

# UNIVERSITY OF CALIFORNIA, MERCED

## REQUEST FOR PROPOSAL

RFP # UCM1056CD

### Development Consulting Services



Issue Date: May 17, 2013

Mandatory Pre-Proposal Conference Call: May 29, 2013, 11:00 am – 12:00 pm (See Section 2)

Proposal Due Date/Time: June 21, 2013, 4:00 pm (PT)

**RFP Administrator:** Cindi Deegan, C.P.M.  
Executive Director of Business Services  
University of California, Merced  
Phone: 209-228-4083  
Email: [cdeegan@ucmerced.edu](mailto:cdeegan@ucmerced.edu)

**TABLE OF CONTENTS**

**1 RFP BACKGROUND AND INTENT ..... 4**

1.1 ORGANIZATIONAL CONTEXT..... 4

1.2 PROJECT BACKGROUND ..... 4

1.3 INTENT ..... 5

**2 INSTRUCTIONS TO PROPOSING FIRMS ..... 6**

2.1 MANDATORY PRE-PROPOSAL CONFERENCE CALL..... 6

2.2 ISSUING OFFICE AND UNIVERSITY CONTACT ..... 6

2.3 SCHEDULE OF EVENTS ..... 6

2.4 PROPOSAL RECEIPT ..... 7

2.5 PROPOSING FIRM QUESTIONS..... 7

2.6 RESTRICTION ON COMMUNICATIONS ..... 8

2.7 JOINT OR PARTNERING PROPOSALS ..... 8

2.8 PROPOSAL FORMAT AND REQUIRED SUBMITTALS ..... 8

2.9 PROPOSAL MODIFICATIONS OR WITHDRAWAL ..... 9

2.10 PROPOSING FIRM REPRESENTATION..... 9

2.11 COMPLETE PROPOSALS ..... 9

2.12 AMENDMENTS TO RFP BEFORE DUE DATE ..... 9

2.13 FIRM PROPOSALS ..... 9

2.14 MINIMUM QUALIFICATIONS ..... 9

2.15 POST-QUALIFICATION AND PROPOSING FIRM INTERVIEW OR SITE VISIT ..... 10

2.16 UC MERCED'S RESERVATION OF RIGHTS ..... 10

2.17 PROPOSAL PREPARATION COSTS..... 10

2.18 NO EXCLUSIVITY ..... 10

2.19 UC POLICY ON EQUAL OPPORTUNITY IN UNIVERSITY BUSINESS CONTRACTING..... 10

**3 PROGRAM REQUIREMENTS ..... 11**

3.1 SCOPE OF SERVICES ..... 11

3.2 SCHEDULE..... 13

**4 PROPOSING FIRM INFORMATION & NARRATIVE RESPONSE..... 15**

4.1 COMPANY PROFILE ..... 15

4.2 BACKGROUND AND EXPERIENCE ..... 15

4.3 RELEVANT PROJECT EXPERIENCE ..... 16

4.4 PROJECT TEAM SUMMARY ..... 17

4.5 PROPOSED TIMELINE AND WORK PLAN ..... 17

**5 TERMS AND CONDITIONS ..... 18**

5.1 PROFESSIONAL SERVICES AGREEMENT..... 18

5.2 UNIVERSITY OF CALIFORNIA EMPLOYEES..... 18

5.3 CONFLICT OF INTEREST..... 18

5.4 UNIVERSITY'S RIGHT TO REJECT OR MODIFY ..... 18

5.5 SUPPLEMENTAL TERMS AND CONDITIONS/MODIFICATIONS ..... 18

5.6 DISCLOSURE OF RECORDS..... 19

5.7 FORM OF AGREEMENT ..... 19

5.8 PERFORMANCE STANDARD ..... 19

5.9 MARKETING REFERENCES..... 19

5.10 PROPRIETARY INFORMATION ..... 19

5.11 INSURANCE REQUIREMENTS ..... 20

5.12 AUDIT REQUIREMENT ..... 20

5.13 TERMS INCLUDED AND ORDER OF PRECEDENCE..... 20

**6 METHOD OF AWARD..... 21**

6.1 PROPOSAL EVALUATION ..... 21

6.2 CONTRACT AWARD IN BEST INTEREST ..... 21

6.3 PROPOSING FIRM REFERENCE CHECKS ..... 21

**7 COST SHEET..... 22**

7.1 COMPENSATION ..... 22

7.2 PRICE PROTECTION ..... 22

7.3 INVOICING AND PAYMENT ..... 22

7.4 EXPENSES ..... 22

**8 PROPOSING FIRM CERTIFICATION/SIGNATURE PAGE ..... 23**

**9 ATTACHMENTS ..... 24**

*Proposing Firm Inquiry Form*

*Professional Services Agreement (Sample)*

*University of California Appendix DS (Data Security and Privacy)*

*Business Information Form*

*Merced 2020 Project Map (Attachment E)*

# 1 RFP Background and Intent

## 1.1 Organizational Context

### 1.1.1 University of California

Founded as the state's first and only land grant institution in 1868, the University of California is a system of 10 campuses with approximately 220,000 undergraduate and graduate students. The official research arm of the State of California, UC has five medical schools, four law schools and the nation's largest continuing education program. It also manages three national laboratories that are engaged in energy and environmental research and approximately 130,000 acres of natural habitat in California for research, teaching and outreach activities. The University's fundamental mission is teaching, research and public service.

### 1.1.2 University of California, Merced

The University of California, Merced ("UC Merced" or "University") is the nation's first doctoral research university of the 21st century and the newest campus of the University of California system. Opened in 2005, the campus currently has an enrollment of 5,760 students. The campus significantly expands access to the UC system for students throughout the state, with a special mission to increase college-going rates among students in the San Joaquin Valley. It also serves as a major base of advanced research and as a stimulus to economic growth and diversification throughout the region.

## 1.2 Project Background

In 2009, the Regents adopted the updated Long Range Development Plan for the Merced Campus (2009 LRDP). <http://ppdc.ucmerced.edu/our-design-vision/long-range-development-plan>  
The 2009 LRDP set forth a land use plan and principles for the development of the campus to accommodate 25,000 students by the year 2030 and detailed the second of four phases to accommodate 10,000 students by 2020 (2020 Project).

At present, the campus does not have enough space for its current enrollment in all categories of space and is faced with a growing gap between strong student demand for admission to UC Merced and the campus' limited physical capacity to accommodate that demand. Development of the facilities necessary to accommodate 10,000 students is critical to the success of the Merced campus and its economic viability, and also to the ability of the University of California to provide access to eligible students.

The 2020 Project represents the ensuing phase of development of the Merced campus and constitutes what was envisioned as the next portion (Phase 2) of the long-term development proposed under the 2009 LRDP. The 2020 Project includes the facilities needed to support an enrollment level of 10,000 students, including academic, administrative, research, and recreational buildings, student residences and student services buildings, utilities and infrastructure, outdoor recreation areas, and associated roadways, parking, and landscaping.

Under the 2009 LRDP the Phase 2 projects were anticipated to be developed on approximately 355 acres and to be completed by 2020. By that time, the campus would contain 2.5 million square feet of academic space, 5150 beds of on-campus housing, and 5050 parking spaces.

The campus currently has five major capital projects under development, in either the construction or planning stage. These are not part of the scope of this RFP. When these buildings are completed the campus will include approximately 1.4 million gross square feet of building space, 2,074 parking spaces, and 1,693 beds of on-campus housing, located on the Phase 1, 104 acre site, owned in fee by the Regents of the University of California (see Attachment E).

The balance of the UC Merced 2020 Project will include approximately up to 1.1 million gross square feet of new facilities needed to support an enrollment level of 10,000 students, including academic, administrative, research, and recreational buildings, student residences and student services buildings. The project will also include utilities and infrastructure, outdoor recreation areas, and associated roadways, parking, and landscaping. The break out of the square footage of each type of space is still being determined, but it is estimated that 50% will be academic, research and administrative and 50% will be student residences and student services.

The campus plans to propose that the Regents of the University of California (the "Regents") implement the remainder of the original 2020 Project as a single master-planned development. The 2020 Project includes all of the remaining facilities originally described in the 2009 LRDP, but would provide them on a smaller number of acres. In addition, the campus submitted for Regents approval an amendment to the 2009 LRDP that would create the planning framework to provide greater land use flexibility to design and deliver a master-planned development. The LRDP amendment identifies a Central Campus District and adds a new "Campus Mixed Use" ("CMU") land use designation. On May 16, the Regents approved the LRDP Amendment.

For further information please see links to:

UC Regents March Item: UC Merced 2020 Project:  
<http://regents.universityofcalifornia.edu/regmeet/mar13/gb1.pdf>

UC Regents May Item: <http://regents.universityofcalifornia.edu/regmeet/may13/gb5.pdf>

Online Announcement following May Regents meeting: <http://www.ucmerced.edu/news/development-plans-amendment-endorsed-uc-board-regents>

### **1.3 Intent**

The University of California, Merced invites proposals from qualified development services consultants to furnish professional development consulting services in support of the UC Merced 2020 Project (the "Project"), in accordance with the terms, conditions, and requirements set forth in this Request for Proposal (RFP).

## 2 Instructions to Proposing Firms

### 2.1 Mandatory Pre-Proposal Conference Call

A pre-proposal conference call will be held on Wednesday, May 29, 2013, 11:00 am – 12:00 pm, (PT).

***ATTENDANCE IS MANDATORY. All Proposing Firms must attend this conference call to be qualified to submit a proposal. Proposals received from any Proposing Firms that did not attend this conference call will be considered non-responsive and rejected upon proposal receipt.***

Please notify Cindi Deegan at [cdeegan@ucmerced.edu](mailto:cdeegan@ucmerced.edu), no later than Monday, May 27, 2013 of your plan to participate in the call. Please indicate RFP# UCM1056CD in the subject line. This e-mail will serve as the Notice to Attend the Pre-Proposal Conference Call. We will respond with call-in instructions.

The purpose of this conference call will be to clarify the contents of this RFP in order to help ensure a thorough understanding of the University's requirements. Any questions as to the requirements of this Request for Proposal may be presented to the University representatives during this call. This conference call will also provide a forum by which interested parties will have equal access to relevant RFP information prior to proposal submission.

### 2.2 Issuing Office and University Contact

This RFP is being issued by the University Procurement Department which is the only office authorized to change, modify, clarify, etc., the provisions of this RFP and to award any contract(s) resulting from the RFP.

All communications, including any requests for clarification, concerning this RFP shall be directed to the designated RFP Administrator.

### 2.3 Schedule of Events

Listed below are the key action dates/times for this RFP. If the University finds it necessary to change any of the dates as indicated below, an addendum to the RFP will be issued.

Date	Time	Event
May 17, 2013		RFP Issue Date
May 29, 2013	11:00 am (PT)	Mandatory Pre-Proposal Conference Call
June 7, 2013	1:00 pm (PT)	Deadline for Questions regarding RFP
June 21, 2013	4:00 pm (PT)	Deadline for Submission of Proposals
Week of July, 8 2013		Finalist Presentations
Week of July 15, 2013		Anticipated Award Date

August 1, 2013		Engagement Expected Start Date
----------------	--	--------------------------------

Note: The above dates are subject to change at the option of the University.

## 2.4 Proposal Receipt

Proposals are to be addressed and delivered as follows:

One (1) original hardcopy (**with separate/sealed pricing**) and Seven (7) hard copies (**without pricing**) to:

Cindi Deegan  
Executive Director of Business Services  
UC Merced  
1715 Canal Street  
Merced, CA 95340  
Phone: (209) 228-4083

Proposals shall be in a sealed package marked:

Name of Proposing Firm  
RFP Number UCM1056CD  
Date and Time Proposal Due

No telephone, email, or facsimile proposals will be considered. Proposals received after the time for closing will be returned to the Proposing Firm unopened.

## 2.5 Proposing Firm Questions

Proposing Firms are expected to exercise their best professional independent judgment in analyzing the requirements of this RFP to ascertain whether additional clarification is necessary or desirable before responding. If there are any discrepancies in, or omissions to the RFP, or if there are any questions as to any information provided in the RFP or by any other source, a request must be submitted via email or fax for clarification, interpretation or correction by the date listed above. Such inquiries must be directed to the buyer listed below. The University may be unable to respond to inquiries received too close to the proposal submission deadline to permit a timely and comprehensive reply to all prospective Proposing Firms.

Questions regarding this RFP must be submitted using the attached "Proposing Firm Inquiry Form" no later than June 7, 2013. Please submit via email (preferred) or fax to:

Cindi Deegan  
UC Merced Purchasing Department  
Fax : (209) 228-4083  
[cdeegan@ucmerced.edu](mailto:cdeegan@ucmerced.edu)

## 2.6 Restriction on Communications

Except for the designated contacts listed above, Proposing Firms are not permitted to communicate with University staff regarding this solicitation during the period between the Request for Proposal issue date and the announcement of awards, except during:

- Oral presentations and site visits, if conducted.

If a Proposing Firm is found to be in violation of this provision, the University reserves the right to reject their proposal.

## 2.7 Joint or Partnering Proposals

A joint proposal submitted by two or more Proposing Firms proposing to participate jointly in performance of proposed work may be submitted. To be considered responsive, any such joint proposal must respond to all the requirements of this RFP. However, a single Proposing Firm must be clearly identified as the "Primary Proposing Firm" who will assume primary responsibility for performance of all other joint Proposing Firms and all subcontracts to every level. The Primary Proposing Firm must identify themselves as such and submit the proposal under their company name and signature. If a contract is awarded in response to a joint proposal, the Primary Proposing Firm must execute the contract and all Partner Proposing Firms must verify in writing that the Primary Proposing Firm is authorized to represent them in all matters relating to the contract. At least one of the Proposing Firms must have attended any and all mandatory Pre-Proposal or other meetings. The University assumes no responsibility or obligation for the division of orders or purchases among joint contractors. Any firm(s) selected to perform this work is not eligible to participate on the 2020 Project Development Team.

## 2.8 Proposal Format and Required Submittals

Proposing Firms are to provide a written proposal addressing the full scope specified under this RFP.

Proposals shall be submitted in the following format. Proposals in any other format will be considered informal and will be rejected. An individual authorized to execute a formal proposal must sign all proposals. If the Proposing Firm fails to provide any of the following information, the University may at its sole option, ask the Proposing Firm to provide the missing information or evaluate the proposal without the missing information.

Proposals should include all of the elements listed, in 8-1/2 x 11 inch format—no foldouts, clearly indexed and assembled (in accordance with the numbers and order listed below) and reference the corresponding RFP Sections and paragraphs.

1. Table of Contents - Proposals should include a table of contents with page numbers with sufficient detail to facilitate easy reference to all requested information.
2. Signed Proposal Certification - RFP Section 7.
3. Proposing Firm Information and Narrative Response - RFP Section 4.
4. Terms and Conditions Acceptance - Indicate acceptance/compliance with all items in RFP Sections 5.
5. Supplementary Information and Additional Comments as desired.

6. Cost Sheet - RFP Section 6. (Note: Do not provide costs in any section of your proposal/response other than in Section 6 and include in separate envelope with original hardcopy proposal only.)

## 2.9 Proposal Modifications or Withdrawal

No modification of submitted proposals will be permitted in any form. Any proposal may be withdrawn prior to the time set for the receipt of proposals. No proposal shall be withdrawn for a period of (90) ninety calendar days thereafter.

## 2.10 Proposing Firm Representation

Each Proposing Firm, by submitting a proposal, represents that he/she has:

- Read and completely understands the RFP and associated documents.
- Based the proposal upon the requirements described in the RFP.

## 2.11 Complete Proposals

All proposals must be full and complete at the time of proposal opening.

## 2.12 Amendments to RFP before Due Date

No individual is authorized to amend any part of this proposal in any respect, by an oral statement, or to make any representation of interpretation in conflict with provision of this RFP prior to the proposal submission date. However, if necessary, supplemental information in addenda form will be made available to all prospective Proposing Firms who have received this RFP from the University Purchasing Department. Failure of any Proposing Firm to receive such addenda shall not relieve the Proposing Firm from any obligation under their proposal as submitted. All addenda so issued shall become part of this RFP.

## 2.13 Firm Proposals

All Proposals shall be firm and fixed for 120 days following the deadline for RFP submissions, or until a contract is signed, whichever comes first.

## 2.14 Minimum Qualifications

- Proposing Firms must be able to demonstrate the capability of providing the required services by possessing adequate available resources, including personnel, facilities, production, access, equipment, systems, organization structure, operation controls, quality control, and other related factors.
- Proposing Firms must have the ability to obtain the necessary insurance (ref.: Section XI of the attached sample Professional Services Agreement).

- Proposing Firms must possess all professional or business licenses as may be required by the work contemplated by this RFP.
- Proposing Firms must operate within the guidelines of all federal and state labor codes.

In addition to the information required above, University may request additional information either from the Proposing Firm or others, and may utilize site visits and Proposing Firm presentations, as reasonably required by the University to verify the Proposing Firm's ability to successfully meet the requirements of this RFP.

## **2.15 Post-Qualification and Proposing Firm Interview or Site Visit**

All Proposals submitted from Proposing Firms, who have not been pre-qualified, as a supplier to the University will be subject to post-qualification. Qualified status is based on such factors as financial resources, past performance with the University of California, delivery capability, experience, organization, personnel, technical skills, operations controls, equipment, facilities, quality control and other related factors which may be an indicator of a Proposing Firm's ability to perform.

## **2.16 UC Merced's Reservation of Rights**

UC Merced reserves the right to divide the Project into multiple parts and phases, to increase or decrease scope of services, to assign or to substitute individual consultants to the 2020 Project Team, to reject any and all Proposals without providing any reason for such rejection and re-solicit for new Proposals, or to reject any and all proposals and temporarily or permanently abandon the Project. UC Merced makes no representations, written or oral, that it will enter into any form of agreement with any development services consultant "DSC" for any project. No such representation is intended or should be construed by the issuance of this RFP.

## **2.17 Proposal Preparation Costs**

All costs incurred in the preparation and submission of proposals and related documentation, including Proposing Firm presentations to UC, will be borne by the Proposing Firm.

## **2.18 No Exclusivity**

UC Merced has an interest in seeing that the selected DSC team is ultimately comprised of diverse and competent consultants and subcontractors retained in compliance with the Diversity Program (described below). Therefore, for the purposes of the RFP, DSC's shall not form contracts with consultants or subcontractors or request or enter into exclusive or non-exclusive arrangements which would preclude them from participating in the Project as part of another team.

## **2.19 UC Policy on Equal Opportunity in University Business Contracting**

Every effort will be made to ensure that all persons have equal access to contracts and other business opportunities with the University within the limits imposed by law or University policy. Each candidate firm may be required to show evidence of its equal employment opportunity policy.

### 3 Program Requirements

This section sets forth the scope of services required. Proposals must address all of the listed requirements in the order presented with a response acknowledging an understanding of the requirements and the Proposing Firm's approach to fulfilling the requirements.

#### 3.1 Scope of Services

The University wishes to engage a qualified development services consultant, "DSC" to support the campus and the 2020 Project Team through the strategy development, execution, implementation and delivery of the UC Merced 2020 Project. The Project is divided into 4 Phases each of which will require specific expertise and experience. UC Merced will be engaging the DSC on a Phase by Phase basis based on the DSC's qualifications, expertise, performance outcomes and budget considerations. While each Phase builds on the work in the previous phase, UC Merced reserves the right to add, modify and/or delete tasks under each phase or phases in their entirety. UC Merced proposes to execute the project in the following manner:

##### 3.1.1 Phase 1:

The DSC will support the 2020 Project Team, as needed as the Team undertakes the following tasks:

- Preparation of the UC Merced 2020 Project Master Developer RFQ (to short list) and RFP (to select).
- Development of project concept and objectives. UC Merced is not issuing a Master Plan.
- Development of standards, metrics and the process by which the responses to the RFQ will be measured and by which the short list of respondents which will receive the RFP will be determined.
- Development of the UC Merced 2020 Project team organizational model including the identification of sub-consultants to support the 2020 Project Team in the preparation of financial analysis, financial modeling, development of project design guidelines as well as in the evaluation of the RFQ and RFP responses. This will include but not be limited to providing services and developing reports and information necessary for the successful development of a project of the scope and scale of the UC Merced 2020 project.
- Development of the engagement date, work schedule and coordination of work for sub-consultants.
- Development of the program and cost analysis for each of the elements of the 2020 Project (i.e. academic research, academic instruction, administration, student housing, students services, etc.)
- Preparation and evaluation of financial, SWOT and life cycle cost analysis of the alternative methods and approaches to delivery, of the programmatic academic, student housing, and student services elements of the 2020 Project including but not limited to: Design-Build, Design-Proposal-Build, Design-Build-Operate-Maintain, Design-Build-Finance, Design-Build-Finance-Operate/Maintain and Full Concession/Development Rights.
- Evaluation of alternative financial structure(s) for the elements of the project discussed above, considering debt and equity sources from capital markets and public funding vehicles including PPP's.

- Research and evaluation of emerging financing and P3 trends and identify and develop options for the elements of the 2020 project discussed above to benefit from the financial and/or operational benefits derived there from.
- Perform a preliminary risk analysis and prepare a financial model of the transaction alternatives for each of the aspects of the 2020 Project discussed above, including a risk adjusted public sector comparator.
- Review the current funding structures and sources of payment for the elements of the 2020 Project discussed above and determine if anything needs to be adapted structurally to ensure that all aspects of the 2020 project are financeable.
- Evaluate the interest of potential developers of the different elements of the 2020 Project.
- Identify of possible transactional partners.
- Preparation of evaluation criteria for the selection of the “master developer” of the 2020 Project
- Development of a detailed analysis for each of the elements of the 2020 Project discussed above on the structuring and execution of each element. Assess cost, life cycle cost, revenue and other information and make recommendations on additional data necessary to refine the financial model, including cost and revenue estimates and life cycle cost analysis.
- Development of sources for current market data, trends, comparable transactions and updated valuations, reporting and disclosure practices.
- Development of a communications structure for the project.

### 3.1.2 Phase 2:

The DSC will support the 2020 Project Team, as needed as the Team undertakes the following tasks:

- Review and evaluation of submitted responses to the UC Merced 2020 Project Master Developer RFQ’s.
- Selection of the respondents to the RFQ, which will receive the RFP.
- Preparation and implementation of the Master Developer RFP.
- Preparation of revisions to the Physical Design Framework document as needed.
- Preparation of all necessary supporting materials including project design strategies for urban, architectural and landscape design, stormwater management system, transportation, sustainability, renewable energy, and technical building design standards.
- Analysis of method which best incorporates project pricing estimates into the construction and project delivery approach that will result in the best financial outcome for UC Merced.
- Development of standards, metrics, criteria and the process by which the responses to the RFP will be evaluated and measured and by which the ranking of the respondents will be determined.

### 3.1.3 Phase 3:

The DSC will support the 2020 Project Team, as needed, as the Team undertakes the following tasks:

- Evaluation and ranking of the responses to the Master Developer RFP.
- Negotiation of project design and business terms with respondents to RFP.
- Updating of the Regents as to the qualifications of the respondents to the RFP
- Updating of the Regents on proposed funding approaches and project delivery methods.

- Development and delivery of information and analysis for the programmatic/academic, student housing and student services aspects of the 2020 Project including financing options, debt capacity, accounting impacts to senior level campus and UC executives and Regents.
- Development of 2020 Project Team recommendation regarding the 2020 project scope, financial structure and structure of the development team to UC Regents, senior level campus and UC executives.

#### 3.1.4 Phase 4:

The DSC will support the 2020 Project Team, as needed, as the Team undertakes the following tasks:

- Program, project and construction management of the ongoing 2020 Project, including the budgeting and scheduling of the project.

### 3.2 Schedule

The following represents the schedule that will guide the 2020 Project Team in the completion of the tasks identified in each of the Phases. The DSC will support the 2020 Project Team throughout the execution of this schedule.

#### PHASE 1

Q3 2013

- Preparation of the analysis of project delivery methods, financial structures, project costs/budget, design strategies and project schedule.
- Release the Request for Qualifications (RFQ) to identify a “short list” of potential development partners with the qualifications to deliver a project of the size and scope of the 2020 Project, including academic, administrative, research, and recreational buildings, student residences and student services buildings, utilities and infrastructure, outdoor recreation areas, and associated roadways, parking, and landscaping.

#### PHASE 2

Q4 2013/Q1 2014

- Review, evaluation and ranking of the responses to the RFQ referenced above.
- Release a Request for Proposal (RFP) to the “short list” of potential development partners identified in Phase 1.

#### PHASE 3

Q2/Q3 2014

- Evaluation and ranking of the responses to the Master Developer RFP, utilizing the criteria developed in Phase 1 and any criteria subsequent to Phase 1.

Q3/Q4 2014

- Negotiation of the design and business terms with the selected Master Development Partner.

Q4 2014

- Request Regents' review and acceptance of the Physical Design Framework amendments.

Q4 2014/Q1 2015

- Provide necessary information and analysis for the 2020 Project including financing options, debt capacity, accounting impacts and make recommendation to senior level campus, UC executives and Regents as to the qualifications of the respondents to the RFP.
- Regents will be asked to consider and approve the 2020 Project and select the Master Developer.

PHASE 4

Q1 2015/Q2/2015

- Completion and approval of all working drawings for the 2020 Project.

Q3/2015

- Commence project construction with delivery of first phase by Q3 2017.

## 4 Proposing Firm Information & Narrative Response

The University believes that the previous experience, financial capability, expertise of personnel, and related factors are important in assessing the Proposing Firm's potential to successfully fulfill the requirements defined in this solicitation

Accordingly, prospective firms must conform to minimum qualification standards and provide the required information in order to be considered for award.

Please respond to each point below in your proposal noting the section and item number.

### 4.1 Company Profile

- 4.1.1 Provide the contact information for the person responsible for your proposal.
- 4.1.2 Provide an introduction, executive summary and brief history of your firm and the practice pertaining to the delivery of services included in this RFP.
- 4.1.3 Overview of the work you do/have done in higher education.
- 4.1.4 Identify the team, key consultants for this project.
- 4.1.5 Complete and submit the attached University's Business Information Form.
- 4.1.6 Provide a copy of your audited financial statements for the last two years. (Note that this is only required with the "original" hard copy of your proposal.)

### 4.2 Background and Experience

Provide information regarding your firm's background, market expertise and experience as it relates to our initiative, and how it will benefit the University to contract with your firm. Please address each of the following items below in your response. Be specific, do not include general information. Offer focused paragraphs by topic (i.e., building type; technical aspects; sustainability/LEED™; etc.)

- 4.2.1 Demonstrated excellence in the preparation of financial and life cycle cost analysis related to alternative methods and approaches to delivery of programmatic/academic, student housing, and student services facilities including but not limited to: Design-Build, Design-Proposal-Build, Design-Build-Operate-Maintain, Design-Build-Finance, Design-Build-Finance-Operate/Maintain and Full Concession/Development Rights.
- 4.2.2 Names of colleges and universities you have worked with including any current or previous University of California engagements. (including Institution name, contact person, phone and email address). Provide overview of projects accomplished that are similar in size and scope.
- 4.2.3 Data sets, benchmarks and best-practice data you have access to that can benefit UC Merced in this initiative.
- 4.2.4 Demonstrated excellence in the preparation, evaluation and ranking of RFQ's (to short list) and RFP's(to select) to select development teams for master planned mixed use developments ;
- 4.2.5 Demonstrated excellence and experience in developing design guidelines, design standards and architectural design including analysis of life cycle costs;
- 4.2.6 Demonstrated excellence evaluating alternative financial structure(s) for academic, student housing and student services facilities, considering debt and equity sources from capital markets and public funding vehicles including PPP's.

- 4.2.7 Demonstrated experience building financial models, including an understanding of all the financing options available, leading to a solid business case to develop and design mixed use, master planned projects. Experience with programmatic academic and research space, student housing and student services a plus.
- 4.2.8 Demonstrated experience in project development, construction management, project management, program management and negotiation of development agreements of mixed use, master planned development projects of comparable scope and scale as the UC Merced 2020 Project;
- 4.2.9 Demonstrated experience developing or acting in a construction management capacity with projects utilizing sustainable construction, such as completed projects that received LEED Gold or higher rating, or completed projects that conserve energy and other resources;
- 4.2.10 Demonstrated experience in developing and implementing strategies utilizing performance benchmarks, model LEED Platinum score sheet, etc., that achieved a sustainable Triple Net Zero project for other projects of similar size and scope to the UC Merced 2020 Project.
- 4.2.11 Demonstrated experience developing and financing renewable energy systems and/or wastewater treatment systems connected to a waste-based energy system.
- 4.2.12 Demonstrated experience with design and programming of highly technical research University laboratories;
- 4.2.13 Demonstrated excellence with design/build master planned mixed use development projects and adhering to tight project budgets and schedules and minimizing cost over runs and change orders;
- 4.2.14 Demonstrated experience working with multiple stakeholders in a master integrated planned project, including the owners project team and sub-consultants;
- 4.2.15 Demonstrated experience knowledge and practice of “Best Practices” determined by actual knowledge and experience on major building projects;
- 4.2.16 Demonstrated experience in successfully identifying and resolving potential issues on projects that would have impacted the delivery projects of similar size and scope to the UC Merced 2020 Project;
- 4.2.17 Demonstrated experience in the public sector, specifically working with developing public universities and other entities;

### **4.3 Relevant Project Experience (maximum of, 8 single-sided or 4 double-sided pages)**

- 4.3.1 Briefly state relevance for each project
- 4.3.2 Specify role of the firm or individual if work was not exclusively by the firm (i.e., joint venture, association); if work was done by individuals on the project team while with other firms, this must be clearly stated
- 4.3.3 Provide a list of the following for each project:
  - Project name and location
  - Project milestone dates (including planning phase, design phase, construction phase, delivery dates.)
  - Square footage
  - Overall project costs, including cost/gsf, cost/project elements (i.e. academic, student housing, student services elements, etc.)
  - Main program elements
  - Owner name with name of contact person

Note: Projects that are currently in design or under construction are acceptable, but completed projects may carry more weight in the evaluation.

**4.4 Project Team Summary** (maximum of 2 single-sided or one double-sided page, not including the matrix)

Identify key team members, including sub-consultants, and state their qualifications relevant to programming services and the scope of this project and create a matrix showing which relevant projects the proposed team members have worked on together, with the first project being the most relevant. Include any professional licenses the team members and/or sub consultants hold. The University is interested in seeing what relevant projects the proposed team has worked on, as well as, what projects the team members have worked on together.

**4.5 Proposed Timeline and Work Plan**

Submit a timeline and work plan to accomplish the scope of work defined in this Request for Proposal. The work plan should identify the team member(s) involved and describe for each phase your firm's approach to meeting the scope and schedule of that phase.

## **5 Terms and Conditions**

### **5.1 Professional Services Agreement**

The terms and conditions governing any contract resulting from this RFP shall be pursuant to those contained in this document as well as those contained in the "University of California Professional Services Agreement (PSA), sample attached and University of California Appendix DS, (terms and conditions for data privacy and security).

### **5.2 University of California Employees**

All proposals must indicate any/all known University of California employees and/or near relatives who hold a position in your organization or have been engaged as a consultant for your organization within the last two years. Also indicate any known University of California employees or near relatives that own or control more than a ten percent (10%) interest in your organization.

### **5.3 Conflict of Interest**

- Proposing Firm shall not hire any officer or employee of the University to perform any service covered by this agreement.
- Proposing Firm affirms that to the best of her knowledge there exists no actual or potential conflict between Proposing Firm's family, business, or financial interest and the service provided under this agreement, and in the event of change in either private interests or service under this agreement, any question regarding possible conflict of interest which may arise as a result of such change will be raised with the University.
- Proposing Firm shall not be in a reporting relationship to a University employee who is a near relative, nor shall the near relative be in a decision-making position with respect to the Proposing Firm.

### **5.4 University's Right to Reject or Modify**

Selection of a proposal does not mean that all aspects of the proposal(s) are acceptable to the University. The University reserves the right to negotiate the modification of the proposal terms and conditions prior to the execution of a contract, to ensure a satisfactory procurement.

### **5.5 Supplemental Terms and Conditions/Modifications**

Any supplemental terms or conditions, or modification or waiver of these terms and conditions must be in writing and signed by Proposing Firm and University.

## **5.6 Disclosure of Records**

All proposals, supporting materials, and related documentation will become the property of the University.

This RFP, together with copies of all documents pertaining to any award, if issued, shall be kept for a period of five years from date of contract expiration or termination and made part of a file or record which shall be open to public inspection. If the response contains any trade secrets that should not be disclosed to the public or used by The University for any purpose other than evaluation of your approach, the top of each sheet of such information must be marked with the following legend:

**“CONFIDENTIAL INFORMATION”**

All information submitted as part of the proposal must be open to public inspection (except items marked as trade secrets and considered trade secrets under the California Public Records Act) after the award has been made. Should a request be made of The University for information that has been designated as confidential by the Proposing Firm and on the basis of that designation, the University denies the request for information, the Proposing Firm may be responsible for all legal costs necessary to defend such action if the denial is challenged in a court of law.

## **5.7 Form of Agreement**

The contents of this RFP (including the attached appendices as appropriate), RFP Addenda, and the proposal document of the successful Proposing Firm shall become contractual obligations as part of the Contract if acquisition action ensues. Failure of successful Proposing Firm to accept these obligations in a contractual agreement shall result in cancellation of award. The University reserves the right to negotiate provisions in addition to those stipulated in this RFP or proposed by Proposing Firm for the purpose of obtaining the best possible offer.

## **5.8 Performance Standard**

All work performed shall be first-class in every respect and shall conform to the highest standards of the industry.

## **5.9 Marketing References**

The successful Proposing Firm shall be prohibited from making any reference to University, in any literature, promotional material, brochures, or sales presentations without the express written consent of the University.

## **5.10 Proprietary Information**

Any restrictions on the use of data contained in a proposal must be clearly stated in the proposal itself. Proprietary information submitted in response to the Request for Proposal will be handled in accordance with applicable University of California procurement regulations the Public Records Act. Data contained in the proposal, all documentation provided therein, and innovations developed as a result of these

contractual services cannot be copyrighted or patented by Proposing Firms. All data, documentation, and innovations become the property of the University.

### **5.11 Insurance Requirements**

Prior to the commencement of any work under this contract, the Proposing Firm shall provide evidence of current insurance pursuant to attached University of California PSA, Section XI.

### **5.12 Audit Requirement**

Any agreement resulting from this RFP shall be subject to an examination and audit by the University and the State of California for a period of three (3) years after final payment. The examination and audit shall be confined to those matters connected with the performance of the agreement, including but not limited to the costs of administering the agreement.

### **5.13 Terms Included and Order of Precedence**

In submitting a proposal in response to this RFP, Proposing Firm acknowledges that this RFP, including all appendices and attachments, and including service, financial and program specifications and terms and conditions will be incorporated in its entirety in any award issued in response to this RFP. Other documents to be incorporated in the Agreement shall include the Proposing Firm's entire proposal, including all brochures, attachments and supplementary information. However, in the event of any conflict between the RFP and the proposal, the terms of this RFP shall control, and govern any matter set forth therein that is not explicitly modified, added or deleted by the provisions of the subsequent Agreement.

## **6 Method of Award**

### **6.1 Proposal Evaluation**

This solicitation, the evaluation of proposals, and the award of any resulting contract shall be made in conformance with applicable University policies and State of California law. The University reserves the right to withdraw this Request for Proposal at any time. All documents submitted to UC on behalf of this RFP will become the exclusive property of the UC system and will not be returned.

The University will examine each proposal to determine the effectiveness of the proposal in meeting its requirements. In addition to the materials provided in the proposals, the University may request oral presentations and/or additional information.

Factors that will be used to evaluate proposals include:

- General Quality and Adequacy of Response
- Methodology and Approach
- Breadth and Depth of Relevant Experience
- Quality of Key Personnel Proposed for this Contract
- Resources and Service Commitments
- Proposed Timeline/Ability to Complete Project in a Timely Manner
- Financial Proposal and Payment Terms

Any contract(s) resulting from this Request for Proposal will be awarded to the responsive and responsible Proposing Firm whose proposal, in the opinion of the University, offers the greatest benefit to the University when considering the total value to be delivered, including, but not limited to, the quality of professional services offered and the total cost of the contract to the University.

### **6.2 Contract Award in Best Interest**

The University and/or University reserves the right to accept or reject proposals on each item separately or as a whole, to reject any or all proposals without penalty, make multiple awards or no award, to waive any informalities or irregularities therein, and to contract as the best interest of the University may require in order to put an agreement in place which best meets the needs of the University, as expressed in this RFP. The University reserves the right to negotiate the modification of proposed prices, terms and conditions with the Firm offering the best value to the University, in conjunction with the award criteria contained herein, prior to the execution of a contract to ensure a satisfactory contract.

### **6.3 Proposing Firm Reference Checks**

The evaluation committee reserves the right to contact, interview and evaluate the Proposing Firm's references; contact any Proposing Firm to clarify any response; contact and interview any current users of a Proposing Firm's services; solicit information from any available source concerning any aspect of a proposal; and seek and review any other information deemed pertinent to the evaluation process.

## 7 Cost Sheet

### 7.1 Compensation

The University expects to award this business to a single Firm.

The University shall consider proposed pricing as a basis for further negotiation towards an outcome-based fee structure.

Proposing Firm pricing proposals should exclude reimbursable expenses. The project fixed fee proposal should be a single inclusive rate for accomplishing the project scope and should include a proposed invoicing model for the project.

Firms are requested to provide proposed compensation rates based on the following structures: (As a minimum, include your time and materials pricing structure).

- 7.1.1 Time and Materials. Provide pricing for your proposal in the form a proposed Time and Materials budget with resource estimates and a rate card for additional resources.
- 7.1.2 Fixed Fee; Total Cost Not To Exceed, per Phase.
- 7.1.3 As an alternative to the models above, will your firm consider an incentive-based fee structure? If so, please submit your proposed fee structure.

### 7.2 Price Protection

All prices and rates quoted shall be firm through the contract term.

### 7.3 Invoicing and Payment

The UC's payment terms are Net 30. For Time and Materials engagements, invoicing will be monthly. For fixed fee projects, the UC will work with the selected Proposing Firm to arrive at an acceptable milestone-based invoicing methodology.

### 7.4 Expenses

The University requires the selected Proposing Firm to comply with the University of California Policy G-28, Travel Regulations. The current policy can be found at <http://policy.ucop.edu/doc/3420365/BFB-G-28>.

## 8 Proposing Firm Certification/Signature Page

**AUTHORIZED SIGNATURE:** The proposal must be signed with the full name and address of the Proposing Firm; if a co-partnership, by a member of the firm with the name and address of each member; if a corporation, by an authorized officer thereof in the corporate name.

As a Proposing Firm of goods and services to the University, I/we certify that racially segregated facilities will not be maintained nor provided for employees at any establishment under my/our control, and that I/we adhere to the principals set forth in Executive Order 11246 and 11375, and undertake specifically to maintain employment policies and practices that affirmatively promote equality of opportunity for minority group persons and women, to take affirmative steps to hire and promote women, to take affirmative steps to hire and promote women and minority group persons at all job levels and in all aspects of employment, to communicate this policy in both English and Spanish to all persons concerned within the company, with outside recruiting services and the minority community at large to provide the University on request a breakdown of our total labor force by ethnic group, sex, and job category, and to discuss with the University our policies and practices relating to our affirmative action program.

The below-named individual, submitting and signing this proposal, verifies that he/she is a duly authorized officer of the company, and that his/her signature attests that all items and conditions contained in this Request for Proposal, for Proposal number UCM1056CD are understood and accepted.

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**AUTHORIZED SIGNATURE**

\_\_\_\_\_  
**COMPANY NAME**

\_\_\_\_\_  
**ADDRESS**

\_\_\_\_\_  
**CITY/STATE/ZIP CODE**

\_\_\_\_\_  
**PRINT NAME OF AUTHORIZED SIGNATURE**

\_\_\_\_\_  
**TELEPHONE NO.**

\_\_\_\_\_  
**E-MAIL ADDRESS**

## **9 Attachments**

- a) Proposing Firm Inquiry Form
- b) Professional Services Agreement (Sample)
- c) University of California Appendix DS (Data Security and Privacy)
- d) Business Information Form
- e) Merced 2020 Project Map (Attachment E)