## Request for Proposals

## Cover Sheet and Instructions

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|  | APPROVED DOCUMENT – This document is approved by the Office of the President and Office of the General Counsel for use by the Facility. |
|  |  |
| **PURPOSE OF DOCUMENT:** | Provide to Proposers information regarding the Project and the Proposal submittal requirements. |
| **CROSS-REFERENCE TO FACILITIES MANUAL:** | None |
| **CONTENTS:** | Request for Proposals |
| **FOR USE WITH:** | Energy Savings Brief Form Design Build Contract Documents |
| **COMPLETED BY:** | √ | Filling in | √ | Adding Text |  | No Data Required |
| **ITS USE IS:** | √ | Required |  | Optional |

**NOTE:** To use the electronic file of this document, you must go to the “Tools” pull down menu in Microsoft Word, select “Options,” select the “View” tab, and then put a check in the box “Hidden text.” Most instructions and alternate language is displayed in hidden text. Do not print the hidden text for the final document.

**Completion Instructions:**

1. Notes, suggested text, instructions and other information is formatted using the following methods:

* Hidden text within brackets. {This is an example of the format.} Read the material within the brackets and take the appropriate action (usually inserting text or selecting from a choice of texts.) When printing this document, the default print property will not print the hidden text.
* Coded instruction within brackets. The instructions and shading will disappear when the required information is typed.
* Suggested text is shaded in gray without brackets (see Modifications and Additions below.)

**Modifications and Additions:**

1. Areas shaded in gray, without brackets, represent suggested text that may be modified by the Facility to meet the needs of the Project. This is an example of the format. Ensure that any modified or added text is consistent with the Contract Documents.
2. Areas not highlighted in gray, without brackets, shall not be altered without approval of the Office of the President.
3. ***Artcile 2.4 “Contract Time” –*** A section for contract time has been added.
4. ***Article 3.4.3 Proposed rates for Additional Design Services*** – Delete Proposed rates for Additional Services table. Replace with language referring to the Exhibit of the same name.

**Comments:**

1. ***Alternates***. If use of Alternates is desired, please consult with Office of the President***.***

**2. *Maximum Acceptance Cost***. In the University’s Design Build Contract, Proposers are notified that there is a “Maximum Acceptance Cost”. Any price proposal in excess of this amount will be rejected as non-responsive.

The requirement to specify a Maximum Acceptance Cost is based on the [Public Contract Code 10503](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pcc&group=10001-11000&file=10500-10506), which states:

“Documents for the solicitation of bids on a design-and-build basis, including: (1) a program setting forth the scope of the project, the size, type, and desired design character of the buildings and the site, (2) a set of performance specifications covering the quality of materials, equipment, and workmanship, (3) **a maximum acceptance cost**, and (4) a method and grading system for evaluating contractor proposals on the basis of a preliminary design, outline specifications, a price, and the financial condition and relevant experience of the contractor and the contractor's architect.”

***3 Bid Protest Appeal.*** The Facility must determine the date on which a protestor receives the Facility’s written decision on a bid protest because the time within which a bid protest appeal may be filed is measured from that date of receipt. The Facility should contact the protestor to confirm receipt of the decision or send the decision in a manner that will provide confirmation of delivery. (Section4.5)

1. ***Brand Name Specifications***. If the Specifications call for any brand name product, the product name must be followed by the words “or equal” and the Facility must have a procedure in place to evaluate “or equal” submissions.

**END OF COVERSHEET AND INSTRUCTIONS**

**REQUEST FOR PROPOSALS**

1. **INTRODUCTION**

This Request for Proposals (RFP) establishes the requirements for Proposal Submission by Prequalified Proposers.

The University reserves the right to reject any, or all, Proposals or to withhold the award of this Project for any reason it may determine.

**1.1 Project Overview**

The objective of this RFP is to hire a Design Build team to implement projects to assist [CAMPUS] improve energy efficiency through implementation of the following Energy Efficiency Measures (EEMs)

{EDIT LIST AS NEEDED}: energy conservation measures and upgrades, renewable energy, and utilization of optimal operation and maintenance procedures.

The University has conducted an audit of its facilities and identified a number of energy measures to be addressed. These measures are identified in “Performance Specifications.”

The Design Build team shall be responsible for developing a complete project design package that meets the performance parameters as outlined for each identified energy efficiency measure. None of the performance targets or requirements in the RFP are intended to supersede any applicable federal, state, or local codes. It shall be the DesignBuild team’s responsibility to design a project that meets all applicable codes and meets the performance targets identified in the RFP. It is the responsibility of thedesign build team to notify [CAMPUS] representatives of any conflict with code-mandated requirements.

**1.2 Proposal Documents**

By submitting its Proposal, the Prequalified Proposer agrees to all of the terms and conditions contained therein and further agrees to execute, if selected for award, a Contract including such terms and conditions.

**1.2.1** Index to Design Build Contract Documents

**1.2.2** Proposal Documents

.1 Request for Proposal

**.**2 Price Proposal Form

.3 Bid Bond

.4 Proposal Evaluation Process

.6 Preliminary Schedule

.7 Expanded List of Subcontractors

.8 Notice of Selection as Apparent Best Value Proposal

**1.2.3** Design Build Contract Documents

.1 Agreement

.2 General Conditions

.3 Exhibits (see Index to Design Build Contract Documents)

* 1. **Submittal of Proposal and required documents**

**1.3.1** The Price Proposal Form, Proposal Security, and all other documents required to be submitted with the Design Builder’s Price Proposal Form shall be enclosed in a sealed opaque envelope. All other documents required to be submitted with Design Builder’s Proposal shall be enclosed in a separate sealed package(s), e.g. box, carton, tube, etc. Both the envelope and the package(s) shall be addressed to the office herein and shall be identified with the Project name, Proposer's name and address. If the Proposal is sent by mail, both the envelope and package(s) shall be enclosed in a separate mailing envelope with the notation “SEALED PROPOSAL ENCLOSED” on the face thereof.

**1.3.2** Submittal requirements for this RFP shall include the following:

1. Cover Letter

2. Preliminary Design Submittal

3. Project Team Organization, including Project Management and Staffing Plan

3. Price Proposal Form

4. Proposal Security

5. Expanded List of Subcontractors (if applicable)

**1.3.3** Proposer shall make no stipulations on the Price Proposal Form nor qualify the Price Proposal in any manner.

**1.3.4** Price Proposals shall be submitted on the Price Proposal Form included with the Proposal Documents. Price Proposal not submitted on the University's Price Proposal Form shall be rejected.

**1.3.5** Every effort will be made to ensure that all persons have equal access to contracts and other business opportunities with the University within the limits imposed by law or University policy. Each Proposer may be required to show evidence of its equal employment opportunity policy. The successful Proposer and its subcontractors will be required to follow the nondiscrimination requirements set forth in the Proposal Documents and to pay prevailing wage at the location of the work.

 The work described in the contract is a public work subject to section 1771 of the California Labor Code.

 No contractor or subcontractor, regardless of tier, may be listed on a Proposal for, or engage in the performance of, any portion of this Project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 and 1771.1.

The successful Proposer shall pay all persons providing construction services and/or any labor on site, including any University location, no less than the UC Fair Wage ($15 per hour) and shall comply with all applicable federal, state and local working condition requirements.

**1.4 Maximum Acceptance Cost**

Maximum Acceptance Cost: $.Proposals that exceed this amount will be determined to be nonresponsive and will be excluded from further consideration.

**1.5 Basis of Selection**

Selection shall be based upon a “best value” approach which will be calculated on a “cost per point” basis as identified in the Proposal Evaluation Scoring document.

University will have the right to reject all Proposals. University will have the right to reject any Proposal not accompanied by the required Proposal Security or any other item required by the Proposal Documents, or a Proposal which is in any other way materially incomplete or irregular.

University will have the right to waive nonmaterial irregularities in a Proposal. University will select the best value Proposal and notify such Proposer on University's form within days after the Proposal Deadline or reject all Proposals. Within days after receipt of notice of selection as the successful Proposal, Proposer shall submit to University all of the following items:

1. Three originals of the Agreement signed by Proposer.
2. Three originals of the Payment Bond required under Article 11 of the General Conditions.
3. Three originals of the Performance Bond required under Article 11 of the General Conditions.
4. Certificates of Insurance on form provided by University required under Article 11 of the General Conditions.
5. If Proposer wishes to utilize securities in lieu of retention beginning with the initial Application For Payment, Selection of Retention Options accompanied by a completed Escrow Agreement for Deposit of Securities in Lieu of Retention and Deposit of Retention (Exhibits).

Prior to award of the Contract, University will notify Proposer in writing, if University, after due investigation, objects to a Subcontractor proposed by Proposer, in which case Proposer shall propose a substitute acceptable to University. Substitution of a Subcontractor shall be made in accordance with the General Conditions.

If Proposer submits three originals of the signed Agreement and all other items required to be submitted to University within days after receipt of notice of selection as the successful Proposer, and if all such items comply with the requirements of the Proposal Documents and are acceptable to University, University will award the Contract to Proposer by signing the Agreement and returning a signed copy of the Agreement to Proposer.

If University consents to the withdrawal of the Proposal of successful Proposer, or the successful Proposer fails or refuses to sign the Agreement or submit to University all of the items required by the Proposal Documents, within days after receipt of notice of selection or that Proposer is not financially or otherwise qualified to perform the Contract, University may reject such Proposer’s Proposal and select the next best value Proposal, until all Proposals are exhausted, or reject all Proposals.

Factors that will be considered when evaluating the proposals are identified in the Proposal Evaluation Process exhibit.

{THE FOLLOWING ARE SUGGESTED CRITERIA:}

**1.5.1** Preliminary Design Submittal (see section 3.2.1)

Meets functional requirements

**1.5.2** Project Team Organization

Qualifications of key personnel

Adequacy of staffing during all phases

**1.5.3** Proposed Price.

**1.6 Schedule For this RFP**

See Proposal Schedule Attachment.

{PROVIDE SCHEDULE OF EVENTS, TO INCLUDE PREPROPOSAL CONFERENCE, INDIVIDUAL CONFERENCES WITH PREQUALIFIED DESIGN BUILDERS, ADDENDA, DATE FOR SUBMISSION OF PROPOSALS, DATE FOR PRESENTATIONS.}

**1.7 General Provisions Regarding Proposal Procedures**

**1.7.1** Subcontractor Listing: Proposer shall list all key Subcontractors identified at the time of submitting its Proposal. Other subcontractors may be added at the time of procurement using the Expanded List of Subcontractors in the Exhibits.

**1.7.2** Incorporation of Proposal into the Contract:The entire contents of the selected Proposer’s proposal shall be incorporated into, and shall be an integral part of the Contract.

* + 1. Form and Content of Proposal:The format and content of the RFP submittal are specified in Article 3.0 of this document.

**1.7.4** Except as otherwise specifically provided, definitions set forth in the General Conditions or in other Contract Documents are applicable to all Proposal Documents.

**1.7.5** The term “Addenda” means written or graphic instruments issued by University prior to the Proposal Deadline which modify or interpret the Proposal Documents by additions, deletions, clarifications, or corrections.

**1.7.6** The term “Business Day” means any day other than a Saturday, a Sunday, and the holidays specified herein, and to the extent provided herein, if the Facility or applicable office of the University is closed for the whole of any day, insofar as the business of that office is concerned, that day shall be considered as a **holiday** for the purposes of computing time in this RFP. Holidays include January 1st, the third Monday in January, the third Monday in February, the last Monday in May, July 4th, the first Monday in September, November 11th, Thanksgiving Day, December 25th, and every day designated by the University as a **holiday**.

**1.7.7** The term “Conflict of Interest” includes but is not limited to an architect, engineer or other consultant working on a project on behalf of more than one client. To avoid any such Conflict of Interest, any consultant that worked on the project on behalf of the University is precluded from participating as a member of the Design Builder team without prior approval in writing from the University.

**1.7.8** As used in this RFP, the term “Facility” means the University’s Facility office issuing the Proposal Documents.

**1.7.9** The term “Planholder” means a person or entity who is known by the issuing office to have received a complete set of Proposal Documents and who has provided a street address for receipt of pre-bid communications.

**1.7.10** The term “Proposal Deadline” means the date and time on or before which Proposals must be received, as designated in the Advertisement For Proposals and which may be revised by Addenda. The Proposal Deadline is shown in the attached Proposal Schedule.

**1.7.11** The term “Proposal Documents” means the documents prepared and issued with the Request for Proposals including all Addenda thereto.

**1.7.12** The term “Proposer” means a person or firm that submits a Proposal.

**1.7.13** The term “Unit Price” means an amount stated in the Proposal for which Proposer offers to perform the Unit Price Work for a fixed price per unit of measurement.

**1.7.14** If Proposer is awarded the Contract, Proposer waives any claim arising from any errors, inconsistencies or ambiguities, that Proposer, its subcontractors or suppliers, or any person or entity under Proposer on the Contract became aware of, or reasonably should have become aware of, prior to Proposer’s submission of its Proposal.

**1.7.15** Requests for clarification or interpretation of the Proposal Documents shall be addressed only to the person or firm designated as University Representative identified above.

**1.7.16** Clarifications, interpretations, corrections, and changes to the Proposal Documents will be made only by Addenda issued as provided below.

**1.7.17** Addenda will be issued only by University and only in writing. Addenda will be identified as such and will be mailed or delivered to all Planholders. At its sole discretion, the University may elect to deliver Addenda via facsimile to Planholders who have provided a facsimile number for receipt of Addenda.

**1.7.18** Copies of Addenda will be made available for inspection wherever Proposal Documents are on file for inspection.

**1.7.19** Each Proposer shall list in the Price Proposal Form all first-tier Subcontractors that will perform work, labor or render such services as required by the General Conditions.

**1.7.20** Proposer shall attend the Pre-Proposal Conference.

**1.7.21** The Price Proposal Form and Declaration shall be signed by a person or persons legally authorized to bind Proposer to a contract.

**1.7.22** If a Bid Bond is submitted and an attorney-in-fact executes the Bid Bond on behalf of the surety, a notarized and current copy of the power of attorney shall be affixed to the Bid Bond. This notarization shall be in addition to the notarization required for the signature of the attorney-in-fact.

**1.7.23** Bid Security will be returned after the contract has been awarded. Notwithstanding the preceding, if a proposer fails or refuses, within 10 days after receipt of notice of selection, to sign the Agreement or submit to University all of the items required by the Bidding Documents, the University will retain that Proposer’s Bid Security. If the Bid Security is in the form of a Bid Bond, the Bid Security will be retained until the University has been appropriately compensated; if the Bid Security is in the form of certified check, the University will negotiate said check and after deducting its damages, return any balance to Proposer.

**1.7.24** The University intends to evaluate proposals and award a contract without discussions with Proposers. Therefore, the Proposer's initial proposal should contain its best terms from a price and technical standpoint. The University reserves the right to conduct discussions if the University later determines them to be necessary The University will publicly post results after it has determined the successful proposal.

**1.7.25** All information submitted in response to the Request for Proposals will be considered official information acquired in confidence, and the University of California will maintain its confidentiality to the extent permitted by law.

**1.8 General Provisions Regarding Presentations**

**1.8.1** Proposers may be required to make a presentation concerning their proposal and qualifications. If required, the presentation will be approximately 60 minutes in duration during which the presenter(s) will address the areas covered in the written submittal.

Proposer Team

The following members of the Proposer team must be present for the Interview, if required, by the University.

{THE LIST OF REQUIRED ATTENDEES SHOULD BE MODIFIED FOR EACH PROJECT:

 Engineer/Architect

 Project Manager

 Proposer executive responsible for the Project (Vice President or higher)

 Structural Engineer

 Financial Officer}

**2.0 THE WORK**

**2.1 General Requirements**

The successful Proposer will be responsible for providing the design services and construction as indicated below and described in greater detail in the Brief Design Build Contract.

The University will award to the successful Proposer a Contract for the production of Design Development Documents, Construction Documents and Construction. The schedule for the completion of the Work will be as indicated in the Preliminary Schedule,

**2.2 Scope of Contracted Work**

The Lump Sum Base Proposal must provide for the complete design and construction of the Project, including any temporary or interim facilities required to maintain essential existing functions in operation throughout the construction period as identified in the Detailed Project Program.

{FACILITY SHOULD INCLUDE HERE ANY UNIQUE, PROJECT SPECIFIC REQUIREMENTS THAT ARE TO BE HIGHLIGHTED TO THE PROPOSERS..}

The scope of the Project will include satisfying the “Performance Specifications” through additional site visits and technical due-diligence once the Design Build contract is executed. Once the scope of the Project is verified and agreed to by the University, Design-Builder will be responsible for the design and permitting of the Project, implementation of energy measures, and commissioning of all systems as described below.

The University will not be considering energy savings guarantees as part of this solicitation. The Design-Builder shall perform commissioning services, consistent with best practices defined by the California Commissioning Collaborative. The University’s shall receive documented confirmation that a facility fulfills the functional and performance requirements of the University, the facility’s occupants and its operators.

**2.2.1 BUILDER'S RISK PROPERTY INSURANCE**

As further defined and limited by Article 11.2 of the General Conditions:

University will provide Builder's Risk property insurance subject to the deductibles in the policy as required by the General Conditions if the Contract Sum exceeds $300,000 at the time of award and the requirements of the Project are not excluded by such coverage. A summary of the provisions of the policy is included as an Exhibit to the Contract; the policy may be reviewed at the Facility office. Bidder agrees that the University’s provision of Builder’s Risk property insurance containing said provisions meets the University’s obligation to provide Builder’s Risk property insurance under the Contract and, in the event of a conflict between the provisions of the policy and any summary or description of the provisions contained herein or otherwise, the provisions of the policy shall control and shall be conclusively presumed to fulfill the University’s obligation to provide such insurance.

**2.2.2** Specifically excluded from the Contract are the following:

{INSERT AS APPROPRIATE. SPECIFIC ISSUES TO BE ADDRESSED HERE MAY INCLUDE ENVIRONMENTAL REMEDIATION TO BE PERFORMED BY THE UNIVERSITY. ANY EXCLUSIONS SHOULD ALSO BE INCLUDED IN THE SCOPE OF WORK.}

**2.3 Liquidated Damages**

Liquidated damages will apply in accordance with Article 5 of the Agreement (Refer to that section for detailed requirements). Liquidated damages daily rate prior to Substantial Completion - $ . Liquidated damages daily rate after Substantial Completion - $ .

**2.4        Contract Time**

 The time allowed for completion of the Work is {days}**.**

**3.0 Proposal Requirements**

The Proposal requirements for this RFP shall be as described below. Failure to adhere or comply with allof the requirements stated in this RFP will be cause for rejection of a proposal.

Each Prequalified Proposer shall prepare their respective Proposals in response to this RFP by clearly identifying this Project and the University’s Project Number.

Each Prequalified Proposer’s submittal shall be properly addressed to:

Each Prequalified Proposer shall provide written Proposals conforming to the following format outline and must contain all information requested. Each Prequalified Proposer’s written Proposal shall be indexed with tabs numbered and labeled in bold type according to the headings below. Failure to provide the format and/or the information requested will result in a “non-responsive” Proposal.

Each Prequalified Proposer shall provide one (1) original and five (5) copies of their written Proposals to be submitted in 8-1/2” x 11” vertically formatted 3-ring binders and have sections tabbed as identified below:

**3.1 Cover Letter**

Cover Letter shall include a maximum of pages.

Identify whether the Prequalified Proposer is a single entity, partnership, corporation or joint venture, or other legal entity recognized in the State of California, and the date such entity was legally established.

Identify project team. Include as a minimum the following consultants as applicable: Architect, Structural Engineer, Civil Engineer, Mechanical Engineer, Electrical Engineer, Landscape Architect, Specifications Writer, Acoustical/Vibration Consultant and Laboratory Design Consultant.

Provide name ofcontact person, phone number and facsimile number.

Summarize qualifications most relevant to this Project.

**3.2 Preliminary Design Submittal**

3.2.1 Preliminary Design

Each Prequalified Proposer will be responsible for developing a Preliminary Design Submittal based upon the information made available by the University in this RFP (see Exhibits included with the Proposal Documents).

The Preliminary Design Submittal shall be comprised of the following:

{THE FOLLOWING ARE EXAMPLES ONLY AND MUST BE MODIFIED FOR EACH PROJECT:}

**3.2.1 Proposed Energy Efficiency Measures**

Each Prequalified Proposer shall identify the following information related to each proposed EEM:

1. An overview of each measure to be implemented, including where it will be installed and how it will be operated
2. Proposed equipment and manufacturer for each EEM, including specification sheets containing technical information
3. Quantities of proposed equipment
4. Estimates of energy savings for each EEM

**3.2.2 Outline Specifications**

Each Prequalified Proposer shall also prepare outline specifications in Construction Specifications Institute (CSI) format (to be included in each Prequalified Proposer’s written Proposal) with the content as described below: Each Prequalified Proposer shall prepare their outline specifications based upon the Facility Standards to provide the following:

A. Identify performance criteria.

B. Identify quality level.

C. Identify prescriptive criteria.

**3.3 Project Team Organization**

{THE FOLLOWING ARE EXAMPLES ONLY AND MUST BE MODIFIED FOR EACH PROJECT:}

The University requires that a Team Organizational Chart be developed and provided as part of the Proposal of the Prequalified Proposer identifying all of the proposed key personnel of each team component and how the team will be managed. If any of the team members have changed from the originally submitted Prequalification Submittal, each new team member shall be identified along with background information describing the new team member.

In addition to the Team Organizational Chart, each proposing Prequalified Proposer shall include the following information:

**3.3.1 Qualifications of Key Personnel:**

Each Prequalified Proposer shall submit resumes demonstrating qualifications of the key personnel who will be assigned to this project. Key personnel may include, but are not limited to the following: Project Planner, Project Manager, Project Architect, Project Engineer, Structural Engineer, Construction Project Manager, Construction Field Superintendent. Resumes shall include a description of training and experience of the key personnel in their respective areas of expertise. Each Prequalified Proposer shall clearly define the duties of each key person. Resumes shall describe their current position/title, proposed position/title, education, professional licensing, and work experience over the last ten (10) years. Each resume shall also indicate whether or not each key person has worked before as part of the proposed team on similar projects.

**3.3.2 Management and Staffing Plan:**

Each Prequalified Proposer shall also be responsible for developing a Management and Staffing plan which illustrates the management approach to performing the Work; and the required staff including the key personnel along with their identified time commitments required to perform the Work plan.

**3.4 Price Proposal (To be submitted in a separate envelope from the other submittal documents)**

**3.4.1 Price Proposal Form:**

Each Prequalified Proposer shall be responsible for submitting a completed and signed Price Proposal Form as contained within this RFP. Failure to submit complete and signed forms shall result in the Prequalified Proposer’s RFP Submittal being rejected as nonresponsive.

**3.4.2 Proposal Bond:**

Each Lump Sum Base Proposal shall be accompanied by Proposal security in the amount of 10% of the Lump Sum Base Proposal as security for Prequalified Proposer’s obligation to enter into a Contract with University. Proposal security shall be a Proposal Bond on the form provided by University and included herein, or a certified check made payable to “The Regents of the University of California.” When a Proposal Bond is used for Proposal security, failure to use University’s Proposal Bond form will result in the rejection of the Proposal.

**3.4.3 Proposed rates for Additional Design Services:**

Provide Proposed Rates for Additional Design Services on Exhibit XX – Design Professional Rate Schedule

1. **Proposal (Bid) Protest**

**4.1** Any Proposer, person, or entity may file a Proposal (Bid) protest. The protest shall specify the reasons and facts upon which the protest is based and shall be in writing and received by the Facility not later than 5:00 pm on the 3rd business day following the date of posting in a public place of a notice of the determination of the apparent best value proposal.

**4.2** If a Proposal is rejected by the Facility, and such rejection is not in response to a Proposal protest, any Proposer, person or entity may dispute that rejection by filing a Proposal protest (limited to the rejection) in writing and received by the Facility not later than 5:00 pm on the 3rd business day following the rejected Proposer’s receipt of the notice of rejection.

**4.3** For the purpose of computing any time period in this Article 4, the date of receipt of any notice shall be the date on which the intended recipient of such notice actually received it. Delivery of any notice may be by any means, with verbal or written confirmation of receipt by the intended recipient.

**4.4** Facility will investigate the basis for the Proposal protest and analyze the facts. Facility will notify Proposer whose Proposal is the subject of the Proposal protest of evidence presented in the Proposal protest and evidence found as a result of the investigation, and, if deemed appropriate, afford Proposer an opportunity to rebut such evidence, and permit Proposer to present evidence that it should be allowed to perform the Work. If deemed appropriate by Facility, an informal hearing will be held. Facility will issue a written decision within 15 days following receipt of the Proposal protest, unless factors beyond Facility's reasonable control prevent such a resolution, in which event such decision will be issued as expeditiously as circumstances reasonably permit. The decision will state the reasons for the action taken by Facility. A written copy of the decision will be furnished to the protestor, the Proposer whose Proposal is the subject of the Proposal protest, and all Proposers affected by the decision. As used in this Article 4, a Proposer is affected by the decision on a Proposal protest if a decision on the protest could have resulted in the Proposer not being the lowest responsible and responsive Proposer for the Contract. A written copy of the Facility’s decision must be received by the protester, the Proposer whose is the subject of the Proposal protest, and all Proposers affected by the decision no later than 3 business days prior to award of the contract.

**4.5** Notwithstanding the provisions of Article 4.3, at the election of Facility, a Proposal protest may be referred directly to University's Construction Review Board without prior investigation and review by Facility. The Chair of the Construction Review Board will either decide the Proposal protest or appoint a Hearing Officer. If a Hearing Officer is appointed, the Hearing Officer will review the Proposal protest in accordance with the provisions of Article 4.7.

**4.6** Proposer whose Proposal is the subject of the protest, all Proposers affected by the Facility’s decision on the protest, and the protestor have the right to appeal to the Construction Review Board if not satisfied with Facility’s decision. The appeal must be in writing and shall specify the decision being appealed and all the facts and circumstances relied upon in support of the appeal. A copy of the appeal must be received by the Chair, Construction Review Board, not later than 5:00 pm on the 3rd business day following appellant’s receipt of the written decision of Facility, at the following address:

Chair, Construction Review Board

University of California

Office of the President

1111 Franklin Street, 6th Floor

Oakland, CA 94607-5200

Attention: Director, Design & Construction

and

constructionreviewboard@ucop.edu

**4.7** A copy of the appeal must be sent to all parties involved in the Proposal protest and to Facility, to the same address and in the same manner as the original protest. An appeal received after 5:00 pm is considered received as of the next business day. If the final date for receipt of an appeal falls on a Saturday, Sunday, or University holiday, the appeal will be considered timely only if received by 5:00 pm on the following business day. The burden of proving timely receipt of the appeal is on the appealing party.

**4.8** The Chair of the Construction Review Board will review the Facility’s decision and the appeal, and issue a written decision, or if appropriate, appoint a Hearing Officer to conduct a hearing and issue a written decision. If a hearing is held, the hearing shall be held not later than the 10th day following the appointment of the Hearing Officer unless the Hearing Officer for good cause determines otherwise. The written decision of the Chair or Hearing Officer will state the basis of the decision, and the decision will be final and not subject to any further appeal to University. The Chair or Hearing Officer may consult with the University's Office of the General Counsel on the decision as to legal form. The University will complete its internal Proposal protest procedures before award of the Contract.

**5.0 Conflicts**

The intent of this RFP introduction is to provide an overview of the proposal process, the subsequent award and the work required of the successful Proposer. The provisions herein are a SUMMARY ONLY and the Prequalified Proposers should in all cases review the provisions of the Design Build Contract for the specific requirements. If the Proposer believes there are conflicts between this document and any other Contract Documents, the Proposer should immediately, and in writing, bring it to the attention of the University and request written clarification.

**Proposal Schedule Attachment**

Advertisement & Announcement to Prequalified Proposers: {DAY, DATE, TIME}

Proposal Documents made available: {DAY, DATE, TIME}

Pre-Proposal Conference and Job Walk: {DAY, DATE, TIME}

Last Day to Submit Questions: {DAY, DATE, TIME}

Proposal Deadline: {DAY, DATE, TIME}

Presentations: {DAY, DATE, TIME}