

Request for Responses
Massachusetts School Building Authority

Address: 40 Broad Street, Suite 500, Boston, MA 02109

Telephone: (617) 720-4466; Fax (617) 720-5260

Web Address: <http://www.massschoolbuildings.org>

RFR File Name/Title: Post Occupancy Guidelines

RFR File Number: MSBA-RFR-PostOccupancy-2018

RFR Contact Person: Siobhan Tolman, Procurement and Contracts Specialist

SECTION I. SUMMARY

The Massachusetts School Building Authority (“MSBA”) requests Responses from firms or individuals interested in assisting the MSBA in creating Post-Occupancy Review Guidelines. This effort will include the review of relevant MSBA feasibility and construction documentation and review of the survey questions associated with MSBA’s FY18 Post Occupancy Review Pilot Program. The goal is to establish guidelines that will be utilized to inform the MSBA and School Districts.

Minority and woman-owned firms are encouraged to submit Responses.

At the conclusion of this RFR, the MSBA intends to directly contract with the responsive and responsible firm submitting the most advantageous proposal, taking into consideration qualifications, experience, capacity, references, approach to providing the services requested, and price.

A. OBJECTIVES

The MSBA continues to assess its policies and practices in support of its mission to advance the design and construction of educationally appropriate, flexible, sustainable, and cost-effective public school facilities.

In FY 18 the MSBA developed and implemented a Post Occupancy Pilot to review the use and effectiveness of schools funded by Authority. As part of that initiative, staff developed communications and meeting protocol and generated survey questions regarding general conditions, interior and exterior building components, building system performance, and programmatic aspects intended to capture general consensus and end-user satisfaction. Using a web-based post-occupancy collection tool, MSBA staff collected a broad range of information associated with general conditions, site

circulation, interior and exterior building components, building system performance, and programmatic aspects. This information was collected from multiple sources including, pre-existing data, district surveys, and staff observations during the site/building walkthroughs. The post-occupancy survey included approximately 170 questions subdivided into nine categories/subcategories.

The MSBA intends to further develop the Post Occupancy Evaluation Program to extend our knowledge on the impact and success of the various building-related educational concepts, building designs, energy efficiency, and sustainability goals. We believe that much of the planning, design, and construction documentation necessary to inform a post occupancy evaluation is also required by the MSBA grant process. Accordingly, a key objective of this RFR is to review the current documentation and process of the MSBA grant program to identify existing elements and recommend modifications or additions to the current process documentation that can also be used in a post occupancy evaluation program.

Additional objectives of this RFR include: the review and evaluation of the building survey questions previously established in association with MSBA's FY18 Post-Occupancy Pilot and recommend adjustments to better understand the current performance status of completed and occupied school buildings; and establishing format, organization, and summary report of collected information that can be distributed to building owners.

B. SCOPE OF WORK

The selected Respondent can anticipate that the scope of work will include, at a minimum, the following services:

1. Review of MSBA grant program requirements and guidelines (Modules 1-8), and associated project submittal documentation and deliverables;
 - a. Compile a list of MSBA process documentation, submission requirements, and deliverables related to the grant program.
 - b. Review the requirements and components of each submission to determine potential to inform a post occupancy evaluation.
 - c. Provide recommendations for additional submission requirements or modifications to current submission requirements to better inform a post occupancy evaluation.
 - d. Compile a list of other project documentation routinely generated for a public school construction project but not necessarily required to be submitted to the MSBA that could potentially inform a post occupancy evaluation.
 - e. Develop a report of findings and provide a draft outline associated with a potential post occupancy review process.

2. Review of previously established building survey questions;
 - a. Review and evaluate the building survey questions previously established in association with MSBA's FY18 Post-Occupancy Pilot and indicate where adjustments may be recommended to understand the performance status of completed and occupied school buildings.;
 - b. Prepare a modified version of potential survey questions and criteria that would apply to a one-day, non-invasive School District meeting and building walk-through;
 - c. Create a standard summary report using collected information anticipated to be distributed to the MSBA and each building owner following post-occupancy efforts.

3. Miscellaneous
 - a. Other miscellaneous tasks associated with post occupancy evaluation. The scope(s) and fee(s) for these tasks will be negotiated on a case-by-case basis.

C. FEES

All Respondents must submit a proposed budget based on the tasks described above as understood by the Respondent. Budget should include hourly billing rates for each proposed team member, the projected number of hours that team member will spend on each task, and a total fee amount. The final not-to-exceed fee will be negotiated with the successful applicant once a completed work plan is established and approved by the MSBA.

SECTION II. MSBA BACKGROUND

Chapter 208 of the Acts of 2004 established the Massachusetts School Building Authority. The MSBA is an independent public authority not subject to the supervision and control of any other executive office, department, commission, board, bureau, agency or political subdivision of the Commonwealth. The MSBA's Board consists of the State Treasurer, who serves as chair, the Secretary of Administration and Finance, the Commissioner of Education, and four additional members appointed by the State Treasurer.

Prior to the establishment of the MSBA, the Department of Education administered and managed the former school building assistance program. Chapter 208 eliminated the former program and created a new program for school building construction, renovation and repair projects (the "Program"), administered by the MSBA. The new Program provides assistance to cities, towns, regional school districts and independent agricultural and technical schools to finance school building projects. The MSBA has adopted regulations necessary to administer the Program and to review and approve applications for reimbursement for school building construction projects.

For more information about the MSBA and its program, please visit our website at www.massschoolbuildings.org and refer to Massachusetts General Laws Chapter 70B, Chapter 208 of the Acts of 2004, and 963 CMR 2.00 *et seq.*

SECTION III. GENERAL INFORMATION

All terms, conditions, requirements, and procedures included in this RFR must be met for a Response to be qualified as responsive. The MSBA reserves the right to waive or permit cure of non-material errors or omissions. The MSBA reserves the right to modify, amend or cancel the terms of this RFR at any time. All Responses must be submitted in accordance with the specific terms of this RFR. **No electronic Responses may be submitted in Response to this RFR.**

A. SPECIFICATIONS

- 1. Respondent Communication.** All communication regarding this RFR must be in **writing** to the contact person designated in Section III of the RFR. Any individuals and/or firms that intend to submit a Response are prohibited from contacting any employee of the MSBA other than the contact person regarding this RFR. **Failure to observe this rule will result in disqualification.** Furthermore, no other individual MSBA employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Respondents should notify in writing the contact person for this RFR in the event it is incomplete or the Respondent is having trouble obtaining any required attachments electronically through COMMBUYS or from the MSBA's website.
- 2. Reasonable Accommodation.** Respondents that seek reasonable accommodation because of disabilities or other hardship, which may include the receipt of RFR information in an alternative format, may communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis.
- 3. Public Records.** All Responses and related documentation and information submitted in Response to this RFR are subject to the Massachusetts Public Records Law, M.G.L. c. 66, §10; c. 4, §7(26)(h), regarding public access to such documents. Any statements in submitted Responses that are inconsistent with the provisions of these statutes will be void and disregarded. Respondent agrees that the MSBA shall not be liable under any circumstances for the subsequent disclosure of any information submitted to it by Respondent pursuant to this RFR and/or in connection with any contract entered into between Respondent and the MSBA as a result of the RFR process.

Respondents are advised that all proposals are deemed sealed, and therefore their contents will be treated as confidential and will not be disclosed to competing Respondents until the evaluation process has been completed and the contract has been awarded.

4. **Submission of Proposed Materials and Oral Presentation.** All materials, representations, and submissions made within the proposal and at oral presentation are subject to becoming part of the contract binding the selected Respondent to uphold the materials, representations, and submissions made by the selected Respondent within the proposal and at the oral presentations, if any.
5. **Conflict of Interest.** Prior to award of any contract and/or qualification, the Respondent shall certify in writing that no relationship exists between the Respondent and the procuring or contracting agency that interferes with fair competition or is a conflict of interest, and no relationship exists between the Respondent and another person or organization that constitutes a conflict of interest. No official or employee of the MSBA who exercises any function or responsibility in the review or approval of the undertaking or carrying out of this project shall, prior to the completion of the project, voluntarily acquire any personal interest, either directly or indirectly, in this contract or proposed contract.

The Respondent shall provide assurance that it presently has no interest and shall not acquire any interest, either directly or indirectly, which will conflict in any manner or degree with the performance of its services hereunder. The Respondent shall also provide assurances that no person having any such known interest shall be employed during the performance of this contract.

6. **Best Value Selection and Negotiation.** The MSBA may select the Response that demonstrates the “Best Value” overall, including proposed alternatives that will achieve the procurement goals of the MSBA. The MSBA and the selected Respondent may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected Respondent’s Response which results in lower costs or in a more cost effective or better value than was presented in the selected Respondent’s or contractor’s original Response.
7. **Costs.** The MSBA will not reimburse any individual or firm for any costs associated with the preparation or submittal of any Response to this RFR or for any travel and/or per diem incurred in any presentation of such Responses. Costs that are not specifically identified in the Respondent’s submissions and accepted by the MSBA as part of a contract will not be compensated.
8. **MSBA Website and COMMBUYS.** This RFR has been distributed electronically using the COMMBUYS system and can be accessed at www.COMMBUYS.com. RFR Attachments that are referenced are available either as separate files along with the RFR, or in the COMMBUYS Forms and Terms section. The RFR and Attachments are also available at the MSBA’s website:
www.massschoolbuildings.org

Respondents are solely responsible for obtaining and completing required attachments that are identified in this RFR and for checking COMMBUYS and the MSBA’s website for any addenda or modifications that are

subsequently made to this RFR or attachments. The MSBA accepts no liability and will provide no accommodation to Respondents who fail to check for amended RFRs and submit inadequate or incorrect Responses. Respondents are advised to check the MSBA's website and COMMBUYS "last change" field on the summary page of RFRs for which they intend to submit a Response to insure that they have the most recent RFR files. Respondents may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of this RFR, specifications, terms and conditions, which change the intent of this RFR are prohibited and may disqualify a Response.

9. Validity of Response. Responses must remain in effect for at least 120 days from the submission deadline and thereafter until either the Respondent withdraws the Response in writing, a contract is executed with Respondent, or the procurement is canceled, whichever occurs first.

10. Prohibition against Distribution of Information. Any Respondent awarded a contract under this RFR is prohibited from selling or distributing any information collected or derived from the contract and/or procurement process, including lists of participating or eligible MSBA employee names, telephone numbers, or addresses, including email addresses.

11. Right to Modify. The MSBA reserves the right to modify, amend, or cancel the terms of this RFR at anytime prior to the closing date. The MSBA reserves the right to negotiate with the selected Respondent as to any element of cost or performance, including without limitation, elements identified in the RFR and/or the selected Response in order to achieve the best value for the MSBA.

B. PROCUREMENT CALENDAR

The following is the tentative time schedule for the MSBA's selection of firms or individuals interested in providing services pursuant to this RFR. All dates are subject to modification by the MSBA with notice.

Issuance of RFR: September 5, 2018

Pre-proposal Conference: September 12, 2018 at 11:00 AM

Question Deadline: September 21, 2018 at 5:00 PM

Responses to Questions Posted: September 26, 2018

RFR Response Deadline: October 17, 2018 at 3:00 PM

Oral Presentations (If conducted): November 7, 2018

Award of the Contract: December 12, 2018

Questions concerning this RFR may be submitted to the RFR Contact Person in writing via letter, email, or facsimile (No Telephone Calls):

Siobhan Tolman, Procurement and Contracts Specialist
Massachusetts School Building Authority
Attn: "MSBA-RFR-PostOccupancy-2018"
40 Broad Street, Suite 500
Boston, MA 02109
E-Mail Address: Siobhan.Tolman@massschoolbuildings.org
FAX : (617) 720-5260

SECTION IV. RESPONSE REQUIREMENTS

1. Contents of the Response

All Responses to this RFR must include the following information:

- a) Mandatory Cover Letter: Each Response must be accompanied by a cover letter of not more than two pages. The letter, which shall be considered an integral part of the submission, shall be signed by an individual who is authorized to bind the firm contractually, giving his or her title. The letter must acknowledge Addenda to the RFR, if any, and certify that all information contained in the Response is accurate and complete. Inaccurate or incomplete information may adversely affect the evaluation of the submission.
- b) Firm History: A description of each firm associated with the Respondent's team and their respective roles and history.
- c) Qualifications Statement: A statement of the team's qualifications and prior experience as a team providing the types of services requested in this RFR.
- d) Professional Experience: A description of the professional experience of the key personnel who would be assigned to the MSBA for this project, including subcontractors and joint ventures, if applicable. All Responses also must include a resume and contact information for each of the key personnel who will be providing services to the MSBA. All Respondents also must identify the individual(s) who will have primary responsibility for contacts and communications with the MSBA. The MSBA reserves the right to reject the use of any personnel, within its sole discretion.
- e) Approach to Providing Services: A description of the firm's approach to providing the Scope of Work described in Section I, Item B, specifically addressing any timelines described in this RFR. Also, all Responses must include a staffing plan that lists for each person proposed for the project, qualifications, availability, and their role(s) and responsibilities in completing the work as described in Section I.B "Scope of Work".

- f) MBE/WBE Certification: A list of any certifications the firm has as a minority or woman-owned business.
- g) Statement of Limitations: Provide a statement clearly describing any limitations to the submitted Response (such as scope of proposed services, geography, etc.).
- h) Business References: Respondents must identify three (3) client references for which the Respondent has performed similar services as the services described in this RFR.
- i) Supplier Diversity Program Plan Form: The MSBA is committed to developing and strengthening Minority and Woman-Owned Business Enterprises (M/WBE's) and expanding equal opportunity in the primary and secondary industries affected by this RFR. All Respondents must submit a Supplier Diversity Program Plan Form (**Attachment "E"**) with its Response. Respondents that clearly demonstrate the intent to further the development of M/WBE's or the existence of a relationship with does further those goals will receive favorable consideration. Additionally, a Respondent which is a Massachusetts Supplier Diversity Office-certified vendor may be found "Advantageous" based on the Respondent's certification status.
- j) Anti-Discrimination Policy: Each Respondent must include a detailed copy of its policy relative to affirmative actions/equal opportunity and the prohibition of discriminatory employment practices.
- k) Authorized Respondent's Signature and Acceptance Form: If the Respondent is a corporation, partnership, or other business entity, complete **Attachment "A"** as indicated.
- l) Mandatory Certifications: (an example of a comprehensive certification statement is attached as **Attachment "B"**):
 - a. Certification of Compliance with Massachusetts Child Care Laws.
 - b. Certification of Compliance with the Revenue Enforcement and Protection Program.
 - c. Certification Regarding Companies Doing Business in Northern Ireland.
 - d. Certification of Disclosure.
 - e. Certification of No Conflicting Relationship.
 - f. Certificate Statement Regarding Criminal Actions and Pending Litigation
 - g. Certification of Solvency
 - h. Statement of Compliance with RFR Requirements
 - i. Statement of Confidentiality

2. Instructions for Submission

The original, six (6) hard copies. And one digital copy in PDF format on flash drive or compact disk of the Responses and Attachments must be delivered in the same sealed package no later than October 17, 2018 at 3:00 P.M. EST. Responses and Attachments received after this deadline date and time will not be evaluated. Responses and Attachments should be delivered to:

MSBA-RFR-PostOccupancy-2018
Massachusetts School Building Authority
ATTN: Siobhan Tolman, Procurement and Contracts Specialist
40 Broad Street, Suite 500
Boston, Massachusetts 02109

When responding to this RFR, firms should take note of the following provisions.

- a) Responses should include the information and documents listed in Section IV, Item 1 – “Contents of the Response.”
- b) The MSBA reserves the right to request additional information from firms responding to this Request. Additionally, upon reviewing the Responses the MSBA may decide to have certain firms make oral presentations.
- c) The MSBA reserves the right to reject any and all Responses to this request, to waive any minor informality in a Response, to request clarification of information from any firm responding and to effect any agreement deemed by the MSBA to be in the MSBA’s best interest with one or more of the firms responding. The MSBA reserves the right to amend or cancel this RFR at any time. All Responses and their contents will become the sole property of the MSBA upon receipt by it.
- d) The duration of any contract that may result from this RFR will be for the time necessary to complete items 1. and 2. as described in Section 1B. Scope of Services with a two-year option to renew.

3. Submission Format Requirements

Respondents are cautioned to read carefully and conform to the requirements for this specific RFR. Failure to comply with the provisions of this RFR may serve as grounds for rejection of a Response.

- a) All Responses must be submitted in writing on 8 ½ x 11 paper, with one unbound original, six (6) copies in three-ring binders, and one digital copy in PDF format on flash drive or compact disk. Hard copy responses should be printed double-sided.

- b) Submissions must be limited to 15 pages, plus the cover letter, appendix for resumes, a detailed copy of your firm's policy relative to the prohibition of discriminatory employment practices, affirmative actions/equal opportunity, the use of M/WBE's, and the Mandatory Certifications listed above in Section IV, Item 1(m).
- c) Submissions must be in a font of 12 point or larger.
- d) Responses must be delivered to:

MSBA-RFR-PostOccupancy-2018
Massachusetts School Building Authority
40 Broad Street, Suite 500
Boston, MA 02109

ATTN: Siobhan Tolman, Procurement and Contracts Specialist

- e) Any and all data, materials, and documentation submitted to the MSBA in Response to this RFR shall become the MSBA's property and shall be subject to public disclosure under the Massachusetts Public Records Act. In this regard, Respondents are required to sign the Authorized Respondent's Signature and Acceptance Form, set forth as Attachment "A" hereto.

RESPONDENTS PLEASE NOTE: BY EXECUTING THE AUTHORIZED RESPONDENT'S SIGNATURE AND ACCEPTANCE FORM AND SUBMITTING A RESPONSE TO THIS RFR, RESPONDENT AGREES THAT THE MSBA SHALL NOT BE LIABLE UNDER ANY CIRCUMSTANCES FOR THE DISCLOSURE OF ANY MATERIALS SUBMITTED TO THE MSBA PURSUANT TO THIS RFR OR UPON RESPONDENT'S SELECTION AS A PREQUALIFIED CONTRACTOR.

4. Disqualification

- a) Late Proposals. Proposals that are received after the deadline date and time shall be disqualified. An electronic or facsimile Response will **not** qualify as a "submission" for deadline purposes in advance of or in lieu of a hard copy submission.
- b) Nonresponsive Proposals. Proposals which are not responsive or which fail to comply with mandatory requirements of the RFR may be deemed nonresponsive and may be disqualified. Nonresponsive proposals will include, but not be limited to, those that fail to address or meet any mandatory item and those submitted in insufficient number. The MSBA reserves the right to disqualify from consideration those Responses that are submitted in an incorrect format if the MSBA determines, in its sole discretion, that the formatting error is prejudicial to the interests of other Respondents and fair competition.

- c) Collusion. Collusion by two or more Respondents agreeing to act in a manner intended to avoid or frustrate fair and open competition is prohibited and shall be grounds for rejection or disqualification of a proposal or termination of this contract.
- d) Debarred Bidders or Subcontractors. A Respondent who is currently subject to any Commonwealth or federal debarment order or determination shall not be considered for evaluation by the Procurement Team. If a Respondent's proposal is dependent upon the services of a named subcontractor and the disqualification of this named subcontractor would materially alter the proposal, then that proposal shall be deemed unresponsive if the named subcontractor is found to be debarred. Proposals that indicate that subcontractors will be used but do not rely on any specifically named subcontractor shall not be deemed unresponsive if the disqualification of a proposed subcontractor will not materially alter the proposal

SECTION V. EVALUATION PROCESS

The RFR Evaluation Process will be conducted in two phases. MSBA staff will complete the Phase One Review for all submitted Responses. The purpose of the Phase One Review is to eliminate any Respondents that do not meet the minimum qualifications and/or whose Responses are deemed nonresponsive to the requirements of the RFR and disqualified. Responses that are deemed to be complete and responsive based on the Phase One Review will be submitted to a committee of MSBA staff for additional review. The Phase Two Review will evaluate the Responses based on a point scoring process. The selection committee will make a recommendation of the qualified firm and/or individual to the Executive Director of the MSBA who will then accept or reject the recommendation.

(Phase One and Phase Two Reviews of this RFR will be Conducted Separately)

A. PHASE ONE REVIEW

Responses will be reviewed based on the completeness of Responses, including mandatory attachments and compliance to submission criteria, legal, and other requirements as described in Section IV of the RFR. Responses that do not comply with these components may be rejected and, if rejected, will not proceed to Phase Two Review. The MSBA reserves the right to waive or permit cure of any error or omission, which the MSBA deems to be non-material.

Phase One of the Review will review compliance with the submission criteria in Section IV.

C. PHASE TWO REVIEW

In addition to the specific requirements set forth below, all Respondents must demonstrate that they have significant experience, knowledge, and abilities with respect to providing the Scope of Services described in Section I.B of this RFR. The MSBA will evaluate Responses based on criteria that shall include, but not be limited to, the following:

1. Supplier Diversity– (0 to 10 Points).

The MSBA will award a Respondent 0 to 10 points depending on the demonstrated commitment of the Respondent to further Supplier Diversity including the development and/or use of Minority and Woman-Owned Business Enterprises (“M/WBEs”).

2. Demonstrated Experience – (0 to 25 Points)

The MSBA will award a Respondent 0 to 25 points depending on the demonstrated combined experience of the Respondent and the Respondent’s Key Employees associated with performing post-occupancy evaluations and providing services similar to the Scope of Work described in Section I.B of this RFR.

3. Knowledge and Understanding of post occupancy evaluations – (0 to 30 Points)

The MSBA will award a Respondent 0 to 30 points depending on the demonstrated knowledge associated with planning, performing, and reporting results of post-occupancy evaluations.

4. Capacity and Organizational Structure – (0 to 15 Points)

The MSBA will award a Respondent 0 to 15 points depending on the number, qualifications, and availability of key personnel associated with providing the services described in Section I.B of this RFR.

5. Proposed Overall Approach – (0 to 20 Points)

The MSBA will award a Respondent 0 to 20 points depending on the Respondent’s ability to clearly demonstrate an overall approach to meeting the Objectives stated in Section I.A and the Scope of Work described in Section I.B of this RFR.

The MSBA will assign such weight as it deems appropriate and in the best interests of the MSBA, in its sole discretion, to each relevant factor that it takes into consideration.

C. ORAL PRESENTATIONS

After Phase One and Phase Two reviews, the MSBA shall have the option to invite one or more Respondents to make oral presentations. Oral presentations provide the MSBA with an opportunity to evaluate a Respondent through the presentation of their proposal. The MSBA may limit the number of oral presentations conducted. Respondents will not be informed of their preliminary ranking at the time of the oral presentations. After oral presentations the MSBA reserves the right to adjust any preliminary ranking in the Phase Two review.

The time allotments and format shall be the same for all oral presentations. Respondents will be given a maximum of 30 minutes to present their proposals followed by a 15-minute question and answer period. The MSBA will give notice of at least five (5) business days prior to the date of an oral presentation. The MSBA may waive the location and medium requirements of an oral presentation upon the written request of a Respondent due to special hardships, such as a Respondent that requires a reasonable accommodation due to disability or that has limited resources. In these circumstances the MSBA may conduct oral presentations through an alternative written or electronic medium (e.g., telephone, video conference, TTY, or Internet). The MSBA may require the Respondent's assigned key personnel to conduct the oral presentation.

A Respondent is limited to the presentation of material contained in its Response, with the limited exception that a Respondent may supplement its Response to address specific questions posed by the MSBA and provide clarification of information contained in its Response. A Respondent's failure to agree to an oral presentation may result in disqualification from further consideration.

SECTION VI. COMPONENTS OF THE PROCUREMENT

A. DURATION AND RENEWAL OPTIONS

The MSBA intends to select one qualified Respondent to provide the services solicited in this RFR for the time necessary to complete items 1, 2, and 3 as described in Section IB. Scope of Services. The MSBA may, at its option, extend the term for an additional two years under the same terms and conditions based on a negotiated scope and not-to-exceed budget.

The selected Respondent will be required to execute the standard Master Services Agreement, a copy of which is attached hereto as **Attachment "C."** **RESPONDENTS ARE REQUIRED TO SPECIFY ANY EXCEPTIONS TO THE MASTER SERVICES AGREEMENT AND TO MAKE ANY SUGGESTED COUNTERPROPOSAL WITH THEIR RESPONSE. A FAILURE TO SPECIFY EXCEPTIONS AND/OR COUNTERPROPOSALS WILL BE DEEMED AN ACCEPTANCE OF THE MASTER SERVICES AGREEMENT'S TERMS AND CONDITIONS.**

B. CONTRACT PERFORMANCE AND BUSINESS SPECIFICATIONS

1. Rejection of Proposals

The MSBA reserves the right to reject any and all proposals submitted under this solicitation.

2. Withdrawn/Irrevocability of Responses

A firm may withdraw and resubmit a Response prior to the deadline. No withdrawals or re-submissions will be allowed after the deadline.

3. Subcontracting and Joint Ventures

Respondents must obtain prior approval from the MSBA for subcontracting any portion of the Contract. Respondent's intention to subcontract or partner or joint venture with other firm(s) must be clearly stated in the Response. The MSBA reserves the right to reject any and all subcontracts, partners, or joint venture firms.

4. Price Limitation

The Respondent must agree that no other customer of similar size and similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the MSBA. The Respondent must also agree to provide current or historical pricing offered or negotiated with other governmental or private entities at any time during the contract period upon the request of the MSBA.

5. Security Breach Law, M.G.L. c. 93H

The bidders hereby acknowledge and agree to comply with the requirements and responsibilities, including those of providing notice and Response, as set forth in G.L. c. 93H concerning Security Breaches and any regulations implemented to effectuate security of "personal information" as defined in § 1 of G.L. c. 93H.

6. Conflict of Interest

Individuals performing services to the MSBA may be considered "special state employees" subject to the provisions of the Massachusetts Conflict of Interest Law (M.G.L. 268A). The MSBA's Master Services Agreement requires contractors to certify, among other things, compliance with the Conflict of Interest Law.

SECTION VII. ATTACHMENTS

This RFR consists of a 15-page Request for Responses and the following Attachments:

- Attachment A: Authorized Respondent's Signature and Acceptance Form
- Attachment B: Certification Statement
- Attachment C: Master Services Agreement
- Attachment D: Supplier Diversity Program Plan Form

SECTION VIII. ADDITIONAL INFORMATION

On September 12, 2018 at 11:00 AM the MSBA will host a **non-mandatory** Pre-Proposal Conference. If you would like to attend please contact Siobhan Tolman at Siobhan.Tolman@MassSchoolBuildings.org.

It is recommended that Respondents refer to chapter 70B of the Massachusetts General Laws, chapters 201, 208, and 210 of the Massachusetts Acts of 2004, and 963 CMR 2.00 *et seq.* for additional information about the MSBA.

Your interest in working with the Massachusetts School Building Authority is appreciated.

John K. McCarthy
Executive Director
Massachusetts School Building Authority