

I. OVERVIEW

A. INTRODUCTION

Marshall University, (MU), on behalf of the Board of Governors, is pleased to present this Request for Statement of Interest and Pre-Qualifications (“**RFPQ**”), to prospective Respondents for campus edge development to build a new College of Business building that creates a collaborative learning environment where business students from all over the world interact with internationally acclaimed faculty and business leaders for the Marshall University College of Business.

Through this the University is seeking for the development communal to weigh in on financial and operational models that might best meet the objectives of the Project. Accordingly, interested developers are asked to respond with: (i) a letter of interest that provides suggestions for business model(s) that may be best suited for development of the New Buildings; and (ii) qualifications detailing a list of experience with similar projects.

The University is an equal opportunity employer. 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 policy

The information received in the response to this **RFPQ** will assist the University’s project team in finalizing the requirements for the corresponding Request for Proposal (“**RFP**”) phases intended for release at a later date.

Consequently, the University is seeking to identify interested real estate developers or development teams (“**Developer**”) with the qualifications, experience, financial capacity and proven track record of executing similar projects, whereby Developer, in collaboration with the University, will assume to design, develop, finance and construct the Buildings, including working collaboratively with the University to provide philanthropic opportunities to offset project costs (collectively, the “**Project**”). A long-term building maintenance and/or operation management agreement with the developer may be considered if deemed beneficial to meeting the overall Project goals.

Utilizing a two-step process to select a Proposer with which to execute a contract for this Project. The University intends, but is not bound, to shortlist Respondents, based on a review and evaluation of the RFPQs using the factors and criteria described herein. The University anticipates shortlisting between three and five Respondents. Each Respondent will be notified in writing whether or not it has been selected for the shortlist.

MU will invite the shortlisted respondents derived from this RFPQ to later respond to a Request for Proposal (RFP). Following the selection of Shortlisted Respondents, the University anticipates soliciting feedback from the Shortlisted Respondents prior to issuing a RFP. The University anticipates holding one-on-one meetings after issuance of the RFP. Questions that arise after the issuance of the final RFP may be addressed in the form of addenda.

The second step in the process will be to receive a technical proposal and cost proposals from each of the selected Proposers. After review and scoring of technical proposals, cost proposals will be opened and scored. It is the intent of Marshall University to award the Project to the Proposer with the best overall score.

B. BACKGROUND

The College of Business is currently located in Corbly Hall (“**CH Building**”), a four-story building located at the southwest corner of campus. Originally built as Academic Building B. Four story building, home of the College of Business, and Dept. of English, also houses the family and consumer

sciences program, it is located in the southwest corner of Huntington, W.Va. campus, at Hal Greer Blvd and 5th Avenue. https://mds.marshall.edu/sc_bom/29/

The Lewis College of Business is accredited by the Association to Advance Collegiate Schools of Business (AACSB International). Affiliations and programs include the Brad D. Schools of Business, BB&T Center for Leadership, iCenter for Entrepreneurship & Business Innovation and the Center for Business and Economic Research.

The 2017/2018 academic year consisted of 378 graduate and 982 undergraduate students. There are currently 15 FTE Staff, 53 FTE and 10 PT Faculty, and 18 Student Workers for a total of 96 employed in the College of Business. The College of Business' enrollment growth has required conversion of every non-critical program space in the building to additional classrooms and staff offices.

Marshall is anxious to enhance Greek life at the university. There are currently 11 social fraternities and 5 social sororities. There are rented fraternity houses off campus and several sorority-owned houses off campus but no designated on-campus housing for students who are members of Greek organizations.

C. PROJECT SCOPE

The proposed project targets the design and construction of an academic building for the College of Business on a parking lot, approximately 0.9 acres, located on the SE corner of the intersection of 4th Avenue and 15th Street. Building shall integrate classroom and learning laboratories, faculty and administrative offices, study and gathering spaces, and common areas to encourage greater collaboration among students, faculty, staff and business partners. The first floor of the building could contain retail space of about 20,000 sq. feet to be used to support the financing of the building. Ownership of the building will be with Marshall University at the end of the project. The project has an anticipated range cost of \$35 - \$50 million for construction and design, ("**New Building**").

Separate Mixed Use structures for retail (examples: retail, restaurant, bar, hotel, etc.), apartments to provide revenue over the course of the project to support the development and financing of the College of Business Building. Site is approximately 0.44 acres located on the NE corner of the intersection of 4th Avenue and Hal Greer Boulevard. Ownership of the structure at the end of the project will be with Marshall University. Space is available on the University Campus for the construction of Greek Housing to also be a possible revenue source. Ownership of the structure(s) at the end of the project will be with Marshall University. Further details will be provided in the RFP.

The University anticipates financing its payment obligations under the Project Agreement primarily through Revenue generated from the retail and, if necessary, Campus revenues and fee sources, and Greek Life.

Developer will present options to the University in the RFP which will be released at a later date.

Construction cannot begin until adequate funds and/or pledges are confirmed, thus, the University is considering working with a qualified development team for design-build of the New Building(s). The University currently has \$20M in funds to contribute, as well as the land.

D. QUESTIONS

The Procurement Officer, on behalf of the University, shall be the sole contact for purposes of this procurement (including the RFPQ and the RFP). Respondents shall correspond with the University regarding the RFPQ and RFP only through its designated representative(s); Respondents shall not contact any identified stakeholders regarding the Project, including employees, representatives, members, consultants and advisors. The University will provide any necessary

coordination during the RFPQ and RFP stages with such entities in order that, among other things, the procurement be implemented in a fair, competitive and transparent manner and with uniform information.

Any communications determined to be prohibited or improper, at the sole discretion of the University, may result in disqualification. Official information regarding the Project will be disseminated from the MARSHALL UNIVERSITY Office of Purchasing. Any official correspondence will be in writing; and The University will not be responsible for, and Respondents may not rely on any oral or written exchange or any other information or exchange that occurs outside the official process specified herein.

Questions must be sent to the email address listed on the RFPQ cover page on or before March 13, 2019 with the Subject Line “MU19P3COB”.

E. TIMELINE AND RESPONSE

All packages constituting the RFPQ shall be individually and clearly labeled with the name of Respondent. RFPQs shall be uploaded into the Bonfire portal and 3 courtesy copies mailed to the Office of Purchasing at the following location in a sealed package(s). Respondents shall clearly mark all confidential material.

Tracey Brown-Dolinski, Director of Purchasing
 Marshall University
 One John Marshall Drive
 Huntington, WV 25755-4100
 Ref. MU19P3COB

RFPQs must be submitted by 3:00 p.m. Eastern Standard Time on the RFPQ Due Date specified within this RFPQ. Time is of the essence and any RFPQs received after that date and time will be rejected. Respondents are solely responsible for assuring that the Procurement Officer receives their RFPQs by the specified delivery date and time. MARSHALL UNIVERSITY shall not be responsible for any delays in delivery beyond the control of the University, including those caused by weather, difficulties experienced by couriers or delivery services, misrouting of packages by courier or delivery services, improper, incorrect or incomplete addressing of deliveries and other occurrences.

Respondents must organize their RFPQs in the order set forth herein. Each volume may be subdivided as needed, so long as Respondents “tab” the contents of their RFPQs to correspond to the section and subsection order and numbering system.

F. SCHEDULE

The University anticipates carrying out the procurement process for the RFPQ (Review of RFPQs) phase of the Project in accordance with the following schedule:

Event	Dates
Release of RFPQ	March 5, 2019
Deadline for questions regarding RFPQ	March 13, 2019, 5:00 p.m. EST
RFPQ Due Date	March 27, 2019, 3:00 p.m. EST
Oral Presentations	TBD
Announcement of Shortlisted Respondents	April 8, 2019
RFP to selected Proposers	April 2019
Presentations	TBD
Receive technical proposals	May 2019
Receive cost proposals	TBD
Selection of firm	TBD
Completion of project	TBD

This schedule is subject to modification at the sole discretion of the University. Respondents will be notified of any change to the schedule for the RFPQ phase by an addendum to this RFPQ. The University is targeting the second half of 2019 for selection of a developer for the Project following the RFP process.

Proposers must visibly mark as “CONFIDENTIAL” each part of their submission that they consider to contain proprietary information for which the release would constitute an unreasonable invasion of personal privacy. All unmarked pages will be subject to release in accordance with law. Proposer should be prepared, upon request, to provide justification of why such materials should not be disclosed under the Freedom of Information Act.

II. RFPQ RESPONSE CRITERIA

A. MANAGEMENT EXPERIENCE AND APPROACH

The University will set minimum qualification requirements for firms and their Key Personnel in the RFP, and will evaluate the qualifications of the firms and Key Personnel that each Shortlisted Respondent proposes to include on its team. The proposed engineering and operations and maintenance firms and their Key Personnel will be subject to the University’s approval.

Provide the qualifications and experience of the firm or firms and personnel on the Proposer’s team as follows:

1. Identify the lead organization and primary members of the team. Name the entity that will work directly with MARSHALL UNIVERSITY, and identify if this will be a consortium, partnership, or other form of joint venture, and summary of key terms of the agreement.
2. Provide an organizational chart of *each* member of the Proposer's team. Describe the role and responsibilities of each team member, including the major subcontractors and consultants. Identify all team members that are Disadvantaged Business Enterprise (DBE) firms. ***After initial submittal, changes to team members, including subcontractors and consultants, cannot be changed without MARSHALL UNIVERSITY approval.***
3. The team must include at a minimum the following in order for the response to this RFPQ to be deemed acceptable:
 - a. Project Manager
 - b. Lead Design Engineer
 - c. Quality Control Manager
 - d. Construction Manager (Lead Contractor)
 - e. Construction Team
 - f. Team Members
 - g. Design Team
 - h. Design Reports
 - i. Lead Environmental Engineer
4. Describe the approach to accomplish the various items of work required by the Project as identified in the Scope.
5. Risk Factors -Identify what Respondent views as the most significant risks to the University and the Developer with respect to the development, design, construction, operation and maintenance of the Project, and how those risks can be addressed, mitigated or allocated in order to provide best value to the University.

B. EXPERIENCE OF KEY INDIVIDUALS

Key individuals and team members are to remain for the duration of the project and changes cannot be made without MARSHALL UNIVERSITY approval. The University may permit Shortlisted Respondents to add, delete or substitute team members and reorganize their teams during the

procurement process unless the change results in actual or potential organizational conflicts of interest or renders Respondent team, in the University's sole determination, less qualified to develop the Project.

1. PROJECT MANAGER The Project Manager shall be the primary person in charge of and responsible for delivery of the Project in accordance with the contract requirements. The Project Manager must be present onsite as the Project progresses, have full authority to make the final decisions on behalf of the Proposer and have responsibility for communicating these decisions directly to MARSHALL UNIVERSITY. The individual assigned to this position must be dedicated to the duties of the Project Manager, and no additional assignments can be placed on this person. Have at least 10 years' experience, managing projects of similar scope and magnitude and having worked on a minimum of two (2) projects in higher education, at least one of which is valued at \$50 million or more, in the past ten years. One of the projects must have spanned three years or more and involved a combination of infrastructure and building development. The Project Manager shall be an individual with authority to make binding decisions on behalf of the Developer through the design and construction phases of the Project and shall be responsible for managing and coordinating the entire development process, including budgeting, scheduling, planning, design, construction, FF&E and such other processes related to the design and construction of the Project.

Identify the Project Manager and the firm by which he/she is employed. Give a clear definition of the role and responsibility of the Project Manager relative to the member firms. List the Project Manager's experience leading this type and magnitude of project.

Provide a list of the projects that the Project Manager has managed in the past 5 years. For each project listed, provide a brief description of each project managed, including the year(s) of construction and size and type of project, including any unusual features. AND the contact information of the owner for which the work was performed.

2. LEAD DESIGN ENGINEER The Lead Design Engineer shall be in charge of and responsible for all aspects of the design of the Project. The lead design engineer shall have a minimum of five (5) years' experience and expertise in applicable policies, as well as a minimum of five (5) years' experience and expertise in the design of projects of similar scope and magnitude.
3. QUALITY CONTROL (QC) MANAGER
The QC manager shall have a minimum of five (5) years' experience on projects of similar scope and magnitude and shall be responsible for ensuring that all workmanship, materials, inspections, and testing are in compliance with the contract requirements. The Quality Control Manager shall report to a responsible officer of the University. Quality control shall be the sole responsibility of this person, and no additional assignments can be placed on this person
4. CONSTRUCTION MANAGER - The Construction Manager shall be responsible for coordination between the design and construction teams and resolution of problems arising between the design and construction during the Project, subject to oversight by the Project Manager. Each construction manager shall have at least 10 years' experience as a construction manager and having worked on a minimum of two (2) projects, each of at least \$50 million in construction value, in the past seven years. At least one of the projects must be a project identified in the Lead Contractor's qualifications. The Construction Manager shall be an individual with authority to make binding decisions on behalf of the Lead Contractor. Substantially completed Ground-up construction of at least one classroom building and one residential building, each of at least 100,000 square feet; Construction of at least one project for which the construction value was over \$50 million.

5. TEAM MEMBERS - All team members shall hold or obtain licenses required for performing work on the Project under state and local laws. Identify any firms on the team who have previously worked together on similar projects. Demonstrate the team's ability to commit necessary resources to complete the Project.
6. DESIGN TEAM - The Proposer's design team shall have personnel with experience and expertise in applicable areas.
7. DESIGN REPORTS - Any design reports or plans shall be signed and sealed by a Registered Professional Engineer registered in the State of West Virginia.
8. LEAD ENVIRONMENTAL ENGINEER or Consultant – The Lead Environmental Engineer or Consultant shall be in charge of and responsible for all aspects of evaluating the existing permits and clearances, performing any additional work necessary for modifications or additions to the permits and clearances, and obtaining final permits and clearances as necessary.

C. PAST PERFORMANCE

For each firm included in the Proposer's team, provide information demonstrating the firm's qualifications for performing work included in this Proposal. The information is to include a list of project experience in the past five (5) years, including year(s) of construction. At least two higher education Academic buildings; At least two retail buildings and 2 Residential; or Mixed Use buildings. Buildings should be of like size as Marshall University. At least one of the projects meeting the requirements of each of above must have reached substantial completion of construction, and all others must have reached completion of design.

Submittal of Qualifications

For each project listed, provide:

- A brief description of the project.
- Provide Information regarding multi-phase, multi-product projects delivered on time and within budget, while accommodating the needs of multiple stakeholders;
- Name of owner for whom the work was performed.
- Name and phone numbers of owner's representatives who can verify and discuss the firm's participation in these projects.

Provide brief answers and explanations to the following questions:

Within the last five (5) years, has any member of the Proposer's team:

- Been declared delinquent and/or in default on any project?
- Been suspended, debarred, disqualified from bidding, or declared ineligible for work by any entity, or are any such actions pending against them?
- Submitted a claim on a project that was not resolved without litigation and if litigated was not resolved in favor of the member of Proposer's team?
- Been assessed liquidated damages on any projects within the past five (5) years?
- Been found in violation of any local, state, or Federal laws or regulations, or is any member of the Proposer's team currently under investigation for violation of any such laws or regulations? This includes but is not limited to safety, environmental, and erosion/sediment control issues.
- Have active projects that are behind schedule?
- Received incentives for early project completion?
- Been involved in design and construction related litigation?

D. QUALITY CONTROL PLAN

Provide information on how the QC responsibilities, including sampling and testing, will be performed on this project. The selected Proposer will become the Engineer of Record for the Project. Proposers who respond to this Request for Qualifications may be asked to provide additional information.

E. FINANCIAL QUALIFICATION

Provide a statement (not to exceed five (5) pages in total) describing the Respondent's approach to financing the Project, including identification of any perceived challenges to financing the Project and proposed innovations to meet these challenges. Include in the statement what Respondent views as the most significant risks to the University and the Developer with respect to financing the Project and how those risks can be addressed, mitigated or allocated in order to provide best value to the University.

Proposers shall submit the following information for each major partner:

- a. Contractors shall provide a copy of their Prequalification Certificate and Contractor's License. In Lieu of Prequalification Certificate and for the RFPQ Purposes, the Contractor may provide proof of sufficient bonding capacity and adequate insurance coverage.
- b. A letter from the Contractor's Bonding Company acknowledging the type of project and ensuring they will provide the bonding for the project's duration. The Respondent or Lead Contractor is capable of obtaining (i) a payment bond or bonds in the aggregate amount of \$100 million from an Eligible Surety, and (ii) a performance bond or bonds in the aggregate amount of \$100 million from an Eligible Surety.
- c. For purposes of the RFPQ process the consultant may provide current financial statement information.
- d. The Respondent's demonstrated experience in successfully closing the financing of large public-private partnership projects; demonstrated experience in successfully developing large public-private partnership projects, with an emphasis on public-private partnerships that involved the Respondent sharing substantial risks associated with design, construction, financing, operation and maintenance; demonstrated experience in successfully managing the operation and maintenance scopes of large public-private partnership projects, with an emphasis on social infrastructure public-private partnerships;

Provide a statement (not to exceed fifteen (15) pages in total) describing the Respondent's overall approach to the design and construction of the Project

F. LETTER OF INTEREST

Provide a letter of interest with suggestions for business model(s) that may be best suited for development of the New Buildings

G. ORAL PRESENTATIONS

Top Respondents may be required to make an oral presentation to the University (or its evaluation committee) on a one-on-one basis. Each of these Respondent teams will be contacted in advance of such week to schedule a precise date and time for its oral presentation. Written materials and other visual aids supporting the oral presentations may be used, provided that any such materials or visual aids shall be retained by the University following the presentation. The Respondent shall make its best efforts to have its proposed Key Personnel and lead representatives of each Major Team Member attend and meaningfully participate in the oral presentation. The oral presentations will be evaluated and scored according to the criteria and weightings set forth herein.

III. EVALUATION CRITERIA

Evaluations of RFPQs and oral presentations are subject to the sole discretion of the University and its staff, with assistance from such professional and other advisors as the University may designate. The University will make the final determinations of the Shortlisted Respondents, as it deems appropriate, in its sole discretion, and in the best interests of the Project and the University.

A committee of University stakeholders will be assembled to evaluate statements of qualifications and make a recommendation to the Office of Purchasing on respondents that the committee deems qualified to proceed to the RFP process.

The evaluation will be based upon the qualifications provided in response to this RFPQ, additional information requested by the University, information obtained from references and independent sources, possibly oral presentations and any addenda to this RFPQ. The University may exclude from consideration any experience or qualifications included in a RFPQ that is not responsive to the applicable requirements set forth herein, or whose RFPQ contains a material misrepresentation.

The University will select Developers whose qualifications are determined to be the most advantageous to the University, taking into consideration the nature and requirements of the Project.

The University may request additional information for clarification from Respondent or may request Respondent to verify/certify certain aspects of its RFPQ. The scope, length and topics to be addressed in any such clarification response shall be prescribed by, and subject to, the discretion of the University. The University may contact firm and personnel references supplied by Respondent as well as other potential references not listed, including internal personnel of the University.

The criteria shown below will be considered in determining the firm's qualification score. The maximum points for each evaluation category will be as follows:

Management Experience and Approach, Extent and depth of relevant experience of Respondent's management team, including Key Personnel	20
Past Performance - Extent and depth of relevant experience in successfully carrying out projects of comparable scale and complexity	20
Quality Control Plan Approach	20
Financial Qualifications	20
Letter of Interest	20
Maximum Score	100

Notwithstanding the above, this RFPQ does not commit the University to proceed to the RFP phase, or to enter into any agreements as described in this document. The University reserves the right to reject any or all offers and to waive informalities and minor irregularities in the responses.

IV. GENERAL

Marshall University reserves the right, in its sole discretion, to: Cancel this RFPQ or the subsequent RFP in whole or in part at any time prior to the execution by the University of an Agreement, without incurring any cost obligations or liabilities, except as otherwise provided in this RFPQ; Issue a new RFPQ after withdrawal of this RFPQ or a subsequent RFP; Not shortlist any Respondent responding to this RFPQ; Not issue an RFP; Reject any and all submittals, responses and RFPQs received at any time; Modify all dates set or projected in this RFPQ; Terminate evaluations of responses received at any time; Waive deficiencies, nonconformities, irregularities, and apparent clerical mistakes in a RFPQ, accept and review a non-conforming RFPQ or permit clarifications or supplements to a RFPQ; Disqualify any Respondent that changes its submittal after the RFPQ Due Date without the University's approval; Disqualify any Respondent under this RFPQ, during the period between the RFPQ or RFP for violating

any rules or requirements of the procurement set forth in this RFPQ, or in any other communication from the University. This RFPQ does not commit or bind the University to enter into a contract or proceed with the procurement described herein.

Except as expressly set forth, the University assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to or responding to this RFPQ, or any subsequent RFP. All of such costs shall be borne solely by each Respondent.

MARSHALL UNIVERSITY reserves the right, in its sole discretion to appoint evaluation committees to review RFPQs, make recommendations and seek the assistance of outside technical, financial and legal experts and consultants in RFPQ evaluation.

MU reserves the right, at its sole discretion to require confirmation of information furnished by a Respondent, require additional information from a Respondent concerning its RFPQ and require additional evidence of qualifications to perform the work described in this RFPQ, regardless of whether the information or evidence was explicitly required by the RFPQ. Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFPQ.

Negotiate with a Shortlisted Respondent without being bound by any provision in its Proposal.

Exercise any other right reserved or afforded to the University under this RFPQ or applicable laws and regulations.

V. BONFIRE SUBMISSION INSTRUCTIONS

Please follow these instructions to submit via our Public Portal.

1. Prepare your submission materials:

Requested Information

Name	Type	# Files	Requirement
Proposal	File Type: Any (*.*)	Multiple	Required

Requested Documents:

Please note the type and number of files allowed. The maximum upload file size is 100 MB.

Please do not embed any documents within your uploaded files, as they will not be accessible or evaluated.

2. Upload your submission at:

<https://marshall.bonfirehub.com/opportunities/13283>

Your submission must be uploaded, submitted, and finalized prior to the Closing Time of **March 27, 2019 3:00 PM EST**. We strongly recommend that you give yourself sufficient time and **at least ONE (1) hour** before Closing Time to begin the uploading process and to finalize your submission.

Important Notes:

Each item of Requested Information is instantly sealed and will only be visible after the Closing Time.

Uploading large documents may take significant time, depending on the size of the file(s) and your Internet connection speed.

You will receive an email confirmation receipt with a unique confirmation number once you finalize your submission.

Minimum system requirements: Internet Explorer 8/9/10+, Google Chrome, or Mozilla Firefox. JavaScript must be enabled.

Need Help?

Marshall University uses a Bonfire portal for accepting and evaluating proposals digitally. Please contact Bonfire at Support@GoBonfire.com for technical questions related to your submission. You can also visit their help forum at <https://bonfirehub.zendesk.com/hc>