

# REQUEST FOR PROPOSALS

Issue Date: October 27, 2017

RFP#: VT 208-L00049-001

Title: *Criteria Consultant for Virginia Polytechnic Institute and State University (Virginia Tech) Hitt Hall and Intelligent Infrastructure Complex Design-Build Project*

Commodity Code: PROFESSIONAL SERVICES

**NOTE: The offeror must have registered in eVA prior to the deadline for submission of responses to this RFP to be eligible for the award of this contract for professional services.**

Issuing Agency & Address: **Virginia Polytechnic Institute and State University**  
Virginia Tech  
Bob Blackwell, Contracts Officer  
Facilities Contracts (0129)  
90 Sterrett Facilities Complex  
Blacksburg, VA 24061

Location of Work: Virginia Tech – Blacksburg Campus

Period Of Contract: Single project services

All inquiries for information should be directed to the Capital Construction and Renovations (CCR) **Project Manager** below:

Travis Jessee  
**Email:** trjessee@vt.edu  
**Phone #:** (540) 231-4186

PROPOSALS CAN BE MAILED OR HAND DELIVERED TO:

**Bob Blackwell, Contracts Officer**  
**Facilities Contracts (0129)**  
**90 Sterrett Facilities Complex**  
**Blacksburg, VA 24061**

Sealed proposals for furnishing the services described herein will be received until **5:00 p.m. local time on December 4, 2017. Proposals must reach the above address by the deadline stated.** Firms submitting proposals must be properly registered and licensed with the Virginia Department of Professional & Occupational Regulation (DPOR) as per Section 3.1.8.3 of the A/E Manual. For firms with multiple offices, **the specific office submitting the proposal must be properly registered and licensed with DPOR.**

In compliance with this Request For Proposals, which includes the attached Table of Contents and all provisions and appendices attached and referenced therein, and subject to all the terms and conditions set forth herein, the undersigned offers and agrees to furnish the services described in the RFP cited above and submit this signed proposal which includes this completed and signed page, the completed and signed forms AE-1, AE-2, AE-3, AE-4, AE-5, & AE-6, and other data as required by the RFP. It is understood that this proposal and the scope of services may be modified, by mutual agreement in subsequent negotiations.

The undersigned further acknowledges that they are familiar with the Virginia Tech Campus Design Principles and agrees that, if selected for this project, will provide design submittals that fully comply with these principles.

Name And Address Of Proposer:

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ By \_\_\_\_\_  
(Signature in Ink)

\_\_\_\_\_ Typed Name: \_\_\_\_\_

\_\_\_\_\_ Zip: \_\_\_\_\_ Title: \_\_\_\_\_

FEIN/SSN # \_\_\_\_\_ Telephone No.( ) \_\_\_\_\_

DPAR/APELSCIDLA License # for Proposing Office Whose Address is Listed Above: \_\_\_\_\_

Acknowledge receipt of Addendums: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

**PRE-PROPOSAL CONFERENCE: A single non-mandatory pre-proposal conference will be held at 2:00 pm on November 9, 2017 in the Physical Plant Classroom of the Sterrett Facilities Complex on the Virginia Tech campus. Potential offerers are encouraged to attend. University representatives will be in attendance to answer questions. Pre-proposal conference attendees should obtain a Virginia Tech visitor parking permit prior to the conference. Parking permits are available from the Virginia Tech Parking Services Department – [parking@vt.edu](mailto:parking@vt.edu).**

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*NOTE: Electronic copies of A/E Data Forms (AE-1 through AE-6) and of the "Small Businesses and Businesses Owned by Women & Minorities" forms are available for download at the following website: <http://forms.dgs.virginia.gov/>*

**eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION:** The eVA Internet electronic procurement solution, web site portal <https://eva.virginia.gov> streamlines and automates government purchasing activities in the Commonwealth. The portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution either through the eVA Basic Vendor Registration Service or eVAPremium Vendor Registration Service. **The offeror must have registered in eVA prior to the deadline for submission of responses to this RFP to be eligible for the award of this contract for architectural/engineering services.**

## **I. APPLICABILITY OF THE A/E MANUAL – 9/30/17 Edition**

**The A/E Manual, as defined in Section 1.0 of the Commonwealth of Virginia Construction and Professional Services Manual**, shall be incorporated into the contract awarded pursuant to this RFP and is incorporated by reference herein in its entirety.

Proposer's attention is directed to Chapter 2, Definitions, for definitions of terms used in this RFP. The terms "Agency" and "Owner" are used interchangeably in the material referenced in this RFP and mean the public body issuing this solicitation for services and with whom the successful A/E Proposer will enter into an agreement. For purposes of clarity and uniformity in this RFP, only the term "Agency" will be used herein.

Proposer's attention is also directed to Chapter 3 General Terms and Conditions for Professional Service Contracts which indicates, among other things, that the specific office of the firm submitting the proposal must be licensed and registered with the Virginia Department of Professional & Occupational Regulations (DPOR) (Section 301.1).

## **II. PURPOSE**

The purpose of this RFP is to solicit proposals for entering into a contract through competitive negotiations for the professional services of an Architectural/Engineering firm, authorized to do business in the Commonwealth of Virginia, with significant experience in the planning and design-build delivery of University projects. Specifically, the University is seeking a Criteria Consultant to develop criteria documents and assist the University in the preparation of a design-build Request for Proposal to be distributed to pre-qualified Design-Build Teams.

Sustainability shall be embraced in all aspects of programmed space to have a more positive impact on the environment and meet the standards of the University. Firms responding to this RFP will be required to demonstrate experience with the US Green Building Council's LEED certification process and assign to the project team a LEED accredited professional in each major design discipline. In keeping with the spirit of Virginia Tech's goal of constructing facilities that can achieve a "Silver" LEED rating though submission for LEED certification, this project will keep the LEED principles in-mind to ensure a sustainable and efficient program.

The A/E shall provide professional services for the project described in Part IV of this RFP consistent with the A/E Manual, as revised.

## **III. BACKGROUND –Hitt Hall and Intelligent Infrastructure Complex-Fusion Lab-and Smart Dining**

### **Introduction**

Hitt Hall and the Intelligent Infrastructure Complex-Fusion Lab-and Smart Dining (IIC) will be the epicenter of a new group of facilities integral to the Intelligent Infrastructure & Human-Centered Communities (IIHCC) Destination Area (DA), and expansion of the Myers-Lawson School of Construction at Virginia Tech. Hitt Hall and IIC are to be located within the North Academic District of campus, anchoring the Intelligent Infrastructure corridor that will link the North Academic District to the Autonomous Study Park, west of the Duckpond and the Smart Village, west of Route 460.

## **Context**

The North Academic District is identified as the center of core-of-campus growth for the coming years. This area will be a major pedestrian nexus. In addition to Hitt Hall and IIC, current and future plans in this district include a multi-modal transit facility (MMTF), an undergraduate laboratory sciences building, and the Global Business Analytics Complex. Future changes in the directly adjacent Academic District include the conversion of Cowgill to the district's new student center. Additionally, the existing Perry Street will be converted to a pedestrian mall with service and emergency access only as part of the MMTF project.

The forthcoming Master Plan includes establishment of an infinite loop accessible pathway, based at the multi-modal center, which further strengthens campus linkages and universal access to and through the project site.

Hitt Hall and IIC are to be located on the site west of Bishop-Favrao Hall, the home of Myers-Lawson School of Construction.

## **Site Issues and Opportunities**

- ▶ Flood plain and storm water mitigation. The site is located in a flood plain, and requires storm water mitigation. The proposed solution is to address best management practices and present living lab opportunities. Together, with Stroubles Creek daylighting design as a future feature, these are significant site considerations. Flood plain management strategies will require coordination with the Town of Blacksburg for an approved strategy.
- ▶ Major pedestrian connections. It is desired to pair the significant pedestrian activity created by the new adjacent multi-modal center with the programs of Hitt Hall and IIC in a way that is safe and consistent with all aspects of universal access and design.
- ▶ Loading dock, service, and fire lane access. Major pedestrian connections will need to be carefully coordinated with service, loading and fire access to and through the site. Views and potential screening should be carefully considered during the design process.
- ▶ Academic Quad. The placement of the buildings on the site, together with other site considerations, are to be such that they create a recognizable space which can be identified as the North Academic District quadrangle.
- ▶ Space Creation. Consultants will be tasked to conceptualize the creation of inspirational space which holistically bolsters the identity of the IIHCC DA, the North Academic District, and the mission, goals, and vision of Virginia Tech.

## **Key Site Design Components**

- ▶ Build Yard. The Build Yard is intended to serve as a large 'sand-box' for full scale construction equipment testing, display and use.
- ▶ Daylighting of Stroubles Creek. Currently Stroubles Creek is piped under the project site. Project plans are to explore, and acknowledge, the opportunity to integrate daylighting of the creek as a prominent site feature in the future.
- ▶ Outdoor Classroom. Siting of Hitt Hall and IIC facilities shall accommodate an exterior, schedule based/programmable classroom space, with site/architectural 'controls' to define the space, and embrace technology-based pedagogies.
- ▶ Amenities. Consultants shall integrate fully into the site all manner of seating, lighting, wifi, and power for full utilization of the site in a seamless indoor to outdoor experience.

### **Program for Hitt Hall and IIC**

- ▶ Hitt Hall and Bishop-Favrao Hall. Consultants will facilitate (with key stakeholder participation) a detailed programming analysis of Hitt Hall and limited programming for existing Bishop-Favrao Hall, with analysis of spaces occupied by Myers-Lawson School of Construction and Virginia Tech Program in Real Estate. The purpose of the analysis is to identify optimal program configuration and space utilization for Bishop-Favrao Hall, and the new Hitt Hall facility (considered phase 2 of Bishop-Favrao Hall) as a combined facility to include the potential for a shared loading/service area, and a physical connection between the buildings that might serve as program, community/collaboration, and/or demonstration space. Note that as part of the Virginia Tech Master Plan, Sasaki Associates is developing high level programming documentation for the project.
- ▶ Hitt Hall. Program elements are to include multiple flexible classrooms, an auditorium, teaching labs, and maker spaces. Building elements are to include an atrium, collaboration spaces, potential green roof, and support spaces. Program may require up to 30,000 square feet; however, will be determined by the available budget.
- ▶ IIC and Smart Dining Facility
  - IIC-Fusion Lab. Program elements are to include studio spaces designed, furnished and equipped to support cross-disciplinary instruction and projects related to intelligent infrastructure in an area highly visible to Smart Dining and the rest of the complex. Facility will include innovation and demonstration labs, community/collaboration spaces, and other spaces that demonstrate, in a highly visible way, the nature of activities related to the Intelligent Infrastructure and Human Centered Communities Destination Area (e.g., the existing Robotics lab in Goodwin Hall, etc.). Program may require up to 15,000 square feet; however, will be determined by the available budget.
  - “Data for the Masses” 21<sup>st</sup> Century Student Activity Space. Program elements are to include a 50-person Data Visualization Classroom/Theater and an Innovation Hub housing at least 20 faculty and collaboration space for faculty and student groups in an open floor plan design. This student activity space will be designed to be flexible with moveable furniture and high technology facilitation. Program may require up to 5,000 square feet; however, will be determined by the available budget.
  - Smart Dining. Located in the IIC, the Smart Dining facility comprises approximately 30,000 square feet, seating approximately 1,000. High throughput of student patrons during peak hours will be a priority for this dining location. It is also envisioned to showcase technology and innovation that supports quality of food service patron experience as well as emerging best practices and technologies appropriate to Virginia Tech’s top ranked on-campus dining program. Preferred qualifications shall include a dining consultant who can demonstrate prior experience relative to these goals.

### **Special Building Components**

- ▶ Physical Connections. Hitt Hall shall provide a physical connection to Bishop-Favrao Hall, above ground level. IIC is to physically connect with Hitt Hall and possibly Derring Hall. Physical connections between the buildings might serve as program, community/collaboration, and/or demonstration space.

- ▶ Other Elements. Consultant to evaluate and provide options for one or more rooftop terraces or gardens, possibly at IIC and related to dining, or otherwise. Both facilities are to consider, include, and integrate spaces throughout the facilities which provide study, advising, teaming and learning in support of academic and student/faculty/staff life.

The Virginia Tech Development Office and the Office of University Planning will facilitate an Industry Roundtable on November 28, 2017 which may result in identifying additional program, scope, and/or building features for the project. Any such changes will be provided as an addendum to RFP 208-L00049-001.

### **Proposed Project Schedule**

Award Criteria Consultant Contract – January 2018

Complete Schematic Design/ Bridging Documents – September 2018

Award Design-Build Contract – February 2019

Preliminary Design Completion– September 2019

Working Drawings Complete – April 2020

Construction Complete December 2021

### **Resources and Further Information**

- ▶ Destination Areas: <http://www.provost.vt.edu/destination-areas.html>
- ▶ Campus Master Plan: <http://facilities.vt.edu/planning-construction/campus-master-plan.html>
- ▶ [Press Releases Regarding IHCC Planning:](http://vtnews.vt.edu/articles/2017/04/bov-intelligentinfrastructure.html)
- ▶ <http://vtnews.vt.edu/articles/2017/04/bov-intelligentinfrastructure.html>
- ▶ <http://vtnews.vt.edu/articles/2016/09/research-intel-infrastructure.html>

## **IV. SCOPE OF CRITERIA CONSULTANT CONTRACT SERVICES:**

The anticipated scope of services will be in three phases.

### **Phase 1: Project Analysis and RFP Development**

#### Site Analysis:

Conduct a site analysis for the Project. Investigate constraints of the site and assist with establishment of site location. This shall include, but not be limited to, analysis of existing conditions, opportunities and constraints associated with this site, analysis of existing utility services, a stormwater analysis, building code analysis, vehicular circulation, and pedestrian access analysis.

#### Program Review:

- Analyze client needs and confirm preliminary program criteria, goals, and objectives for the new facility and IIC, and limited programming analysis of existing Bishop-Favrao Hall.
- Programming of Pre-design site study phase, which shall include a minimum of (2) site layout options and will include proposed solutions for loading/service access, flood plain mitigation, and other site access components.

- Professional services to include an independent dining consultant to address dining spaces and kitchen elements.
- Develop space adjacency requirements/diagrams.
- Provide Program Summary.

Conceptual Cost Estimate:

Provide conceptual cost estimate to confirm budget aligns with approved program for the planned facility.

Schematic Design:

Consultant to provide professional services to develop schematic design level (all items except MEP) per the CPSM.

Professional services to include architectural, landscape, civil and structural disciplines as needed. MEP services are not included. In addition to the requirements of the CPSM, deliverables are to include:

Criteria Documents for Design-Build procurement:

Develop Criteria Documents that communicate the University's requirements for the Project that will be incorporated into a Design-Build RFP so that qualified Design-Build offerors can prepare comprehensive design-build proposals for the project. Provide leadership and assist the University's Project Manager in leading stakeholders through this process. The key components of the Design-Build RFP are anticipated to be:

- Narrative and tabular program that describes the minimal and preferred functional/operational requirements of the facility.
- Summary table and detailed program of space requirements.
- Schematic Design, section diagrams, and building mass model.
- Narrative and outline specification that defines the minimum and preferred exterior aesthetics, structural, functional and durability requirements.
- Guidelines relating to architectural design identifying design intent and preferred and/or required architectural design elements.
- Selection criteria and evaluation process that supports University's priorities and requirements.
- Special Area plans, including, but not limited to, kitchen and dining areas.
- Schematic exterior elevations noting articulation, guidelines related to materials and special features.
- Schematic floor plans and roof plans noting dimensions, guidelines related to special finishes and features.



It is the University's intent to balance the amount of structural, functional and architectural design provided in the RFP with descriptive requirements in tabular and narrative form.

Universal Design principles shall also be embraced in all aspects of the design. A/E shall explore opportunities to apply Universal Design principles in the design and composition of project elements to allow for ease of access, use, and understanding, to the greatest extent possible, by all people regardless of their age, size, ability or disability.

### **Phase 2: Design-Build Offeror Proposal Evaluation**

The Criteria Consultant will assist the University's selection committee in evaluating the proposals of the Design-Build offerors in terms of:

- Adherence to the RFP requirements;
- Qualification of the firm and team members;
- Quality of the proposed project approach and schedule;
- Technical advantages and disadvantages of the proposals in terms of
  - Durability
  - Quality
  - Functionality
  - Maintenance
  - Architectural compatibility
  - Cost Efficiency

The Criteria Consultant will participate in the pre-proposal meetings, Design-Build Offeror presentations/interviews (interim and final) and the proposal evaluation process as an advisor and provide technical opinions. They will not vote or score offerors in the tabulation of the final results.

### **Phase 3: Design and Construction Administration**

Through the design, construction, and commissioning phases, the Criteria Consultant will provide assistance to the Owner in oversight/administration of the design-build process to ensure compliance with the RFP, the selected Design-Build technical proposal, and the Design-Build Contract. The Criteria Consultant will also review all change orders during the Design Build contract to confirm that the additional work being authorized is above and beyond the scope of the initial contract specifications and that the cost being proposed by the Design Build Team is reasonable.

### **Reference/Contract Documents**

- a) Terms and Conditions of the A/E Contract (DGS Form CO-3A)
- b) Virginia Tech Supplemental Terms and Conditions to DGS Form CO-3A (attached)
- c) 9/30/17 Edition of the Construction and Professional Services Manual
- d) Virginia Tech Campus Design Principles dated August 2010
- e) Virginia Tech Design and Construction Standards, dated August 2006
- f) Virginia Tech Gender Neutral Restroom Standards dated August 26, 2015
- g) Virginia Tech Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management
- h) Virginia Tech Network Infrastructure & Services Design and Construction Standards Rev 2016-07-13

V. **POLICY ON SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES:**

It is the policy of the Commonwealth of Virginia to contribute to the establishment, preservation and strengthening of small businesses and businesses owned by women and minorities and to encourage their participation in state procurement activities. The Commonwealth encourages contractors to provide for the participation of small businesses and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, or other contractual opportunities. Submission of a report of past efforts to utilize the goods and services of such businesses is required with any proposal for A/E services where the total A/E contract amount may exceed \$100,000. Proposer must provide information on its past utilization of Small, Women, and Minority Owned disadvantaged businesses, and must also state any plans to utilize such businesses and the manner in which they may be utilized under this Contract. Electronic copies of the "Small Businesses and Businesses Owned by Women & Minorities" Data Forms are available for download at the <http://forms.dgs.virginia.gov> website.

**Virginia Tech is committed to increasing SWAM participation on capital projects, especially Women and Minority owned businesses. The University has the following SWaM participation goals for design and construction projects: Small 30%, Women 5% and Minority 5%. Failure to provide information on its past utilization of Small, Women, and Minority Owned disadvantaged businesses, and failure to state and quantify (by listing percentages) any plans to utilize such businesses and the manner in which they may be utilized under this Contract may result in a proposal being deemed non-responsive.**

VI. **PROPOSAL REQUIREMENTS:**

Information provided on the previously referenced AE 1 through 6 forms should allow the University to fully assess the responding firm's and proposed individual's:

- Experience and understanding of design-build RFP preparation/criteria documents.
- Experience in technical areas required to support RFP development.
- Experience in all aspects of the design-build process.
- Leadership abilities, processes, and communications skills on similar projects with multiple stakeholders to assure project success.
- Experience in working with Government/State Agencies/Code Authorities on design-build projects.
- Experience in design-build project administration.

Proposals shall be signed by an authorized representative of the A/E. By submitting a proposal, the proposer certifies that all information provided in response to this RFP is true and accurate. Failure to provide information required by this RFP may ultimately result in rejection of the proposal.

Proposals should be prepared simply and economically, providing a straightforward, concise description of the A/E's capabilities for satisfying the requirements of the RFP. Emphasis should be on completeness and clarity of content.

The Respondent's proposal shall include: the completed and signed RFP cover page 1; the completed and signed Forms AE-1, AE-2, AE-3, AE-4, AE-5 and AE-6; and the completed "Small Businesses and Businesses Owned by Women & Minorities" Data. **One (1) manually signed original and five**

**(5) copies of the proposal shall be submitted to the Agency together with a pdf file on a CD or thumb drive.** Each copy of the proposal shall be bound in a single volume where practical.

All documentation submitted with the proposal shall be included in that single bound volume. Elaborate brochures and other representations beyond those sufficient for presenting a complete and effective proposal are neither required nor desired.

Any information thought to be relevant, but not specifically applicable to the enumerated scope of work, may be provided as an appendix to the proposal. If publications are supplied by the proposer to respond to a requirement, the response should include reference to the document number and page number. Publications provided without such reference will not be considered relevant to the RFP.

**NOTE: Electronic copies of Forms AE-1, AE-2, AE-3, AE-4, AE-5 and AE-6 and of the "Small Businesses and Businesses Owned by Women & Minorities" Data Forms are available for download at the following website:**

**[http://www.dgs.virginia.gov/tabid/823/Default.aspx?udt\\_1673\\_param\\_detail=159](http://www.dgs.virginia.gov/tabid/823/Default.aspx?udt_1673_param_detail=159) and [http://www.dgs.virginia.gov/tabid/823/Default.aspx?udt\\_1673\\_param\\_detail=271](http://www.dgs.virginia.gov/tabid/823/Default.aspx?udt_1673_param_detail=271)**

**Note also that the AE forms have been recently revised and are dated 3/17.**

## **VII. EVALUATION AND AWARD OF CONTRACTS:**

- A. Evaluation Criteria: The following criteria will be considered by the University when evaluating proposals:
1. Firm's Experience: Expertise, experience, qualifications and performance record as a criteria developer on similar higher education facilities.
  2. Design-Build Experience: Expertise, experience, and qualifications with the design-build process.
  3. Process: Explanation of approach and methods that will be used to complete all phases of the project.
  4. Staff Qualifications: Experience and qualifications of staff or consultants who will actually be working on the project, including specific examples of similar design-build projects the team and/or each individual was directly involved with.
  5. Public Agency experience: Successful client service to other Public Agencies on similar design-build projects.
  6. Understanding Program and Project Requirements: The firm must demonstrate a thorough understanding of the needs of the client, the nature of the new facility, and the constraints placed upon the project.
  7. Consultant team to reference and demonstrate understanding, in all aspects and treatment of the site and building elements, the 1994 Campus Master Plan, the 2006 update, the 2009 update, and ongoing 2017 Draft Campus Master Plan work product, the Campus Design Principals, and the Campus Design Standards and will incorporate elements that

demonstrate Virginia Tech's commitment to diversity and inclusion to include the provision for gender neutral restrooms.

8. Consultant team to reference, and demonstrate understanding of, the unique character of Virginia Tech's core-of-campus, and blend those elements with the notion of the IHHCC DA.
9. Consultant team to demonstrate ability to collaborate with, and engage, a diverse range of stakeholders across Virginia Tech, in the development of the design. Stakeholders include administration, faculty, staff, student representatives, and Facilities, including but not limited to Capital Construction & Renovations and the Office of University Planning.
10. Demonstrated expertise and experience with the use of Universal Design guidelines and principles in past projects.
11. Use of small businesses and businesses owned by women and minorities as the prime A/E firm, consultants, or support services.
12. Expertise, experience, and qualifications of the A/E Firm's team in each relative discipline for providing the services described in Section IV, Scope of Services.
13. Expertise, experience and qualifications of any special consultants proposed for providing the services described in Section IV, Scope of Services.
14. Current and projected workload, plan to complete the work, and ability to complete the work in a timely manner.
15. Size of the firm relative to the size of the project(s).
16. Financial Responsibility as evidenced by the A/E Firm carrying Professional Liability Insurance.

Generally, the selection committee will consider the A/E Firm's overall suitability to provide the required services within the project's time, budget and operational constraints, and it will consider the comments and/or recommendations of the A/E Firm's previous clients, as well as other references.

- B. **AWARD OF CONTRACT:** After evaluation of the Proposals received in response to the RFP, the Agency shall engage in individual discussions and interviews with two or more proposers deemed fully qualified, responsible and suitable on the basis of initial responses, and with professional competence to provide the required services. Repetitive informal interviews are permitted. Proposers shall be encouraged to elaborate on their qualifications, performance data, and staff expertise relevant to the proposed contract. Proposers may also propose alternate concepts or methodology. Proprietary information from competing proposers (including any data on estimated man-hours or rates and the plan for accomplishing the scope of work) will not be disclosed to the public or to competitors, provided such information is duly marked as "Proprietary Information" by the Proposer and the designation is justified as required by Section 2.2-4342, Code of Virginia, as revised. At the conclusion of the informal interviews and on the basis of evaluation factors set forth in Section VII and the information provided and developed in the selection process to this point, the Agency shall rank, in the order of preference, the interviewed proposers whose professional qualifications and proposed services are deemed most

meritorious. Negotiations shall then be conducted with the Proposer ranked first. If a contract satisfactory and advantageous to the Agency can be negotiated at a fee considered fair and reasonable, the award shall be made to that Proposer. Otherwise, negotiations with the Proposer ranked first shall be formally terminated and negotiations conducted with the Proposer ranked second, and so on, until such a contract can be negotiated at a fair and reasonable fee. Should the Agency determine in writing and in its sole discretion that only one Proposer is fully qualified, or that one offer is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that Proposer.

The CCR Project Manager will be the primary contact for contract negotiations.

**If awarded the Criteria Consultant contract, no members of the Criteria Consultant team will be eligible to propose on the Design-Build RFP or participate on a team that proposes on the Design-Build RFP.**

#### **VIII. FEES:**

The fee for services shall be negotiated on a lump sum basis considering the Scope of Services required, the estimated manhours required for each level/discipline and the typical labor rates for the various skill levels required for the work. The Memorandum of Understanding prepared by the Agency will document the negotiated acceptable labor rates for the various levels/disciplines and these rates will be used for any hourly rate work of the A/E that is authorized by the Agency.

#### Attachments

- 1) Virginia Tech Supplemental Terms and Conditions to DGS Form CO-3A dated January 5, 2016

# Virginia Tech

## Supplemental Terms and Conditions of the A/E Contract

January 5, 2016

The Commonwealth of Virginia Terms and Conditions of the A/E Contract, Form DGS-30-018 (CO-3a), are modified and supplemented as hereinafter described.

### **10. "DESIGN-NOT-TO-EXCEED" COST AS RELATED TO A/E CONTRACT**

The Owner shall provide the A/E with a description of the project including information on functions, space requirements, special features and requirements, aesthetic requirements, authorized square footage and "Design-not-to-exceed" construction budget. The A/E's Contract requires that if the low bid exceeds the "Design-not-to-exceed" cost identified in the A/E Contract by more than 10% due to the negligence of the A/E, any A/E revisions to the plans and specifications required to bring the cost of the project within the "Design-not-to-exceed" cost may be executed by the A/E at no additional cost to the Commonwealth.

The A/E's cost estimate shall be in the systems format described in CPSM Chapter 5 and Appendix E. The estimate shall be provided at a level of detail commensurate with the current design phase. The A/E shall submit a cost estimate with each phase submittal. If the cost estimate indicates a potential problem in securing a bid within the "Design-not-to-exceed" cost, the A/E shall notify and work with the Owner to redefine the design concepts of space utilization, building efficiencies, materials of construction, etc., so that the estimated cost of construction does not exceed the "Design-not-to-exceed" cost.

Substantial changes in the project scope, such as those which affect the area (whether increase or decrease) or function of the proposed facility, must be justified by the A/E and may require the approval of the Governor or his designee.

### **12. A/E PROFESSIONAL LIABILITY INSURANCE**

The A/E shall carry professional liability insurance covering negligent acts, errors and omissions violating the contractual standard of care for all state-owned projects designed by the A/E which are currently under contract or construction. The A/E shall carry either "basic practice policy" or "project policy insurance" coverage. The minimum amount of professional liability insurance required to be carried by the A/E shall be calculated as not less than an amount equal to 5% of the estimated construction cost per claim and twice that amount in the aggregate for each policy year. Insurance in the amount of \$250,000 per claim and twice that amount in the aggregate for each policy year is the minimum amount regardless of the construction cost. The maximum amount of insurance required, regardless of the construction cost, shall be \$5,000,000 per claim and \$10,000,000 in the aggregate for each policy year.

The A/E shall maintain this insurance coverage after completion of the services under the contract for a period of 3 years after completion of the project. The A/E shall maintain coverage in the amount equal to the highest dollar amount of coverage for the highest construction cost project for a period of 3 years after the completion of the project. If the A/E cancels their professional liability insurance policy prior to 3 years past substantial completion, they must purchase an Extended Reporting Period equal to the number of years the coverage is required.

### **13. DESIGN ERRORS AND/OR OMISSIONS**

The A/E shall be responsible for all damages resulting from its negligent errors, omissions or negligent performance of professional services, and other breaches of the applicable standards of care established by the **CPSM** and/or under Virginia law.

Damages that the Owner may incur include, but are not limited to:

1. The Owner's own costs for labor and other in-house costs;
2. Any resulting Contractor Change Order costs including the costs for demolition, cutting, patching, repairs, removal, or modification of Work that is already in place;
3. Any Contractor or Owner delay damages; and
4. Any judgments, fines or penalties against the Owner resulting from the A/E's negligent errors, omissions or negligent performance of professional services and other breaches of the applicable standards of care.

The A/E shall not be responsible for the cost to correct equipment or systems which should have been originally specified, except the A/E shall be responsible for any increased costs, whether the result of inflation, reordering, restocking or otherwise, of incorporating the corrected Work into the Contractor's Contract Change Order as a result of the A/E's errors, omissions or negligence.

For the purposes of determining the A/E's share of such costs for Work which has not yet been performed, the cost of Work performed by Contractor's Change Order shall generally be presumed to be 15% greater than if the Work had been included in the Contractor's original Contract. The A/E shall have the burden of disproving this presumption.

When determining the A/E's contribution for Change Orders attributed to negligent errors, omissions or the negligent performance of professional services (where the work has not yet been done by the Contractor), the Owner/Agency should also take into account the actions and efforts of the A/E during the construction phase that were above and beyond the scope of its contract to assist the Owner in obtaining a timely, quality product.

The Commonwealth shall actively pursue reimbursement of damages resulting from the A/E's negligent errors, omissions or negligent performance of professional services or breaches of the applicable standard of care. Upon determination that there may be A/E financial responsibility involved, the A/E shall be contacted by the Owner in writing. The A/E shall be advised of the design deficiency, informed that it is the Agency's opinion that the A/E may be financially responsible, and requested to provide a technical solution to the problem, including cost

estimate. Upon notification of potential liability, the A/E should coordinate with the Owner to determine required technical support and timing to minimize delay costs. Pending final decision by the Owner, the A/E will be invited to attend all price negotiations with the Contractor for the corrective work. The A/E shall participate as a non-voting technical advisor to the Owner's negotiator.

If the A/E refuses to cooperate in the negotiations or disputes its responsibility, the Owner shall have the right to proceed with the remedial construction and/or change order negotiations without the A/E.

All changes to the Contract Documents, whether to correct negligent errors or omissions, to accommodate unforeseen or differing site conditions, or Owner requested changes, must be made and documented by Change Order, using Form CO-11.