, and that CM/GC is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means a state tax imposed by ORS 320.005 to 320.150 and 403.200 to 403.250, ORS chapters 118, 314, 316, 317, 318, 321 and 323; the elderly rental assistance program under ORS 310.630 to 310.706; and local taxes administered by the Department of Revenue under ORS 305.620.

**XVIII. ENCLOSURES**

Sample CM/GC Agreement Form

Exhibit A – OUS General Conditions

Exhibit B – Form of GMP Amendment

Exhibit C – Supplemental General Conditions

Exhibit D – Direct Costs/General Conditions Work Costs Matrix

Exhibit E - Sample Performance Bond

Exhibit F - Sample Payment Bond

Exhibit G –Reimbursable Travel and Per Diem Expenses

END OF RFP