

**PENDER COUNTY
HEALTH AND HUMAN SERVICES FACILITY**

**Request for Qualifications
Design-Build Services
RFQ #220318-224**

Caution: The only official source for this document is the one cited in the advertisement. Not getting this document directly from that source could mean that this document has been superseded by a later version. Only those obtaining this document from the advertised source and submitting an email to purchasing@pendercountync.gov with their intent to present a SOQ will be included on a mailing list for updates. The Owner is not responsible for any reader's failure to heed this warning.

Statement of Qualifications Due: Friday, May 6, 2022 at 12:00 p.m.

TABLE OF CONTENTS

Section 1. Introduction	
1.1 Purpose of Procurement-----	2
1.2 Purpose of the RFQ-----	2
1.3 Project, Scope, Delivery, and Options-----	3
1.4 Request for Qualifications (RFQ)-----	4
1.5 Project Assumptions-----	4
1.6 Definition of Terms-----	5
 Section 2. General Instructions	
2.1 Selection Process for the RFQ-----	6
2.2 Project Schedule-----	7
 Section 3. RFQ Submittal-Qualifications Submission Format and Requirements	
3.1 Physical Submittal-----	8
3.2 Criteria for Selection and Weighting of Qualifications Criteria-----	9
3.3 Submittal Contents-----	10
3.4 Additional Conditions-----	13

Appendices

- A. Non-Collusion Affidavit (page 15)
- B. E-Verify Affidavit (page 16)

**PENDER COUNTY
HEALTH AND HUMAN SERVICES FACILITY**

**Request for Qualifications
Design-Build Services
RFQ #220318-224**

1. Introduction

Name of Project: Pender County Health and Human Services Facility

1.1 Purpose of Procurement

Pursuant to North Carolina General Statutes, Section 143.128.1(A), the County of Pender hereby solicits Statements of Qualifications from qualified Design-Build teams interested in providing professional design and construction services for construction of a Health and Human Services Facility. The Owner is preceding this project with a qualification process (this RFQ) to determine and approve interested and competent Design-Build teams, hereinafter referred to as “Design-Builder(s)”.

1.1.1 Project Site: Building space is located behind the current Health Department located at 803 South Walker Street, Burgaw, NC, with main access from Progress Drive, Burgaw, NC.

1.1.2 Project Description: The Pender County Board of Commissioners intends to construct a health and human services facility in the Burgaw Township of Pender County. This project will consist of the construction of a multi-story building. The facility which is expected to be about 70,000 square feet will house all Department of Social Services employees and Health Department employees.

1.2 Purpose of the RFQ

1.2.1 Selection of the Design-Builder will be Qualifications-Based (QBS) beginning with the review of this RFQ submittal. Factors and/or criteria to be used in the evaluation of this RFQ are listed and described in this document. The Owner will adhere to the weightings specified for each evaluation factor as stated. These selections are made solely as judged by the Owner

1.2.2 In selection of a firm, the Owner will emphasize the experience of the firm and of the assigned personnel in providing like functions on projects of similar magnitude and complexity as the proposed project. Selection preference will be toward firms that have depths of knowledge and resources for this facility design type, general contracting, scheduling, contract coordination and compliance, budget control, and design experience in this building type, as well as familiarity with laws, ordinances, and codes applicable to this project.

1.2.3 The window of construction opportunity requires the Owner to make, as an important selection criterion, the ability of firms to place quality personnel on this job ready to work within an effective timeframe.

1.2.4 Pender County encourages participation by minority businesses in the award of contracts. The county provides minorities an equal opportunity to participate in all aspects of contracting and procurement and prohibits any, and all discrimination against persons or businesses in pursuit of these opportunities. The bidder shall make a good faith effort to recruit and select minority-owned businesses among the bidder's subcontractors.

1.2.5 It is the responsibility of each submitter to examine the entire RFQ, seek clarification in writing, and review their submittal for accuracy before submission of their qualifications. Once the submission deadline has passed, all submissions will be final. The Owner will not request clarification from any individual submitter relative to their submission. The Owner reserves the right to ask for additional information from all parties that have submitted qualifications. If there are multiple firms proposed as one team, each firm must describe itself accordingly in the RFQ submittal. **Indicate on the first page of the submittal which firm/company is the lead Design-Builder.**

1.2.6 The Owner will make every effort to be fair and equitable in its dealing with all candidates. If, however, the County should determine that none of the Design-Build teams submissions are advantageous to Pender County, the county shall have the absolute right to reject any and all submissions.

1.3 Project Scope, Delivery, and Options

1.3.1 The delivery method for this project will be **Design-Build**. There will ultimately be a single contract from the Owner with a lead Design-Builder who will be expected to fulfill the terms of the contract through delivery of a finished, fully usable facility, on a turn-key basis, that satisfies the Owner's project requirements. The Owner chose the Design-Build delivery method specifically to give them a single point of responsibility on the part of the Design-Builder for every design service and construction need. This method is expected to allow concurrent design and construction activities. The Design-Builder, as the sole responsible source for the total project compliance and construction-related performance (including architectural, design, and construction services) shall act in the best interests of the Owner. At all times and project stages, the Design-Builder shall use their best efforts to perform the project in an expeditious and cost-effective manner consistent with the Owner's project requirements, time constraints and budget. The lead Design-Builder shall hold all design professionals, testing services, trade contractors, and trade supplier contracts. The Design-Builder shall develop an overall project schedule which will be a contractual obligation. In addition, the lead Design-Builder will be responsible for methods of construction and safety, as well as for the scheduling and coordination of the work of all construction and miscellaneous contracts required for completion of the project within pre-determined budget limits and schedules.

1.3.2 The construction for the Owner's project shall be developed having a substantial completion date no later than **July 1, 2025**.

1.4 Request For Qualifications (RFQ)

1.4.1 The RFQ selection process will produce a preliminary ranking list for Design-Build candidates. The county reserves the right to ask the highest-ranking teams to interview with an official Project Selection Committee consisting of various county personnel. If interviews are conducted, the county may then create a final ranking of Design-Builders based upon the interview results, in conjunction with their submitted written responses.

1.4.2 No formal design competition will be included.

1.4.3 Once the single Design-Builder is determined, they will be responsible for pricing and value-engineering issues. Prior to contracting, the Owner will ask the Design-Builder to commit to a Lump Sum price for all its design and construction services.

1.4.4 Owner/Design-Builder contract will be a Lump-Sum contract using a contract provided by Pender County. Any unused contingency will be returned to the Owner.

1.4.5 In order to consider proposals, the county must receive three (3) responses to its RFQ. If the county receives less than three responses, the county must resolicit. After the second solicitation, the county may consider proposals even if three proposals have not been received. The county will follow the same procedures for the initial submission.

1.4.6 Pender County reserves the right to accept or reject any or all Statements of Qualifications with or without cause. Issuance of Requests for Qualifications does not commit Pender County to award a contract, to pay any costs incurred in preparation of a proposal or to procure or contract for related services or supplies.

1.5 Project Assumptions

1.5.1 The Owner does not desire to enter into "joint-venture" agreements with multiple firms. At the same time, the Owner recognizes that the Design-Build delivery method often involves partnerships between or among firms to combine design and construction management capabilities. Should two or more firms desire to establish a joint venture, it is expected that one firm shall become the lead Design-Build firm for the purpose of contract execution, with the remaining firms being consultants to them. The Owner shall contract with the lead Design-Build firm only.

1.5.2 The Owner expects all parties to this project to work closely together and deal appropriately with project conditions to finish the job successfully. **A spirit of cooperation and collaboration among professional construction service providers is of utmost importance.**

1.5.3 The Design-Builder will employ the Architect of Record (AOR) and /or the Engineer of Record (EOR). These professionals must personally ensure the integrity of all extensions of the design and ensure that all equipment and materials meet the design criteria requirements. Ensuring compliance with this condition shall be the lead Design-Builder's function, not an Owner function.

1.5.4 The Design-Builder, as part of its design and its pre-construction services, will assist with developing a strategy for the best approach for the successful completion of the project. For example, without limitation, the Design-Builder will provide guidance and assistance in the preparation of a schedule and a reliable, preliminary cost estimate.

1.6 Definitions of Terms

1.6.1 Whenever the term "RFQ" is used, the reference is to this Request for Qualifications or portions thereof, together with any exhibits, attachments, or addenda it may contain.

1.6.2 Whenever the terms 'shall', "will", "must", or "is required" are used in the RFQ, the referenced task is a mandatory requirement of this RFQ. Failure to meet any mandatory requirement will be cause for rejection of a submittal.

1.6.3 Whenever the terms "can", "may", or "should" are used in the RFQ, the referenced specification is discretionary. Therefore, though the failure to provide any items so termed will not be cause for rejection, the Project Selection Committee may consider such failure in evaluating the quality of the submittal.

1.6.4 Whenever the terms "apparent successful" or "top-ranked" or "highest ranking" firm or offeror are used in this document, the reference is to the firm that the Project Selection Committee ultimately judges to have submitted the case best satisfying the needs of the Owner in accordance with the RFQ. The selection of an apparent successful firm does not necessarily mean the Project Selection Committee accepts all aspects of the firm's submittal or proposal.

1.6.5 Whenever the term "submittal" is used in the RFQ, the reference is to the response offered by the firm in accordance with the RFQ. The submittal responds only to the RFQ.

1.6.6 Whenever the term "Project Selection Committee" or "Review Committee" is used in the RFQ, the reference is to the Owner's representatives responsible for administering and conducting the evaluation and selection process for the RFQ.

1.6.7 "Design-Build" refers to the construction project delivery method in which, among other things, the Owner holds a single contract with a business entity that has responsibility both to design and to construct a project, and that holds the trade contracts.

1.6.8 "Lead Design-Builder" refers to the design-build team member that will contract with the Owner for all work and holds all responsibility of project success, performance, and completion.

1.6.9 “Design Professional (an inclusive term for all licensed building professionals), “Architect of Record”, and/or “Engineer of Record” refers to the project architect(s) and/or engineer(s), whose responsibilities generally include programming, design, code compliance, and detailing of the facility. Under the Design-Build delivery methodology, the Design Professional is an integral part of the Design-Builder entity under single contract with the Owner. These entities also operate under legal definitions of the State of North Carolina with statutory liability and responsibility.

1.6.10 “Building Commissioning” refers to a formal and systematic process of documentation, adjustment, testing, verification, and training, focused on quality assurance and performed specifically to ensure that the finished facility operates in accordance with the Owner’s documented project requirements and the construction documents.

1.6.11 “Commissioning Provider” refers to the entity or person providing building commissioning services for a project.

1.6.12 “Owner’s Project Requirements” is a written document that details the functional requirements of a project and the expectations of how it will be used and operated.

1.6.13 “Qualifications Submittal” and “Initial Written Submittal” both refer to a firm’s response to the RFQ.

1.6.14 “Qualification-Based Selection” and “QBS” both refer to a procurement process for the selection of professional construction services for public projects. It is a competitive contract procurement process whereby consulting firms submit qualifications to a procuring entity (Owner) who evaluates and selects the most qualified firm, and then negotiates the project scope of work, schedule, budget, and price.

1.6.15 “Firm” shall be interpreted as referencing the design entity, the construction entity, or the combined (e.g., joint venture) entity, as is reasonable.

1.6.16 “Fixed Fee” shall be proposed by the Design-Builder and shall be defined as a specific dollar amount (stated as a lump sum) and agreed upon by all parties at the time of Contract Negotiation. This fee shall not be a percentage of the cost of the work.

2. General Instructions

2.1 Selection Process for the RFQ

2.1.1 Request for Qualifications: This document is a Request for Qualifications (RFQ). All interested Design-Build parties shall respond to this document in the appropriate format and required quantity.

2.1.2 Qualification Project Review Committee: The review of RFQ submittals will be by a Project Review Committee comprising representatives of the Owner. Questions should be submitted **in writing** to the Pender County Finance Office via email: purchasing@pendercountync.gov

2.1.3 Design-Build Qualifying Process for the RFQ: Written Submittal (RFQ Submittal): The Project Review Committee will receive and review statements of qualifications and performance data in response to this RFQ. The Project Review Committee will evaluate all firms first against a set of criteria, provided in **Section 3**, to determine those firms most qualified and suited for this particular project. The committee will create a list of the top three Design-Build teams who may be interviewed by the county. After the completion of interviews (if required), a Design-Build team will be selected and negotiations of fees will begin. If the selected Design-Build team and the county do not come to an agreement, the county reserves the right to enter into negotiations with the next highest-ranking Design-Build team.

2.1.4 Substituting Key Personnel: After the contract is awarded, the Design-Builder can only substitute key personnel (contractors, subcontractors, and design professionals identified in the Design-Builder’s response to the RFQ) after obtaining written approval from the county.

2.2 Project Schedule: The following Project Schedule represents the Owner’s best estimate of the schedule that will be followed. The Owner reserves the right, at its sole discretion, to adjust this schedule as it deems necessary. Notification of any adjustment to the Project Schedule shall be provided to all who have requested this RFQ.

Project Schedule (Estimated)	Date	Time
Advertisement of RFQ	March 18, 2022	
Deadline for written questions and clarification on RFQ	April 15, 2022	12:00 pm
Answers to questions provided via an Addendum	April 22, 2022	
Deadline for submission of Statement of Qualifications	May 6, 2022	12:00 pm
Owner completes qualification evaluation, establishes a short-list of firms remaining in the competition. Owner notifies firms on short-list and schedules interviews (if required)	May 31, 2022	
Complete interviews of firms on short-list (if required)	June 17, 2022	
Notify selected Design-Build firm and begin contract negotiations	June 20, 2022	
Complete Contract negotiations with selected firm	July 1, 2022	
Award of Contract	July 6, 2022	
Notice to Proceed	October 17, 2022	
Project Completion	July 15, 2025	

3. RFQ Submittal- Qualifications Submission Format and Requirements

3.1 Physical Submittal: One (1) original and one electronic copy of the information shall be submitted. Each submittal shall be identical in content. Submitters shall follow the sequence of the Initial Written Submittal outlined here. Responses should be concise, clear, and relevant. Submitter's costs incurred in responding to this RFQ is the submitter's alone and the Owner does not accept liability for any costs. The Owner will not and shall not be required to return any item submitted.

3.1.1 The pages of the qualification submittal must be numbered consecutively. A Table of Contents, with corresponding tabs/dividers in the body of the submittal, must be included as well to identify each section. Placing multiple tabs on a single page is perfectly acceptable. If more than one item in the Table of Contents can be started on the same page, you may do so and place all corresponding tabs on that page. Any affidavits, certifications, or signed statements called for are to be included in the Appendix. Please do not place or ask to place in the Appendix any additional information not explicitly required to be placed there. Submittals are not limited in page quantity. (The Owner intends to limit the cost that the submitter incurs to respond to this solicitation. Therefore, submitters are encouraged to be brief and succinct. Thick volumes of background and general marketing materials are not desired. A firm should highlight instead, its responsiveness to the evaluation criteria. If there are multiple firms proposed as one team, each component firm should describe its own relevant qualifications within the same submittal.

3.1.2 Submittals of qualifications will be accepted until the time and date shown in the Project Schedule (Section 2.2). **This is a firm deadline.** The Owner is not responsible for the proper or timely delivery of a submittal. Failure to meet the deadline for receipt of submittals will result in rejection of the submittal. Submittals received after the deadline will not be considered whether delayed in transit or for any other cause whatsoever. Each firm is solely responsible for the accuracy and completeness of its submittal. Errors and omissions may constitute grounds for rejection.

3.1.3 Firms should deliver their submittals. The name and address of the firm should appear on the outside of the submittal, and the package should reference the project; i.e., **RFQ# 220318-224 for Design-Build Services, Pender County Health and Human Services Facility.**

3.1.4 Submit qualifications document to the following addresses depending on method of delivery:

in person or by UPS/FedEx/courier:	if using the US Postal Service:
Pender County Finance Department Attn: Trisha Newton 805 South Walker Street Burgaw, NC 28425	Pender County Finance Department Attn: Trisha Newton PO Box #1578 Burgaw, NC 28425

3.1.5 Except for the submission of questions as discussed further, proposers shall not contact any members or employees of Pender County regarding any aspect of this procurement until after the award of the contract. Contact with these persons could be grounds for elimination from the competition.

3.1.6 All questions that have been submitted in writing before the deadline will be compiled and answered in writing. The deadline for submission of questions relating to the RFQ can be found in the Project Schedule (Section 2.2). Answers will be distributed simultaneously by email to the contact person in the firms that have made their interest in this project known as well as in an official Addendum to the RFQ.

3.2 Criteria for Selection and Weighting of Qualifications Criteria- The Project Review Committee will evaluate the submittals uniformly based upon criteria listed in the table below. The Owner has listed each major category of criteria in order of importance. The services being sought under this RFQ are considered professional in nature. Consequently, the evaluation of submittals will be based on consideration of the demonstrated qualifications and capabilities of the offerors.

MAJOR CATEGORY	CRITERIA SUMMARIES
Design-Build Team: 30 points Evaluation of lead Design-Builder and Design-Builder's General Contractor/Builder (if different)	<ul style="list-style-type: none"> ▪ GC experience with Design-Build Process ▪ GC experience with similar project types ▪ GC offering Project Managers and Superintendents experienced on similar project types ▪ GC track record of "on-time and on-budget" projects ▪ GC litigation, legal action, and safety records
Design-Build Team: 25 points Evaluation of Design Professionals	<ul style="list-style-type: none"> ▪ Arch./Eng experience with the Team's GC ▪ Arch/Eng experience with similar projects ▪ Arch/Eng firm's litigation and/or arbitration records ▪ Arch/Eng firm's reputation, references, and referrals
Project Schedule: 20 points Evaluation of Design-Build Team	<ul style="list-style-type: none"> ▪ Team's ability to provide a proposed milestone schedule that illustrates the total project time (in weeks) to complete the project
Statement of WHY: 20 points Evaluation of Design-Build Team	<ul style="list-style-type: none"> ▪ Statement of WHY the Team should be selected ▪ Any unique qualifications relating to this project ▪ Design-Build Team professional capacity (Section 3.3.12)
Responsiveness to RFQ: 5 points Evaluation of Design-Build Team	<ul style="list-style-type: none"> ▪ Extent to which the RFQ instructions were followed ▪ Accuracy in reflecting the RFQ requirements

3.3 Submittal Contents- The qualification submittal **must contain** the following information in the following order:

3.3.1 Statement of Interest

3.3.2 Basic company information for all participating companies/firms:

- a. Company/Firm name
- b. Physical address
- c. Mailing address and zip code
- d. Email address and name of primary contact at each company/firm
- e. Main telephone number and direct telephone numbers for contacts
- f. Number of years in business for each company/firm
- g. General description of firm(s)

3.3.3 *Provide a list of the licensed contractors, licensed subcontractors, and licensed design professionals the Design-Build team proposes to use for the project's design and construction (statutory requirement).*

3.3.4 Form of firm ownership, including state of residency or incorporation: Is the offeror a sole proprietorship, partnership, corporation, Limited Liability Company (LLC), joint venture, or other structure?

3.3.5 Succinctly describe the history and growth of your firm(s) and any past or current experience with the Design-Build team being proposed, if any.

3.3.6 List any active or pending litigation with owners, subcontractors, and other construction-related entities and explain. List, and briefly describe any and all legal actions for the past three years in which the respondent has been a debtor in bankruptcy, a defendant in a lawsuit for deficient performance under a contract or agreement; a respondent in an administrative action for deficient performance, or a defendant in a criminal action. **Failure to fully comply with this item will be grounds for elimination from the competition.**

3.3.7 Has the firm(s) ever failed to complete work awarded to it or has it been removed from any project awarded to the firm(s)? Explain.

3.3.8 Provide three references similar to the project required herein. Reference information should include a short paragraph describing the service(s) provided, together with the following:

- a. Name of the organization to which the services were provided
- b. Project location
- c. Dates during which services were performed
- d. Thorough description of project with image(s)
- e. Cost description (at a minimum, must include:
original project budget; final project cost; and why there is a difference in the original and final costs, if any)
- f. A current contact name and organizational title at the firm
- g. The contact's current address and telephone number

3.3.9 Relevant Project Experience of the DESIGNER:

Relevant project experience refers especially to buildings comparable to this project in relevant ways. Describe no less than three projects in order of most relevant to least relevant that demonstrate the firm's capabilities to provide design services on the project at hand. For each project, the following information should be provided:

- a. Project name
- b. Project location
- c. Dates during which services were performed
- d. Physical description (e.g., square footage, site area)
- e. Cost description (this description, at a minimum, must include:
Original project budget; final budget costs; and why there is a difference in the original and final costs, if any)
- f. Brief description of project
- g. Services performed as Designer
- h. Owner reference

3.3.10 Relevant Project Experience of the BUILDER:

Relevant project experience includes similar building type and delivery method relevant to the type of project to be constructed using the Design-Build delivery method or performing as a general contractor on comparable types and sizes of projects. Describe no fewer than three projects in order of most relevant to least relevant that demonstrate the firm's capabilities to perform the project at hand. For each project, the following information should be provided:

- a. Project name
- b. Project location
- c. Dates during which services were performed
- d. Physical description (e.g., square footage, site area)
- e. Thorough description of project/images
- f. Cost description (this description, at a minimum, must include:
Original project budget; final budget costs; and why there is a difference in the original and final costs, if any)
- g. Services performed as Builder
- h. Owner reference

3.3.11 Indicate whether offeror is a Minority Business Enterprise and any Minority Business firms on the Design-Build team.

3.3.12 Statement of "**Why**" the proposing firm should be selected. This section provides each firm the opportunity to provide specific information that differentiates them from others in the competition. Include Personnel Capacity:

- a. Provide general information about the firm's personnel resources, including classifications and numbers of employees and the locations and staffing of relevant offices
- b. Provide a list of qualified and available personnel resources, identifying experience and ability for key personnel. The key personnel, at a minimum, are the proposed Designer(s) of Record, supporting project architects and engineers, project superintendent, Design-Builder's project manager, project director, estimator, preconstruction manager, and the executive in charge.

(Firms may list more than one person qualified and available for the proposed project.)

3.3.13 Proposed Project Schedule based on an award date of July 2022

3.3.14 Minimum Criteria

Firms must meet the criteria in the bullet points below. Firms that do not meet these criteria are automatically disqualified. All documentation required to prove the firm meets the minimum criteria stated below should be included in the **Appendix** of the firm's submittal.

- Firm's "Designer(s) of Record" MUST have a current North Carolina Architectural and/or Engineering license(s) as appropriate for their portion of the design work. **A copy of the license(s) to be included in the Appendix.**
- Firm's "Builder" MUST have a current North Carolina Contractor's license with an unlimited building classification. **A copy of the license(s) to be included in the Appendix.**
- Lead Design-Build firm MUST agree to keep and maintain for the duration of this Agreement including but not limited to commercial general liability, automobile liability, workers' compensation, employer's liability, and umbrella coverage with at least the minimum limits shown below. The Contractor shall furnish the county with certificates of insurance for each type of insurance described herein, with the county listed as Certificate Holder and as an additional insured on the Contractor's general liability and auto liability policies and provide a waiver of subrogation on the Contractor's workers' compensation policy. In the event of bodily injury or property damage loss caused by Contractor's negligent acts or omissions in connection with Contractor's services performed under this Agreement, the Contractor's Liability insurance shall be primary with respect to any other insurance which may be available to the county, regardless of how the "Other Insurance" provisions may read. In the event of cancellation, substantial changes or non-renewal, the Contractor and Contractor's insurance carrier shall give the county at least thirty (30) days prior written notice. No work shall be performed until the Contractor has furnished to the county the referenced certificates of insurance and associated endorsements, in a form suitable to the county. Upon request, the Contractor shall provide the county copies of their insurance policies.

Commercial General Liability:	\$1,000,000 per occurrence
Commercial Auto Liability:	\$1,000,000 combined single limit
Excess (Umbrella) Liability:	\$1,000,000
Workers' Compensation:	Statutory
Employer's Liability:	\$500,000 each accident/ total disease/employee disease

- Professional Liability (Errors and Omissions) coverage for Architect of Record and Engineer(s) of Record shall provide coverage not less than \$1,000,000 per claim. (The Owner reserves the right to negotiate different limits and coverage in the final contract.)

In order to be deemed eligible for evaluation, the submitting lead Design-Build firm must create, officially sign, and place in its submittal a signed statement that contains the following declarations (this document may be part of the Appendix):

- *We certify that our Design-Build entity's "Designer(s) of Record" have current North Carolina Architectural and/or Engineering license(s) as appropriate for their portion of the design work.*
- *We certify that our Design-Build entity's "Builder" has a current North Carolina Contractor's unlimited license.*
- *We certify that our firm will have and maintain liability insurance coverage for a total of \$1,000,000/occurrence and \$2,000,000/general aggregate for commercial general liability, and not less than \$1,000,000 per claim for commercial business automobile liability.*
- *We certify that we will have coverage for errors and omissions by all Designer(s) of Record of not less than \$1,000,000 per claim.*

3.4 Additional Conditions

3.4.1 The Review Committee will endeavor to shortlist only firms that are fully capable and qualified to perform the current project. Upon completion of the review of RFQ submittals, the Review Committee will rank the three highest-ranking firms. The county reserves the right to schedule interviews if necessary for final selection.

3.4.2 Subject to the provisions of the Freedom of Information Act, the details of the proposal documents will remain confidential until final qualification selection is complete. Once a selection is made, responses to the RFQ become public record and therefore, will be subject to public disclosure under the North Carolina Public Records Law (G.S. 132-1 et.seq.). If the firm designates a document confidential or a trade secret in accord with the procedures prescribed by the Public Records Law, the county will withhold the document from public disclosure to the extent it is entitled or required to do by applicable law (N.C.G.S. 66-152(3)). However, the firm must invoke the protection of this section prior to or upon submission of the data or other materials and must identify the data on other materials to be protected and state the reasons why protection is necessary. **Each individual page considered a trade secret or proprietary information must be labeled "Confidential" in the top right corner.**

3.4.3 Costs to prepare responses: The Owner assumes no responsibility or obligation to the offerors and will make no payment for costs associated with the preparation or submission of proposals.

3.4.4 The Owner reserves the right to check references of proposed personnel on the project team and to request substitutions of personnel if it deems such action is in the Owner's best interest. Moreover, the Owner reserves the right to check any reference that it may become aware of in addition to the references provided by the proposer.

3.4.5 Equal Employment Opportunity: During the performance of this Contract, the Design-Builder agrees as follows: The Design-Builder will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, national origin, place of birth, or physical handicap. Design-Builder must have a history of being non-discriminating and will not discriminate on the basis of race, creed, color, sex, or national origin in any of its employment practices, or procurement practices with respect to the workforce of the firm, or procurement services in connection with this project.

3.4.6 It is a requirement that the selected firms must operate a drug-free workplace and that it will remain that way throughout the duration of the project.

3.4.7 Bidders are also notified that all contractors, vendors, subcontractors, and/or employers bidding and/or contracting with Pender County must use E-Verify in their hiring process. Per North Carolina Session Law 2013-418, no county may enter into a contract unless the contractor and the contractor's subcontractors comply with Article 2 of Chapter 64 of the General Statutes.

3.4.8 E-Verify Employer Compliance: Employers and their subcontractors with 25 employees as defined in Article 2 of Chapter 64 of the North Carolina General Statutes must comply with E-Verify requirements to contract with governmental units. E-Verify is a Federal program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law. The requirements of that policy are included in the invitation to Bid and will be included in the contract for the construction of the project.

**Appendix A
NON-COLLUSION AFFIDAVIT**

State of North Carolina
County of Pender

RFQ # 220318-224

_____, being first duly sworn, deposes and says that:

1. He/She is the _____ (title) of _____ (firm's name), the proposer that has submitted the attached proposal;
2. He/She is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
3. Such proposal is genuine and is not a collusive or sham proposal;
4. Neither the said proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other proposer firm or Person to submit a collusive or sham response in connection with the contract for which the attached proposal has been submitted or to refrain from responding in connection with such contract, or has in any manner, directly or indirectly sought by agreement or collusion of communication or conference with any other proposer, firm or person to fix the price or prices in the attached proposal price of the proposal of any agreement any advantage against the County of Pender or any person interested in the proposed contract; and
5. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the proposer or any of its agents, representatives, owners, employees, or parties in interest, including affiant.

Signature

Title

NOTARIZE

Subscribed and sworn to before me,

This _____ day of _____, 20

Notary Public _____

My Commission Expires: _____

Appendix B

**STATE OF NORTH CAROLINA
COUNTY OF PENDER**

AFFIDAVIT OF COMPLIANCE – E-VERIFY

I, _____ (the individual attesting below), being duly authorized by and on behalf of _____ (the entity bidding on project hereinafter "Employer") after first being duly sworn hereby swears or affirms as follows:

1. Employer understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NC G.S. 64-25 (5).

2. Employer understands that Employers Must Use E-Verify. Each employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NC G.S. 64-26 (a).

3. Employer is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in the state of North Carolina.

(Mark Yes or No)

a. YES _____

b. NO _____

4. Employer's subcontractors comply with E-Verify, and if Employer is the winning bidder on this project, Employer will ensure compliance with E-Verify by any subcontractors subsequently hired by Employer.

This ____ day of _____, 2022.

Signature of Affiant

Print or Type Name: _____

State of _____

County of _____

Signed and sworn to (or affirmed) before me, this the ____ day of _____, 2022.

My Commission Expires:

Notary Public

(Affix Official/Notarial Seal)