

**CITY OF INDIANAPOLIS**

**REQUEST FOR PROPOSALS**

**DESIGN-BUILD CONTRACTING SERVICES FOR THE NEW CONSOLIDATED  
CIVIL AND CRIMINAL COURTHOUSE AT THE COMMUNITY JUSTICE CAMPUS**

**RFP-11EAL-094**

**Issued: July 27, 2018**

**Responses Due: October 12, 2018 at 10:30 a.m. EDT**

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## **I. INTRODUCTION**

**1.1 RFP Issuance.** Pursuant to the Design-Build Statute, the City of Indianapolis issues this Request for Proposals for the Courts Project. Short-listed Teams are also referred to as Offerors or prospective Design-Builders. This RFP represents the second phase of the two-phased best value procurement process in the Design-Build Statute. Capitalized terms are defined in **Exhibit A** to the RFP.

**1.2 RFP Terms.** All Offerors are bound by the terms of this RFP, the Design-Build Statute, and Applicable Law. Offerors are cautioned to completely review the entire RFP and follow instructions carefully. The City reserves the right to reject any or all proposals and to waive any technicalities and informalities. In the event of a conflict between the terms of this RFP and the Design-Build Statute, the Design-Build Statute controls.

## **II. PROJECT DESCRIPTION AND THE CITY'S PROGRAM**

**2.1 Courts Project overview.** The Courts Project consists of the design and construction of the Consolidated Civil and Criminal Courthouse or Consolidated Courthouse on the Community Justice Campus. Design narratives, including design principles, are included in Volume 7 of the Design Criteria Package. The City is having certain site preparation and enabling design and construction work performed under separate contracts. The bid documents for these projects are available at:

- <https://eplanroom.reprographix.com/cgi-bin/planroom/projects/index.cgi?show=archived&userid=demo&process=th2ki.6i.qxiY&site=18>
- <https://eplanroom.reprographix.com/cgi-bin/planroom/projects/index.cgi?show=current&userid=demo&process=th2ki.6i.qxiY&site=18>

Rezoning of the Site for the Courts Project is underway and expected to be completed in the Summer of 2018.

**2.2 Budget information.** The approximate budget for the Design-Build Contract for the Courts Project is \$165,000,000.

**2.3 RFP schedule.** The anticipated RFP and selection schedule is set forth in Section 4.3 below. The City may, but does not warrant, that it will open Price Proposals and award the Design-Build Contract in the fourth quarter of 2018. The City expects that the Consolidated Courthouse will be substantially complete no later than the fourth quarter of 2021.

**2.4 The City's goals.** Offerors are encouraged to consider the City's goals when preparing Proposals. The City has established the following goals for the Courts Project:

- 2.4.1 Delivering the Courts Project on time, under budget, with no loss in quality and the utmost regard for safety

- 2.4.2 Executing procurements that are lawful, transparent, competitive, beyond ethical reproach, and consistent with the primary policy needs of the Mayor and the City
- 2.4.3 Managing Stakeholder interests in a way that provides an opportunity to succeed and results in substantial improvement to the criminal justice system in the City and the County
- 2.4.4 Establishing a collaborative relationship with the Design-Builder that leverages the talent and innovation of the Design-Builder's Team to enhance performance as it relates to schedule, cost, and future maintenance and operations of the Courts within the broader CJC and the surrounding community
- 2.4.5 Avoiding disruptions and disputes
- 2.4.6 Maximizing positive economic impact on the CJC campus, the City, the County and the broader Indianapolis Metropolitan Statistical Area

### **III. RFP DOCUMENTS, DESIGN CRITERIA PACKAGE, AND REFERENCE INFORMATION**

#### **3.1 RFP Documents.** The RFP Documents consist of:

- 3.1.1 This RFP and its Exhibits, including:
  - 3.1.1.1 Exhibit A – Definitions
  - 3.1.1.2 Exhibit B – Diversity Plan Questionnaire
  - 3.1.1.3 Exhibit B-1 – Affirmative Action Plan
  - 3.1.1.4 Exhibit C – Workforce Questionnaire
  - 3.1.1.5 Exhibit D – Vapor Intrusion and Radon Gas Mitigation Criteria
  - 3.1.1.6 Exhibit E – Nepotism Disclosure Form
  - 3.1.1.7 Exhibit F – Legal Violations
  - 3.1.1.8 Exhibit G – Tax Deficiencies
  - 3.1.1.9 Exhibit H – Drug Program
  - 3.1.1.10 Exhibit I – Non-Collusion Affidavit
  - 3.1.1.11 Exhibit J – E-Verify Program

- 3.1.1.12 Exhibit K – Eligibility to do Business
- 3.1.1.13 Exhibit L – Apprenticeship and Training
- 3.1.1.14 Exhibit M – Licensure
- 3.1.1.15 Exhibit N – Surety
- 3.1.1.16 Exhibit O – Form of Payment Bond
- 3.1.1.17 Exhibit P – Form of Performance Bond
- 3.1.1.18 Exhibit Q – Form of Price Proposal
- 3.1.1.19 Exhibit R – Price Proposal Breakdown Spreadsheet
- 3.1.1.20 Exhibit S – Alternate Manufacturer Spreadsheet
- 3.1.1.21 Exhibit T – Insurance
- 3.1.1.22 Exhibit U – Alternative Technical Concepts
- 3.1.1.23 Exhibit V – Foundations
- 3.1.1.24 Exhibit W – Additional Value Engineering
- 3.1.2 The Form of Design-Build Contract;
- 3.1.3 The Design Criteria Package, consisting of: (a) the Criteria Drawings (also referred to as Concept Drawings) – Volume 1; and (b) the Performance Specifications – Volumes 1 to 7; and
- 3.1.4 Reference Information Documents.

**3.2 Basis of Design Documents.** The Basis of Design Documents are defined in the Design-Build Contract.

#### **IV. GENERAL INSTRUCTIONS: COMMUNICATIONS, SITE VISIT, RFP SCHEDULE, INTERVIEWS, AND CHANGES TO THE RFP DOCUMENTS**

To be responsive to the RFP and become eligible to receive a Stipend, Offerors must submit Proposals that comply with this RFP, the Design-Build Statute and Applicable Law. The RFP process is governed by and consists of the following:

##### **4.1 Website and Communications.**

- 4.1.1 The website for the Courts Project is <https://indycjc.com/>. This website is for information and communication purposes only. Copies of the RFP

and any additional official procurement documents are, and will be, located at [www.IndyGovPlans.org](http://www.IndyGovPlans.org).

- 4.1.2 Any and all questions and communications associated with this RFP, the Courts Project, or the CJC must be directed to [RFIs@IndyCJC.com](mailto:RFIs@IndyCJC.com) in advance of the deadline listed below in Section 4.3. Potential Design-Builders and members of their Teams must not communicate with the City, the County, the Design Criteria Developer, the Mayor, any representative of any City Agency, the Advisors, the Technical Review Committee, or Site Designers unless such communication is expressly authorized by this RFP, Applicable Law or other formal solicitation documents related to the Courts Project or the CJC. The City reserves the right to remove any prospective participants from this RFP process or any Team if it or they fail to adhere to these communication instructions or otherwise violate the terms of this RFP.

**4.2 Site Visits.** Offerors may schedule site visits at their sole discretion by contacting Roger Judd at [rjudd@shielsexton.com](mailto:rjudd@shielsexton.com). The City will endeavor to provide site access within ten (10) days of receipt of the request from the Offeror. Offerors may be required to complete certain paperwork and other logistical items before being given access to the Site.

**4.3 RFP Schedule.** The following RFP schedule represents the City's best estimate of the Courts RFP procurement process. The City reserves the right to adjust the schedule as the City deems necessary in its sole discretion.

Event	Date
RFP Issuance	July 27, 2018
Optional team meetings	August 13-17, 2018
Deadline for submission of Alternative Technical Concepts	August 24, 2018
Interview No. 1	September 17-21, 2018
Final determinations related to Alternative Technical Concept(s)	September 26, 2018
Deadline for submission of written questions, requests for changes to the Design-Build Contract via <a href="mailto:RFIs@IndyCJC.com">RFIs@IndyCJC.com</a>	September 28, 2018
Publication of Final Addendum with answers to questions and accepted changes to the Design-Build Contract	October 5, 2018
Proposals Due – both Qualitative Proposal (including any final Alternative Technical Concepts) and Price Proposal (separate sealed envelope)	October 12, 2018
Interview No. 2	October 29 – November 2,

	2018
Opening of Price Proposals	November 9, 2018
Anticipated execution of Design-Build Contract	January 10, 2019

#### **4.4 Optional Meetings.**

- 4.4.1 Offerors may be invited to optional kick-off orientation meetings the week of August 13, 2018 (“Initial Orientation and Outreach Sessions”).
- 4.4.2 The Initial Orientation and Outreach Sessions are optional.
- 4.4.3 Offerors may ask questions during Initial Orientation and Outreach Sessions; however, Offerors may not rely on any information provided orally during the meeting unless such information is confirmed in writing as an Addendum to this RFP.

#### **4.5 Interview No. 1 – Prior to Submission of Proposals.**

- 4.5.1 Prior to the submission of the Proposals, the Offerors will participate in Interviews with the Technical Review Committee and any Advisors or representatives deemed by the TRC as necessary to attend. Each Interview will be no more than four hours in length. The purpose of this Interview is to obtain initial feedback from the Offerors on the RFP Documents. The City wishes to clarify any ambiguities in the RFP Documents to enable the Offerors to provide a comprehensive proposal offering the City with innovative design solutions that meet the criteria outlined in Section 5.4.4 and comply with the Design Criteria Package, and this Interview will be an important tool for maximizing this clarity.
- 4.5.2 Interviews will be held at a location set by the TRC and will be an opportunity for Offerors to present their Team and discuss technical questions related to the RFP and Proposals.
- 4.5.3 The TRC or its authorized representative will advise Offerors of any specific timing, attendance, and logistical requirements in advance of the Interviews. Offerors should avoid including unnecessary information or Team members during Interviews.
- 4.5.4 Offerors may ask questions during the Interview; however, Offerors may not rely on any information provided orally during the Interview unless such information is confirmed in writing as an Addendum to this RFP.

#### **4.6 Interview No. 2 – After Submission of Proposals.**

- 4.6.1 The TRC expects to conduct additional Interviews with Offerors after Proposals are submitted but before the Price Proposals are opened. The TRC may determine that such Interviews are not necessary. In the event



Interviews are conducted, information provided during the Interview process may be taken into consideration when evaluating Proposals using the below-stated criteria. The TRC or its authorized representative will advise Offerors of any specific timing, attendance, and logistical requirements in advance of the Interviews. Offerors should avoid including unnecessary information or Team members during Interviews.

- 4.6.2 Each Interview will be no more than four hours in length. The purpose of these Interviews is for the Offerors to discuss design solutions and whether they comport with the requirements of the Design Criteria Package. The City wishes to maximize and facilitate the Offerors' ability to meet or exceed the Design Criteria.
- 4.6.3 Offerors may ask questions during the Interview; however, Offerors may not rely on any information provided orally during the Interviews.

#### **4.7 Proposed Changes to Design-Build Contract during the RFP process.**

- 4.7.1 Offerors may submit proposed changes to the terms in the Design-Build Contract on or before the deadline for submitting questions – September 28, 2018. The City's goals in requesting such submittals are to discover provisions in the Design-Build Contract that unnecessarily increase the cost of the Courts Project or complicate the performance of the Work.
- 4.7.2 For every proposed change to the Design-Build Contract, Offerors must include the following information:
  - 4.7.2.1 The section number of the Design-Build Contract;
  - 4.7.2.2 Proposed alternative language; and
  - 4.7.2.3 An explanation for the requested change, including any impact the requested change has on any commercial term in the Contract Documents, as described in the Design-Build Contract, or the Design Criteria Package.
- 4.7.3 The City reserves the right to accept or reject changes in its sole discretion. If a proposed change is accepted, the City will issue an addendum reflecting the new terms.

## **V. PROPOSAL INSTRUCTIONS**

**5.1 General information.** Offerors must submit their Proposals pursuant to the instructions set forth herein at or before the time set forth in the schedule in Section 4.3 and 5.3 of this RFP.

**5.2 Summary of Requirements.** Proposals must include the following documents and information:

- 5.2.1 *Cover or transmittal letter.* Proposals must include a cover or transmittal letter confirming the Offeror's continuing interest in the Courts Project.
- 5.2.2 *Qualitative Proposal.* The Qualitative Proposal must be organized in the following sections and include the information described in Section 5.6 of this RFP, including Design-Builders:
  - 5.2.2.1 Executive Summary – limit 50 pages;
  - 5.2.2.2 Team Composition and Designated Subcontractors – limit 50 pages;
  - 5.2.2.3 Management Plan, M/W/V/DOBE Utilization, and Economic Impact – limit 200 pages (excluding exhibits or attachments);
  - 5.2.2.4 Proposed Design and Enhancements – no page limit;
- 5.2.3 *Price Proposal.* The Price Proposal must be submitted on the Price Proposal Form included as Exhibit Q to the RFP **in a separate, sealed, envelope simultaneously with the Qualitative Proposal.**
- 5.2.4 *Exhibits, forms, and additional information.* Offerors must submit the following Exhibits, forms, or information with their Qualitative Proposals:
  - 5.2.4.1 Information requested in Exhibits B-N of this RFP;
  - 5.2.4.2 Post-award design process:
    - (a) Provide a description of the Offeror's preferred process for completion of the proposed design, including how the Team will engage and coordinate Work progress and approval with the Stakeholders, The City, and in compliance with the Applicable Law. The Offeror's description must include how it will address the review and approval milestones, including allowing time for The City to review and approve the Drawings and Specifications, and the Team's process and flexibility to accommodate changes in the Drawings and Specifications.
    - (b) Provide a CPM schedule detailing the elements described in 5.2.4.2(a).
  - 5.2.4.3 Design narratives – Provide design narratives describing the following as it relates to Offeror's proposed design:

- (a) Durability. Describe how the Offeror's Proposal provides for a useful life beyond the planning horizon of the Courts Project. Describe the extent to which proposed building materials, both interior and exterior, will last well beyond completion of the Courts Project, and how long materials are planned to last.
- (b) Lifecycle. Describe the total cost of ownership, including, anticipated timing and estimated cost of lifecycle replacement for major elements, including: the roof, exterior walls, HVAC, electrical, and plumbing. This must not include information you intend to include as part of your Price Proposal.
- (c) Flexibility. Describe the elements of the Offeror's Proposal intended to provide adaptability to future requirements necessitated by factors such as growth, evolving legislation, new technologies, and future initiatives relating to the delivery of justice.
- (d) Context. Describe how the Offeror's proposed design relates to and makes a positive contribution to the Indianapolis Metropolitan Statistical Area.
- (e) Sustainability. Describe how Offeror's Proposal is designed to respect the environment, be energy efficient and provide a healthy workplace for those who use the building on a daily basis. Each Offeror shall submit a sustainability narrative describing their proposed path to achieve the minimally required LEEDv4 Silver certification along with a draft LEED scorecard identifying those credits anticipated to be included in the Offeror's submission to the United States Green Building Counsel.
- (f) Security. Describe how the Offeror's design elements included in their Qualitative Proposal to ensure that security for the users of the Courts Project is not compromised. Security concerns are an integral part of the Courts Project and shall be unobtrusively integrated into the building design and shall convey openness and availability to the public where practical.

5.2.4.4 Energy model and modeling report – Provide an energy model and modeling report, including but not limited to:

- (a) Site conditions

- (b) Massing and orientation
- (c) Basic envelope attributes
- (d) Lighting levels
- (e) Thermal comfort ranges
- (f) Plug and process load needs
- (g) Programmatic and operational parameters

5.2.4.5 Baseline utility usage – Provide the baseline utility usage of the Offeror’s proposed design, including:

- (a) Electricity (kWh/year)
- (b) Gas (therm/year)
- (c) Water (gallons/year)
- (d) Sanitary Sewer (gallons/year)

5.2.4.6 Schedule – to the extent the CPM schedule referenced above for the design process does not include requirements for construction or other information reflected in the Performance Specifications or the Design-Build Contract, Offerors should include in their Schedule submission sufficient detail in the Schedule to meet the Performance Specifications. Specifically, Offerors must provide a Schedule identifying key design, permitting, procurement and construction activities and deadlines including, but not limited to the following:

- (a) The City’s receipt of the Final Design Development Documents (as defined in the Design-Build Contract) including The City’s review of the Final Design Development Documents (allow for fifteen (15) work days for The City’s review);
- (b) The City’s receipt of the Construction Documents (as defined in the Design-Build Contract) including The City’s review of the Construction Documents (allow for review times that comport with Section 7 of the Design-Build Contract and the City’s obligations related to Citizens Energy Group);

- (c) The City's receipt of the 100% completed Construction Documents including The City's review of the Final Design Development Documents (allow for fifteen (15) work days for The City's review);
- (d) Incorporate commencement and completion of the following in Offeror's Schedule: permitting activities, foundations, structure, enclosure, interiors, commissioning, Substantial Completion, and Final Completion.

5.2.4.7 Vapor intrusion and radon gas mitigation – Provide the Offeror's vapor intrusion and radon gas mitigation system plan in compliance with Exhibit D.

5.2.5 *Post Selection Deliverables - Price Proposal Breakdown Spreadsheet, Alternates, and Additional Value Engineering.* The Offeror with the best value Proposal, based on Price Proposals being opened and the best value being determined pursuant to the Design-Build Statute, must submit the following information to the City within three (3) days of the best value determination:

5.2.5.1 A completed Price Proposal Breakdown Spreadsheet as requested in Exhibit R.

5.2.5.2 A completed Alternate Manufacturer Spreadsheet as requested in Exhibit S.

5.2.5.3 Additional Value Engineering concepts as requested in Exhibit W.

### **5.3 Delivery Instructions and Requirements.**

5.3.1 *Qualitative Proposals.* Qualitative Proposals must be submitted via the secure uplink at [www.IndyGovPlans.org](http://www.IndyGovPlans.org). Registration is free; a key and password will be provided. Offerors should upload their *Qualitative Proposals, Exhibits, Forms, and Additional Information* as referenced in section 5.2.4 to the tab entitled "Submit Proposal." Each Offeror must also physically deliver the following hard copies: twelve (12) printed, indexed and bound copies of its Executive Summary, four (4) bound copies of its entire RFP submission in a labelled banker's box, one electronic copy via the secure uplink described above, indexed searchable PDF copy with bookmarks (.pdf). Hard copies must be delivered to:

Ms. Jamie Davids-Mayhew  
Construction Buyer  
City of Indianapolis

Purchasing Division  
200 E. Washington Street  
Suite 1522  
City-County Building  
Indianapolis, Indiana 46204

**The City will close the upload link and refuse physical deliveries at 10:00 a.m. Eastern Daylight Time on October 12, 2018 (“Due Date”).** Proposals can be amended at any time prior to this date and time. Proposals and amendments submitted after this date and time and not in the form stated herein will not be considered or scored. The Price Proposal will remain sealed until opened in public as required by Section 5-30-7-5 of the Design-Build Statute.

5.3.2 *Price Proposals.*

5.3.2.1 Price Proposals must be prepared using the form provided as RFP Exhibit Q and placed within a sealed envelope, separate from the Qualitative Proposal and other deliverables listed above, which must be plainly labeled “Price Proposal” on the outside with the name and address of the Lead Design-Build Entity along with the RFP number, Project name and number (if applicable) and Due Date and delivered to:

Ms. Jamie Davids-Mayhew  
Construction Buyer  
City of Indianapolis  
Purchasing Division  
200 E. Washington Street  
Suite 1522  
City-County Building  
Indianapolis, Indiana 46204

**Price Proposals must be submitted by 10:00 a.m. Eastern Daylight Time on October 12, 2018 (“Due Date”).**

5.3.3 *Exhibits, forms, and additional information.* Exhibits, forms, and additional information requested in Section 5.2.4 above must be submitted via secure uplink at [www.IndyGovPlans.org](http://www.IndyGovPlans.org). The same key and password for the Qualitative Proposal may be used. Exhibits may be included in a single Proposal PDF or uploaded as a separate PDF using the key and password provided via the tab entitled “Submit Proposal.”

5.3.4 *Post Selection Deliverables - Price Proposal Breakdown Spreadsheet, Alternates, and Additional Value Engineering.* The City will confer with the best value Offeror to coordinate receipt of the information

requested in Exhibits R, S, and W, after Price Proposals are opened and the best value Offeror is identified.

- 5.3.5 *Ensuring Submission.* It is the sole responsibility of each Offeror to ensure that its Proposal is received in proper time and form. Proposals received after the specified time and date will not be considered and will be returned unopened to the sender. **The submission deadline will be strictly enforced.**
- 5.3.6 *Binding effect.* By submitting a Proposal, the Offeror represents and warrants that the person submitting the Proposal and signing the Price Proposal and required documents has the authority to bind the Offeror in accordance with the RFP Documents, the Offeror's Proposal, and Applicable Law.
- 5.3.7 *Non-Transferable.* Proposals are not transferable to another Offeror or entity.

#### **5.4 Evaluation Process and Rating System.**

- 5.4.1 *Design Criteria Developer review.* The TRC will not consider Qualitative Proposals until the Design Criteria Developer provides its professional opinion that the Qualitative Proposal conforms with the Design Criteria Package.
- 5.4.2 *TRC review.* The TRC will review the Qualitative Proposals and establish a score for each Qualitative Proposal based on the factors, weighting, and process identified below.
- 5.4.3 *Selection, Award, Rejection and Negotiations.* Selection and award of the Design-Build Contract will be conducted in conformance with Indiana Code Section 5-30-7, et.seq., and other Applicable Law. The City reserves its rights to reject Proposals and/or negotiate the terms of the Design-Build Contract in accordance with the Design-Build Statute.
- 5.4.4 *Scoring factors, weighting and process.* The TRC will score the Qualitative Proposals based on the following factors, weighting and process:

<b>Requirement</b>	<b>Rating or maximum score from TRC as a whole</b>	<b>Maximum Score from Individual TRC Member</b>
<b>Executive Summary</b>	<b>.100</b>	<b>.020</b>
<b>Team Composition and Designated Subcontractors</b>	<b>.100</b>	<b>.020</b>
<b>Design-Builder's Management Plan, M/W/V/DOBE Utilization, and Economic Impact</b>	<b>.500</b>	<b>.100</b>
• General approach		
• Project goals		
• Project challenges		
• Quality control		
• Project controls and cost tracking		
• Collaboration and integration		
• Design process and management		
• Safety		
• M/W/V/DOBE utilization and diversity plan		
• Workforce		
• Economic impact		
<b>Proposed Design and Enhancements</b>	<b>.300</b>	<b>.060</b>
• Specifications		
• Drawings		
• Samples		
• Enhancements		
<b>Total Maximum Points Available</b>	<b>1.000</b>	<b>.200</b>

## 5.5 Price Proposals.

Price Proposals must be submitted on the Price Proposal Form (Exhibit Q) and contain one lump sum price to perform all Design and Construction Services and complete all of the Work. The Price Proposal from the best value Offeror will be inserted in Section 5.01 of the Design-Build Contract, subject to the City's rights under the Design-Build Statute. Offerors agree that their Price Proposals will remain open and binding for ninety (90) days after their Price Proposals are opened.



**5.6 Qualitative Proposal.** Qualitative Proposals must be organized in the following sections addressing the requirements in each section:

- 5.6.1 *Section 1 - Executive Summary (.100 points).* The Executive Summary should summarize the entire Qualitative Proposal in plain English and without unnecessary information, terms of art, or jargon. Not every member of the TRC is a design or construction professional, and Offerors should expect that the TRC will rely heavily on the Executive Summary to aid and guide their review of the more detailed requirements in the remaining sections of the Qualitative Proposal. It should be formatted as a searchable, book-marked, PDF without typographical or grammatical mistakes. It should include references to the remaining sections of the Qualitative Proposal to aid the TRC in reviewing by moving back and forth between the Executive Summary and the applicable detailed section.
- 5.6.2 *Section 2 – Team Composition and Designated Subcontractors (.100 points).* The City and TRC believe that the success of design-build projects is heavily influenced by a team’s ability to work together, solve problems, collaborate, and avoid disputes. This section of the Qualitative Proposal, therefore, must identify, at a minimum, the Lead Design-Build Entity, Key Project Personnel, and Subcontractors with whom the Offeror proposes to enter into a subcontract for Primary Design Services and Primary Construction Services. It should explain how each Team member’s involvement will enhance the Offeror’s overall ability to perform the Design and Construction Services and complete the Work. Offerors are encouraged to discuss prior relevant experience of Team members and Key Project Personnel even if it was included in the response to the RFQ. For Subcontractors not specifically identified as part of the Offeror’s Team, this section should describe:
  - 5.6.2.1 Offeror’s overall approach to Subcontractor procurement for the Courts Project;
  - 5.6.2.2 Challenges in the selection of Subcontractors for the Courts Project and how the Design-Build Team will address those challenges; and
  - 5.6.2.3 Offeror’s approach to early subcontractor involvement, including proposed design-build and design-assist Subcontractors and scopes of work for each design-build or design assist Subcontractors.
- 5.6.3 *Section 3 - Design-Builder's Management Plan, M/W/V/DOBE Utilization, and Economic Impact (.500 points).* The Proposal should describe the Offeror’s overall management approach to the Courts

Project. In responding to this evaluation factor, Offerors should address the following:

- 5.6.3.1 General approach. What strategies will the Offeror employ to achieve a thorough and clear understanding of the City's goals, the Budget, the schedule, quality, and safety?
- 5.6.3.2 Project goals. Based on the information provided in the RFP, Addenda (if any), and the Interviews, what is the Offeror's current understanding of the goals and objective of this Project?
- 5.6.3.3 Project challenges. Identify three key challenges to the Courts Project, and, for each challenge identified:
  - (a) Propose a strategy to mitigate the potential negative impacts of the challenge;
  - (b) Identify any unique approaches, strengths and/or differentiating resources (including specific Key Project Personnel) that will assist the Offeror to implement the strategy and assist the City in achieving its goals.
- 5.6.3.4 Quality control. Provide the following information regarding the Design-Build Team's approach on quality control:
  - (a) The overall approach to both design and construction quality control and how the Team plans to comply with the City's quality assurance requirements, including compliance with the Design Criteria Package; and
  - (b) The reporting and functional relationship(s) between the Owner's Representative and the Design-Build Team as a whole.
  - (c) How the Design-Build Team plans to communicate its quality control plan to the Owner's Representative.
- 5.6.3.5 Project controls and cost tracking. Describe Offeror's processes and tools for monitoring, reporting, and managing cost, including but not limited to:
  - (a) Scope, cost, and schedule baseline development and management/change control processes and the participation and interaction among the scheduling and estimating teams, project, design, construction and operations management teams to execute these processes;

- (b) Risk management processes and how qualified risk cost and schedule values are factored into the cost and schedule baseline, projected cost and schedule performance, and cash flow reporting;
- (c) Cash flow reporting processes and basis for monthly cash flow estimated values;
- (d) Describe the tools and methodology of the development of the baseline schedule including durations, sequencing, and logic and skilled labor availability for determining manpower projections;
- (e) Describe the Offeror's procedures and processes for updating the scheduling including the frequency of updates and how the quality and accuracy of those updates will be managed and presented as part of the Courts Project deliverables;

5.6.3.6 Collaboration and integration. One of the primary goals for the Courts Project is to create a high performing, collaborative, and integrated team as early as possible and to incorporate the City's staff, Advisors, and representatives as part of that team. With this in mind, please:

- (a) Explain the Design-Build Team's approach to creating a collaborative environment for the Courts Project.
- (b) Describe how the Design-Build Team will engage the Stakeholders and incorporate their input into the Courts Project.
- (c) Provide the Design-Builder's approach to conflict resolution between the City and the Design-Builder and among members of the Design-Build Team.

5.6.3.7 Design process and management.

- (a) Describe the Design-Build Team's overall approach to design excellence and management of the design process for the Courts Project. Include a description of the design management process and the communications between the City and the Design-Builder during this process.
- (b) In completing the design for the Courts Project, the Design-Builder will be required to: (i) seamlessly coordinate and integrate with other projects at and

around the CJC, (ii) meet or exceed the requirements in the Design-Build Contract; (iii) obtain and incorporate design input from multiple Stakeholders; and (iv) satisfy the safety, regulatory, and security requirements of multiple governmental entities, all while achieving design excellence. Explain how the Team plans to meet these requirements.

- (c) Identify challenges in developing the design for the Courts Project and how the Design-Build Team will address those challenges.
- (d) Provide details regarding the tools used in the design process, including building information modeling, and how those tools will assist the Design-Builder in achieving the City's goals.
- (e) Describe the Proposed Design-Build Team's approach to potential additional value engineering or cost saving measures to be used during the remaining design and construction phases of the Courts Project, without discussing or referencing any specific design elements or related pricing/cost impacts.

5.6.3.8 Safety. Describe the Design-Build Team's commitment to safety and what innovations the Team will bring to the Courts Project to enhance safety.

5.6.3.9 M/W/V/DOBE utilization and diversity plan.

- (a) The City's policy is that women, minority, veteran, and disability owned business enterprises will have the maximum feasible opportunity to participate in projects, including the Courts Project. The City's M/W/V/DOBE goals for the Courts Project are: MBE (15%), WBE (8%), VBE (3%), and DOBE (1%). All M/W/V/DOBE subcontractors and suppliers must be certified by the City of Indianapolis. Offerors should refer to and consider the information contained in the Diversity Plan attached to the Design-Build Contract as Exhibit 9 and include as much information as possible in its utilization and diversity plan.
- (b) Each Offeror must prepare a Diversity Plan Questionnaire consistent with and in the form included as Exhibit B to this RFP.

5.6.3.10 Workforce. Offerors must complete the Workforce Questionnaire attached hereto as Exhibit C.

5.6.3.11 Economic impact. Describe Offeror's anticipated strategy for maximizing economic impact to Indianapolis or the Indianapolis Metropolitan Statistical Area. Using specific, verifiable, data or examples – including but not limited to the **scope of work descriptions for proposed Subcontractors** – provide as many of the following as possible:

- (a) The Mayor and the City Council of Indianapolis are in full support of seeing local manufacturing entities used on this project. Consistent with Mayor Joseph H. Hogsett's and the City Council of Indianapolis's directive for the CJC to support local involvement, describe your Team's efforts to purchase products that are made in Indianapolis where applicable on the Courts Project. Describe which locally manufactured products Offeror will be purchasing for use on the Courts Project.
- (b) List the Team members that maintain their principal place of business in the Indianapolis Metropolitan Statistical Area;
- (c) List the Team members with a majority of employees who are residents of the Indianapolis Metropolitan Statistical Area;
- (d) List the Team members that pay the majority of their payroll (in dollar volume) to residents of the Indianapolis Metropolitan Statistical Area;
- (e) List the Team members who have made a significant capital investment in the Indianapolis Metropolitan Statistical Area; or
- (f) Provide other information demonstrating the Team's anticipated ability to create a substantial positive economic impact on the Indianapolis Metropolitan Statistical Area.

5.6.4 *Section 4 - Proposed Design and Enhancements (.300 points).*

5.6.4.1 Offerors must submit a design that meets or exceeds the Design Criteria Package and satisfies the requirements in this Section 5.6.4.

5.6.4.2 The design must include the following:

- (a) Specifications. The Specifications must follow the standard CSI format and clearly identify acceptance and any exceptions taken in the Proposal to the RFP Documents. Exceptions should be referenced to the applicable section number and should clearly define the criteria, material or method which is being proposed in lieu of that specified.
- (b) Drawings. Drawings must be complete with sufficient detail, dimensions and notes to permit the preparation of the Offeror's Price Proposal. Following are additional requirements for the drawings:
  - (i) Courts Project and Offeror's Name: Enter the project name, RFP number and the Team's name in the upper right-hand corner of each drawing.
  - (ii) Formatting: Drawings must be 36" x 48" black and white or color prints.
  - (iii) Requirements: The drawings must indicate the proposed Civil, Landscape, Architectural, Low Voltage (technology) audio visual (AV), Structural, HVAC, Plumbing, Fire Protection, Security Electronics and Electrical portions of the work in sufficient detail to fully explain the Qualitative Proposal and ensure the drawings meet the requirements of the Design Criteria Package. The minimum drawing requirements are as follows:
    - 1. Floor Plans (1" = 8' or 1" = 16') - Plans must show each floor level giving all necessary dimensions and indicating all program spaces and areas. Show exit stairs, graphically indicating exit paths, service docks; and adjacent grade conditions.
    - 2. Sections (1" = 8' or 1" = 16') - Show both cross-sections and longitudinal sections as necessary to indicate floor level elevations and general relationship with and connections to CJC buildings.

3. Elevations (1" = 8' or 1" = 16') - Show elevations of the new building and indicate wall/roof materials. Indicate all floor level elevations and where the grade meets the building wall. Include adjacent CJC buildings in elevations to illustrate floor to floor connections.
4. Wall Sections (1/2" = 1'-0") - Provide vertical sections at each typical exterior wall from bottom of footing through the top level. Generally indicate the proposed structural and architectural elements and connections.
5. Mechanical Plans (1" = 8' or 1" = 16') - Plans shall show each floor level or typical floor level and penthouse levels indicating locations of elements of fire protection systems, plumbing and HVAC systems. Provide a schedule of equipment proposed showing size, types, manufacturers, etc. Provide schematic one-line diagram of building HVAC system.
6. Electrical Plans (1" = 8' or 1" = 16') - Plans shall show all lighting, power distribution and equipment connections for each floor level and penthouse level. Include light fixture schedule, telephone/data/security/AV connections, symbols list, power single line diagram including metering. Panel schedules shall also be indicated on the plans where required. Provide schematic one-line diagram of building electrical system.
7. Renderings - Provide full color exterior architectural renderings; minimum (3) 11 x 17 original copy plus high quality electronic image (jpeg or tif).
8. Information technology, audio visual and security detention plans.

- (c) Samples. Each Proposer shall submit one set of sample boards including predominate exterior materials and interior finishes related to the public facilities. The City will coordinate the transmittal of this information via addendum to this RFP.
- (d) Enhancements. An Enhancement is a design element that exceeds or improves a corresponding element within the Design Criteria Package. The element could exceed or improve upon the Design Criteria Package element in quality, performance or some other basis. Enhancements should be specifically identified in the Qualitative Proposal, and Offerors should answer the following questions for each Enhancement:
  - (i) Without sharing pricing information, explain how the Enhancement adds value to the City?
  - (ii) Without sharing pricing information, describe whether the Enhancement will affect maintenance costs?
  - (iii) Without sharing pricing information, describe whether the Enhancement will affect life cycle costs?
  - (iv) State whether Offeror has utilized this approach on another project, and if so, provide the name of the project and a reference for the City to contact.

**5.7 City's rights regarding Qualitative Proposals.** The City, in its sole discretion, will determine whether the Proposed Design:

- 5.7.1 Meets the City's goals and objectives and is consistent with the City's requirements outlined in the RFP Documents, Design Criteria Package, and Reference Information Documents;
- 5.7.2 Describes an achievable strategy to meet the City's Budget, Substantial Completion by September 30, 2021, and Final Completion by December 31, 2021; and
- 5.7.3 Meets or exceeds the Design Criteria Package.

## **VI. OFFEROR'S REPRESENTATIONS AND WARRANTIES**

By submitting a Proposal, Offeror represents and warrants as follows:



**6.1 Examination of RFP Documents.** Offeror has carefully examined and considered information provided in the RFP Documents.

**6.2 Site visit.** Offeror has visited and made itself familiar with the Site.

**6.3 Questions and clarifications.** Offeror has submitted all questions and requests for clarifications to ensure that it has no known basis to request additional time or seek additional compensation in performing the Work unless specifically authorized by the Design-Build Contract.

**6.4 Applicable Law.** Offeror has familiarized itself with codes, ordinances, requirements, and Applicable Law impacting or potentially impacting the Work.

**6.5 Adequacy of Design Criteria Package.** The Design Criteria Package contains sufficient information to permit Offeror to prepare its Proposal in response to the RFP Documents.

## **VII. GENERAL TERMS OF RFP**

### **7.1 Applicable Law.**

This RFP and any procurement process related to the CJC are being conducted in accordance with all Applicable Law. Failure to comply is grounds for removal from the RFP process.

### **7.2 TRC Procedures.**

7.2.1 Applicable Statute. The TRC will exercise and perform the powers and duties granted by Section 5-30-4-3 of the Design-Build Statute along with other activities required or authorized by the Design-Build Statute or Applicable Law.

7.2.2 TRC's Right to Conduct Public Meetings. The TRC is comprised entirely of City employees. Therefore, pursuant to Section 5-30-4-4(c) of the Design-Build Statute, TRC meetings are not subject to the requirements of the Indiana Open Door Law. Nevertheless, consistent with the City's goal to conduct this procurement in a lawful, fair, and transparent manner, the TRC reserves the right to conduct public meetings when it determines that doing so will promote those interests and not compromise the City's additional interests in promoting the development of candid proprietary proposals and competition among prospective Design-Build Teams.

### **7.3 Stipends**

7.3.1 Stipends of \$150,000 will be paid to the two unsuccessful Offerors that are not awarded the Design-Build Contract and that do not enter into a Design-Build Contract with the City. Stipends are expected to be paid

within seven days of execution of the Design-Build Contract with the successful Offeror. This payment is also contingent upon the Offeror having submitted a Qualitative Proposal that complies with the RFP Documents and the Design Criteria Package in particular. The City reserves the right to adjust the amount of the stipend and modify or withdraw this provision. The City expects equitable distribution of stipend proceeds across the Teams that are not selected and do not enter into the Design-Build Contract with the City.

**7.3.2 By accepting the stipend, unsuccessful Offerors:**

7.3.2.1 assign, transfer, and grant to the City any and all rights, ownership and property interests, including but not limited to any intellectual property rights, copyrights and/or patents in unsuccessful Offerors' Proposal;

7.3.2.2 release and forever discharge any rights, claims, suits, and causes of action against the City and its agents or representatives arising out of or related to the RFP and the Courts Project

**7.4 Secrets and Indiana Access to Public Records Act.**

Potential Design-Builders, Teams and Subcontractors acknowledge that any material submitted to the City in response to this RFP is subject to the Indiana Access to Public Records Act. Interviews are propriety and confidential, and Qualitative Proposals will not be shared with other prospective Design-Builders or the public during the procurement process, but it should be presumed they will be available for public request and viewing after the procurement process is complete unless the Qualitative Proposal meets an exception to the Indiana Access to Public Records Act. If the Qualitative Proposal contains trade secrets or other information the Team views as exempted from the Indiana Access to Public Records Act, the Lead Design-Build Entity and, if applicable, the party claiming the exemption must place a 'CONFIDENTIAL' label on each page of the Qualitative Proposal containing the allegedly exempted information. Include a cover page explaining the legal basis, including a citation to Indiana law, for the alleged exemption. The City will make reasonable efforts to notify the entity claiming the exemption prior to responding to any request for copies of the allegedly confidential information, and the entity claiming the exemption will defend, indemnify and hold harmless the City in any dispute or litigation arising from a request for such information.

**7.5 The City's reservation of rights.**

The City may waive or deviate from some or all of the requirements in this RFP where it determines such deviation is in the best interest of the City and consistent with Applicable Law. This RFP does not commit or bind the City to enter into any agreement with any Offeror responding to this RFP. The City reserves all of its rights with respect to this RFP and the procurement related to the Courts Project and the CJC, including but not limited to the following:

- 7.5.1 *Deadlines.* Proposal's received after the deadline set forth above will not be considered.
- 7.5.2 *Expenses.* All expenses for preparing and submitting responses are the sole cost of the party submitting the response. The City is not obligated to any party to reimburse such expenses.
- 7.5.3 *Modifications.* The City may modify this RFP and any related documents at any time at its sole discretion.
- 7.5.4 *Termination.* The City may terminate or cancel this RFP process at any point without cause and may issue one or more new RFPs at its sole discretion.
- 7.5.5 *Clarifications.* The City may request clarifications from Teams responding to this RFP.
- 7.5.6 *Addenda.* The City may issue addenda or supplements to this RFP.
- 7.5.7 *Disqualification.* The City may disqualify Teams or Team member(s) responding to this RFP for failing to comply with its requirements or otherwise violating Applicable Law.
- 7.5.8 *Waivers.* The City may waive deficiencies in responses to this RFP consistent with its reservation of rights herein.
- 7.5.9 *Reliance.* Statements made orally and previously, regarding the CJC projects, cannot be relied upon by prospective Design-Builders or their Team members responding to this RFP, and the only information that can be relied upon is information specifically identified in this RFP or a written solicitation document related to the Courts Project or other project on the CJC.
- 7.5.10 *Rejections.* The City may reject any and all Proposals and/or elect not to proceed with an RFP or Design-Build Contract.

## **7.6 Replacement of JV Members and Subcontractors.**

Offerors will not remove or replace a JV Member or Subcontractor Offeror proposes to enter into a subcontract for Primary Design Services and Primary Construction Services without the City's written permission. See Indiana Code Section 5-30-8-2. The City may in its sole discretion remove a prospective Design-Builder from the procurement process if one of its JV Members or Subcontractors to perform Primary Design Services and Primary Construction Services is no longer part of the prospective Design-Builder's Team.

## **7.7 Definitions.**

Capitalized terms not defined in Exhibit A have the meaning set forth in the Design-Build

Statute, the Design-Build Contract, or this RFP. In the event of a conflict between the terms of this RFP and the Design-Build Statute, the Design-Build Statute controls.