

Solicitation PNC2122559R1

Developer for Joint Government Center Campus (JGCC) (Step One)

Bid Designation: Public

Note - Solicitation was modified by Addendum no. 1, dated April 15, 2021. The addendum is included in pages 55-61 of this packet. Notations have been indicated next to the sections modified by addendum.



Broward County Board of County Commissioners

Bid PNC2122559R1

Developer for Joint Government Center Campus (JGCC) (Step One)

Bid Number **PNC2122559R1**

Bid Title **Developer for Joint Government Center Campus (JGCC) (Step One)**

Bid Start Date **Mar 10, 2021 1:06:20 PM EST**

Bid End Date **Apr 21, 2021 2:00:00 PM EDT**

Question & Answer End Date **Apr 2, 2021 5:00:00 PM EDT**

Bid Contact **Connie Mangan**
Purchasing Manager
Purchasing Division
cmangan@broward.org

Bid Contact **Sean O'Donnell**
Purchasing Agent
Purchasing
sodonnell@broward.org

Contract Duration **One Time Purchase**

Contract Renewal **Not Applicable**

Prices Good for **Not Applicable**

Pre-Bid Conference **Mar 18, 2021 3:00:00 PM EDT**
Attendance is optional
Location: An optional pre-proposal conference virtual conference will be held at at the following date and time. Conference may be attended by:

Microsoft TEAMS meeting
Join on your computer or mobile app
Click here to join the meeting
https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjU3NzZkYmItOTlkZS00YWVhLWE5NGMtZjA5NGZiNjU4MmNI%40thread.v2/0?context=%7b%22Tid%22%3a%229483ae6c-808a-4f02-98a1-8154c0b35bfd%22%2c%22Oid%22%3a%22c34a3495-6329-471c-b422-61054a6767b5%22%7d

Or call in (audio only)
+1 754-900-8519,
Phone Conference ID: 708 327 954#
Find a local number
<https://dialin.teams.microsoft.com/bf2b7981-9533-4fcc-a8b9-03feb9e1dabf?id=708327954> | Reset PIN <https://mysettings.lync.com/pstnconferencing>

Please do not put call on hold; mute phones during pre-proposal conference.

This information session presents an opportunity for Developers to clarify any concerns regarding the solicitation requirements and scope of work. Attendance at the pre-proposal conference is optional.

Job site visitation is strongly recommended; response will be construed that the vendor is acquainted sufficiently with the work to be performed.

Bid Comments

Broward County (County) and the City of the Fort Lauderdale (City) are currently seeking a qualified Developer for the Joint Government Center Campus (Project). The County and the City (Sponsors) are requesting a public-private partnership to develop facilities. Refer to Project Overview for detailed information and available supporting information.

Goal Participation: Due to project funding, this procurement has program goals based on two funding sources.

Questions and Answers: The County provides a specified time for Vendors to ask questions and seek clarification regarding the requirements of the solicitation. All questions or clarification inquiries must be submitted through Periscope S2G by the date and time referenced in the solicitation document (including any addenda). The County will respond to all questions via Periscope S2G.

Note to vendors: If choosing "Download Bid Packet", the packet will not automatically include the following attachments: Design Criteria Package (DCP) (four attachments), FTA Funding Supplement, and BIM and Electronic Media Submittal Requirements. To download these documents, select download next to the individual file. To select these documents, select them from the list and choose "Generate Zip File".

BidSync is now known as "Periscope S2G, Supplier-To-Government" for vendors.

Refer to General Information - Request for Qualifications (Step One) Submission of Sealed Submittals for instructions on submitting (electronic and hard copy submittals are required). Developers are encouraged to submit their responses in advance of the due date and time specified in the solicitation document. In the event that the Developer is having difficulty submitting the solicitation document through Periscope S2G, immediately notify the Purchasing Agent and then contact Periscope S2G for technical assistance.

Addendum # 1

New Documents

Addendum No. 1, PNC2122559R1, Developer for Joint Government Center Campus JGCC Step One.pdf

Item Response Form

Item **PNC2122559R1--01-01 - Developer for Joint Government Center Campus (JGCC) (Step One)**

Quantity **1 project**

Prices are not requested for this item.

Delivery Location **Broward County Board of County
Commissioners**

Refer to scope of work for information.

N/A

Broward County FL 33301

Qty 1

Description

Price will not be considered in Step One responses.

DEVELOPER FOR JOINT GOVERNMENT CENTER CAMPUS (JGCC) (STEP ONE)

PNC2122559R1

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Introduction

In May 2017, the Broward County Board of County Commissioners (Board) and the City of Fort Lauderdale City Commission (Commission) unanimously agreed at a joint workshop to support moving forward with the development of a Joint Government Center Campus (JGCC) in downtown Fort Lauderdale. Since that time, the County and the City (Sponsors) have worked together to develop, coordinate, and plan for this exciting endeavor.

The new campus is intended to replace the existing Broward County Governmental Center East and the City of Fort Lauderdale's City Hall and produce a new joint governmental center, a new bus transit terminal, administration offices for Broward County's Transportation Department (BCT), and an associated multi-story parking garage. The new JGCC is intended to house each of the Sponsors' Commission Chambers and administrative service agencies, and to serve as new offices for the Sponsors.

The Sponsors are currently seeking a qualified Developer for the development of the Joint Government Center Campus (Project). The Sponsors are requesting a public-private partnership (P3) pursuant to Section 255.065, Florida Statutes to develop the Project.

Refer to Project Overview for detailed information and available supporting information.

Part 1: Project Overview

The key component of the new combined facility is anticipated to be a multi-story Class "A" office Administrative tower of approximately 901,873 square feet, inclusive of shared space, of which 332,200 square feet will be for County use and 248,191 square feet for City use [Office Tower]. In addition, there will be a second tower that will include a parking garage structure, office space for the County's Transportation Department and a bus terminal [Transportation Tower].

Detailed information is contained the **Design Criteria Package (DCP)**, dated November 13, 2020.

A. Vision, Goals and Objectives

The JGCC will address the Sponsors' 21st Century needs and challenges. This transformative Project will influence the Sponsors' government functions and organization for decades to come. While the focus of the JGCC is to establish a dynamic and vibrant presence in Downtown Fort Lauderdale, it must do so with an understanding of how better planning and design can create more value for the public dollar, resulting in new public gathering spaces, stronger community identity, safer and better transportation alternatives, better environmental outcomes, and better opportunities for businesses.

The Sponsors are seeking to deliver the JGCC with the following goals in mind:

- Meet the Sponsors' needs and space program requirements: Ensure the Sponsors' current and future needs are met through the new government center campus, site, and buildings.
- Link short and long-term physical master planning strategies: Connect the development to Fort Lauderdale goals to attract private development and traditional and non-traditional revenue opportunities in the area around the JGCC Project.

- Enhance connectivity through an improved urban campus: Develop connectivity in and around the JGCC between institutional functions and welcome integrated environments to create a unique campus and enhanced urban district inclusive of adjacent existing and planned transportation amenities, civic open spaces and planned outdoor amenity spaces throughout the building(s) and site to ensure physical and social connectivity for all employees and visitors.
- Drive greater collaboration between the Sponsors: Encourage cooperation and shared space utilization through shared workspaces and other facilities.
- Leverage technology to drive results: Utilize a clear technology vision and strategy to enhance the constituent experience, improve quality and safety, and increase workflow efficiencies.
- Protect the Sponsors' asset and its employees: Deploy intelligent technology, communications infrastructure, sustainable energy, and security/health management solutions.
- Support the local community: Support the downtown financial, educational, entertainment, transportation, medical and cultural hubs to create mutually beneficial relationships between the JGCC and the community.
- Employ a holistic approach to resiliency and sustainability: Embody a focused commitment (utilizing LEED, Net Zero Energy and WELL Building standards) to applying sustainability and resiliency principles to the full range of campus and facility planning activities and development.

B. Project Site

The Project is located at the current site of the Broward County Central Bus Terminal at [101 NW 1 Street, Fort Lauderdale, FL 33311](#). The Project Site is bound by Broward Boulevard to the south, NW 1st Avenue/Brickell Avenue to the east, NW 2nd Street to the north and to the west the FEC railroad tracks and Fort Lauderdale Brightline Station. The site is located within the Downtown Regional Activity Center - City Center District (RAC-CC), the city's high intensity downtown zoning district. It is also located within two Downtown Character Areas - Downtown Core and Near Downtown. Density, building height and maximum plot coverage is defined by the requirements set forth under the RAC-CC.

Due to planned and committed funding sources identified by the County for the Project, the Project Site shall be subdivided into two sub-areas for development. The Project Site is currently owned by the County with an equity interest by the Federal Transportation Administration (FTA). The County will be buying out the FTA equity interest in the southern half of the property where the Office Tower will be located. The northern half of the property where the Transportation Tower will be located will still include an FTA equity interest. Additionally, the FTA may provide a subsidy for the construction of the Transportation Tower.

Refer to **DCP** Book 1, 2.2 Project Site, 2.3 Site and District Analysis, 3.1 Project Site Limits and Development Sub-Areas, and Book 3, Appendices, including but not limited to, Appendix E, Site Infrastructure Analysis and Appendix H, Site Survey for detailed information.

Additionally, the Sponsors are considering acquiring adjacent parcels for the benefit of the Project but at this time the Project is to be considered limited to the boundaries listed above.

C. Project Funding

The final funding and financing structure for the Project has not yet been determined. Under consideration are structures whereby the Developer receives availability payments over the term of the Project in return for initial financing and the ongoing operations and maintenance of the Project, and structures whereby the Sponsors provide the funding and financing for the Project. The Sponsors are also considering a hybrid structure where certain milestone payments are made by one or both Sponsors during the construction period for the Office Tower.

For the Transportation Tower (including bus terminal, parking garage, and Broward County Transportation Department offices), a different deal structure will be utilized if federal funds are used for the project.

A separate companion proposal will be requested for the Transportation Tower based on funding source requirements and restrictions in the Step Two solicitation. Notwithstanding the bifurcation of the solicitation for the Office and Transportation Towers, it is expected that one Developer will develop both sites at the same time.

D. Design Criteria Package (DCP)

The UDPA procured an architect-led team to develop a Design Criteria Package (DCP) and awarded the contract to Zyscovich Architects, Inc. (Zyscovich). The Zyscovich Team worked extensively with the various stakeholders of the JGCC to determine the needs of the Sponsors' organizations and the resultant performance requirements for the Project.

The DCP is the product of those efforts. It contains design, construction, and some operating performance criteria for the JGCC, including space needs, material quality standards, systems performance standards, specialty uses, shared spaces, sustainability and resiliency requirements, and the security and technology requirements of the City and County. During the Step Two solicitation, additional operating and maintenance performance criteria will be issued.

The DCP does not mandate a specific architectural direction but does include architectural elements important to the Sponsors. All renderings and drawings contained in the DCP were created for illustrative purposes only.

The DCP provides guidelines rather than a blueprint for the development of the JGCC. Included in those guidelines are performance and other standards for the facility and its constituent components. The Developer may propose ideas that diverge from those included in the DCP, as long as they meet or exceed the standards established in the DCP.

Refer to [Current Projects \(broward.org\)](http://broward.org) for Computer Animated View and Concept/DCP Animation.

E. Previous Actions Taken

Refer to previous actions taken by the [Broward County Board of County Commissioners and/or Unified Direct Procurement Authority](#):

- May 7, 2019 Regular Meeting (Item No. 76);
- June 4, 2019 Regular Meeting (Item No. 74);
- June 11, 2019 Regular Meeting (Item No. 92);
- June 18, 2019 UDPA Meeting;
- October 15, 2019 UDPA 2019 Regular Meeting (Item No. 92);

- June 18, 2019 UDPA Meeting;
- October 15, 2019 UDPA Meeting;
- December 10, 2019 UDPA Meeting,
- October 20, 2020 UDPA Meeting,
- December 15, 2020 UDPA Meeting (Item No. 5)
- March 9, 2021 UPDA Meeting (Item No. --)

Additionally, the City of Fort Lauderdale City Commission (Commission) has taken action at Commission Meetings. Refer to [City of Fort Lauderdale website](#) for any Commission Meeting information.

F. Definitions Refer to Add. 1 (page 55) - modified definition of Developer, added Financial Team Member, and removed 7(v) .

1. Developer: The responding legal entity for the Project who will execute contracts and is tasked with leading/coordinating the Project.
2. Equity Member:
 - i. each entity with a direct equity interest in the Developer (whether as a member, partner, shareholder, joint venture member or otherwise); and
 - ii. each entity proposed to have a direct equity interest in the Developer.
3. Financially Responsible Party: a parent company, affiliate company or investment fund that provides a guarantee confirming financial support for the Developer or a member of the consortium.
4. General Contractor: the lead contractor (if a consortium, partnership, or any other form of a joint venture, all such members) of the Developer responsible for Project's construction.
5. A/E Consultants: include
 - (i) Design Architect: the architect (if a consortium, partnership, or any other form of a joint venture, all such members) of the Developer responsible for Project's design.
 - (ii) Architect of Record: the architect licensed by the State who has the contract responsibility for the Project, who designs and prepares the construction documents from which the building is constructed, and who signs the required documents.
 - (iii) Structural Engineer
 - (iv) Mechanical, Electrical, and Plumbing (MEP) Engineer
6. Lead Team Members: all Equity Members, Financially Responsible Parties and Major Non-Equity Members.
7. Major Non-Equity Member: the following team members:
 - (i) the Architect of Record;
 - (ii) Design Architect (if separate firm)

- (iii) General Contractor;
- (iv) Lead Operation and Maintenance Provider; and
- (v) “Major Non-Equity Member” means any of them.

Part 2: Overview of Procurement Process

A. Unified Direct Procurement Authority (UDPA)

The Sponsors have created a Unified Direct Procurement Authority (UDPA). This entity is comprised of the members of both the Broward County Board of County Commissioners and the City of Fort Lauderdale City Commission. The UDPA will be fully responsible for evaluating proposals and selecting the Developer team. This solicitation is a joint effort between the Sponsors.

As part of the interlocal agreement (ILA) between the Sponsors, the County is responsible for administering the solicitation process on behalf of the Sponsors. All requests for additional information, whether from the County and/or City will be requested in writing from the County. Additionally, submittal location for hard copy materials is a County location and electronically through the County’s Periscope S2G, previously known as BidSync.

B. Two-Step Procurement Process

1. Request for Qualifications (RFQ) (Step One) – Developer and Developer’s Teams

Step One solicitation requests each Developer’s qualifications, experience, and financial capability and capacity. Additionally, Developer’s Team (for identified members) qualifications, experience, and financial capacity is requested.

Refer to **Part 3: Request for Qualifications (Step One) – Instructions**. At the conclusion of Step One, the UDPA will qualify and shortlist Developers for Step Two. The Sponsors’ intent is to shortlist three, but no more than four, Developers for the Step Two solicitation.

The Step One solicitation complies with requirements of Florida Statutes, 287.055, Consultants’ Competitive Negotiation Act (CCNA). Sections addressing CCNA are marked accordingly.

2. Step Two: Request for Letters of Interest or Request for Proposals

The Step Two solicitation requires each shortlisted Developer’s detailed design and financial proposals for the Project. Responses may be requested to include, but are not limited to, budget, schedule, 10% design schematics, preliminary concept designs including site plans, floor plans, sections, elevations, renderings, general business terms, innovative features, finance plans, and other information either required by the UDPA or that the Developer believes is material to the UDPA’s selection for the Project. The Sponsors intent is to enter into a pre-development agreement (PDA) with the selected Developer at the end of Step Two. Design work produced during this stage will become the intellectual property of the Sponsors.

C. Cone of Silence

A Cone of Silence is currently in effect. A Cone of Silence means a period of time during which there is a prohibition on communication regarding a particular competitive solicitation [procurement], including Developer and Developers' representatives.

Section 1-266 of the Broward County Code of Ordinances ("Cone of Silence Ordinance") is applicable to this solicitation and extended to include the City. The Cone of Silence shall be in effect for ALL "Affected Persons" (as defined in the Broward County's Cone of Silence Ordinance) beginning upon the UDPA approval of this solicitation (Request for Qualifications).

The Cone of Silence is for all members of the Broward County Board of County Commissioners, the City of Fort Lauderdale Mayor and Commissioners, County and City Commissioners' staff, County Administrator, Deputy County Administrator, Assistant County Administrators, and their respective support staff, and any "Affected Person" (as defined in the Cone of Silence Ordinance), appointed by County to evaluate or recommend selection in this RFQ process, City Manager, Deputy City Manager, Assistant City Manager, and their respective support staff, and any "Affected Person" (as defined in the Cone of Silence Ordinance), appointed by City to evaluate or recommend selection in this RFQ process.

The Cone of Silence for this Project is effective immediately upon the approval of this solicitation, with the further restriction that the members serving as the UDPA (County and City Commissioners) may not initiate contact with a Developer or Developer's representative while the Cone of Silence is in effect. However, nothing precludes a Developer or Developer's representative from initiating contact with the County's Director of Purchasing, or designee, or communicating with the person designated in the solicitation. The following are designated persons:

- A. Broward County's Construction Management Division Project Manager
- B. County and City Representatives (each as defined in ILA) [ILA – City Manager and Broward County Assistant County Administrator]

Additionally, Developers may communicate with a representative of the Office of Economic and Small Business Development ("OESBD") at any time regarding a solicitation or regarding participation of Small Business Enterprises, County Business Enterprises, or Disadvantaged Business Enterprises in a solicitation. OESBD may be contacted at (954) 357-6400.

The Cone of Silence shall remain in effect until the contract is awarded by the UDPA or when the UDPA takes other action which ends the solicitation. Refer to **Cone of Silence Requirement Certification**.

D. Notice

This solicitation is not a commitment or offer by the Sponsors to enter into an agreement with a Developer or to pay any costs incurred by or on behalf of a Developer in preparing a response to this solicitation or future solicitations for the Project. Each Developer assumes full responsibility for all costs incurred by it and its team in responding to this solicitation. The Sponsors assumes no liability for any costs incurred.

Notwithstanding the above, the Sponsors are considering providing a stipend to the shortlisted Developers that are not awarded a comprehensive development contract, depending on the level of effort called for in the RFP. The stipend cost will be paid by the selected Developer. The stipend costs will be included in the Developers' financial proposals (Step Two). All design

work submitted during the solicitation process becomes the intellectual property of the Sponsors.

The Project-related information provided by the Sponsors is for informational purposes only, and without any liability to the Sponsors. In preparing any response or proposal in relation to the Project, the Developer shall rely on its own assumptions, investigations, examinations, studies, interpretations, expertise, and opinions. Developer shall base its submission(s) on its own judgment, analysis, and opinion of the feasibility of the Project.

This Request for Qualifications (RFQ) does not commit the Sponsors to provide any additional studies or designs for the preparation of any future proposal, nor to procure or contract for any articles or services. Developer shall examine the solicitation(s) and the Project site carefully before submitting a solicitation response for the work contemplated. Developer shall investigate and identify the conditions to be encountered as to the character, quality, and quantities of work to be performed and materials to be furnished and as to the requirements in future solicitation steps.

The submission of any solicitation response is prima facie evidence that Developer has made an examination as described in this provision. The County does not guarantee the details pertaining to geotechnical, environmental reports, and other existing conditions reports, as shown on any documents supplied by the Sponsors or referenced herein, to be more than a general indication of the materials at the site of the work, approximately at the locations indicated. Developer shall examine data, where available, and make its own interpretation of the investigations and other preliminary data and shall base its proposal on its own opinion of the conditions likely to be encountered.

E. Conflict of Interest

The design-criteria professional, Zyscovich, Inc. (including all of its subconsultants), are precluded from performing any services, as a prime or subconsultant, on the Project's Development team, Public- Private Partnerships, or Design-Build teams, as applicable.

Refer to **DCP**, Book 1, 1.1, Purpose, for list of firms included on Consultant for Joint Government Center Campus.

Additionally, the following consultants have been engaged for this Project:

KPMG LLP for Public-Private Partnership (P3) Consultant Services for Joint Government Center Campus Project

PFM Financial Advisors LLC/Public Financial Management, Inc. for Broward County and City of Fort Lauderdale (Financial Advisory)

Public Resources Advisory Group (PRAG) for Broward County (Financial Advisory)

The Sponsors reserve the right, in their sole discretion, to evaluate any additional potential conflicts of interest that could, from the Sponsors' perspective, present a conflict in the performance of services or work.

F. Agreements

1. Interim Agreement

Draft pre-development agreement (PDA) will be distributed during the Step Two solicitation. It is the intention of the Sponsors to enter into a PDA with the selected

Developer at the end of Step Two and begin the JGCC design process while simultaneously negotiating the final terms of the comprehensive development agreement.

2. Comprehensive Agreement(s):

The Sponsors hope to distribute a draft comprehensive development agreement during the Step Two solicitation.

Part 3: Request for Qualifications (Step One) - Instructions for Developers

The Sponsors are requesting that each Developer submit its and/or its Team Member's qualifications in accordance with instructions contained in this Step One solicitation, as part of the two-step procurement process.

Each Developer is required to submit the following information. Sponsors may request supplemental information, which the Developer must timely submit . Failure to provide all requested information timely may affect the review of a Developer's qualifications by the Sponsors. If submitting a response as a joint venture, Developer should respond to each criterion for each entity forming the joint venture.

Developer has a continuing obligation to inform the Sponsors in writing of any material changes to the information it (or its team member) has previously submitted. The Sponsors reserve the right to request additional information from a Developer at any time.

A. Evaluation Criteria - Qualifications Submittal Requirements

1. Developer

Refer to **Evaluation Criteria – Developer (including Financial Qualifications)** for requested information for Developer.

2. Developer's Team (CCNA):

Refer to **Evaluation Criteria – Developer's Team for Architect/Engineer Consultants** for requested information for identified Team members for the Project.

3. Developer's General Contractor:

Refer to **Evaluation Criteria – Developer's Team for General Contractor** for requested information for identified Team members for the Project.

4. Operation and Management Team (and/or Developer)

The Evaluation Criteria will be issued in the Step Two solicitation for Operation and Management (O & M) Team. No request for qualification is requested in the Step One solicitation.

Note that due to the limited number of national companies in the O&M business, Developer teams are prohibited from entering into an exclusivity agreement with an O&M provider prior to the issuance of the Step Two RFP.

B. General Submittal Requirements

1. Questionnaire

Refer to **Questionnaire** and submit for each of the following Developer/Developer's Team Members:

- a. Developer
- b. Design Architect
- c. Architect of Record
- d. General Contractor
- e. Financial Team Member
- f. O & M Team Member

2. Standard Certifications

Developer is required to certify to the below requirements. Refer to the **Standard Certifications** and submit as instructed.

- a. Cone of Silence Requirement Certification;
- b. Drug Free Certification;
- c. Lobbyist Registration Requirement;
- d. Non-Collusion Certification;
- e. Public Entities Crimes Certification; and
- f. Scrutinized Companies List Requirement
- g. Contractor's Certificate of Compliance with Non-Discrimination

3. Submittal Bond Requirement

Refer to **Submittal Bond, Performance and Payment Guaranties, and Qualifications of Surety Requirements (Two-Step)** for submittal requirements and forms. The Submittal Bond's conditions are that if: 1.) Developer is qualified and shortlisted by Sponsors in its Step One process; and 2.) Developer submits a timely response for the Step Two solicitation pursuant to the Request for Proposals; then the Submittal Bond is void.

If the Developer is qualified and shortlisted by Sponsors in its Step One process and fails to provide a timely response to the Step Two RFP, the Developer and Surety, jointly and severally, shall be liable to the Sponsors for the full sum herein stated which shall be due and payable to the Sponsors immediately upon demand, in good and lawful money of the United States of America; as liquidated damages for failure thereof of said Developer; otherwise the bond shall remain in full force and effect.

If shortlisted, the Developer must submit an original Submittal Bond in the amount \$500,000 within three (3) business days of being designated as a shortlisted team. Failure to provide Submittal Bond timely will affect Developer's shortlisting.

Refer to Add. 1 (page 55-56) - modified to 14 calendar days.

4. Additional Requirements

Due to the possible use of federal funding for the Transportation Tower, the Step Two solicitation will be bifurcated to ensure that all federal regulations are complied with during the development of this facility. There will be a Buy America requirement and Disadvantaged Business Enterprise goals that will be applied to pre-construction activities and construction activities. Developer will be required to submit a Contractor's Assurance

statement in response to the Step Two solicitation. Additional agreement requirements for the DBE program will be included in the agreement terms.

The funding of the Office Tower will not include State or Federal funding and will comply with local requirements. There will be County Business Enterprise goals for pre-construction activities, construction activities and operations and maintenance activities. There will also be other local requirements including a Living Wage requirement, a Domestic Partnership requirement, Prevailing Wages, and Construction Apprenticeship Program requirements.

Developer will be required to submit a Contractor's Assurance statement in the Step Two solicitation. Additional agreement requirements for the CBE program will be included in the agreement terms.

Due to the limited number of CBE firms in Broward County that are eligible to participate as Developer team members, Developer teams are prohibited from entering into an exclusivity agreement with a CBE firm for the Office Tower portion of the Project.

5. Litigation History

Refer to **Litigation History Form** and submit for each of the following Developer/Developer's Team Members:

- a. Developer
 - b. Design Architect
 - c. Architect of Record
 - d. General Contractor
 - e. Financial Team Member
 - f. O & M Team Member
- Refer to Add. 1 (page 56) - modified to clarify "alternative dispute resolutions proceedings" proceedings are a "case".
Addt. removed reference to O & M Team Member (not included in Step One).

The above referenced Team Members are required to disclose to the Sponsors all "material" cases filed, pending, or resolved during the last three (3) years prior to the solicitation response due date, whether such cases were brought by or against the Team Member, any parent or subsidiary of the Team Member, or any predecessor organization.

Additionally, each Developer is required to disclose all "material" cases filed, pending, or resolved against any principal of Team Member, regardless of whether the principal was associated with Developer Team Member at the time of the "material" cases against the principal, during the last three (3) years prior to the solicitation response.

A case is considered to be "material" if it relates, in whole or in part, to any of the following:

- a. A similar type of work that the Team Member is seeking to perform for the Sponsors under the current solicitation;
- b. An allegation of fraud, negligence, error or omissions, or malpractice against the Developer Team Member or any of its principals or agents who would be performing work under the current solicitation;
- c. A Team Member's default, termination, suspension, failure to perform, or improper performance in connection with any contract;
- d. The financial condition of the Developer Team Member, including any bankruptcy petition (voluntary and involuntary) or receivership; or

- e. A criminal proceeding or hearing concerning business-related offenses in which the vendor or its principals (including officers) were/are defendants.

For each material case, the Team Member is required to provide all information identified in the **Litigation History Form**. Additionally, the Developer Team Member shall provide a copy of any judgment or settlement of any material case during the last three (3) years prior to the solicitation response. Redactions of any confidential portions of the settlement agreement are only permitted upon a certification by Developer that all redactions are required under the express terms of a pre-existing confidentiality agreement or provision.

If the Team Member is a joint venture, the information provided should encompass the joint venture and each of the entities forming the joint venture.

A Team Member is required to disclose any and all cases(s) that exist between either of the Sponsors and any of the Developer's subcontractors/subconsultants proposed to work on this Project during the last five (5) years prior to the solicitation response.

The Sponsors will consider a Team Member's litigation history information in its review and determination of shortlisting.

Failure to disclose any material case, including all requested information in connection with each such case, as well as failure to disclose the Team Member's litigation history against either of the Sponsors, may affect Developer's evaluation.

6. Authority to Conduct Business in Florida

- a. A Developer must have the authority to transact business in the State of Florida and be in good standing with the Florida Secretary of State. For further information, contact the Florida Department of State, Division of Corporations.
- b. The Sponsors will review the Developer's business status based on the information provided in response to this solicitation.
- c. It is the Developer's responsibility to comply with all state and local business requirements.
- d. Developer should list its active Florida Department of State Division of Corporations Document Number (or Registration No. for fictitious names) in the Questionnaire, Question No. 10.
- e. If a Developer is an out-of-state or foreign corporation or partnership, the Developer must obtain the authority to transact business in the State of Florida or show evidence of application for the authority to transact business in the State of Florida, prior to execution of any agreements with Sponsors.
- f. A Developer that is not in good standing with the Florida Secretary of State at the time of a submission to this solicitation may affect Developer's evaluation by the UDPA.
- g. If successful in obtaining a contract award under this two-step procurement, the Developer must remain in good standing throughout the contractual period of performance.

7. Insurance Requirements

The **Insurance Requirement Form** reflects the insurance requirements that may be deemed necessary for this Project, under a P3 financing model. It is not necessary for the Developer to have this level of insurance in effect at the time of its Step One solicitation submittal, but it is necessary to submit certificates indicating that the Developer currently carries the insurance or to submit a letter from the carrier indicating it can provide such insurance coverages.

Broward County's Risk Management Division, in coordination with City of Fort Lauderdale's Risk Management Division, reserves the right to review and revise any insurance requirements, prior or during the Project, including the operations and maintenance period. Review and revision of insurance requirements includes, and is not limited to, deductibles, limits, coverages, and endorsements based on insurance market conditions affecting the availability or affordability of coverage; or changes in the Project funding and/or scope of work/specifications affecting the applicability of coverage. Other entities requirements, including FEC, FTA, etc. are not reflected and is the Developer's responsibility.

8. Federal Transit Administration (FTA)/US Department of Transportation (USDOT) Funding Supplement

Refer to the **FTA/USDOT Funding Supplement**. This supplement includes FTA and USDOT requirements for the Transportation Tower portion of the Project. Required forms and acknowledgements will be required in the Step Two solicitation, including but not limited to Buy America, Disadvantaged Business Enterprise (DBE) requirements, Davis-Bacon Wage Rate Requirements, etc.

9. Public Art

Public Art and Design Program, Section 1-88, Broward County Code of Ordinances, applies to this Project. It is the intent of the County to functionally integrate art, when applicable, into capital projects and integrate artists' design concepts into this Project. The Developer may be required to collaborate with the artist(s) on design development within the scope of this request. Artist(s) shall be selected by through an independent process by Sponsor(s).

10. Tie Breaker Criteria

If two (2) or more Developers are tied for short listing and it is necessary to break the tie, the tie may be broken by a re-vote of the vendors tied for shortlisting or by other determination of the UDPA.

C. General Information - Request for Qualifications (Step One)

1. Projected Solicitation Schedule

Refer to Periscope SG2 for information.

2. Pre-Submittal Meeting and Site Visits

Refer to Periscope SG2 for information.

3. Notification of Advertisement, Addenda, Questions and Answers, Posting of Solicitation Results and Recommendations

Refer to Periscope SG2 for information.

4. Question and Answers

All questions or clarification inquiries must be submitted through Periscope S2G by the date and time referenced in the solicitation (including any addenda). The County will respond to all questions via Periscope S2G.

5. Addenda

The County reserves the right to amend this solicitation prior to the due date. Any change(s) to this solicitation will be conveyed through the written addenda process. Only written addenda will be binding. If a "must" addendum is issued, Developer must follow instructions and submit required information, forms, or acknowledge addendum, as instructed therein. It is the responsibility of all potential Developers to monitor the solicitation for any changing information, prior to submitting their response.

6. Confidential Material/ Public Records and Exemptions

Refer to Add. 1
(page 57) -
modified to add
flash drives.

Broward County is a public agency subject to Chapter 119, Florida Statutes. Upon receipt, all submittals become "public records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes. Submittals may be posted on the County and City's public website or included in a public records request response unless there is a declaration of "confidentiality" pursuant to the public records law and in accordance with the procedures in this section.

Any confidential material(s) the Developer/Developer Team Member asserts is exempt from public disclosure under Florida Statutes must be labeled as "Confidential" and marked with the specific statute and subsection asserting exemption from Public Records.

To submit confidential material, three hardcopies must be submitted in a sealed envelope, labeled with the solicitation number, title, date and the time of solicitation opening to:

Broward County Purchasing Division
115 South Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

Material will not be treated as confidential if the Developer/Developer Team Member does not cite the applicable Florida Statute(s) allowing the document to be treated as confidential.

Any materials that the Developer/Developer Team Member claims to be confidential and exempt from public records must be marked and separated from the submittal. If the Developer/Developer Team Member does not comply with these instructions, the Vendor's claim for confidentiality will be deemed as waived.

Submitting confidential material may impact full discussion of your submittal by the Selection or Evaluation Committee because the Committee will be unable to discuss the details contained in the documents cloaked as confidential at the publicly noticed Committee meeting.

7. Copyrighted Materials

Copyrighted material is not exempt from the Public Records Law, Chapter 119, Florida Statutes. Submission of copyrighted material in response to any solicitation will constitute a license and permission for the County to make copies (including electronic copies) as reasonably necessary for the use by Sponsors staff and agents, as well as to make the materials available for inspection or production pursuant to Public Records Law, Chapter 119, Florida Statutes.

8. Conflict of Interest

Refer to Part 2, Section E regarding Conflict of Interest.

9. Review of Responses

The UDPA is responsible for shortlisting the most qualified Developer(s). The process for this procurement may proceed in the following manner:

- a. Upon receipt of Developers' submissions, the Broward County Purchasing Division submits the responses to Sponsors' staff/consultants for summarization. County staff will prepare a report and present to the UDPA, including a matrix of a summary of responses submitted by the Developers.
- b. County staff will also identify any incomplete responses and request additional information, as applicable.
- c. The UDPA will review each the submissions of each Developer/Developer's Team Members and determine if Developers' Teams are qualified.
- d. The UDPA will then create a short list of the most qualified Developers (and their Teams).
- e. At any time prior to award, the UDPA may find that a Developer (or a Team Member) is not qualified to receive a particular award. The UDPA may consider the following factors, without limitation: debarment or removal from the authorized vendors list or a final decree; declaration or order by a court or administrative hearing officer or tribunal of competent jurisdiction that the Developer (or a Team Member) has breached or failed to perform a contract; claims history of the Developer (or a Team Member); performance history on a Sponsors' contract(s); an unresolved concern; or any other cause such as those listed in the Broward County Procurement Code or City of Fort Lauderdale Procurement Ordinance, or Florida law for evaluating/determining the responsibility of a Developer (or a Team Member).

10. Waiver of Irregularities

The UDPA reserves the right to waive minor technicalities or irregularities in response to this solicitation as UDPA determines to be in the best interest of the Project.

11. Rejection of Responses

The UDPA may recommend rejecting all submittals as in the best interests of the Sponsors.

12. Submission of Sealed Submittals

The Sponsors do not require any personal information (as defined under Section 501.171, Florida Statutes), such as social security numbers, driver license numbers, passport, military ID, bank account or credit card numbers, or any personal pin numbers, in order to submit a response. DO NOT INCLUDE any personal information data in any document submitted in response to this solicitation. If any personal information data is part of a submittal, this information must be redacted prior to submitting a response to this solicitation.

Developer MUST submit its solicitation response electronically and MUST confirm its submittal in order for the Sponsors to receive a valid response through Periscope S2G. It is the Developer's sole responsibility to assure its response is submitted and received through Periscope S2G by the date and time specified in the solicitation.

The Sponsors will not consider solicitation responses received by other means. Developers are encouraged to submit their responses in advance of the due date and time specified in the solicitation. In the event that the Developer is having difficulty submitting the solicitation response through Periscope S2G, immediately notify the Purchasing Agent and then contact Periscope SG2 for technical assistance.

Developer must view, submit, and/or accept each of the documents in Periscope S2G (through County's account). Web-fillable forms can be filled out and submitted through Periscope SG2.

After all documents are viewed, submitted, and/or accepted in Periscope S2G, the Developer must upload additional information requested by the solicitation (i.e. Evaluation Criteria and non-confidential Financials Statements) in the Item Response Form in Periscope SG2, under line one.

Developer should upload responses to Evaluation Criteria Microsoft Word, Excel format, or PDF format (that is not scanned/ locked).

If the Developer is declaring any material confidential and exempt from Public Records, refer to Confidential Material/ Public Records and Exemptions for instructions on submitting confidential material.

After all files are uploaded, Developer must submit and CONFIRM its offer (by entering password) for offer to be received through Periscope SG2.

Developer is also required to deliver twenty-four (24) hardcopies of response to below address. Hardcopies shall be bound, and cover shall include clearly identify the Developer's name, solicitation name and number. The Sponsors will use also use electronic file of Periscope S2G response. This hardcopy submittal is separate from any confidential material (submitted in accordance with item no. C.12).

Broward County Purchasing Division
115 South Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

Refer to Add. 1 (page 57) - modified to separate financial and litigation history from submittals.

**Evaluation Criteria – Developer (including Financial Qualifications)
Developer for Joint Government Center Campus (JGCC)**

Refer to General Information - Request for Qualifications (Step One), Section C. 6., **Confidential Material/ Public Records and Exemptions** for instructions if claiming confidentiality on any submitted documents. Additionally, refer to Section C.13, **Submission of Sealed Submittals**.

1. Project Approach:

- A. Provide a narrative outlining the Developer's understanding of the Project throughout each anticipated phase of the Project.
- B. Provide a description of key issues or risks that the Project could face and how the Developer would mitigate them.
- C. Describe Developer's management approach to each phase of the Project, including the participation and management approach of the Lead Equity Member(s). Include language discussing:
 - i. Developer(s) approach to leading the consortium through project administration (including changes in ownership/leadership), execution and operations;
 - ii. Coordinating of the efforts of various technical teams;
 - iii. Day-to-day project management and reporting;
 - iv. Schedule and cost management;
 - v. Document management;
 - vi. Contract management;
 - vii. Change management;
 - viii. Construction management;
 - ix. Design management;
 - x. Quality Control/Assurance;
 - xi. Risk management;
 - xii. Operations; and
 - xiii. Lifecycle Maintenance.

2. Project Financial Approach:

As described in the solicitation, the Sponsors are contemplating a number of potential financing structures for the Project, including an availability payment structure and a structure whereby the City and County will provide the financing for an integrated Developer and Developer's Team which performs design, build, operations, and maintenance services for the Project.

The Sponsors are also considering a hybrid structure whereby the transaction is structured with availability payments with the Sponsors contributing substantive milestone payments during construction. As the Sponsors structure this transaction, it is seeking to optimize the weighted average cost of capital and the risk transfer associated with long-term performance of the Project.

Based on these preliminary (and non-binding) expectations, describe the Developer's deal/financial approach for the following:

- A. Developer's understanding of the contemplated financial structures for the Project, and the benefits and considerations associated with each;
- B. The role of private lenders and equity providers as a source of capital for the Project, and how the Sponsors might optimize its cost of financing while achieving long-term risk transfer for the Project;
- C. Developer's proposed approach to each of the following scenarios for financing and funding the Project, based on the assumption the Sponsors contribute:
 - i. no milestone payments;
 - ii. approximately 50% of the Project as milestone payments; or
 - iii. 100% of the Project cost as milestone payments
- D. The extent to which the Developer's teaming structure or organization may adjust assuming the Sponsors contribute:
 - i. no milestone payments;
 - ii. approximately 50% of the Project as milestone payments; or
 - iii. 100% of the Project cost as milestone payments
- E. Developer's concepts for innovation in structuring its financial approach to the different project stages (designing, building, operating and maintaining) of the Project, as well as deal/financial structural enhancements the Sponsors should consider.

3. Financial Statements:

The requested information must be provided for each Developer and for each of the Developer's Equity Members, each Major Non-Equity Member, and each Financially Responsible Party.

Developer may choose to designate in lieu of itself an alternative Financially Responsible Party in RFQ response that will provide a guarantee covering the performance and financial obligations of the Project.

The Sponsors may, in their discretion based upon the review of the information provided, or the Developer's form of organization, specify that an acceptable Financially Responsible Party is required as a condition precedent prior to shortlisting.

- A. Provide Financial Statements (as defined below) for Developer, each Equity Member, each Major Non-Equity Member and each Financially Responsible Party for the three (3) most recently completed fiscal years. Note: If an entity is a consortium, partnership or any other form of a joint venture, provide the financial statements for all entity's members. If an entity is a fund manager(s) of an investment fund, provide the financial statements for the fund manager, the limited partnership(s) constituting the investment fund, and the general partner(s) of the investment fund.

Refer to Add. 1 (page 58) - section A modified to additional information required for submittal if funding or guaranteeing equity commitments through use of internal resources.

- B. The required information for each separate entity shall be packaged separately with a cover sheet identifying the name of the entity and its role in Developer's Team (i.e., Equity Member, Financially Responsible Party, Lead Architect, etc.).
- C. Financial Statements include the following:
- i. Opinion Letter (Auditor's Report) for audited financial statements
 - ii. Balance Sheet
 - iii. Income Statement
 - iv. Statement of Changes in Cash Flow

Footnotes audited by a certified public accountant in accordance with generally accepted accounting principles (GAAP) or International Financial Reporting Standards (IFRS) for audited financial statement.

- D. In addition, Financial Statements must meet the following requirements:

- i. GAAP/IFRS: Financial Statements must be prepared in accordance with U.S. Generally Accepted Accounting Principles (U.S. GAAP) or International Financial Reporting Standards (IFRS). If financial statements are prepared in accordance with principles other than U.S. GAAP or IFRS, a letter must be provided from a certified public accountant discussing the areas of the financial statements that would be affected by a conversion to U.S. GAAP or IFRS. A restatement of the financial information in accordance with U.S. GAAP or IFRS is not required.
- ii. U.S. Dollars: Financial statements should be provided in U.S. dollars if available. If financial statements are not available in U.S. dollars, Respondent must include summaries of the Income Statements, Statement of Changes in Cash Flow and Balance Sheets for the applicable time periods converted to U.S. dollars by a certified public accountant.
- iii. Audited: Financial Statements must be audited by an independent party qualified to render audit opinions (e.g. a Certified Public Accountant). If audited financials are not available for an entity, the Response shall include unaudited financial statements for such entity, certified as true, correct and accurate by the chief executive, chief financial officer or treasurer (or equivalent position or role) of the entity.
- iv. English: Financial Statement information must be prepared in English. If audited financial statements are prepared in a language other than English, then translations of all financial statement information must be accompanied with the original financial statement information.
- v. Newly Formed/Wholly-Owned Subsidiary Entity: If the Respondent, Equity Member, Major Non-Equity Member or Financially Responsible Party is a newly formed entity or a wholly-owned subsidiary entity and does not have independent financial statements, financial statements for the equity owners of such entity shall be provided (and the entity shall expressly state that the entity is a newly formed entity or a wholly-owned subsidiary entity, as applicable, and does not have independent

Refer to Add. 1
(page 59) -
corrected
references
of Respondent to
Developer.

financial statements). The entity that provides the financial statements shall be a Financially Responsible Party.

- vi. SEC Filings: If any entity for which financial information is submitted hereby files reports with the Securities and Exchange Commission, then such financial statements shall be provided through a copy of their annual report on Form 10K. For all subsequent quarters, provide a copy of any report filed on Form 10Q or Form 8-K which has been filed since the latest filed 10K.

- E. If Financial Statements of a Financially Responsible Party are provided to demonstrate financial capability of the Developer, any Equity Member, Major Non-Equity Member, Lead Contractor, or Developer team, an appropriate letter from the applicable Financially Responsible Party must be provided confirming that it will guarantee all the obligations of the Respondent, any Equity Member, Major Non- Equity Member, Lead Contractor, or Developer Team as applicable, with respect to the Project. This letter must be signed by the chief executive, chief financial officer, treasurer (or equivalent position or role) of the Financially Responsible Party.

4. Additional Financial Information – Material Changes in Financial Condition

- A. Provide information regarding any material changes (as described in this section) in financial condition for the past three years, and any material changes in financial condition anticipated for the next reporting period for the Developer, Equity Member, Major Non-Equity Member, and Financially Responsible Party. If a Developer proposes to rely on a single Financially Responsible Party for the obligations of the Developer/Developer's Team, Developer must provide this information for the Financially Responsible Party.

If no material changes have occurred and none are pending, provide a letter so certifying from the applicable chief executive officer, chief financial officer or treasurer (or equivalent position or role).

Illustrative List of Representative Materials Changes: The following list is intended to provide guidance on the types of material changes in financial condition that must be reported. This list is provided for illustrative purposes only and should not be interpreted as being exhaustive.

- An event of default or bankruptcy involving the affected entity, or the parent corporation of the affected entity;
- A change in tangible net worth of 10% of shareholder equity;
- A sale, merger or acquisition exceeding 10% of the value of shareholder equity prior to the sale, merger or acquisition which in any way involves the affected entity or parent corporation of the affected entity;
- A downgrade in credit rating for the affected entity or parent corporation of the affected entity;
- Non-payment of any debt service;
- Inability to meet material conditions of loan or debt covenants by the affected entity or parent corporation of the affected entity which has required or will require a

- waiver or modification of agreed financial ratios, coverage factors or other loan stipulations, or additional credit support from shareholders or other third parties;
- In the current and three most recent completed fiscal years, the affected entity or the parent corporation of the affected entity either: (i) incurs a net operating loss; (ii) sustains charges exceeding 5% of the then shareholder equity due to claims, changes in accounting, write-offs or business restructuring; or (iii) involves the disposition of assets exceeding 10% of the then shareholder equity; and
 - Other events known to the affected entity which represents a material change in financial condition over the past three years or may be pending for the next reporting period.

In instances where a material change has occurred, or is anticipated, the affected entity shall provide a statement describing each material change in detail, a discussion of how the material change is anticipated to affect organizational and financial capacity, a discussion of how the material change affects the ability to remain engaged in this procurement and submit a responsive Proposal, and a discussion of measures, if any, that would be undertaken to insulate the Project from the material change.

B. Off-Balance Sheet Liabilities:

A letter from the chief executive officer, chief financial officer or treasurer (or equivalent position or role) of the entity or the certified public accountant for each entity for which financial information is submitted either: (a) identifying all off balance sheet liabilities in excess of \$10 million dollars in the aggregate, or (b) certifying that no such off balance sheet liabilities of \$10 million in the aggregate exist.

C. Credit Ratings

The Developer shall provide a list identifying (1) each entity for which financial statements are provided, (2) a statement indicating whether each entity has a credit rating, (3) and, if so, providing a copy of its current credit rating.

5. Past/Current Performance:

Provide a description (not to exceed one (1) page per project) of relevant experience (past and current) held by the Developer and other Equity Members (for entities that invest equity through one or more funds or vehicles under common or similar management or ownership, the experience of all such funds and vehicles may be included) on projects where such Equity Member acted in a role as a concessionaire/private partner/equity member in connection with such project that reached financial close. These roles should incorporate the utilization of financing to drive Project performance. Complete **Project Financial Experience** Form.

Relevant experience includes large public-private partnership projects, with an emphasis on social infrastructure public-private partnerships, that involved the Developer and other equity team members sharing substantial risks associated with design, construction, financing, operation and maintenance.

Refer to Add. 1 (page 60) - clarified the Project Financial Form is in addition to one page description.

Relevant experience should be from the last seven years in closing financing of at least three design-build-finance, design-build-finance-maintain, or design-build-finance-operate-maintain public-private partnership projects.

Developers should emphasize projects in excess of \$300 million in total project size. Include up to eight (8) projects in the aggregate for all Equity Members, with at least one from each member.

For each project, include a project description, describing the role of the Equity Member on such project, relevance of the project and the entity's experience to the Project and why that experience will provide value to the Sponsors. Include information on the other equity investors (including percentage interests), lenders, equity raised, financing raised and finance structure.

For the Developer only, list all completed and active projects that Developer has managed within the past five years. Also list all projects currently being pursued.

Refer to Add. 1 (page 60) corrected to "Developer and other Equity Members..." for completed and active projects. Include evidence of projects with proven experience of having addressed site management issues within an urban location including maintenance of traffic (MOT), addressing temporary traffic control by establishing a work zone, providing related transportation management and temporary traffic control on existing streets right-of-way.

6. Bonding Capacity:

A. The Developer or General Contractor is capable of obtaining:

- i. a payment bond or bonds in the aggregate amount of \$750 million from an Eligible Surety, and
- ii. a performance bond or bonds in the aggregate amount of \$750 million from an Eligible Surety.

An "Eligible Surety" is a bonding surety licensed in the State, listed on the U.S. Department of the Treasury's "Listing and Approved Sureties" rated "A" or higher by at least two nationally recognized rating agencies (Fitch Ratings, Moody's Investor Service and Standard & Poor's Ratings Group) or with a Financial Stability Rating of A or A- and a Financial Size Category of XI or higher (A-, XI).

B. Submit form of a letter from a surety/insurance company indicating that such capacity exists for the Developer. Letters indicating "unlimited" bonding capability are not acceptable.

Note - the specific amount of security that it will required for the Project, which will be based on the Florida Statutes (construction amount for the Project) and/or deal structure. The Sponsors shall delineate such requirements, which will be consistent with applicable law, in the Step Two solicitation.

Evaluation Criteria – Developer’s Team for Architect/Engineer (A/E) Consultants Developer for Joint Government Center Campus

Proposals should include a completed General Services Administration (GSA) Standard Form (SF). Specific sections are identified for completion, though the entire SF 330 should be completed (i.e. including Part 2). The SF 330 is available at: <https://www.gsa.gov/Forms/TrackForm/32994>

1. Ability of Professional Personnel: (Sections C, D and E of the SF 330)

Describe the qualifications and relevant experience of the Project Manager and all key staff and sub-consultants that are intended to be assigned to this project.

- A. Provide the qualifications, relevant experience and resumes for the A/E Consultants and of all sub-consultants' key staff to be assigned to this project. Identify and provide the resumes for Principal-in-Charge, Project Manager, Programmer, Workplace Interior Designer, and BIM Manager for the prime and sub-consultants.
- B. Provide the specific involvement of A/E Consultants key staff and sub-consultants in projects noted in item 3 (Past Performance) below. Identify their role and responsibilities on similar government projects.
- C. Provide an Organizational Chart for the members of the proposed Project Team.
- D. Provide evidence of Florida Professional licensure for individuals of the (A/E) Consultants with copies of any requisite authorizations to provide services in the State of Florida.

Joint Venture submittal requirements

If applicable, A Joint Venture should submit satisfactory proof with its submittal that the Joint Venture, or at least one of the Joint Venture partners, shall be required to possess one of the above licenses (including any specified State registration) at the time of submittal. If not submitted with its response, the Joint Venture must submit such proof within three business days of County's written request. A Joint Venture may be deemed non-responsive for failure to comply within stated timeframes.

If a Joint Venture is recommended for contract award, it must either 1) submit satisfactory proof that the Joint Venture holds the specified license (if applicable) or that a licensed contractor has qualified the Joint Venture, or 2) provide satisfactory proof it applied for the specified license (if applicable) or the licensee has applied to qualify the Joint Venture, within three business days of County's written request. The license or qualification, as applicable, in the name of the Joint Venture, must be effective prior to contract execution.

- E. Provide evidence of knowledge and experience with Florida Building Code, Federal and State funded projects and any other related state, local municipal and jurisdictional agencies.
- F. Provide evidence of program, design and construction of Class A high- rise commercial or government building projects accommodating over 1500 occupants and minimum

500,000 SF area. Identify team members, their role and responsibilities on similar government projects. At a minimum, provide evidence of one (1) completed project.

- G. Provide evidence of team knowledge and experience with life-safety occupancy and egress studies in complex mixed-use buildings complex mixed-use buildings (including horizontal exit arrangements), and of, and of rational analysis and smoke evacuation design in high-rise buildings.
- H. Provide evidence of team knowledge and experience with IT/Low Voltage System technologies and Physical and Electronic Security systems in complex government building projects. Also include experience with Threat and Risk Assessment (TARA) for site, program and design considerations from a security perspective
- I. Provide evidence of team knowledge and experience with the design of special public assembly areas such as chamber areas, courtrooms, etc. In addition, the responder team must include an acoustical consultant.
- J. Provide evidence of experience in Design-Build or Integrated Project Delivery (IPD).

2. Specialized Experience, Knowledge and Capabilities (LEED and BIM Experience and Knowledge): (Sections E and F of the SF 330)

- A. Leadership in Energy and Environmental Design (LEED) Experience and Knowledge – the JGCC Design Criteria Package identifies design criteria to meet LEED Silver rating (United States Green Building Council Leadership in Energy and Environmental Design). However, project goal is to attain LEED Gold Certification, at a minimum. The design intent is also to develop a Net-Zero Energy building complex inclusive of WELL Building features and criteria. LEED Platinum certification is anticipated if Net Zero Energy design is implemented.

Describe LEED experience and knowledge, list current and past projects (including certification level) and credential of your LEED accredited professionals on the Project Team. Identify how the team will address energy modeling methodologies in relation to site, massing analysis and building design in order to meet LEED energy modeling and commissioning requirements.

- B. Provide evidence of experience working with LEED Version 4.1 or latest available version for Building Design and Construction (BD+C). Provide evidence of experience working with independent Commissioning Agents.
- C. Provide evidence of knowledge and experience addressing resiliency in the design of similar buildings and landscapes in scope and scale and located in the South Florida region to respond to natural and man-made disasters and disturbances—as well as long-term changes resulting from climate change including high winds and tropical storms, sea level rise; flooding and stormwater management; tidal flooding; storm surge; future rainfall and groundwater elevations for finished floor elevations; etc.

- D. The design intent is to develop a Net-Zero Energy building complex. Describe relevant experience and include knowledge of Net-Zero performance standards, energy strategies and applications for all building components.
- E. Describe relevant experience and include knowledge of WELL Building principles and methodologies.
- F. Provide evidence of projects with mechanical systems that provide for enhanced air exchange and air compartmentalization within tenant spaces in the facility.
- G. BIM Capabilities and Experience: Describe your firm's specific experience in utilization of Building Information Modeling (BIM) software during all phases of design and construction including visualization, scheduling, clash detection, interference management and COBie software. Describe the team's experience in generative and parametric programmatic modelling. Identify your office's predominating BIM software platform and supporting software.
- H. Describe your team's overall project goals and objectives for Virtual Design & Construction (VDC) deployment on the project. Describe how VDC and model use will assist the project team.
- I. Describe how models and model data will be compiled, reviewed and managed.

3. Past Performance: (Section F of the SF 330)

Describe A/E Consultants experience on projects of similar nature, scope and duration, along with evidence of satisfactory completion, both on time and within budget, for the past 10 years.

- A. The selected professional consulting Architect-led team shall possess extensive experience in planning, design and construction administration of cutting-edge next-generation civic and government facilities or other similar complex facilities in the United States, including but not limited to needs assessment, forecasting, programming, planning, design and project management.
- B. Describe A/E Consultants' experience on projects of similar nature, scope and duration, along with evidence of satisfactory completion, both on time and within budget, for the past ten years. Describe firm's experience with high-rise building projects that are critical, strategic high-performance buildings or buildings located within an urban district and of similar nature, scope and duration along with evidence of satisfactory completion, both on time and within budget. Identify which projects were completed on a phased-basis.
- C. Provide evidence that the firm achieved outstanding solutions and outcome in new Government facility projects and projects of a similar nature.
- D. Provide evidence of completed projects incorporating parking garage facility and parking management technology.
- E. Provide evidence of completed projects integrating multi-modal mass transit options.
- F. Provide evidence of experience in Design-Build or integrated project delivery.

A/E Consultants should provide references for a minimum of three projects listed in A-F to show evidence of qualifications and previous experience. Refer to **Vendor Reference Verification Form** and submit as instructed. Only provide references for non-Broward County Board of County Commissioners (County) and non-City of Fort Lauderdale (City) contracts. For County and City contracts, the Unified Direct Procurement Authority (UDPA) will review performance evaluations in its database for vendors with previous or current contracts with the Sponsors. The Sponsors will consider references and performance evaluations in the evaluation of A/E Consultants' past performance.

4. Project Approach: (Section H of the SF 330)

Refer to Add. 1 (page 60) - modified sentence "...A/E Consultants' approach to the project and how sub-consultants will be used in the project."

Describe the A/E Consultants' approach to the project. Include how the prime Vendor will use sub-consultants in the project.

- A. Describe the overall team's approach to strategically planning this urban development project, taking into consideration occupancy and project typology. Describe your team's design philosophies as it relates to critical regionalism, integrating local context with the proposed building typologies.
- B. Describe your team's approach with integrating facility needs assessments, programming, and the design criteria package in the in the architectural, interior design and construction for this Project.
- C. Describe a quality-assurance, quality control system within the organization and as it relates to sub-consultants and contractor in order to ensure high-quality design solutions.
- D. Describe how the team will demonstrate a commitment to innovative design excellence, best value practices, quality and resiliency, sustainable environmental stewardship in order to support carbon-neutral building goals.
- E. Describe the team's approach and past successes as a participant in projects using a design-build or public-private partnership.
- F. Describe the team's approach to stakeholder engagement and public outreach, communications and technology to convey civic public benefits of the project to the broader community, should this become the responsibility of the developer.

5. Workload of the Firm:

For the A/E Consultants only, list all completed and active projects that A/E Consultants have managed within the past five years. In addition, list all projected projects that Vendor will be working on in the near future. Projected projects will be defined as a project(s) that A/E Consultants is awarded a contract but the Notice to Proceed has not been issued. Identify any projects that Vendor worked on concurrently. Describe A/E Consultants' approach in managing these projects. Were there or will there be any challenges for any of the listed projects? If so, describe how A/E Consultants dealt or will deal with the projects' challenges.

Refer to Add. 1 (page 60) - modified section to "all completed and and active USA-based projects..." and "The A/E team may wish to highlight projects outside of the USA that are similar in scale and nature."

6. Willingness to Meet Time and Budget Requirements:

For A/E Consultants, explain approach to meeting time and budget requirements for project of similar scope and scale. In Step 2, once budget and schedule are established, Developer Team shall confirm commitment to meet project schedule and budget requirements.

Evaluation Criteria – Developer’s Team for General Contractor Developer for Joint Government Center Campus (JGCC)

1. Ability of Professional Personnel

- A. Provide the qualifications, relevant experience and resumes for the Developer’s General Contractor (GC) and all key staff to be assigned to this Project. Identify roles of: Project Executive/Director, Pre-Construction Manager, Project Manager and General Superintendent. Submit up to a two-page resume for the Project Manager including qualifications, licenses and/or certifications, and relevant experience for the project.

Project Manager is a full-time employee with at least ten (10) years of experience in administration and supervision of similar projects, including the management and direction of subcontractors and their work.

Provide evidence that addresses GC’s safety record and demonstrates the GC’s safety culture within its organization.

- B. Provide the specific involvement of GC’s key staff in projects noted in item 3 (Past Performance) below. Specifically identify their role and responsibilities on projects including Class A high-rise commercial office or government building, multi-level parking structures, multimodal transportation facilities, green sustainable facilities, and other multi-disciplined projects of similar scope and size.
- C. Provide an Organizational Chart for the members of the proposed project team and provide the office location responsible for this project. Provide evidence of knowledge and experience with the Florida Building Code, and its accessibility requirements and any other related state, local municipal and jurisdictional agencies.

2. Licensing

Submit satisfactory proof of licensing with submittal. General Contractor must be a State of Florida Certified General Contractor. If the GC does not currently possess state licenses (issued by the Florida Department of Business and Professional Regulation), for applicable scope of work (Certified General Contractor) confirm the GC’s commitment to apply and obtain state requirements by time of execution of agreement (or prior to any services required under the agreement).

Joint Venture requirements:

If applicable, a Joint Venture as a GC should submit satisfactory proof with its submittal that the Joint Venture, or at least one of the Joint Venture partners, possess one of the above licenses (including any specified State registration) at the time of submittal.

If the GC Joint Venture is recommended for contract award (as part of Developer’s Team), it must either 1) submit satisfactory proof that the Joint Venture holds the specified license or that a licensed contractor has qualified the Joint Venture, or 2) provide satisfactory proof it applied for the specified license or the licensee has applied to qualify the Joint Venture, within three business days of Sponsor’s written request. The license or qualification, as applicable, in the name of the Joint Venture, must be effective prior to contract execution.

Additional submittal requirements (for construction services only):

A Joint Venture proposer should submit satisfactory proof with its submittal that the Joint Venture complies with all applicable legal requirements, including but not limited to, Section 489.119, Florida Statutes and Rule 61G4-15.0022, Florida Administrative Code, at time of submittal. If not submitted with its response, the Joint Venture must submit such proof within three business days of Sponsor's written request.

3. Specialized Experience, Knowledge and Capabilities (LEED and BIM Experience and Knowledge):

- A. The Project shall be designed under Leadership in Energy and Environmental Design (LEED) Version 4.1 or latest available version for Building Design and Construction (BD+C). All applicable LEED principles and guidelines to achieve minimum LEED Silver certification will be taken into consideration. The design intent is also to develop a Net-Zero Energy building complex inclusive of WELL Building features and criteria. LEED Platinum certification is anticipated if Net Zero Energy design is implemented.

The design intent is also to develop a Net-Zero Energy building complex inclusive of WELL Building features and criteria. LEED Platinum certification is anticipated if Net Zero Energy design is implemented.

Provide evidence of experience completing LEED projects accredited under "LEED v4.1 for Building Design and Construction" or latest version for projects of similar scope per Section 3B (below.) List current and past projects (including certification level) and credentials of your LEED accredited professionals on the project team. Describe GC's experience with the WELL Building principles and process. Provide evidence of experience working with independent Commissioning Agents.

- B. Describe how the team will help identify and address potential sustainability strategies during design and construction of a multi-storied, Class A high-rise commercial office or government building with parking garage to achieve LEED goals.
- C. Describe GC's specific experience in utilization of Building Information Modeling (BIM) software during all phases of pre-construction and construction including scheduling, coordination, interference management as well as development and output of Construction Operations Building Information Exchange (COBie) deliverables. Identify BIM Manager and key BIM personnel to be assigned to this project. Identify GC's office's primary BIM software platform and supporting software. Explain GC's approach to meet the requirements of **BIM and Electronic Media Submittal Requirements**.
- D. Describe your team's overall project goals and objectives for Virtual Design & Construction (VDC) deployment on the project. Describe how VDC and model use will assist the Project's team.

4. Past Performance

- A. Describe GC's experience on projects of a comparable nature, scope, complexity and duration, along with evidence of satisfactory completion, both on time and within budget, for the past ten (10) years. Describe GC's experience with high-rise building projects that are critical, strategic high-performance buildings or buildings located within an urban district and of similar nature, scope and duration along with evidence

of satisfactory completion, both on time and within budget. Identify which projects were completed on a phased basis, overcoming restrictive urban site constraints.

- B. Provide evidence of experience in Design-Build or Integrated Project Delivery (IPD).
- C. Provide evidence of completed projects integrating multimodal transportation options.
- D. Vendor should provide references for a minimum of three (3) projects listed in 3a, 3b, and 3C (above) to show evidence of qualifications and previous experience. Refer to Vendor **Reference Verification Form** and submit as instructed. Only provide references for non-Sponsor contracts. For Sponsors' contracts, the UPDA will review performance evaluations in its database for vendors with previous or current contracts. The Sponsors will consider references and performance evaluations in the evaluation of GC's past performance.

Refer to Add. 1
(page 61) -
corrected
references 3a-3c
to 4A-4C.

For each Reference Verification Form, attach the following additional information for each project:

1. Building Area Size (gross square feet)
2. Cost Control and Management
3. LEED certification level
4. Extent of BIM services
5. Master Permitting processes and Issues
6. Scheduling, Phasing and Staging
7. Company role and responsibility for the project
8. List GC's project manager and other key personnel involved on the referenced project.

5. Project Approach

- A. Describe the overall GC's team approach to strategically planning and constructing this urban development project. Describe the GC's project approach to deliver pre-construction services for this specialized building type. Include topics such as cost estimating, value engineering, scheduling, best practices, Building Information Modeling (BIM), constructability review, permitting and bidding.
- B. Describe the GC's project approach to deliver construction services. Include topics such as coordinating and constructing multi-level facilities, including specialized systems, parking garages, in urban settings, and assisting in the accreditation processes, commissioning and transitioning from existing to new facilities.
- C. Describe a quality-assurance, quality control system within the organization and as it relates to sub-contractors and GC in order to ensure high-quality design solutions.
- D. Describe the GC's team's approach to stakeholder engagement and public outreach, communications and technology to convey civic public benefits of the Project to the broader community, should this become the responsibility of the developer.
- E. Describe the team's approach and past successes as a participant in projects using a design-build, IPD or public-private partnership.

6. **Workload of the Firm**

For the Prime Vendor only, list all completed and active projects that Vendor has managed within the past five years. In addition, list all projected projects that Vendor will be working on. Projected projects will be defined as a project(s) that Vendor is awarded a contract but the Notice to Proceed has not been issued. Identify any projects that Vendor worked on concurrently. Describe Vendor's approach in managing these projects. Were there or will there be any challenges for any of the listed projects? If so, describe how Vendor dealt or will deal with the projects' challenges.

Refer to Add. 1 (page 61) - modified references from "Prime Vendor" to "General Contractor".

Appendix – Project Financial Experience Form

PROJECT 1 of []	
Project Name	
Project Address	
Owner/Developer	
City and State	
Owner's Contact Name, Email, and Phone	
Other Key Personnel from your Overall Team who worked on the Referenced Project	
Key Individual	Role on Project
If not already listed, name of the Architect	
PROJECT DATA	
Project Gross Square Footage	
Total Project Cost	
Type of Project	
Project Delivery Method	
If team provided operations and maintenance on Project, provide annual value and nature of the services provided	
Construction Type	
Occupancy Classification	
Level of LEED Certification	
Number of Stories	
Design Start Date	
Construction Documents Completion Date	
Construction Start Date, Substantial Completion Date, or Current Status	
Was the project completed on time? If not, why?	
Client/User Initial Construction Budget	
Final Construction Cost	
Was the project completed within budget? If not, why?	
INSTRUCTIONS: <i>At least one reference must be provided for each Project. Proposed Team members for this RFQ cannot be used as references for the above Project.</i>	
Name	
Current Address of Reference	
Current Phone Number of Reference	
Reference's Employer	
Reference's Title/Position	
Role of the Named Reference in the Project	
Email Address of Reference	
Address the following issues on the above referenced project	
Provide a brief summary of primary responsibilities for the referenced project	
Describe how the referenced project was similar in scale and complexity to the applicable Project scope.	

Vendor Reference Verification Form

Vendor is required to submit completed Reference Verification Forms for previous projects referenced in its submittal. Vendor should provide the **Vendor Reference Verification Form** to its reference organization/firm to complete and return to the Vendor's attention. Vendor should submit the completed Vendor Reference Form with its response by the solicitation's deadline. The County will verify references provided as part of the review process. Provide a minimum of five (5) non-Broward County Board of County Commissioners' references.

Refer to Add. 1 (page 61) - modified number of references to match evaluation criteria request.



Vendor Reference Verification Form

Broward County Solicitation No. and Title:

Reference for:

Organization/Firm Name providing reference:

Contact Name:

Title:

Reference date:

Contact Email:

Contact Phone:

Name of Referenced Project:

Contract No.

Date Services Provided:

Project Amount:

to

Vendor's role in Project: Prime Vendor Subconsultant/Subcontractor

Would you use this vendor again? Yes No If No, please specify in Additional Comments (below).

Description of services provided by Vendor:

Please rate your experience with the referenced Vendor:

Needs Improvement

Satisfactory

Excellent

Not Applicable

1. Vendor's Quality of Service
 - a. Responsive
 - b. Accuracy
 - c. Deliverables
2. Vendor's Organization:
 - a. Staff expertise
 - b. Professionalism
 - c. Turnover
3. Timeliness of:
 - a. Project
 - b. Deliverables
4. Project completed within budget
5. Cooperation with:
 - a. Your Firm
 - b. Subcontractor(s)/Subconsultant(s)
 - c. Regulatory Agency(ies)

Additional Comments: (provide on additional sheet if needed)

THIS SECTION FOR COUNTY USE ONLY

Verified via: EMAIL VERBAL Verified by: _____ Division: _____ Date: _____

Developer for Joint Government Center Campus

Vendor Questionnaire	[Fill in Firm Name Here]
1. Legal business name:	
2. Doing Business As/ Fictitious Name (if applicable):	
3. Federal Employer I.D. no. (FEIN):	
4. Dun and Bradstreet No.:	
5. Website address (if applicable):	
6. Principal place of business address:	
7. Office location responsible for this project:	
8. Telephone no. Fax no.	
9. Type of business (check appropriate box): <input type="checkbox"/> Corporation (specify the state of Incorporation) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Limited Partnership <input type="checkbox"/> General Partnership (State and County Filed In) <input checked="" type="checkbox"/> Other - Specify	9. Type of business (check appropriate box): <input type="checkbox"/> Corporation (specify the state of Incorporation) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Limited Partnership <input type="checkbox"/> General Partnership (State and County Filed In) <input type="checkbox"/> Other - Specify
10. List Florida Department of State, Division of Corporations document number (or registration number if fictitious name): https://dos.myflorida.com/sunbiz/	
11. List name and title of each principal, owner, officer, and major shareholder:	11. List name and title of each principal, owner, officer, and major shareholder:
12. Authorized Contact(S) For Your Firm: Your Firm: Name: Title: E-mail: Telephone No.: Name: Title: E-mail: Telephone No.:	12. Authorized Contact(S) For Your Firm: Your Firm: Name: Title: E-mail: Telephone No.: Name: Title: E-mail: Telephone No.:

Developer for Joint Government Center Campus

Vendor Questionnaire	[Fill in Firm Name Here]
<p>13. Has your firm, its principals, officers or predecessor organization(s) been debarred or suspended by any government entity within the last three years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>13. Has your firm, its principals, officers or predecessor organization(s) been debarred or suspended by any government entity within the last three years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>14. Has your firm, its principals, officers or predecessor organization(s) ever been debarred or suspended by any government entity? If yes, specify details in an attached written response, including the reinstatement date, if granted.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>14. Has your firm, its principals, officers or predecessor organization(s) ever been debarred or suspended by any government entity? If yes, specify details in an attached written response, including the reinstatement date, if granted.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>15. Has your firm ever failed to complete any services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>15. Has your firm ever failed to complete any services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>16. Is your firm or any of its principals or officers currently principals or officers of another organization? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>16. Is your firm or any of its principals or officers currently principals or officers of another organization? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>17. Have any voluntary or involuntary bankruptcy petitions been filed by or against your firm, its parent or subsidiaries or predecessor organizations during the last three years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>17. Have any voluntary or involuntary bankruptcy petitions been filed by or against your firm, its parent or subsidiaries or predecessor organizations during the last three years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

Developer for Joint Government Center Campus

Vendor Questionnaire	[Fill in Firm Name Here]
<p>18. Has your firm's surety ever intervened to assist in the completion of a contract or have Performance and/or Payment Bond claims been made to your firm or its predecessor's sureties during the last three years? If yes, specify details in an attached written response, including contact information for owner and surety.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Has your firm's surety ever intervened to assist in the completion of a contract or have Performance and/or Payment Bond claims been made to your firm or its predecessor's sureties during the last three years? If yes, specify details in an attached written response, including contact information for owner and surety.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>19. Has your firm ever failed to complete any work awarded to you, services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>19. Has your firm ever failed to complete any work awarded to you, services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>20. Has your firm ever been terminated from a contract within the last three years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>20. Has your firm ever been terminated from a contract within the last three years? If yes, specify details in an attached written response.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

STANDARD CERTIFICATIONS

Developer should complete and acknowledge the standard certifications and submit with the solicitation response. If not submitted with solicitation response, it must be submitted within three business days of Sponsors' request. Failure to timely submit may affect Developer's evaluation.

If a response requires additional information, the Developer should upload a written detailed response with submittal; each response should be numbered to match the question number. The completed and attached responses will become part of the procurement record. It is imperative that the person completing the Developer Standard Certification Form be knowledgeable about the proposing Developer's business and operations.

Cone of Silence Requirement Certification:

The Cone of Silence Ordinance, Section 1-266, Broward County Code of Ordinances prohibits certain communications among Developers, Board of County Commissioners, County staff, City Commissioners, City staff, and Unified Direct Procurement Authority (UDPA) members.

Identify on a separate sheet any violations of this Ordinance by any members of the responding firm or its joint ventures.

After the application of the Cone of Silence, inquiries regarding this solicitation should be directed to the County's Director of Purchasing or designee (or those listed in the solicitation). The Cone of Silence terminates when the Unified Direct Procurement Authority (UDPA) takes action which ends the solicitation.

The Developer hereby certifies that: (check each box)

- The Developer has read Cone of Silence Ordinance, Section 1-266, Broward County Code of Ordinances; and
- The Cone of Silence is currently in effect for this solicitation for all Broward County Board of County Commissioners (County), City of Fort Lauderdale Mayor and Commissioners (City), County and City Commissioners' staff, County Administrator, Deputy County Administrator, Assistant County Administrators, and their respective support staff, or any "Affected Person" (as defined in the Cone of Silence Ordinance), appointed by County to evaluate or recommend selection in this RFQ process, City Manager, Deputy City Manager, Assistant City Manager, and their respective support staff, or any "Affected Person" (as defined in the Cone of Silence Ordinance), appointed by City to evaluate or recommend selection in this RFQ process, with the further restriction that the members serving as the UDPA (County and City Commissioners), may not initiate contact with a Developer or Developer's representative while the Cone of Silence is in effect..
- The Developer agrees to comply with the requirements of the Cone of Silence Ordinance.

Drug-Free Workplace Requirements Certification:

Awards of all competitive solicitations may only be made to firms certifying the establishment of a drug free workplace program. The program must consist of:

1. Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the offeror's workplace, and specifying the actions that will be taken against employees for violations of such prohibition;
2. Establishing a continuing drug-free awareness program to inform its employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The offeror's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Giving all employees engaged in performance of the contract a copy of the statement required by

subparagraph 1;

4. Notifying all employees, in writing, of the statement required by subparagraph 1, that as a condition of employment on a covered contract, the employee shall:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of the employee's conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or of any state, for a violation occurring in the workplace NO later than five days after such conviction.
5. Notifying Sponsors' in writing within 10 calendar days after receiving notice under subdivision 4.b above, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;
6. Within 30 calendar days after receiving notice under subparagraph 4 of a conviction, taking one of the following actions with respect to an employee who is convicted of a drug abuse violation occurring in the workplace:
 - a. Taking appropriate personnel action against such employee, up to and including termination; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency; and
7. Making a good faith effort to maintain a drug-free workplace program through implementation of subparagraphs 1 through 6.

The Developer hereby certifies that: (check box)

- The Developer certifies that it has established a drug free workplace program in accordance with the above requirements.

Lobbyist Registration Requirement Certification

The Developer certifies that it understands if it has retained a lobbyist(s) to lobby in connection with a competitive solicitation, it shall be deemed non-responsive unless the firm, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the registration or amended registration required under Broward County Lobbyist Registration Act, Section 1-262, Broward County Code of Ordinances; and it understands that if, after awarding a contract in connection with the solicitation, the County learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the Developer, the County may, on that basis, exercise any contractual right to terminate the contract for convenience.

The Developer hereby certifies that: (select one)

- It has not retained a lobbyist(s) to lobby in connection with this competitive solicitation; however, if retained after the solicitation, the County will be notified.
- It has retained a lobbyist(s) to lobby in connection with this competitive solicitation and certified that each lobbyist retained has timely filed the registration or amended registration required under Broward County Lobbyist Registration Act, Section 1-262, Broward County Code of Ordinances

It is a requirement of this solicitation that the names of any, and all, lobbyists retained to lobby in connection with this solicitation be listed below:

Name of Lobbyist:
Lobbyist's Firm:
Phone:
E-mail:

Name of Lobbyist:
Lobbyist's Firm:
Phone:
E-Mail:

Non-Collusion Certification:

Developer shall disclose, to their best knowledge, any Sponsors' officer or employee, or any relative of any such officer or employee as defined in Section 112.3135 (1) (c), Florida Statutes, who is an officer or director of, or has a material interest in, the Developer's business, who is in a position to influence this procurement. Any Sponsors' officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement.

The Developer hereby certifies that: (select one)

- The Developer certifies that this offer is made independently and free from collusion; or
- The Developer is disclosing names of officers or employees who have a material interest in this procurement and is in a position to influence this procurement. Developer must include a list of name(s), and relationship(s) with its submittal.

Public Entities Crimes Certification:

In accordance with Public Entity Crimes, Section 287.133, Florida Statutes, a person or affiliate placed on the convicted Developer list following a conviction for a public entity crime may not submit on a contract: to provide any goods or services; for construction or repair of a public building or public work; for leases of real property to a public entity; and may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for Category Two for a period of 36 months following the date of being placed on the convicted Developer list.

The Developer hereby certifies that: (check box)

- The Developer certifies that no person or affiliates of the Developer are currently on the convicted Developer list and/or has not been found to commit a public entity crime, as described in the statutes.

Scrutinized Companies List Certification:

Any company, principals, or owners on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List is prohibited from submitting a response to a solicitation for goods or services in an amount equal to or greater than \$1 million.

The Developer hereby certifies that: (check each box)

- The Developer, owners, or principals are aware of the requirements of Sections 287.135, 215.473, and 215.4275, Florida Statutes, regarding Companies on the Scrutinized Companies with Activities in Sudan List the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the

Scrutinized Companies that Boycott Israel List; and

- The Developer, owners, or principals, are eligible to participate in this solicitation and are not listed on either the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List; and
- If awarded the Contract, the Developer, owners, or principals will immediately notify the Sponsors' in writing if any of its principals are placed on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List.

Contractor's Certificate of Compliance with Non-Discrimination Provisions of the Contract:

Pursuant to City of Fort Lauderdale Ordinance Sec. 2-187(c), Developer [Contractor] must certify compliance with the Non-Discrimination provision of the ordinance.

The Developer shall not, in any of his/her/its activities, including employment, discriminate against any individual on the basis of race, color, national origin, religion, creed, sex, disability, sexual orientation, gender, gender identity, gender expression, or marital status.

1. The Contractor certifies and represents that he/she/it will comply with Section 2-187, Code of Ordinances of the City of Fort Lauderdale, Florida, as amended by Ordinance C-18-33 (collectively, "Section 2-187").
2. The failure of the Contractor to comply with Section 2-187 shall be deemed to be a material breach of this Agreement, entitling the Sponsors to pursue any remedy stated below or any remedy provided under applicable law.
3. The Sponsors may terminate this Agreement if the Contractor fails to comply with Section 2-187.
4. The Sponsors may retain all monies due or to become due until the Contractor complies with Section 2-187.
5. The Contractor may be subject to debarment or suspension proceedings. Such proceedings will be consistent with the procedures in section 2-183 of the Code of Ordinances of the City of Fort Lauderdale, Florida.

- The Developer agrees to comply with the requirements of the Non-Discrimination Provisions.

I hereby certify the information provided in the Standard Certifications:

*AUTHORIZED SIGNATURE/NAME

TITLE

DATE

Developer Name:

* I certify that I am authorized to sign this solicitation response on behalf of the Developer as indicated in Certificate as to Corporate Principal, designation letter by Director/Corporate Officer, or other business authorization to bind on behalf of the Developer. As the Developer's authorized representative, I attest that any

and all statements, oral, written or otherwise, made in support of the Developer's response, are accurate, true and correct. I also acknowledge that inaccurate, untruthful, or incorrect statements made in support of the Developer's response may be used as a basis for rejection, rescission of the award, or termination of the contract by the UDPA and may also serve as the basis for debarment of Developer pursuant to of the Broward County Procurement Code and City of Fort Lauderdale Ordinance. I certify that the Developer's response is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a response for the same items/services, and is in all respects fair and without collusion or fraud. I also certify that the Developer agrees to abide by all terms and conditions of this solicitation, acknowledge and accept all of the solicitation pages as well as any special instructions sheet(s).

Submittal Bond, Performance and Payment Guaranties, and Qualifications of Surety Requirements (Two-Step):

Refer to Add. 1
(page 55-56) -
modified to 14
calendar days.

- A. **Submittal Bond:** If shortlisted, the Developer (Vendor) must submit an original Submittal Bond in the amount \$500,000 within three (3) business days of being designated as a shortlisted team. Failure to provide Submittal Bond timely will affect Developer's shortlisting.
1. In lieu of the Submittal Bond, the following will be acceptable: cash, money order, certified check, cashier's check, an original Bid Guaranty – Unconditional Letter of Credit, treasurer's check or bank draft of any national or state bank (United States). A personal check or a company check of a Vendor is not a valid bid guaranty.
 2. The **Submittal Bond** shall be in an amount equal to the amount above, payable to the Board of County Commissioners and conditioned upon a qualified Vendor submitting a response to the Step Two solicitation.
 3. Guaranty of the successful Vendor shall be forfeited to the Sponsors not as a penalty, but as liquidated damages for the cost and expense incurred should said Vendor fail to submit a response to the Step Two solicitation.
 4. When the Vendor submits a response to the Step Two solicitation, the Submittal Bond will be returned upon request.
- B. **Performance and Payment Guaranties:** The Step Two solicitation will identify the requirements and amount of bid guaranty, payment guaranty, and performance guaranty.
- C. **Qualifications of Surety Requirements:** A bid bond, submittal bond, proposal bond, performance bond, and payment bond must be executed by a surety company of recognized standing, authorized to do business in the State of Florida, having a resident agent in the State of Florida, and having been in business with a record of successful continuous operation for at least five (5) years.
1. In addition to the above-minimum qualifications, the surety company must meet at least one of the following additional qualifications:
 - a. The surety company shall hold a current Certificate of Authority as acceptable surety on federal bonds in accordance with the United States Department of Treasury Circular 570, current revision. If the amount of the Bond exceeds the underwriting limitation set forth in the circular, in order to qualify, the net retention of the surety company shall not exceed the underwriting limitation in the circular and the excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised (31 CFR Section 223.10, Section 223.11). Further, the surety company shall provide the County with evidence satisfactory to the County, that such excess risk has been protected in an acceptable manner.
 - b. The surety company shall hold a current Certificate of Authority with the Florida Office of Insurance Regulation.
 - c. All bonds shall be written through surety insurers authorized to do business in the State of Florida as surety, with the following qualifications as to management and financial strength according to the latest (1986 or later) edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick New Jersey:

Amount of Bond	Policy Holders Ratings
\$500,001 to \$1,500,000	A- III
\$1,500,001 to \$2,500,000	A, IV
\$2,500,001 to \$5,000,000	A VII
\$5,000,001 to \$10,000,000	A VIII
Over \$10,000,001	A IX

2. For projects which do not exceed \$500,000, the County may accept a bond from a surety company which has twice the minimum surplus and capital required by the Florida Office of Insurance Regulation at the time the solicitation is issued, if the surety company is otherwise in compliance with the provisions of the Florida Insurance Code, and if the surety company holds a currently valid Certificate of Authority issued by the United States Department of the Treasury under Section 9304 to 9308 of Title 31 of the United States Code.
3. If the surety company fails to meet the minimum qualifications, the Vendor must timely submit a bond from a qualified surety company to satisfy the requirements.

Refer to Add. 1 (page 55-56) -
modified to 14 calendar days.

SUBMITTAL BOND (TWO-STEP)

If shortlisted, the Developer (Vendor) must submit an original Submittal Bond in the amount \$500,000 within three (3) business days of being designated as a shortlisted team. Failure to provide Submittal Bond timely will affect Developer's shortlisting.

BY THIS BOND, We _____, as Principal, hereinafter called VENDOR, and _____, as Surety, are bound to the Board of County Commissioners of Broward County, Florida, and City of Fort Lauderdale, Florida as Obligees, hereinafter called Sponsors, in the amount of _____ (\$ _____) for the payment whereof VENDOR and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the Sponsors are seeking to contract with a firm (licensed in the State of Florida) for the completion of _____ (Project); and

WHEREAS, the Sponsors is utilizing a Two Step solicitation process for this Project, whereby Step One solicitation consists of each firm submitting qualifications and Step Two (Request for Letters of Interest or Request for Proposals) consists of each qualified firm submitting a response to the Request for Letters of Interest or Request for Proposals; and

WHEREAS, VENDOR responded to Solicitation No. _____ for the Project;

THE CONDITION OF THIS BOND is that if:

- 1.) VENDOR is qualified by the Sponsors in its Step One process; and
- 2.) VENDOR submits a timely response in the Sponsors' Step Two process pursuant to the Request for Letters of Interest or Request for Proposals; then THIS BOND IS VOID. If the VENDOR fails to provide a timely response, the VENDOR and Surety, jointly and severally, shall be liable to the Sponsors for the full sum herein stated which shall be due and payable to the Sponsors immediately upon demand of the Sponsors, in good and lawful money of the United States of America; as liquidated damages for failure thereof of said VENDOR; OTHERWISE THE BOND SHALL REMAIN IN FULL FORCE AND EFFECT.

No right of action shall accrue on this bond to or for the use of any person or corporation other than Sponsors named herein; and

In the event suit is brought upon this bond by the Sponsors, Surety shall pay reasonable attorneys' fees and costs incurred by the Sponsors in such suit.

Solicitation No. _____

Signed and sealed this _____ day of _____, 20_____.

WITNESSES:

(Name of Corporation)

Secretary
(CORPORATE SEAL)

By _____
(Signature and Title)

(Type Name and Title Signed Above)

IN THE PRESENCE OF:

SURETY COMPANY:

By _____
Agent and Attorney-in-Fact

Address: _____
(Street)

(City/State/Zip Code)

Telephone No.: _____

Litigation History Form

The completed and signed form should be returned with the Developer's submittal. If not provided with submittal, the Developer must submit within three business days of request. Failure to provide form timely will impact review of Developer's qualifications.

There are no material cases for this Developer/Developer Team Member; or

Material Case(s) are disclosed below:

Is this for a: (check type) <input type="checkbox"/> Parent, <input type="checkbox"/> Subsidiary, or <input type="checkbox"/> Predecessor Firm?	If Yes, Name of Parent/Subsidiary/Predecessor: or No <input type="checkbox"/>
Party	Developer is Plaintiff <input type="checkbox"/> Developer is Defendant <input type="checkbox"/>
Case Number, Name, and Date Filed	
Name of Court or other tribunal	
Type of Case	Bankruptcy <input type="checkbox"/> Civil <input type="checkbox"/> Criminal <input type="checkbox"/> Administrative/Regulatory <input type="checkbox"/>
Claim or Cause of Action and Brief description of each Count	
Brief description of the Subject Matter and Project Involved	
Disposition of Case (Attach copy of any applicable Judgment, Settlement Agreement and Satisfaction of Judgment.)	Pending <input type="checkbox"/> Settled <input type="checkbox"/> Dismissed <input type="checkbox"/> Judgment Developer/ Developer Team Member's Favor <input type="checkbox"/> Judgment Against Developer/ Developer Team Member <input type="checkbox"/> If Judgment Against, is Judgment Satisfied? Yes <input type="checkbox"/> No <input type="checkbox"/>
Opposing Counsel	Name: _____ Email: _____ Telephone Number: _____

Developer Name/ Developer Team Member: _____

INSURANCE REQUIREMENTS

Project: Joint Government Center Campus Project (Developer and/or Team)

TYPE OF INSURANCE	ADDL INSD	SUBR WVD	MINIMUM LIABILITY LIMITS		
				Each Occurrence	Aggregate
GENERAL LIABILITY - Broad form <input checked="" type="checkbox"/> Commercial General Liability <input checked="" type="checkbox"/> Premises-Operations <input checked="" type="checkbox"/> XCU Explosion/Collapse/Underground <input checked="" type="checkbox"/> Products/Completed Operations Hazard <input checked="" type="checkbox"/> Contractual Insurance <input checked="" type="checkbox"/> Broad Form Property Damage <input checked="" type="checkbox"/> Independent Contractors <input checked="" type="checkbox"/> Personal Injury Per Occurrence or Claims-Made: <input checked="" type="checkbox"/> Per Occurrence <input type="checkbox"/> Claims-Made Gen'l Aggregate Limit Applies per: <input checked="" type="checkbox"/> Project <input type="checkbox"/> Policy <input type="checkbox"/> Loc. <input type="checkbox"/> Other _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Bodily Injury		
			Property Damage		
			Combined Bodily Injury and Property Damage	\$2,000,000	\$4,000,000
			Personal Injury		
			Products & Completed Operations		
AUTO LIABILITY <input checked="" type="checkbox"/> Comprehensive Form <input checked="" type="checkbox"/> Owned <input checked="" type="checkbox"/> Hired <input checked="" type="checkbox"/> Non-owned <input checked="" type="checkbox"/> Any Auto, If applicable <i>Note: May be waived if no driving will be done in performance of services/project.</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Bodily Injury (each person)		
			Bodily Injury (each accident)		
			Property Damage		
			Combined Bodily Injury and Property Damage	\$1,000,000	
<input checked="" type="checkbox"/> EXCESS LIABILITY / UMBRELLA Per Occurrence or Claims-Made: <input type="checkbox"/> Per Occurrence <input type="checkbox"/> Claims-Made <i>Note: May be used to supplement minimum liability coverage requirements.</i>			Each Occurrence:	\$10,000,000	\$10,000,000
<input checked="" type="checkbox"/> WORKER'S COMPENSATION	N/A	<input checked="" type="checkbox"/>	Each Accident	STATUTORY LIMITS	
<input checked="" type="checkbox"/> EMPLOYER'S LIABILITY			Each Accident	\$1,000,000	
<input checked="" type="checkbox"/> PROFESSIONAL LIABILITY (ERRORS & OMISSIONS) All engineering, surveying and design professionals.	N/A		Each Claim:	\$10,000,000	
			*Maximum Deductible:	\$100,000	
<input checked="" type="checkbox"/> CONTRACTORS ENVIRONMENTAL LIABILITY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Each Claim:	\$5,000,000	
			*Maximum Deductible:	\$10,000	
<input checked="" type="checkbox"/> BUILDER'S RISK Note: Coverage must be "All Risk", Completed Value. LEG2 Endorsement Required			*Maximum Deductible (Wind and/or Flood):	Not to exceed 5% of completed value	Completed Value
			*Maximum Deductible:	\$10,000	

Note: Property is adjacent to a Railroad; therefore, Railroad Protective Liability insurance may be required by the Railroad Owner.

"Broward County" and City of Fort Lauderdale shall be listed as Certificate Holder and endorsed as an additional insured for liability, except as to Professional Liability. County and City shall be provided 30 days written notice of cancellation, 10 days' notice of cancellation for non-payment. Contractor's insurance shall provide primary coverage and shall not require contribution from the County or City, self-insurance or otherwise. Any self-insured retention (SIR) higher than the amount permitted in this Agreement must be declared to and approved by County and City and may require proof of financial ability to meet losses. Contractor is responsible for all coverage deductibles unless otherwise specified in the agreement.

CERTIFICATE HOLDER:

Broward County and City of Fort Lauderdale
115 South Andrews Avenue
Fort Lauderdale, Florida 33301

Risk Management Division

Addendum No. 1 - PNC2122559R1, Developer for Joint Government Center Campus

Modifications to each document is indicated below; Words in ~~striketrough~~ type are deletions from existing text. Words in **bold underlined** type are additions to existing text.

If a change is based on a Question and Answer, the question number(s) is referenced for informational purposes. Addendum changes below are listed in order of the files/documents (and not by question order).

PNC2122559R1, Developer for Joint Government Center Campus. The following changes have been made:

Re: Questions 17, 24, 36

Part 1: Project Overview, F. Definitions:

1. Developer: The responding legal entity **or proposed responding legal entity which include Equity Members of the proposed legal entity** for the Project who will execute contracts and is tasked with leading/coordinating the Project.
...
3. **A.** Financially Responsible Party: a parent company, affiliate company or investment fund that provides a guarantee confirming financial support for the Developer or a member of the consortium.
B. Financial Team Members: refers to Developer's Financial Advisors and Lenders for the Project.
...
7. Major Non-Equity Member: the following team members:
 - (i) the Architect of Record;
 - (ii) Design Architect (if separate firm)
 - (iii) General Contractor;
 - (iv) Lead Operation and Maintenance Provider; and
 - ~~(v) "Major Non-Equity Member" means any of them~~

Re: Question 27, 32, and 33

Part 3, Request for Qualifications (Step One) - Instructions for Developers, B. General Submittal Requirements:

... "3. Submittal Bond Requirement

Refer to Submittal Bond, Performance and Payment Guaranties, and Qualifications of Surety Requirements (Two-Step) for submittal requirements and forms. The Submittal Bond's conditions are that if: 1.) Developer is qualified and shortlisted by Sponsors in its Step One process; and 2.) Developer submits a timely response for the Step Two solicitation pursuant to the Request for Proposals; then the Submittal Bond is void.

If the Developer is qualified and shortlisted by Sponsors in its Step One process and fails to provide a timely response to the Step Two RFP, the Developer and Surety, jointly and severally, shall be liable to the Sponsors for the full sum herein stated which shall be due and payable to the Sponsors immediately upon demand, in good and lawful money of the

United States of America; as liquidated damages for failure thereof of said Developer; otherwise the bond shall remain in full force and effect.

If shortlisted, the Developer must submit an original Submittal Bond in the amount \$500,000 within ~~three (3) business~~ **14 calendar** days of being designated as a shortlisted team. Failure to provide Submittal Bond timely will affect Developer's shortlisting..."

Submittal Bond, Performance and Payment Guaranties, and Qualifications of Surety Requirements (Two-Step):

"A. **Submittal Bond:** If shortlisted, the Developer (Vendor) must submit an original Submittal Bond in the amount \$500,000 within ~~three (3) business~~ **14 calendar** days of being designated as a shortlisted team. Failure to provide Submittal Bond timely will affect Developer's shortlisting..."

SUBMITTAL BOND (TWO-STEP)

"If shortlisted, the Developer (Vendor) must submit an original Submittal Bond in the amount \$500,000 within ~~three (3) business~~ **14 calendar** days of being designated as a shortlisted team. Failure to provide Submittal Bond timely will affect Developer's shortlisting..."

Re: Question 37:

Part 3, Request for Qualifications (Step One) - Instructions for Developers, B. General Submittal Requirements:

... "5. Litigation History

Refer to Litigation History Form and submit for each of the following Developer/
Developer's Team Members:

- a. Developer
- b. Design Architect
- c. Architect of Record
- d. General Contractor
- e. Financial Team Member
- f. ~~O & M Team Member~~

The above referenced Team Members are required to disclose to the Sponsors all "material" cases filed, pending, or resolved during the last three (3) years prior to the solicitation response due date, whether such cases were brought by or against the Team Member, any parent or subsidiary of the Team Member, or any predecessor organization. **For purposes of this solicitation, a "case" is any suit, action, or proceeding, including, without limitation, alternative dispute resolution proceedings.** Additionally, each Developer is required to disclose all "material" cases filed, pending, or resolved against any principal of Team Member, regardless of whether the principal was associated with Developer Team Member at the time of the "material" cases against the principal, during the last three (3) years prior to the solicitation response...."

Re: Question 2 and 30:

C. General Information - Request for Qualifications (Step One)

... “6. Confidential Material/ Public Records and Exemptions

Broward County is a public agency subject to Chapter 119, Florida Statutes. Upon receipt, all submittals become "public records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes. Submittals may be posted on the County and City's public website or included in a public records request response unless there is a declaration of "confidentiality" pursuant to the public records law and in accordance with the procedures in this section.

Any confidential material(s) the Developer/Developer Team Member asserts is exempt from public disclosure under Florida Statutes must be labeled as "Confidential" and marked with the specific statute and subsection asserting exemption from Public Records. To submit confidential material, three hardcopies **and two (2) Flash Drives** must be submitted in a sealed envelope, labeled with the solicitation number, title, date and the time of solicitation opening to:..."

... “12. Submission of Sealed Submittals...

If the Developer is declaring any material confidential and exempt from Public Records, refer to the Confidential Material/ Public Records and Exemptions section for instructions on submitting confidential material.

After all files are uploaded, Developer must submit and CONFIRM its offer (by entering password) for offer to be received through Periscope SG2.

Developer is also required to deliver twenty-four (24) hardcopies of response to below address-, **excluding the following sections / items:**

1. Financial Statements

2. Litigation History

Three hardcopies of the Financial Statements and Litigation History, and two flash drives each containing the same information, in addition to the digital files submitted online (as applicable, instructions for submitting confidential information still applies, including marking of documents). These three copies can be the same as requested for confidential materials.

Hardcopies shall be bound, and cover shall ~~include~~ clearly identify the Developer's name, solicitation name and number. The Sponsors will use also use electronic file of Periscope S2G response.

This **The** hardcopy submittal (**of 24 responses**) is separate from any confidential material (submitted in accordance with item no. C.12).

Broward County Purchasing Division
115 South Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

Submittal summary:

<u>Periscope SG2</u>	<u>Upload all non-confidential electronic files, excluding Financial and Litigation History</u>
<u>24 hardcopy binders</u>	<u>All RFQ submittal information, excluding Financial and Litigation History</u>
<u>3 hardcopy binders</u>	<u>Financial and Litigation History (non-confidential and/or confidential information). If confidential information is included, must be marked/cited appropriately.</u>
<u>2 Flash Drives</u>	<u>Financial and Litigation History (non-confidential and/or confidential information).</u>
<u>1 Flash Drive</u>	<u>Electronic files uploaded to Periscope SG2 (as backup)</u>

Re: Question 25

2. Evaluation Criteria for Developer including Financial Qualifications

3. Financial Statements, A:

...“Provide Financial Statements (as defined below) for Developer, each Equity Member, each Major Non-Equity Member and each Financially Responsible Party for the three (3) most recently completed fiscal years. Note: If an entity is a consortium, partnership or any other form of a joint venture, provide the financial statements for all entity’s members. If an entity is a fund manager(s) of an investment fund, provide the financial statements for the fund manager, the limited partnership(s) constituting the investment fund, and the general partner(s) of the investment fund.

For Equity Members and Guarantors that are funding or guaranteeing equity commitments through use of internal resources (e.g., a corporate entity supplying its own capital), financial statements must be provided as described above in this section for the corporate entity supplying or guaranteeing the capital. In addition, the Developer must provide a letter from the chief executive officer, CFO, or treasurer of the applicable corporate entity that certifies the following:

- **Where and how the equity commitment will be sourced;**
- **A description of how competing allocation and capacity issues are considered between several project opportunities the entity pursues simultaneously;**
- **The investment amount and type meets all corporate strategy and investment policy requirements; and**
- **The approval process for such equity investment or guarantee.**

For any Equity Member or Guarantor of Developer that is an investment fund, the specific fund must be stated. If an Equity Member or Guarantor is a general partner that manages multiple funds, it must specifically identify from which fund it intends to ultimately source the equity investment or guarantee for the Project and provide the required financial information for that specific investment fund. Additionally, for entities that are fund managers of an investment fund, financial statements must be provided for the fund manager, the limited partnership(s) constituting the investment fund, and the general

partner(s) of the investment fund. In addition, the Developer must provide a letter from the chief executive officer, CFO, or treasurer of the investment fund that certifies the following:

- **The total available investment capacity of the fund;**
- **The investment minimum and maximum capacity of a single investment within the fund;**
- **The ownership structure of the various entities in the hierarchy of the fund;**
- **The investment criteria of the fund and confirmation that the anticipated investment amount and investment type are permitted under the criteria;**
- **The approval process for such equity investment; and**
- **The description of recent material changes in the organization of the fund.**

If an Equity Member intends to fully or partially rely on third-party institutional investors to fund the equity investment for the Project and to meet the financial capacity requirements of this RFQ, the Developer must provide from each third-party or, if a fund, the manager of such funds, the following:

- **The name of the institutional partners;**
- **The investment criteria and confirmation that the anticipated investment type and amount are permitted under the criteria;**
- **The approval process for such an investment; and**
- **The amount of available funds.**

Re: Question 23

“ 3. Financial Statements...D. In addition, Financial Statements must meet the following requirements:

- i. GAAP/IFRS: Financial Statements must be prepared in accordance with U.S. Generally Accepted Accounting Principles (U.S. GAAP) or International Financial Reporting Standards (IFRS). If financial statements are prepared in accordance with principles other than U.S. GAAP or IFRS, a letter must be provided from a certified public accountant discussing the areas of the financial statements that would be affected by a conversion to U.S. GAAP or IFRS. A restatement of the financial information in accordance with U.S. GAAP or IFRS is not required.
- ii. U.S. Dollars: Financial statements should be provided in U.S. dollars if available. If financial statements are not available in U.S. dollars, ~~Respondent~~ **Developer** must include summaries of the Income Statements, Statement of Changes in Cash Flow and Balance Sheets for the applicable time periods converted to U.S. dollars by a certified public accountant.
- iii. Audited: Financial Statements must be audited by an independent party qualified to render audit opinions (e.g. a Certified Public Accountant). If audited financials are not available for an entity, the Response shall include unaudited financial statements for such entity, certified as true, correct and accurate by the chief executive, chief financial officer or treasurer (or equivalent position or role) of the entity.
- iv. English: Financial Statement information must be prepared in English. If audited financial statements are prepared in a language other than English, then translations of all financial statement information must be accompanied with the original financial statement information.
- v. Newly Formed/Wholly-Owned Subsidiary Entity: If the ~~Respondent~~ **Developer**, Equity Member, Major Non-Equity Member or Financially Responsible Party is a newly formed entity or a wholly-owned subsidiary entity and does not have independent

- financial statements, financial statements for the equity owners of such entity shall be provided (and the entity shall expressly state that the entity is a newly formed entity or a wholly-owned subsidiary entity, as applicable, and does not have independent financial statements). The entity that provides the financial statements shall be a Financially Responsible Party.
- vi. SEC Filings: If any entity for which financial information is submitted hereby files reports with the Securities and Exchange Commission, then such financial statements shall be provided through a copy of their annual report on Form 10K. For all subsequent quarters, provide a copy of any report filed on Form 10Q or Form 8-K which has been filed since the latest filed 10K.
-

Re: Question 9

“5. Past/Current Performance:

Provide a description (not to exceed one (1) page per project) of relevant experience (past and current) held by the Developer and other Equity Members (for entities that invest equity through one or more funds or vehicles under common or similar management or ownership, the experience of all such funds and vehicles may be included) on projects where such Equity Member acted in a role as a concessionaire/private partner/equity member in connection with such project that reached financial close. These roles should incorporate the utilization of financing to drive Project performance. **Also Complete** Project Financial Experience Form....”

Re: Question 14

... “For the Developer only **and other Equity Members**, list all completed and active projects that Developer has managed within the past five years. Also list all projects currently being pursued.....”

Evaluation Criteria – Developer’s Team for Architect/Engineer (A/E) Consultants

Re: Question 15:

... “**Project Approach: (Section H of the SF 330)**

Describe the A/E Consultants’ approach to the project. ~~Include how the prime Vendor will use~~ **and how** sub-consultants **will be used** in the project....”

Re: Question 12

... “5. Workload of the Firm:

For the A/E Consultants only, list all completed and active **USA-based** projects that A/E Consultants have managed within the past five years. In addition, list all projected **USA-based** projects that Vendor will be working on in the near future. Projected projects will be defined as a project(s) that A/E Consultants is awarded a contract but the Notice to Proceed has not been issued. Identify any projects that Vendor worked on concurrently. Describe A/E Consultants’ approach in managing these projects. Were there or will there be any challenges for any of the listed projects? If so, describe how A/E Consultants dealt or will deal with the projects’ challenges. **The AE team may wish to highlight projects outside of the USA that are similar in scale and nature.**”

Re: Question 19:

Evaluation Criteria – Developer’s Team for General Contractor

“4. Past Performance...

- D. Vendor should provide references for a minimum of three (3) projects listed in ~~3a, 3b, and 3c~~ **4A, 4B, and 4C** (above) to show evidence of qualifications and previous experience. Refer to Vendor Reference Verification Form and submit as instructed. Only provide references for non-Sponsor contracts. For Sponsors’ contracts, the UPDA will review performance evaluations in its database for vendors with previous or current contracts. The Sponsors will consider references and performance evaluations in the evaluation of GC’s past performance...”

Re: Question 16:

... “6. Workload of the Firm

For the ~~Prime Vendor~~ **General Contractor** only, list all completed and active projects that ~~Vendor~~ **General Contractor** has managed within the past five years. In addition, list all projected projects that ~~Vendor~~ **General Contractor** will be working on. Projected projects will be defined as a project(s) that Vendor is awarded a contract but the Notice to Proceed has not been issued. Identify any projects that Vendor worked on concurrently. Describe ~~Vendor’s~~ **General Contractor’s** approach in managing these projects. Were there or will there be any challenges for any of the listed projects? If so, describe how ~~Vendor~~ **General Contractor** dealt or will deal with the projects’ challenges....”

Question 11:

Vendor Reference Verification Form (Page 38). Note – there is no change to the reference form, only the instructions.

Vendor Reference Verification Form

Vendor is required to submit completed Reference Verification Forms for previous projects referenced in its submittal. Vendor should provide the **Vendor Reference Verification Form** to its reference organization/firm to complete and return to the Vendor’s attention. Vendor should submit the completed Vendor Reference Form with its response by the solicitation’s deadline. The County will verify references provided as part of the review process. Provide ~~a minimum of five~~ **(5) non-Broward County Board of County Commissioners’ references per evaluation criteria.**

Question and Answers for Bid #PNC2122559R1 - Developer for Joint Government Center Campus (JGCC) (Step One)

Overall Bid Questions

Question 1

RE: Evaluation Criteria – Developer’s Team for Architect/Engineer (A/E) Consultants - The inclusion of SF 330 in the Architect/Engineer section of the RFQ creates a confusing split submission that does not exist for the Developer or General Contractor Sections. As SF 330 is intended for design-only competitive submissions it is at odds with the collaborative P3 structure proposed for JGCC.

We would ask that the requirement of the SF 330 submission be removed to avoid conflicting instructions and redundancy. **(Submitted: Mar 18, 2021 11:10:26 AM EDT)**

Answer

- The intent is not to stifle creativity or dissuade Developers in creating qualifications packages that you feel would provide the best representation for your entities/firms/companies to demonstrate your qualifications or abilities for this Project. The SF 330 is a tool that aids City and County staff and consultants in analyzing the information presented. It will be used to put together an informational matrix in an organized manner to provide to the Unified Direct Procurement Authority (UDPA). We do realize that this will lead to some redundancy of information provided, but it is expected the SF 330 form is also completed and part of any received proposals. **(Answered: Mar 29, 2021 4:46:48 PM EDT)**

Question 2

RE: C. General Information - Request for Qualifications (Step One)
12. Submission of Sealed Submittals

The RFQ requires twenty-four (24) hardcopies to be submitted, which would seem to include Financial Statements listed in the “Developer” section, though they are requested to be packaged separately for each entity. Financial Statements from each Developer and for each of the Developer’s Equity Members, each Major Non-Equity Member, and each Financially Responsible Party may total 1,00 pages or more.

We respectfully request the separately packaged Financial Statements be limited to one (1) hardcopy as well as the digital files submitted online. **(Submitted: Mar 18, 2021 11:11:20 AM EDT)**

Answer

- We agree. We will request two (2) hardcopies of your Financial Statements (one for each Sponsor) and two flash drives each containing the same information, in addition to the digital files submitted online (as applicable, instructions for submitting confidential information still applies). Submittal instructions will be modified by addendum. **(Answered: Mar 29, 2021 4:46:48 PM EDT)**

- In reference to question 30, we will be requesting three hardcopies (instead of two hardcopies to be consistent with Confidential Material section) and three flash drives. **(Answered: Apr 14, 2021 8:22:39 AM EDT)**

Question 3

RE: A Evaluation Criteria - Part 3 Request for Qualifications - A Evaluation Criteria - 4. Operations and Management Team

Regarding the prohibition of an exclusive relationship with an O&M provider at stage1, we believe there is indeed a robust market of O&M providers.

Much synergy is to be generated from the previous working relationship with the general contractor and O&M

provider and thus this should be solidified as soon as possible.
We respectfully request this prohibition be removed. **(Submitted: Mar 18, 2021 11:15:58 AM EDT)**

Answer

- The restriction will stay in place as currently stated. During the Market Sounding exercise it was brought up by several participants that there is not a robust market of O&M providers, particularly those with the breadth and depth of experience for a project of this size and complexity. It was decided it is not the Sponsors'™ desire, nor in their interests, to constrain competition by allowing a pairing off of a limited number of qualified O&M providers, thereby precluding some teams from being able to compete because they have yet to identify that O&M team member. In the Step Two (RFP), we will request O & M qualifications. **(Answered: Mar 29, 2021 4:46:48 PM EDT)**

Question 4

RE: Evaluation Criteria - LEED Version 4.1

LEED v4.1 was released in Q2 of 2019. As projects of similar size and scope to JGCC have a 5+ year Procurement + Construction schedule there are a limited number of projects that can fall under this framework. Having researched USGBC project list on their website, there are only 2 projects recognized by USGBC that were completed in the United States that have achieved full LEED Certification under version 4.1 because it was so recently implemented.

We therefore ask the requirement for experience with LEED 4.1 be amended to LEED v4.0. **(Submitted: Mar 23, 2021 1:04:23 PM EDT)**

Answer

- The intent is to have your LEED Subject Matter Expert(s) provide their experience with LEED projects, including their most recent experience with LEED v4.1 or the latest LEED version they do have experience with. Provide overall LEED experience, listing all current and past projects including certification and associated LEED version. Note that there is no geographical limitation for LEED projects. **(Answered: Mar 29, 2021 4:46:48 PM EDT)**

Question 5

Is a recording of the Pre-Bid Conference available for viewing for team members that were not able to participate on March 18? **(Submitted: Mar 25, 2021 5:21:02 PM EDT)**

Answer

- Yes. Refer to the "Transcript" area under the pre-bid conference in Periscope for online video and attendees. **(Answered: Mar 29, 2021 4:46:48 PM EDT)**

Question 6

RE: Evaluation Criteria - Developer's Team for Architect/Engineer (A/E) Consultants

How many SF330, Section F projects are you requesting for Section 2. Specialized, Knowledge and Capabilities (LEED and BIM Experience and Knowledge)? Do these projects count against the 10 projects in Section 3. Past Performance? **(Submitted: Mar 25, 2021 6:07:52 PM EDT)**

Answer

- A minimum of three projects is requested, each for BIM and LEED projects. Yes, those can be included in Section 3 projects. **(Answered: Apr 15, 2021 12:30:06 PM EDT)**

Question 7

RE: Evaluation Criteria - Developer's Team for Architect/Engineer (A/E) Consultants

In which section should we include SF330, Section G? **(Submitted: Mar 25, 2021 6:08:47 PM EDT)**

Answer

- SF330 Section G would be appropriate as an answer to Question 1. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 8

RE: Evaluation Criteria - Developer's Team for Architect/Engineer (A/E) Consultants

In which section should we include SF330, Part II? **(Submitted: Mar 25, 2021 6:09:11 PM EDT)**

Answer

- SF330 Section G would be appropriate as an answer to Question 1. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 9

RE: Evaluation Criteria - Developer, Section 5. Project Developer Financial Experience form

Please confirm that the one page per project is in addition to the Project Financial Experience Form. **(Submitted: Mar 25, 2021 6:10:14 PM EDT)**

Answer

- Correct - complete the form in addition to one page description. Evaluation criteria will be modified by addendum. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 10

RE: Evaluation Criteria - A/E Consultants, Section 2

How many SF330, Section F projects are you requesting for Section 2. Specialized Experience, Knowledge and Capabilities (LEED and BIM Experience and Knowledge)? Do these projects count against the 10 projects in Section 3. Past Performance? **(Submitted: Mar 25, 2021 6:11:15 PM EDT)**

Answer

- A minimum of three projects is requested, each for BIM and LEED projects. Yes, those can be included in Section 3 projects. **(Answered: Apr 15, 2021 12:30:06 PM EDT)**

Question 11

RE: Vendor Reference Verification Form (Page 38)

The RFQ says that proposers need to include a minimum of 5 non-Broward County Board of County Commissioners' references, but it asks for a minimum of 3 Vendor Reference Forms from the A/E firms and the General Contractor. Can you confirm that you are still looking for at a minimum 6 total Vendor Reference Forms? **(Submitted: Mar 25, 2021 6:11:42 PM EDT)**

Answer

- Provide the minimum number of references as stated in the evaluation criteria section. An addendum will correct form. **(Answered: Apr 13, 2021 8:09:02 AM EDT)**

Question 12

3. The Evaluation Criteria Section for Developer's Team Architect/Engineer, Item #5 – Workload of the Firm states:

"For the A/E Consultants only, list all completed and active projects that A/E Consultants have managed within the past five years.

In addition, list all projected projects that Vendor will be working on in the near future."

For multidisciplinary international firms, this would entail thousands of projects annually valued in billions of annual revenue.

Firm-wide listing of completed and ongoing projects in the past five years would not accurately reflect the capacity or availability of our local team supporting the JGCC project.

We respectfully request this list be limited to the local office and staff which will be involved in the JGCC project.

(Submitted: Mar 26, 2021 2:51:33 PM EDT)

Answer

- This question seeks to determine the AE team's capacity and ability to undertake an additional project, the scale of the JGCC development. List all completed and active USA-based projects over the past 5 years along with projected USA-based projects for the full Architectural and Engineering (AE) team lead offices. The AE team may wish to highlight projects outside of the USA that are similar in scale and nature. **(Answered: Apr 13, 2021 2:41:43 PM EDT)**

Question 13

2. RE: Vendor Reference Verification Form

The A/E Consultants Section requires a minimum of (3) projects submitted as a Vendor Reference Verification Form.

The GC Section requires a minimum of (3) LEED and BIM Experience projects submitted as a Vendor Reference Verification Form

Please confirm that only a minimum of six (6) Vendor Reference Verification Forms are required for this submission. **(Submitted: Mar 26, 2021 3:01:51 PM EDT)**

Answer

- Refer to Definitions of A/E Consultants. Three references should be submitted for each distinct entity listed in the A/E Consultant definition. **(Answered: Apr 15, 2021 12:30:06 PM EDT)**

Question 14

Referencing Developer Evaluation Criteria - Section 5

The fifth paragraph states "For Developer only, list all completed and active projects..." As noted in the definitions, Developer is the entity that will enter into the agreements for the project. This will be a special purpose company formed by the Equity Members solely to deliver this project, and as such it will not have any other project experience. Rather, the Equity Members will have the relevant experience delivering other similar projects.

Please change this to read "For the Developer and other Equity Members, list all..." so that it mirrors the first paragraph of Section 5 and provides for the inclusion of the relevant experience of the Equity Members, which will be the controlling entities providing the management and performance of the Developer. **(Submitted: Mar 30, 2021 1:07:46 PM EDT)**

Answer

- Evaluation Criteria will be modified by addendum (as noted). (Answered: Apr 12, 2021 5:28:45 PM EDT)

Question 15

Referencing: A/E Evaluation Criteria - Section 4

The term "Prime Vendor" is used but is undefined elsewhere.

We believe that in place of "Prime Vendor," "Design Architect" should be used. (Submitted: Mar 30, 2021 1:08:22 PM EDT)

Answer

- Describe the A/E Consultants' approach to the project and how sub-consultants will be used in the project. Sentences will be modified by addenda. (Answered: Apr 15, 2021 12:30:06 PM EDT)

Question 16

Referencing GC Evaluation Criteria - Section 6

The term "Prime Vendor" is used but is undefined elsewhere.

We believe that in place of "Prime Vendor," "General Contractor" should be used. (Submitted: Mar 30, 2021 1:08:51 PM EDT)

Answer

- Correct. This will be modified by addendum (as noted). (Answered: Apr 14, 2021 5:28:13 PM EDT)

Question 17

Referencing: RFQ Document - Part 1.F, Part 3.B.6

Developer is defined as "the responding legal entity".

Is UDPA requiring that the Developer entity be fully formed prior to submission of the response to the RFQ? The Developer is likely to be a special purpose company formed solely for the purpose of delivering this project. Would it be acceptable for Developer to be an entity that will be formed at a later stage of the procurement, with the relevant details of the intended structure and equity interests provided as part of the RFP? If not required by procurement law, we would recommend not requiring legal formation at the RFQ stage, and instead have the response to the RFQ submitted on behalf of the Equity Members. (Submitted: Mar 30, 2021 1:10:50 PM EDT)

Answer

- Confirmed. The Definition of Developer to be modified by addendum to include "proposed responding legal entity". (Answered: Apr 15, 2021 12:30:06 PM EDT)

Question 18

RE: RFQ Document - Part 2.D

This section notes that the stipend cost for unsuccessful RFP bidders will be paid by the selected Developer. Would these be paid by the Developer at execution of the PDA or funded out of the proceeds from financial close?

We recommend changing the language to read "stipend costs will be paid by the selected Developer from the Project proceeds available at financial close." (Submitted: Mar 30, 2021 1:11:29 PM EDT)

Answer

- As indicated in the RFQ, Part 2.D, the Sponsors are considering providing a stipend to the shortlisted Developers. If a stipend will be awarded to shortlisted Developers, more information will be provided in the upcoming RFP solicitation (Step Two). **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 19

RE: GC Evaluation Criteria - Section 4.D

Section 4.D states that "Vendor should provide references for a minimum of three (3) projects listed in 3a, 3b, and 3C (above)" We believe this section should reference "4A, 4B, and 4C" instead.

Please adjust the references in Section 4.D to 4A, 4B, and 4C. **(Submitted: Mar 30, 2021 1:12:06 PM EDT)**

Answer

- Correct. This will be modified by addendum (as noted). **(Answered: Apr 14, 2021 5:28:13 PM EDT)**

Question 20

RE: RFQ Document - Part 1.F.2

The definition of Equity Member is "each entity with a direct equity interest in the Developer..." and "each entity proposed to have a direct equity interest in the Developer". The relevant experience requested to be provided in the Developer Evaluation Criteria section refers to the experience of the Equity Member(s), with a provision in Section 5 clarifying that for that section entities that invest through a fund or other vehicles under common or similar management or ownership, the relevant experience may be provided. Given the project specific entity structuring that occurs for each private financing project, the clarification of relevant experience provided in the Developer Evaluation Criteria Section 5 is appropriate when considering the experience that the responding Equity Members will be bringing to the project. There also may be project specific entities which are formed solely for this project as a holding vehicle, which would be the direct holder of equity interests in the Developer, but which are under sole, common ownership and control of an ultimate parent entity.

"Please modify the definition of Equity Member to read:

""i. each entity with a direct or indirect equity interest in the Developer (whether as a member, partner, shareholder, joint venture member or otherwise); and

ii. each entity proposed to have a direct or indirect equity interest in the Developer.

If an entity is identified as an Equity Member that will have an indirect equity interest in the Developer, any intermediate entities which are wholly owned or controlled by the identified Equity Member do not need to be separately identified at this time.""" **(Submitted: Mar 30, 2021 1:12:41 PM EDT)**

Answer

- Definition of Equity Member will not be modified. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 21

RE: Developer Evaluation Criteria - Section 3

Please clarify that if a Financially Responsible Party is proposed for an Equity Member, that the items requested in Section 3 do not need to be provided for the Equity Member if the Equity Member does not have its own Financial Statements, but only need to be provided for the Financially Responsible Party. **(Submitted: Mar 30, 2021 1:13:00 PM EDT)**

Answer

- The requested information is for Equity Members and Financially Responsible Parties. Per the RFQ, Financial

Statements must be provided for each of the Developer's Equity Members, each Major Non-Equity Member, and each Financially Responsible Party. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 22

RE: Developer Evaluation Criteria - Section 3

As the Developer will be a special purpose company established solely for performing the obligations of this project, which will be owned and controlled (directly or indirectly) by the Equity Members, please confirm that the requested information in Section 3 does not need to be provided by the Developer. **(Submitted: Mar 30, 2021 1:13:13 PM EDT)**

Answer

- If the Developer does not have financial statements, the requested information must be provided for each of the Developer's Equity Members, each Major Non-Equity Member, and each Financially Responsible Party. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 23

RE: Developer Evaluation Criteria - Section 3

In Section 3, items D.ii, D.v, and E, the term "Respondent" is used, which is not otherwise defined. We believe "Respondent" is intended to state "Developer". Can you please clarify if "Respondent" should instead refer to "Developer", or if the response to the RFQ can be submitted by a yet to be formed entity made up by the Equity Members, and such team is to be considered the Respondent? **(Submitted: Mar 30, 2021 1:13:34 PM EDT)**

Answer

- Yes, the term "Respondent" should be interpreted as "Developer" and it will be modified by addendum (as noted). **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 24

RE: Developer Evaluation Criteria - Section 3

RFQ Part 3 – In B (General Submittal Requirements), Items 1 (Questionnaire) and 5 (Litigation History) request these items to be provided for the "Financial Team Members". "Financial Team Members" is not otherwise defined. Can you please clarify what members of the Developer's team are considered "Financial Team Members" and thus should submit the Questionnaire and Litigation History? **(Submitted: Mar 30, 2021 1:14:52 PM EDT)**

Answer

- A new defined term "Financial Team Members" will be added by addendum - "Financial Team Members" refers to Developer's Financial Advisors and Lenders for the Project. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 25

RE: Evaluation Criteria – Developer
3.A. Financial Statements

We note the following requirement:

"...If an entity is a fund manager(s) of an investment fund, provide the financial statements for the fund manager, the limited partnership(s) constituting the investment fund, and the general partner(s) of the investment fund."

Equity investments for the Project would be funded by the contributions of the Limited Partnership, not from the

general partner(s) nor the fund manager(s). Fund managers and general partners have the discretion to direct the funds contributed by the limited partnership but their financial activities are de minimus in relation to the limited partnership.

The financial information of the fund managers and general partners is immaterial to the investment capacity of the limited partnership.

We respectfully request the instructions be amended to the following:

"For entities that are fund managers of an investment fund, provide the financial statements for the limited partnership(s) constituting the investment fund."

. (Submitted: Mar 30, 2021 4:05:54 PM EDT)

Answer

- The following will be added by addendum to 3.A:

For Equity Members and Guarantors that are funding or guaranteeing equity commitments through use of internal resources (e.g., a corporate entity supplying its own capital), financial statements must be provided as described above in this section for the corporate entity supplying or guaranteeing the capital. In addition, the Developer must provide a letter from the chief executive officer, CFO, or treasurer of the applicable corporate entity that certifies the following:

- â€ Where and how the equity commitment will be sourced;
- â€ A description of how competing allocation and capacity issues are considered between several project opportunities the entity pursues simultaneously;
- â€ The investment amount and type meets all corporate strategy and investment policy requirements; and
- â€ The approval process for such equity investment or guarantee.

For any Equity Member or Guarantor of Developer that is an investment fund, the specific fund must be stated. If an Equity Member or Guarantor is a general partner that manages multiple funds, it must specifically identify from which fund it intends to ultimately source the equity investment or guarantee for the Project and provide the required financial information for that specific investment fund. Additionally, for entities that are fund managers of an investment fund, financial statements must be provided for the fund manager, the limited partnership(s) constituting the investment fund, and the general partner(s) of the investment fund. In addition, the Developer must provide a letter from the chief executive officer, CFO, or treasurer of the investment fund that certifies the following:

- â€ The total available investment capacity of the fund;
- â€ The investment minimum and maximum capacity of a single investment within the fund;
- â€ The ownership structure of the various entities in the hierarchy of the fund;
- â€ The investment criteria of the fund and confirmation that the anticipated investment amount and investment type are permitted under the criteria;
- â€ The approval process for such equity investment; and
- â€ The description of recent material changes in the organization of the fund.

If an Equity Member intends to fully or partially rely on third-party institutional investors to fund the equity investment for the Project and to meet the financial capacity requirements of this RFQ, the Developer must provide from each third-party or, if a fund, the manager of such funds, the following:

- â€ The name of the institutional partners;
- â€ The investment criteria and confirmation that the anticipated investment type and amount are permitted under the criteria;
- â€ The approval process for such an investment; and
- â€ The amount of available funds. (Answered: Apr 14, 2021 5:28:13 PM EDT)

Question 26

Does Broward County have quantitative scoring criteria or a scorecard that will be used in evaluation of the RFQ responses? If so, can that be shared with the prospective proposers? (Submitted: Apr 1, 2021 8:58:45 AM EDT)

Answer

- There are no points assignment for this solicitation. Shortlisting will be based on the qualifications and supporting information provided by Developers. (Answered: Apr 12, 2021 5:28:45 PM EDT)

Question 27

RE: Part 3 Request for Qualifications, B. General Submittal Requirements, 3. Submittal Bond Requirements

In principle, Sureties can bond a Developer's obligation to provide a timely response to the Step 2 RFP for the Project. However, our Sureties have expressed major concern about the bond itself (as currently envisioned) but especially about potentially providing a \$500,000 Submittal Bond within three days of the shortlisting and prior to reviewing the Step 2 RFP, including any stipend amount, and Draft Pre-Development Agreement (PDA). The potential Developers and Sureties would need to review the Stage 2 RFP document as well as a draft of the PDA before providing a Submittal Bond, so that they have an understanding of the obligations they are bonding. Otherwise, they would not understand what they are bonding, which would make providing a Submittal Bond challenging or impossible. Can Broward County please provide these documents for the shortlisted Developers and their Sureties to review for at least 14 days prior to having to submit the Submittal Bond? If so, we believe this would address the concerns of our team and the Sureties. (Submitted: Apr 1, 2021 9:07:40 AM EDT)

Answer

- Submittal Bond requirement will be changed to 14 calendar days from shortlisting by addendum. (Answered: Apr 14, 2021 5:28:13 PM EDT)

Question 28

RE: Florida Administrative Code, Article 61G4-15.0022

Qualification of Joint Ventures requires a written joint venture agreement between qualified business organizations and the submission of the joint venture agreement to the Board Office. Please confirm that the submission of any written joint venture agreements will not be required until the RFP phase submission. (Submitted: Apr 1, 2021 9:08:32 AM EDT)

Answer

- Correct, written joint venture agreements will not be required until the RFP (Step Two) submission. (Answered: Apr 15, 2021 12:30:06 PM EDT)

Question 29

We respectfully request that the Sponsors provide a two-week extension to the RFQ deadline of April 21, 2021 so that teams can comprehensively meet the requirements of the RFQ and enhance the competitiveness of the process for the Sponsors' benefit. (Submitted: Apr 1, 2021 2:44:48 PM EDT)

Answer

- We regret we are unable to grant request. (Answered: Apr 12, 2021 5:28:45 PM EDT)

Question 30

Re: Question 2 regarding financial statements and response - We will request two (2) hardcopies of your Financial Statements (one for each Sponsor) and two flash drives each containing the same information, in

addition to the digital files submitted online (as applicable, instructions for submitting confidential information still applies). Submittal instructions will be modified by addendum.

To submit confidential material, three hardcopies must be submitted in a sealed envelope. Is the intent that we should submit 2 or 3 copies of financials that are deemed confidential by Florida statute? (Submitted: Apr 1, 2021 3:08:52 PM EDT)

Answer

- Question 2 answer is modified to three hardcopies. (Answered: Apr 14, 2021 8:22:39 AM EDT)

Question 31

Your RFQ document references "equity" in this deal and ownership. Can we do this deal with all debt, and no equity position? (Submitted: Apr 1, 2021 3:14:30 PM EDT)

Answer

- Yes, a Developer can do the deal with all debt and no equity, however please be advised that any structure for the Sponsors will contemplate the Developer taking full performance, risk, and obligations as defined in the future RFP/agreement. (Answered: Apr 12, 2021 5:28:45 PM EDT)

Question 32

Re: Part 3. B. 3.

We note that the Sponsors are requiring Developers to provide a submittal bond three days after having been shortlisted. This is a requirement that is not common in the market, reflecting the fact that the Sponsors are still working through key commercial elements of the deal, and the submission requirements and obligations for the final proposal are as yet unknown. In particular, the document also references that there will be a Bid Guaranty, which is unspecified as yet, making it more challenging to make commitments at this stage to fulfillment of proposal submission. We would request that such requirement for a submission bond be removed. (Submitted: Apr 1, 2021 5:44:58 PM EDT)

Answer

- The submission bond requirement is not removed. Refer to Answer 27; submittal time requirement will be changed to 14 calendar days. (Answered: Apr 14, 2021 5:28:13 PM EDT)

Question 33

REF: Part 3 B.3: Submittal Bond Requirement

Submittal bond to be provided within 3 days of shortlist award is unrealistic if Draft RFP is to be issued simultaneously at time of shortlist award. Please confirm draft RFP will be provided 30 days in advance of shortlist or Sponsor's willness to extend Bond Submittal period by 30 days post shortlist for proper evaluation and Bonding capacity to be determined, benefiting all involved. Additionally, it is not realistic, and very concerning to have an "unconditional" revocability on bond without knowing the terms of draft development agreement as well as final scope for RFP. To keep project moving forward expeditiously, recommend including 'off-ramping provisions for shortlisted developer that will allow equitable negotiations and maintain interest by all stakeholders (including stipend, etc.) (Submitted: Apr 2, 2021 3:35:25 PM EDT)

Answer

- Refer to Answer 27; submittal time requirement will be changed to 14 calendar days. (Answered: Apr 14, 2021 5:28:13 PM EDT)

Question 34

REF: Part 1 C Project Funding & Part 3 B.4: Additional Requirement

A. Please clarify the Sponsors' vision of the Developers Role to source funds regarding the "Federal and State funding," specifically how it relates to the various approaches being considered for different risk profiles (All Developer, All Sponsors, Hybrid). Are the funds referring to TIFIA program or other grants and funding programs, or combination thereof.

B. Would Sponsors apply for Federal funds (TIFIA, etc.) regardless of funding approach, or expectation that Developer source funds regardless of approach? **(Submitted: Apr 2, 2021 3:35:42 PM EDT)**

Answer

- The Sponsors do not contemplate any role for the Developer for sourcing federal or state funding. The RFP (Step Two) will provide clarification on the financing of the Transportation tower component of the Project. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 35

Part 3 C.4: Questions and Answers

Due to list of question asked, will sponsors consider extending Submission date to provide adequate time for responses and amendments and collection of materials? Respectfully request minimum 30 day extension.

(Submitted: Apr 2, 2021 3:35:58 PM EDT)

Answer

- We regret we are unable to grant request. **(Answered: Apr 14, 2021 5:28:13 PM EDT)**

Question 36

The financial request specifies "requested information must be provided for each Developer and for each of the Developer's Equity Members, each Major Non-Equity Member, and each Financially Responsible Party." Can you please clarify what is meant under the definition for "Major Non-Equity Member, V. "Major Non-Equity Member means any of them". Please clarify exactly which team members need to provide financial statements. **(Submitted: Apr 2, 2021 4:41:26 PM EDT)**

Answer

- The reference to "(v)" will be deleted by addendum. **(Answered: Apr 12, 2021 5:28:45 PM EDT)**

Question 37

RE: Part 3, Section B.5, of the RFQ.

Please clarify how to define the word "case" as used under the phrase "case filed, pending or resolved" for purposes of litigation disclosure under **(Submitted: Apr 2, 2021 4:45:30 PM EDT)**

Answer

- Case will be clarified by addendum. For purposes of this solicitation, a "case" is any suit, action, or proceeding, including, without limitation, alternative dispute resolution proceedings. **(Answered: Apr 15, 2021 12:30:06 PM EDT)**

PNC2122559R1 01 01 Developer For Joint Government Center Campus (JGCC) (Step One)

Question 1

Unable to download the three large files containing Book 1, Book 2, and Book 3 of the Design Criteria. Please advise as to how this can be corrected or downloaded. **(Submitted: Mar 10, 2021 3:09:27 PM EST)**

Answer

- Files have been updated and are available for downloading. **(Answered: Mar 10, 2021 4:10:25 PM EST)**