



REQUEST FOR PROPOSALS #2023-07 (“RFP”)

DESIGN/BUILD CONTRACTOR SERVICES

FOR

HVAC UPGRADE

ISSUE DATE: June 14, 2023

DUE DATE: JULY 12, 2023 at 1:00 PM, PT

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I. INTRODUCTION

The Oregon Institute of Technology (“**Oregon Tech**,” “**University**,” or the “**Owner**”) is seeking Proposals from Design/Builders to complete the design and perform construction for the HVAC upgrade project on Oregon Tech’s Wilsonville, Oregon campus as more fully described herein (the “**Project**”).

The attached **Exhibit D** - Sample Design/Construction Agreement contains contract terms and conditions, as well as the Oregon Institute of Technology General Conditions for Public Improvement Contracts (“Oregon Tech General Conditions”) applicable to the Work, and will form the basis of the final Design/Construction Agreement. The Oregon Tech General Conditions shall apply to the work of all subcontractors and to the work of the Design/Builder to the extent that they do not conflict with the Design/Construction Agreement.

The BOLI Prevailing Wage Rates applicable to this Project will be identified at the time the initial set of construction specifications are made available and are incorporated into the Design/Builder’s sub-bidding efforts for the Project. Those rates will then apply throughout the Project. See Oregon Tech General Conditions, Sections C.1 and C.2, regarding wage rate compliance, payroll certification and BOLI fee requirements.

All Proposers must be registered with the Oregon Construction Contractors Board and have on file with the Construction Contractors Board the required Public Works Bond prior to submitting Proposals. Failure to be registered and have the bond in place will be sufficient cause to reject Proposals as non-responsive.

When selected, the Design/Build firm will be a part of a construction team composed of Oregon Tech, and potentially other Project consultants through the completion of the Project. The Design/Builder firm shall be skilled in design, construction, developing schedules, preparing construction estimates, performing value engineering, understanding construction methods and techniques, selecting subcontractors, coordinating construction processes, and be capable of providing assistance to the Owner in procuring long lead equipment. The Design/Builder must be able to communicate the design and construction-related aspects of the Project to all team members throughout the design and construction phases. In addition, the Design/Builder must be familiar with the local labor and sub-contracting market and be capable of working and contracting directly with sub-contractors to generate viable pricing.

The Design/Construction Agreement that may result from this Request for Proposals will cover two phases of work. The first phase of the Project (“Phase I”) will include Schematic Design, Design Development, and Construction Document services to complete the design. Products of Phase I will include technical specifications, drawings and details that meet the needs of the Project and are AutoCAD compatible for construction. Phase I will be initiated immediately upon execution of the Design/Construction Agreement and issuance of the Notice to Proceed. Proceeding to the second phase of the Project (“Phase II”) is conditioned upon approval of Phase I.

Phase II of the Project will include completion of subcontractor bidding, construction services, and construction administration. Products of Phase II will include completion of construction in

compliance with the Owner-approved design documents, and provision of record documents.

Compensation shall be based upon certain fees and reimbursable costs associated with Phase I, as well as a lump sum price for the actual construction services in Phase II, as set forth in the Sample Design/Construction Agreement attached. Related contracting provisions are contained in **Exhibits A through H**, as detailed in **Part X** of this RFP entitled “Enclosures”.

If the Owner chooses not to continue the Design/Construction Agreement beyond the completion of Phase I, the Design/Builder’s compensation shall be limited to the costs of the Design Phase Services, not exceeding the maximum not-to-exceed fee stated in the Design/Construction Agreement.

Oregon Tech will monitor the competitive processes used to award subcontracts by the Design/Builder in accordance with **Article 11** of the Sample Design/Construction Agreement. The following minimum requirements shall be used:

- a. The Design/Builder shall solicit sealed bids or quotes from subcontractors in a manner consistent with industry practice, and make award decisions based on cost or, if not cost, on another identified alternative competitive basis as approved in advance by Oregon Tech. When there are single fabricators of materials or special packaging requirements for subcontractor work other than low price, advance approval of the alternative selection criteria by Oregon Tech is required.
- b. The Design/Builder shall use its best efforts to obtain at least three bids or quotes for the particular work to be subcontracted. Oregon Tech may make exceptions to this practice in advance of the procurement.
- c. The solicitation of subcontractors shall be made pursuant to **Article 10** in the Sample Design/Construction Agreement.

IMPORTANT NOTICE

It will be the responsibility of potential proposers to refer daily to the Oregon Public Universities Business and Bid Opportunities website (see: <https://www2.wou.edu/nora/orpu.bid.home>) to check for any available addenda, response to clarifying questions, cancellations or other information pertaining to this RFP.

Issuing Office: The Portland-Metro Campus Operations Office is the Issuing Office and is the sole point of contact for clarifications regarding technical specifications in this RFP. The Procurement and Contract Services Office is the sole point of contact regarding the RFP process. All correspondence pertaining to these two matters should be appropriately addressed to the contact persons below:

Technical Specifications

Sara Mansfield, Portland-Metro Campus Operations
Manager
Oregon Institute of Technology

27500 SW Parkway Avenue
Wilsonville, OR 97070
Telephone: (503) 821-1291
E-mail: Sara.Mansfield@oit.edu

RFP Process Questions:

Vivian Chen, Dir. Procurement, Contracts, Risk
Oregon Institute of Technology
27500 SW Parkway Avenue
Wilsonville, OR 97070
Telephone: (503) 821-1266
E-mail: Vivian.Chen@oit.edu

II. SCHEDULE OF EVENTS

The timing and sequence of events resulting from this RFP will be ultimately determined by Oregon Tech. This Schedule is illustrative of optimal timing goals, but may be changed.

RFP Issue Date.....	June 14, 2023
Deadline for Protest of Specifications	June 23, 2023 (5:00 pm, PT)
Notice of Interest Deadline	June 28, 2023 (5:00 pm, PT)
All Clarifying Questions Due	June 30, 2023 (5:00 pm, PT)
Closing Date (Proposals Due).....	July 12, 2023 (1:00 pm, PT)
Deadline for Protest of Award	3 calendar days after date on Notice of Award letter
Anticipated Contract Begin Date	On or around July 24, 2023

III. PROJECT DESCRIPTION

Introduction:

Oregon Tech is seeking proposals for professional HVAC/environmental controls firm for the upgrade/replace the campus' existing direct digital control system (DDC) with a new DDC control system. The successful firm shall perform all the tasks necessary to complete the design, engineering, construction documents, construction cost estimating, bid assistance and construction administration assistance. The firm shall develop the concept presented with input from university representatives. This includes but is not limited to the development of plans and specifications suitable for submission to the Clackamas County Building department for plan review and permitting.

Target Completion Dates:

Oregon Tech would like to complete the design and construction as soon as feasibly possible but no later than March 1, 2024.

Scope of Work

The Scope of Work for this Project is based on the revised control strategies developed under the Energy Trust of Oregon Energy Audit 2022 report and must meet the energy efficiency measure (EEM) requirements for Energy Trust standard incentive eligibility, as further detailed in the attached Technical Analysis Study for the Oregon Institute of Technology-Wilsonville HVAC DDS System Upgrade Project (Project Number CU_101553), sponsored by the Energy Trust of Oregon – Existing Buildings Program, submitted by Karl Friesen and Associates, LLC dba KFAA Engineering, submitted October 15, 2022 (see **Exhibit A**).

The Project consists of the major items listed below as well as all other components necessary for a complete and fully functioning system:

- Replace/install the user interface and supervisory controller, as well as replace/install the TU box and RTU controllers, ACM area controller, VAV controls, FCU controls, and exhaust fan controls.
- Include the implementation of more aggressive unoccupied temperature setback regimes, CO2 monitoring and outside air control, and improved zone temperature monitoring and control all of which is to be implemented under the EEM.
- Addition of accurate DDC-based new TU outlet temperature sensors, and connection to existing electric resistance start-stop relays.
- For the controls described above:
 - Engineering
 - Programming implemented as required by the ETO audit analysis
 - Complete site installation
 - Control drawings
 - O&M/Warranty documentation

IV. BUDGET

The total direct construction budget range for this Project is currently estimated at Three Hundred Ninety Thousand Dollars (\$390,000). This includes the Design Fee and Cost of the Work (including specialty building permit(s) and associated site improvements, as well the Design/Builder's Contingency). This does not include other "soft" costs; i.e. Owner's labor costs, plan review fees, building permit, special testing services, furniture and portable equipment, and other indirect development costs.

V. OPTIONAL PRE-PROPOSAL WALK-THROUGH

Interested Proposers may schedule a site visit/walk-through with Sara Mansfield at (503) 821-1291 or Sara.Mansfield@oit.edu.

PROPOSAL REQUIREMENTS

1. **Proposal Content.** Your proposal should include the following information:
 - a. Cover Letter signed by an officer of your firm with the authority to commit the firm
 - b. Response to Questions in Section VII
 - c. Bid Bond
2. **Proposal Format.** The proposal should be written on standard size (8½" x 11") paper, using generally accessible word processing and document formats conducive to cut-and-paste transfer of information to contracts or other summary documents. MSOffice Suite and Adobe Acrobat documents are preferred. Proposers should structure responses as outlined in this RFP. Proposals should be prepared so that responses are specifically addressed in the same order as the requested information identified below. Pages should be numbered consecutively.

File Size Limit

Proposer's submission may not exceed **25 MB** in file size. This limit cannot be increased, and files of larger size will not be accepted.

3. **Delivery of Proposals.** The complete proposal (including all attachments) must be e-mailed and must be electronically received by **1:00 P.M. PT on July 12, 2023.** **E-mail subject line must be "Response to RFP #2023-07."** Proposer are encouraged to telephone and confirm electronic receipt of the complete e-mailed document(s) with the Procurement and Contract Services Office before the above time and date deadline. Proposals delayed or lost by e-mail system filtering or failures may be considered at Oregon Tech' sole discretion.

It is the responsibility of the Proposer to ensure that proposals arrive by the closing date and time. **NO LATE PROPOSALS WILL BE ACCEPTED.** Proposals may not be submitted by telephone or fax. Proposals must be e-mailed to:

E-mail: Purchasing@oit.edu

VII. PROPOSAL RESPONSE AND EVALUATION CRITERIA

The following questions constitute the evaluation criteria for the Selection Committee to score proposals. You must respond to each question in numerical order. For ease in scoring the proposals, please provide tabs keyed to each of the following criteria numbers.

1. Firm Information (Weight: 15).

- A. **Firm Experience.** Describe your firm's history. Identify your firm's principal office location. Include information identifying the firm's annual volume, financial/bonding capacities. Also include information identifying the firm's strengths and special capabilities. List any services the company self performs. Include a company-wide organizational chart.

Describe your firm's recent (past 5 years) experience designing and constructing similar projects to this one (design, construction, construction management, etc.) – use specific examples. Describe your firm's experience regarding contract administration. Include information about the size, construction type, building uses, construction budget and project timeline.

- B. **Key Personnel.** Describe the proposed key personnel's specific experience on projects of similar size, complexity, and scope as the Project subject to this RFP. For all project management personnel, identify the length of their employment with your firm, their responsibilities on this Project, and their primary office location during project execution. Indicate their time commitment for this Project during the design and construction phases. Indicate whether the proposed team has worked together on previous projects.

Provide the names and current phone numbers of references for each of the key personnel you proposed for this Project in your RFP proposal. The references should represent at least one of each of the following: owners, subcontractors, and architects. These references should be from projects of a size, scope and/or complexity comparable to the Project subject to this RFP. Verify that the references identified had direct contact with your team member. Results obtained in reference checks may be used to score all evaluation criteria.

2. **Design/Builder Role (Weight: 10).** Describe the proposed role(s) and responsibilities of your firm in the Project. Identify your firm's expectations of the role of the University. Describe how your firm will interact with the University.
3. **MWESB Management Plan ("Plan") (Weight: 10).** Oregon Tech has implemented a policy that to increase participation by Historically Underrepresented Businesses. Historically Underrepresented Businesses are Oregon certified and self-identified minority, women and emerging small business as well as firms that are certified federally or by

another state or entity with substantially the similar requirements of the State of Oregon.

Provide a Management Plan to increase the diversity of your workforce and subcontract opportunities with or purchase from Historically Underrepresented Businesses. The Management Plan may include your nondiscrimination practices, subcontracting strategy, workforce diversity plan, and outreach plan to increase participation by Historically Underrepresented Businesses.

The selected Contractor will be required to perform Good Faith Effort outreach for divisions of work that will be subcontracted out. The required forms for solicitations and reporting are attached as **Exhibit C**. Compliance with the Good Faith Effort and submission of the required forms is a contractual requirement for final payment.

Provide examples of previous Management Plans and describe if the Plans met or exceeded the goals of the Plan. The Plan, except for any percentage goals to utilize Historically Underrepresented Businesses, shall become part of the Contract.

4. **Project Management (Weight: 10).** Describe your firm's process for managing this specific Project in order to ensure that the Project is completed safely, on schedule and within the contract amount and quality requirements. In addition, provide a description of your process for managing changes in construction, including efforts made to minimize change orders and claims.
5. **Proposed Work Plan/Schedule (Weight 15).** Describe your firm's planned approach to the procurement and construction for this Project. Include a one page (30-40 activities) proposed Project schedule indicating procurement, mobilization, construction, and occupancy activities. Identify various bid packages or pre purchase packages that might be required in order to accomplish the proposed schedule.
6. **Design Price Proposal (Weight: 40).** Proposers will be evaluated on the Phase I design price based on the lowest Price Proposal, and fewer points for higher Price Proposals. Describe how you will meet the needs of the program requirements within the project budget for design and construction. Describe what programmatic requirements cannot be met within the budget and potential value engineering opportunities. If value engineering is not an opportunity describe how the Project requirements can be met if funding is obtained either later within this project or as a future project.
7. **References.** In addition, please provide the names, addresses and phone numbers of three client project owners to be used as references for this Project. Please verify that the individuals identified have had direct contact with the referenced project, and the phone number is current. Oregon Tech may check with these references and/or may check with other references associated with past work of your firm.

VIII. PROPOSAL EVALUATION

Final Rankings

This RFP is a two-step process to select a design-build Contractor for this Project. The selection committee will score each submittal on the basis of responses to the evaluation categories. Submittals will be rated based upon the weights assigned to each item as noted in the parentheses at the end of the categories.

Each criterion has been assigned a weight. Each member of the evaluation committee will rate each firm in each criterion. The evaluation committee members will then total the weighted score from all of the criteria to obtain the total score. The result of this total score will be used to rank all respondents.

The RFP also requires reference information for your firm. Oregon Tech will use this information and any other independently obtained references that can provide background on your firm. This information will not be separately scored, but results obtained from these and/or other reference checks will be used in evaluating and scoring in the other criteria and in the final ranking.

Oregon Tech may, in its sole determination, schedule interviews of finalists. Firms chosen to participate in an interview may be asked to respond to additional questions designed to clarify and/or expand on their Proposals. It is preferred that interviewed firms bring representatives/key personnel of their proposed major subcontractors to the interview. Interviews will include a presentation period for the Proposers to highlight their original Proposal as well as respond to additional questions or information requested in advance by the evaluation committee, and then a separate Q&A session. After all of the interviews/discussions are completed, the evaluation committee may modify their original scores based on all information received, presented, found and heard. The committee will then make an award recommendation to the Vice President for Finance and Administration.

Financially Responsibility; Evaluation

Oregon Tech reserves the right to investigate and evaluate, at any time prior to award and execution of the contract, the submitting firm's financial responsibility to perform the anticipated contract. Submission of a signed proposal shall constitute approval for Oregon Tech to obtain any credit report information Oregon Tech deems necessary to conduct the evaluation. Oregon Tech shall notify the firms, in writing, of any other documentation required, which may include, but need not be limited to: recent profit-and-loss history; current balance statements; assets-to-liabilities ratio, including number and amount of secured versus unsecured creditor claims; availability of short and long-term financing; bonding capacity and credit information; etc. Failure to promptly provide this information shall result in rejection of the submission.

Oregon Tech may postpone the award or execution of a contract or selection of finalists in order to complete its investigation and evaluation. Failure of a firm to demonstrate financial responsibility shall render them non-responsible and shall constitute grounds for proposal rejection.

IX. GENERAL PROVISIONS

Oregon Tech reserves the right to reject any and all Proposals received as a result of this RFP. Oregon Tech Policy Chapter 580, Divisions 61 and 62 govern the procurement process for Oregon Tech.

1. **Modification or Withdrawal of Proposal.** Any Proposal may be modified or withdrawn at any time prior to the closing deadline, provided that a written request is received by Oregon Tech Director of Purchasing and Contract Services, prior to the Closing date. The withdrawal of a Proposal will not prejudice the right of a Proposer to submit a new Proposal.
2. **Notice of Interest.** The Notice of Interest (**Exhibit E**) may be submitted to the office of the Oregon Tech Director of Purchasing and Contract Services by 5:00 p.m., on the date indicated in the Schedule of Events, via e-mail. In the notice, the Proposer must provide the name of the primary contact person, plus that person's telephone number and e-mail address for communication of information about the RFP, answers to questions submitted by Proposers, and other matters about the selection process. Proposers that complete and return the Notice will receive the same supplementary information. Submission of the Notice of Interest is not a mandatory requirement in order for Proposers to submit a Proposal.
3. **Requests for Clarification and Requests for Change.** Proposers may submit questions regarding the specifications of the RFP. Questions must be received in writing on or before the date indicated in the Schedule of Events, at the Purchasing and Contract Services address or e-mail address as listed in the Introduction section of the RFP. Requests for changes must include the reason for the change and any proposed changes to the requirements.

The purpose of this requirement is to permit Oregon Tech to correct, prior to the opening of Proposals, RFP terms or technical requirements that may be unlawful, improvident or which unjustifiably restrict competition.

Oregon Tech will consider all requested changes and, if appropriate, amend the RFP. Oregon Tech will provide reasonable notice of its decision to all Proposers that submit a Notice of Interest.

No oral or written instructions or information concerning this RFP from Oregon Tech managers, employees or agents to prospective Proposers shall bind Oregon Tech unless included in an Addendum to the RFP.

4. **Protests of the RFP/Specifications.** Protests of the RFP/Specifications: Protests must be in accordance with Oregon Tech Policy 580-061-0145. Protests of Specifications must be received in writing on or before 5:00 p.m. (Pacific Time), on the date indicated in the Schedule of Events, at the Purchasing and Contract Services address or e-mail address as

listed in the Contact Information section of the RFP. Protests may not be faxed. Protests of the RFP specifications must include the reason for the protest and any proposed changes to the requirements.

5. **Addenda.** If any part of this RFP is amended, addendum will be provided on the Oregon Public Universities Business and Bid Opportunities procurement website (<https://www2.wou.edu/nora/orpu.bid.home>), with a copy to all parties who submit the Notice of Interest.
6. **Post-Selection Review and Protest of Award.** Oregon Tech will name the apparent successful Proposer in a “Notice of Intent to Award” letter. Identification of the apparent successful Proposer is procedural only and creates no right in the named Proposer to award of the contract. Competing Proposers will be notified in writing of the selection of the apparent successful Proposer(s) and shall be given five (5) calendar days from the date on the “Notice of Intent to Award” letter to review the file and evaluation report at the Purchasing and Contract Services office and file a written protest of award, pursuant to Oregon Tech Policy 580-061-0145. Any award protest must be in writing and must be delivered by hand delivery, mail or e-mail to the address for the Purchasing and Contract Services Office as listed in the Contact Information section of the RFP.

Oregon Tech will consider any protests received and:

- (A) reject all protests and proceed with final evaluation of, and any allowed contract language negotiation with, the apparent successful Proposer and, pending the satisfactory outcome of this final evaluation and negotiation, enter into a contract with the named Proposer; OR
- (B) sustain a meritorious protest(s) and reject the apparent successful Proposer as nonresponsive, if such Proposer is unable to demonstrate that its Proposal complied with all material requirements of the solicitation and Oregon public procurement law; thereafter, Oregon Tech may name a new apparent successful Proposer; OR
- (C) reject all Proposals and cancel the procurement.

The Oregon Tech Vice President for Finance and Administration or designee will timely respond to the protest after receipt. This decision shall be final.

7. **Acceptance of Contractual Requirements.** Acceptance of Contractual Requirements: Failure of the selected Proposer to execute a contract and deliver required insurance certificates within ten (10) calendar days after notification of an award may result in cancellation of the award. This time period may be extended at the option of Oregon Tech
8. **Public Records.** Proposals are deemed confidential until the “Notice of Intent to Award” letter is issued. This RFP and one copy of each original Proposal received in response to it, together with copies of all documents pertaining to the award of a contract, will be kept and made a part of a file or record which will be open to public inspection. If a Proposal

contains any information that is considered a TRADE SECRET under ORS 192.501(2), SUCH INFORMATION MUST BE LISTED ON A SEPARATE SHEET CAPABLE OF SEPARATION FROM THE REMAINING PROPOSAL AND MUST BE CLEARLY MARKED WITH THE FOLLOWING LEGEND:

“This information constitutes a trade secret under ORS 192.501(2), and shall not be disclosed except in accordance with the Oregon Public Records Law, ORS Chapter 192.”

The Oregon Public Records Law exempts from disclosure only bona fide trade secrets, and the exemption from disclosure applies only “unless the public interest requires disclosure in the particular instance.” ORS 192.500(1). Therefore, non-disclosure of documents or any portion of a document submitted as part of a Proposal may depend upon official or judicial determinations made pursuant to the Public Records Law.

9. **Investigation of References.** Oregon Tech reserves the right to investigate all references in addition to supplied references and investigate past performance of any Proposer with respect to its successful performance of similar services, its compliance with specifications and contractual obligations, its completion or delivery of a project on schedule, its lawful payment of subcontractors and workers and any other factor relevant to this RFP. Oregon Tech may postpone the award or the execution of the contract after the announcement of the apparent successful Proposer in order to complete its investigation.
10. **RFP Proposal Preparation Costs and Other Costs.** Proposer costs of developing the Proposal, cost of attendance at an interview (if requested by Oregon Tech) or any other costs are entirely the responsibility of the Proposer, and will not be reimbursed in any manner by Oregon Tech.
11. **Clarification and Clarity.** Oregon Tech reserves the right to seek clarification of each Proposal, or to make an award without further discussion of Proposals received. Therefore, it is important that each Proposal be submitted initially in the most complete, clear and favorable manner possible.
12. **Right to Reject Proposals.** Oregon Tech reserves the right to reject any or all Proposals, if such rejection would be in the public interest, or if the Proposal does not comply with the requirements of the RFP, as determined by Oregon Tech.
13. **Cancellation.** Oregon Tech reserves the right to cancel or postpone this RFP at any time or to award no contract.
14. **Proposal Terms.** All Proposals, including any price quotations, will be valid and firm through a period of 120 calendar days following the Closing date. Oregon Tech may require an extension of this firm offer period. Proposers will be required to agree to the longer time frame in order to be further considered in the procurement process.
15. **Oral Presentations.** At Oregon Tech’s sole option, Proposers may be required to give an

oral presentation of their Proposals to Oregon Tech, a process which would provide an opportunity for the Proposer to clarify or elaborate on the Proposal but will in no material way change Proposer's original Proposal. If the evaluating committee requests presentations, the Issuing Office will schedule the time and location for said presentation. Any costs of participating in such presentations will be borne solely by Proposer and will not be reimbursed by Oregon Tech. Note: Oral presentations are at the discretion of the evaluating committee and may not be conducted; therefore, written Proposals should be complete.

16. **Usage.** It is the intention of Oregon Tech to utilize the services of the successful Proposer(s) to provide services as outlined in the attached Scope of Work.
17. **Sample Contract.** Submission of a Proposal in response to this RFP indicates Proposer's willingness to enter into a contract containing substantially the same terms listed in **Exhibit D** – Sample Design/Construction Agreement, attached hereto and made a part hereof. No action or response to the sample contract is required under this RFP. Any objections to the sample contract terms should be raised in accordance with Paragraphs 1 and 2 of the "General Provisions" of this RFP, pertaining to requests for clarification or change or protest of the RFP/specifications, and as otherwise provided for in this RFP.
18. **Review for Responsiveness.** Upon receipt of all Proposals, the Issuing Office or designee will determine the responsiveness of all Proposals before submitting them to the evaluation committee. If a Proposal is incomplete or non-responsive in significant part or in whole, it will be rejected and will not be submitted to the evaluation committee. Oregon Tech reserves the right to determine if an inadvertent error is solely clerical or is a minor informality which may be waived, and then to determine if an error is grounds for disqualifying a Proposal. The Proposer's contact person identified on the Proposal will be notified, identifying the reason(s) the Proposal is non-responsive. One copy of the Proposal will be archived and all others discarded.
19. **Rejections and Withdrawals.** Oregon Tech reserves the right to reject any or all Proposals or to withdraw any item from the award.
20. **RFP Incorporated into Contract.** This RFP will become part of the Contract between Oregon Tech and the selected contractor(s). The contractor(s) will be bound to perform according to the terms of this RFP, their Proposal(s), and the terms of **Exhibit D**.
21. **Communication Blackout Period.** Except as called for in this RFP, Proposers may not communicate with members of the Evaluation Committee about the RFP until the apparent successful Proposer is selected, and all protests, if any, have been resolved.
22. **Prohibition on Commissions.** Oregon Tech will contract directly with persons/entities capable of performing the requirements of this RFP. Contractors must be represented directly. Participation by brokers or commissioned agents will not be allowed during the proposal process.

23. **Ownership of Proposals.** All proposals in response to this RFP are the sole property of Oregon Tech, and subject to the provisions of Oregon Revised Statutes ORS 192.410-192.505 (Public Records Act).
24. **Clerical Errors in Awards.** Oregon Tech reserves the right to correct inaccurate awards resulting from its clerical errors.
25. **Rejection of Qualified Proposals.** Proposals may be rejected in whole or in part if they attempt to limit or modify any of the terms, conditions or specifications of the RFP or the Oregon Tech Sample Contract.
26. **Collusion.** By responding, the Proposer states that the proposal is not made in connection with any competing Proposer submitting a separate response to the RFP, and is in all aspects fair and without collusion or fraud. Proposer also certifies that no officer, agent, or employee of Oregon Tech has a pecuniary interest in this Proposal.
27. **Evaluation Committee.** Proposals will be evaluated by a committee consisting of representatives from Oregon Tech and other technical advisors. Oregon Tech reserves the right to modify the Evaluation Committee make-up in its sole discretion. The committee's recommendations will be forwarded to the Vice President for Finance and Administration, or designee, for final approval.
28. **Commencement of Work.** The contractor shall commence no work until all insurance requirements have been met, the Protest of Awards deadline has been passed, any protest have been decided, a contract has been fully executed, and a Notice to Proceed has been issued by Oregon Tech.

X. ENCLOSURES

Exhibit A – Design Plan
Exhibit B – Oregon Tech General Conditions
Exhibit C – Supplemental General Conditions
Exhibit D – Sample Design/Construction Agreement
Exhibit E – Notice of Interest
Exhibit F – Bid Bond
Exhibit G – Performance Bond
Exhibit H – Payment Bond

END OF RFP