

CITY OF INDIANAPOLIS

REQUEST FOR QUALIFICATIONS

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

RFQ-11EAL-085

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Responses Due: January 31, 2018

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I. INTRODUCTION

The City of Indianapolis invites Statements of Qualifications from qualified Design-Builders to provide Design Services and Construction Services for the design and construction of a Consolidated Civil and Criminal Courthouse (“Consolidated Courthouse”) on the Community Justice Campus (the “Courts Project”). Capitalized terms used in this RFQ have the meaning stated in **Exhibit A**, the Design-Build Statute, or both.

II. GENERAL PROJECT INFORMATION

2.1 Criminal Justice Reform. On May 11, 2016, in his inaugural State of the City Address, Mayor Joe Hogsett set Indianapolis on a path of holistic, data-driven criminal justice reform. Consistent with that commitment, Mayor Hogsett signed the Executive Order launching the Task Force as the vehicle for such change. The Executive Order included three directives:

(1) The Mayor hereby creates and orders his staff to support the Criminal Justice Reform Task Force whose mission shall be to assess, research, examine, and ultimately report recommendations for the systemic reform and optimization of the current county criminal justice system, and – based on those recommendations – identify requirements for the location, construction, and/or renovation of county criminal justice facilities.

(2) The Mayor shall appoint members of the Criminal Justice Reform Task Force from the three branches of City-County government and pertinent City-County agencies represented in the Criminal Justice Planning Council, as well as subject matter experts and members of the community at his discretion.

(3) The Criminal Justice Reform Task Force shall finalize its work and report its findings and recommendations to the Criminal Justice Planning Council at the CJPC’s regularly scheduled meeting in December of 2016.

2.2 Task Force Facilities Recommendations. The Task Force identified its facilities recommendations for the Community Justice Campus in a December 2016 report. The report and related information can be located at:

<http://www.indy.gov/eGov/Mayor/CJRTE/Pages/findings.aspx>.

The report recommended construction of new facilities to suit its findings related to specific criminal justice design and process changes, and the recommendations included a new adult detention center.

2.3 Courts Project Description. The Courts Project consists of the design and construction of the Consolidated Courthouse on the Community Justice Campus. A preliminary aerial plan is attached to this RFQ as Exhibit B.

The City is likely to have certain site enabling design and construction work performed under separate contracts. This was, or will be, done in large part to expedite certain site work thereby reducing risk and increasing certainty regarding the conditions for the site for the team that is ultimately awarded the Design-Build Contract. The City expects that teams submitting a response to the RFP will take these efforts into account when calculating their Price Proposal and that the successful Design-Builder receiving award of the Design-Build Contract will recognize these efforts and goals and work with the City's existing team of Advisors, Site Designers and Site Contractors to deliver the Courts Project on time and on budget. Information concerning the design and construction of the Site Enabling Project will be provided during the RFP phase of this procurement and is not part of this RFQ.

2.4 Courts Project Goals. The City has established the following goals for the Courts Project:

- ✓ Executing procurements that are lawful, transparent, competitive, beyond ethical reproach, and consistent with the primary policy needs of the Mayor and the City
- ✓ 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
- ✓ 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 Jail within the broader CJC and the surrounding community
- ✓ Avoiding disruptions and disputes
- ✓ Maximizing positive economic impact on the CJC campus, the City, the County and the broader Indianapolis Metropolitan Statistical Area

2.5 Additional Projects. The City is conducting a second design-build procurement for the Jail Project. The request for qualifications for the Jail Project is being issued contemporaneously with this RFQ to facilitate the City's ability to meet the Project goals, particularly as it relates to avoiding disruptions and maximizing positive economic impact. In addition, the City expects to separately procure one or more agreements for the design and construction of a standalone assessment and intervention center and other projects on the CJC.

2.6 Authority and Financing. The Design-Build Contract will be awarded by the City pursuant to the Design-Build Statute and will be valid and enforceable as stated in Indiana Code Section 5-30-2-1. The City is not utilizing any other procurement statute or ordinance for awarding the Design-Build Contract; in particular, and for avoidance of doubt, the purchasing

powers and requirements in Indiana Code Section 5-22, *et.seq.*, and the purchasing ordinance located at Section 202-204 of the City Code do not apply to this RFQ or the RFP.

At this time, the City anticipates that financing for the Courts Project is likely to be through the issuance of tax-exempt bonds, notes or other tax-exempt debt instruments or methods.

2.7 The City’s Advisors, Site Designers and Site Contractors. The City is working with the following Advisors:

- **Overall project manager/owner’s representative:** Shrewsberry & Associates, LLC and John Kish
- **Design Criteria Developer:** Hellmuth, Obata & Kassabaum, Inc.
- **Owner’s representative for construction:** Shiel Sexton Co., Inc.
- **Diversity consultant:** Engaging Solutions, LLC
- **Legal:** Faegre Baker Daniels LLP
- **Financial:** Sycamore Advisors, LLC

The Site Designers and firms assisting with preparation of the Design Criteria Package include:

- Argo Consulting Engineers, Inc.
- ATS
- Blood Hound, LLC
- Camacho Associates, Inc.
- CE Solutions, Inc.
- DLZ Indiana, LLC
- Durham Engineering, Inc.
- Fink, Roberts & Petrie, Inc.
- Four Point Design Partners
- Guidon Design
- HCO, Inc.
- Heapy Engineering

- Hellmuth, Obata & Kassabaum, Inc.
- Hitchcock Design Group
- HWC Engineering
- Infrastructure Engineering, Inc.
- Lerch Bates, Inc.
- Phelco Technologies, Inc.
- Shen Milsom & Wilke, LLC
- Synthesis Incorporated
- Webster
- Wight & Company
- Williams

The Site Contractors are unknown at this time but are expected to be selected based on competitive bidding under Title 36 of the Indiana Code.

The Technical Review Committee (“TRC”) consists of:

TRC Chairperson - Paul Babcock, Interim Director, Indianapolis Office of Public Health and Safety

Camille Blunt, Legislative Director, Indianapolis

Angela Smith Jones, Deputy Mayor for Economic Development

Jason Larrison, AIA, Director, Indianapolis Department of Business and Neighborhood Services

Martin Hurford, P.E., Project Manager, Indianapolis Office of Public Health and Safety

2.8 Overview of the Courts Project

2.8.1 Size and function. The Consolidated Courthouse is anticipated to be approximately 355,000 square feet and consist of the following: a consolidated civil and criminal courthouse that incorporates the design elements defined by a Courts Planning Group and co-located with the assessment and intervention center and new Jail. The final determination of design and courts included will be made by the Marion County Judiciary.

2.8.2 Budget: The approximate budget for the Design-Build Contract for the Courts Project is \$125,000,000.

2.8.3 Schedule: The anticipated RFQ and selection schedule is set forth in Section 3.3 below. The City may, but does not warrant or guaranty, that it will short-list to three prospective Teams for the second phase of the procurement (the Request for Proposals phase) and award the Design-Build Contract in the third quarter of 2018. The City anticipates issuing a Limited Notice to Proceed to the Design-Builder that is awarded the Design-Build Contract within 30 days of award and that the site will be available for mobilization and commencement of Design and Construction Services at that time. The City expects that the Consolidated Courthouse will be substantially complete no later than the third quarter of 2021. The Consolidated Courthouse shall be finally complete by no later than the fourth quarter of 2021.

III. PROCUREMENT PROCESS AND INFORMATION

3.1 Procurement Process Generally. The ultimate award of the Design-Build Contract will be made using the two-phased best value procurement process in the Design-Build Statute. This RFQ represents the first phase of the procurement wherein the City and the TRC will qualify potential Design-Builders as provided in Indiana Code Section 5-30-5, *et. seq.*

3.2 Website and Communications. The website for both the Jail Project and the Courts Project is www.IndyCJC.com. This website is for information and communication purposes only. Copies of the RFQ and any additional official procurement documents are, and will be, located at www.IndyGovPlans.org. The RFQ can be downloaded at no charge. The City reserves the right to charge for copies of future documents, including but not limited to RFP's.

Any and all questions and communications associated with this RFQ, the Project, or the CJC must be directed to info@IndyCJC.com in advance of the deadline listed below in Section 3.3. 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 RFQ, Applicable Law or other formal solicitation documents related to the Jail Project, the Courts Project or the CJC. The City reserves the right to remove any prospective participants from this RFQ process or any Team if it or they fail to adhere to these communication instructions or otherwise violate the terms of this RFQ.

3.3 Selection Process Schedule. The following RFQ schedule represents the City's best estimate of the Consolidated Courthouse's procurement schedule. All times indicated are prevailing times in Indianapolis, Indiana. The City reserves the right to adjust the schedule as the City deems necessary in its sole discretion.

Event	Date
The City publishes notice of RFQ	December 19, 2017
Deadline for submission of written questions and requests for clarification	January 9, 2018

Publication of responses to questions and requests for clarification	January 22, 2018
Verified Statement of Qualifications due	January 31, 2018 4:30 p.m. EST
TRC report of most highly qualified short-list of potential Design-Builders	March 2, 2018

3.4 Minimum, General and Project Specific Qualifications The City desires to identify the most qualified Team for the Courts Project that can help achieve its goals and offer the best value to the taxpayers. In turn, the qualifications of the prospective Design-Builders have been organized below in three categories: 1) Minimum Requirements and Qualifications; 2) General Qualifications; and 3) Project Specific Qualifications. The specific requirements in each category are set forth in this Section 3.4, the method for evaluating these categories is set forth in Section 3.5, and the specific deliverables being requested and formatting requirements are set forth in Article IV.

3.4.1 Minimum Requirements and Qualifications. Potential Design-Builders responding to this RFQ must provide the following statements or information:

3.4.1.1 Identify the responding Lead Design-Build Entity and any Subcontractors proposed to hold subcontracts with the Lead Design-Build Entity for Primary Design Services.

3.4.1.2 Bonding capacity. A statement confirming that the potential Lead Design-Build Entity can directly or indirectly provide performance and payment bonds at or in excess of the Budget.

3.4.1.3 Licensing requirements. A statement that the potential Lead Design-Build Entity or its Team members have the licenses, registrations, and credentials required to design and construct the Courts Project. If any license, credential, or registration is suspended, revoked or expired, the prospective Offeror shall notify the City of such suspension, revocation or expiration within five days of obtaining knowledge of the situation. Please be advised that public design-build contracts are specifically exempted from state prequalification requirements contained in Indiana Code Sections 4-13.6-4 or IC 8-23-10, and therefore, a Team will not fail to meet this requirement if it or one of its Team members does not have such prequalification.

3.4.1.4 Criminal violations. A statement whether the potential Lead Design-Build Entity has within the last ten years committed any criminal violations of the federal Occupational Safety and Health Act of 1970 and any equivalent violation under a state plan authorized under Section 18 of the federal act that has

become a final order. If the answer is yes, identify the date of the violation and its disposition or current status.

3.4.1.5 Debarment. A statement whether the potential Lead Design-Build Entity has within the last ten years been, or is currently, debarred, disqualified, suspended or removed from any Public Project. If the answer is yes, identify the date of each instance and its disposition or current status.

3.4.1.6 Bankruptcies. A statement whether the potential Lead Design-Build Entity has within the last seven years filed or been a debtor in any voluntary or involuntary bankruptcy or receivership proceedings. If the answer is yes, identify the date of each case or filing and its disposition or current status.

3.4.1.7 Apprenticeship programs. A statement that the potential Lead Design-Build Entity and the employees of the Team performing Construction Services, including the employees of all known Subcontractors, have completed or are enrolled in an apprenticeship program certified by the United States Department of Labor Bureau of Apprenticeship and Training.

3.4.2 General and Project Specific Qualifications

3.4.2.1 The design-builder's experience. Potential Design-Builders must have relevant experience, and the SOQ should address categories discussed below in this sub-section 3.4.2.1.

(a) Appropriate experience with Similar Projects and the facility or building type that is the subject of the Courts Project. Describe the potential Team's experience with Similar Projects regardless of the prior role of the team member and delivery method. In other words, describe your Team's prior experience with Similar Projects even if the projects were delivered using design-bid-build, construction management or another delivery method. Describe your Team member's role and responsibilities on the prior project.

(b) Team experience with design-build. Describe your Team's prior experience working together on design-build projects.

(c) History of contracting with or hiring minority business enterprises and women's business enterprises. Describe your Team's prior experience with the City's Office of Minority & Women Business Development and the City's M/W/V/DO/BE program. If you deem it

necessary and appropriate, separately identify your Team's M/W/V/DO/BE experience on projects for owners other than the City (whether for other local governments, the State of Indiana, or other states), and how you would intend to leverage that experience for this Project.

- (d) Experience with OCIP's. Describe whether you've participated in OCIP's on any projects you deem relevant to your Team's qualifications.
- (e) Experience in avoiding disruptions to the work. Describe your Team's experience and in working with the subcontracting community in avoiding common work disruptions in the following areas: site conditions, environmental, labor relations (actions taken to avoid strikes, work stoppages or related circumstances), design development, permitting and utility coordination.
- (f) Experience in dealing with financing or bonding authorities and City Agencies. Describe your Team's experience in working with the City, the County, the Bond Bank, the Department of Public Works, the Building Authority, and Other City Agencies, if any.

3.4.2.2 The design-builder's managerial resources and management plan.

- (a) Proposed Team composition, including if not already provided in response to an item listed above the Team's past experience in working together. Provide an organizational chart for your Team.
- (b) Organizational resources and depth. Explain your Team's organizational resources and depth with an emphasis on the Team's prior experience (as requested above) and ability to have an economic impact on the Indianapolis Metropolitan Statistical Area (as requested below).
- (c) M/W/V/DO/BE implementation. Explain your Team's plan for implementing an appropriate M/W/V/DO/BE plan for this Project, and where appropriate, reference or tie in how the experience you provided in response to sub-section 3.4.2.1(c) above bears on this plan for implementation.

- (d) Current capacity to manage the project. Explain the Team's capacity to manage and deliver the Courts Project. The City desires to ensure sufficient capacity for this Project as well as the Jail Project. Therefore, exclusivity among all Team members is discouraged, and the City prefers that Lead Design-Build Entities use confidentiality agreements rather than exclusivity agreements with Subcontractors other than those performing Primary Design Services and Primary Construction Services.
- (e) Proposed key project personnel. State the names and titles for the primary contact or management personnel for the Courts Project from the Lead Design-Build Entity and any Subcontractor providing Primary Design Services. At a minimum, provide resumes for, and describe the relevant experience of, the following Team participants:
 - (i) Project Executive
 - (ii) Project Manager
 - (iii) Superintendent
 - (iv) Lead Architect
 - (v) Lead Engineer
 - (vi) Lead Security Designer
 - (vii) Lead Technology Engineer
 - (viii) Lead Structural Engineer
 - (ix) Lead Mechanical Engineer
 - (x) Lead Electrical Engineer
 - (xi) Lead Plumbing Engineer
- (f) The efficiency and effectiveness of the potential Design-Builder to integrate the City and Stakeholders into project development. Explain your Team's plan for integrating with the Courts Project's Stakeholders.
- (g) Prior projects and client references. Provide at least three and not more than five representative project

descriptions as exhibits (i.e. not within the page count; see below) to your SOQ, including: the name of the owner and project, the delivery method (emphasizing integrated delivery methods or strategies), the key team members, the initial budget and schedules and the final cost of completion and completion date. Include the name and contact information of an owner reference for each project.

- 3.4.2.3 The design-builder's safety record. Provide the experience modifier rate, the United States Occupational Safety and Health Administration total recordable case incident rate (TCIR) and days away, restricted or transferred case incident rate (DART) for the prospective Lead Design-Build Entity and each prospective JV Member and the average United States Occupational Safety and Health Administration TCIR and DART rates for the industrial classification of the prospective Lead Design-Build Entity and each prospective JV Member.
- 3.4.2.4 The design-builder's past performance and capacity to perform.
 - (a) team performance record, including quality, schedule, and cost of each project. If you deem appropriate, please provide additional explanation of these factors related to the projects you identify as exhibits to your SOQ. Bullet pointed lists and brief descriptions of the identified information are preferred; and
 - (b) change order (excluding owner requested changes), claim, litigation, disputes history. State the percentage of work on the projects you've identified in your SOQ that was completed on a change order basis as compared to the initial contract price and/or budget. State whether any of those change orders resulted in claims or disputes, and if so, briefly describe the dispute and its resolution. Separately identify any claims, lawsuits or arbitrations that Lead Design-Build Entity has been involved in in the last seven years by identifying the case caption, cause number, forum, and a brief statement of the issues in the case and its resolution. This RFQ is not requesting any confidential information.
- 3.4.2.5 Workforce (the design-builder's ability to complete the work in a timely and satisfactory manner). Describe your anticipated Team's strategy for ensuring it has adequate workforce and

subcontracting support to complete work contemplated for the Design-Build Contract.

3.4.2.6 Economic Impact. Describe your anticipated Team’s strategy for maximizing economic impact on the Indianapolis Metropolitan Statistical Area. If available, please provide an explanation for any of the following:

- (a) Listing the Team members that maintain their principal place of business in the Indianapolis Metropolitan Statistical Area;
- (b) Listing the Team members with a majority of employees who are residents of the Indianapolis Metropolitan Statistical Area;
- (c) Listing the Team members that pay the majority of their payroll (in dollar volume) to residents of the Indianapolis Metropolitan Statistical Area;
- (d) Listing the Team members who have made a significant capital investment in the Indianapolis Metropolitan Statistical Area; or
- (e) Providing other information demonstrating the Team’s anticipated ability to create a substantial positive economic impact on the Indianapolis Metropolitan Statistical Area.

3.5 Evaluation Process, Rating System and Briefing Session. The TRC will use the following evaluation process and rating system for prospective Offerors:

Requirement	Rating or Scoring Criteria	Criteria or Section Reference
Identity of Lead Design-Build Entity and any first tier Subcontractors performing Primary Design Services; If applicable, list of JV Members and attach Acceptable JV Agreement	Pass/Fail	3.4.1.1 & 5.8
Bonding Capacity	Pass/Fail	3.4.1.2
Licensing Requirements	Pass/Fail	3.4.1.3
Statement of Criminal Violations	Pass/Fail	3.4.1.4
Statement of Debarments	Pass/Fail	3.4.1.5
Statement of Bankruptcies	Pass/Fail	3.4.1.6
Statement of Apprenticeship Program	Pass/Fail	3.4.1.7

Requirement	Rating or Scoring Criteria	Criteria or Section Reference
The design-builder's experience	300	3.4.2.1
<ul style="list-style-type: none"> • appropriate experience with Similar Projects • team experience with design-build • an offeror's history of contracting with or hiring M/W/V/DO/BE firms • experience with OCIP's • experience avoiding project disruptions • experience in dealing with bonding authorities 		
The design-builder's managerial resources and management plan	250	3.4.2.2
<ul style="list-style-type: none"> • proposed team composition, including the team's past experience in working together • organizational resources and depth • M/W/V/DO/BE implementation • current capacity • proposed key project personnel • stakeholder engagement • prior projects and client references 		
The design-builder's safety record	100	3.4.2.3
The design-builder's ability to complete the work in a timely and satisfactory manner and past performance and capacity to perform	250	3.4.2.4 & 3.4.2.5
<ul style="list-style-type: none"> • team performance record, including quality, schedule, and cost of each project • change orders, claims and litigation • workforce and current capacity to manage the project 		
Economic Impact	100	3.4.2.6
Total Points Available	1000	

3.5.1 If a potential Design-Builder does not or cannot satisfy a Pass/Fail requirement it will not be considered further or scored on the requirements receiving possible points. The City reserves the right, in

its sole discretion, to determine whether a Pass/Fail requirement has been satisfied.

- 3.5.2 The requirements with point values will be scored by the TRC based on the points and weights described above.
- 3.5.3 Once short-listing is complete, the City may conduct a briefing session with the short-listed Teams as potential Offerors before submission of any Proposals in response to an RFP.

IV. SOQ INFORMATION AND REQUIREMENTS

4.1 Contents The SOQ must consist of the following documents and information:

- 4.1.1 A letter of interest. Reference “RFQ No. 11EAL-085” in the subject line. This letter will not be scored.
- 4.1.2 A statement of Minimum Qualifications in response to and in compliance with Section 3.4.1 of this RFQ. Organize and label the headings and subsections in the statement of Minimum Qualifications so they track with subsections 3.4.1.1 through 3.4.1.7 of this RFQ. This information will be scored on a pass/fail basis as noted in section 3.5 of this RFQ.
- 4.1.3 A statement of General and Project Specific Qualifications in response to and in compliance with Section 3.4.2 of this RFQ. Organize and label the headings and subsections in the statement of General and Project Specific Qualifications so they track with subsections 3.4.2.1 through 3.4.2.6 of this RFQ. This information will be scored based on the points and weighting noted in section 3.5 of this RFQ.
- 4.1.4 Exhibits. Include Exhibits where requested or appropriate as described herein. Exhibits should be clearly labeled to track back to the section headings and labels referenced above and, if appropriate, will be considered and evaluated in the corresponding category as set forth above.

4.2 Formatting and Delivery

- 4.2.1 General. All responses should be single-spaced, 12 point font, letter size, and searchable PDF documents. Offerors should include a table of contents including the categories listed above in Section 4.1 which, as noted, will incorporate and track to the sub-sections and headings in Sections 3.4.1 and 3.4.2. The pages of the SOQ must be numbered.
- 4.2.2 Page limits.
 - 4.2.2.1 The letter of interest should not exceed two pages.

- 4.2.2.2 The statement of Minimum Qualifications should include the information requested herein and the Design-Build Statute. There is no page limit but brevity is preferred. Do not include additional information other than what is requested in Section 3.4.1.1 of this RFQ or required by Section 5-30-5-3 of the Design-Build Statute.
- 4.2.2.3 The statement of General and Project Specific Qualifications should not exceed 30 pages, 12 point font, and single-spaced. Each printed side will be considered one page.
- 4.2.2.4 Exhibits should be limited to only those exhibits specifically requested in the RFQ and additional exhibits the Offeror feels are absolutely necessary for communicating its qualifications and adding value to its response.
- 4.2.3 Number and form of copies. Potential Design-Builders must submit one SOQ, containing all information listed in Section 4.1, above, as an electronic searchable, bookmarked PDF document. The bookmarks should tie to the sections listed above in Section 4.2.2.
- 4.2.4 Delivery instructions. SOQ's must be submitted via secure uplink at www.IndyGovPlans.org. Registration is free. There is a tab entitled "Submit SOQ" where SOQ's must be securely uploaded. **The City will close the upload link at 4:30 p.m. Eastern Standard Time on January 31, 2018.** SOQ's can be amended at any time prior to this date and time. SOQ's and amendments submitted outside this date and time and not in the form stated herein will not be considered or scored.

V. GENERAL TERMS OF RFQ

5.1 Applicable Law. This RFQ and any procurement process related to the CJC are being conducted in accordance with all applicable local, state and federal law. Failure to comply is grounds for removal from the RFQ or procurement process.

5.2 Conflicts of Interest. Offerors should familiarize themselves with the Conflict of Interest requirements in this RFQ and notify the City in writing if they are or become aware of a potential Conflict of Interests. The City reserves the right, in its sole discretion, to determine the existence of a Conflict of Interests and to adjust the RFQ or RFP process as necessary to avoid or eliminate any Conflict of Interests. Following are the general Conflict of Interest terms applicable to the RFQ process:

- 5.2.1 Each member of the TRC will certify that he or she does not have a Conflict of Interests as it relates to the Courts Project, the Award of the Design-Build Contract, or otherwise as it relates to the performance of their duties as TRC Members.

- 5.2.2 Members of the TRC and the Design Criteria Developer will not submit a proposal for or furnish Design Services or Construction Services under any Design-Build Contract.
- 5.2.3 Prospective Design-Builders are prohibited from delegating or subcontracting any Design Services or Construction Services to a member of the TRC or the Design Criteria Developer.
- 5.2.4 If a member of the TRC becomes aware that he or she has a Conflict of Interest at any time before fully discharging his or her duties as a member of the TRC, then he or she will recuse himself or herself from the TRC and disclose the nature of the potential Conflict of Interest to the Office of Corporation Counsel which will proceed in accordance with Section 201 of the City Code of Ethics.
- 5.2.5 So long as the TRC maintains compliance with Section 5-30-4-1 of the Design-Build Statute, the procurement process may continue even after a TRC Member recuses himself or herself under Section 5.2.4 above. In such a circumstance, the recused TRC Member's scoring, voting, rating and other work product, if any, will be discarded and not used for any purposes.

5.3 TRC Procedures.

- 5.3.1 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.
- 5.3.2 The TRC will report to the City on the most highly qualified potential Design-Builders responding to this RFQ. It is anticipated that the short-list will consist of the three most highly qualified potential Design-Builders receiving the three highest scores based on the criteria and points described in this RFQ. The TRC may follow the procedures authorized under Section 5-30-5-6 of the Design-Build Statute.
- 5.3.3 The TRC will prepare written comprehensive scores of the qualitative proposals during the RFP phase of the procurement.
- 5.3.4 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.

5.4 Stipends. There are no stipends for prospective Offerors that do not make the short-list. It is anticipated that short-listed Teams that are not selected as the Design-Builder will be paid a stipend. The City reserves the right to set the amount of stipends and modify or withdraw this provision. Either way, the City encourages equitable distribution of stipend proceeds across unsuccessful teams.

5.5 Secrets and Indiana Access to Public Records Act. Potential Design-Builders, Teams and Subcontractors acknowledge that SOQ's and any material submitted to the City in response to this RFQ are subject to the Indiana Access to Public Records Act. SOQ's 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. If the SOQ 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 SOQ 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.

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

- 5.6.1 SOQ's received after the deadline set forth above will not be considered.
- 5.6.2 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.
- 5.6.3 The City may modify this RFQ and any related documents at any time at its sole discretion.
- 5.6.4 The City may terminate or cancel this RFQ process at any point without cause and may issue one or more new RFQ's at its sole discretion.
- 5.6.5 The City may request clarifications from Teams responding to this RFQ including but not limited to: confirmation of information, additional information, and revised SOQ's in compliance with the requirements set forth herein.
- 5.6.6 The City may issue addenda or supplements to this RFQ.

- 5.6.7 The City may disqualify Teams or Team member(s) responding to this RFQ for failing to comply with its requirements or otherwise violating Applicable Law.
- 5.6.8 The City may waive deficiencies in responses to this RFQ consistent with its reservation of rights herein.
- 5.6.9 Statements made orally and previously, whether or not at the December 4, 2017 public meeting regarding the CJC projects, cannot be relied upon by prospective Design-Builders or their Team members responding to this RFQ, and the only information that can be relied upon is information specifically identified in this RFQ or a written solicitation document related to the Jail Project, the Courts Project, or other project on the CJC.
- 5.6.10 The City may reject any and all submittals and/or to not proceed with an RFP or Design-Build Contract.

5.7 TRC Interviews. The City reserves rights on behalf of the TRC to conduct interviews with prospective Design-Builders and Teams consistent with the Design-Build Statute.

5.8 Joint Ventures.

- 5.8.1 If the prospective Design-Builder consists of a Joint Venture, a copy of the JV Agreement must be submitted as an **exhibit** to the SOQ. The City shall have the right, as a condition of approval of the SOQ, to review the JV Agreement terms and conditions, require modifications thereto, and confirm that each participant in the JV will be jointly and severally liable to the City for performance of the prospective Design-Build Contract. The JV Agreement thereafter cannot be materially altered or modified during the performance of the procurement process and award of the Design-Build Contract and the potential Design-Builders' obligations and duties thereunder without the City's consent.
- 5.8.2 Once short-listing is completed, the prospective Design-Builder will not remove or replace a JV Member or other Team member identified in the SOQ without the City's written permission. The City may in its sole discretion remove a prospective Design-Builder from the procurement process if one of its JV Members or Team members is no longer part of the prospective Design-Builder's Team.

5.9 Definitions. Capitalized terms not defined in Exhibit A have the meaning set forth in the Design-Build Statute. In the event of a conflict between the terms of this RFQ and the Design-Build Statute, the Design-Build Statute controls.

5.10 Potential Design-Builder Representations and Warranties. This RFQ is intended to aid the City in identifying a Design-Builder capable of providing the Design and

Construction Services. By responding to this RFQ, potential Design-Builders represent and warrant that they have read the RFQ in its entirety and understand and agree to its terms.

**CITY OF INDIANAPOLIS
COURTS FACILITY RFQ
RFQ No. 11EAL-085**

EXHIBIT A - Definitions

1. **Advisors** means to those entities listed as Advisors in Section 2.7 of the RFQ.
2. **Applicable Law** means the requirements described in Section 5.1 of the RFQ.
3. **Bond Bank** means the Indianapolis Public Improvement Bond Bank created in 1985 pursuant to Indiana Code Section 5-1.4-3-1.
4. **Budget** means the budget for the Courts Project as described in Section 2.8.2 of the RFQ.
5. **Building Authority** means the Indianapolis-Marion County Building Authority created in 1953 pursuant to Chapter 54 of the Acts of the Indiana General Assembly for 1953, now cited as Indiana Code Section 36-9-13-1, et. seq.
6. **City Agency** means any officer, board, commission, department, division, committee, or other governmental entity exercising any of the executive (including the administrative) powers of the city or county government. The term does not include the city-county council or any department of state government.
7. **City or the City of Indianapolis** means the City of Indianapolis established in 1821, and includes its assignees under the Design-Build Contract or other governing agreement for the Courts Project, as well as, the TRC where appropriate under the Design-Build Statute.
8. **Community Justice Campus or CJC** means a new campus of civil and criminal justice facilities at the Site recommended by the Task Force as part of the City of Indianapolis' initiative for holistic, data-driven criminal justice reform.
9. **Conflict of Interests** means a circumstance where the individual in question: a) knowingly or intentionally has a financial interest in, or could derive profit from, the award or performance of the Design-Build Contract; b) uses their position to secure unwarranted privileges or employment; or c) otherwise would violate Section 210 or 211 of the City's Code of Ethics (See City Ordinance Nos. 293-210 & 293-211) or Indiana State ethics statutes.
10. **Construction Services** has the meaning set forth in Section 5-30-1-2 of the Design-Build Statute.
11. **County** means the County of Marion in the State of Indiana.
12. **Consolidated Civil and Criminal Courthouse or Consolidated Courthouse** means a consolidated civil and criminal courthouse co-located with the new Jail.
13. **Courts Project** means the design and construction of a Consolidated Courthouse on the CJC.
14. **Department of Public Works** means the Indianapolis Department of Public Works created in 2001 pursuant to Indiana Code Section 36-3-4-23.
15. **Design Criteria** means information prepared by the Design Criteria Developer for the Design Criteria Package.
16. **Design Criteria Developer** means Hellmuth, Obata & Kassabaum, Inc. and, for purposes of determining Conflicts of Interests, its sub-consultants identified as Site Designers and firms assisting with preparation of the Design Criteria Package in Section 2.7 of the RFQ

17. **Design Criteria Package** means the set of documents that provides sufficient information to permit an Offeror to prepare a proposal, pursuant to Indiana Code Section 5-30-1-6.
18. **Design Services** has the meaning set forth in Section 5-30-1-7 of the Design-Build Statute.
19. **Design-Build Contract** means the contract awarded by the City to Design-Builder pursuant to the Design-Build Statute. When used in the RFQ for the Jail Project, Design-Build Contract means the contract awarded for the Jail Project. When used in the RFQ for the Courts Project, Design-Build Contract means the contract awarded for the Courts Project.
20. **Design-Build Statute** means Indiana Code Section 5-30, *et. seq.*
21. **Design-Builder** means the Lead Design-Build Entity that is awarded the Design-Build Contract. When used in the RFQ for the Jail Project, Design-Builder means the Lead Design-Build Entity for the Jail Project. When used in the RFQ for the Courts Project, Design-Builder means the Lead Design-Build Entity for the Courts Project.
22. **Exhibit** means documents attached to and referenced in the RFQ.
23. **General and Project Specific Qualifications** means the information and qualifications described and requested in Section 3.4.2 of the RFQ.
24. **Indiana Access to Public Records Act** means, collectively, Indiana Code 5-14-3 and relevant provisions of Indiana Code 8-15.5-4-2, 6 and 13.
25. **Indianapolis Metropolitan Statistical Area** means the 11-county metropolitan statistical area in the State of Indiana, also known as the Indianapolis-Carmel-Anderson metro area, designated by the Office of Management and Budget under the President of the United States.
26. **Jail** means the adult detention center consisting of a 2,700 bed-jail to replace current detention facilities, with design elements that increase safety for jail staff and inmates by facilitating improved admission and inmate management. It includes an additional 300 beds for medical and related purposes as described in the RFQ for the Jail Project.
27. **Jail Project** means the project to design and construct the Jail on the CJC.
28. **Joint Venture (“JV”)** means a commercial enterprise – namely the response to the RFQ and ultimate pursuit of the Design-Build Contract – undertaken jointly by two or more parties that otherwise retain their distinct identities.
29. **JV Agreement** means an agreement entered among two or more parties to create a Joint Venture for purposes of pursuing the Design-Build Contract in response to the City’s RFQ and RFP issued pursuant to the Design-Build Statute.
30. **JV Member** an entity that is a member of a Joint Venture.
31. **Lead Design-Build Entity** means the legal entity proposed by the Offeror to enter into the Design-Build Contract with the City or its assignee. If the Lead Design-Build Entity is a Joint Venture, then it means each member of the Joint Venture jointly and severally.
32. **Limited Notice to Proceed** means the notice from the City to Design-Builder stating the date the Design-Builder can begin work subject to certain conditions set forth in the notice and the Design-Build Contract.
33. **M/W/V/DO/BE** means minority business enterprise, women business enterprise, veteran owned business enterprise, and disability owned business enterprise collectively and as referenced in the City Code and used by the City’s Office of Minority & Women Business Development.

34. **Mayor** means Joe Hogsett, the Mayor of the City of Indianapolis.
35. **Minimum Qualifications** means those qualifications listed in Section 3.4.1 of this RFQ.
36. **OCIP** means an owner controlled insurance program.
37. **Offeror** has the meaning set forth in Indiana Code Section 5-30-1-8.
38. **Open Door Law** means Indiana Code Section 5-14-1.5, *et.seq.*
39. **Other City Agencies** means any City agency or department other than the Bond Bank, the Department of Public Works, or the Building Authority.
40. **Primary Construction Services** means Construction Services self-performed by the Lead Design-Build Entity or one of its JV Members.
41. **Primary Design Services** means Design Services: a) self-performed by the Lead Design-Build Entity; and/or b) anticipated to be performed under a direct subcontract agreement with the Lead Design-Build Entity.
42. **Proposal** has the meaning set forth in Indiana Code Section 5-30-1-10.
43. **Public Project** has the meaning set forth in Indiana Code Section 5-30-1-12 and also includes any federal projects.
44. **Request for Qualifications or RFQ** means the request for qualifications issued by the City pursuant to Chapter 5 of the Design-Build Statute. When used in the RFQ for the Jail Project, Request for Qualifications or RFQ means the request for qualifications for the Jail Project. When used in the RFQ for the Courts Project, Request for Qualifications or RFQ means the request for qualifications for the Courts Project.
45. **Request for Proposals or RFP** means the request for proposals issued by the City pursuant to Chapter 6 of the Design-Build Statute. When used in the RFQ for the Jail Project, Request for Proposals or RFP means the request for proposals for the Jail Project. When used in the RFQ for the Courts Project, Request for Proposals or RFP means the request for proposals for the Courts Project.
46. **Similar Project or Similar Projects** means a project or projects the responding and potential Lead Design-Build Entity deems similar to the Jail Project or the Courts Project, as applicable. The City leaves this determination to the discretion of the responding and potential Lead Design-Build Entities and their Teams. For the Jail Project, for example, an adult detention facility of a similar size and budget are certainly considered to be Similar Projects, but the City recognizes that other mission critical or similar projects may offer relevant experience.
47. **Site** means the site of the Community Justice Campus, which is the former Citizens Energy Group Coke Plant on the east side of Indianapolis. See Exhibit B to the RFQ.
48. **Site Contractors** means those entities selected to perform construction on the Site Enabling Project under one or more separate procurements.
49. **Site Designers** means those entities listed as Site Designers in Section 2.7 of the RFQ.
50. **Site Enabling Project** means the City's project for certain utility, earthwork and related improvements to the Site to facilitate the Design-Build Contract services. The Site Enabling Project is being delivered under separate solicitations, procurements and contracts from the RFQ for the Jail Project and the Courts Project.
51. **Stakeholder** means the internal stakeholders identified in the Task Force's Criminal Justice Reform Summary Report, dated December 12, 2016 and additional stakeholders for the Jail Project or the Courts Project as identified from time to time.

- 52. Statement of Qualifications (“SOQ”)** means the submission made by a potential Design-Builder or Team in response to the RFQ, including all exhibits, amendments, clarifications and attachments thereto or otherwise incorporated.
- 53. Subcontractor** means a person, partnership, company, or other organization which is not in the employment of or owned by the Lead Design-Build Entity but is expected to perform part of Lead Design-Build Entity’s responsibilities under any awarded Design-Build Contract pursuant to a separate contract entered into by and between the Subcontractor and Lead Design-Build Entity. The term Subcontractor also means subcontractor(s) of any tier under the Lead Design-Build Entity.
- 54. Task Force** means the City of Indianapolis Criminal Justice Reform Task Force created by the Mayor in Executive Order No. 4 executed May 11, 2016.
- 55. Team** means the Lead Design-Build Entity and its team of Subcontractors, including advisors, designers and contractors as defined in Indiana Code Section 5-30-1-13.
- 56. Technical Review Committee (“TRC”)** means those individuals listed as TRC members in Section 2.7 of the RFQ.

Exhibit B - Aerial Plan Civil and Criminal Courthouse



RFQ-11EAL-085

Site C:
13.65 Acres (±)

Future
Development

Site B:
15.2 Acres (±)

Site A:
3.46 Acres (±)

Future
Juvenile
Detention

Courts

Lobby

Sheriff

Adult Detention

AIC

Southeastern Avenue

Pleasant Run Way

Prospect Street

Union Belt Railway

Roadway 'C'

Roadway 'X'

Roadway 'A'

Roadway 'B'

Roadway 'A'

Roadway 'B'

Roadway 'B'