

REQUEST FOR PROPOSALS

for

CONSTRUCTION MANAGER AT RISK (CM-R) SERVICES

for

Midlands Technical College Center for QuickJobs Training and Workforce Development

State Project # H59-6140-CB

Issued June 27, 2019

Proposals Due: July 31, 2019, by 2:00pm

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1. INTRODUCTION

- 1.1 Final Selection of the Construction Manager at Risk firm for this project shall be made using the Competitive Sealed Proposal method according to South Carolina Code of Laws, Section 11-35-1530 – Competitive Sealed Proposals.
- 1.2 This Request for Proposals (RFP) is a supplemental document to the previously issued Request for Qualifications (RFQ) document under public solicitation in South Carolina Business Opportunities for the Midlands Technical College Center for QuickJobs Training and Workforce Development, State Project # H59-6140-CA.
- 1.3 The RFP is offered only to Construction Manager at Risk (CM-R) firms shortlisted for proposals and interview under the terms of the RFQ.
- 1.4 A mandatory pre-proposal conference will be held for all firms shortlisted and receiving the RFP. The purpose of this conference will be to describe the scope of the project in further detail, discuss CM-R services to be provided and respond to any questions. Non-attendance will disqualify firms from further participation in the selection process.

A site visit will immediately follow the conference. The purpose of the visit is to further acquaint firms with the construction area and the existing buildings. The Selection Committee Chair, a minimum of three voting committee members (one of which shall be the Project Manager) and the Procurement Officer shall be present. Technical Advisors may attend as requested by the Committee. The Procurement Officer shall arrange for the conference. Separate site visits for individual firms will not be conducted. All firms will receive the same information from the Owner relevant to this project.

- 1.5 Any terms, clauses, definitions, legal requirements, schedule of events or any other general statements of information issued by the Midlands Technical College in the RFQ process shall be considered part of this RFP process unless specifically noted herein.

2. WRITTEN TECHNICAL PROPOSAL – SUBMISSION FORMAT AND REQUIREMENTS

(Response to Request for Proposal or RFP) – Physical Submittal

- 2.1 The shortlisted firms are asked to submit proposals describing their ideas and approach to the project. The format shall be according to the evaluation criteria order dictated in Section 3.2.
 - 2.1.1 Nine (9) hard copies and one (1) PDF copy on a USB flash drive shall be submitted. Each submittal shall be identical and include a transmittal letter. The transmittal letter does not count toward the page limit. Submitter's cost incurred in responding to the RFP is submitter's alone.
 - 2.1.2 Responses are limited to no more than thirty (30) printed pages using a minimum of a 10-point Times New Roman font and one-inch margins. A page means a display of information on a side of a sheet of paper (printing on a single side of paper is one page; printing on both side of the same sheet of paper is two pages). Submitted document shall be 8 ½" x 11" in surface area, not including its binder. Pages should be numbered consecutively. A table of contents, with corresponding tabs in the body of the proposal, must be included as well to identify each section. Placing multiple tabs on the same page is acceptable. If more than one item in the table of contents can be started on a single page, you may do so and place all corresponding tabs on that page. Any affidavits, certifications or signed statements called for may be included in an appendix and will not count toward the page limit.
 - 2.1.3 The deadline for submission of the RFP is listed on the cover page. This is a firm deadline. The College is not responsible for the proper or timely delivery of submittals. Failure to meet the deadline for receipt of submittals will result in rejection of the submittal. Submittals received after the deadline will not be considered whether delayed in transit or for any other cause whatsoever. Each firm is solely responsible for the accuracy and completeness of its submittal. Errors and omissions may constitute grounds for rejection.
 - 2.1.4 Costs to Prepare Responses: The College assumes no responsibility or obligation to the respondents and will make no payment for any costs associated with the preparation or submission of proposals.
 - 2.1.5 In order to limit the cost incurred by responding to this solicitation, proposers are encouraged to be brief. Firms should devote the majority of the written proposal and the interview time to creative ideas and special qualifications pertinent to this project. Emphasis should be placed on responding to the evaluation criteria, understanding the project requirements and the project goals. If there are multiple firms proposed as one team, each component firm should describe its relevant experience but the total number of pages must be adhered to for the submission.
 - 2.1.6 Firms should deliver their RFP submissions in a sealed package. The name and address of the firm should appear on the outside of the package and the package should reference the project. **Do not include a fee proposal with the technical proposal.**

2.1.7 Submit technical proposal only to the following address:

Teresa Cook, Director of Operations
 Midlands Technical College
 Operations Building
 1260 Lexington Dr.
 West Columbia, SC 29170
 Phone: 803-822-3216
 Fax: 803-822-3478
 Email: cookta@midlandstech.edu

2.1.8 All questions from the pre-proposal conference will be posted to <https://www.midlandstech.edu/procurement>. All questions during the proposal phase should be submitted in writing and those responses will also be posted to the website. Questions should be submitted to Teresa Cook – contact information in section 2.1.7 above.

2.2 Evaluation of Shortlisted Firms

2.2.1 The Selection Committee will evaluate the content of the written technical proposals, the interviews and the fee proposals based upon the criteria listed in the table below. As the services being sought are considered professional in nature, the evaluation will be based upon consideration of the demonstrated qualifications and capabilities of the proposers.

| RFP CRITERIA | |
|---|---|
| Major Category | Criteria Elements |
| Qualifications and experience of the proposed project team | <ul style="list-style-type: none"> • Experience of the Project Manager and Superintendent working together on past projects. • Quality of references as to the proposed Project Executive’s commitment and project leadership. • Quality of references for the proposed team. • Past experience of the team working together with the selected Designer and /or Program Manager (if any). • Availability of the proposed team for this project. • Assigned team’s experience with projects of similar facility size and type. • Assigned team’s experience with effective budget control. • Assigned team’s experience with effective schedule control. |
| Project Management Plan | <ul style="list-style-type: none"> • Firm’s demonstrated ability to solve complex project issues. • Effectiveness of firm’s cost management plan during design and construction. • Firm’s approach for managing changes within the stated cost and schedule limitations. • Firm’s approach for competitively administering and evaluating bid packages. • Effectiveness of firm’s subcontractor management plan. • Effectiveness of close-out plan. • Effectiveness of plan for administering other services identified by firm, value to project. • Effectiveness of the site logistics plan ad safety plan. |
| M/WBE Participation and Nondiscrimination | <ul style="list-style-type: none"> • Firm’s affirmative action plan concerning its work force and procurement practices and approach for implementing on proposed project. • Firms demonstrated successes on previously executed projects. • Firm’s record on policies of nondiscrimination on the basis of race, creed, color, sex, or national origin in its employment or procurement practices. |

| | |
|---|---|
| Construction Management Services | <ul style="list-style-type: none"> • Quality of firm’s proposed services and how well services address proposed project needs. • Demonstrated ability to apply in-house services to solving project issues. |
| Clarity of Submittal | <ul style="list-style-type: none"> • Extent to which the instructions in the RFP were followed and information is clearly presented. |
| Technical Cost Proposal | <ul style="list-style-type: none"> • Pre-Construction Fee and general scope of Pre-Construction Services |

2.3 Additional Conditions

- 2.3.1 The Selection Committee intends to interview all shortlisted firms. However, should the review of a technical proposal from a firm convince the Selection Committee that a firm is not appropriate for this project, the interview will be cancelled and the firm will not advance further in the process.
- 2.3.2 The College reserves the right to reject any or all responses received. The College is not obligated to request clarifications or additional information but may do so at its discretion. The College reserves the right to extend the deadline for submittals.
- 2.3.3 The College reserves the right to check references of proposed personnel on the project team and to request substitutions of personnel if it deems such action is in the College’s best interests. Moreover, the College reserves the right to check any reference that it may become aware of in addition to the references given by the proposer.
- 2.3.4 Equal Employment Opportunity: During the performance of this Contract, the CM-R agrees as follows: The CM-R will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, national origin, place of birth, or physical handicap. CM-R must have a history of being non-discriminating and will not discriminate on the basis of race, creed, color, sex, or national origin in any of its employment practices, or procurement practices with respect to the workforce of the firm, or procurement services in connection with this project. An affirmative action plan must be maintained for both work force and procurement practices.
- 2.3.5 It is a specific requirement that the selected firm certify that it operates a drug-free workplace and that it will remain that way throughout the duration of the project in order to satisfy South Carolina Statute 44-107-30.

3. INTERVIEW, FEE PROPOSAL, & FINAL EVALUATION

- 3.1 The time allotted to each firm for the presentation and interview will not exceed fifty (50) minutes (35 minutes for presentation, 15 minutes for questions and discussion). The format of the firm’s presentation during the interview session is at the discretion of the firm. All members of the Selection Committee will be present during the formal interview.
- 3.2 Firms must address any questions related to the interview to the Procurement Officer. Firms must not contact any other members of the Selection Committee before or after the interview until after a contract is executed.
- 3.3 The number of representatives of the CM-R team is limited to a maximum of six (6) individuals, and shall include at least the CM-R’s Project Manager and Pre-Construction Manager, and most of those people with whom the Owner will interact regularly. Essential consultants may attend the interview as deemed appropriate by the CM-R firm, but shall count toward the total number of attendees.
- 3.4 The intent of the formal interview process is to provide the Selection Committee with an elaboration of the written proposal’s information in order to help the Selection Committee make a final selection of the firm that in the sole discretion of the selection committee best meets the requirements for this project.
- 3.5 Based on a combination of the scores received on the written submission and the formal interview, the Committee will rank the firms in order of qualification. The Selection Committee will use only those criteria published in this RFP in making their determinations. Upon the Selection Committee’s completion of the evaluation process, public notice of the competition’s results will follow, first to the shortlisted firms, after a contract is executed.

- 3.6 Each shortlisted firm invited to interview shall prepare and deliver a fee proposal (in a sealed envelope) to the Selection Committee chair at the time of the interview. After the interview the Selection Committee will open the fee proposal. These fee proposals will be part of the selection evaluation. The highest-ranked Offeror's fee proposal will be part of the basis for initial negotiations subsequently conducted. If negotiations with the highest-ranked Offeror are not successful, the College will then invite the second-ranked firm to negotiate, and so on. The Committee will evaluate the level and quality of professional services pledged relative to fees proposed for Pre-Construction services.

4. ADDITIONAL INFORMATION

- 4.1 The College reserves the right to withdraw this RFP or to reject any and all submittals at any time and cancel the project if, in the sole discretion of the College, continuation is deemed not to be in the best interest of the State.
- 4.2 In addition to the College's general right to reject all submittals, a submittal may be rejected if the submittal contains false or misleading statements or references that, in the sole judgment of the Selection Committee, do not support an attribute or condition contended by the firm and, in the sole judgment of the Selection Committee, such statements were intended to mislead the Selection Committee in its evaluation of the submittal.
- 4.3 All submittals, together with any supporting material submitted by the firm, become the property of the College and may be retained, destroyed, or otherwise disposed of at the convenience of the College. All submittals, if retained by the College, become a matter of public record when final negotiations are completed. The submittal received from the selected firm will become part of the agreement reached by the College and the firm.
- 4.4 By providing a submittal, each firm agrees that the Midlands Technical College will have the right to use any or all ideas or concepts presented in any submittal without restriction and without compensation to the firm.
- 4.5 **SPECIAL CONSIDERATIONS FOR CM AT-RISK – South Carolina State Regulation 19-445.2145(N)(2) and (4):** Prior to contracting for a Guaranteed Maximum Price (GMP), all construction management services provided by a Construction Manager at-Risk must be paid as a fee based on either a fixed rate, fixed amount, or fixed formula. In addition, construction may not commence for any portion of the construction until after the governmental body and the Construction Manager at-Risk contract for a fixed price or a GMP regarding that portion of the construction.
- 4.6 **DISCUSSIONS & NEGOTIATIONS (NOV 2007):** Submit your best terms from a cost or price and from a technical standpoint. Your proposal may be evaluated and your offer accepted without any discussions, negotiations, or prior notice. Ordinarily, nonresponsive proposals will be rejected outright. Nevertheless, the State may elect to conduct discussions, including the possibility of limited proposal revisions, but only for those proposals reasonably susceptible of being selected for award. If improper revisions are submitted, the State may elect to consider only your unrevised initial proposal. [11-35-1530(6); R.19-445.2095(I)] The State may also elect to conduct negotiations, beginning with the highest ranked offeror, or seek best and final offers, as provided in Section 11-35-1530(8). If negotiations are conducted, the State may elect to disregard the negotiations and accept your original proposal.
- 4.7 All companies, including but not limited to, design professionals, vendors, suppliers, consultants, general contractors of any trade, and their subcontractors, (Contractor) that bring one or more of its employees on to the Midlands Technical College campus or other College property in order to fulfill the terms of this agreement, must conduct a criminal background check on said employee(s) prior to bringing or sending the employee(s) to the campus or other College property. Contractor agrees that any employee with a criminal history that the contractor reasonably believes poses a threat to property or persons will not be brought or sent to the campus or other College property. The Contractor agrees to impose this same criminal background check requirement on all subcontractors, vendors, suppliers, or consultants, used to fulfill its responsibilities under this agreement. The Contractor shall be responsible for all costs associated with these requirements. The Midlands Technical College reserves the right to verify compliance by contractor upon request. Information collected for verification is controlled by the federal Fair Credit Reporting Act. Individuals believed by the Midlands Technical College to pose a threat must leave the campus or College property immediately and the Contractor may be prohibited from future awards without permission of the Procurement Officer.

- 4.8 Disclosure of Conflicts of Interest or Unfair Competitive Advantage (2011): You warrant and represent that your offer identifies and explains any unfair competitive advantage you may have in competing for the proposed contract and any actual or potential conflicts of interest that may arise from your participation in this competition or your receipt of an award. Without limitation, an unfair competitive advantage exists where a contractor competing for award possesses either proprietary information that was obtained from a government official without proper authorization or source selection information (as defined in Regulation 19-445.2010(C)) that is relevant to the contract but is not available to all competitors, and such information would assist that contractor in obtaining the contract. If you have an unfair competitive advantage or a conflict of interest, the state may withhold award. Before withholding award on these grounds, an offeror will be notified of the concerns and provided a reasonable opportunity to respond. Efforts to avoid or mitigate such concerns, including restrictions on future activities, may be considered.
- 4.9 CERTIFICATION OF INDEPENDENT PRICE DETERMINATION: GIVING FALSE, MISLEADING, OR INCOMPLETE INFORMATION ON THIS CERTIFICATION MAY RENDER YOU SUBJECT TO PROSECUTION UNDER SECTION 16-9-10 OF THE SOUTH CAROLINA CODE OF LAWS AND OTHER APPLICABLE LAWS.
- 4.9.1 By submitting an offer, the offeror certifies that—
- 4.9.1.1 The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to—
- (a) Those prices;
 - (b) The intention to submit an offer; or
 - (c) The methods or factors used to calculate the prices offered.
- 4.9.1.2 The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
- 4.9.1.3 No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.
- 4.9.2 Each signature on the offer is considered to be a certification by the signatory that the signatory—
- 4.9.2.1 Is the person in the offeror's organization responsible for determining the prices being offered in this offer, and that the signatory has not participated and will not participate in any action contrary to paragraphs 1.a. through 1.c. of this certification; or
- 4.9.2.2 (a) Has been authorized, in writing, to act as agent for the offeror's principals in certifying that those principals have not participated, and will not participate in any action contrary to paragraphs 1.a. through 1.c. of this certification [As used in this subdivision 2.b.(i), the term "principals" means the person(s) in the offeror's organization responsible for determining the prices offered in this bid];
- (b) As an authorized agent, does certify that the principals referenced in subdivision 2.b.(i) of this certification have not participated, and will not participate, in any action contrary to paragraphs 1.a through 1.c. of this certification; and
 - (c) As an agent, has not personally participated, and will not participate, in any action contrary to paragraphs 1.a. through 1.c. of this certification.
- 4.9.3 If the offeror deletes or modifies paragraph 1.b. of this certification, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.
- 4.10 CERTIFICATION REGARDING DEBARMENT AND OTHER RESPONSIBILITY MATTERS:
- 4.10.1 By submitting an Offer, Offeror certifies, to the best of its knowledge and belief, that-
- 4.10.1.1 Offeror and/or any of its Principals-
- (a) Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any state or federal agency;
 - (b) Have not, within a three-year period preceding this bid, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of bids; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

(c) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph 1.a.(i)(b) of this provision.

4.10.1.2 Offeror has not, within a three-year period preceding this bid, had one or more contracts terminated for default by any public (Federal, state, or local) entity.

4.10.2 "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

4.10.3 Offeror shall provide immediate written notice to the Procurement Officer if, at any time prior to contract award, Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4.10.4 If Offeror is unable to certify the representations stated in paragraphs 1.a., Offeror must submit a written explanation regarding its inability to make the certification. The certification will be considered in connection with a review of the Offeror's responsibility. Failure of the Offeror to furnish additional information as requested by the Procurement Officer may render the Offeror non-responsible.

4.10.5 Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

4.10.6 The certification in paragraph 1. of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly or in bad faith rendered an erroneous certification, in addition to other remedies available to the State, the Procurement Officer may terminate the contract resulting from this solicitation for default.

4.11 **ETHICS CERTIFICATE:** By submitting an offer, the offeror certifies that the offeror has and will comply with, and has not, and will not, induce a person to violate Title 8, Chapter 13 of the South Carolina Code of Laws, as amended (ethics act). The following statutes require special attention: Section 8-13-700, regarding use of official position for financial gain; Section 8-13-705, regarding gifts to influence action of public official; Section 8-13-720, regarding offering money for advice or assistance of public official; Sections 8-13-755 and 8-13-760, regarding restrictions on employment by former public official; Section 8-13-775, prohibiting public official with economic interests from acting on contracts; Section 8-13-790, regarding recovery of kickbacks; Section 8-13-1150, regarding statements to be filed by consultants; and Section 8-13-1342, regarding restrictions on contributions by contractor to candidate who participated in awarding of contract. The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision. If contractor participates, directly or indirectly, in the evaluation or award of public contracts, including without limitation, change orders or task orders regarding a public contract, contractor shall, if required by law to file such a statement, provide the statement required by Section 8-13-1150 to the procurement officer at the same time the law requires the statement to be filed.

4.12 **RESTRICTIONS APPLICABLE TO OFFERORS & GIFTS:** Violation of these restrictions may result in disqualification of your bid, suspension or debarment, and may constitute a violation of the state Ethics Act.

4.12.1 After issuance of the solicitation, **offeror agrees not to discuss this procurement activity in any way with the Owner or its employees, agents or officials.** All communications must be solely with the Procurement Officer. This restriction may be lifted by express written permission from the Procurement Officer. This restriction expires once a contract has been formed.

4.12.2 Unless otherwise approved in writing by the Procurement Officer, **offeror agrees not to give anything to the Owner, any affiliated organizations, or the employees, agents or officials of either, prior to award.**

4.12.3 Offeror acknowledges that the policy of the State is that a governmental body should not accept or solicit a gift, directly or indirectly, from a donor if the governmental body has reason to believe the donor has or is seeking to obtain contractual or other business or financial relationships with the governmental body. Regulation 19-445.2165(C) broadly defines the term donor.

4.13 **NONRESIDENT TAXPAYER REGISTRATION AFFIDAVIT INCOME TAX WITHHOLDING (IMPORTANT TAX NOTICE - NONRESIDENTS ONLY):**

4.13.1 Withholding Requirements for Payments to Nonresidents: Section 12-8-550 of the South Carolina Code of Laws requires persons hiring or contracting with a nonresident conducting a business or performing personal services of a temporary nature within South Carolina to withhold 2% of each payment made to the nonresident.

- 4.13.2 The withholding requirement does not apply to:
- 4.13.2.1 payments on purchase orders for tangible personal property when the payments are not accompanied by services to be performed in South Carolina,
 - 4.13.2.2 nonresidents who are not conducting business in South Carolina,
 - 4.13.2.3 nonresidents for contracts that do not exceed \$10,000 in a calendar year, or
 - 4.13.2.4 payments to a nonresident who
 - (a) registers with either the S.C. Department of Revenue or the S.C. Secretary of State and
 - (b) submits a Nonresident Taxpayer Registration Affidavit - Income Tax Withholding, Form I-312 to the person letting the contract.
- 4.13.3 For information about other withholding requirements (e.g., employee withholding), contact the Withholding Section at the South Carolina Department of Revenue at 803-898-5383 or visit the Department's website at: www.sctax.org
- 4.13.4 This notice is for informational purposes only. This Owner does not administer and has no authority over tax issues. All registration questions should be directed to the License and Registration Section at 803-898-5872 or to the South Carolina Department of Revenue, Registration Unit, Columbia, S.C. 29214-0140. All withholding questions should be directed to the Withholding Section at 803-898- 5383.
- 4.13.5 Please see the "NONRESIDENT TAXPAYER REGISTRATION AFFIDAVIT INCOME TAX WITHHOLDING" form (Form Number I-312) located at: <http://www.sctax.org/forms/withholding/i-312-form>

4.14 **SUBMITTING CONFIDENTIAL INFORMATION:**

- 4.14.1 For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the word "CONFIDENTIAL" every page, or portion thereof, that Offeror contends contains information that is exempt from public disclosure because it is either
- 4.14.1.1 a trade secret as defined in Section 30-4-40(a)(1), or
 - 4.14.1.2 privileged & confidential, as that phrase is used in Section 11-35-410.
- 4.14.2 For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the words "TRADE SECRET" every page, or portion thereof, that Offeror contends contains a trade secret as that term is defined by Section 39-8-20 of the Trade Secrets Act.
- 4.14.3 For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the word "PROTECTED" every page, or portion thereof, that Offeror contends is protected by Section 11-35-1810.
- 4.14.4 All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Do not mark your entire bid as confidential, trade secret, or protected! If your bid or any part thereof, is improperly marked as confidential or trade secret or protected, the State may, in its sole discretion, determine it nonresponsive. If only portions of a page are subject to some protection, do not mark the entire page.
- 4.14.5 By submitting a response to this solicitation, Offeror
- 4.14.5.1 agrees to the public disclosure of every page of every document regarding this solicitation or request that was submitted at any time prior to entering into a contract (including, but not limited to, documents contained in a response, documents submitted to clarify a response, & documents submitted during negotiations), unless the page is conspicuously marked "TRADE SECRET" or "CONFIDENTIAL" or "PROTECTED",
 - 4.14.5.2 agrees that any information not marked, as required by these bidding instructions, as a "Trade Secret" is not a trade secret as defined by the Trade Secrets Act, and
 - 4.14.5.3 agrees that, notwithstanding any claims or markings otherwise, any prices, commissions, discounts, or other financial figures used to determine the award, as well as the final contract amount, are subject to public disclosure.
- 4.14.6 In determining whether to release documents, the State will detrimentally rely on Offeror's marking of documents, as required by these bidding instructions, as being either "Confidential" or "Trade Secret" or "PROTECTED".
- 4.14.7 By submitting a response, Offeror agrees to defend, indemnify & hold harmless the State of South Carolina, its officers & employees, from every claim, demand, loss, expense, cost, damage or injury, including attorney's fees, arising out of or resulting from the State withholding information that Offeror marked as "confidential" or "trade secret" or "PROTECTED".

- 4.15 SOLICITATION INFORMATION FROM SOURCES OTHER THAN OFFICIAL SOURCE: South Carolina Business Opportunities (SCBO) is the official state government publication for State of South Carolina solicitations. Any information on State agency solicitations obtained from any other source is unofficial and any reliance placed on such information is at the offeror's sole risk and is without recourse under the South Carolina Consolidated Procurement Code.
- 4.16 TAX CREDIT FOR SUBCONTRACTING WITH MINORITY FIRMS: Pursuant to Section 12-6-3350, taxpayers, who utilize certified minority subcontractors, may take a tax credit equal to 4% of the payments they make to said subcontractors. The payments claimed must be based on work performed directly for a South Carolina state contract. The credit is limited to a maximum of fifty thousand dollars annually. The taxpayer is eligible to claim the credit for 10 consecutive taxable years beginning with the taxable year in which the first payment is made to the subcontractor that qualifies for the credit. After the above ten consecutive taxable years, the taxpayer is no longer eligible for the credit. The credit may be claimed on Form TC-2, "Minority Business Credit." A copy of the subcontractor's certificate from the Governor's Office of Small and Minority Business (OSMBA) is to be attached to the contractor's income tax return. Taxpayers must maintain evidence of work performed for a State contract by the minority subcontractor. Questions regarding the tax credit and how to file are to be referred to: SC Department of Revenue, Research and Review, Phone: (803) 898-5786, Fax: (803) 898-5888. The subcontractor must be certified as to the criteria of a "Minority Firm" by the Governor's Office of Small and Minority Business Assistance (OSMBA). Certificates are issued to subcontractors upon successful completion of the certification process. Questions regarding subcontractor certification are to be referred to: Governor's Office of Small and Minority Business Assistance, Phone: (803) 734-0657, Fax: (803) 734-2498. Reference: SC §11-35-5010 – Definition for Minority Subcontractor & SC §11-35-5230 (B) – Regulations for Negotiating with State Minority Firms.
- 4.17 CLARIFICATION (NOV 2007): Pursuant to Section 11-35-1530(6), the Procurement Officer may elect to communicate with you after opening for the purpose of clarifying either your offer or the requirements of the solicitation. Such communications may be conducted only with offerors who have submitted an offer which obviously conforms in all material aspects to the solicitation. Clarification of an offer must be documented in writing and included with the offer. Clarifications may not be used to revise an offer or the solicitation. [Section 11-35-1520(8); R.19-445.2080]
- 4.18 DISCUSSIONS & NEGOTIATIONS (NOV 2007): Submit your best terms from a cost or price and from a technical standpoint. Your proposal may be evaluated and your offer accepted without any discussions, negotiations, or prior notice. Ordinarily, nonresponsive proposals will be rejected outright. Nevertheless, the State may elect to conduct discussions, including the possibility of limited proposal revisions, but only for those proposals reasonably susceptible of being selected for award. If improper revisions are submitted, the State may elect to consider only your unrevised initial proposal. [11-35-1530(6); R.19-445.2095(I)] The State may also elect to conduct negotiations, beginning with the highest ranked offeror, or seek best and final offers, as provided in Section 11-35-1530(8). If negotiations are conducted, the State may elect to disregard the negotiations and accept your original proposal.
- 4.19 IRAN DIVESTMENT ACT - CERTIFICATION (JAN 2015): (a) The Iran Divestment Act List is a list published by the Board pursuant to Section 11-57-310 that identifies persons engaged in investment activities in Iran. Currently, the list is available at the following URL: <http://procurement.sc.gov/PS/PS-iran-divestment.phtm>(.) Section 11-57-310 requires the government to provide a person ninety days written notice before he is included on the list. The following representation, which is required by Section 11-57-330(A), is a material inducement for the State to award a contract to you. (b) By signing your Offer, you certify that, as of the date you sign, you are not on the then-current version of the Iran Divestment Act List. (c) You must notify the Procurement Officer immediately if, at any time before posting of a final statement of award, you are added to the Iran Divestment Act List.
- 4.20 OPEN TRADE REPRESENTATION (JUN 2015): By submitting an Offer, Offeror represents that Offeror is not currently engaged in the boycott of a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade, as defined in SC Code Section 11-35-5300. [02-2A083-1]

[END OF REQUEST FOR PROPOSALS]

PROPOSAL FORM
Construction Management-at-Risk (CM-R)
Midlands Technical College Center for QuickJobs
Training and Workforce Development
State Project Number: H59-6140-CB

| | |
|--|-----------------|
| <p>ASSUME TOTAL PROJECT CONSTRUCTION COST OF:</p> <p>\$22 MILLION</p> <p>Fee: For the Pre-Construction consulting services and Construction Services provided by CM-R before the establishment of a Guaranteed Maximum Price (GMP) for the work or any portion of the work, the College shall pay to the CM-R a Fee, as noted below:</p> | |
| <p>PRE-CONSTRUCTION FEE (in dollars)</p> | <p>\$ _____</p> |

PROPOSED TEAM

Project Executive: _____
 Superintendent: _____
 Lead Project Manager: _____

GENERAL SCOPE OF PRE-CONSTRUCTION SERVICES

Respectfully submitted this _____ day of _____, 2016.

Legal Name of Respondent: _____

By (Name/Signature): _____

Printed Name: _____

Title/Position with the Firm: _____