

**Project 2018-254
Clark College, Advanced
Manufacturing Center (AMC)**

Request For Proposals

Request for Proposals for Progressive Design-Build Services

Advanced Manufacturing Center Building, Clark College at Boschma Farms campus
DES Project No. 2018-254



**REQUEST FOR PROPOSALS FOR
Progressive Design-Build Services
For the
Advanced Manufacturing Center Building
Clark College at Boschma Farms Campus
Ridgefield, Washington**

Project No. 2018-254

Submittal Deadline Date: No Later than 2:00 PM Tuesday, November 23, 2021

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SECTION 1 - PROJECT OVERVIEW

1.1 INTRODUCTION

On behalf of Clark College (Owner), the Department of Enterprise Services (DES) (jointly referred to as Owner/DES) is Requesting Proposals (RFP) from the three design-build teams, the finalists that were selected in the RFQ phase of this project.

- A. The target budget for the design and construction for the Project, as established by the Maximum Allowable Design and Construction Cost (MADCC), for the design-build portion of the project is forty-eight million dollars (\$48,000,000), exclusive of Washington State sales tax. The project is anticipated to start January 21, 2022 and achieve Substantial

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Completion by July 31, 2024. Final Completion is anticipated in December 2024.

- B. This RFP is the second step in the two-step procurement process for the Project. This RFP incorporates the Request for Qualifications ("RFQ"), including but not limited to the terms, definitions, reservations of rights, and schedules set forth in the RFQ and any addenda issued thereto; however, to the extent that the RFP conflicts with the RFQ and any addenda thereto, the RFP shall prevail and shall be considered an addendum to previously published information. Finalists must submit their Proposals pursuant to the schedule set forth in this RFP. This RFP is not an offer to enter into a contract but merely a solicitation of entities interested in submitting a Proposal to the Owner/DES for the Project.
- C. In accordance with RCW 39.10.300, et seq., the Owner/DES will utilize a progressive design-build (design-build) approach for the procurement and delivery of the project meaning that the Design-Builder will be selected based on qualifications and the criteria in the RFQ, the RFP, and any addenda thereto. This approach eliminates the requirements for design and fixed pricing during the process to select the Design-Builder. DES' approach includes a single contract, with two phases and additional general terms that are incorporated by reference. The first phase of the Contract (Attachment 1), includes a validation period to establish major design elements and negotiate a Guaranteed Maximum Price within the MADCC for completing the project. The second phase (Attachment 1a), governs the completion of design, construction, coordination with commissioning agent, performance validation and guarantees and other aspects of scope and terms sufficient to complete the project.
- D. If, at any time during the first phase, Owner/DES and the Design-Builder are unable to agree on a price to complete the project, DES, at its sole discretion, may terminate the Contract.

1.2 COMMUNICATIONS

- A. All communications regarding the RFP shall be addressed to the Owner's Representative: Paul Fiedler, DES Project Manager, paul.fiedler@des.wa.gov, (360) 790-8199
- B. Finalists are required to conduct the preparation of their Proposals with professional integrity and free of lobbying activities. Communication with the Owner/DES regarding this Project shall be via email or regular mail only and directed to the Owner's Representative listed above in 1.2.A. Do not communicate about the Project or the Procurement with any other Owner or DES employees, representatives or consultants. Communication with other Owner or DES employees, representatives, or consultants regarding the Procurement may cause the firm involved to be disqualified from submitting under this procurement. Any verified allegation that a responding Finalist or Team Member or an agent or consultant of the foregoing has made such contact or attempted to influence the evaluation, scoring, and/or selection of Finalists may be the cause for Owner/DES to disqualify the Finalist from submitting a Proposal, to disqualify the Team Member from participating in the Procurement, and/or to discontinue any further consideration of such Finalist or Team Member.

1.3 PROJECT DESCRIPTION, PERFORMANCE GOALS, AND APPRENTICE UTILIZATION

- A. The Boschma Farms campus will provide an extension of Clark College academic programs to north Clark County, Washington. Clark College has possession of the 10-acre site, and all construction activities including parking, laydown and temporary support structures will be performed on the site. Adjacent properties and the wetland area on the west side of the 10-acre site will be protected. The City of Ridgefield is currently developing Pioneer Street along the south site boundary as a 4-lane roadway with sidewalks and a roundabout at the planned campus entry point. Site development will consider and make provisions for the ultimate campus build-out of future buildings and related infrastructure. This Project includes

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widening of the existing farm road on the north site boundary to provide two-way construction traffic, temporary utility services for construction, permanent site and utilities development, and the design and construction of an approximately 70,000 SF building. Programming and design will reference the Clark College AMC Business Plan, Social Equity Plan, and the project Pre Design Report, to be updated during the programming phase prior to design, in order to achieve current objectives and provide flexibility for future changes. The facility will feature administrative offices, classrooms, manufacturing program spaces, storage, computer room, common rooms, mechanical, electrical, plumbing and fire command rooms, secure data rooms, security and spaces for building operations and maintenance.

1. The Advanced Manufacturing Center will co-locate several academic programs to simulate real-world industry collaborations and thus encourage interdisciplinary engagement. To this goal, it will provide flexible computer rooms, classrooms and manufacturing space to facilitate growth in existing programs and readily adapt to future programs developed in response to industry needs. The building will feature a flexible structural module and readily-adaptable utility support (e.g. IT, electrical, compressed air, water, etc.) to permit easier adjustments of program area spaces throughout the facility lifetime with only minimal renovation work. Manufacturing and classroom spaces will be designed for multiple delivery modes including lecture, collaborative, project-based learning, and hybrid models where content is online and application is in class. Acoustical treatment will ensure that un-amplified voice communications carry above ambient machine noise.
 2. The Facility will normally be occupied from early morning to late evening Mondays through Thursdays except for Holidays. Fridays will typically be a shorter schedule. Occupancy will primarily be students, faculty and staff. The HVAC system will be programmable to allow for occupied and unoccupied periods for evenings, weekends and Holidays.
 3. Stakeholders include the City of Ridgefield, Clark County, the Cowlitz Tribe, and the commercial, light industrial and area high schools around the site.
 4. The Owner/DES will work with the selected Design-Build team to optimize value to the Owner. The Owner/DES fully embrace a collaborative project delivery approach that emphasizes a cooperative approach to problem solving. The Owner/DES expect the Design-Build Team, as part of the project team, to also embrace these principles by creating a culture of open and transparent communication, while establishing an environment where the project team contributes its best efforts for the benefit of the Project.
- B. The project is further described in the Owner's/DES' Project Criteria, Attachment 6 Pre-design with updates in the Attachment 13, AMC Business Plan, and in the RFQ. The Owner's/DES' Project Criteria incorporates the Owner's/DES' Project goals and objectives as well as the performance criteria for the Project and a detailed description of the project, including the following:
1. Programmatic, performance, and technical requirements;
 2. Functional and operational elements;
 3. Project performance goals and validation requirements; and
 4. Minimum and maximum net and gross areas of any building
- C. The Owner's/DES' Project Criteria is defined in Section 1.2 of the "General Conditions of Contract between the Owner and Design-Builder." All submittals from Finalists must be consistent with and designed to achieve the goals and objectives set forth in the Owner's/DES' Project Criteria within the MADCC.
- D. Finalists shall be entitled to reasonably rely on the accuracy of the information represented in the design or prescriptive specifications set forth in the RFP and their compatibility with other information set forth in the Owner's/DES' Project Criteria for the purposes of developing the Phase 1 Level of

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Effort and the Phase 1 Not to Exceed Amount. However, the selected Design-Builder will be required to perform an independent evaluation to validate all information provided by the Owner/DES. Further, the selected Design-Builder shall remain responsible for meeting the performance requirements of the Project, including but not limited to the requirements that the Project meet the Owner's/DES' Project Criteria, the Basis of Design Documents as well as all applicable Legal Requirements.

- E. The Owner/DES assumes no responsibility for conclusions or interpretations made by the Finalist based on the information provided by the Owner/DES. Oral statements made by the Owner/DES representatives are not binding on the Owner/DES unless the Owner/DES confirms the statements and changes by written addendum to the RFP. In the event of a conflict between Codes, industry standards and the Owner's/DES' Project Criteria, the most stringent requirements shall apply and Finalists shall submit their Proposals based on the most stringent requirements.
- F. Performance Goals and Validation Requirements. The State of Washington and Owner/DES are committed to creating high performance facilities that promote optimal health and productivity of the users. The building will achieve LEED Silver certification at a minimum. The Design-Build Contractor will be responsible for the design, permitting, building start up and testing of all systems. The Design-Build contractor shall provide a written guarantee for a period of one year from the date of Substantial Completion that covers the entire system including equipment, materials and workmanship. All systems shall be designed and engineered with long-term operational efficiency, compatibility and cost performance in mind. The Design-Builder will perform the validation services set forth in the Contract and the General Conditions, including but not limited to Attachment B.
- G. The Owner has completed an OFM predesign study (Attachment 6).

H. Apprentice Utilization

The apprentice labor hours required for this project are at least 15% of the total labor hours. Apprentices must be registered as apprentices with the State Apprenticeship and Training Council. Design-Builder shall comply with the requirements of the Contract documents related to apprenticeship. Finalists may contact the Department of Labor & Industries, Apprenticeship Program at 360-902-5320 to obtain information on apprenticeship programs. A monetary incentive of \$1,000 will be paid to the contractor meeting the apprentice utilization requirement. A monetary penalty will be applied to the contractor failing to meet the utilization requirement and failing to demonstrate a Good Faith Effort. The penalty will be applied to every hour of short-fall of the minimum number of required apprentice hours using the applicable published wage of a Step 1 apprentice laborer. The penalty will not exceed five percent (5%) of the total Contract Sum. The cost value associated with meeting the apprentice utilization requirement is included in the GMP.

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1.4 RFP DOCUMENTS

A. The following attachments were issued with the RFQ and are considered RFP attachments by reference:

Attachment 0 – Designated Point of Contact for Design-Build Team

Attachment 1 – Proposed Contract

Attachment 1a – Proposed GMP Amendment to the Contract

Attachment 2 – General Conditions

Attachment 2a – Design Build Supplemental Conditions

Attachment 3 – Attachment B to the Contract including Phase 1 and Phase 2 Scope of DB Services, 3A Responsibility Matrix, 3B Milestone Delivery, and 3C BIM Requirements.

Attachment 4 – Draft RFP

Attachment 5 – Not Used

Attachment 6 – Clark College, Advanced Manufacturing Center Predesign Report

Attachment 6b – Geotech Report

Attachment 6c – Site Topographical Map

Attachment 6d – DAHP Letter and Cultural Resources Survey

Attachment 7 – Not Used

Attachment 8 – Boschma Farms Campus Vicinity Map

Attachment 9 – Good Faith Hazardous Materials Statement (to be provided when complete)

B. The following are additional attachments to the RFP

Attachment 9 – Good Faith Hazardous Materials Statement, updated information, test results to be provided when available

Attachment 10 – Diverse Business Inclusion Plan Template

Attachment 11 – Price Factor Form, updated

Attachment 12 – Confidentiality Certificate

Attachment 13 – Advanced Manufacturing Center Business Plan

Attachment 14 – Clark College Social Equity Plan

SECTION 2 - RFP PROCESS

2.1 SELECTION SCHEDULE

The anticipated schedule for the solicitation RFP process is as indicated below:

1.	Issue Request for Proposals	Thurs, Nov 4, 2021
2.	Finalist Main Campus Walk Through (one 1-hour walk through with each Finalist team, to view existing Programs and gather information)	Tues, Nov 9, 2021
3.	Interactive Proprietary Meetings with Finalists, mandatory (one 90-minute meeting for each team)	Fri, Nov 12, 2021
4.	Last Request for Information Due from Finalists & Proprietary Meeting Notes Due from Finalists	Wed, Nov 17, 2021
5.	Last Addendum Issued	Fri, Nov 19, 2021
6.	Proposals Due at 2:00 pm	Tues, Nov 23, 2021
7.	Finalists Present Proposals to Selection Panel (90-min each team)	Thurs., Dec 9, 2021
8.	Public Announcement of Scores	Tues, Dec 21, 2021
9.	Negotiations with Highest Scoring Finalist	Dec 22, 2021 - Jan 18, 2022
10.	Execution of the Contract and Phase 1 Notice to Proceed	Fri, Jan 21, 2022

2.2 SELECTION PROCESS

- A. **Site Walk Through.** A main campus walkthrough including descriptions of existing academic programs will be offered to each Finalist on **Tuesday, November 9, 2021**. The main campus walkthrough is not mandatory. Finalists will be able to bring up to 10 people. Each person attending must complete an online health screening questionnaire <https://apps.clark.edu/HealthScreening/Account/Login?ReturnURL=%2fHealthScreening> (Note: use the 'Continue as Guest' option on the website), wear an appropriate face covering and observe social distancing requirements. Finalists may ask questions during the main campus walk through, but Finalists may not rely on any information provided orally during the site walk through unless that information is provided in writing through an Addenda to the RFP. Each team is required to provide one Confidentiality Certificate (Attachment 12) prior to or at the beginning of the main campus walk. The prime will ensure all team members are aware of and concur with the submitted Confidentiality Certificate.
- B. **Interactive Proprietary Meeting.** The Owner/DES will conduct an Interactive Proprietary Meeting with each Finalist on **Friday, November 12, 2021**. The intent of the Interactive Meeting is to evaluate how well each Finalist and its Proposed Key Team Members collaborate with the Owner/DES. Provide risk register, describe project approach and identify potential issues on project.

1. Finalists should consider the Interactive Meeting to be the first Project meeting with the Owner/DES and conduct the meeting as if the Proposed Design-Build Team was selected on the Project. The Interactive Meeting will last 90 minutes and will occur before the submission of the Proposal. Finalists may bring a maximum of nine Key Team Members to the Interactive Meeting. The meeting room contains large wall-mounted digital displays that may be used by the Finalists but virtual conferencing (e.g. Zoom, Teams, Webex) will not be allowed.
 2. The Interactive Meeting will be conducted on the Clark College main campus located at 1933 Fort Vancouver Way in Vancouver, WA in the Penguin Union Building (PUB) Rooms 258 A/B/C. Finalists should establish and provide the meeting agenda in advance, and the following topics should be covered at the start of the meeting: Welcome, brief self-introductions by the design team and selection panel members, and 5 minutes for a DES-led discussion of Ground Rules, Confidentiality Certificate terms, and identification of any potential Conflict of Interest. The remainder of the meeting agenda should be set by the Finalist. DES and Clark College attendees will include the five-member Selection Panel, a seven-member non-voting college Advisory Committee and other interested non-voting college representatives.
 3. The main purpose of the meeting is to exchange information, provide the Owner/DES and the Finalist the opportunity to experience the collaborative working relationship that is important to the success of the progressive design-build process, and for DES to further evaluate the qualifications and suitability of the Design-Build Team.
 4. Finalists will be evaluated on their ability to solicit concerns from the Owner/DES, explain their past performance and knowledge in the delivery method and with Projects of Similar Scope and Complexity, effectively communicate and collaborate within the team and with the Owner/DES, and provide achievable and collaborative solutions that will exceed the Project Goals.
 5. Finalists will provide a set of the Interactive Meeting minutes not to exceed 4 pages to the Project Manager within three business days of the meeting. The meeting minutes should reflect the type of documentation that the Owner/DES should expect during the course of the Project. The meeting minute page count is not included in the Proposal content limit.
- C. **Proposal.** Finalists will submit a Proposal pursuant to the instructions set forth herein. The Proposal will be reviewed for responsiveness by the Owner/DES, including, but not limited to pass/fail items. If all submission requirements have not been met, the Proposal will be rejected as non-responsive and will not be considered further by the Owner/DES in this Procurement.
- D. **Price Factor Form.** Finalists will complete and submit a Price Factor Form (Attachment 11 to the RFP) pursuant to the instructions set forth herein. The Price Factor Form will be submitted as a separate file from the Proposal in the DES electronic access folder.
- E. **Interview.** The Owner/DES will conduct an Interview with each Finalist on **Thursday, December 9, 2021** at the Clark College main campus located at 1933 Fort Vancouver Way in Vancouver, WA in the Penguin Union Building (PUB) Rooms 258 A/B/C. Each person attending must complete an online health screening questionnaire <https://apps.clark.edu/HealthScreening/Account/Login?ReturnURL=%2fHealthScreening> (use the 'Continue as Guest' option on the website), wear an appropriate face covering and observe social distancing requirements. Finalists may bring a maximum of nine Key Team Members to the Interview.
1. The Interview will last a maximum of 1.5 hours. Each Finalist will have 15 minutes of setup time before the meeting begins. Finalists will have up to 60 minutes to present their Proposal to the Selection Panel, immediately followed by a question and answer session. Presentations may be in any form and each Finalist shall provide five printed copies immediately after its interview.

2. Finalists are responsible to provide presentation and digital collaboration tools of their choosing. The meeting room contains large wall-mounted digital displays that may be used by the Finalists but virtual conferencing (e.g. Zoom, Teams, Webex) will not be allowed. In addition to digital presentations, visual display boards and other materials may be used; regardless, each Finalist is responsible to furnish its own equipment.
3. The proposed Design-Build Team must include in its presentation examples of design excellence in previous projects. The Proposed Team should discuss at least three examples of projects exhibiting Design excellence in which Key Team Members had a substantive role. Additional points may be awarded for design excellence in Projects of Similar Scope and Complexity. In addition to photographic renderings of the designs, Finalists should describe how the design a) met the definition of design excellence and b) furthered the owner’s goals for the project. The presentation is intended to provide information regarding the Proposed Design-Build Team’s previous past performance delivering projects that exhibit design excellence. Finalists **should not** present designs or concepts for this Project.

2.3 SELECTION

- A. The Owner/DES will evaluate each Finalist pursuant to the selection criteria and weights established herein.
- B. The relative weights of the Evaluation Criteria for the Proposal are as follows:

	CRITERIA	WEIGHTING <i>(max. points)</i>
Mandatory Items (not scored)		
	Diverse Business Inclusion Plan	Not scored
	Acceptance of Contract, Bonding and Insurance <i>(Ability To Provide Performance And Payment Bond)</i>	Pass/Fail
Proposal Scored Items		
1.	Overall Management Approach to Meet Time and Budget Requirements	20
2.	Design Development and Management	25
3.	GMP Development Plan <i>(Ability To Meet Time And Budget)</i>	25
4.	Project Sequencing and Scheduling	25
5.	Safety	5
	Maximum Proposal Points →	100

C. The relative weights of the Evaluation Criteria for the entire procurement are as follows:

	CRITERIA	WEIGHTING (max. points)
1.	SOQ	20
2.	Proprietary Meeting	20
3.	Proposal	35
4.	Interview	20
5.	Price Factor	5
Total		100

- D. The Selection Panel will evaluate each of the above criteria according to the weights set forth above and the guidelines set forth in Section 2.6.D. of the RFQ. The Owner/DES will determine the Highest Scored Finalist and notify all Finalists in writing of its determination.
- E. At the Owner/DES discretion, the Owner/DES will initiate negotiations with the Highest Scored Finalist. If the Owner/DES is unable to execute a contract with the Highest Scored Finalist, negotiations with the Highest Scored Finalist may be suspended or terminated, and the Owner/DES may proceed to negotiate with the next Highest Scored Finalist. The Owner/DES shall continue with this process with each such Finalist until it reaches agreement or cancels the procurement. Negotiations are at the Owner's/DES' sole discretion. **Finalists should not anticipate that any portion of the proposed Contract will be changed or modified.** By submitting a Proposal pursuant to the RFP, the Finalist represents and warrants that it will enter into the Contract provided by the Owner/DES subject to the terms set forth in its Proposal. The Owner/DES reserves the right to request a Best and Final Offer from Finalists prior to negotiations with the Highest Scored Finalist.
- F. The unsuccessful Finalists submitting a responsive Proposal and fully participating in the process outlined in the RFP will receive an honorarium of \$10,000. This honorarium is intended to cover the additional cost of attending the proprietary meetings with the Owners team and preparing the proposal. Honorariums will be distributed after the selected Finalist and the Owner/DES enter into a Contract.
- G. All Finalists may request a de-briefing from the Owner/DES with respect to the Procurement; however, the Owner/DES shall not conduct de-briefings until it has either entered into a Contract with a Design-Builder for the Project or canceled the Procurement.

2.4 PROTESTS

This Section sets forth the exclusive protest remedies available with respect to this RFP. Each Finalist, by submitting its Proposal, expressly recognizes and agrees to the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision on any protest, shall be final and conclusive unless wholly arbitrary. These provisions are included in this RFP expressly in consideration for such waiver and agreement by the Finalists. Such waiver and agreement by each Finalist is also consideration to each other Finalist for making the same waiver and agreement.

A. Protests Prior to Submission of Proposals

1. A Finalist may protest the terms of this RFP prior to the time for submission of the

proposal on the grounds that:

- a. A material provision in this RFP is ambiguous to the extent that it hinders the Finalist's ability to accurately respond;
 - b. Any aspect of this RFP is contrary to legal requirements applicable to this procurement; or
 - c. This RFP in whole or in part exceeds the authority of the Owner/DES.
2. Protests regarding this RFP shall be filed only after the Finalist has informally discussed the nature and basis of the protest with the Owners Representative/Point of Contact listed in 1.2A in an effort to remove the grounds for protest.
 3. Protests regarding this RFP shall completely and succinctly state the grounds for protest and shall include all factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements, if any, shall be submitted as signed, certified declarations under penalty of perjury.
 4. Protests regarding this RFP shall be filed electronically by delivery to the Point of Contact. The time for filing a protest is as soon as the basis for protest is known to the Finalist, but in any event it must be actually received no later than ten (10) days before the proposal submittal due date. Protests regarding an Addendum to this RFP shall be filed and actually received no later than five business days after the Addendum to the RFP is issued.
 5. The Owner/DES may distribute copies of the protest to the other Finalists and may, at its sole discretion: (1) request that other Finalists submit statements or arguments regarding the protest, and (2) discuss the protest with the protesting Finalist. If other Finalists are requested to submit statements or arguments, they may file a statement in support of or in opposition to the protest within seven (7) calendar days of the request.
 6. The protesting Finalist shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest. The DES Assistant Director of Facility Professional Services (FPS) shall decide the protest based on the written submissions. The DES Assistant Director of FPS shall issue the decision in writing to each Finalist. The decision shall be final and conclusive. If necessary to address the issues raised in the protest, the Owner/DES will make appropriate revisions to this RFP by issuing Addenda. The Owner/DES may extend the Proposal due date, if necessary, to address any protest issues.
 7. The failure of a Finalist to protest a particular ground prior to submission of the Proposal shall preclude consideration of that ground in any protest after submission of the Proposal. However, this preclusion does not apply if such ground was not and could not have been known to the Finalist prior to the final date to protest after submission of the Proposal.

B. Protests Regarding Responsiveness and Finalist Selection Process after Submission of Proposals

1. A Finalist may protest the results of the evaluation and finalist selection process by filing a notice of protest by electronic delivery to the Owner Representative. The protesting Finalist shall concurrently provide a copy of its notice of protest to the other Finalists. The notice of protest shall specifically state the grounds of the protest.
2. Notice of protest of any decision to accept or disqualify a Proposal on responsiveness grounds must be filed within four (4) business days after the earliest of: notification of non-responsiveness, the scheduled date for oral meetings and presentations (if any), or the public announcement of the Finalists. Notice of protest of the decision on the finalist selection process must be filed and actually received by DES within four (4) business days after the public announcement of the Finalists.
3. Within seven (7) calendar days of the notice of protest, the protesting Finalist must file with

- the Point of Contact a detailed statement of the grounds, legal authorities and facts, including all documents and evidentiary statements, in support of the protest. The protesting Finalist shall concurrently deliver a copy of the detailed statement to all other Finalists. Evidentiary statements, if any, shall be submitted as signed certified declarations under penalty of perjury. The protesting Finalist shall have the burden of proving its protest by clear and convincing evidence.
4. Failure to file a notice of protest or a detailed statement within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or finalist selection process and decisions thereunder, other than any protest based on facts not reasonably ascertainable as of such date.
 5. Other Finalists may file by electronic delivery to the Point of Contact a statement in support of or in opposition to the protest. Such statement must be filed within seven (7) calendar days after the protesting Finalist files its detailed statement of protest. DES will promptly forward copies of any such statements to the protesting Finalist.
 6. No evidentiary hearing or oral argument shall be provided, except, in the sole and absolute discretion of the DES Assistant Director of FPS, a hearing or oral argument may be permitted if deemed useful in rendering a decision. The DES Assistant Director of FPS shall issue a written decision regarding the protest within thirty (30) calendar days after DES receives the detailed statement of protest, unless notice is given to the protesting Finalist that additional time is needed. Such decision shall be final and conclusive. DES shall deliver the written decision to the protesting Finalist and copies to the other Finalists. Unless necessary for the successful completion of the Project, as determined at the sole discretion of the DES Assistant Director of FPS, the RFP shall not be issued to the Finalists until DES issues its written decision on any protest.
 7. If the DES Assistant Director of FPS concludes that the Finalist filing the protest has established a basis for protest, the DES Assistant Director of FPS will determine what remedial steps, if any, are necessary or appropriate to address the issues raised in the protest. Such steps may include, without limitation, withdrawing or revising the decisions, issuing a new RFQ or taking other appropriate actions.

2.5 PROPRIETARY OR CONFIDENTIAL INFORMATION

- A. All members of the Design Build Team and the DES/Owner team will be required to sign a confidentiality certificate after this RFP is issued.
- B. The Owner/DES is subject to RCW 42.56, the Public Records Act (PRA) and the provisions of RCW 39.10.470. Unless disclosure expressly required under RCW 39.10.330(3), all documents related to the procurement shall remain confidential until announcement of the highest scoring Finalist. Thereafter, the documents shall be disclosable public records as defined in the PRA. To the extent consistent with the PRA, the Owner/DES shall maintain the confidentiality of proposer's information marked confidential or proprietary. If a request is made for the proposer's proprietary information, the Owner/DES will notify proposer of the request and of the date that the records will be released to the requester unless proposer files a motion to enjoin that disclosure, or the requester and proposer reach an agreement on the extent of such disclosure, which agreement will be forwarded to the Owner/DES by the requester prior to the date for disclosure. If proposer fails to obtain the requester's agreement or the court order enjoining disclosure, the Owner/DES will release the requested information on the date specified.
- C. Any information contained in the documents that is proprietary or confidential must be clearly designated. Each selection claimed to be exempt from disclosure must reference the specific basis claimed under the PRA or other state or federal law that provides for the nondisclosure of your information. Marking of an entire document or entire Sections of a document as proprietary or confidential will not be accepted nor honored. The Owner/DES' sole

responsibility with regard to matters in the documents marked confidential or proprietary shall be limited to maintaining the information in a secure area and notification of proposer of any request(s) for disclosure.

2.6 MISCELLANEOUS

- A. **Conflict of Interest:** The Selection Panel for the RFP phases of the selection process will consist of the following people
1. Galina Burley, Clark College Executive Vice president
 2. Jim Watkins, Clark College Facilities Project Manager
 3. Paul Fiedler, DES Project Manager
 4. Gary Wendleken, DES Project Manager
 5. Keith Schreiber, Private Sector Architect
- Any known or perceived conflict of interest between any of the Design-Builder team members and the Selection Panel must be disclosed. The Owner/DES will reveal any such conflict of interest to all of the teams and make a determination on how the conflict of interest will be resolved.
- B. **Rejection of Proposals:** The Owner/DES reserves the right to reject any or all proposals, at any time, for any reason. Failure to respond to any evaluation criteria may result in elimination of the Proposal from further consideration in the selection process. In the event the Owner/DES does so, it shall provide its reasons for rejection in writing to all Finalists.
- C. **Reference Checks:** The Owner/DES reserves the right to conduct reference checks for all firms (including, without limitation, firms on proposed teams) at any stage of the selection process. In the event that information obtained from the reference checks reveals concerns about a firm's past performance, or its ability to successfully perform the work to be executed based on this RFP, the Owner/DES may, at its sole discretion, determine that the firm is not qualified to perform the Contract and deem the Finalist not eligible for further consideration. The Owner/DES also reserves the right to check references from projects and/or organizations not identified by the firm.
- D. **Agreement with Proposed Contract.** To be responsive, Finalists must indicate they will agree with the Proposed Contract (Attachments 1 and 1a), the General Conditions (Attachment 2), and Attachment B – Scope of DB Services (Attachment 3).

SECTION 3 - RFP SUBMISSION

3.1 PROPOSAL AND PRICE FACTOR FORM FORMAT

- A. Finalists shall submit the Proposals and Price Factor Forms in the following format:
1. An electronic version in text searchable PDF format uploaded containing the above listed RFP information.
 2. Proposals are limited to ten (10) 8.5"x11" size numbered pages of content. See Section 3.1.A.5 for submissions not included in the page count. Font size shall be no less than 10 point. "11 x 17" page size may be used and will be counted as one page only for schedules, charts, or pictures. Any other content with text on 11 x 17 will be counted as two pages.
 3. A "page" is a single side.
 4. The body of the Proposal must be organized according to Section 3.2.
 5. The following submissions are not included in the page count:
 - a. Cover letter
 - b. Divider tabs, provided that they contain no substantive content
 - c. Cover pages, provided that they contain no substantive content
 - d. Identification of Projects Table
 - e. Phase 1 Level of Effort (submitted separately)
 - f. Diverse Business Inclusion Plan (submitted separately)

- g. Price Factor Form (submitted separately) pursuant to Section 3.2.H.3
- h. Confidentiality Certificate (submitted separately prior to Proprietary Meeting)

- B. **Faxed or emailed submittals will not be accepted.** Finalists are responsible for ensuring receipt of the Proposal and Price Factor Forms at DES by the deadline stated above and should take into account potential delays that may occur when using an electronic delivery service. Submittals received after the deadline will be returned unaccepted.
- C. **Proposals that exceed the page limit may be rejected.** The Owner/DES at its sole discretion, reserves the right to reject Proposals that exceed the page limit or to remove pages from the sections of any non-conforming Proposal submittals to bring each non-conforming Proposal submittal within the page count requirement.

- D. Please submit electronically using these instructions:

Submittal requirements

Due to the Governor's "Stay Home, Stay Safe" order, only electronic submittals will be accepted. Electronic submittals must be uploaded as a single PDF file, and shall be received no later than the specified date and time specified above.

DES will create an access point for a single point of contact for each consultant submitting. In order to expedite your submittal process, view and complete upload instructions no less than 3 business days prior to the due date listed.

Your Proposal does not need to be uploaded at the time access is given. Please follow this link to obtain instructions for uploading submittals:

<https://des.wa.gov/sites/default/files/public/documents/Facilities/EAS/AdvertisedSelections/SOQUploadInstructions.pdf>

If you have trouble accessing the upload instructions or have other questions regarding this request, please contact Angeline Ernst via email at angeline.ernst@des.wa.gov or via phone 360-480-1071.

All submittals must be received no later than **Tuesday, November 23, 2021, prior to **2:00 PM**.**

- E. Any addenda issued for this RFP will be published at the following website address: <https://des.wa.gov/services/facilities-leasing/public-works-design-construction/architecture-engineering-design-consultants/current-projects-advertised-consultant-selection>. Finalists are responsible for checking the website for any addenda prior to submission of qualifications and proposals. If you are unable to download the addenda, you may contact the individual noted at the end of this RFP. Attachments to this RFP will also be posted at the above website. Attachments not originally posted will be posted no later than Friday, November 19, 2021 by 5:00 PM.

3.2 PROPOSAL ORGANIZATION AND CONTENT

The Proposal and Price Factor Form shall follow the format set forth below and shall demonstrate the Design-Build Team's ability to undertake and complete the Project. Finalists should focus their narrative in the Proposal on their approach to the Project and are encouraged to include and reference insights gained from the Interactive Meeting. Finalists will be evaluated based on the scoring and evaluation guidelines set forth in Section 2.6 of the RFQ as well as any addenda thereto. Proposals shall consist of the following parts and shall be organized as follows. The required contents of each section is more fully described below.

- Cover letter (*Not included in the page count, maximum 2 pages*)
- Overall Management Approach (required by statute)
- GMP Development Plan

- Design Development and Management
- Project Sequencing and Scheduling
- Safety
- Attachments (Not included in the page count)
 - Items submitted separately and not included in the page count:
 - Price Factor Form
 - Phase 1 Level of Effort
 - Diverse Business Inclusion Plan
 - Identification of Projects Table
 - Confidentiality Certificate (submitted prior to Campus Walk Through)

A. Cover Letter

The Cover Letter must note any additions or changes to the Design-Build Team and any Key Team Members. Pursuant to Section 2.4.G of the RFQ, Finalists must obtain Owner/DES written consent for any such substitution, such consent shall not be unreasonably withheld. Further, a change to any submitted Team Member or Key Team Member will result in re-evaluation and may result in a change to the evaluation and scoring of the Finalist, including but not limited to, exclusion from the short list.

B. Overall Management Approach

1. Describe the Finalist's overall management approach to the Project. In responding to this evaluation factor, Finalists shall identify three (3) key issues, risks, and challenges to the Project, and for each issue or challenge identified, describe how to mitigate its potential negative impacts (i.e., risk mitigation strategy) and any unique approaches or strengths the Finalist may have to implement such mitigation strategies.
2. Confirm that the Proposed Design-Build Team and Key Team Members are available to perform the Project. To verify this availability, provide the following information in the form of a table:
 - a. Recent, current and projected workloads of Proposed Design-Build Team Members;
 - b. Recent, current and projected workloads of Key Team Members;
 - c. Location of home office of Proposed Design-Build Team Members and whether they have an office in the Clark County area, along with proposed location during the performance of the Project.
3. One of the primary goals for the Project is to create a highly functioning, collaborative and integrated team as early as possible and for the Owner/DES and Consultants to be a part of that team. Keeping this goal in mind:
 - a. Explain the Design-Build Team's approach to creating a collaborative environment for the Project.
 - b. Describe the tools and techniques that will be used by the Design-Build Team to encourage and foster a collaborative environment for the entire Project Team as well as for other project stakeholders. Briefly describe how responsibilities will be

assigned, decisions will be made, follow-up actions will be implemented and how any disputes will be addressed.

4. Subcontractor Procurement Approach. While identification of the remainder of the Design-Build team is not to be included in the Proposal, the Owner/DES recognizes the importance of the entire design-build team, including specialty design-build subcontractors. For those subcontractors and subconsultants not yet proposed as part of the Design-Build Team,
 - a. Describe the Design-Build Team's overall approach to subcontractor and subconsultant procurement for the Project.
 - b. Identify the challenges in the selection of subcontractors and subconsultants for the Project and how the Design-Build Team will address those challenges.
 - c. If applicable, describe in detail the Design-Build Team's approach to early subcontractor involvement, including proposed design-build and design-assist subcontractors, and identify which scopes of work are candidates for design-build or design-assist subcontracts.
5. Quality Assurance/Quality Control ("QA/QC"). Provide the following information regarding the Proposed Design-Build Team's approach on QA/QC. Include the following information:
 - a. The overall approach to both design and construction QA/QC;
 - b. The Proposed Design-Build Team's processes and tools to facilitate QA/QC; and
 - c. The reporting and functional relationship(s) between the Quality Management personnel and the Proposed Design-Build Team as a whole.
6. The information provided in response to this Section of the RFP will be scored based on the following:
 - a. The Proposed Design-Build Team's understanding of the delivery method;
 - b. The degree to which the Proposed Design-Build Team understands the Owner's/DES' goals and objectives with respect to the Project; and
 - c. The strength of the Proposed Design-Build Team's management plan for the Project, including not only the specific topics and specialized components outlined in the RFP or discussed in the Interactive Meeting but also any other component or element that the Proposed Design-Build Team deems essential to the success of the Project.

C. GMP Development Plan

1. Describe the Design-Builder's processes and tools for monitoring, reporting and managing cost, including but not limited to:
 - a. Design to budget control and within the MADCC and reporting processes;
 - b. Scope, cost, and schedule baseline development; change control processes; and the participation and interaction among the scheduling and estimating teams, and the project, design, construction and operations management teams to execute these processes;
 - c. Risk identification and management processes and how quantified risk cost and schedule values are factored into the cost and schedule baseline, projected cost and schedule performance, and cash flow reporting;
 - d. Cash flow reporting processes and basis for monthly cash flow estimated values;

- e. Document control system integration with work breakdown structure and responsibility assignment matrix or organizational structure;
 - f. The Design-Builder's conceptual estimating process;
 - g. Input from specialty contractors;
 - h. The primary challenges in establishing the GMP for this Project; and
 - i. The differentiating resources of the Proposed Design-Build Team that will meet the challenges of establishing the GMP.
 - j. The Design-Builder's process and frequency for keeping the Owner/DES informed on all of the above.
2. The information provided in response to this Section of the RFP will be evaluated based on the following considerations: Design-Build Team's plan for tracking and measuring Project metrics, including but not limited to costs and schedule;
 - a. The Proposed Design-Build Team's plan to collaborate in the development and communication of budget, costs and schedule to the Owner/DES; and
 - b. The differentiating resources that the Proposed Design-Build Team provides for the Project.

D. Design Development and Management

In developing the design for the Project, the Design-Builder will be required to assist the Owner/DES to exceed the Project Goals; obtain and incorporate design input from multiple external stakeholders as well as multiple stakeholders within the Owner; and satisfy safety, regulatory, and security requirements of multiple governmental entities, all while achieving design excellence within the Owner's budget and schedule.

1. Describe the Design-Build Team's overall approach to design excellence, design development and management for the Project. Include a description of the design management process and the communications between the Owner/DES, the Design-Builder, and the Designer during this process.
2. Provide the Design-Build Team's concepts and suggestions for sustainable materials and systems that would be beneficial to the Advanced Manufacturing Center and other flexible learning spaces.
3. Describe the Proposed Design-Build Team's process for managing quality assurance and quality control during the design process and identify the Key Team Members that will be tasked with the review and coordination of all phases of design documents.
4. The information provided in response to this Section of the RFP will be evaluated based on the following considerations:
 - a. The strength and viability of the Proposed Design-Build Team's design management plan, including not only the specific topics on which the Owner/DES has requested discussion but any other topics that the Proposed Design-Build Team deems essential to the success of the Project;
 - b. The quality of the Proposed Design-Build Team's approach to design excellence for the Project and the ideas and innovations proposed to achieve design excellence; and
 - c. The differentiating resources that the Proposed Design-Build Team will bring to the Project and how those differentiating resources will enhance the Project.

E. Project Sequencing and Scheduling

The construction schedule should meet the Owner's/DES' estimated completion date, promote efficiency and have the least amount of impact on Owner's operations and the Project Stakeholders as possible.

1. Describe the Proposed Design-Build Team's overall approach to scheduling and construction sequencing for the Project. In addition to the overall approach, include a description as to how the Design-Build Team will address regulatory and stakeholder approvals for the permitting process.
2. Identify the challenges in scheduling the construction for the Project and how the Design-Build Team will address those challenges.
3. Provide details regarding the tools used in developing optimal sequencing and coordination of the Work and how those tools will assist the Design-Builder in achieving those goals including but not limited to:
 - a. Building Information Modeling; and
 - b. Administration of the consultants, subconsultants, and subcontractors.
4. Describe the tools and methodology of the development of the baseline schedule including durations, sequencing and logic and skilled labor availability for determining manpower projections.
5. The information provided in response to this Section of the RFP will be evaluated based on the following considerations:
 - a. The strength and viability of the Design-Build Team's project sequencing and scheduling plan, including not only the specific topics on which the Owner/DES has requested discussion but any other topics that the Design-Build Team deems essential to the success of the Project;
 - b. The differentiating resources that the Design-Build Team will bring to the Project and how those differentiating resources will enhance the Project.

F. Safety

1. Describe the safety record of the Builder member of your team. If the Design-Builder is a joint venture, submit the requirements of this section for each builder member firm of the joint venture.
2. Describe the Design-Build Team's commitment to and safety and what innovations the Team will bring to the Project to enhance safety.
3. Provide a summary of your accident prevention program and an overview of its implementation.

G. Attachments to the Proposal

Finalists shall include the following documents as Attachments to the Proposal:

1. Price Factor Form

- a. The Price Factor Form in the updated form set forth as revised Attachment 11 to the RFP will be submitted in a separate electronic file from the Proposal.
- b. The Price Factor Form for this Project sets out the Design-Builder's Fee, which will be inserted into Section 6.1 of the Design-Build Contract.
- c. No Maximum Fee Percentage has been established for this project.

- d. The evaluation of the Price Factor Form will be as follows:
 1. The Finalist with the lowest Price Factor will receive the full number of points.
 2. All Finalists other than one with the lowest Price Factor will receive points based on the following calculation: $\text{Lowest Price Factor} \div \text{Finalist Price Factor} = \text{Price Factor Ratio}$
 3. The Price Factor Ratio will then be multiplied by the number of points allocated to the Price Factor, and the Finalist will be awarded the next lowest whole number of points.
 4. By way of example:

The number of points allocated to the Price Factor is 5

If the low Finalist's Price Factor was 4% and the second low Finalist's Price Factor was 4.5%, the second low Finalist's score for the Price Factor would be as follows:

$$4\% \div 4.5\% = 0.89$$

$$0.89 \times 5 = 4.45 \rightarrow \text{Round to the next lowest whole number of 4.}$$

The second low Finalist would receive 4 out of 5 points for the Price Factor.

2. **Phase 1 Level of Effort (LOE).** Provide a proposed level of effort for the scope of work required in Phase 1 set forth in Section 3.1 of the Contract with the following detail:
 - a. Describe in detail the tasks the Design-Build Team intends to perform during the Phase 1 including the number of hours anticipated for each task.
 - b. Identify the Key Team Members who will be performing the tasks.
 - c. Provide hourly rates for each Key Team Member. The hourly rates will be included in the Design-Build Contract as Attachment D. Pursuant to Section 6.5 of the Design-Build General Conditions, the Design-Builder will be bound to the hourly rates proposed and submitted in its Proposal.
 - d. Provide the Proposed Phase 1 Not to Exceed Amount that Finalist proposes to be inserted into Section 3.1 of the Design-Build Contract. If DES accepts the Proposed Phase 1 Not to Exceed Amount, it will become binding on the successful Finalist, subject to the terms and conditions of the Contract Documents.
 - i. The Proposed Phase 1 Not to Exceed Amount should include all compensation to the Design-Builder during the Phase 1 set forth in the Contract as proposed in the Phase 1 LOE described in the Proposal.
 - ii. The Phase 1 LOE should encompass the tasks required for the Phase 1 Scope of Work that are set forth in Attachment B "Phase 1 and Phase 2 Scope of Services".
 - iii. The Owner/DES reserves the right to reconcile the various proposals received and also reserves the right to seek best and final proposals for the scope and the cost of the Phase 1 Services and the Phase 1 Not to Exceed Amount; however, by submitting the Phase 1 Not to Exceed Amount, the Finalist warrants the following:
 - 1) That the Phase 1 LOE described in the Proposal is sufficient for the Design Build Team to perform the Work described in the Contract Documents and "Attachment B Phase 1 and Phase 2 Scope of Design-Build Services" and

provide the Owner/DES with a GMP Proposal as set forth in Attachment B of the Contract.

- 2) That the Phase 1 Not to Exceed Amount set forth in the Proposal is sufficient to perform the Work described in the Phase 1 LOE.
- iv. Owner/DES and Design-Builder agree that the Phase 1 Not to Exceed Amount listed above does not include trade partners and subconsultants that may be required to establish the GMP. The additional teams and costs will be added by change order early during Phase 1.
- v. The Phase 1 LOE and Proposed Not to Exceed Amount will not be scored as part of the Management Proposal.

3. Diverse Business Inclusion Plan

a. Participation:

In accordance with [RCW 39.19.010](#), the state of Washington encourages participation in all of its contracts by OMWBE certified firms.

In accordance with [RCW 43.60A.200](#) and [RCW 39.26.240](#), the state of Washington encourages participation in contracts that are exempt from competitive bidding under RCW 39.26.125 by firms certified by Department Of Veteran Affairs.

In accordance with [RCW 39.26.005](#), the state of Washington encourages participation in all of its contracts by Washington small businesses.

b. Diverse Business Inclusion Plan.

All Proposers, including diverse owned firms, must submit a copy of the firm's Diverse Business Inclusion Plan. The Inclusion Plan should demonstrate in detail the specific strategies, approaches, and steps your firm will use in seeking to help meet or exceed the state's aspirational diverse business participation goals.

c. Aspirational Goals:

The Governor's Office's aspirational goals for diverse business inclusion are:

10% Minority Owned Business certified by the Washington State Office of Minority and Women Business Enterprises

6%, Women Owned Business certified by the Washington State Office of Minority and Women Business Enterprises

5% Veteran Owned Business certified by the Washington State Department of Veterans Affairs

5% Washington Small Businesses self-identified in the Washington Electronic Business Solution

<http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx> (WEBS).

d. Definitions:

Diverse Business:

The Diverse Business definition includes Washington small business, micro-business, and mini-business as defined in RCW 39.26.010, Minority and Women Business Enterprises (M/WBEs) as defined in RCW 39.39.19 and WAC 326-20, and Veteran- owned businesses as defined in RCW 43.60A.010. If the proposed subcontractors are self-identified diverse businesses, the Proposer will encourage and support state efforts for their certification with the appropriate Washington state agencies.

Subcontracting:

Subcontracting means direct performance of commercially useful work through subcontracting as part of the proposed project team.

e. Proposal:

The Proposer must prepare and provide a “Diverse Business Inclusion Plan, and may use Attachment 10 as guidance or a template. The Proposer’s goals are voluntary. No preference will be included in the evaluation of proposals, no minimum level of MWBE or Veteran Owned or Washington Small Business participation will be required as a condition for receiving an award and proposals will not be rejected or considered non- responsive on that basis, unless a zero (0) goal amount is submitted.

Proposer commits to a genuine effort to achieve the proposed subcontract amounts with diverse business subcontractors by working with the Owner/DES to develop a comprehensive “Outreach Strategy”.

f. Reporting.

The successful Proposer is required to register and create an account in the DES Diversity Compliance program (B2Gnow) at <https://des.diversitycompliance.com>. *(If assistance is needed, you may contact)*

- Charles Wilson at Charles.Wilson@des.wa.gov

g. Information on certified firms.

Prime Proposers may contact:

- OMWBE at <http://www.omwbe.wa.gov> or (360) 664-9750
- DVA at <http://www.dva.wa.gov/BusinessRegistry/Search.aspx> or (360) 725-2200.
- Charles Wilson at Charles.Wilson@des.wa.gov or (360) 999-7667

4. **Identification of Projects Table** (Updated from SOQ if needed)

Every new project cited by the Finalist that is not included in the Identification of Projects Table provided with the SOQ must be included in an Identification of Projects Table with the required information set forth herein. The Identification of Projects Table may be submitted on 8.5” x 11” or 8.5” x 14” format and may be no more than two

pages in length. The Finalist is responsible for ensuring that contact information contained in the Identification of Projects is correct. The inability to contact a reference may have a detrimental impact on the evaluating qualifications. DES reserves the right to contact any person listed in the Identification of Projects or any other person with knowledge regarding any Project in which any Design-Build Team Member or Key Team Member participated. The identification of projects will not be evaluated separately. Rather, the projects will be evaluated in the context of the criteria set forth in Section 3.2.2.

- a. Name of project;
- b. Owner;
- c. Location of project (include address);
- d. Delivery method;
- e. Name of each Design-Build Team Member and Key Team Member who is proposed for this Project who played a significant role on the listed project, including an identification of their project function;
- f. The initial contract price, the final contract price, and an explanation for any difference between the two amounts;
- g. The initial date scheduled for substantial completion, the actual date of substantial completion, and an explanation for any difference between the two dates;
- h. Identify whether there was a MWBE/Disadvantaged or other Business Equity Goal, the amount of the goal, and the actual performance against the goal; and
- i. Project contact information of the owner or customer and their role on the project (current address, e-mail, and phone number) who can verify the characteristics of the listed project.

5. Confidentiality Certificate

Finalists must submit a Confidentiality Certificate prior to the Proprietary Meeting in the form set forth as Attachment 12 to the RFP.

SECTION 4 - ATTACHMENTS TO THE RFP

The following are attachments to the RFP (sequentially following the RFQ Attachments):

Attachment 9 – Good Faith Hazardous Materials Statement, updated information, test results to be provided when available

Attachment 10 – Diverse Business Inclusion Plan Template

Attachment 11 – Price Factor Form, updated

Attachment 12 – Confidentiality Certificate

Attachment 13 – Advanced Manufacturing Center Business Plan Excerpts

Attachment 14 – Clark College Social Equity Plan

COMMUNICATIONS: All communications regarding this RFP should be addressed to:

Paul Fiedler, Project Manager, DES – Engineering and Architectural Services,
360-790-8199, paul.fiedler@des.wa.gov