

Iola Theatre Association, Inc.

CONSTRUCTION MANAGEMENT AT RISK SERVICES - RFQ/RFP

1. GENERAL REQUIREMENTS

The Iola Theatre Association, Inc. (ITA) is pleased to issue this Request for Qualifications ("RFQ") and Request for Proposal ("RFP") for Construction Management Services ("Services"). The ITA requests a qualifications proposal for the services of a Construction Manager as Constructor ("CM") to assist the ITA during the design and execution of the preservation, restoration, and renovation, of the Iola Theatre (Theatre) located in Iola, Kansas.

1.1 INTRODUCTION

The Iola Theatre Association (ITA) was established as a 501(c)(3) nonprofit in 2022 with the goal of restoring and operating the historic Iola Theatre as a center for community life in downtown Iola, Kansas. ITA is governed by a volunteer Board of Directors.

The ITA will use a Construction Manager as Constructor (CM) as the delivery method for this Project. CM services shall be the services provided by the contractor who is selected and under Contract with the ITA to be the construction manager for the value and schedule of the Contract for the Project, which is to hold the trade contracts and execute the work for the Project like a general contractor, and which is required to solicit competitive bids for the trade packages developed for the Project and to enter into the trade contracts for the Project with the responsible bidder who provides best value. CM services may include but are not limited to cost estimating, scheduling, value analysis, system analysis, constructability reviews, progress document reviews, local subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

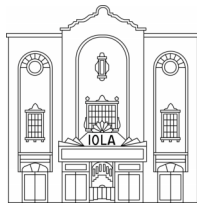
The selection of the Architectural/Engineering (AE) team has been completed and design has been initiated. The ITA, AE, and CM will work together and create a cooperative team environment to achieve the ITA's goals of fulfilling the best available quality, budget, and schedule on this Project.

The ITA will use a two-stage qualification-based selection process for the CM. Interested CMs shall provide their RFQ response and their RFP response at the same time in separate envelopes. Stage 1 shall be the review of the RFQ responses and prequalifying the shortlisted firms to advance to Stage 2. Stage 2 may include an interview with the shortlisted firm(s) to present their qualifications and answer questions.

1.2 PROJECT BACKGROUND

The historic Theatre is located at 202 S. Washington Avenue in downtown Iola, Kansas. The Iola Theatre was built in 1931 in the classic Mission Revival style, with nearly 900 seats and state-of-the-art technology for its time. Generations of southeast Kansans enjoyed films at this beautiful movie house.

The theatre was built by Iola, Kansas businessman and hotelier Ira D. Kelley, opening August 17, 1931. The Iola Register account of its construction touted the modernity of its style, rivaling movie houses that existed in places such as Kansas City and New York. Extravagant features such as leather air-cushioned seats, brand-new tile designs, top-of-the-line chandeliers, and a modern ventilation system were some of the modernistic elements of the theater. The grand auditorium was adorned with colorful murals that decorated the walls, with rich velvet drapes and a luxurious lounge on the mezzanine level. A packed house saw the Clark Gable hit *Sporting Blood* on the theatre's opening day in 1931.



Iola Theatre Association, Inc.

In the decades following its opening the theater showed thousands of films, working to stay competitive and relevant as all the other movie houses in Iola and surrounding communities closed. Different rounds of modernization occurred in the 1950s and 1970s to keep up with the times. In 1977, an additional screen was added in the balcony section of the theater allowing for two different movies to play at once.

The theater was ultimately closed 70 years after its opening when B&B Theaters completed the construction of their Sterling Six Cinemas on the outskirts of Iola in 2001. At that time the building was purchased by a local faith-based organization and used as a church for over a decade before the Theatre was acquired and donated to the Iola Theatre Association.

1.3 PROJECT DESCRIPTION

The renovation and restoration include both exterior and interior work. The Theatre includes a partial basement, 1st floor with stage and fly loft, Mezzanine level, Balcony, and Projection Room.

The Theatre is approximately 13,000 square feet.

- Floor plans of the project areas are included as **Attachment A**

The project team consists of the following:

- Architect: Treanor, Inc.
- MEP: Latimer, Sommers & Associates, PA
- Structural: Certus Structural Engineers, Inc.
- Civil: Treanor, Inc.

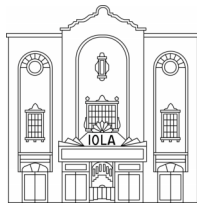
Additional specialty consultants may include:

- Theatre consultant
- Lighting consultant
- Acoustical consultant
- Audio/Visual consultant
- Paint/Plaster consultant
- Kitchen/Concessions consultant

Budget: The construction for the Project is estimated to be \$8.5 Million and will be phased as funding is secured.

A significant portion of the Project will utilize the Kansas Historic Tax Credits and it is important the CM have experience with similar type projects. The Theatre has received a HUD Community Project Funding grant to partially fund the project. It is important the CM have experience with similar types of grant projects.

The CM will be required to participate in the schematic design, design development, and construction document phases of the projects. The CM will be required to prepare cost estimates for the Project at various stages including a detailed estimate at each phase, Schematic Design, Design Development, 50% and 90% Construction Documents. Additional pre-construction services are outlined in Section 1.12.A.



Iola Theatre Association, Inc.

Theatre seeks firms/teams that can bring outstanding expertise and understanding in at least the following areas:

- Significant understanding, experience and success with operating in a highly collaborative, integrated team delivery model.
- Experience in constructing projects involving multiple phases.
- Understanding the responsibility for management, accounting, and construction associated with historic properties utilizing the State Historic Tax Credit program and federal grants.
- Design review, scheduling, cost control, value engineering, constructability evaluation, phasing and preparation and coordination of design and bid packages.
- Constructability and value engineering options shall maximize the Theater's money while retaining the function and aesthetics of the Project.
- Planning, equipping, altering, repairing, improving or demolishing a structure or appurtenance including utilities or other improvements to real property associated with a limited downtown site.
- Construction quality issues so as to receive the highest quality for the most reasonable price.
- Developing trade packages, soliciting competitive bids which encourage local subcontractor participation and entering into trade contracts for a project with the responsible bidder who provides best value.
- Holding trade contracts and executing work for a project in a manner similar to a general contractor.
- Ability to fully address construction activities involving older and historic buildings which include both lead paint and asbestos containing materials.
- Scheduling, procurement and delivery of the elements of the work for the construction to minimize the construction duration, maximize efficiency, and meeting funding deadline requirements.

1.4 CONTACT INFORMATION

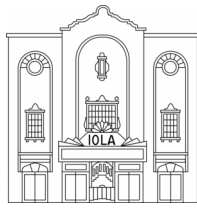
Maria Unruh, Iola Theatre Association, 202 South Washington Avenue, Iola, Kansas 66749; iolatheatreassociation@gmail.com

1.5 MANDATORY WALK-THRU and DEADLINE FOR QUESTIONS

- a) Interested applicants are required to attend a **mandatory walk-through** that will be held at 10:00 am on Thursday, December 19, 2024.
- b) All inquiries concerning this Request for Qualifications and Proposal (RFQ/RFP) are to be directed to Maria Unruh.
- c) All inquiries/questions requiring a formal interpretation must be submitted in writing no later than 12:00 p.m. (CST), Thursday, December 23, 2024. Written responses to questions will be distributed to all firms receiving the RFP by Tuesday, January 7, 2025. Only written responses are official.
- d) Reference Section 1.16 for detailed Schedule/Timeline.

1.6 SUBMISSION OF RFQ and RFP

Qualifications for Stage 1 and Proposals for Stage 2 must be submitted to the Treanor office located at 719 SW Van Buren St., Suite 200, Topeka, Kansas 66603, by **12:00 pm on Thursday, January 16, 2025**, and signed by an authorized agent of the submitting firm. The response to the RFQ should be packaged separately from the response to the RFP. Firms must provide **six (6) hard copies and an electronic copy (thumb drive) for the response to the RFQ and the response to the RFP.**



Iola Theatre Association, Inc.

1.7 REVIEW OF STAGE 1 and STAGE 2

The Evaluating Committee will evaluate the RFQ responses; determine the top firm(s); provide an initial review of the firm's RFP responses; and notify the firm(s) that will move onto Stage 2.

1.8 AMBIGUITY, CONFLICT, ERRORS

If a bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP he/she shall immediately notify the Theatre in writing of such error and request a modification or clarification of the document. Modifications will be issued in the form of an addendum and distributed all interested parties.

1.9 REFERENCES

Provide two references for each project example representing both the owner and design team. References must include contact person, telephone number and email address. References should be specific to the key personnel on this Project.

1.10 THE THEATRE WILL PROVIDE AND FACILITATE IN STAGE 1

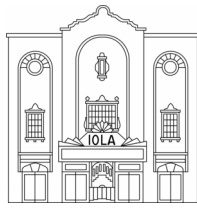
- **Mandatory tour** of the existing site and facilities: 10:00 am on Thursday, December 19, 2024
- Access to or copies of preliminary information (**Attachments A**)
- Please send requests for the Attachment Packages to Maria Unruh at: iolatheatreassociation@gmail.com

1.11 QUALIFICATIONS

Minimum Selection Criteria

Construction Managers submitting proposals must meet the following criteria:

1. **BONDING CAPACITY:** Ability to secure required performance and payment bonds with a qualified surety company in the amount of the project cost (with a potential range of \$8,500,000 - \$9,500,000) demonstrated through a letter from the Surety stating the bonding capacity of the Construction Manager and rating of Surety.
2. **LICENSING:** Pursuant to Sections 17-7301 through 17-7308, Kansas Statutes Annotated, if the selected Construction Manager is a corporation organized outside the State of Kansas, it will, in most instances, be necessary to qualify with the Secretary of State of Kansas to do business within the state. The determination should be made by the Construction Manager with the advice of its independent counsel. Pursuant to Sections 79-1008 through 79-1014, Kansas Statutes Annotated, nonresident individuals or partnerships and corporations organized outside the State of Kansas which are not already registered with the Secretary of State are required to register with the Director of Revenue, to file a Bond to assure payment of taxes, and to pay a fee of \$10.00 for each Contract or subcontract which exceeds \$1,000.00. The Construction Manager will be required to be a licensed contractor in accordance with the local jurisdiction and/or the state of Kansas.
3. **INSURANCE AND BONDS:** Provide evidence the Construction Manager is insurable to the limits and coverage for the construction contract.



Iola Theatre Association, Inc.

4. **CONFLICTS OF INTEREST:** A potential conflict of interest exists if the CM, or any team member, has any interest that would conflict or has the appearance of conflicting in any manner or degree with the performance of work on the Project.

1.12 OVERVIEW OF CM SERVICES

The CM shall generally provide the scope of services described in the amended AIA Document A133-2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price, A201-2007 General Conditions of the Contract for Construction, and any Supplemental Conditions to these documents as distributed to finalists for reference.

Services will be compensated in two phases:

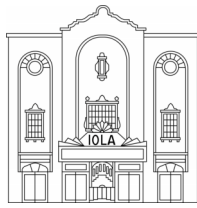
- A. **Preconstruction Phase:** The CM shall consult with the Theatre and the A/E Team (including but not limited to the architecture/engineering team and specialty consultants listed in 1.3) up through the point of developing and completing the Schematic Design, Design Development, 50% and 90% Construction Documents and providing the estimated budget and schedule for the work therein. CM shall provide such services as design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages. CM shall review the design at each phase and advise the A/E Team for the designer's professional evaluation. CM's advice shall include any reasonable ambiguity in design or construction documents, opportunities identified by the CM to increase the constructability of the Project, to incorporate value engineering ideas, to maximize the Theatre's money while retaining the function and aesthetics of the Project, and to address quality issues so as to get the highest quality for the most reasonable price. CM shall prepare cost estimates in conjunction with the A/E Team so as to allow the Theatre to analyze for financing or grant requirements of the Project, and analyze scheduling, procurement and delivery of the elements of the work to minimize the construction duration, maximize efficiency, and comply with grant required deadlines. The preconstruction phase would begin immediately and end with the completion of the approval of the Architect's construction document package.
- B. **Construction Phase:** The CM shall provide Construction Management services at the completion of the Architect's construction documents for bidding, and construction, including Closeout, Transition, Occupancy, and Warranty periods. The services shall include, but not be limited to, the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to the real property, and the continued services identified above as part of the preconstruction phase for the construction documents. The construction phase shall begin with the completion of the Architect's construction documents, but only upon receiving notice to proceed from the Theatre.

1.13 COMPLETION REQUIREMENTS

All requirements outlined in this and related documents must be completed. Proposals submitted without complete minimum information requested may be considered non-responsive and excluded from consideration for contract award.

1.14 EVALUATION PROCESS

The Evaluation process will be a two-stage process. The proposals will be evaluated by an



Iola Theatre Association, Inc.

Evaluating Committee. Members of the Evaluating Committee will independently review and rate each proposal.

Stage I. Each applicant shall submit a statement of qualifications that includes:

- (A) company overview;
 - (B) description of the firm's project management approach;
 - (C) experience with construction manage as constructor type of project delivery system;
 - (D) overview of preconstruction services;
 - (E) overview of construction services;
 - (F) proposed construction risk management plan;
 - (G) similar project experience;
 - (H) reference from design professionals and owners from previous projects
- (F) resumes of proposed project personnel;

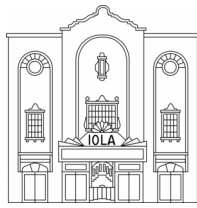
(G) bonding capacity. Firms submitting a statement of qualifications shall present evidence of such bonding capacity to the Evaluating Committee. If a firm fails to present such evidence, such firm shall be deemed unqualified for selection.

(H) fee information is required to be submitted as a part of the Request for Proposal response and shall be provided in a separate envelope and marked accordingly. This includes two separate fee categories. 1. Fees for preconstruction services. 2. Fees for general conditions and a summary of the items included as general conditions, fees for overhead and profit, and identification of what work may be self-performed, if any. This information shall be submitted at the time of the RFQ/RFP submittal. For firms that are not shortlisted, the envelope will be returned unopened.

The Theatre shall evaluate the qualifications of all firms in accordance with the instructions of the request for qualifications. The Theatre may prepare a shortlist containing a maximum of three qualified firms, which have the best and most relevant qualifications to perform the services required of the Project, to participate in Stage 2 of the selection process. The Theatre shall have the discretion to disqualify any firm that, in the Theatre's opinion, lacks the minimum qualifications required to perform the work.

Stage 2 shall be conducted as follows: Once all RFQ responses have been submitted, the Theatre shall interview the prequalified firm(s), allowing them to present their proposed team members, qualifications, project plan, fee proposal (not previously reviewed by Committee), and to answer questions.

The Theatre shall select the firm providing the best value based on the proposal criteria and weighting factors utilized to emphasize essential elements of the Project. Finalist firms shall be independently evaluated by each Evaluation Committee member based on his/her individual determination as which is the best-qualified contractor to deliver the Project in line with the Theatre's interests and needs for the Project. The Theatre shall negotiate with and attempt to enter into a Construction Management as Constructor contract with the firm receiving the best total score to serve as the project's construction manager and general contractor. In the event that a mutually



Iola Theatre Association, Inc.

agreeable contract cannot be negotiated with said firm, the Theatre will then enter into contract negotiations with the next highest rated firm, and so on until a mutually agreeable contract can be negotiated. If the Theatre determines at any time that it is not in the best interest of the Theatre to proceed with the Project pursuant to the proposals offered, the Theatre shall reject all (remaining) proposals. If all proposals are rejected, the Theater may solicit new proposals using different design criteria, budget constraints or qualifications.

The CM contract will be awarded in phases: Phase 1 preconstruction services, Phase 2 construction services. Construction will be phased and completed as funding allows.

As part of those services, the CM shall publish a construction services bid notice as may be determined by the Theatre. Each construction services bid notice shall include the request for bids and other bidding information prepared by the CM and the Theatre. The CM may self-perform construction services provided the CM submits a bid proposal under the same conditions as all other competing firms. At the time for opening the bids, the CM shall evaluate the bids and shall determine the lowest responsible bidder, in the case of self-performed work the scope package shall be opened in the presence of the Theatre for which the Theatre shall determine the most responsible bidder who provides best value. The CM shall enter into a contract with each firm performing the project's construction services. All bids will be available to the Theatre.

During the Evaluation process the Theatre requires the following:

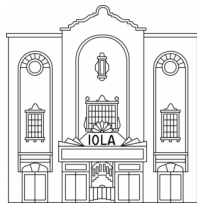
1. All correspondence, inquiries and questions are to be submitted in writing to the Theatre, as indicated within this Request for Qualifications and Request for Proposals.
2. Other than as noted above, no communication regarding the Project with the Evaluation Committee or Theatre staff is permitted. Violation of this requirement could result in disqualification.
3. Confidentiality is to be maintained regarding all aspects of the Construction Manager Services Evaluation.

1.15 CONTRACT AWARD

A contract will be awarded to the firm providing the best value based on the proposal criteria and weighting factors utilized to emphasize important elements of each Project as determined by the Theatre.

1.16 SCHEDULE (tentative timeline)

- | | |
|--|--------------------------|
| • Issue RFP | December 10, 2024 |
| • Mandatory Site Walk-Through | December 19, 2024 |
| • Questions Deadline | December 23, 2024 |
| • Addendum Issued (If applicable) | January 7, 2025 |
| • RFQ/RFP Deadline | January 16, 2025 (Noon) |
| • Finalist Shortlist Announced | January 23, 2025 |
| • Shortlist Interviews | Week of January 27, 2025 |
| • Top Ranked Finalist Announced and Negotiations Started | February 3, 2025 |
| • Recommendation to the Theatre Board | February 13, 2025 |
| • Notice to Proceed | February 14, 2025 |



Iola Theatre Association, Inc.

1.17 PRICING

All prices proposed shall be valid for one-hundred twenty (120) days from the date of Stage 2 interviews.

1.18 KEY PERSONNEL

It is essential that the firm provide adequate experienced personnel, capable and devoted to the successful accomplishment of work to be performed under this Contract. Specifically, all key personnel should have a minimum of five years of experience in a role similar to their role on the project team outlined in their proposal.

If key personnel changes are made the awarded firm shall immediately notify the Theatre. Awarded firm must ensure personnel changes to be with personnel of substantially equal ability and qualifications. Any personnel changes must be approved in writing by the Theatre.

1.19 SUBMISSION REQUIREMENTS FOR THE QUALIFICATIONS STAGE 1

The responses to this Request for Proposals will be made using the outline provided below. Electronic submittal with six (6) hard-copies of the proposal are to be returned in response to this RFP. Finalists will have an opportunity to elaborate on these points during their interview.

1. Letter of Transmittal

- i. Provide on Company letterhead.
- ii. Limit to two pages.
- iii. Sign and date.

2. Table of Contents

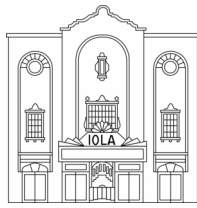
- i. Provide Table of Contents with section and page numbers.

3. Company Overview / Firm Profile

- i. Provide firm name and address, year firm established, principal contact name and information, joint venture information (if applicable,) and if the firm is licensed to do business in the State of Kansas.
- ii. Provide a current financial rating of your company and any documentation, including a Dunn and Bradstreet analysis, which indicates the financial stability of your company.
- iii. Is your company currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity? If yes, specify date(s), details, circumstances, and prospects for resolution.
- iv. Provide details of any current litigation in connection with your company's performance under a contract for construction management and/or construction services. Describe the status of each suit or claim.
- v. Does any relationship exist between your company and any of the Theatre's officers, employees or the Architect whether by a relative, business associate, capital funding agreement or any other such connection? If yes, please explain.

4. Firm's Project Management Approach

- i. Provide recommended project management organization chart and explanation of the advantages and disadvantages experienced.
- ii. Describe the types of records, reports, monitoring systems, scheduling, cost reports, and information management systems that your firm uses in the management of projects.



Iola Theatre Association, Inc.

- iii. Describe your methodology for working in a CM environment with the A/E Team and the Theatre. How do you assure collaboration, cooperation, communication and a successful team-oriented working relationship?

5. Firm's Experience with the Construction Manager as Constructor delivery method.

- i. Describe your firm's demonstrated technical competence and management qualifications with CM or construction contracting projects.
- ii. Beyond the work examples submitted, describe your firm's experience with alternative construction methods, non-traditional and cost-effective construction methods appropriate for the project.

6. Overview of Preconstruction Services

- i. Describe your cost control methods for the preconstruction. How do you develop cost estimates? For three of the projects listed in response to this request for proposal, provide examples of how these techniques were used and what degree of accuracy was achieved. Include examples of a successful constructability program used to maintain project budgets without sacrificing quality.
- ii. Describe your methods for providing design reviews for each stage of the design process. Outline the documentation and tracking methods utilized.
- iii. Describe your methods for constructability reviews for each stage of the design process. Outline the documentation and tracking methods utilized.
- iv. Describe the value engineering process recommended.
- v. Describe your methods for providing construction phasing assistance and recommendations for providing construction phasing assistance and recommendations for projects where the overall construction costs exceed current limits of available funding, and certain scopes of work will be constructed in the future.

7. Overview of Construction Services

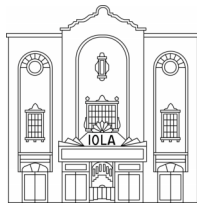
- i. Describe the way in which your firm develops and monitors construction budgets for a project. How often do you compile your actual cost information during a project and compare it with your estimated costs? For three of the projects listed in the Response, provide examples of budget challenges and how your firm helped solve them.
- ii. Describe the way in which your firm develops and maintains project schedules. How often do you update and publish schedules? For three of the projects listed, provide examples of how these techniques were used. Include specific examples of scheduling challenges, and how your firm helped solve them.

8. Proposed Project Risk Management Plan

- i. Describe your recommended project risk management and quality assurance program. What are your company's requirements, and how are they measured? How do you determine and define what the project's risk factors are and how they are addressed.

9. Experience & Project Examples

- i. Provide a minimum of three projects with photos and floor plans for which your firm has provided/is providing construction management or construction services which are most related to this Project. In determining which projects are most related, consider (and include in your submitted information): same or related use of facilities; related size and complexity; facilities that were partially occupied during construction; whether the Project consisted of a renovation/restoration, an expansion of an existing facility or new construction; how many members of the



Iola Theatre Association, Inc.

proposed team (and their role) worked on the listed Project; and, how recently the project was completed. List the projects in priority order, with the most related projects listed first.

- ii. For each of the listed projects, provide the following information: construction cost (original Budget, GMP and final construction cost), current phase of development, estimated (or past) completion date, type of construction services provided (CM at-risk with GMP, CM-agency, design/build, general contractor-low bid, general contractor through sealed proposals), Owner's contact person and telephone number, and the name and telephone number of the project architect.

10. Team Personnel

- i. Clearly define the qualifications and experience of each firm member making up the team, and state experience with projects of similar size, scope, and budget. Explain how your services will be structured and conducted, including roles, responsibilities and authority of all firms making up the team and of the individuals involved.
- ii. Attach resumes and background information for the following positions and identify as such: Principal in Charge, Project Manager, Lead Cost Estimator, Lead Field Superintendent. You may add resumes for additional key positions as you see fit.

11. ADDITIONAL INFORMATION (three pages maximum)

- i. Provide any additional information to describe your qualifications for the Project.
- ii. Provide details regarding any special services or product characteristics, other benefits offered, or advantages to the Theatre selecting your company.
- iii. Demonstrate how your team distinguishes its services from your competitors and why you believe you are the best choice for this Project.
- iv. Respondents shall submit a "Contractor's Qualification Statement" using AIA D Document; A305 with their proposal.

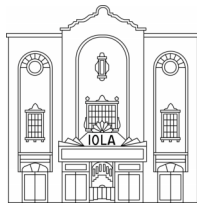
1.20 SUBMISSION REQUIREMENTS FOR THE PROPOSAL STAGE 1

1. FEES

Fee information is required to be submitted in the Request for Proposal response. This includes fees for preconstruction services, fees for general conditions and a summary of the items included as general conditions, fees for overhead and profit, and identification of what work may be self-performed, if any. The fee information shall be submitted at the time of the RFQ / RFP response in a separate sealed envelope. For the firms that are not shortlisted the envelope will be returned unopened.

1.21 ADDITIONAL CONDITIONS

1. The Theatre reserves the right to reject any or all Proposals received. The Theatre is not obligated to request clarifications or additional information but may do so at its discretion. The Theatre reserves the right to extend the deadline for submittals.
2. Confidentiality of Documents: Upon receipt of a proposal by the Theatre the proposals shall become the property of the Theatre without compensation to the Respondent, for disposition or usage by the Theatre at its discretion.
3. Costs to Prepare Responses: The Theatre assumes no responsibility or obligation to the respondents and will make no payment for any costs associated with the preparation or submission of the proposal.



Iola Theatre Association, Inc.

4. Responses that are qualified with conditional clauses, or alterations, or items not called for in the RFP documents, or irregularities of any kind are subject to disqualification by the Theatre, at its option. The Theatre reserves the right to waive any irregularity or informality in a Response or Proposal, but such irregularity or informality shall not be deemed part of the agreement with the Theatre unless the Theatre expressly includes it in the Contract.
5. Each Response should be prepared simply and economically, providing a straightforward, concise description of the Respondent's ability to meet the requirements of this RFP. Emphasis should be on the completeness, clarity of content, responsiveness to the requirements, and an understanding of the Theatre's needs.
6. The Theatre makes no guarantee that an award will be made as a result of this RFP, and reserves the right to accept or reject any or all submittals, waive any informalities, irregularities, or minor technical inconsistencies, or delete any item/requirements from this RFP or Contract when deemed to be in the Theatre's best interest. Representations made within the qualifications, Response and any subsequent Proposal will be binding on responding firms.