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EMAIL: Debera.Massahos@oregonstate.edu

OREGON STATE UNIVERSITY

REQUEST FOR PROPOSALS

#174071

**FOREST SCIENCE COMPLEX
CM/GC RFP**

**CONTRACT ADMINISTRATOR:
Oregon State University
Capital Projects Contract Administration
Debera Massahos
Debera.Massahos@oregonstate.edu**

ISSUE DATE: December 9, 2014

RFP CLOSING (DUE) DATE: January 6, 2015, 2:00 PM, Local Time

NO LATE RESPONSES WILL BE ACCEPTED

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

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I. INTRODUCTION

Oregon State University (“**OSU**”) is seeking proposals from firms interested in providing Construction Manager/General Contractor (“**CM/GC**”) services to OSU by submitting a response to this Request for Proposals (“**RFP**”) for the Forest Science Complex project 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 proposers should 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 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, 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 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 OSU. OSU will use the July 1, 2014 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 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, 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 proposer 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

The Project has two interconnected but distinctly different components. One is a renewal or replacement of the existing Peavy Hall which currently houses classrooms, administration, faculty offices, and dry laboratory spaces for the OSU College of Forestry. The second is a new facility that will house laboratory space for an Advanced Wood Products Manufacturing and Design Center being formed in collaboration with the University of Oregon College Of Architecture and Allied Arts and OSU's College of Engineering. This special laboratory space will house the work of an applied research partnership with private sector manufacturers that will drive the innovation, testing and educational programs necessary to stimulate and sustain private investment in advanced secondary wood products manufacturing capacity in Oregon's rural communities.

When completed, both facilities will feature new, state-of-the-art building design elements and construction components that demonstrate innovative use of mass timber and advanced engineered wood products. Both facilities will offer transformative learning environments, and clearly demonstrate the present and future capacity of the Oregon wood products sector to supply innovative components for design and construction of beautiful, lasting wood buildings.

Key components of the Project include the following:

1. Potential demonstration of alternative construction methods and materials using mass timber products currently and potentially manufactured in Oregon (including but not limited to cross laminated timber construction) or other areas of the Pacific Northwest.
2. Improvement of the OSU College of Forestry student experience through a comprehensive renovation/renewal (or potential onsite replacement) of approximately 87,000 gross square foot Peavy Hall (opened new in 1970) which provides the primary classroom, administration, and faculty office space for the OSU College of Forestry.
3. Providing approximately 27,000 net square feet of new applied research space reflective of the State of Oregon's commitment to supporting development and testing of advance wood products in and around what will become known as the Forest Science Complex, comprised of a renewed Peavy Hall, the College's Richardson Hall (Constructed in 1998), and a new Advanced Wood Products Laboratory.
4. Connect with the vibrant wood industry of the State of Oregon and showcase use of advanced wood products throughout the Project.

Key Project Goals include the following:

1. Create a transformative educational experience for OSU College of Forestry students, faculty, staff, and visitors.
2. Renew and transform the College's aging built-environment.
3. Showcase use of innovative advanced wood products in building design.
4. Promote different and innovative partnerships in support of Oregon's Forest Products Industry.

The Project will be designed to applicable LEED silver equivalency and will meet the state building

code for energy efficiency.

Project occupancy is planned for fall 2017 and is contingent on state legislative funding during the 2015 biennial session scheduled to begin in January 2015.

III. DESIGN TEAM

Michael Green Architecture and the Miller Hull Partnership have teamed together and been selected to serve as the Architect for the project. Miller Hull Partnership will be the Architect of Record/Executive Architect and Michael Green Architecture will serve as Design Architect.

IV. BUDGET

The construction budget for this Project is currently estimated to be \$46 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.

V. SELECTION PROCEDURE AND TIMETABLE

A mandatory pre-proposal site visit/walk-through will be held on December 17 at 11:00 AM. Meet at Richardson Hall, room 115 on the OSU campus. 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. Proposals will not be accepted from proposers who have not had a representative attend the mandatory pre-proposal site visit/walk through.

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

Oregon State University's Office of Capital Projects 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 9, 2014	Issue RFP
December 17, 2014, 11:00 AM Meet at Richardson Hall, Room 115	Mandatory site visit
January 6, 2015, 2:00 PM PST	Proposals submitted to OSU
January 14, 2014	Short-list meeting to select finalists
January 21, 2014	Selection committee interview finalists
January 23, 2015	CM/GC selection / notification
February, 2015	Contract execution

VI. INSTRUCTIONS TO PROPOSERS

Your response should be contained in a document not to exceed **twenty five (25) single sided pages** including pictures, charts, graphs, tables and text you deem appropriate to be part 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 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 dividers 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. Make sure to include contact information including email for communication purposes. The response should 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) should 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.

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. Please 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.

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. Include your firm's business management organizational chart (as distinguished from a proposed organizational chart specific to this Project). 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 concerning large university or corporate or institutional projects with similar challenges. Use specific examples, including the role of your key proposed personnel on past projects and explain their responsibilities for this Project. Describe each key person's knowledge of regional/local subcontractors/material suppliers, and how this knowledge will be beneficial to OSU 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: 10)

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 projection versus actual, and project schedule durations from preconstruction to final completion. (Weight: 10)

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, and constructability analyses, 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.

Understanding that success is only possible if the Project can be successfully completed with the capital resources available, describe the techniques your firm will use to manage your costs and those costs which are the result of the design development work provided by the Owner's design team. Describe in detail your processes to manage cost risk during design, how you will develop a GMP budget, and the specific project controls you will employ to control costs during construction. Discuss your approach to incorporating gift-in-kind donations from OSU industry

partners or others at different phases of the Project, and describe your experience and your capacity to integrate these opportunities as seamlessly as possible within the project design, procurement, and schedule with the assumption that material donations will be provided on either long term or short-term notice.

Discuss how you intend to alleviate unfamiliarity and perceived risk in the subcontractor community, in the context of new building systems and materials. Describe how you will incorporate new building systems and materials into the Project in the context of cost containment. (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.

Given the assumption that wood will be the leading candidate for structural, cladding and finish systems, describe your approach to managing the introduction of cutting-edge wood technologies that may not yet have been approved for use by the Authority Having Jurisdiction (AHJ). Discuss your strategies for and role in achieving variances and obtaining approvals for the use of new technologies and materials with OSU and OSU's design team.

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 on the OSU campus to mitigate construction delivery, and construction activities on our students, faculty, staff, and visitors. Describe how your firm will work with other general contractors, subcontractors and suppliers at adjacent projects to maintain your effective work areas, yet allow continued use adjacent spaces, buildings, streets, sidewalks, bicycle lanes, and parking areas concurrent with construction activity. Identify construction activity required to maintain safe user access to continued operation of the adjacent buildings including maintaining safe air quality within adjacent facilities. (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 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. (Weight: 10)

8. Proposed 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. Discuss how you intend to incorporate gift-in-kind donations at different phases of the Project and describe your capacity to manage schedule impacts, with the assumption that some donations will be offered on short notice. Given the assumption that wood will be the leading candidate for structural, cladding and finish systems, provide your plan to manage the Project schedule given that some materials and technologies have not yet been approved for use. Identify and discuss your strategies for minimizing schedule impacts associated with obtaining approvals for the use of new technologies and materials. 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. (Weight: 20)

9. Sustainability

Describe your firm's regular sustainable construction practices, new sustainable construction practices that might be applicable to this proposed high performance "environmentally sustainable" building, and potential approaches to incorporating them into both the design and construction phases. Include information on projects where a high performance sustainability measures were critically important to the client, including construction waste management strategies. (Weight: 20)

10. Safety

Provide the following safety information relative to Oregon or Pacific Northwest work experience. If you are a division of a larger corporation doing business outside the Pacific Northwest, your response should reflect only Pacific Northwest or Oregon experience.

- 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

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 RFP as guidance to proposers 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)

12. References

Provide current contact information for references for each of the key personnel you propose for this Project. The references should represent at least one of each of the following: owners, subcontractors, and architects. These references should relate to projects of a size, scope and/or complexity comparable to this Project. The references identified should have had direct contact with your team member.

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

OSU may check with these references or other references associated with past work of your firm. (Weight: 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 OSU and members of the design team. 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 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 in the first step of the evaluation process has been assigned a weight between 0 and 25. 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 that may be 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 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.

X. SUBMISSION

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

Debera Massahos
Capital Planning & Development
Capital Projects Contract Administration
Oregon State University
3015 SW Western Blvd.
Corvallis OR 97333
Email: Debera.Massahos@oregonstate.edu

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

The electronic proposal should be sized appropriately for transfer (under 8 mb).

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 Debera Massahos at the address or email listed in Section X. 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.

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., December 15, 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 (<https://secure.ous.edu/bid/>). It is the responsibility of each firm to visit the

website and download any addenda to this RFP. 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 will have three days after notification of that selection to submit a written protest of the selection to Debera Massahos, at 3015 SW Western Blvd., Corvallis, OR 97333. Any such protests must be received by the Ms. Massahos no later than three days after the selection has been made.

XV. PROPRIETARY INFORMATION

OSU will 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 OSU has announced its intent to award a contract. If a proposal contains any information that is considered a trade secret under ORS 192.501(2), you must mark each section of the proposal containing 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 – OSU 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