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OREGON STATE UNIVERSITY

REQUEST FOR QUALIFICATIONS

#187419

HMSC STUDENT HOUSING

CM/GC RFQ

ISSUE DATE: June 14, 2017

RFQ CLOSING (DUE) DATE: July 21, 2017 2 p.m., 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
Fax: (541)-737-5546
Email: brooke.davison@oregonstate.edu

SOLICITATION / SELECTION PROTESTS:

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

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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 HMSC Student Housing 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/GC 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 must 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 XX 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 according to the terms of the Sample CM/GC Contract in a manner consistent with the open and competitive nature of public procurement, taking into account industry sub-contracting practices, 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.

II. PROJECT DESCRIPTION

Oregon State University intends to construct 130 units of multi-family style housing, having approximately 180 bedrooms, and 180 parking spaces to accommodate primarily single junior, senior, and graduate students, as well as potentially students with dependents and relocating faculty and OSU staff. OSU has committed to the developer to build to the LEED Silver standard, as well as agreeing to a certain design aesthetic that is consistent with the Wilder development.

Key components of the Project include the following:

1. The site is located in the Wilder development in Newport, Oregon and consists of approximately five (5) buildable acres, as well as land that will be deeded to the City of Newport for a public access trail. There is a small wetland located on the site that OSU is considering whether to mitigate or build around. OSU has already begun the assessment and permitting process for mitigation independent of the design process.
2. Design and construction of the trail is a component of this project, and will be done in collaboration with the City of Newport, and to its standards.
3. The structures shall be consistent with aspects of the Wilder Design Guidelines that address sustainable coastal construction principles. The exteriors should feel appropriate to 21st century Newport – and Wilder in particular - in scale, material choices and style so that they avoid a monolithic feel or a vernacular not indigenous to the Oregon coast. Generally, façades and forms shall be broken up, a result of color blocking or articulation for “texture”. Several separate buildings as generally shown by footprints on the preliminary master plan map are preferred. Examples of student housing and other multifamily projects that are generally acceptable to Wilder developer are found at the following links:

<http://www.archdaily.com/96482/bastyr-university-student-village-collinswoerman>
<http://www.jswdarch.com/projects/multiFamily/bridgeway.html>
<http://www.aia.org/practicing/AIAB096604> “multifamily honor award”
<http://architizer.com/projects/26th-street-affordable-housing/media/105958/>
<http://www.brettschulz.com/multifamily/d16/>
<http://www.brettschulz.com/multifamily/matthewfrank/>
http://www.architectmagazine.com/awards/annual-design-review/2802-pico-housing_o
<http://www.shareable.net/blog/11-projects-that-prove-affordable-housing-can-be-beautiful>
Tetris Apartments
<http://willhitedesign.com/profile/>
<http://architizer.com/blog/nursing-home-collection/media/1128228/>
<http://samselarchitects.com/projects/ecodorm/>

4. There is no off-site parking available, and there needs to be one parking space per bedroom
5. Given the hazards associated with housing located in a tsunami hazard zone, OSU is interested in design and project approaches that expedite partial completion and delivery so that the current housing stock located at HMSC can be decommissioned as quickly as possible.

Key goals of the Project include:

1. Provide a flexible approach to housing so that there is the potential to increase density within units to accommodate up to 300 students at any given time (Target is to provide 180 bedrooms in a mix of apartment types);

2. Relocation of the current student housing program at HMSC as quickly as possible; and
3. Design, development, and construction that while of suitable quality, is also cost conscious to allow for affordable student rents.

Construction must begin during winter term 2018 and is expected to be ready for occupancy by May 1, 2019.

III. ENERGY EFFICIENCY

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

IV. DESIGN TEAM

Hacker has been selected as the project Architect.

V. BUDGET

The construction budget for this Project is currently targeted to be around \$19 million, using a target of \$150-\$200 per square foot. 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 June 21, 2017 at 10:00 a.m. Meet at the site located ¼ mile east of Hwy 101 on SE 40th Street, 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. Attendance will be documented through a sign-in sheet prepared by OSU. Representatives of respondent who arrive more than five (5) minutes after the start time of the meeting (as stated in this solicitation and by the Owner's Authorized Representative's watch) or after the discussion portion of the meeting (whichever comes first) shall not be permitted to sign in and will not be permitted to submit a response to this RFQ.

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 who score qualification statements and rank finalists, and other university personnel who serve as advisors 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 will occur following the receipt and review of the responses. In addition, further investigation of references may occur following the interview of the short listed finalists.

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:

June 14, 2017	Issue RFQ
June 21, 2017, 10:00 a.m.	Mandatory site visit SE 40 th Street, Newport Oregon
July 21, 2017 2:00 p.m.	Responses submitted to OSU
August 3, 2017	Notification of short listed firms
August 14, 2017	Selection committee interview finalists
August 18, 2017	Estimated Notice of Intent to Award
September 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 twenty-five (25) page limit and must be appended to the end of your response. No supplemental information to twenty-five (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 twenty-five (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: 5)

2. Key Personnel

Identify the personnel in your firm assigned to this Project and the date they would be able to fully support 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 student and other housing 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 Newport's 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: 25)

3. Pacific Northwest Coastal Experience

Describe your firm's experience working with housing and University/College clients in the Pacific Northwest. Include information about the physical scale, construction type, building use(s), final direct construction cost per square foot, and project schedule durations from preconstruction to final completion. (Weight: 15)

4. CM/GC Role

Describe your firm's relevant experience with construction of fast tracked, repeatable housing units. The cost per square foot will be a major driver for this project - how will your firm help get the design to our target cost but also ensure we build a facility that OSU will be proud of for many years to come, that can withstand harsh marine environments, and that will meet the changing housing needs of the programs? (Weight: 20)

5. Cost Control/Risk Management Methods

Describe your team's methodology and experience with housing preconstruction services, including value engineering target areas, cost planning, constructability analyses, scheduling, cost, and constructability risk management and risk mitigation evaluations/analyses. Identify successful experiences or unique services your team offers in these areas. Describe how your firm will work with the design team to successfully solve the challenges of this particular site, budget, marine environments and 3rd party developer oversight. Tailor your response to housing projects. (Weight: 25)

6. Project Management

Describe your team'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.

Include a site plan or diagram depicting your approach to our site. 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 with the Wilder and Oregon Coast Community College (OCCC) to mitigate construction delivery, and construction activities on our residents, 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), Emerging Small Business (ESB), or Disabled Service Veterans (DSV) certifications for your firm and a description of your nondiscrimination practices. Provide historical information on MBE, WBE, ESB, or DSV 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 must 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 OSU Standards and policies, laws, ordinances, codes, regulations, rules or standards. (Weight: 10)

8. Work Plan/Schedule

Describe your team's planning, scheduling, phasing, and project monitoring skills and processes, including how the Project schedule will be tracked and time optimized for this specific project. Describe your firm's planned approach to the procurement and construction for this Project. Include a one page (20-40 activities) proposed Project schedule indicating procurement, mobilization, construction, and occupancy activities, which will achieve the June 2018 opening date for approximately 120 beds. 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. (Weight: 10)

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 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 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: 20)

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

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.

The written response to 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 who score qualification statements and rank finalists, and other university personnel who serve as advisors but 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 possible further investigation of references.

Each criterion in the first step of the evaluation process has been assigned a weight between five (5) and twenty-five (25). Scoring members of the selection committee will rate each firm in each criterion between one (1) and five (5) (five being the highest), and multiply that number by the weight assigned to the criterion. The scoring members of the selection 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.

Interviews will include a thirty (30)-minute presentation period, immediately followed by a separate thirty (30)-minute Q&A session. Finalists should be prepared to address the following:

- Your firm's philosophy and practiced approach for housing projects with this projects' target dollars per square foot construction cost.
- Specific challenges you anticipate for this project based on past project experiences and "lessons learned" from previous housing and or coastal projects that you will incorporate to keep the project moving forward.

- Describe your firm's philosophy on the CM/GC approach and your past experience working with design teams to develop project budgets and schedules.
- Describe your team's approach to keeping the design developing so that OSU's target budget can be maintained while still including OSU's required scope.

After all of the interviews are completed, the ranking members of the selection committee will discuss the strengths and weaknesses of the interviewed finalists. The ranking members of the selection committee will then rank the interviewed finalists in order of preference based on all information received, presented and heard during the interviews. 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.

XI. 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.

XII. 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.

XIII. 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, fax number, or email listed in this document no later than June 27, 2017 at 4:00 p.m. PST. 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.

XIV. 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 the Chief Procurement Officer in care of Brooke Davison at the address, email or fax listed in this document. Such requests for change and protests shall be received no later than 12:00 p.m., June 19, 2017. 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.

XV. 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.

XVI. 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 Brooke Davison, at 644 SW 13th Ave., Corvallis, OR 97333. Any such protests must be received by Ms. Davison no later than three days after the selection has been made.

XVIII. 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.

XVIII. 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.

XIX. 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.

XX. ENCLOSURES

Sample CM/GC Agreement Form including the following:

Exhibit A – OSU General Conditions, November 1, 2016

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