WEST VIRGINIA UNIVERSITY
REQUEST FOR PROPOSALS
RFP 90003737Z

New Business & Economics Buildings
Architectural & Engineering Design Services
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II. IMPORTANT NOTICE

West Virginia University will be releasing a second RFP with this RFP for an additional project for programming, design, engineering, and site planning services for a full renovation of Hodges Hall, located on the Morgantown campus of the University. It is the intent of the University to plan and develop these two projects in tandem due to critical academic and professional space currently needed by users of the campus. The University reserves the right to select a single proposer, if qualified, for both projects to ensure the appropriate level of coordination and oversight necessary to meet critical goals. However, it is not necessary for a proposer to submit for both projects and both projects will be evaluated independently. Proposers are encouraged to submit information and projects that involved multiple sites demanding close coordination of architectural, engineering, and construction services.

III. BACKGROUND DISCUSSION

A. PROJECT DESCRIPTION & PURPOSE

West Virginia University on behalf of its Board of Governors (hereinafter referred to as “WVU” or “University”) seeks qualified firms to provide programming, design, engineering, and site planning services, as more fully described below, for new facilities associated with the WVU College of Business and Economics (“WVU B&E”) and other potential amenities, including, without limitation, campus recreation; food/retail/lobby space; and potential accommodations to suit a live-learn environment replacing existing outdated campus housing (the “Project”). WVU has identified a potential location for the Project off of Beechurst Avenue, in the Stansbury Hall location, as depicted below; however, the University may investigate other sites. As part of the Project, the University anticipates razing Stansbury Hall to create the building site for this Project. The anticipated sizes, if developed, of these facilities are as follows:

- College of B&E - 103,124 Anticipated Square Feet
- Campus Recreation – 23,400 Anticipated Square Feet
- Food / Retail / Lobby – 3,600 Anticipated Square Feet
- Commensurate accommodations for student housing\(^1\) in a live-learn environment

\(^1\) At this time it is anticipated that the University in the near future will need to upgrade and replace its existing housing portfolio. Absent changes in anticipated enrollment trends or other direction from the Board of Governors, the University anticipates that the potential student
At WVU B &E, the philosophy of “learning by doing” is what differentiates WVU from other higher education experiences. As WVU fulfills its mission to educate and transform our students, our state and our world toward greater prosperity, and prepare for expanding our student population from 2,700 students to 4,000, the new expansion of the existing WVU B&E must be the picture of future business learning. WVU B&E fosters a diverse and inclusive culture that attracts talented students, and more than 150 faculty members and professionals.

The Project will be the hub of educational and experiential learning, and include technologically advanced and uniquely designed active learning spaces that can adapt to the ever-changing business learning environment. WVU B&E fosters a diverse and inclusive culture that attracts talented students, faculty and professionals to support six academic departments (Accounting, Economics, Finance, Management, Marketing, and Management Information Systems) ten undergraduate majors (including innovative programs in Entrepreneurship, Supply Chain Management, and Hospitality and Tourism Management), seven master degree programs (including Data Analytics, Forensic and Fraud Examination, as well as full time and online MBA programs), five different Ph.D. programs, and nine outreach centers. This Project will reflect these ideals, be worthy of WVU’s R1 research designation, connect our people to the global business community and be adaptable to the expansion of programs and student population.

Students should walk into the facility and see business, business applications, and opportunities to have hands-on innovative experiential learning opportunities directly tied to all areas of the business disciplines continuum.

While students are our top priority, our mission and vision extend beyond the WVU campus. The Project will revitalize Morgantown’s waterfront as well as lead and facilitate new business thinking across the state. It will be a model for business education and outreach nationally and globally.

Programming data supporting the above information as prepared by WVU is attached in Exhibit “C”

IV. SITE

The following is an aerial photograph of the anticipated site of the Project (Note, however, that additional site locations may be explored during Phase I of the Project.).

SEE NEXT PAGE

housing referenced herein would facilitate necessary upgrades and / or replace existing housing as opposed to significant increases in University housing.
V. ABOUT THE UNIVERSITY

As a land-grant institution, the faculty, staff and students at the University are committed to creating a diverse and inclusive culture that advances education, healthcare, and prosperity for all by providing access and opportunity; by advancing high-impact research; and by leading transformation in West Virginia and the world through local, state, and global engagement.

In 1862, the U.S. Congress passed and President Abraham Lincoln signed the first Land-Grant Act (also known as the Morrill Act for its sponsor, Rep. Justin Morrill of Vermont). On October 3, 1863, the West Virginia Legislature voted to accept a grant of land totaling 150,000 acres from the federal government. Funds from the sale of this land were used to establish WVU in 1867.

The purpose of the Land-Grant Act was “the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.”

In 1890, the second Morrill Land-Grant Act led to the creation of many of America’s historically black colleges and universities. Today, there are 76 land-grant universities that trace their beginnings back to the 1862 or 1890 Land-Grant Acts. These universities, including WVU, constitute the core membership of the Association of Public and Land-Grant Universities (APLU).

WVU is proud of its history as a land-grant university and remains dedicated to its land-grant mission of promoting access to higher education and applying research to meet the needs of West Virginians. The land-grant mission is at the core of WVU’s identity as a university, from the Extension Service and Engineering to Public History and Health Sciences. Every WVU System college and unit, from Morgantown to Beckley and Charleston and Martinsburg to Keyser, is an integral part of WVU’s land-grant past and future.

As a R1 Doctoral University (Highest Research Activity) as classified by the Carnegie Classification of Institutions of Higher Education, WVU faculty conducted $143 million annually in sponsored contracts and research grants in 2015. Accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools and dozens of specialized academic agencies, WVU operates on a budget approaching $1.1 billion a year.

The WVU Morgantown campus is located in a small city of 30,855 (U.S. Census Bureau, 2016), rated “No. 1 Small City in America” by BizJournals.com. Business Insider named Morgantown the ninth-best college town in America. It’s within easy traveling distance of Washington, D.C.,
to the east, Pittsburgh, Pa., to the north, and Cleveland and Columbus, Ohio, to the northwest. Other rankings: Kiplinger.com included Morgantown in their 10 great places to live list; one of “Best Sports Cities” by Sporting News; 5th “Best Small Metro” by Forbes; 12th overall “Hottest Small City” by Inc.; one of “50 Smartest Places to Live” by Kiplinger’s; and the second-ranking “Best College Town for Jobs” by Forbes. The WVU System includes campuses in Beckley and Keyser, and WVU Health Sciences includes divisions in Martinsburg and Charleston.

WVU is home to more than 8,200 faculty, staff, and graduate assistants. Fall 2016 Morgantown campus enrollment was 28,488—22,350 undergraduate, 4,598 graduate, and 1,540 professional students. Students come from 107 nations, every US state (and D.C.), and all 55 West Virginia counties. Fall 206 WVU System enrollment was 31,287.

Fall 2016 WVU System enrollment was 31,287.

14 Morgantown colleges and schools offering 340+ majors in agriculture, natural resources, and design; arts and sciences; business and economics; creative arts; dentistry; education and human services; engineering and mineral resources; journalism; law; medicine; nursing; pharmacy; physical activity and sport sciences; and public health. Hundreds of distance education and online classes are available.

The WVU Health Sciences Center and the West Virginia University Health System work collectively as part of WVU Medicine. WVU Medicine unites the physicians and scientists of the West Virginia University Health Sciences Center with the hospitals, clinics, and health professionals of the West Virginia University Health System. Together, they are a national leader in patient safety and quality, and are unified and driven by an unbridled passion to provide the most advanced healthcare possible to the people of West Virginia and beyond. WVU Medicine includes the physicians, specialists, and sub-specialists of the West Virginia University School of Medicine; the affiliated schools of the WVU Health Sciences Center; four community hospitals; three critical access hospitals; and a children’s hospital, all anchored by a 645-bed academic medical center that offers tertiary and quaternary care. Combined, WVU and the WVU Health System employ over 22,000 employees.

WVU ranks nationally for prestigious scholarships: 25 Rhodes Scholars, 22 Truman Scholars, 44 Goldwater Scholars, 2 George C. Marshall (British) Scholars, 5 Morris K. Udall Scholars, 5 USA Today All-USA College Academic First Team Members (and 11 academic team honorees), 22 Boren Scholars, 37 Gilman Scholars, 49 Fulbright Scholars, 3 Department of Homeland Security Scholars, 28 Critical Language Scholars, one Jack Kent Cooke Foundation Graduate Scholar, 5 National Institute of Standards and Technology Fellowships and 4 National Science Foundation Graduate Research Fellowships.
VI. SCOPE OF SERVICES AND REQUIREMENTS

A. SCOPE OVERVIEW AND DETAILS

The University intends to engage, the services of a qualified Architectural Firm to provide design services (Phase I-III) for the Project. This Project is in its early development stage; therefore, the University reserves the right to separate various aspects of the Project through multiple commercial transaction structures, separated from, coordinated with or otherwise performed by the selected architectural firm. In addition, the University reserves the right with a thirty (30) day notice to terminate the services as requested herein at any time and for any reason.

The University anticipates, without guarantee, that the architectural and engineering services will include, without limitation, the following:

i. Phase 1 (Conceptual/Schematic Design and Marketing)
   - Create to the satisfaction of the University multiple massing exhibits, conceptual building footprints and site layouts for the Project. The University will require multiple scenarios to be analyzed, developed, and considered during this exercise which may include, without limitation, aspects that may include accommodations for a live-learn environment replacing existing outdated campus housing, retail, commercial, recreational, or other student amenities that could be located within the site of the Project. At the sole discretion of the University, aspects of the overall Project could be done by the Architectural Firm selected, through Public-Private Partnership, Lease, or other structure, at the sole discretion of the University, dependent upon what is in the best interest of the University.

   - Preparation and administration of schematic design and/or design development packages for use in preliminary cost estimation and pricing for the Project.

   - Create conceptual renderings, floor plates, flybys, site plans and other marketing type material as needed by and to the satisfaction of the University so that potential fundraising and financing efforts can begin for the Project.

   - Review, update, and verify any predetermined Project programming assumptions that have been developed by the University. Attend
planning and programming sessions with the University determined stakeholders.

- Attend, at the request of the University, fundraising and public meetings.
- Develop a site plan incorporating a pedestrian bridge across Beechurst Avenue connecting to the WVU Personal Rapid Transit System.
- Evaluate the existing utilities (including downtown campus substation) & infrastructure to determine if they are sufficient to support a Project of this size and use.
- Preparation of cost estimates that will assist in making decisions related to material options, building size, and other specifications.
- Provide and submit the Detailed Development Plan for the Project to the University’s satisfaction.

ii. **Phase 2 (Final Design Services)**

- Complete design, planning, programming, schematic design, design development, full construction documents, specifications, contract documents and bid administration, as outlined in the standard AIA Agreement for Design Services. Basic services may include, without limitation, the design and coordination with the following disciplines for site, core and shell elements, which are required to complete the design element of the Project:
  - Civil Engineering;
  - Structural Engineering;
  - Interior Design;
  - Mechanical Engineering;
  - Electrical Engineering;
  - Plumbing Engineering;
  - Fire Protection; and
  - Landscape and Storm Water Design.
• Assist in the selection of and contract with firms identified in this phase. Assist with the selection of the procurement method of all construction services as well as the provider(s). The awarded proposer will be responsible for all coordination and management of the participating firms.

• Review of any applicable documents with governing authorities during design and construction. Preparation and submission of documents necessary to obtain all required permitting and regulatory approvals, if any.

• Coordination and incorporation into the documents of all details related to University furnished equipment and systems. These may include, but are not limited to, the following:
  o Fixed and Movable Equipment;
  o Furniture;
  o Communication Equipment;
  o Phones;
  o Computers;
  o Interior Design;
  o Signage and Graphics (Interior & Exterior); and
  o Audio/Visual Equipment and Design.

• Assistance with evaluation and preparation of cost-saving and/or value engineering alternatives developed during design, preconstruction, and/or construction phases and incorporation of approved alternatives or changes into the design documents.

• Provide commissioning services.

iii. Phase 3: (Construction Administration) may include, but not limited to, the following:

• Respond to RFIs, RFCs, Product Submittals, Product Substitutions, etc.

• Construction Monitoring.
• Pay Application Reviews.
• Assistance with scheduling and phasing issues.
• Attendance at required meetings, including, but not limited to, regularly scheduled coordination meetings during the design and construction phases.

Each responding firm should feel free to expand on the scope outlined above as it feels necessary to provide the University such services to fulfill the intent of this RFP. Proposers MUST submit any additional services they are recommending to the University during the Question and Answer period outlined in this RFP. All additional services agreed upon by the University will be noted in an addendum to this RFP. All responding firms will be notified and given the opportunity to include such services prior to the deadline for responses to this RFP.

VII. RESPONDENT INFORMATION AND KEY DEADLINES

The following is the anticipated Solicitation Schedule. The University may, in its sole discretion, change this schedule at any time. If the University changes dates in the schedule before the deadline for receipt of proposals, it will do so by an addendum to this RFP. It is each prospective Proposer’s responsibility to check with the University for current information regarding this RFP and its implementation timeline.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publish RFP</td>
<td>September 29, 2017</td>
<td></td>
</tr>
<tr>
<td>Non-Mandatory Pre-Proposal Meeting</td>
<td>October 12, 2017</td>
<td>9:00 AM*</td>
</tr>
<tr>
<td>Cutoff for Explanations/Clarifications</td>
<td>October 27, 2017</td>
<td>12:00 PM (Noon)</td>
</tr>
<tr>
<td>Proposal Due Date</td>
<td>November 8, 2017</td>
<td>4:00 PM</td>
</tr>
<tr>
<td>Anticipated Contract Award**</td>
<td>Week of November 27, 2017</td>
<td></td>
</tr>
</tbody>
</table>

*Location and further clarifications will be provided via Addendum
**Approximate; dependent on prior dates

A. Procurement Official:

Keith Bayles
WVU Procurement, Contracting & Payment Services (PCPS)
Phone Number: (304) 293-2884
Email: keith.bayles@mail.wvu.edu
B. **Evaluation Criteria.** The following evaluation factors, listed by relative order of importance, will be used to determine the best-qualified Proposal:

<table>
<thead>
<tr>
<th>Evaluation Factor</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifications and Experience of Project Team</td>
<td>30</td>
</tr>
<tr>
<td>Depth of Firm, Past Experience, Project Success</td>
<td>40</td>
</tr>
<tr>
<td>Project Management, Implementation &amp; Schedule</td>
<td>20</td>
</tr>
<tr>
<td>Fee for Scope of Service</td>
<td>10</td>
</tr>
</tbody>
</table>

The major categories that compose the evaluation criteria in determining the selected proposer are as follows:

- Completeness of qualifications in responding to the information requested in the format outlined.
- Current and past experience and performance in providing design services for similar programs.
- Evaluation of key personnel and fit with the University project personnel.
- Probable responsiveness of the Project Team and availability to the University.
- Depth of the firm, including capabilities and availability of resources.
- Budget to actual outcome of past projects.
- Creativity of Project Team.
- Proposed Fee.
- The ability of the firm to meet an aggressive timeline and budget.

C. **Submission of Proposals**

- **Deadline for Receipt of Proposals.** The deadline for receipt of Proposals is October 20, 2017, at 4:00 p.m., Eastern Time (“ET”). By Proposal submission, Proposers agree to all requirements, terms and conditions contained in the RFP.

- The Proposer remains solely responsible for ensuring that its Proposal is received before the time and date due. Late Proposals will be returned unopened/unread (see the Late Submission and Modifications of Proposal paragraph, below).
• Email all proposals to bid@mail.wvu.edu and deliver six (6) hard copies to:

   West Virginia University
   Procurement, Contracting, & Payment Services
   One Waterfront Place, 3rd FL
   PO Box 6024
   Morgantown, WV 26506

   Note: All submissions (electronic and hard copy) MUST be delivered by the deadline or the submission maybe considered late.

• Any proposal sent to any other address other than bid@mail.wvu.edu will be considered unresponsive.

VIII. QUALIFICATIONS/SELECTION CRITERIA

A. Qualifications/Proposal Format
   i. Firms will be evaluated on the basis of overall experience and depth of resources with preference to firms that can meet an aggressive time schedule and budget.
   
   ii. Review and consideration of capabilities will be given to each firm.
   
   iii. It is imperative that the RFP be complete and contains all of the information requested.
   
   iv. In the interest of performing a thorough and timely evaluation of all qualifications received, all qualifications should be submitted in the following tabbed format:

B. Section I – Corporate Information and Firm Profile
   i. History of the firm, including present ownership and key management individuals. Describe any recent (within the past three years), current, and/or anticipated changes in overall corporate management ownership.
   
   ii. Location of corporate headquarters and other divisional offices. Specify which office(s) will be involved in this project.
   
   iii. Pertaining to the office(s) serving this project, indicate the total number of full-time equivalents (FTEs) dedicated to the architectural sector and delineate by management, professionals (by discipline), and secretarial/clerical.
iv. A corporate organization chart showing authority structure and depth of resources.

v. Identify any joint venture or sub-consulting firm(s) proposed to be part of the Architecture Team for this project. Please provide the following information:

- Name of Firm
- Firm History/Profile
- Location of Corporate Office
- Location of Office(s) Performing the Requested Services
- Length of Time in Business (years)
- Service(s) To Be Provided

C. Section II – Project Experience, Approach, and Value-Added Administration

i. Identify at least three of the most recent projects (higher education preferred) in which your firm has provided architectural services that are similar to the projects outlined in “Project Description”. The following information is requested on each project:

- Facility Name and Address
- Name of Parent System (if applicable)
- Profit or Non-Profit Status
- Completion Date and/or Status of Project
- Project Description (identify new construction and/or renovation and major elements of the project and/or any unique features).
- Project Size (number of square feet and separate new construction from renovation).
- Lead design architect from your firm and other key personnel involved in the project.
- Client Reference (Name, Position, Address, and Telephone Number).
- Project Budget:
Initial Budget

Final Budget

Variance (%)

AE Omissions (%)

Owner Omissions (%)

• Fees and Reimbursables:

  Fee ($ amount and % of construction cost)
  
  Amount of Additional Services ($)
  
  Total Reimbursable Costs ($)

• Who was the General Contractor/Construction Manager involved with the project? Please name the firm and a key contact (name, position, and telephone number).

• Describe the project completion with respect to schedule, any schedule extensions, recovery plans, etc.

• Photographs, plans, diagrams, and other graphic materials for the three recent projects described in the proposal should be submitted under separate cover. Please submit only one (1) copy of photographs and other supporting materials.

ii. Describe the firm’s approach to staying abreast of emerging technologies, innovative design practices, materials, construction practices and the current market pricing structure.

iii. Provide descriptions of any unique services or processes that your firm could offer to this project. Are any of the services listed regularly subcontracted to other entities? If so, which ones?

D. Section III – Proposed Architectural & Engineering Team

i. A project specific organization chart outlining personnel roles and responsibilities.

ii. Submit the current resumes of the proposed team members outlined above, including their experience and qualifications. Resumes should be no longer than
one (1) page in length and specifically address the individual’s Class A, speculative office architecture experience on completed projects of similar size. Resumes should include a minimum of the following information:

- Name of Individual
- Office Location
- Education/Degree/Year Received
- Type and associated Years of Experience
- Years with Firm
- Project Assignment/Role Description including anticipated time commitment to the project.
- Relevant Project Experience: including project name, project description, project size (square feet), and current project status.

E. Section IV - Fee Proposal

i. Because the scope of the project is well defined at this point, the University asks that you:

- Provide a lump sum bid and a capped expense category for phase I of the architectural and engineering services as identified in Section II Scope of Services. Additionally, provide a percentage of estimated project cost for phases II and III.
- Provide any applicable multipliers for additional consulting services and reimbursable with a capped or maximum expense (not to exceed) category.
- Fee proposals shall be good for 1 year from the date of submittal.

F. Section VI – Additional Information

i. Include as references:

- A list of at least three individuals and/or organizations who may be contacted as professional references regarding the Respondent’s experience relevant to this RFP (at least one reference from a public university with an enrollment of over 20,000 and a business school with an enrollment over 3,000 is preferred);
The audit partner at the Respondent’s accounting firm;

The relationship partner at the Respondent’s primary commercial bank;

The relationship manager at the Respondent’s primary investment bank or other external financial advisor, if any; and

The relationship manager at Respondent’s primary outside law firm.

Please provide a contact name, title, address, email address, telephone number and facsimile number, if available, for each reference listed. By providing such information, the Respondent consents to the University contacting these individuals for the purpose of discussing the Respondent’s background and experience as it relates to this RFP.

ii. **Schedule:** Assuming a start date of/or around January 2018, please provide an anticipated schedule/duration to complete each phase of the Scope of Services.

iii. **Suits and Claims:** Describe all instances of project disputes, which in the last five years reached the level of formal mediation, arbitration, or litigation. For each dispute, describe the parties involved, the nature of the dispute, and the amount in dispute. Please provide this information for all such disputes arising out of the firm’s projects, regardless of whether the firm was a party or a witness in the dispute. This information will be kept strictly confidential and used only for purposes of this selection.

G. **Selection Information**

i. **Selection Criteria:** The major categories that compose the evaluation criteria in determining the short list are as follows:

- Completeness of qualifications in responding to the information requested in the format outlined.

- Current and past experience and performance in providing design services for similar programs.

- Evaluation of key personnel and fit with the University project personnel.

- Probable responsiveness of the Project Team and availability to the University.

- Depth of the firm, including capabilities and availability of resources.
• Budget to actual outcome of past projects.
• Creativity of Project Team.
• Proposed Fee.
• The ability of the firm to meet an aggressive timeline and budget.
EXHIBIT B
Request for Proposals rules and guidelines

A. COMMUNICATIONS
Throughout the procurement process, Proposers may only have contact with the University’s Procurement Official identified below regarding this solicitation. Discussions or communications regarding this solicitation with any other individuals associated in any capacity with the University, its consultants, contractors or members of its Board of Governors, or members of any Evaluation Panel or Committee are prohibited, unless otherwise approved in writing by the Procurement Official.

Any violation of this prohibition may result in the disqualification of the Proposer from further participation in this procurement, and from award of any contract or subcontract under this solicitation. Proposer(s) shall be required to include in its Proposal response a certification associated with this communication requirements (See Appendix 1).

Discussions or communications with any person(s) other than the University’s Procurement Official identified below, regardless of the format, could result in disclosure of proprietary or other competitive sensitive information or otherwise create the appearance of impropriety or unfair competition and, thereby, compromise the integrity of the University's procurement process.

Proposers include subcontractors at all levels and joint venture members, where applicable.

Proposers shall provide immediate written notice to the Procurement Official any time contact concerning this solicitation has not been limited to the University’s Procurement Official, whether initiated by the Proposer(s) or by other University employees, consultants, contractors or members of its Board of Governors.

B. EXPLANATIONS AND CLARIFICATIONS
Any explanation or clarification desired by a Proposer regarding the meaning or interpretation of any part of this solicitation must be submitted in writing (by email) to the Procurement Official. This communication should be from a representative of the Proposer with a clear cross-reference to the relevant RFP section.

Written Requests for explanations or clarifications can be submitted at any time; however, must be submitted on or before the date/time indicated in Section 7. Requests for clarification received after this deadline may not be considered and the University is under no obligation to address them.
Written Explanations or clarifications provided to a Proposer concerning an interpretation of the solicitation will be furnished to all Proposers in an addendum to the solicitation.

Oral explanations or clarifications given before the award of any contract, at any pre-Proposal conferences or otherwise, do not serve to modify the solicitation and will not be binding on the University.

C. MODIFICATION/ACKNOWLEDGMENT OF SOLICITATION ADDENDA
The University reserves the right to modify the solicitation. If it is amended, then all terms and conditions which are not modified remain unchanged.

When the solicitation is modified, the Procurement Official shall post a solicitation “addendum” on the University’s “Procurement Bid Site” which is located at http://wvubids.finance.wvu.edu/. Proposers are responsible for appropriately registering on the University’s Procurement Bid Site; otherwise they will not receive notification of, nor be able to access, solicitation addenda. The University is under no further obligation to ensure that Proposers receive addenda.

Proposers shall acknowledge receipt of any addendum to this solicitation to the Procurement Official: (i) by signing and returning the addendum; or (ii) by identifying the addendum number and date in the space provided for this purpose on the form for submitting a Proposal (see Appendix I); or (iii) by electronic means.

The Procurement Official must receive acknowledgment of addenda by the time and at the place specified for receipt of Proposals.

Failure of a Proposer to acknowledge receipt of a material addenda may result in rejection of the Proposal as non-responsive.

D. PREPARATION OF PROPOSALS—GENERAL
Examine the Entire Solicitation. Prior to submission of Proposals, Proposers are expected to thoroughly examine all provisions of and Attachments/Appendices to the solicitation, whether incorporated by reference or otherwise. Failure to do so will be at the Proposer's risk and will not be a basis for the Proposer to request relief of any kind prior to or after contract award.

Exceptions to Solicitation. If the Proposer cannot accept WVU’s terms, conditions or requirements, the Proposer shall raise their exceptions in writing (by email) to the Procurement Official. The University may address them in the form of an addendum to the RFP. It is the University’s sole discretion as to whether or not it will accept or deny any exceptions raised by Proposers.
Furnish Information. Proposers shall furnish all information required by the Solicitation. Unnecessarily elaborate Proposals or lengthy presentations are not desired or required; however, Proposals should be clear, concise, and include sufficient detail for effective evaluation. The Proposer is cautioned that it is the Proposer's sole responsibility to submit information related to the evaluation categories, and that WVU is under no obligation to solicit such information if it is not included in its Proposal. Failure by the Proposer to submit such information may cause an adverse impact on the evaluation of its Proposal.

General Format.

Erasures or other changes must be initialed by the person signing the Proposal. Proposals signed by an agent of the Proposer (other than an officer or a partner) should be accompanied by evidence of the agent's authority (unless such evidence has been previously furnished to the University).

Proposal documents shall be prepared in single-spaced type, on 8-1/2" x 11" pages. Pages shall be numbered to show the page number and total number of pages in the Proposal (e.g., Page 1 of 15, Page 2 of 15, etc.).

If a pricing document is provided, all pricing must be completed within that document. Failure to utilize supplied pricing documents may result in disqualification from the RFP process.

To provide uniformity and to facilitate comparison of Proposals, all information submitted should clearly refer to the page number, section, or other identifying reference in this RFP. All information submitted must be noted in the same sequence as its appearance in this RFP.

All names and applicable titles shall be typed and printed where indicated on the various documents. Required entries on all Proposal documents shall be typed using black ribbon, printed using dark printer ink, or legibly written in dark ink (no pencil).

Required Signatures. All Proposals must be signed by an individual authorized to extend a formal Proposal. Proposals that are not signed may be rejected. By signing the Proposal, the Proposer certifies compliance with the signature authority required. If the Proposal is submitted on behalf of:

an individual, sole proprietorship, or a Proposer operating under a trade name, the Proposal shall be signed by that individual;

a partnership, the Proposal shall be executed in the partnership name and signed by all partners or by a managing partner accompanied by evidence of that partner’s ability to sign for the partnership. The official address of the partnership shall be shown below the signatures;
a corporation, the Proposal shall be executed in the corporate name by the president or vice-

president (or other corporate officer accompanied by the evidence of that officer’s authority
to sign for the corporation); or

a joint venture or other type of teaming arrangement, the Proposal shall list the names of all
of the joint venture or teaming arrangement members, and each member’s official mailing
address. It shall be executed by all of the members in the same manner as if they were
individually submitting a Proposal. The signature portion of the Proposal form shall be
altered as appropriate for execution by the joint venture or teaming arrangement.

Alternate Proposals. Proposers may submit more than one Proposal. All Proposals must comply
with the requirements of the RFP except that additional Proposals may incorporate, by reference,
repetitive information which is provided in the original Proposal.

Trade Secrets or Other Confidential Information. Proposers may clearly mark each page of the
Proposal that contains trade secrets or other confidential commercial or financial information,
which the Proposer believes should not be disclosed outside the University. However, disclosure
of requested information can only be protected to the extent permitted under West Virginia law.

Use of Subcontractors. If the Proposer intends to use subcontractors to perform any portion of the
work/provide any of the parts/equipment described in this RFP, the Proposal must clearly state so.
The Proposer’s response must include a description of which portion(s) of the work will be sub-
contracted out and the names and addresses of potential subcontractors under the Contract.

Proposal Preparation Costs. The University shall not be liable for any costs incurred by a Proposer
in responding to this RFP, regardless of whether the University awards the Contract through this
process, cancels this RFP for any reason, or contracts through another RFP or another process.

Errors and Omissions. The Proposer is expected to comply with the true intent of this RFP taken
as a whole and shall not avail itself of any errors or omissions to the detriment of the services.
Should the Proposer suspect any error, omission, or discrepancy in the scope of work or other
portions of the RFP, the Proposer shall immediately notify the University, in writing, and the
University shall issue written instructions to be followed. The Proposer is responsible for the
contents of its Proposal and for satisfying the requirements set forth in the RFP.

Firm Offer Period. Offers must be kept firm for acceptance by the University for at least one
hundred twenty (120) days after the date that Proposals are due. Proposals with acceptance periods
of less than one hundred twenty (120) days may be considered non-responsive. The Proposer may
specify a longer period than indicated here. If the Proposer indicates no time period for acceptance,
the Proposal will be considered firm for one hundred twenty (120) days and thereafter until written notice to the contrary is received.

E. PROPOSAL CONTENT
Proposal Submission. Email the complete Proposal in .pdf format to bid@mail.wvu.edu. Any pricing documents provided should be included in the email.

Proposal Format. The Proposal response shall be set out in the Sections outlined below. A blank page should precede each Section with an index tab that identifies the appropriate Section. These sections represent the minimum amount of information required by the University. Proposers are encouraged to add content if needed; however, unnecessarily elaborate Proposals are discouraged.

Cover of Proposal – clearly identified with:

- Project Identification
- Request for Proposal Official Identifying Number
- Name of Proposing Firm
- Date of Submission/Date RFP Response Due Date

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F. PROPOSAL MATERIALS
The Proposal material submitted in response to the RFP becomes the property of the University upon delivery to the Procurement Official and may be appended, if necessary, to any formal document which would further define or expand the contractual relationship between the University and the Contractor. All material will be considered as part of this RFP.

G. LATE SUBMISSION AND MODIFICATIONS OF PROPOSALS
Any Proposal received after the exact time specified for receipt will not be considered unless:

- it is determined by the University that the late receipt was due solely to mishandling by the University after receipt at the University's Procurement office; or

- it is the only Proposal received.

Any modification of a Proposal, except a modification resulting from the Procurement Official’s request for a "best and final" offer, is subject to the same conditions contained in this RFP.
Any modification of a Proposal should be prepared on company letterhead, signed by an authorized representative, and state that the new document supersedes or modifies the prior Proposals, and resubmitted to the Procurement Official as required pursuant to this RFP.

A modification resulting from the Procurement Official’s request for a "best and final" offer received after the time and date specified in the request will not be considered unless received before award, and the late receipt is due solely to mishandling by the University.

A late modification of an otherwise successful Proposal which makes its terms more favorable to the University may be considered at any time it is received and accepted.

H. WITHDRAWAL OF PROPOSALS
Proposals may be withdrawn by written notice to the Procurement Official before the deadline established for receipt of Proposals. Withdrawals must be made on company letterhead and signed by an authorized representative of the Proposer. Proposals may only be withdrawn by the Proposer’s authorized representative, provided the identity of the person requesting withdrawal is established and the person signs a receipt.

I. PROPOSAL EVALUATION
No Public Opening. Proposals shall not be publicly opened. Upon receipt of Proposals, the Procurement Official will initiate the evaluation and selection process, to include a general review to determine if Proposals comply with the solicitation provisions and contain the required information and submittals. If they do not, the Procurement Official may reject them.

Selection Committee. A Selection Committee shall be appointed to evaluate Proposals. Appointments to the Selection Committee are at the sole discretion of the University.

Substantiation of Proposals. The University reserves the right to require each Proposer to substantiate any aspect of its Proposal, including its own qualifications for providing the services required, and any other area of interest relative to the Proposal response.

Paring Down Process. Proposals will be evaluated to determine if they are “Acceptable”, “Potentially Acceptable” (that is, susceptible to being made “Unacceptable”), or “Unacceptable”. Proposals evaluated as technically “Unacceptable” shall be rejected, and will receive no further consideration for award. For Proposals determined to be technically “Acceptable” or “Potentially Acceptable” the University may:

Proceed directly to award of contract; or

Request clarifications and/or require oral presentations, and proceed to award of contract; or
Request clarifications and/or require oral presentations, and/or hold substantive discussions/negotiations with Proposers determined to be within a “competitive range” and request “best and final offers” following discussions/negotiations.

**Competitive Range.** If a competitive range is established, it will consist only of those Proposals that have a reasonable chance of being selected for award.

**Discussions/Negotiations.** If discussions/negotiations occur, they may include both the technical and financial aspects of the Proposals.

**Best and Final Offers.** At the conclusion of any discussions/negotiations, the Procurement Official will set a firm date and time for the submission of best and final offers. Turnaround time for responding to a best and final offer(s) request is usually brief (e.g., not more than five (5) business days). The specific format for the best and final offer would be determined during discussions/negotiations.

If a Proposer chooses not to submit a best and final offer, its initial Proposal, to include financials, shall be evaluated for award.

If a Proposer chooses to submit a best and final offer, its Proposal will be re-evaluated by incorporating the information requested in the best and final offer.

**Final Negotiations of Terms/Conditions with Best Proposer.** Following the selection of the best Proposal, the University and selected Proposer may enter into negotiations to arrive at mutually agreeable terms and conditions. The contents of the selected Proposal may become contractual obligations if a Contract is mutually agreed to, accepted and signed by both parties. Failure of the Proposer to accept or negotiate in good faith these obligations in a Contract may result in rejection of the Proposal. If the University is unable to negotiate a mutually satisfactory contract with the best Proposer, negotiations shall be formally ended with that Proposer and begun with the next best Proposer. Negotiations shall be undertaken in this manner until a mutually satisfactory contract has been negotiated or the solicitation is canceled. The University will demonstrate "good faith" in reaching a mutually acceptable contractual agreement. Notwithstanding this, there are certain conditions that are unacceptable to the University.

Following is a non-exclusive list:

- Governing law other than the State of West Virginia.
- Clauses requiring the University to indemnify and hold harmless the successful respondent.
Clauses that unduly restrict or place unacceptable claims of ownership on data which are the subject of the agreement/contract.

Clauses relating to requiring the University to enter into reimbursement arrangements relative to attorney's fees.

Post Selection Review. After a final selection has been made and a contract successfully negotiated, the University will name an apparent successful Proposer. Identification of an apparent successful Proposer is procedural only and creates no right in the named Proposer to award of the Contract. Competing Proposers shall be notified in writing of the identity of the apparent successful Proposer.

J. AWARD OF CONTRACT
Basis of Award. The University will award a contract based upon the evaluation of Proposals. The University may award a contract, based solely on initial Proposals. Accordingly, initial Proposals should be submitted on the most favorable terms from both a technical and price standpoint.

Determination of Responsibility. The Contract will be awarded to the responsible Proposer whose Proposal, conforming to the solicitation, will be most advantageous to the University, technical and price factors considered. A responsible Proposer is one who affirmatively demonstrates to the University that it has adequate financial resources and the requisite capacity, capability, and facilities to perform the Contract, has a satisfactory record of performance on other comparable projects, has a satisfactory record of integrity and business ethics, and is otherwise qualified and eligible to receive award under the solicitation and laws or regulations applicable to the procurement. The University reserves the right to investigate the capabilities of Proposers, confirm any part of the information furnished by a Proposer, and require other evidence to determine that the Proposer is responsible.

Rejection of Proposals & Waiver of Minor Informalities/Irregularities. The University reserves the right to reject any or all Proposals in part or in total for any reason, to accept any Proposal if considered best for its interest, and to waive informalities and minor irregularities in Proposals received, commensurate with best public procurement practices.

Notice of Award. Any award of a Contract resulting from this RFP will be made only by written authorization from WVU.

Proposer’s Responsibility for Services Proposed. It is understood and the Proposer hereby agrees it shall be solely responsible for all services it proposes, notwithstanding the detail present in the RFP.
K. CANCELLATION OF SOLICITATION
The University may cancel this solicitation before or after receipt of Proposals in accordance with Section 5.26 of the University’s Procurement Rules (see http://pcps.wvu.edu/r/download/50217).

L. COMPLAINTS OR PROTESTS
Complaints or protests associated with this solicitation must be submitted in accordance with Section 7 of the University’s Procurement Rules (see http://pcps.wvu.edu/r/download/50217).