



**PROSPER**  
**PORTLAND**  
Building an Equitable Economy

## **REQUEST FOR PROPOSALS #17-51**

### **PHASE 1: PRECONSTRUCTION SERVICES FOR THE ENGINE HOUSE NO. 2 RENOVATION PROJECT**

**Proposals Due: October 10, 2017 by 2:00 PM** (Pacific)

A **voluntary** pre-proposal meeting for this RFP will be held on **September 21, 2017 at 9:00 AM (Pacific)**. See Section 1.6.1 for details.

A **MANDATORY** job site tour of the Project area will be held on **September 21, 2017 at 9:30 AM (Pacific)**. See Section 1.6.2 for details.

**Direct all questions and submit one (1) original, five (5) color photocopies, and one (1) electronic proposal on USB thumb drive to Prosper Portland's SOLE POINT OF CONTACT for this RFP:**

Kelly Hartle, Procurement Services Coordinator  
Prosper Portland | 222 NW Fifth Avenue, Portland, Oregon 97209  
(503) 823-3298 (direct) | [HartleK@ProsperPortland.us](mailto:HartleK@ProsperPortland.us) (email)  
<http://www.ProsperPortland.us/> (www)

*Prosper Portland encourages the participation of certified minority-owned, women-owned, disadvantaged, and emerging small businesses in this contract opportunity.*

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### LIST OF EXHIBITS

EXHIBIT A	Proposer Certification
EXHIBIT B	Business Equity Program <i>(for reference in a future project phase)</i>
EXHIBIT C	Workforce Equity Program <i>(for reference in a future project phase)</i>

### LIST OF ATTACHMENTS

ATTACHMENT 1	Conceptual Site Plan and Improvements
ATTACHMENT 2	Project Schedule
ATTACHMENT 3	“Updated Limited Geotechnical Site Evaluation,” Hart Crowser (January 28, 2015)
ATTACHMENT 4	“Fire Station at NW 3 <sup>rd</sup> and Glisan – Foundation Study Technical Memorandum,” KPFF (January 27, 2015)
ATTACHMENT 5	“Building Inspection Report at 510 NW Third Avenue,” Emerald Home/Building Inspection (January 29, 2010)
ATTACHMENT 6	“Fire Station/Block A&N Building, ASCE 31 Seismic Evaluation,” KPFF (August 26, 2014)
ATTACHMENT 7	“Phase I Environmental Site Assessment, Firehouse Properties,” Parametrix (December 30, 2005)
ATTACHMENT 8	“Phase II Environmental Site Assessment, Blocks A & N,” PBS Engineering + Environmental (February 2010)
ATTACHMENT 9	“Remedial Investigation Report, Block A & N,” AMEC Environment & Infrastructure, (May 27, 2014)
ATTACHMENT 10	“Focused Feasibility Study, Block A & N,” AMEC Environment & Infrastructure, (November 12, 2014)
ATTACHMENT 11	“Hazardous Materials Survey, The Old Fire House,” Landau Associates (February 17, 2010)

## 1.0 REQUEST FOR PROPOSALS SUMMARY AND SCHEDULE

### 1.1 Request for Proposals Data and Contact Information

Request for Proposals Title: **Preconstruction Services for the Engine House No. 2 Renovation Project**

Solicitation Number: **RFP #17-51**

Solicitation Coordinator: **Kelly Hartle, Procurement Services Coordinator**

Contact Information: **(503) 823-3298** (direct)

[HartleK@ProsperPortland.us](mailto:HartleK@ProsperPortland.us) (email)

Proposal Delivery Location: **Prosper Portland  
Attn: Kelly Hartle  
222 NW 5th Avenue  
Portland, OR 97209**

1.2 **Executive Summary.** Through this Request for Proposals (this “RFP”), the Portland Development Commission doing business as Prosper Portland (or “we”), the duly authorized urban renewal and economic development agency for the City of Portland, Oregon (the “City”) requests competitive proposals from qualified and experienced prime contractors (“Proposers,” “Contractor,” or “you(r)”) to provide Preconstruction Services for the Engine House No. 2 Renovation Project (the “Project” or “Property”). The goal of the Project is to renovate and seismically upgrade an existing historic building for commercial occupancy.

Phase I of the Project will be for the selected Contractor to provide preconstruction services, including consulting with the Project team on the design and constructability of technical foundation and structural stability issues, and preparation of construction cost estimates at key design phases, including provision of Guaranteed Maximum Price (GMP) upon completion of 90 percent Construction Documents.

Upon receipt of a GMP and a determination by Prosper Portland that the Project is financially feasible, Phase II of the Project will include construction of the approved plans. To accomplish this, Prosper Portland anticipates: (1) entering into a development agreement with a development entity (that has not yet been formed) (“Owner”), through which ownership of the Property and all related design drawings will be transferred to the Owner and the Owner will be responsible for constructing the planned renovations to the Property; and (2) that the Owner will enter into a GMP contract with the Contractor selected through this RFP to construct the planned renovations to the Property.

1.3 **Schedule of Solicitation and Contract Award Events.** Prosper Portland reserves the right to change this schedule through a written addendum at any time (all times Pacific Daylight Time):

Solicitation or Contract Award Event	Date
Request for Proposals Posted and Advertised	Tuesday, September 12, 2017
Pre-Proposal Meeting (voluntary)	Thursday, September 21, 2017 at 9:00 a.m.
Job Site Tour ( <b>mandatory</b> )	Thursday, September 21, 2017 at 9:30 a.m.
Deadline for Questions and Requests for Changes	Thursday, September 28, 2017

Solicitation or Contract Award Event	Date
<b>Proposal Due Date and Time (no later than)</b>	<b>Tuesday, October 10, 2017 at 2:00 PM</b>
Finalist Interviews (optional)	October 18 – 20, 2017
Notice of Intent to Award, Issued (tentative)	October 23, 2017
Deadline for Protest of Intent to Award	Seven days after Notice of Intent to Award is issued
Contract Executed (tentative)	November 1, 2017
Notice to Proceed (tentative)	November 2, 2017

- 1.4 **Pre-qualification.** This RFP is an open invitation, and any qualified and experienced contractor is able to respond to this RFP.
- 1.5 **Sole Point of Contact.** The sole point of contact (or “Solicitation Coordinator”) for this RFP is **Kelly Hartle**. She can be reached by phone at (503) 823-3298 or email at [HartleK@prosperportland.us](mailto:HartleK@prosperportland.us). Direct all requests for clarification or change(s) regarding this RFP or the anticipated contract to this individual on or prior to the date identified above.
- 1.6 **Pre-Proposal Meeting, Job Site Tours.**
- 1.6.1 **Pre-Proposal Meeting (Voluntary).** A pre-proposal meeting for this RFP will be held on **Thursday, September 21, 2017 at 9:00 AM (Pacific) at Prosper Portland. Check in with the security/reception desk on the First Floor.** This RFP, the Project, and Prosper Portland’s procurement process will be explained at the pre-proposal meeting. Proposers are encouraged to bring a copy of this RFP to the meeting as copies will not be provided.
- 1.6.2 **Job Site Tour (Mandatory).** Due to the building being a former fire station and office building with limited as-built information, there will be a **Mandatory** Job Site Tour on **Thursday, September 21, 2017 starting at 9:30 AM (Pacific).** At the conclusion of the pre-proposal meeting, attendees will be escorted to the Property. If you do not attend the Pre-Proposal Meeting, check in with the security/reception desk on the First Floor so that you can join the tour group. This will be the only opportunity for proposers to see the existing conditions of interior and exterior of the building. **All Proposers must attend the job site tour to be deemed responsive to this RFP.**
- 1.6.3 **Questions and Comments at these Meetings.** Meeting and job site tour attendees will be given the opportunity to ask questions of Prosper Portland’s program staff to better understand the Project. Verbal comments given by Prosper Portland staff at this event are not binding and will not serve to modify any portion of this RFP unless later confirmed in a written addendum to this RFP. Prosper Portland will request that particularly detailed questions, or those that require additional consideration and research, be submitted in writing.

## 2.0 PROJECT BACKGROUND

- 2.1 **About Prosper Portland.** Created by Portland voters in 1958, Prosper Portland (formerly the Portland Development Commission) has been a driving force in Portland’s reputation for vibrancy and livability. As Portland’s urban renewal and economic development agency, Prosper Portland seeks to create one of the world’s most globally competitive, healthy, and equitable cities by investing in job creation, place-making, and economic opportunity throughout Portland.

Prosper Portland's [Strategic Plan](#) directs our efforts and investments toward five mutually-reinforcing goals:

- Create healthy, complete neighborhoods throughout Portland
- Provide access to high-quality employment for Portland residents
- Foster wealth creation within communities of color and low-income neighborhoods
- Form 21st century civic networks, institutions, and partnerships
- Operate an equitable, innovative, and financially sustainable agency

Prosper Portland engages in public-private partnerships to revitalize key commercial corridors and pursue catalytic redevelopment projects with a focus on maximizing the social and financial return for the city. Prosper Portland also helps existing and new businesses navigate a wide variety of resources, assists businesses in evaluating Portland as a viable and effective location where a company can thrive, and connects business owners with financial and technical programs that can give their companies a competitive edge.

View our website at <http://www.ProspersPortland.us>.

- 2.2 **Description of the Site.** Engine House No. 2, also known as the Old Fire Station (or the “building” or “Property”), is located on a 33,580 square foot (SF) lot owned by Prosper Portland in downtown Portland’s Old Town/Chinatown neighborhood. The building is located at 510 NW 3<sup>rd</sup> Avenue on the northeast corner of NW 3<sup>rd</sup> Avenue and NW Glisan Street in the River District Urban Renewal Area (URA). The two-story, 6,692 SF unreinforced masonry building was constructed in 1913 and designated Portland Fire Department Engine House No. 2. Prosper Portland acquired the Property in 1987 as part of the Union Station acquisition. The Property has been designated a Portland Historic Landmark by the City of Portland. While the Property is not located in a historic district or listed on the National Register of Historic Places, a May 2013 report by the Portland Historic Landmarks Commission identified the Property as one of eleven Threatened and Endangered Resources in the City of Portland.

The building was last used as professional office space within the past ten years and is currently vacant. The building is generally in poor condition, including large settlement cracks, deterioration of the mortar, missing/broken bricks, spalled concrete, and water damage. The building was placed on the “Unsafe Building List” by the Portland Fire and Rescue in 2010. Building evaluations have found the building to be in need of seismic, structural, roofing, masonry, electrical, plumbing, and other repairs.

Prosper Portland has also conducted soils and geotechnical analyses which found the Property is underlain by soft and loose fill to a considerable depth. The soils are susceptible to settlement due to static loading. In addition, according to a geotechnical study by consulting firm Hart Crowser, the “site is mapped by the City as being in a zone of high earthquake hazard, and based on the subsurface conditions, the native and fill soils are likely to be highly susceptible to liquefaction under strong earthquake shaking.” In the event of a strong earthquake, both horizontal settlement on the order of two to four feet and lateral displacement on the order of two to up to ten feet are likely to occur.

The Property is part of a former rail yard operation adjacent to Union Station and contains contaminated soil. The site is enrolled in the Oregon Department of Environmental Quality (“DEQ”) Voluntary Cleanup Program and was issued a Record of Decision approving an environmental remedy requiring soil excavated and removed from the site to be disposed of at a Subtitle D Landfill and the construction of a protective surface cap during development to minimize future contact with the site soil. Owner will provide environmental oversight during construction but it is recommended that Contractor and any earthwork sub-contractors have experience with working on contaminated sites.

A 2010 Hazardous Building Materials Survey identified (1) Asbestos Containing Material (“ACM”) consisting of the tar roof and flooring which will require abatement by Certified Asbestos Workers; (2) lead-based paint which will require removal and disposal in accordance with Oregon regulations; and (3) light bulbs potentially containing mercury which will require segregation and appropriate disposal (Attachment 11). Contractor is expected to sub-contract and coordinate with a DEQ-certified abatement specialist to remove the hazardous building materials.

A fire occurred in the building on August 11, 2017 and was extinguished by the Portland Fire Bureau. The cause of the fire has not been determined. Prosper Portland is still evaluating the impacts the fire and firefighting efforts may have had on the building. At this time, this fire event has not modified the overall goal of and approach to renovating and seismically upgrading the building for commercial occupancy.

- 2.3 **Project Background.** Prosper Portland initiated a renovation strategy for the Property by issuing a Request for Interest (“RFI”) in 2015 seeking a development partner. Through that process, Lift Development (“Lift”) was selected as the development partner with Lift’s principal Rahim Abbasi serving as project architect. The initial concept design and analysis indicated that renovation of the building is not financially feasible with private financing due to the high cost of seismic retrofit and associated geotechnical conditions. The project architect and engineers were unable to advance the design without significant input from a general contractor to better understand the range of design solutions and the constructability, cost-effectiveness, and overall costs of different foundation and seismic upgrade solutions. Hence the need for a general contractor’s preconstruction services solicited through this RFP.

Prosper Portland is assembling a team of architects, engineers, historic preservation specialists, and the general contractor sought through this solicitation to advance the renovation of the building through construction documents and pricing including a Guaranteed Maximum Price (“GMP”) to be provided on an open book basis. As part of this effort, the renovation project will be subject to approval by the Portland Landmarks Commission and Prosper Portland will seek designation of the Property on the National Register of Historic Places through consultation and

coordination with the State Historic Preservation Office (“SHPO”) and National Park Service (“NPS”). Designation on the National Register will enable Historic Tax Credits (“HTC”) to be available as part of an overall financing package that may also include equity, loans, and a potential Prosper Portland investment.

Upon receipt of a GMP, the financial feasibility of the project will be determined by Prosper Portland. If feasible, Prosper Portland staff will seek Prosper Portland Board approval of a Purchase and Sale Agreement or similar agreement through which the Property will be sold and construction documents assigned to a development entity mostly likely consisting of Lift and a HTC investment partner (together, the Owner), which will then proceed to complete the renovations and subsequently tenant, own, and operate the building. Prosper Portland intends that the Purchase and Sale Agreement used to convey the Property will include a condition requiring the Owner to contract with the General Contractor selected through this RFP for the renovations.

Prosper Portland envisions the renovated building will be for commercial space that will be suitable for creative office space for small businesses or for an owner-occupant.

2.4 **Contractor Qualifications.** For this Project, Prosper Portland strongly prefers general contractors that have substantial experience in the following areas:

- a) Seismic upgrades of unreinforced masonry buildings and, in particular, to stabilizing buildings in place on unstable soils by constructing or upgrading foundations supported by micropiles, injected ground improvements, or other techniques that may be necessary to stabilize the building and meet seismic upgrade requirements;
- b) Interior seismic improvements;
- c) Masonry repair and repointing;
- d) Reroofing;
- e) Window and door replacement and other weatherproofing details;
- f) Mechanical, electrical, and plumbing systems repair and/or replacement;
- g) Interior flooring, framing, insulation, and finishes;
- h) Proper removal and disposal of hazardous materials; and
- i) Other construction services typical of renovating and repairing an historic masonry building of this age and condition for commercial occupancy.
- j) Developing critical path method (“CPM”) schedules,
- k) Preparing construction estimates, including a guaranteed maximum price (“GMP”) on an open book basis,
- l) Understanding construction methods and techniques used in complex renovation projects on soils subject to settlement and liquefaction,
- m) Understanding local climate conditions and requirements for weather protection during demolition and construction activities
- n) Familiarity with the local labor and subcontracting market and capability of working with subcontractors to generate viable pricing alternatives.

## 3.0 SCOPE OF WORK

- 3.1 **Summary.** Prosper Portland has issued this RFP with the goal of selecting a General Contractor to provide Phase I Preconstruction Services for the Project.

Prosper Portland is seeking a Contractor to participate as a member of a team consisting of Prosper Portland, the architect, geotechnical engineer, structural engineer, historic preservation specialist, landscape architect, and other Project consultants and agencies (the “Project Team”) to provide pre-construction services, establish a Guaranteed Maximum Price (“GMP”), and assist with permitting. The architect will be responsible for preparing and delivering all design documents with input from Project Team members.

- 3.2 **Scope of Preconstruction Services.** Under the Preconstruction Services Contract awarded from this RFP, the Contractor shall provide (a) input on design and constructability including, but not limited to, seismic and geotechnical mitigation strategies, (b) construction cost estimating, and (c) value engineering to ensure the Project can be achieved in a cost-effective manner at these key milestones:

- 50% Schematic Design;
- 100% Schematic Design;
- 50% Design Development;
- 100% Design Development;
- 50% Construction Documents;
- 90% Construction Documents – Guaranteed Maximum Price (GMP).

- 3.3 **Schedule.** Prosper Portland anticipates a preconstruction services phase to take approximately 16 months, initiating approximately in early November 2017 and concluding approximately in April 2019. The first design phase will be 50% Schematic Design which will include a Design Advice Request with the Portland Landmarks Commission. The second design phase will be 100% Schematic Design, which will include Design Review approval by the Portland Landmarks Commission. The Project Team will also coordinate with the State Historic Preservation Office (“SHPO”) and the National Parks Service (“NPS”) regarding eligibility for the National Register of Historic Places and associated Historic Tax Credits.

Prosper Portland anticipates the preconstruction services phase will conclude with the delivery of the 90% Construction Documents and associated GMP. Upon a determination of financial feasibility by Prosper Portland and approval of a Purchase and Sale/Development Agreement between Prosper Portland and the Owner, the Project will transition to Phase II: Construction. During Phase II, the Property will be conveyed to Owner who will be responsible for (1) entering into a GMP contract with the Contractor; (2) completing the Construction Documents and securing all necessary permits; and (3) constructing the planned renovations.

- 3.4 **Cancellation.** In the event that the selected Contractor is unable to furnish a GMP within the Owner’s budget, or otherwise come to agreement on GMP Contract terms, Prosper Portland retains the option to cancel this procurement and start a new process for the construction of the Project.



## 4.0 INSTRUCTIONS TO PROPOSERS

This section describes the general requirements and instructions for this RFP. All proposals submitted in response to this RFP are subject to the conditions of this RFP. All matters not specifically addressed in this RFP or awarded contract will be governed by Prosper Portland's *Local Contract Review Board Administrative Rules* as well as applicable Oregon Revised Statutes (ORS) and other rules pertaining to procurement and contracting at Prosper Portland.

- 4.1 **Reservation of Rights.** Prosper Portland, in its sole discretion, reserves the right to modify any matter contained in this RFP; cancel or suspend this RFP or to reject any or all proposals received in response to this RFP in accordance with ORS 279C.395; decide whether a proposal does or does not substantially comply with the submittal requirements and procedures described in this RFP; waive minor informalities of any proposal; obtain clarification or additional information to properly evaluate a proposal; obtain references regarding any Proposer's past performance from any source; and negotiate a contract with the successful Proposer. Neither issuance of this RFP nor evaluation of any proposal(s) obligates Prosper Portland to award a contract from this RFP. Prosper Portland further reserves the right to terminate the contract for good cause (as determined by Prosper Portland).
- 4.2 **Preparation Costs.** Proposers responding to this RFP do so at their own expense, and Prosper Portland will not reimburse any expenses incurred by Proposers in the preparation or submission of a proposal to this RFP, including costs associated with any meeting, interview, or subsequent negotiations that Prosper Portland may request or require.
- 4.3 **Restrictions on Communications.** Proposers must not communicate with members of the Evaluation Committee, the Prosper Portland Board of Commissioners, or any Prosper Portland employee not specifically named in this RFP, except upon invitation by Prosper Portland in a formal interview by the RFP Solicitation Coordinator. Doing so may be cause for proposal rejection. Prosper Portland will not hold "one-on-one" meetings with any interested party during the RFP process outside of a formal interview.
- 4.4 **Questions and Requests for Changes to this RFP.** All material questions and requests for changes to any matter contained in this RFP must be submitted in writing to the Solicitation Coordinator identified in Section 1.1 of this RFP. All such questions and requests for changes must be submitted to the Solicitation Coordinator no later than 4:00 p.m. (Pacific Time) on the "Deadline for Questions and Requests for Changes" listed in Section 1.3. All such submissions will include:
  - RFP solicitation number and title
  - RFP section being questioned
  - Specific question or request for changeInquiries must be submitted by email.
- 4.5 **Clarification and Changes to this RFP.** All material clarifications and changes to any matter contained in this RFP will be issued in the form of a written addendum to this RFP. Unless otherwise stated, Proposers are not required to return addenda with their proposal; however, Proposers are responsible for making themselves aware of, obtaining, and incorporating any

changes made in any addendum into their final proposal. Failure to do so may be cause for proposal rejection.

Up to the date and time proposals are due, it is the responsibility of all parties interested in this RFP to refer frequently to the website for this RFP to check for any addenda that have been issued for this RFP. The document folder for this RFP can be found at [www.ProspersPortland.us/bids](http://www.ProspersPortland.us/bids). Prosper Portland may make a courtesy effort to notify interested parties that an addendum has been issued for this RFP; however, interested parties are ultimately responsible for being aware of addenda issued by Prosper Portland and modifying their proposal accordingly.

- 4.6 **Section Headings.** The section headings and titles used in this RFP are for convenience only and in no way modify the scope or intent of any provision contained in this RFP.
- 4.7 **Registration with CCB or LCB and City of Portland Business License.** Prior to award of the Contract, the Proposer selected to complete the work must be licensed (a) by the State of Oregon Construction Contractors Board as required by ORS 701.035 et seq. and ORS 671.525 et seq., respectively; and (b) the City of Portland per Portland City Code, Chapter 7.02.
- 4.8 **Prevailing Wage.** Pursuant to Prosper Portland’s policy on Construction Wages and Oregon Law, all construction work on this Project is anticipated to be subject to State of Oregon Bureau of Labor and Industries (BOLI) Wages Rates. Contractor is expected to take this into consideration in preparing all construction cost estimates and the GMP. The Prevailing Wage Rates for the construction work will be effective as of the date the GMP contract becomes a public works contract.
- 4.9 **Proposers’ Representations.** By submitting a proposal for the Project, Proposers further represent that they have read and understood the Contract Documents, visited the site, become familiar with the conditions under which the Work will be performed and have taken no exception to any term, condition, obligation, or requirement of the Contract Documents that is not clearly and expressly stated in their proposal. Proposers understand and agree that any exception to any term, condition, obligation, or requirement of the Contract Documents may, in Prosper Portland’s discretion, be the basis for proposal rejection. Proposers further represent that they will report immediately all errors, inconsistencies, or ambiguities they discover in the Contract Documents to Prosper Portland.
- 4.10 **Information Submitted.** It is the sole responsibility of each Proposer to submit information related to the submittal requirements contained in this RFP, and Prosper Portland is under no obligation to request additional information if it is not included within the proposal. However, Prosper Portland, in its sole discretion, may (a) request Proposers submit additional information during or after the proposal evaluation period; (b) request information during any subsequent Contract negotiations; (c) overlook, correct, or require a Proposer to correct any obvious clerical or mathematical error(s); or (d) submit information or forms that were inadvertently omitted at the time of proposal submission.
- 4.11 **Public Records and Disclosure**
  - 4.11.1 There will be no public opening of proposals.

- 4.11.2 All proposals submitted in response to this RFP will become the property of Prosper Portland and will be subject to retention and disclosure pursuant to the Oregon Public Records Law (ORS 192), except those portions of a proposal that a Proposer requests exemption from disclosure consistent with ORS 192.
- 4.11.3 Any portion of a proposal that a Proposer claims to constitute a “trade secret” must meet the requirements of ORS 192.501(2) and be easily separable from the proposal to facilitate review of the non-confidential portion of the proposal. All such sections in a proposal must be CLEARLY AND CONSPICUOUSLY marked with the following:
- "This information constitutes a trade secret under ORS 192.501(2), and shall not be disclosed except in accordance with Oregon Public Records Law, ORS 192."**
- 4.11.4 Prosper Portland will take reasonable measures to hold in confidence all proposal contents marked in the way described above, but shall not be liable for the release of any information when required by law or court order, whether pursuant to ORS 192 or otherwise. Unless expressly provided in this RFP, or in a separate communication between Prosper Portland’s Sole Point of Contact for this RFP and a Proposer, Prosper Portland does not agree to withhold from public disclosure any information submitted in confidence unless the information is otherwise exempt from public disclosure under Oregon law.
- 4.11.5 From the time proposals are due and until Prosper Portland’s issues its notice of intent to award, only the list of the names of the Proposers is subject to public disclosure.
- 4.11.6 After award, the Contract between Prosper Portland and the successful Proposer will be a public document and no part of the Contract can be designated as “Confidential.”
- 4.12 **Proposer Offer, Withdrawal, and Modification.** By submitting a proposal in response to this RFP, each Proposer agrees their proposal is a binding offer to perform the Work described in this RFP for a period of ninety (90) calendar days from the date proposals are due. This period may be extended upon the mutual agreement between Prosper Portland and a Proposer. Proposals may be withdrawn or modified prior to the proposal due date and time by submitting a written request to the Solicitation Coordinator for this RFP. Proposals may not be withdrawn or modified after the proposal due date and time unless Prosper Portland agrees to the withdrawal or modification in writing.
- 4.13 **Determination of Responsibility; Investigations.** In determining whether a Proposer meets the applicable standards of responsibility to perform the work described in this RFP, Prosper Portland may consider whether the Proposer has: (a) the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, to meet all contractual obligations; (b) a satisfactory record of performance; (c) a satisfactory record of integrity; (d) qualifications to legally contract with Prosper Portland as an independent contractor; (e) been disqualified or debarred by Prosper Portland or on a list of such contractors as established by the CCB; (f) supplied all necessary information in connection with Prosper Portland’s inquiry concerning responsibility; (g) has otherwise satisfied the conditions of ORS 279C.375 as applicable to the work. Prosper Portland may postpone issuance of its Notice of Intent to Award in order to complete its determination of responsibility. Prosper Portland may make such independent investigations as deemed necessary to determine the responsiveness and responsibility of any Proposer, and the Proposer shall furnish to Prosper Portland all such information and data for this purpose as Prosper Portland may request.

- 4.14 **Notice of Intent to Award.** After completion of the evaluation process described in Section 6.0 of this RFP, Prosper Portland will name an “apparent successful Proposer” and issue a Notice of Intent to Award (“NOIA”) the Contract to this Proposer. Identification of the “apparent successful Proposer” is procedural only and creates no right in the named Proposer to receive the Contract. All competing Proposers will be sent the NOIA by email. Once the NOIA has been issued, Proposers may view the materials in the RFP file by submitting a public records request on Prosper Portland.us.
- 4.15 **Protest of Selection Process.** Any protest of Prosper Portland’s selection process must be submitted via email to the Solicitation Coordinator for this RFP within seven (7) calendar days of issuance of the NOIA. Only those Proposers that are adversely affected by Prosper Portland’s contract award decision can protest the NOIA; i.e., those Proposers who are in a position to receive the Contract had Prosper Portland not committed a material violation of a provision of this RFP or applicable statute. The Proposer’s written protest must specify the legal, procedural, and/or factual grounds upon which the protest is based as well as a statement of relief requested. The judgment used by individual evaluation committee members when scoring proposals is not grounds to protest the selection process. Protests not asserted or not properly asserted within the timelines described in this section will not be considered.
- 4.16 **Serial Negotiations.** After Prosper Portland has issued its NOIA and resolved all protests, Prosper Portland reserves the right to enter into negotiations with the apparent successful Proposer to finalize the Contract. If Prosper Portland, in its sole discretion, determines that such negotiations have reached an impasse, Prosper Portland reserves the right to terminate negotiations with that apparent successful Proposer and commence negotiations with the next highest-ranked responsive Proposer. This process may continue until an agreement is reached and Prosper Portland issues its Notice of Award and the Contract is executed or Prosper Portland cancels this RFP.
- 4.17 **Publicity.** Any publicity giving reference to the Project described in this RFP, whether in the form of a press release, brochure, or other marketing material, shall only be made with the prior written consent of the Prosper Portland Public Affairs Department and then only in coordination with the Prosper Portland Public Affairs Department.

## 5.0 PROPOSAL SUBMITTAL REQUIREMENTS

This section describes the materials and topics to include within your proposal and general proposal preparation and submission instructions. The selection committee will look favorably on concise responses. Respond only to the sections below and include only relevant information. The committee will not consider material in your proposal that was not requested in this RFP.

- 5.1 **Cover Letter Qualifications and Capabilities.** Provide a summary of your proposal in a one or two page cover letter. This cover letter should introduce your team and outline why your team is qualified and capable to perform this Project. Also include the name, mailing address, phone number, and email address of your primary point of contact for this RFP in your cover letter.
- 5.2 **General Construction Background Experience and Qualifications.** Provide a general description of your experience in completing public improvement projects (within the past five years). For this section include:

- 5.2.1 Number of years your company has been in continuous operation, general scope of services provided, current area(s) of expertise, and current firm commitments.
- 5.2.2 Your company's per project and aggregate bonding capacity, if available.
- 5.2.3 Has the Prime Contractor or any Subcontractor on your team had any claims greater than \$25,000 within the last five (5) years that required mediation, arbitration, or litigation to settle? Answer with a **YES** or **NO**.
- 5.2.4 Has the Prime Contractor or any Subcontractor on your team had a contract or subcontract terminated for cause within the last five (5) years? Answer with a **YES** or **NO**.
- 5.2.5 Does the Prime Contractor or any Subcontractor on your team have any past or pending litigation or claims filed against your firm(s) that may affect your performance on this Project? Answer with a **YES** or **NO**.
- 5.3 **Prime or Sub-Contractor Project Experience and References.** Describe and provide reference information for up to four (4) projects of similar scale and scope as that described in this RFP that involved the types of expertise summarized in Section 2.4 of this RFP. Additionally, highlight any projects your company completed (or is in process of completing) that employed the CM/GC delivery method. References may be contacted at Prosper Portland's discretion.
- 5.4 **Key Project Personnel.** Provide the resumes (no more than one page each) for the project manager, cost estimator, and any other essential team members for the preconstruction phase (together, the "Key Personnel") proposed to be assigned to the Project. **Your Key Personnel are expected to be assigned and available for the duration of the Contract term. Removal, substitution, or addition of the Key Personnel will require Prosper Portland's written approval.**
- 5.5 **Cost Proposal**
- 5.5.1 **Preconstruction Services.** Propose the means and amount by which to be compensated during the Preconstruction Services phase. This may include:
- A fixed price structure payable on/around each major milestone (see Section 3.2 above)
  - Time and materials up to a 'not to exceed' amount and billable monthly (in which case include a schedule of hourly rates and estimated hours for billable personnel during this phase)
  - A single lump sum divided equally over the term of the preconstruction period
  - Some other method of compensation
- Also indicate if any compensation earned during the Preconstruction Services phase will be credited toward the GMP amount.
- 5.5.2 **Construction Services.** Propose the amounts for contractor fee, general conditions, and insurance/bonding for a project of this scope and size anticipated to be incorporated into the GMP.
- 5.6 **Project Approach.** Describe the approach you will take during the Preconstruction Services phase of the Project to ensure the project goals are met in the most cost effective manner.

Proposers may recommend optional tasks, modification to specified tasks, and innovation that would benefit Prosper Portland, increase the probability of project success, and/or reduce cost.

5.7 **Project Schedule.** Describe your capacity to meet the tentative baseline project schedule referenced in Section 3.2 above with key milestones and critical path items clearly shown.

5.8 **Equity in Contracting.** Through its policy on Equity, Prosper Portland aims to ensure fair and equitable opportunities for Portland’s diverse populations, promote prosperity in all segments of Portland’s diverse communities, and expand competition in the market through explicit agreements with developers and contractors benefiting from the public investment, particularly Certified Firms. As used herein, Certified Firms include those minority-owned (“MBE”), women-owned (“WBE”), disadvantaged (“DBE”), and emerging small business enterprises (“ESB”) certified by the State of Oregon Certification Office for Business Inclusion & Diversity (“COBID”).

**PROSPER PORTLAND HAS ESTABLISHED AN ASPIRATIONAL GOAL OF 20 PERCENT (20%) OF THE PROJECT TRADE WORK TO BE PERFORMED BY CERTIFIED FIRMS.** As part of your response to this RFP, address the following:

5.8.1 **Prime Contractor.** Is your construction company a Certified Firm or has your firm recently applied for certification with the COBID? If so, provide a copy of the COBID’s approval letter certifying your firm as a Certified Firm or a copy of the letter confirming receipt of your application.

5.8.2 **Past Projects.** Have you subcontracted or partnered with any Certified Firm(s) on any project(s) within the past thirty-six (36) months? If so, indicate the project(s), Certified Firm(s) involved, and the role of the Certified Firm(s) on the project(s). If you *have not* subcontracted or partnered with any Certified Firm(s) in this time period, please provide a brief (one (1) page or less) but detailed summary of your specific efforts to subcontract or partner with Certified Firm(s).

5.8.3 **Innovation.** Describe any innovative or successful measures your construction company has taken to work with or attempt to work with Certified Firms on previous projects (e.g., provided bonding, mutual insurance, targeted marketing and/or one-on-one meetings, sponsoring or leading business development workshops, creating an equity contractor development or mentor-protégé program, or providing technical training targeted for Certified Firms). Please limit your narrative to one (1) page or less.

5.8.4 **Other Efforts.** Outline any other efforts you intend to undertake to maximize business diversity on the project, such as service contracts or the acquisition of goods and services from Certified Firms to meet the aspiration goal for this Project.

5.8.5 **Business Equity Program.** If the Project proceeds to Phase 2, Construction, the Contractor and applicable subcontractors will be required to comply with Prosper Portland’s Business Equity Program; see EXHIBIT B of this RFP.

5.8.6 **Workforce Equity Program.** If the Project proceeds to Phase 2, Construction, the Contractor and applicable subcontractors will be required to comply with Prosper Portland’s Workforce Equity Program; see EXHIBIT C of this RFP.

5.8.7 **Preference of Certified Firms.** When the Prime Contractor meets the business equity goal with majority ESB participation, the Prime Contractor must document that all

reasonable and necessary steps have been taken to contract with MBE, WBE, and DBE firms for each scope of work anticipated to result in a subcontract of \$2,500 or greater.

**5.8.9 What You Can Do.** Prosper Portland encourages you to do one or more of the following to learn more about Certified Firms:

- If applicable, [apply](#)<sup>1</sup> to become a Certified Firm.
- Contact the Metropolitan Contractor Improvement Partnership (“MCIP”) for assistance with identifying and contacting capable and available Certified firms. MCIP can be reached at: (503) 288-1211 (phone), 503-288-5786 (fax), [Chris@mcip-pdx.org](mailto:Chris@mcip-pdx.org) (email), or [www.mcip-pdx.org](http://www.mcip-pdx.org) (website).
- Initiate and sponsor one-on-one meetings and project orientation sessions with potential Certified Firms to review Project specifications and requirements, and discuss guidelines for successful prime contractor/subcontractor partnerships.
- [Search for Certified Firms](#) using COBID’s business directory.<sup>2</sup>
- Attend an Oregon Association of Minority Entrepreneurs (“OAME”) A&E / Contractors meeting and visit [OAME’s website](#)<sup>3</sup>.
- Attend the National Association of Minority Contractors-Oregon (NAMC-Oregon) monthly membership meeting to announce potential sub-contracting opportunities. ([www.namc-oregon.org](http://www.namc-oregon.org))

**5.9 Additional Required Submittal** (required, but not scored). In addition to any other forms and materials required above, also complete and attach the following:

- Proposer Certification (EXHIBIT A)

**5.10 General Proposal Preparation and Submission Instructions.** To facilitate evaluation of proposals, Proposers are asked to comply with the following requirements:

**5.10.1 Proposal Preparation Instructions**

- Organize your proposal in the order of the major section headings above.
- Include a reference to the Solicitation Number (RFP #17-51) and the name of the prime firm submitting the proposal on every page of your proposal.
- Number all pages (other than the cover, cover letter, and attached forms).
- Any oversized drawings or graphics submitted should be reduced to an 8.5” x 11” or 11” x 17” format and included in all proposal copies

**5.10.2 Form of Proposal**

- Proposals must be typewritten on 8.5” x 11” white paper in no less than 11-point typeface; 11” x 17” is acceptable for graphic material.

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<sup>1</sup> <https://oregon4biz.diversitysoftware.com/>

<sup>2</sup> <https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp>

<sup>3</sup> <http://www.oame.org/>

- Proposals must be printed on paper containing 100% post-consumer waste recycled paper content.
- Proposals should NOT be submitted using materials which cannot be easily recycled (e.g. plastic covers, bindings, etc.).
- ORAL, EMAIL, OR FACSIMILE PROPOSALS WILL NOT BE ACCEPTED.
- Prosper Portland has not specified a page limit for proposals; however, we expect to receive proposals that are thorough but also directly responsive to information requested above.

5.10.3 **Copies.** Submit the following documents to the Solicitation Coordinator listed in Section 1.1 of this RFP:

- One (1) unbound original proposal containing pages with original signature(s) where required, and all attachments; the original copy should be marked “ORIGINAL” on its cover.
- Five (5) stapled copies.
- One (1) electronic copy on CD-ROM or USB thumb drive in either Adobe PDF or MS Word format

5.10.4 **Packaging and Labeling Instructions**

- Proposals must be submitted in a sealed package or envelope.
- To ensure proper identification and handling, the proposal package and pricing information must be **clearly marked** with the following:
  - RFP Solicitation Number
  - Proposer’s name and address
  - Date and time proposals are due
  - Name and address of Prosper Portland’s Solicitation Coordinator for this RFP

Prosper Portland will not be liable for any lost, late, or improperly marked proposals.

## 6.0 EVALUATION CRITERIA AND PROCESS

This section describes the process that will be used to evaluate responsive proposals and select the apparent successful Proposer. Prosper Portland may reject any proposal not in compliance with all prescribed public contracting procedures and requirements, including the requirement to demonstrate the Proposer’s responsibility under ORS 279C.375(3)(b), and may reject for good cause all proposals after finding that doing so is in the public interest.

6.1 **Step One, Determination of Proposal Responsiveness.** Prosper Portland will review all proposals deemed timely received to determine the responsive proposals. The “responsive proposals” are those proposals that substantially comply with all prescribed submittal requirements and procedures contained in this RFP and applicable law.



6.2 **Step Two, Evaluation of Written Proposals.** Prosper Portland will convene an evaluation committee (the “Committee”) to evaluate all the proposals deemed responsive in Step One. The Committee will include staff of Prosper Portland and potentially one or more external reviewers. Evaluators will score the following areas of Proposers’ proposals:

- General Construction Background Experience and Qualifications (10% of the evaluation)
- Prime Contractor and Subcontractor Project Experience and References (20%)
- Key Project Personnel (10%)
- Preconstruction Services Cost Proposal (10%)
- Project Approach (20%)
- Project Schedule (10%)
- Equity in Contracting (20%)

Evaluators may also use any relevant information that is subsequently requested or discovered.

6.3 **Step Three, Determination of Finalist Proposers.** The Committee’s scoring of the proposals will be added together to produce a preliminary proposal ranking. Prosper Portland will then identify a natural break in the scoring to determine the Finalist Proposers.

6.4 **Step Four, Finalist Interviews (Optional).** At Prosper Portland’s sole option, interviews with the Finalist Proposers may be part of the evaluation process of this RFP. Prosper Portland expects that such interviews will be conducted in-person at Prosper Portland offices. If requested, attendance at such an interview is mandatory. If interviews are conducted, Prosper Portland reserves the right to re-score the Finalist Proposers’ initial scores.

6.5 **Step Five, Best and Final Offers (Optional).** Whether or not interviews are conducted (Step Four), at its sole option, Prosper Portland may enter into discussions with the Finalist Proposers and request revised proposals (the “best and final offers”) pursuant to ORS 279C.410(4). All such discussions and requests for best and final offers will be done fairly and for the sake of clarification to ensure full understanding and responsiveness to the RFP. If Prosper Portland solicits best and final offers, it will do so in the following manner:

6.5.1 Prosper Portland will initiate oral and/or written discussions with the Finalist Proposers regarding one or more sections of their proposals. Prosper Portland may conduct these discussions for the following purposes of: (a) identifying perceived weaknesses in a Finalist Proposer’s initial proposal; (b) requiring additional information in one or more sections of a Finalist Proposer’s proposal; (c) requiring additional information on allocation of risk and other key project success factors from a Finalist Proposer’s proposals and/or, (d) otherwise allowing the Finalist Proposers to develop and submit their best and final offers.

6.5.2 Prosper Portland may conduct discussions with the highest-ranked Finalist Proposer necessary to fulfill the purposes described in this section, but need not conduct the same amount of discussion with each subsequent Finalist Proposer.

6.5.3 Per ORS 279C.410(4), Prosper Portland will not disclose information contained in the proposals to competing proposers (e.g., written proposals and pricing will not be shared).

- 6.5.4 Prosper Portland will establish a common date and time when the best and final offers are due at Prosper Portland. Revised best and final offers shall only be submitted once; however, Prosper Portland may make a written determination that it is in the public's interest to conduct additional discussions and require the submission of revised best and final offers. Otherwise, no discussions of or changes to the revised proposals will be allowed prior to award.
- 6.5.5 If best and final offers are requested and a Finalist Proposer does not submit a revised proposal, the original proposal will be considered the best and final offer.
- 6.6 **Step Six, Contractor Selection.** Prosper Portland will announce its decision to award the Contract to the highest-ranked responsive and responsible proposer after completing the steps above.

[Remainder of page intentionally left blank]

## EXHIBIT A. PROPOSER CERTIFICATION

### RFP #17-51, Preconstruction Services for the Engine House No. 2 Renovation Project

The Proposer, by and through the signature of its authorized representative below, hereby acknowledges, represents, and certifies:

1. Acknowledges receipt of addenda number \_\_\_\_ through \_\_\_\_ or  N/A.
2. Has read and understands, and agrees to be bound by and comply with all RFP instructions, terms and conditions, and all addenda issued for this RFP (if any).
3. Has read and understands, and agrees to be bound by and comply with all Contract Documents identified, included, or incorporated by reference into this RFP.
4. Has, or will have, the equipment, personnel, materials, facilities, and technical and financial ability to complete the Work in accordance with the Contract Documents within the specified timeframe.
5. Has prepared its proposal independently from all other Proposers, and without collusion, fraud, or other dishonesty.
6. Has not directly, or through anyone representing the Proposer, offered or given any gratuity, gift, bribe, loan, or any other financial or non-financial benefit to Prosper Portland, or any of Prosper Portland officers, agents, employees, or consultants, or engaged in any other anti-competitive practice at any time in conjunction with this RFP.
7. Has not and will not discriminate against minority, women, disadvantaged, or emerging small business in obtaining its subcontracts.
8. If found by Prosper Portland to be the apparent successful proposer, will execute the Contract within a reasonable amount of time.
9. Agrees to be bound and will comply with the Oregon Prevailing Wage laws (ORS 279C.840 *et seq.*) on this Project.
10. Is \_\_\_\_ or is not \_\_\_\_ a Resident Proposer, as defined in ORS 279A.120. If not, indicate the State of residency: \_\_\_\_\_.
11. Provides \_\_\_\_ or does not provide \_\_\_\_ health and pension benefits to all employees.
12. That the information provided in your proposal is true and accurate; and that providing incorrect or incomplete information may be cause for proposal rejection or contract termination.

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### SIGNATURE BLOCK

Proposer's Legal Business Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date of Proposal: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Proposer's Mailing Address: \_\_\_\_\_

Proposer's Primary Point of Contact for this RFP (if different): \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

## EXHIBIT B. BUSINESS EQUITY PROGRAM

See: <http://prosperportland.us/wp-content/uploads/2016/07/Direct-Bid-Process-Requirements.pdf>

## EXHIBIT C. WORKFORCE EQUITY PROGRAM

See: <http://prosperportland.us/portfolio-items/workforce-training-hiring-program/>