



## REQUEST FOR QUALIFICATIONS

### DESIGN-BUILD SERVICES

### 2022 PARTF PROJECT - LENOIR AQUATIC and FITNESS CENTER IMPROVEMENTS

### CITY OF LENOIR, NORTH CAROLINA

The City of Lenoir is seeking Statements of Qualifications (SOQ) from qualified design-build firms and/or teams interested in providing professional design and construction services for interior renovations, modifications, and enhancement at its Lenoir Aquatic and Fitness Center (LAFC), located at 1031 Jim Barger Court NE, Lenoir, North Carolina 28645.

**Posting Date: November 26, 2024**

**Responses Due: December 31, 2024**

Contact:

Jared Wright, Director of Special Projects and Grants, City of Lenoir, 828.757.2153, [jwright@ci.lenoir.nc.us](mailto:jwright@ci.lenoir.nc.us)

Phillip Harper, Parks and Recreation Director, City of Lenoir, 828.757.2166, [phil.harper@ci.lenoir.nc.us](mailto:phil.harper@ci.lenoir.nc.us)

Zack Carter, LAFC Center Manager, City of Lenoir, 828.757.2216, [zcarter@ci.lenoir.nc.us](mailto:zcarter@ci.lenoir.nc.us)

## 1.0 INTRODUCTION

Pursuant to NC General Statute 143-128.1A, the City of Lenoir (the “City”) is soliciting Statements of Qualifications (“SOQs”) from qualified design-build firms and/or teams (“Submitters”) interested in providing professional design and construction services for improvements to its Lenoir Aquatic and Fitness Center (LAFC). The ability of the Submitters to deliver the project on time, within the criteria and constraints identified by this document, and pursuant to the requirements of the design-build statute are the primary factors for selection. This Request for Qualifications (this “RFQ”) provides complete information on the services being sought, the submittal requirements, and anticipated timeline.

The intent of this RFQ is to select a design-build team through the Qualifications-Based Selection (QBS) process to provide design and construction services for a public aquatic center facility.

Any submittal received after the specified time and date will NOT be accepted or considered. All submittals shall be sealed and marked as follows: **“2022 PARTF Project – Lenoir Aquatic and Fitness Center Improvements”** and delivered to:

Jared Wright, Director of Special Projects and Grants  
City of Lenoir  
801 West Avenue  
Lenoir, North Carolina 28645

The Project will be funded with a combination of local dollars and grant funds, thereby requiring that the Submitters adhere to all pertinent federal, state, and local requirements, including compliance with E-Verify and the Iran Divestment Act, and not be on the Companies that Boycott Israel List, created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.81.

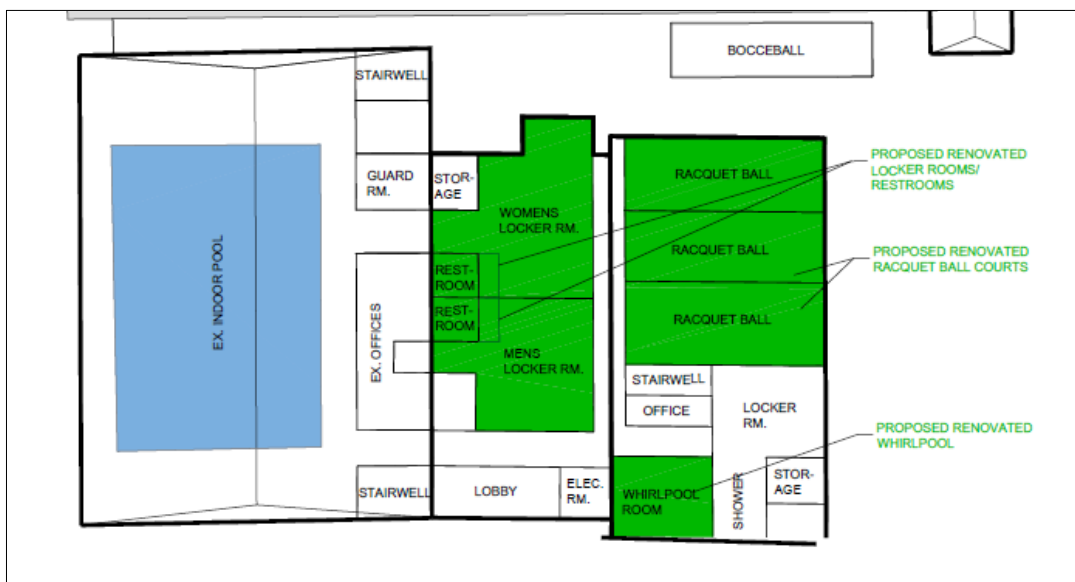
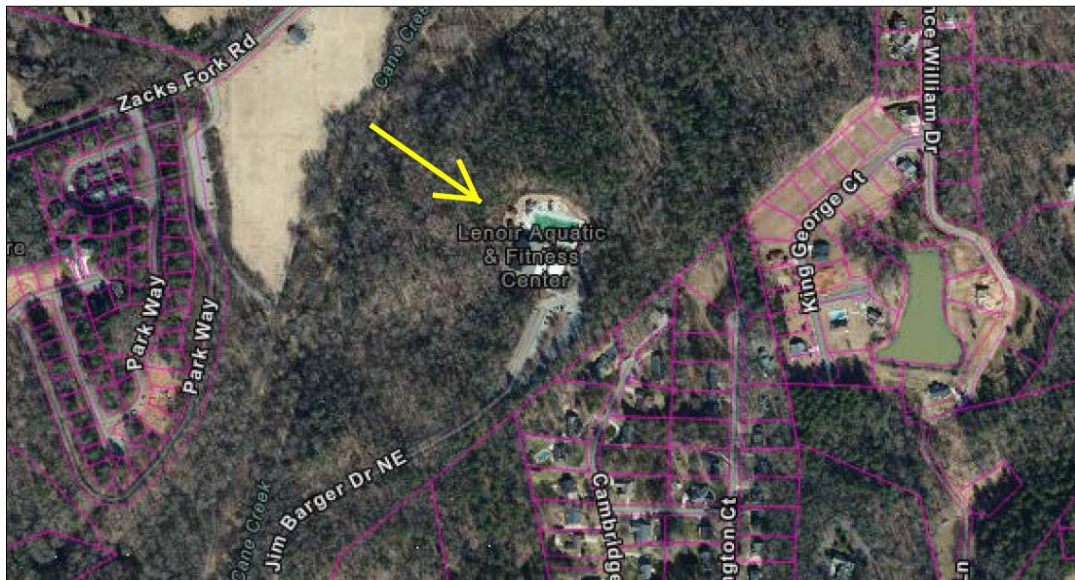
### 1.1 Procurement Process

This RFQ is issued to solicit information, in the form of SOQs, that the City will evaluate to determine which Submitters are the most highly qualified to successfully deliver the Project. Pursuant to NC General Statute 143-128.1A, the City shall rank the three most highly qualified Submitters that submit SOQs based on the criteria included in the RFQ. Each short-listed Submitter that submits a proposal in response to the RFQ (if any) is referred to herein as a “Proposer.” The City will award a design-build contract for the Project, if any, to the Proposer that is the most highly qualified, as determined by the City.

### 1.2 Project Site and Goals

The City was awarded a Parks and Recreation Trust Fund (PARTF) grant in 2022 that included construction of new recreational elements at several existing facilities and renovation of the Lenoir Aquatic and Fitness Center (LAFC) located at 1031 Jim Barger Court NE. This RFQ seeks to identify a qualified design-build firm capable of designing and constructing renovations of LAFC, including renovation/reconfiguring of two (2) family-style restrooms, separate male and female locker rooms, an existing whirlpool room, and three (3) racquetball courts. In addition

to modification of the existing floor plan(s) in the restrooms and locker rooms to accommodate the project goals, reconfiguring, replacement, or relocation of existing mechanical, electrical, and/or plumbing (MEP) systems should be anticipated by the successful design-build firm or team.



### **1.3 Submitter Information**

To allow receipt of any addenda or other information regarding this RFQ, each Submitter is solely responsible for ensuring that the City's Project Manager as described in Section 2.6 has its contact person's name and e-mail address. If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Submitter.

## **END OF SECTION 1**

### **2.0 BACKGROUND INFORMATION; RFQ PROCESS**

The section below provides background information about the project and the process to be followed as part of this RFQ.

#### **2.1 Project Site**

The project site is located at **1031 Jim Barger Court NE, Lenoir, North Carolina 28645**. The property functions as a public recreation facility featuring indoor and outdoor pools, waterslides, and other aquatic elements, indoor racquetball and exercise spaces, and outdoor hiking/mountain biking trails. It is expected that the facility will remain open to the public during construction of this project.

#### **2.2 Project Scope**

The project scope of work should include, but not be limited to, necessary design, engineering, permitting, and construction of renovations to select interior spaces at LAFC. Renovations may include floorplan modification, floor, ceiling, and wall covering replacement, painting, installation of new MEP system components and fixtures (as necessary to accommodate project goals), and any other construction elements needed to provide fully functioning spaces. The project design should include a special focus on complying with ADA requirements and providing accessibility to spaces currently not in compliance.

All construction plans must be reviewed and approved by the City of Lenoir prior to construction. Accordingly, Submitters should anticipate approximately 60 days from submittal to construction for the formal permit submittal, to allow time for multiple cycles of review by all agencies involved, including the City of Lenoir and the Caldwell County Building Inspection Department.

#### **2.3 Project Budget; Maximum Time Allowed**

The project budget is approximately \$700,000.00. The anticipated final completion date for the project is no later than October 31, 2025. Funding agency requirements and contract terms mandate a completion date of October 2025.

#### **2.4 Project Schedule**

The deadline for submitting RFQ questions and the SOQ due date stated below apply to this RFQ. The City anticipates the following additional Project milestone dates. *This schedule is subject to revision by addenda to this RFQ.*

- Issue RFQ – Tuesday, November 26, 2024
- Deadline for submitting RFQ questions – Tuesday, December 17, 2024, 5 p.m. local time
- SOQ Due – Tuesday, December 31, 2024, 5 p.m. local time
- City Project Review Committee opens and evaluates SOQs – Thursday January 2, 2025 through Monday, January 6, 2025
- City Staff recommend firm for contract negotiation – Tuesday, January 7, 2025
- City Council awards contract to design-builder – February 4, 2025 (subject to change)
- Project Completion – No later than October 31, 2025

## 2.5 City of Lenoir Project Management; Ex Parte Communications

Jared Wright is the City's Director of Special Projects and Grants and functions as the City's Project Manager. As the Project Manager, Jared Wright is the City's sole contact person and addressee for receiving all communications about the Project. Only written inquiries will be accepted. Except as permitted by Section 5.1 and below, all inquiries and comments regarding the Project and the procurement thereof must be made by e-mail:

E-mail: [jwright@ci.lenoir.nc.us](mailto:jwright@ci.lenoir.nc.us)

During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member, or agent of any Submitter shall have any ex parte communications regarding this procurement with any member of the City Council, their advisors (i.e. departments, boards, authorities), or any of their contractors or consultants involved with the procurement, except for communications expressly permitted by the City Project Manager and this RFQ.

Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of City.

## 2.6 Questions and Clarifications; Addenda

Questions and requests for clarification regarding this RFQ must be submitted in writing to City's Project Manager as described in Section 2.6. To be considered, all questions and requests must be received by 5:00 PM Eastern Standard Time, on December 17, 2024. The City reserves the right to revise this RFQ at any time before the SOQ due date. Such revisions, if any, will be published as addenda to this RFQ. The City will use the following guidelines when responding to questions and requests for clarification and when issuing addenda:

- The City will answer questions and requests for clarification and post the answers to the City's website: <https://www.cityoflenoir.com> and any third party procurement sites used for publication and dissemination of this advertisement.
- For firms submitting SOQs prior to the deadline, any addenda or clarification will be sent by the project manager to the email address of the appropriate contact provided by the submitting firm.
- Any firm having submitted their SOQ prior to the issuance of an any addendum to this RFQ shall be allowed to respond to the amended RFQ prior to the RFQ deadline as stated above.

## **2.7 Major Participant**

As used herein, the term “Major Participant” means any of the following entities: all general partners or joint venture members of the Submitter; all individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entities however organized, holding (directly or indirectly) a 15% or greater interest in the Submitter; any subcontractor(s) that will perform work valued at 10% or more of the overall construction contract amount; the lead engineering/design firm(s); and each engineering/design sub-consultant that will perform 20% of the work.

## **2.8 City Consultant/Technical Support – Third Party**

The City retains the right to seek an outside consulting firm to provide guidance and advice on related financial, contractual, and technical matters related to the evaluation of responses, selection of the design-build firm, and execution of a contract with the successful firm.

## **2.9 Conflicts of Interest**

The Submitter’s attention is directed to N.C.G.S. 14-234, which prohibits public officers or employees from benefitting from public contracts. The Submitter is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Project with any person or entity with a conflict of interest.

The Submitter agrees that, if after award, a conflict of interest is discovered, the Submitter must make an immediate and full written disclosure to the City that includes a description of the action that the Submitter has taken or proposes to take to avoid or mitigate such conflicts. If a conflict of interest is determined to exist, the City may, at its discretion, terminate the design-build contract for the Project. If the Submitter was aware of a conflict of interest prior to the award of the contract and did not disclose the conflict to the City, the City may terminate the contract for default. The City may disqualify a Submitter if any of its Major Participants belong to more than one Submitter organization. See Section 3.9 for additional information regarding this matter.

## **2.10 Changes to Organizational Structure**

Individuals and design-build firms as defined in N.C.G.S. 143-128.1B (including Key Personnel or Major Participants) and identified in the SOQ may not be removed, replaced, or added to without the written approval of the Project Manager, or designee. The Project Manager, or designee, may revoke an awarded contract if any individual or design-build firm identified in the SOQ is removed, replaced, or added without the Project Manager’s, or designee’s, written approval. To qualify for the Project Manager’s, or designee’s, approval, the written request must document that the qualifications of the proposed removal, replacement, or addition will be equal to or better than the individual or design-build firm provided in the SOQ. The Project Manager, or designee, will use the criteria specified in this RFQ to evaluate all requests. Requests for removals, replacements and additions must be submitted in writing to the City’s Project Manager as described in Section 2.

### **2.11 Equal Employment Opportunity**

The Submitter will be required to follow both North Carolina and Federal Equal Employment Opportunity (EEO) policies.

### **2.12 Minority Businesses, Historically Underutilized Businesses, and Small Professional Service Firm**

The City welcomes and encourages minority businesses, Small Professional Service Firms (SPSF), and Historically Underutilized Businesses (HUB) to participate in this RFQ. The Firm, sub-consultant, and sub-firm shall not discriminate on the basis of race, religion, color, creed, national origin, sex, age, or handicapping condition in the performance of this project.

## **END OF SECTION 2**

### **3.0 CONTENT OF STATEMENT OF QUALIFICATIONS; HOW INFORMATION IN THE STATEMENT OF QUALIFICATIONS WILL BE USED**

This section describes specific information that must be included in the SOQ. SOQs must follow the outline of this Section 3.0. Submitters shall provide brief, concise information that addresses the requirements of the Project consistent with the evaluation criteria described in this RFQ. Documents submitted pursuant to this RFQ will be subject to the Freedom of Information Act and North Carolina General Statutes Chapter 132, Public Records. Some of the information requested in this RFQ is for informational purposes only, while other information will be used in the qualitative analysis of each SOQ.

The City will initially review SOQs on a pass/fail basis. The purpose of the initial review is for the City to determine whether the SOQ, appears to be generally responsive to this RFQ. An SOQ will be, generally, responsive to this RFQ if it appears to include all of the components of information required by this RFQ in the manner required by this RFQ. This initial pass/fail review does not include any qualitative assessment as to the substance of the information submitted. Those SOQs that pass the pass/fail review will then be reviewed on a qualitative basis according to the criteria specified in Section 4.2. The following Sections 3.1 through 3.10 describe the information that is required and how it will be used.

All documents, responses, inquires or correspondence relating to this RFQ will become property of the City when received. Drawings, tracings, specifications, reports, models, portable storage devices, renderings, and all other documents to be prepared and furnished by the respondent pursuant to specific projects undertaken by the successful proposer shall be the sole property of the City, whether the project for which they are made is executed or not.

#### **3.1 Firm or Team Profile Information**

- A signed cover letter from a principal in the firm, if a single firm is submitting, or a signed cover letter with signatures from a principal of every major participant, if submitting as a team or joint venture, expressing interest in the project and certifying that sufficient resources in personnel, equipment, and time are available and can be committed to this project.

- A statement of the firm or team's philosophy, goals, vision statements and/or guiding principles.
- Firm name - Identify the legal entity that would enter into a contract with the City.
- Address of principal office or offices where work will be performed.
- Phone number, website, and e-mail information.
- Name and contact information of the individual who will be the City's primary contact.
- Statement of the firm's history and financial stability.
- Statement of past partnerships with the proposed team or entities participating in a joint venture
- List conflicts of interest the firm or key personnel may have with the project, if applicable.
- Number of years the firm, or each firm acting as a major participant, has been in business in its current capacity.
- The firm's North Carolina General Contractor License and other applicable licensure in the State of North Carolina required for engineering, architecture, or other professional services.
- Insurance information for each major participant.

### 3.2 Personnel Information

- A resume of each team member that will be assigned to the project, including relevant experience, length of service with the firm, job duties, percentage of availability to commit to this project, and educational and professional background.
- Provide an organization chart of all key team members who will be directly involved in providing services to be assigned specifically to this project. Clearly identify the firm that each team member represents and what their role(s) may with respect to design, construction, or technical services
- Identify the Project Manager who will be empowered to execute project documentation on behalf of, make decisions for, and act on behalf of the firm.

### 3.3 Organizational Chart(s)

Provide an organizational chart with sufficient detail to list the firm, or firms, team members and their duties and responsibilities throughout the project. The organizational chart should include firm principals, project managers, estimators, designers, superintendents, and support staff that will have a role with the project. Teams should be clearly identified to indicate entities that will participate in project design and construction, and the relationship between firms or team members should be clearly presented to allow the City to make reasonable judgement as to the roles and responsibilities of each participating team.

### 3.4 Submitter Experience

Describe the experiences on similar municipal or governmental Design-Build projects that the Submitter or each Major Participant has managed, designed, and/or constructed. **Submittals should contain at least three (3) but no more than five (5) representative projects for consideration and evaluation.** For projects in which several of the proposed participants were involved, the Submitter is encouraged to provide a single project description.



**Each project description must include the following information:**

- A narrative describing the project;
- Name of the project, the owner's contact information (project manager name, phone number, e-mail address), and project number (if applicable). If the owner's project manager is no longer with the owner, provide an alternative contact at the agency that is familiar with the project. The alternative contact must have played a leadership role for the owner during the project;
- Dates of design, construction, management and warranty periods;
- Detailed description of the work or services provided and percentage of the overall project self-performed; the description of the work should include the project budget and percentages of the total budget required for design services and construction services;
- Description of scheduled completion deadlines and actual completion dates. Describe reasons for completing the project in advance of or later than the completion deadline specified within the original contract;
- Pictures of completed projects showing quality and type of work/services provided (pictures should be captioned to clearly indicate project components or subject matter).

The City may elect to use the information provided as a reference check.

### **3.5 Key Personnel**

The information required by this section will be used in the qualitative assessment of the SOQ. Each submittal should contain the following:

- Resumes for each team member listed in organizational charts, complete with current and any previous titles with the same firm;
- Relevant, applicable experience on similar design-build projects;
- Length of service with the firm;
- Typical job duties;
- Percentage of availability to commit to this project;
- Educational and professional background.

A special focus of resumes should be the relevant experience of designers, project managers, and superintendents that will be heavily involved with the project.

### **3.6 Project Understanding, Approach and Project Management**

The information required by this section will be used in the qualitative assessment of the SOQ. Each submittal should contain the following:

- A detailed summary of the project scope, including the facility areas specifically mentioned in this RFQ and project goals associated with each area;
- An understanding of the project goals, design requirements, and potential limitations of the project given the location, budget, and timeline;
- A brief explanation of the project execution process from preliminary investigation through design and construction;
- A correlation to the successful completion of similar projects using the design-build method of project delivery
- The firm or team's approach to project management, communication, and transparency;
- The firm or team's process for quality control, including technical review and construction inspections;
- The firm or team's use of subcontractors and applicable quality control procedures for subcontracted portions of the work;
- The firm or team's safety program, controls, initiatives, and the EMR for each major participant.

### **3.7 Acknowledgment of Clarifications and Addenda**

Each submitter shall clearly acknowledge receipt of any clarifications or addenda by signature of one or more principals of the submitting firm or firms. If necessary, this acknowledgment shall be inserted on company letterhead after the cover letter. This acknowledgment will not count towards the submittals page limit.

### **3.8 Bonding Capability**

Provide a letter from a surety or insurance company stating that the Submitter is capable of obtaining performance and payment bonds covering the Project in the amount of 100% of the construction contract amount, in accordance with N.C.G.S § 44A-26, conditioned upon faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. Such bond(s) shall be solely for the protection of the contracting body that is constructing the project. Letters indicating "unlimited" bonding capability are not acceptable. The surety or insurance company providing such letter must be authorized to do business in the State of North Carolina.

### **3.9 Submitter Information**

For the Submitter, each Major Participant, and any affiliate of the Submitter or a Major Participant (including the firm's parent company, subsidiary companies, and any other subsidiary or affiliate of the firm's parent company) whose experience is cited as the basis for the firm's qualifications:

- Describe any project that resulted in assessment of liquidated damages, stipulated damages, or monetary deductions for not meeting intermediate and completion deadlines against the firm within the last five years. Describe the causes of the

delays and the amounts assessed. Describe any outstanding damage claims for projects in which any firm was involved within the last five years;

- Describe the conditions surrounding any contract (or portion thereof) entered into by the firm that has been terminated for cause, or which required completion by another party, within the last five years. Describe the reasons for termination and the amounts involved.
- Describe any debarment or suspension from performing work for the federal government, any state or local government, or any foreign governmental entity, against the firm.
- For each description, identify the project owner's representative and current phone number. Indicate "None" to any subsection above that does not apply.

### **3.10 Conflicts of Interest**

Identify all relevant facts relating to past, present or planned interest(s) of the Submitter's team (including the Submitter, Major Participants, proposed consultants, contractors and subcontractors, and their respective chief executives, directors and key project personnel) which may result, or could be viewed as, an organizational conflict of interest in connection with this RFQ. See Section 2.10 for replacement of key project personnel.

## **END OF SECTION 3**

### **4.0 EVALUATION PROCESS**

Submitter qualifications will be evaluated in the following manner:

#### **4.1 SOQ Evaluation**

The City will initially review the SOQs for responsiveness to the requirements of this RFQ. At this time, a pass/fail determination will be made for each submittal. Submittals that achieve a pass of the initial review will proceed to qualitative evaluation using the criteria and scoring rubric in Section 4.2.

#### **4.2 SOQ Evaluation and Scoring**

The City will evaluate all responsive SOQs and measure each Submitter's response against the project goals and selection criteria set forth in this RFQ, resulting in a numerical score for each SOQ. The City will use the following criteria and weightings:

- a) Submitter Organization and Experience (30 Possible Points)
- b) Key Personnel Experience
  - Team members' experience and qualifications
  - Key management/Staff experience, capabilities and functions on similar projects. The points will be scored in accordance with the following sub-criteria:
    - Contractor's Personnel (15 Possible Points)
    - Design Personnel (15 Possible Points)
- c) Project Understanding and Project Management Approach (30 Possible Points)
- d) Presentation of the firm or team's combined proposed personnel experience, project approach and understanding, demonstration of applicable project management practices suitable for this project, appropriate quality controls, and demonstrated safety program(s)
 

(10 Possible Points)
- e) Legal and Financial (Pass/Fail)

**A total of 100 Possible Points are available to each scored submittal**

#### **4.3 Determining the Most Qualified Submitter**

The City will total the scores for each responsive SOQ and prepare a ranked list of Submitters. The City anticipates identifying the most qualified Submitter through evaluation of SOQs. If the City receives less than three SOQs, or determines that fewer than three Firms are qualified, it will re-advertise the RFQ pursuant to Section 143-128.1A(d) of North Carolina General Statutes.

The City reserves the right, in its sole discretion, to cancel this RFQ, issue a new request for qualifications, reject any or all SOQs, seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ, seek and receive clarifications to an SOQ and waive any minor deficiencies, irregularities, or technicalities in considering and evaluating the SOQs.

This RFQ does not commit the City to enter into a contract or proceed with the procurement of the Project. The City assumes no obligations, responsibilities and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties responding to this RFQ. All such costs shall be borne solely by each Submitter.

#### **4.4 Notification of Submitter Ranking**

Upon completion of the evaluation, scoring, and ranking process, the City will make available a list and ranking of all scored submittals.

#### **4.5 Interview of Firms/Teams (if necessary)**

Prior to ranking the Firms/Teams for final selection, the City may elect to interview three (3) firms/teams. The purpose of this interview, if conducted, will be to meet the proposed Project Team and, if applicable, become familiar with key personnel and/or with the selection strategy proposed by the Submitter and to better understand the firm/team's project approach and ability to meet the stated objectives for the Project. Interviewed firms/teams should be prepared to discuss, with specificity, their capacity to conduct this work in compliance with the Project timeframe, budget and good-faith obligations. The City will notify each interviewee to schedule individual times for interviews and any other pertinent information, should interviews be necessary prior to final selection.

### **END OF SECTION 4**

#### **5.0 PROCEDURAL REQUIREMENTS FOR SOQ SUBMITTAL (TIME, PLACE, FORMAT)**

The following section describes requirements that all Submitters must satisfy in submitting SOQs. Failure of any Submitter to submit their SOQ as required in this RFQ may result in rejection of its SOQ.

##### **5.1 Due Date, Time and Location**

All SOQs must be received by 5:00 PM Eastern Standard Time, on **December 31, 2024**, as indicated in Section 1.0. The delivery address for SOQs is as follows:

City of Lenoir  
Attn: Jared Wright, Director of Special Projects and Grants  
801 West Avenue  
Lenoir, North Carolina 28645

SOQ packages shall be clearly labeled as follows:

**Statement of Qualifications**  
**2022 PARTF Project – Lenoir Aquatic and Fitness Center Improvements**

Any SOQ that fails to meet the deadline or delivery requirement will be rejected without opening, consideration or evaluation. Submitters assume responsibility for the agent of delivery.

##### **5.2 Questions**

Questions regarding this request should be directed to Jared Wright via email at [jwright@ci.lenoir.nc.us](mailto:jwright@ci.lenoir.nc.us), and will be accepted until 5:00pm local time on **December 20, 2024**. Questions must be submitted in writing and delivered via e-mail. All responses to questions will be posted by 5:00pm local time on **December 23, 2024**, in each location where the original RFQ is advertised.

### **5.3 Format**

SOQs shall be color-copied and bound, and may not exceed twenty-five (25) single-sided pages (excluding the cover letter, any acknowledgement of addenda, and/or section dividers). Three (3) hard copies of each SOQ are to be submitted, along with a pdf version of the SOQ included on a portable storage device supplied with the hard copy package.

### **5.4 Integrity**

Maintaining the integrity of the RFQ process is of paramount importance for the City. Attempts to contact elected officials, City staff other than those staff members specifically listed herein, or the Project Designer, for the purpose of obtaining information regarding the RFQ/SOQ submittal or selection process will result in rejection of the submission.

### **5.5 Public Record and Trade Secret**

Upon receipt by the City, your SOQ Package is considered a public record, except for material that qualifies as "Trade Secret" information under North Carolina General Statute 66-152 et seq. Your SOQ Package will be reviewed by the City's Selection Committee, as well as other City staff and members of the general public who submit public records requests. To properly designate material as a trade secret under these circumstances, each firm must take the following precautions: (a) any trade secrets submitted by a firm should be submitted in a separate, sealed envelope marked "Trade Secret — Confidential and Proprietary Information — Do Not Disclose for the Purpose of Evaluating this Qualifications Package," and (b) the same trade secret/confidentiality designation should be stamped on each page of the trade secret materials contained in the envelope. In submitting an SOQ Package, each firm agrees that the City may reveal any trade secret materials contained in such response to all City staff and City officials involved in the selection process and to any outside consultant or other third parties who serve on the Selection Committee or who are hired by the City to assist in the selection process. Furthermore, each firm agrees to indemnify and hold harmless the City and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the firm has designated as a trade secret. Any firm that designates its entire Qualifications package as a trade secret may be disqualified from the selection process.

### **5.6 Delivery and Selection**

The City accepts no responsibility for expenses incurred during the preparation or delivery of SOQs. The City reserves the right to: reject any and all SOQs, select the most qualified firm for the referenced work, waive technical errors and informalities, and to accept the SOQs, which, in its sole judgment, best serves the public interest.

**END OF SECTION 5**

## DESIGN-BUILD TEAM DECLARATION STATEMENT

*(Include a signed copy of this form in the submitted Statement of Qualifications)*

1. We (the submitting Design-Build entity) certify that each licensed design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by N.C.G.S. § 143-64.31.
2. 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.
3. We certify that our Design-Build entity's "Builder" has a current North Carolina Contractor's unlimited license, and sub-contractors required to be licensed as may be required.
4. We certify that our Firm/Company will have and maintain liability insurance coverage for a total of \$1 million/occurrence and \$2 million/general aggregate for commercial general liability, and not less than \$1 million per claim for commercial business automobile liability.
5. We certify that we will have coverage for professional liability and errors and omissions by all Designer(s) of Record/Design Professionals of not less than \$1 million per claim.
6. We certify that our Firm has sufficient bonding capacity to provide Labor and Material Payment and Performance bonds with coverage of each equal to the total cost of the Project as required by N.C.G.S. 143-128.1A(f).
7. We certify that our Firm can and will obtain a Builder's Risk Insurance Policy for this Project with coverage equal to the total cost of the Project.
8. We certify that our Firm/Company/Personnel have/has no potential or actual conflicts of interest to report and that no relationships, transactions, circumstances, or positions held are believed to contribute to any such conflict of interest.
9. I hereby certify the information set forth in this declaration is true and complete to the best of my knowledge.

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(Authorized Signature, Title, Design-Build Entity Name and Date)

By signature on this Declaration, Submitters certify they comply with:

- a) The laws of the State of North Carolina, the applicable portion of the Federal Civil Rights Act of 1964, the Equal Employment Opportunity Act, the Americans with Disabilities Act of 1990, and the regulations issued thereunder by the federal government.
- b) All terms and conditions set forth in this RFQ.
- c) A condition that the SOQ submitted was independently arrived at, without collusion, under penalty of perjury.
- d) That their bids, if applicable, will remain open and valid for at least 60 days.