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West Virginia Higher Education Policy Commission

1018 Kanawha Boulevard, East, Suite 700

Charleston, West Virginia 25301

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**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
EXPRESSION OF INTEREST
COMPLETION OF BUILDING 770**

EOI NO. 15109

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Exhibits

Exhibit A – Purchasing Affidavit

Exhibit B – Vendor Registration and Disclosure Statement

**Exhibit C – Request for Taxpayer Identification Number and Certification
(IRS Form W-9)**

Questions will be received until 5:00 PM, EST, January 29, 2015.

Proposals will be received until 3:00 PM, EST, February 11, 2015

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SECTION ONE: GENERAL INFORMATION

- 1. PURPOSE:** The West Virginia Higher Education Policy Commission (“HEPC”) is soliciting Expression(s) of Interest (“EOI”) for the West Virginia Regional Technology Park (“WVRTP”), from qualified firms to provide architectural/engineering services (“Vendors”) as defined herein.
- 2. PROJECT:** The mission or purpose of the project for which EOIs are being solicited is to provide architectural/engineering services for completion of the Core and Shell portion of the existing project, expected to be completed early 2015. The first and most immediate task required of the successful firm will be to determine tenant space for two committed entities within the building including, but not limited to, areas to occupy, square foot costs associated with said area(s), and/or any additional costs associated with completing the renovation of the structure. Once designed, costs and data will be assigned an opinion of probable cost to accurately forecast the funds required to complete the building, including the tenant fit-out (“Project”). These funds will then be used to secure the necessary bond(s) required to complete the Project
- 3. SCHEDULE OF EVENTS:**

| | |
|---|-------------------|
| Release of the EOI..... | January 15, 2015 |
| Firm’s Written Questions Submission Deadline..... | January 29, 2015 |
| Addendum Issued | February 4, 2015 |
| Expressions of Interest Opening Date..... | February 11, 2015 |
| Estimated Date for Interviews | February 16, 2015 |

SECTION TWO: INSTRUCTIONS TO BIDDERS

Hiring Architects and Engineers:

The process for hiring architects and engineers is set forth in Chapter 5G of the West Virginia Code. The Legislature has decided that it is the policy of the state, and its political subdivisions, to procure architectural or engineering services or both on the basis of demonstrated competence and qualification for the type of professional services required. The contract for architectural and engineering services shall be AIA Document B141, Agreement Between Owner and Architect, with the standard Supplementary Conditions for this agreement that have been approved by the Attorney General.

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Procurement of Architectural and Engineering Services for Projects Estimated to Cost \$250,000 and Greater:

- a. Firms engaged in the lawful practice of the profession shall be encouraged to submit expressions of interest.
- b. All such jobs (projects) shall be announced by a Class II legal advertisement with requires publishing in a qualified newspaper once a week for two successive weeks. "Once a week for two successive weeks" means two publications of a legal advertisement in a qualified newspaper occurring within a period of fourteen consecutive days with at least an interval of six full days within the period between the date of the first publication and the date of the second publication. For additional information refer to West Virginia Code §59-3. In addition, a notice should be provided to the West Virginia Chapter of the American Institute of Architects (AIA West Virginia).
- c. A committee of three to five representatives of the institution initiating the request shall evaluate the statements of qualifications and performance data and other materials submitted by interested firms and select at least three firms that, in their opinion, are best qualified to perform the desired service.
- d. Interviews with each firm selected shall be conducted and the committee shall conduct discussions regarding anticipated concepts and proposed methods of approach to the assignment.
- e. The committee shall then rank, in order of preference, no less than three professional firms deemed to be the most highly qualified to provide the services required, and shall commence scope of service and price negotiations with the highest qualified professional firm for architectural or engineering services.
- f. Should the institution be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified, at a fee determined to be fair and reasonable, price negotiations with the firm of second choice shall commence. Failing accord with the second most qualified professional firm, the committee shall undertake price negotiations with the third most qualified professional firm.
- g. Should all negotiations fail, the institution may start the Request for Expressions of Interest process over.

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SECTION THREE: PROJECT SPECIFICATIONS

1. **Location:** HEPC is located at 1018 Kanawha Boulevard, East, Charleston, WV 25301, and the Project will be completed at the West Virginia Regional Technology Park, 70 Innovation Circle, South Charleston, West Virginia, 25303
2. **Background:** The HEPC obtained a \$5.25 million matching grant from the US Economic Development Authority in 2011 for a Core and Shell renovation to Building 770 located at the Tech Park in South Charleston, WV. The project, consisting of hazardous material abatement, utility upgrades, limited life safety code compliance upgrades, selected interior demolition and various other improvements to prepare the building for future tenant fit-out, was begun in March, 2013 and will be completed early 2015. Since this is primarily a building containing approximately 70 -75% laboratories, it is imperative that the successful firm have extensive experience in the design of both chemical and biological labs and related ancillary spaces.
3. **Qualifications and Experience:** Vendors will provide information regarding its employees, such as staff qualifications and experience in completing similar projects; references; copies of any staff certifications or degrees applicable to this project; proposed staffing plan; descriptions of past projects completed that are similar in nature including location; project manager name and contact information (if applicable), type of project, and a brief description of the project goals and objectives, where and how they were met.
4. **Project and Goals:** The project goals and objectives are:
 - 4.1. Review existing plans used for the first phase of the project, becoming familiar with the building and renovations performed to date. The existing plans (which will be provided to the successful firm electronically), will be used to develop the location of the proposed tenants including but not limited to space requirements, laboratory requirements, air-handling requirements and any other necessary amenities to provide a state-of-the-art workspace for each entity. This portion of the project will be performed as quickly as practical after the contract is awarded, assessing each entity's needs to determine costs required to complete the renovation.
 - 4.2. Assess existing MEP plans and specifications to determine the best option for each entity. Extensive research and planning was performed initially, considering each of the proposed entities, therefore it is desired that unless there is a glaring oversight or newer technology available, an existing option be used. It is also

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desired that this building be designed using the most energy efficient methods available and prudent. While this building is not intended to pursue a LEED certification, it is desirable to follow those standards if possible. West Virginia currently recognizes ASHRAE 90.1 2007/2009, however it is desired that ASHRAE 90.1 2010/2012 be used for this project.

- 4.3. After the assessment of each entity, develop the tenant fit-out and remainder of the building renovation. A potential requirement of each entity may be to require a BSL-3 level laboratory. Therefore, the successful firm/team will be required to have adequate experience in design and costing of said labs.

5. Oral Presentations (Agency Option): HEPC has the option of requiring oral presentations of all firms/teams participating in the EOI process. If this option is exercised, it would be listed in the Schedule of Events (Section 1.3) of this EOI. During oral presentations, firms/teams may not alter or add to their submitted proposal, but only clarify information. A description of the materials and information to be presented is provided below:

5.1. Materials and Information Required at Oral Presentation:

- a. Demonstrate understanding of project, including but not limited to requirement by HEPC to use existing documents (which will be available for review prior to interview process)
- b. Be prepared to discuss development of existing MEP options, including any necessary changes (if required) and reasoning for said changes.
- c. Discuss and demonstrate experience with design and construction of BSL-3 laboratories
- d. Any other information pertinent to specific requirements, and discuss firm/team's experience with similar projects, especially labs and working with ASHRAE 90.1 2010/2012 and LEED.

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SECTION FOUR: VENDOR PROPOSAL, EVALUATION, & AWARD

1. **Economy of Preparation:** EOI's should be prepared simply and economically, providing a straightforward, concise description of firm's abilities to satisfy the requirements and goals and objectives of the EOI. Emphasis should be placed on completeness and clarity of content. The response sections should be labeled for ease of evaluation.
2. **BIDS MUST NOT CONTAIN PRICE QUOTATIONS:** The State shall select the best value solution according to §5G-1-3 of the West Virginia State Code. In accordance with the Code requirements, no "price" or "fee" information is requested or permitted in the bid response.
3. **Evaluation and Award Process:** Expressions of Interest for projects estimated to cost \$250,000 or more will be evaluated and awarded in accordance with West Virginia Code §5G-1-3. (See Section Two for a detailed explanation of the process.)
4. **Vendor Ranking:** All evaluation criteria is defined in the Procurement Specifications section and are based on a 100 point total score. Points shall be assigned based upon the Vendor's response to the evaluation criteria as follows:
 - Qualifications and experience, especially laboratories 40 Points Possible
 - Approach and methodology for meeting Goals and Objectives 20Points Possible
 - Oral interview 20 Points Possible
 - Knowledge and experience with LEED and ASHRAE 90.1 2010/2012 20 Points Possible

Total: 100 Points

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SECTION FIVE: TERMS AND CONDITIONS

WV Higher Education Purchasing Manual
March 2004

TERMS AND CONDITIONS

1. **ACCEPTANCE:** Vendor shall be bound by this Order and its terms and conditions upon receipt of this Order. This Order expressly limits acceptance to the terms and conditions stated herein. Additional or different terms proposed by the Vendor are objected to and are hereby rejected, unless otherwise provided for in writing by the Institution and approved by the Attorney General.
2. **APPLICABLE LAW:** The laws of the State of West Virginia and the Procedural Rules of the Higher Education Policy Commission shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
3. **ASSIGNMENT:** Neither this Order nor any monies due, or to become due hereunder, may be assigned by the Vendor without the Institution's consent.
4. **INSTITUTION:** For the purposes of these Terms and Conditions, the "Institution" means the institution purchasing goods and services for which a Purchase Order has been lawfully issued to the Vendor.
5. **CANCELLATION:** The Institution may cancel any Purchase Order/Contract upon 30 days written notice to the Vendor.
6. **COMPLIANCE:** Vendor shall comply with all federal, state and local laws, regulations and ordinances including, but not limited to, the prevailing wage rates of the W. Va. Division of Labor, if applicable.
7. **DELIVERY:** For exceptions to the delivery date as specified in the Order, the Vendor shall give prior notification and obtain the approval of the Institution. Time is of the essence of this Order and it is subject to termination by the Institution for failure to deliver on time.
8. **DISPUTES:** Disputes arising out of the agreement shall be submitted to the West Virginia Court of Claims.
9. **HOLD HARMLESS:** The Institution will not agree to hold the Vendor or any other party harmless because such agreement is not consistent with state law.
10. **MODIFICATIONS:** This writing is the parties' final expression of intent. No modification of this Order shall be binding unless agreed to in writing by the Institution.
11. **NON-FUNDING:** All services performed or goods delivered under this Purchase Order/Contract are to be continued for the term of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
12. **ORDER NUMBERS:** Contract Order numbers or Purchase Order numbers shall be clearly shown on all acknowledgments, shipping labels, packing slips, invoices and correspondence.
13. **PAYMENTS AND INTEREST ON LATE PAYMENTS:** Payments may only be made after the delivery of goods or services. Interest may be paid on late payments in accordance with the West Virginia Code.
14. **RENEWAL:** The Contract may be renewed only upon mutual written agreement of the parties.

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15. **REJECTION:** All goods or materials purchased herein are subject to approval of the Institution. Any rejection of goods or materials resulting in nonconformity to the terms, conditions or specifications of this Order, whether held by the Institution or returned to the Vendor, will be at the Vendor's risk and expense.

16. **VENDOR:** For the purposes of these Terms and Conditions, the "Vendor" means the vendor whose quotation, bid, proposal or expression of interest has been accepted and has received a lawfully issued Purchase Order from the Institution.

17. **SHIPPING, PACKING, BILLING & PRICING:** Unless otherwise stated, all goods are to be shipped prepaid, FOB destination. No charges will be allowed for special handling, packing, wrapping, bags, containers, etc., unless otherwise specified. All goods or services shall be shipped on or before the date specified in this Order. Prices are those that are stated in this Order. No price increase will be accepted without written authority from the Institution.

18. **TAXES:** The State of West Virginia (the Institution) is exempt from Federal and State taxes and will not pay or reimburse such taxes.

19. **TERMINATION:** In the event of a breach by the Vendor of any of the provisions of this contract, the Institution reserves the right to cancel and terminate this contract forthwith upon giving written notice to the Vendor. The Vendor shall be liable for damages suffered by the Institution resulting from the Vendor's breach of contract.

20. **WARRANTY:** The Vendor expressly warrants that the goods and/or services covered by this Order will: (a) conform to the specifications, drawings, samples or other description furnished or specified by the Institution; (b) be merchantable and fit for the purpose intended; (c) be free and clear of all liens, claims and encumbrances of any kind; and/or (d) be free from defect in material and workmanship.

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CERTIFICATION AND SIGNATURE PAGE

By attaching my signature below, I hereby certify that the proposal submitted is a valid proposal and has been presented in good faith to the West Virginia Higher Education Policy Commission. I certify that I have the proper authority to sign on behalf of the firm I represent. I further certify that I am a Vendor in good standing and eligible to do business in the State of West Virginia.

(Signature)

(Printed Name)

(Company Name)

(Title)

(Date)