



If you are downloading the RFQ from the website, continue to monitor the website for addenda. Failure to incorporate any addenda into your submittal may cause your submittal to be considered non-responsive.

OREGON STATE UNIVERSITY

REQUEST FOR QUALIFICATIONS

#185345

Marine Studies Initiative Building

CM/GC RFQ

ISSUE DATE: December 2, 2016

RFQ CLOSING (DUE) DATE: December 22, 2016, 11:00 AM, Pacific Time

NO LATE RESPONSES WILL BE ACCEPTED

CONTRACT ADMINISTRATOR:

Brooke Davison, Construction Contract Officer
Construction Contract Administration
Oregon State University
644 SW 13th Ave
Corvallis, OR 97333
Phone: (541) 737-7342
Email: brooke.davison@oregonstate.edu

SOLICITATION / SELECTION PROTESTS:

Debera Massahos
Construction Contract Administration
Oregon State University
644 SW 13th Ave
Corvallis, OR 97333
Phone: (541) 737-7694
Email: debera.massahos@oregonstate.edu

TABLE OF CONTENTS

- I. INTRODUCTION
- II. PROJECT DESCRIPTION
- III. ENERGY EFFICIENCY
- IV. DESIGN TEAM
- V. BUDGET
- VI. SELECTION PROCEDURE AND TIMETABLE
- VII. INSTRUCTIONS TO RESPONDENTS
- VIII. RESPONSE REQUIREMENTS/EVALUATION CRITERIA
- IX. REFERENCES
- X. RESPONSE EVALUATION
- XI. FINANCIAL RESPONSIBILITY
- XII. SUBMISSION
- XIII. QUESTIONS
- XIV. SOLICITATION PROTESTS
- XV. CHANGE OR MODIFICATION
- XVI. SELECTION PROTESTS
- XVII. PROPRIETARY INFORMATION
- XVIII. PROJECT TERMINATION
- XIX. CERTIFICATION OF NONDISCRIMINATION
- XX. ENCLOSURES

I. INTRODUCTION

Oregon State University (“**OSU**”) is seeking qualification statements (“responses”) from firms interested in providing Construction Manager/General Contractor (“**CM/GC**”) services to OSU by submitting a response to this Request for Qualifications (“**RFQ**”) for the Marine Studies Initiative Building described below (the “**Project**”).

The attached “**Sample CM/GC Contract**” contains contract terms and conditions applicable to the work, and will form the basis of the final CM/GC contract.

The Oregon Bureau of Labor and Industries 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 Guaranteed Maximum Price (“**GMP**”) Amendment. Those rates will then apply throughout the Project.

All respondents 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 responses. Failure to be licensed and have the bond in place will be sufficient cause to reject responses 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 will be skilled in 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, managing construction activities in an occupied building, and be capable of providing assistance to OSU in procuring long lead equipment and materials. The CM/GC will be expected to communicate the construction-related aspects of the Project to all team members throughout the design and construction phases. In addition, the CM/GC will 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.

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

Compensation will be based upon certain fees and reimbursable costs, as set forth in the Sample CM/GC Contract attached, including use of a GMP and the form of GMP Amendment included with the Sample CM/GC Contract. 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, which will serve as the basis for the final agreement, are contained in Exhibits A through E as detailed in Part XIV of this RFQ entitled “**Enclosures.**”

The sample contract may contain certain notes or alternative provisions. Those alternative provisions will be included at the sole discretion of OSU. OSU will use the November 1, 2016 OSU General Conditions for Public Improvement Contracts (the "**OSU General Conditions**") as the basis for the final agreement. The OSU General Conditions, and the Supplemental General Conditions contained in the Enclosures, 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 is unable to successfully agree upon a GMP or contract terms or conditions for the Project with the highest ranked respondent, OSU may terminate discussions and enter into discussions with the next highest ranked respondent. If for any reason the parties are not able to reach agreement on a GMP or contract terms or conditions, OSU will be entitled to obtain services from any other source available to it under the relevant contracting laws, OSU Standards and policies, including negotiating with the next highest ranked respondent to enter into a CM/GC Contract specifying a mutually agreed upon GMP.

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

The prospective CM/GC should note that OSU 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 will be provided to OSU.

OSU will monitor the competitive processes used to award subcontracts by the CM/GC in accordance with the Sample CM/GC Contract. The following minimum requirements will be used:

- a. The CM/GC will 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. 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 will be required.
- b. The CM/GC will use its best efforts to obtain at least three bids or quotes for the particular work to be subcontracted. OSU may make exceptions to this practice in advance of the procurement.
- c. The solicitation of subcontractors will be made according to the terms of Sample CM/GC Contract.

II. PROJECT DESCRIPTION

Oregon State University intends to construct an 80,000 – 85,000 square foot facility (approximately) at Hatfield Marine Science Center (HMSC) in Newport, Oregon. This facility will be a key component of OSU's Marine Studies Initiative, the university's focused effort to become an international leader in marine studies by creating a holistic, outreach-oriented program with a unique vision, distinctive location, key program and facilities and nationally and internationally-recognized faculty and leadership. The new facility will support critical research, education, administrative and technical support, outreach and engagement. It will serve as many as 150 undergraduate and graduate students. This facility is the key component of and will launch the Marine Studies Initiative. (Refer to the [MSI strategic plan](#).)

Key components of the Project include the following:

1. Classrooms and teaching labs.
2. Flexible, state-of-the-art research labs with the potential for collaboration among multiple federal and state agencies and all 11 colleges at OSU.
3. Faculty offices serving as many as 36 FTE as well as visiting faculty and scholars.
4. Public meeting rooms.

The site for the building is located in the tsunami inundation zone along the south side of Yaquina Bay. The building will be designed to be useable after repairs for strong shaking, liquefaction, lateral spreading resulting from a 9.0 earthquake and tsunami inundation in accordance with ASCE 7-16, probabilistic risk category II/III and "L" EQ - deterministic loads and effects. Additionally, a vertical evacuation structure, which may be part of the building, will be designed to ASCE 7-16 probabilistic risk category IV and deterministic EQ associated with an "XXL" event. The design parameters used will be based on site specific probabilistic hazard analysis and site specific tsunami hazard analysis for a probabilistic hazard level consistent with the DOGAMI scenario L event. Additionally, care must be taken to maintain a clear horizontal excavation plan, in conjunction with other residents of the South Beach area. Development of the facility will provide an opportunity for OSU to educate the community and demonstrate a feasible building approach based on the latest scientific knowledge on how to build a safe building in a hazardous zone.

Key goals of the Project include:

1. Create a transformative marine based learning and research facility that supports programs of all 11 colleges at OSU.
2. Create a resource/proto-type for engineering solutions relative to the impacts of tsunamis and earthquakes.

Construction may begin as early as winter 2018 and be ready for occupancy by summer of 2019.

III. ENERGY EFFICIENCY

The project will be designed to applicable LEED silver equivalency and must meet the state building code for energy efficiency.

IV. DESIGN TEAM

Yost Grube Hall Architecture, Inc. has been selected as the project Architect.

V. BUDGET

The construction budget for this Project is currently estimated to be \$34 million. This budget will include all materials and labor costs, a design estimating contingency, escalation, the CM/GC fee, general conditions costs, limited CM/GC reimbursable expenses, payment and performance bonds and the CM/GC contingency.

VI. SELECTION PROCEDURE AND TIMETABLE

A mandatory pre-response site visit/walk-through will be held on Tuesday, December 13, 2016. Meet at the (main) entrance to HMSC Visitor Center on the HMSC campus in Newport, Oregon. A representative of each respondent's firm is required to attend. The pre-response site visit will be the respondents' main opportunity to discuss the Project with OSU. Responses will not be accepted from respondents who have not had a representative attend the mandatory pre-response site visit/walk through.

Beginning with responses to this RFQ, the selection procedure indicated in Section X, will be used to evaluate the capabilities of interested CM/GC firms to provide CM/GC services to OSU for the Project. The responses to this RFQ will be evaluated by the selection committee, which will be comprised of representatives from OSU and other university personnel who do not score qualification statements or rank finalists and may also include members of the design team who will not score qualifications statements or rank finalists. Interviews of short-listed finalists and further investigation of references will occur following the receipt and review of the responses.

Oregon State University's Office of Construction Contract Administration will make the award and present the agreement to the selected CM/GC firm for its signature.

Selection timetable is approximately as follows:

December 1, 2016	Issue RFQ
December 13, 2016, 11:00 AM	Mandatory site visit Meet at HMSC Visitors Center, main entrance
December 22, 2016, 11:00 AM PST	Responses submitted to OSU
December 30, 2016	Short-list meeting to select finalists
January 20, 2017	Selection committee interview finalists
January 26, 2017	Estimated Notice of Intent to Award

February 1, 2017

Estimated Contract execution

VII. INSTRUCTIONS TO RESPONDENTS

Your response must be contained in a document not to exceed **twenty-five (25) single sided pages (do not print double sided)** including pictures, charts, graphs, tables and text you deem appropriate to be part of OSU's review of your response. Resumes of key individuals proposed to be involved in this Project are exempted from the 25-page limit and must be appended to the end of your response. No supplemental information to the 25-page response 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 dividers will not be counted in the 25-page limit.

Present information in the same order as the following evaluation criteria in Section VIII and include references required by Section IX. Your response must follow the format outlined below and **be signed by an officer of your firm with the authority to commit the firm. Make sure to include contact information including email for communication purposes.** The response must be submitted in a soft-bound (no three-ring binders) format with page size of 8 ½ x 11 inches. No fold-outs other than one fold out Project schedule and one site logistics plan (not to exceed 11 x 17 inches each) may be included. The basic text information of the response should be presented in standard business font size, and reasonable (no less than one-inch) margins.

OSU may reject any submittal not in compliance with all applicable OSU 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.

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.

VIII. RESPONSE REQUIREMENTS/EVALUATION CRITERIA

The following questions constitute the evaluation criteria for the selection committee to score responses. Respond to each criterion in numerical order. For ease in scoring the responses, 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.

1. Firm Background

Provide a brief description of your firm, your firm's history, and your firm's business philosophy including the fundamentals that you believe have been key to your success. List the major projects (>\$10M) currently under contract with your firm, your personnel for those projects if the personnel are also proposed for this Project, and the stage of completion for those projects if they include firm personnel proposed for this Project. (Weight: 10)

2. Key Personnel

Identify the personnel in your firm assigned to this Project. Provide concise descriptions of their experience that you believe will be relevant to this Project. OSU is particularly interested in experience relative to constructing complex structural buildings and projects subject to Pacific Northwest coastal environments. Use specific examples, including the role of your key proposed personnel on past projects and explain their responsibilities for this Project. Describe the team's knowledge of regional/local subcontractors/material suppliers, and how this knowledge will be beneficial to this Project. For all proposed personnel, identify the length of their employment with your firm, their responsibilities proposed for this Project, and their primary office location during the preconstruction and construction phases of the Project. Indicate the percentage of individual personnel time commitment for this Project during the preconstruction and construction phases. Include your proposed management organization chart for the Project. (Weight: 20)

3. Pacific Northwest Experience

Describe your firm's experience working with higher education, corporate, or other institutional clients in the Pacific Northwest. Include information about the physical scale, construction type, building use(s), construction budget, and project schedule durations from preconstruction to final completion. (Weight: 5)

4. CM/GC Role

Describe your firm's relevant experience with construction management at risk work, including your firm's relevant experience with public Construction Management (CM) and Construction Manager/General Contractor (CM/GC). Describe how your firm will provide construction management expertise and leadership for the Owner and the Owner's design team. (Weight: 10)

5. Cost Control/Risk Management Methods

Describe your firm's methodology and experience with preconstruction services, including value engineering, cost planning, constructability analyses, scheduling and cost and constructability risk management and risk mitigation evaluations/analyses. Identify successful experiences or unique services you offer in these areas. Describe how your firm will work with the design team to successfully implement these processes concurrently and throughout the schematic design, design development, and construction document phases of construction document preparation. Describe in detail how your firm will manage and communicate ongoing regular construction costs and budget status with the Owner and the Owner's design team. Describe in detail your processes to develop a GMP budget, and the specific project controls you will employ to control costs during construction. (Weight: 25)

6. Project Management

Describe your firm's processes for managing this Project including how you will manage construction teams in order to ensure that the Project is completed safely, on schedule and within the contract budget and with the high quality expected by OSU. Provide a description of your processes for managing changes in construction, including your proposed methods that will

mitigate construction change orders and construction claims.

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. Also, describe how your firm will work on the HMSC campus to mitigate construction delivery, and construction activities on our students, faculty, staff, and visitors. (Weight: 25)

7. Workforce Diversity Plan

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

Provide a narrative description of your 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 CM/GC will perform the Work and the CM/GC Contract with respect to diversity according to the means and methods described in the workforce plan described in the response, unless changes are requested and approved in writing in advance by OSU or are required by applicable laws, ordinances, codes, regulations, rules or standards. (Weight: 10)

8. Work Plan/Schedule

Describe your firm's planning, scheduling, phasing, and project monitoring skills and processes, including how the Project schedule will be monitored and time optimized for this Project. 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 which will achieve the June 2019 opening date. Identify various bid packages or pre-purchase packages that might be required in order to accomplish the proposed schedule. (Weight: 20)

9. Sustainability

Describe your firm's regular sustainable construction practices. Include information on previous projects where meeting (minimum) LEED silver sustainability measures were critically important to the client. (Weight: 10)

10. Safety Record and Safety Plan

Provide the following safety record information. If you are a division of a larger corporation doing

business both within the Pacific Northwest and outside the Pacific Northwest, your response must reflect your Pacific Northwest experience and your corporate experience, separately

- a) Experience Modification Rate (EMR) for each of the last five years.
- b) Lost Time and Recordable Incident Rates for each of the last five years.
- c) OSHA fines for each of the last five years (including any fines initially imposed, but later rescinded). Include a brief summary and amount of each fine.
- d) Your corporate safety philosophy and approach including a description of how this philosophy is implemented from senior management to all building trades workers.

In addition, describe how your firm will integrate potential natural site hazards that could occur, including earthquake and tsunami into your construction safety plan. Describe how you will integrate evacuation information and training, necessary for the safety of your team and subcontractors as well as those working and visiting HMSC, into an overall site safety program. (Weight: 20)

11. **CM/GC Fee/Preconstruction Services Fee**

Provide your firm's **CM/GC Fee as a percentage of the Estimated Cost of the Work** for this Project.

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 C ("**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 means (i) that portion of the Work required to support construction operations that is not included within overhead or general expense but is specifically identified as GC Work as identified in the Matrix, and (ii) any other specific categories of Work approved in writing by OSU as forming a part of the GC Work. See the attached Sample CM/GC Contract for details.

The Matrix is included in the RFQ as guidance to respondents in developing the CM/GC Fee and understanding which items will be considered a direct cost of the work or GC Work costs and which items are not reimbursable, but which will 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.

Provide a **separate fee proposal for Preconstruction Services** on a time and materials cost reimbursement basis up to a maximum not-to-exceed amount. (Weight: 10)

IX. **REFERENCES**

Provide current contact information for references for each of the key personnel you propose for this Project. The references must represent at least one of each of the following: owners,

subcontractors, and architects. These references must relate to projects of a size, scope and/or complexity comparable to this Project. The references identified must have had direct contact with your team member.

In addition, provide current contact information for three owners, three sub-consultants, and three contractors to be used as references for your firm for this Project. Verify that the individuals identified have had direct contact with the referenced project. Do not include references from any firms or individuals included in your team for this Project or any references of OSU personnel.

OSU may check with these references or other references associated with past work of your firm.

X. RESPONSE EVALUATION

This RFQ 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 RFQ will be evaluated by the selection committee, which will be comprised of representatives from OSU and other university personnel who do not score qualifications statements or rank finalists and may also include members of the design team who will not score qualification statements or rank finalists. On the basis of this evaluation, the selection committee will make its best efforts to limit the field of finalists to at least three (3), but not more than five (5), firms to be selected for final consideration through interviews of each finalist and further investigation of references. OSU will utilize this RFQ process to obtain information to enable selection of the most qualified respondent through evaluation of:

- a. The respondents' responses to evaluation criteria in section VIII of this document;
- b. Information obtained during an interview of the respondents by the selection committee; and
- c. The results of discussions with the respondents' references and others.

Each criterion in the first step of the evaluation process has been assigned a weight between 5 and 25. Each member of the evaluation committee will rate each firm in each criterion between 1 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 top ranked three (3) to five (5) firms will be invited to participate in on-site interviews.

The RFQ responses 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 or expand on their responses. Any additional questions will be provided to selected firms in the notification to the finalists. Interviews will include a thirty (30) to sixty (60) minute presentation period to respond to the additional questions transmitted prior to the interview and present additional information or clarifications of the initial response to this RFQ, immediately followed by a thirty (30) minute question and answer session. The length of the presentation period of the interview will be communicated in the notification to the finalists. After all of the interviews are completed, the evaluation committee will discuss the strengths and weaknesses of the interviewed finalists. The

committee will then rank the interviewed finalists in order of preference based on all information received, presented and heard during the interviews. The firm that has the highest overall ranking will be deemed the Apparent Successful Respondent. Final ranking will be based on finalist's response to questions during the interview stage, and through that response, how well each firm can meet the Project and University needs.

If, during the discussion, the selection committee determines the interviewed firms are too close to rank, the university has no recent experience working with your firm, or if the consolidated ranking indicates a tie, the committee will check the references provided by the respondent as required in section IX of this RFQ. Information obtained from references may alter the committee's final ranking of firms. Any alteration of final ranking will be based on committee's understanding of how well each firm can meet the needs of the Project and University.

X. 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 will constitute approval for OSU to obtain any credit report information OSU deems necessary to conduct the evaluation. OSU will 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. Failure to promptly provide this information may 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 may render it non-responsible and constitute grounds for response rejection.

XI. SUBMISSION

Submit **Six (6)** copies of your written response, along with an electronic version on a thumb drive, to be received by the closing date and time listed in this document to:

Brooke Davison
Construction Contract Administration
Oregon State University
644 SW 13th Ave
Corvallis, OR 97333

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

The electronic response must be sized appropriately for transfer (under 8 mb).

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

XII. QUESTIONS

All questions and contacts with OSU regarding any information in this RFQ must be addressed either in writing, fax, or email to Brooke Davison at the address or email listed in this document no later than December 15, 2016 at 5 p.m. If you are unclear about any information contained in this document or its exhibits (Project, scope, response format, agreement terms, etc.), you are urged to submit those questions for formal clarification.

XIII. 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., December 13, 2016. 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.

XIV. CHANGE OR MODIFICATION

Any change or modification to the specifications or the procurement process will be in the form of an addendum to the RFQ and will be made available to all firms by publication on the OSU Bid and Business Opportunity web site (<https://bid.oregonstate.edu>). It is the responsibility of each firm to visit the website and download any addenda to this RFQ. No information received in any manner different than as described herein shall serve to change the RFQ in any way, regardless of the source of the information.

XV. SELECTION PROTESTS

Any respondent to this RFQ who claims to have been adversely affected or aggrieved by the selection of a competing respondent will have three days after notification of that selection to submit a written protest of the selection to the Chief Procurement Officer, in care of Debera Massahos, at 644 SW 13th Ave., Corvallis, OR 97333. Any such protests must be received by the Ms. Massahos no later than three days after the selection has been made.

XVI. PROPRIETARY INFORMATION

OSU will retain this RFQ 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 OSU has announced its intent to award a contract. If a response contains any information that is considered a trade secret under ORS 192.501(2), you must mark each trade secret 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.

XVII. 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.

XVIII. CERTIFICATION OF NONDISCRIMINATION

By submission of the response, 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 response, has not discriminated against minority, women or emerging small business enterprises in obtaining any required subcontracts.

XIV. ENCLOSURES

Sample CM/GC Agreement Form including the following:

- Exhibit A – OSU General Conditions
- Exhibit B – Form of GMP Amendment
- Exhibit C – Direct Costs/General Conditions Work Costs Matrix
- Exhibit D – Supplemental General Conditions
- Exhibit E - Reimbursable Travel and Per Diem Expenses

Attachment 1 - Sample Performance Bond

Attachment 2 - Sample Payment Bond

END OF RFQ