

Request for Qualifications & Proposals

Design-Build-Finance for Student Housing Project

Kansas City Kansas Community College

Issued May 1, 2020

Section 1 - Administrative Requirements	Page 2
Section 2 - Scope of Work	Page 5
Section 3 - Submittal Requirements and Instructions	Page 6
Section 4 - Evaluation Procedures	Page 10
Section 5 - Pre-Award Clarification Phase	Page 12
Submittal Forms	Provided as Separate Word Doc

Section 1

Administrative Requirements

1.1 STUDENT HOUSING PROJECT OVERVIEW

Kansas City Kansas Community College (hereafter “KCKCC” or “the College”) currently leases three housing units from an adjacent apartment complex and houses approximately 160 students per semester. The existing units are beyond their useful life and no longer meet the needs of our students or institution. Simply put, our students deserve better and the current housing environment inhibits future enrollment growth at our main campus and nearby Technical Education Centers.

It is the desire of KCKCC to affiliate with an external partner to design, build, and finance a new 240–260 bed student housing facility on campus. To enable an external partner to secure financing, KCKCC seeks to enter a long-term land lease, property swap or other arrangement that meets the needs of both the partner and the College. We believe tax credit and other construction/financing incentives exist to help support this project and will work with the partner to maximize such incentives.

1.2 SINGLE POINT OF CONTACT / BUYER

The contact listed below (hereafter referred to as “Buyer”) is the single point of contact for this procurement. Any verbal or written communications between any Proposer (or its representatives) and any College employee (or any College-contracted proposer) regarding this procurement are strictly prohibited. Any violation of these requirements may constitute grounds for immediate disqualification from this procurement.

Contact Name:	Mihir Chand
E-Mail:	studenthousingproject@KCKCC.edu

1.3 QUESTIONS & INQUIRIES

Proposers are expected to promptly review this solicitation, including all of the submittal forms, attachments, exhibits, appendix, and addendum. Should a Proposer find discrepancies or omissions in the RFQP or other documents, or should there be doubt as to their true meaning, the Proposer shall submit such requests via email to the Single Point of Contact / Buyer.

1.4 ADDENDA

The College may issue addenda to make changes to the RFQP, changes to the scope, respond to any questions, or provide clarification to information stated within the RFQP. All written/published addenda shall become part of this RFQP, and must be considered by the Proposer in its submittal. All other communications are unofficial and non-binding. Addenda related to this RFQP will be emailed to the Proposers. Proposers will be required to acknowledge receipt of all addenda in Submittal Form A.

1.5 PROCUREMENT SCHEDULE

The College will make every effort to adhere to the schedule below, but reserves the right to the schedule as needed. Any changes to the Procurement Schedule will be posted as Addenda.

Activity	Date & Time (Central Time)
Release of RFQP	Fri, May 1
Pre-Submittal Conference	Refer to Section 1.6
Question & Answer Session	Refer to Section 1.7
Proposer Questions due	Thurs, May 14 @ 2:00pm
KCKCC Response to Proposer Questions	Wed, May 20 @ 2:00pm
Submittal Due Date	Fri, May 29 @ 2:00pm
Shortlist Notice & Invitation to Interviews	Wed, June 10
Interviews with Critical Project Team Members	June 17 – 19
Presentation & Interview of Financial Model(s)	June 29 – July 1
Notice of Selection	Wed, July 8
Clarification Kick Off Meeting	July 13 – 15
Clarification and Contract Negotiation Period	Approximately 6 – 8 weeks
Clarification Summary Meeting	Prior to Contract Signature
Anticipated Date of Contract Signature	September 2020

1.6 PRE-SUBMITTAL CONFERENCE

Proposers are to review the Pre-Submittal Conference presentation via the recording link below:

Recording Link: <https://simplar.com/kckcc/>

Important Note: to obtain the greatest benefit of the Pre-Submittal Conference, Proposers are strongly encouraged to have their Critical Project Team Members & direct supervisory personnel review the Recording Link (in addition to business development, executives, or sales personnel). As described in the Recording Link, the Proposer's Critical Project Team Members are expected to be heavily involved in preparing the Proposer's written proposal response.

1.7 QUESTION AND ANSWER SESSION

Proposers are invited to attend a "live" Q&A session hosted via videoconference. The purpose of the Q&A session is to address questions related to the RFP process and Submittal Forms. Although technical questions regarding the SOW may be asked during the Q&A Session, SOW-related questions must also be submitted in writing to the Single Point of Contact / Buyer.

Date: Monday May 11, 2020 at 10:00 AM to 11:00 AM Central

Videoconference Coordinates: **Join Zoom Meeting:** <https://kansas.zoom.us/j/99161156668>
Meeting ID: 991 6115 6668
Password: 045759
One tap mobile:
+16699006833,,99161156668# US (San Jose)
+12532158782,,99161156668# US (Tacoma)

1.8 GENERAL TERMS OF THE RFQP

The following terms and conditions apply to this RFQP:

A. CODE OF ETHICS

Throughout the submittal process, neither the participants nor the College shall engage in any conduct that could be seen as improperly influencing the College's decisions about potential future business. The exchange or offering of any money, gift item, personal service or unusual hospitality by either party to the other party is prohibited. This prohibition is equally applicable to the officers, employees, agents or immediate family members of either party. Failure to comply with this direction will, at the sole discretion of the College, disqualify a participant from continuing participating in this RFQP.

B. EXPENSES

The College will not be responsible for any costs incurred by Proposers in the generation and submission of responses, site visits, presentations, documentation, or marketing literature associated with this RFQP. Any costs incurred in preparing and providing a response to this RFQP is solely the responsibility of the responding Proposer. In addition, should your organization be chosen as one of the Proposers selected to provide an onsite presentation of your submittal, the costs associated with that process will similarly be your sole responsibility.

C. RIGHTS & DISCLAIMERS

This is an RFQP and may or may not lead to the eventual purchase of services. Any purchase of services subsequent to this RFQP will be negotiated and executed via written contractual agreement among the parties. The College may, at its sole option, postpone or conclude this RFQP, negotiate with a single Proposer or multiple Proposers, solicit other Proposers or approaches, or develop and implement applications using its own internal staff. The College may request additional information from Proposers at any point in the evaluation process, and may eliminate Proposers at any time during the evaluation process. The Proposer understands and agrees that its participation in this RFQP process is voluntary and the existence of this RFQP shall not, in any way, obligate the College to take any action regarding any response submitted by a Proposer to this request.

D. CONFIDENTIALITY

All confidential / proprietary information contained within your response should be marked clearly as "Confidential". All responses and accompanying documentation will become the property of The College and will not be returned. With regard to confidential material submitted hereunder, The College will use reasonable efforts to limit circulation to the College personnel and contractors. The College hires contractors on an as-needed basis, some of whom may be involved in this project and may have access to responses submitted under this RFQP. All submissions are subject to the Freedom of Information Act.

E. DEBRIEFING

A debriefing opportunity will be offered to all Proposers by request upon contract execution. The intent of the debriefing will be to provide the Proposer with feedback on their submittals. The debriefing will not reveal the identities or content between competing Proposers.

Please refer to the following files, which are each provided separately:

- Scope of Work
- Geotechnical Report

Submittal Requirements and Directions

3.1 REMITTANCE OF RESPONSES

Please submit one RFQP response via email to the Contact listed in Section 1.2. Submittal responses are requested in PDF format (all submittal forms in a single PDF). Hardcopy submittals are neither requested nor required. All submittals are due at the date and time specified in the Procurement Schedule in Section 1.5. Late submittals will not be accepted nor considered.

3.2 SUBMITTAL FORM REQUIREMENTS

This RFQP contains an electronic copy of Submittal Forms in MS Word Format. Proposers must use these forms to provide their Submittal. Proposers shall not re-create these forms, create their own Submittal Forms, or edit the format structure of the Submittal Forms. The Proposer **must** ensure that their Submittal meets all special formatting requirements identified in this Section.

Format: Unless otherwise specified, the submittal must be submitted on standard 8½" x 11" page size, must use a minimum font size of 10 or greater, and must use the provided Forms.

Anonymous: As shown in the table below, Submittal Forms listed as "YES" under the Anonymous column **must not** contain names nor other identifying information that can be used to determine the Proposer's identity (such as company names, personnel names, project names, sub-proposer names, manufacturer or supplier names, software names, product names, company or product logos, etc.)

Page Limits: The Submittal Forms listed below have maximum page limit requirements. Proposers **must not** exceed the maximum page limits. Note: the page limit applies to a single side of a page only (for example, '1 page' implies that the Proposer can only provide a response on one side of a piece of paper).

Submittal Form	Evaluation Criteria	Anonymous	Page Limits
A	Proposer Information	No	Use Form
B	Project Organization Chart	No	1 page
C-1	Experience (Partner Companies)	No	10 pages
C-2	Experience (Critical Project Team Members)	No	2pg each
D-1	Approach & Methodology (Design & Construction)	YES	2 pages +1pg schedule
D-2	Approach & Methodology (Financial)	No	3 pages
E	Concerns, Risks, Intuitions, Suspensions, Problems	YES	2 pages
F	Scope Alternatives	YES	2 pages
G	Assumptions	No	None
H-1	Financial Proposal (Option 1 = 30 Year Term)	No	Use Form
H-2	Financial Proposal (Option 2 = Term Recommended by Proposer)	No	Use Form
H-3	Financial Proposal (Option 3 = Proposer Created Solution)	No	3 pages

Submittal Forms that fail to follow these instructions may receive a '0' or the entire response may be deemed non-responsive and rejected. The College also reserves the right, in its sole discretion, to modify a Submittal to remove minor information that may be non-compliant.

3.3 SUBMITTAL FORM A – PROPOSER INFORMATION

Please complete form, which includes the information related to the Proposer, Contact Information, Partner Companies, Critical Project Team Members, Addenda Acknowledgement, and Signature.

3.4 SUBMITTAL FORM B – PROJECT ORGANIZATION CHART

Proposers must provide an organization chart that shows contractual and managerial relationships between partner firms, Critical Project Team Members, and other key individuals. Within the Project Organization Chart, the Critical Project Team Members from Submittal Form A should be explicitly identified by both name and role / title. Other key individuals can be listed by role and do not need to be identified by name; however, Proposers may choose to provide names where applicable at their discretion.

3.5 SUBMITTAL FORM C – EXPERIENCE

This Submittal Form should outline the experience of the Partner Companies and their Critical Project Team Members being assigned to this project. This Submittal Form has been separated into two parts:

C-1 – Experience (Partner Companies)

Submittal C-1 is intended for Proposers to showcase the experience of the Partner Companies being proposed. Proposers should highlight similar projects they have delivered. Proposers are especially encouraged to focus on specific outcomes, successes, and results that were achieved. This is an opportunity to show how the Proposer's team has added positive value to past projects.

C-2 – Experience (Critical Project Team Members)

Submittal C-2 is intended for Proposers to showcase the experience of the individual Critical Project Team Members being proposed. Proposers should provide a brief narrative of the roles and responsibilities that will be fulfilled by each Critical Project Team Member listed in Submittal Form A. For each individual, Proposers should also identify their anticipated time dedicated to the project along with a brief resume.

3.6 SUBMITTAL FORM D – APPROACH & METHODOLOGY

This Submittal Form should demonstrate that the Proposer can provide a concise description of their plan to successfully deliver this project. This Submittal Form has been separated into two parts:

D-1 – Approach and Methodology (Design & Construction)

Submittal D-1 is intended for Proposers to provide a concise synopsis of the critical steps (phases, activities, tasks, milestones, deliverables) that will be undertaken to meet or exceed the College's expectations (cost, schedule, scope, performance, delivery, quality, functionality, etc.) Additionally, Proposers have the option to include a 1 page schedule.

D-2 – Approach and Methodology (Financial Model)

Submittal D-2 is intended for Proposers to describe which financial model (or models) being recommended for the project. Proposers should focus this submittal on the Financial Model(s) which correspond with the Financial Proposals provided in Submittal Forms H-1 and H-2. Example of contents could include, but are not limited to, an availability model, tax-exempt lease/lease back arrangement, conventional financing, private placement, taxable bonds, tax exempt bonds, equity financing, etc. Proposers shall describe their financing plan, including securities, bonding, guarantees, insurance elements, etc. Proposers should also address whether they have arranged sufficient financing for the project with regard to the requirements given in Section 2 – Scope of Work.

3.7 SUBMITTAL FORM E – CONCERNS, RISKS, INTUITIONS, SUSPICIONS, PROBLEMS

This Submittal Form should address concerns, risks, intuitions, suspicions, or problems (CRISPs) that may cause the project to not be completed on time, not finished within budget, not deliver a robust financial model, and not deliver the scope and functionality that the College expects, or potentially generate changes to the agreement. Particular emphasis should be placed on CRISPs the Proposer cannot control (such as items the Proposer will rely upon College stakeholders to perform, concealed conditions, unknown information, market conditions and unforeseen events, uncontrolled third party stakeholders, etc.) The Proposer must list and prioritize potential CRISPs, provide a simple description of the CRISP, and provide a concise description of their strategy to minimize the impact of the CRISP.

3.8 SUBMITTAL FORM F – SCOPE ALTERNATIVES

This document provides Proposers with an opportunity to suggest alternative options, innovations, or opportunities that will benefit the College. This may include ideas regarding alternate services, scope or programming adjustments, changes to scope requirements, innovative strategies, changes to timelines, enhance life cycle considerations, approaches to building operations and maintenance, or alternative implementation approaches, goals, deliverables, methodologies, etc. These ideas may adjust project scope, schedule, and budget in ways that are either additive, deductive, or otherwise. Proposers shall explain the benefits of each idea.

Note: Proposers shall not make reference to specific quantities in their Financial Proposal: rather, Proposers should explain how the idea would change their Financial Proposal (if at all).

3.9 SUBMITTAL FORM G – ASSUMPTIONS

The Proposer shall provide a brief summary of the major assumptions that have been made in preparing the Proposal. This should include expectations and responsibilities that the Proposer has of the College or College personnel. The Proposer should identify any major items or tasks that have been excluded from the Proposal (items that the Proposer feels are outside the scope of work). The information provided in this Submittal Form will not be scored as a weighted evaluation criterion, but will provide additional information for the College to understand the Proposal and also will form part of negotiations in the Pre-Award Clarification Phase. To provide some guidance, the College has identified some categories that the Proposer may want to consider, but is encouraged to expand upon. These include but are not limited to assumptions related to Financial, Design, Construction, and Contract Terms & Conditions.

3.10 SUBMITTAL FORM H – FINANCIAL PROPOSAL

The Financial Proposals H-1 and H-2 must include all costs and resources to deliver the requirements in Section 2 – Scope of Work. For H-1 and H-2, any other options and alternatives that a Proposer wishes to propose must be included in Submittal F – Scope Alternatives. Financial Proposal H-3 is a “blank slate” that is fully open to the Proposer’s recommended approach to optimize project outcome.

There are three (3) Financial Proposal Submittals to complete:

Submittal H-1 – Financial Proposal (Option 1 = 30 Year Term)

Required to deliver the requirements in Section 2 – Scope of Work

Submittal H-2 – Financial Proposal (Option 2 = Term Recommended by Proposer)

Required to deliver the requirements in Section 2 – Scope of Work

Submittal H-3 – Financial Proposal (Option 3 = Proposer Created Solution)

The Proposer creates an optimal solution which may address any number of approaches and aspects of the project, including but not limited to the financial approach (term, lease rates, etc.), scope of work (number of beds, programming, design, etc.), potential construction phasing for potential expansion of an optimally-sized initial facility, and other elements as applicable.

These Submittal Forms are not committed financing plans (i.e. does not represent a hard or firm proposal); rather, they are indicative Financial Proposals. KCKCC recognizes that aspects of the Financial Proposals may evolve as the project progresses through pre-development.

The Proposer agrees to grant the College the right to examine, for the purpose of verifying the cost or financial data submitted, additional information, documents, or supporting data which will permit adequate evaluation of such cost or financial data. This right may be exercised in connection with any negotiations & clarifications prior to contract award.

Proposers are encouraged to provide explanatory comments in Submittal Form G – Assumptions.

Section 4

Evaluation Procedures

4.1 CRITERIA AND WEIGHTS

The College will evaluate the Submittals based upon the weights below.

Submittal Form	Evaluation Criteria	Evaluation Weight
A	Proposer Information	Pass / Fail
B	Project Organization Chart	Pass / Fail
C	Experience	10
D	Approach & Methodology	15
E	Concerns, Risks, Intuitions, Suspensions, Problems	10
F	Scope Alternatives	10
G	Assumptions	Pass / Fail
H	Financial Proposal	15
--	Interviews	30
--	Presentation & Interview for Financial Model	10
Total Points:		100

4.2 EVALUATION COMMITTEE

An Evaluation Committee will be used to individually evaluate specific portions of the Submittal Forms. The Evaluation Committee is expected to contain approximately 5 to 10 KCKCC employees that may or may not have in-depth technical expertise with this particular type of project.

4.3 EVALUATION PROCESS

The College will use the following steps to evaluate and prioritize Submittals:

- Submittals will be assessed for compliance and responsiveness.
- Submittals will then be assigned an anonymous and unique code.
- The anonymous Submittal Forms from each responsive Submittal will be sent to the Evaluation Committee. No other information will be provided to the Evaluation Committee members.
- The Evaluation Committee members will evaluate the anonymous Submittal Forms based on the degree to which the Submittal has met the requirements and differentiates each Proposer from competing Proposers. Ratings may be performed on a 1-10 rating scale.
- The Evaluators will submit their individual scores to Procurement, who will then average all of the evaluator responses.
- The remaining Submittal Forms (non-anonymous) will be reviewed by the Evaluation Committee and scored as applicable. Ratings may be performed on a 1-10 rating scale or numerically.
- The total evaluation scores (minus the Interviews and Presentations & Interview for Financial Model) will be used to prioritize all Proposers. A shortlist will be determined based on these total scores. Shortlisted Proposers will be invited to the Interviews. Following the Interviews, the College reserves the right to determine another shortlist prior to the Presentation and Interview for Financial Model.

4.4 INTERVIEWS OF CRITICAL PROJECT TEAM MEMBERS

The College will conduct interviews with the Critical Project Team Members from each of the Shortlisted Proposers. These individuals must be the same individuals that are identified in Submittal Form A (no substitutes or proxies will be allowed). Individuals who fail to attend the interview will be given a “1” score, which may jeopardize the Proposers competitiveness. This includes the following individuals:

- **Project Manager**
- **Developer’s Financial Lead**
- **Architect’s Design Lead**
- **Contractor’s Pre-Construction Lead**

Interview requirements include:

- Interviews will take place at the College’s facilities *or* via videoconference pending COVID-19 procedures or other emergency situations.
- Interviewees may not bring notes, presentation materials, or handouts beyond a copy of their submitted proposal forms (important note: Interviewees shall **not** simply read from nor recite their submittal forms).
- The College will interview individuals separately (not as a team). No other individuals (from the Proposers organization) will be allowed to sit in or participate during the interview session.
- Interviews are expected to last approximately 30 minutes per individual.
- Interviewees may be asked questions regarding their experience, knowledge and understanding of the scope of work, their proposed approach/plan to deliver the scope of work, potential CRISPs they foresee, and scope alternatives they recommend.
- The College may request additional information prior to interviews.

4.5 PRESENTATION & INTERVIEW FOR FINANCIAL MODEL

The College will hold a Presentation & Interview with the top 2-3 Proposers. This will occur after the interviews are conducted and evaluated. The intent is to review the overall strength of the Financial Model(s) and conduct a detailed review of what is included.

4.6 FINAL PRIORITIZATION

After all evaluation criteria have been scored by the Evaluation Committee, the Single Point of Contact / Buyer will perform a final prioritization based on the criteria and weights described in Section 4.1. The highest prioritized Proposer will be invited into the Pre-Award Clarification Phase.

Pre-Award Clarification Phase

5.1 OVERVIEW

Pre-Award Clarification Phase will occur prior to contract signature. The intent of this phase is to allow the selected Proposer an opportunity to clarify their submittal, scope items, project risks & obstacles, and value items. The selected Proposer(s)' execution methodology, means and methods, activity sequencing, and proposed milestone schedule will also be clarified. The selected Proposer will have the opportunity to identify specific client action items that would be requested from The College throughout the project duration.

5.2 REQUIRED ACTIVITIES & DELIVERABLES

The Proposer will be required to plan the project in detail. The Proposer will be required to perform the following (including, but not limited to):

- a) **Negotiate the Financial Proposal:** Clarify the Financial Proposal. The Proposer is expected, in good faith, to incorporate in and submit any additional data, supporting schedules, or substantiation reasonably required. Proposer may be required to provide the most recent three (3) years audited financial scopes (Balance Sheet, Income Scope, and Cash-Flow Scope), including notes to the financial scopes or the period of the company's existence.
- b) **Provide a Project Schedule:** Prepare a high-level project schedule with major milestones or tasks. Provide a schedule for each major module, and if requested, a detailed milestone schedule.
- c) **Provide a Client Action Item Schedule:** Prepare a schedule of any/all activities, actions, or decisions needed from the College (including specific due dates and client names responsible for the activities). This **MUST** be a separate document from the overall project schedule. This should be provided in a very simple format. Identify the roles and responsibilities of the College or its personnel.
- d) **Align Expectations:** Coordinate the project/service (schedule, cost, activities) with all critical parties (subcontractors, proposers, suppliers, manufacturers, etc.). Create a detailed project plan. Review any unique technical requirements with the College.
- e) **Key Assumptions:** Provide a summary of the major assumptions that have been made in preparing the submittal. This should include items/tasks that the Proposer has assumed the College will perform, items/tasks required from the College, and items/tasks that have not been included in the submittal (items that the Proposer feels are outside the scope of work). This should also include any critical expectations or responsibilities that the Proposer has of the College, the College personnel, or other parties/organizations that are not contracted to by the Proposer.
- f) **Risk Mitigation:** Identify all risks, activities, or concerns that may be unforeseen or not within the control of the Proposer. This should include everything (realistically) that may prevent the Proposer from being successful on this project. This may include: Proposer risks, owner risks, other party risks, and unforeseen risks. Identify if there are any strategies to mitigate these items. Provide a plan of how unforeseen risks will be managed. Identify what (if anything) concerns you the most, or is very unique about this project.
- g) **Contract Insurance Requirements** – The successful Proposer shall provide evidence of insurance that complies with the insurance requirements of the contract and The College policies.

- h) **Reference Verification** - The College may conduct reference checks on the firm and the key personnel identified in Submittal Form A. The College reserves the right to seek additional references independent of those supplied by the Proposer, including internal references in relation to the Proposer's and any subcontractor's performance under any past or current contracts with the College or other verifications as necessary. If the Proposer is deemed unsuitable by the College in its sole discretion, the Submittal may be rejected.
- i) **Sub-Proposers** – Identify Subcontractors and Third-Party Applications who are proposed as part of their overall project team. "Subcontractor" shall mean a third-party to whom Proposer or Proposer's subcontractor has delegated or subcontracted any portion of its obligations considered under this RFQP. "Third-Party Application" is a third-party application that is integrated as an add-on or plug-in to the compensation Proposer's solution.
- j) **Work Plan:** Provide a detailed work plan along with project team resourcing.
- k) **Provide Any Additional Requested Documentation:** as requested.

5.3 CLARIFICATION MEETINGS

The selected Proposer will be required to conduct and participate in several meetings throughout the Pre-Award Clarification Phase. At a minimum, the College will expect:

- a) **Kickoff Meeting:** The College will require the Proposer to conduct a kickoff meeting at the beginning of the Pre-Award Clarification Phase. The Proposer will lead the kickoff meeting and is expected to be prepared to present the following information:
 - Description of their plan for project execution (including specific means and methods of critical activities)
 - High level schedule for service delivery
 - Address any major concerns provided by the College
 - Identify and address any major deal breakers
 - Address all scope assumptions
 - Identify major risks to the project (focusing on risks that the Proposer does not directly control) and the associated risk mitigation strategy. Clearly identify any information or actions needed from the College to support successful service delivery.
 - Propose a meeting schedule for items that must be reviewed in detail and resolved during the Pre-Award Clarification Phase.
- b) **Weekly Clarification Check-Points:** Each week during Pre-Award Clarification phase, the selected Proposer will provide a formal Clarification status update, including associated written documentation.
- c) **Summary Meeting:** The selected Proposer will be required to hold a final summary meeting at the end of the Pre-Award Clarification Phase. This meeting is to present a summary of the final details that were discussed and resolved during the Pre-Award Clarification Phase. This meeting is not a question-and-answer meeting. The Proposer will lead the meeting to present the entire Submittal, execution methodology, and identified risks and mitigation plans.

5.4 CLARIFICATION DOCUMENT

The potential best value Proposer will be required to submit a Clarification Document that will contain (at a minimum) the information outlined in the previous section. This document will only be prepared by the Proposer that is invited to the Pre-Award Clarification Phase. Any invitation will not constitute a legally binding offer to enter into a contract on the part of the College to the Proposer.

5.5 NEGOTIATION PERIOD

The College reserves the right to negotiate with the selected Proposer during the Pre-Award Clarification Phase. This may include, but is not limited to, modifying scope of service (time, cost, quality, expectations, etc.) Any negotiations will not constitute a legally binding offer to enter into a contract on the part of The College or the Proposer.

5.6 NOTIFICATION OF INTENT TO AWARD

No action of the College other than a written notice from the Procurement Officer to the Proposer, advising acceptance of the clarified submittal and The College's intent to enter into an Agreement, shall constitute acceptance of the submittal.

5.7 FAILURE TO ENTER INTO AN AGREEMENT

At any time during Pre-Award Clarification Phase, if the College is not satisfied with progress being made by the invited Proposer, The College may terminate Pre-Award Clarification Phase activities and commence or resume a new Pre-Award Clarification Phase with the next highest rated Proposer. If the Proposer and The College fail to agree to terms, or fail to execute a contract, The College may commence a new Pre-Award Clarification Phase with the next highest rated Proposer. No legally binding relationship will be created with any Proposer prior to the execution of a written agreement. Any Proposer's submittal, terminated in accordance with this article, is removed from further participation in this Request for Submittal. New Pre-Award Clarification Phases with next highest rated Proposers thereafter are also extended this right.

5.8 POST AWARD REPORTING

A regularly tracked Deviation Report system is a tool for the College in analyzing the performance of the project based on potential and actual deviations from the contract award. The awarded Proposer will be required to prepare and submit Deviation Reports. A deviation is defined as anything that may potentially impact the originally planned contract costs/financials, schedule, scope, or quality. A deviation may also be thought of as a potential 'change' in the contract signature. Should the Proposer encounter or identify potential deviation (to cost/financials, schedule, or scope), they must identify it in the report, along with a short and concise description of the deviation, reasons why the deviation occurred, and a plan/strategy to mitigate the deviation. Each deviation must have an estimated impact to the planned contract (cost/financials, schedule, scope, quality). The Deviation Reports do not substitute or eliminate progress reports, change order processes, or any other traditional reporting systems or meetings that the College may require or that the Proposer may perform.

The Deviation Report is an MS Excel spreadsheet file. A template shall be provided by the College and must be used. The College will assist the Proposer in setting up this spreadsheet but it is the Proposer's responsibility to complete and submit these reports as required. The Deviation Report is due every regular period as agreed upon in Clarification once the project is awarded, and must be submitted until the project is 100% complete and the facility is occupied. The College will review and analyze each Report for accuracy, conformance to format requirements, and timely submittals.