

**Eastern Kentucky PRIDE, Inc.
Request for Qualifications (RFQ)
for Appalachian Wildlife Center
Architectural Design/Engineering
Services (AML) Pilot Project
RFQ ELK-30-20170002**

**EASTERN KENTUCKY PRIDE, INC.
2292 S. Hwy 27
SOMERSET, KY 42501
(888) 577-4339
Fax: (606) 677-6150
twilson@centertech.com**

PLEASE READ THIS SOLICITATION AND ITS INSTRUCTIONS IN ITS ENTIRETY. This is a Request for Qualifications (RFQ). Offerers shall comply with the terms and conditions stated in the solicitation, as well as, all applicable statutes, regulations and policies related to this solicitation.

Requirements that include the words “Shall”, “Will”, “Must” indicate a mandatory requirement.

Section 1 - Scope of Work

The proposed Appalachian Wildlife Center-Architectural Design/Engineering Services AML Pilot Project consists of completing the architectural design of the Appalachian Wildlife Center visitor center complex which will include:

1. Completion of design of the 87,000 square foot visitor center building which has been designed the complete schematic floor plans
2. Completion of the site plan for the visitor center complex
3. Completion of architectural design of an approximately 5,500 square foot equipment and services building
4. Completion of architectural design of an approximately 6,000 square foot raptor refuge building
5. Completion of architectural design of two bird viewing buildings, each approximately 1,500 square feet in size

The Appalachian Wildlife Center site is located in the former industrial park in Bell County approximately 10 miles southeast of Pineville.

Section 2 - Signing Solicitation

An authorized representative shall **complete and sign** where indicated on the solicitation sheet that is the front page of this solicitation and elsewhere as identified in this solicitation. **FAILURE TO DO SO SHALL RESULT IN A NON-RESPONSIVE BID/PROPOSAL.**

Section 3 - Solicitation Submission Requirements

Offerers shall submit one (1) signed original of the solicitation response, along with five copies, under sealed cover, which shall be received no later than the date and time indicated on the face of this solicitation. Any response received after this date and time **shall be rejected** and returned unopened to offerer. Any response not under sealed cover shall be rejected.

**For purposes of this proposal, PRIDE defines SEALED as "a closure that must be broken to be opened and that thus reveals tampering". (Merriam-Webster Dictionary, <http://www.merriam-webster.com/dictionary/seal>)*

Offerer shall identify their response to a solicitation on the response envelope. Any response not sufficiently identified on the sealed cover, requiring it to be opened for identification, shall be rejected.

Statement of Qualifications shall be addressed and submitted to:

**EASTERN KENTUCKY PRIDE, INC.
ATTN: TAMMIE WILSON
2292 S. Hwy 27
Somerset, KY 42501**

The outside cover of the package containing the Statement of Qualifications, at a minimum, shall be marked with:

**NAME OF SOLICITATION
SOLICITATION NUMBER
NAME OF FIRM SUBMITTING RESPONSE
DATE AND TIME OF CLOSING**

Fax Response copies and Electronic responses are NOT acceptable for this RFQ and shall be considered non-responsive.

Section 4 – Required Information

Statements of Qualifications should include, at a minimum, the following information:

1. Identification of the firm's experience in similar projects
2. Identification of specific personnel to be assigned to this project, including resumes of those persons indicating their experience on previous projects of this nature
3. Identification of references of prior clients of similar projects
4. Identification of familiarity with local factors

Each firm is responsible for submitting all relevant, factual and correct information with the Statement of Qualifications to enable the evaluator(s) to afford each firm the maximum opportunity based on the available data submitted.

Section 5 - Determination

A selection committee appointed by the Owner will review all Statements of Qualifications. Statements of Qualifications will be evaluated and ranked on the basis of the following considerations:

1. Overall qualifications of firm
2. Past Record and Experience on similar projects
3. Experience and availability of qualified personnel
4. Willingness to meet time and budget requirements
5. Responses from references contacted concerning previous performance on similar projects and familiarity with local factors
6. Resident Bidder (See Section 6)

All Statements of Qualifications will be evaluated and awarded points on the basis of the following criteria:

- | | |
|---|------|
| 1. Qualifications of Firm | 0-20 |
| 2. Past Record and Experience on Similar Projects | 0-20 |
| 3. Key Personnel Experience and Availability | 0-20 |
| 4. Willingness to meet time and budget requirements | 0-20 |
| 5. References/Familiarity | 0-20 |

TOTAL POINTS POSSIBLE 100

After evaluation, the Owner will then contact the highest ranking firm and enter into negotiations with that firm. If the Owner is unable to negotiate a satisfactory agreement, the second-ranked firm will be contacted. Once a firm has been selected, all unsuccessful firms will be promptly notified.

Section 6 – Resident Bidder

KRS 45A.494 Reciprocal preference to be given by public agencies to resident bidders -- List of states -- Administrative regulations.

- 1) Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by a public agency, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder.
- 2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:
 - a. Is authorized to transact business in the Commonwealth; and
 - b. Has for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.

- 3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
- 4) If a procurement determination results in a tie between a resident bidder and a nonresident bidder, preference shall be given to the resident bidder.
- 5) This section shall apply to all contracts funded or controlled in whole or in part by a public agency.
- 6) The Finance and Administration Cabinet shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by public agencies in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.
- 7) The preference for resident bidders shall not be given if the preference conflicts with federal law.
- 8) Any public agency soliciting or advertising for bids for contracts shall make KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids.

The reciprocal preference as described in KRS 45A.490-494 above shall be applied in accordance with 200 KAR 5:400.

Determining the residency of a bidder for purposes of applying a reciprocal preference

Any individual, partnership, association, corporation, or other business entity claiming resident bidder status shall submit along with its response the attached Required Affidavit for Bidders, Offerors, and Contractors Claiming Resident Bidder Status. PRIDE reserves the right to request documentation supporting a bidder's claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination.

A nonresident bidder shall submit, along with its response, its certificate of authority to transact business in the Commonwealth as filed with the Commonwealth of Kentucky, Secretary of State. The location of the principal office identified therein shall be deemed the state of residency for that bidder. If the bidder is not required by law to obtain said certificate, the state of residency for that bidder shall be deemed to be that which is identified in its mailing address as provided in its bid.

Section 7 - Sole Point of Contact

The PRIDE contact listed below shall be the sole point of contact throughout the procurement process. All communications, oral and written (regular, express, or electronic mail, or fax), concerning this procurement shall be addressed to:

Tammie Wilson, President/CEO
EASTERN KENTUCKY PRIDE, INC.
2292 S. HWY 27
SOMERSET, KY 42501
888-577-4339
Fax: (606) 677-6150
Email: twilson@centertech.com

Section 8 - Restrictions on Communications

From the issue date of this solicitation until a contractor(s) is selected and the selection is announced, offerors are not allowed to communicate with any PRIDE Staff, members of the Appalachian Wildlife Foundation, any Commonwealth of Kentucky staff, including engineer assigned to this project, concerning this solicitation except:

- The Sole Buyer cited in this solicitation or
- Via written questions submitted to the Sole Point of Contact

Offerors should clearly understand that any verbal representatives made or assumed to be made during any oral discussions held between representatives of potential bidders and any official or staff member noted above are not binding on PRIDE.

For violation of this provision, PRIDE shall reserve the right to disqualify the Statement of Qualifications.

Section 9 - Governing Law

This solicitation shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky and any litigation with respect to this solicitation shall be brought in state or federal court in **Franklin County, Kentucky in accordance with KRS 45A.245.**

Section 10 - Registration with the Secretary of State by a Foreign Entity

Pursuant to KRS 45A.480(1)(b), an agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity required by [KRS 14A.9-010](#) to obtain a certificate of authority to transact business in the Commonwealth ("certificate") from the Secretary of State under [KRS 14A.9-030](#). **Therefore, foreign entities should submit a copy of their certificate with their solicitation response.** If the foreign entity is not required to obtain a certificate as provided in [KRS 14A.9-010](#), the foreign entity should identify the applicable exception in its solicitation response. Foreign entity is defined within [KRS 14A.1-070](#). Businesses can register with the Secretary of State at <https://secure.kentucky.gov/sos/ftbr/welcome.aspx>.

Section 11 - Funding Limitations

If any or all responses received exceed the amount of funding available, then PRIDE reserves the right to cancel this RFQ.

Section 12 - Provisions for Termination of the Contract

Any contract resulting from this solicitation shall be subject to the termination provisions set forth in 200 KAR 5:312.

Section 13 - Discrimination (Effective April 8, 2015)

Discrimination (because of race, religion, color, national origin, sex, sexual orientation, gender identity, age, or disability) is prohibited. Eastern Kentucky PRIDE, Inc. and selected firm will enter into an agreement that adheres to the following:

1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex, sexual orientation, gender identity, or age. The contractor further agrees to comply with the provisions of the Americans with Disabilities Act (ADA), Public Law 101-336, and applicable federal regulations relating thereto prohibiting discrimination against otherwise qualified disabled individuals under any program or activity. The contractor agrees to provide, upon request, needed reasonable accommodations. The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability. Such action shall include, but not be limited to the following; employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensations; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.
4. The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965 as amended, and of the rules, regulations and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Secretary of

Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in or as otherwise provided by law.
7. The contractor will include the provisions of paragraphs (1) through (7) of section 202 of Executive Order 11246 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor, issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Section 14 - Affirmative Action Compliance

Eastern Kentucky PRIDE, Inc. requires all contractors to agree that he/she is in compliance with the Code of Federal Regulation No. 41 CFR 60-1.8(b) that prohibits the maintaining of segregated facilities.

Section 15 - Contract Provisions

Vendor is required to comply with Copeland "Anti-Kickback" Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontracts on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each subcontractor or sub-recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

Vendor is required to comply with the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352) for bids that exceed \$100,000.00, and are required to file certification.

Vendor is required to comply with the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 125101387), as amended, for contracts in excess of \$150,000.00.

For any "funding agreement" under 37 CFR § 401.2(a), Vendor will be required to provide rights to inventions made under the contract or agreement.

All contracts for supplies or construction materials require compliance with the Buy American Act (41 U.S.C. Chapter 83).

It is the policy that supplier diversity (M/W/DV/BE) and small disadvantaged business concerns (SB/SDB) shall have the maximum practical opportunity to participate in the performance of government and commercial subcontracts awarded by consistent and efficient performance while balancing cost, timeliness, quality, technical suitability, legal requirements and other business best value considerations. PRIDE recognizes that providing competitive opportunities for M/W/DV/BE and small businesses supports the free enterprise system in which it operates. Additionally, broad-based competition contributes to the goal of providing all clients with the highest quality services at competitive costs. Therefore, it is the intention to aggressively pursue, wherever practical, subcontracting opportunities which support our clients' objectives and requirements in accordance with applicable laws and regulations.

Eastern Kentucky PRIDE, Inc. is an Equal Opportunity Employer and encourages responses from all qualified firms, including local, minority and female owned firms.