COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

CAPITAL PROGRAMS
REQUEST FOR PROPOSAL PROCESS

GUIDELINES

2025 Edition

Josh Shapiro
Governor

Reginald B. McNeil, II
Secretary

TABLE OF CONTENTS

Section

1. Introduction
2. Written Determination
3. Proposal Committee
4. Request for Proposal (RFP) Coordinator
5. Committee Statements of Confidentiality and No Conflict of Interest
6. Committee Audits
7. Public Notice
8. Issuance of RFP
9. Pre-Proposal Conference
10. Receipt of Proposals
11. Proposal Responsibility/Responsiveness and Cost Review
12. Small Disadvantaged Business and Veteran Business Enterprise Participation Submittal Requirements
13. Technical Submission Rating Guidance
14. Cost Submission Evaluation
15. Proposal Selection
16. Notice of Selection
17. Notification to Non-Responsible and Unsuccessful Proposers
18. Debriefing
19. DGS Rights Reserved

LIST OF EXHIBITS

A Sample Determination Matrix

B Sample Determination Decision

C Statement of Confidentiality

D. Statement of No Conflict of Interest

E. Proposal Compliance– Responsiveness Form

F. Proposal Compliance - Rejected Proposals

G. Proposal Cost Review - Cost Summary

H. Evaluation Committee Scoring Matrix

1. INTRODUCTION

The purpose of this Request for Proposal Guidelines (Guidelines) is to describe the Request for Proposals (RFP) process and steps that will be undertaken by the Department of General Services Capital Programs personnel (DGS) when procuring single or multiple prime contractors on a construction project by the competitive sealed proposal process. The Project specific RFP may differ from these Guidelines.

2. WRITTEN DETERMINATION

A written determination by the Deputy Secretary for Capital Programs that the standard competitive sealed bidding process is either not practical or advantageous to the Commonwealth of Pennsylvania (Commonwealth) is required before the competitive sealed proposal process can be utilized for obtaining proposals. A copy of the matrix used by the Deputy in considering whether a project should be procured by competitive sealed proposals is attached to these guidelines as **Exhibit A.** The matrix serves as a starting point; not all of these factors may be considered, depending upon the circumstances of the project being considered for procurement. Additional factors not appearing on this template may also be considered in making the determination. A template of the determination memo is attached to these guidelines as **Exhibit B**. A copy of the Deputy's determination for all projects proceeding under the sealed proposal process (i.e., RFP) will be posted on DGS' website upon its execution and remain posted for a minimum of thirty (30) days after award or cancellation of the project.

3. PROPOSAL COMMITTEE

The Proposal Committee (Committee) will be a multidisciplinary team that brings construction, engineering, architectural, financial, legal, and/or customer perspectives to the project.

The Deputy Secretary of Capital Programs will appoint the voting members of the Committee (Evaluation Committee)following the determination to proceed with the RFP process. The Committee will be comprised of career-professional managers with programmatic and technical expertise. The size and composition of the Evaluation Committee can vary depending upon the scope and size of a project. The Evaluation Committee will usually include three voting and five non- voting members. Non-Commonwealth employees are not permitted to be voting members.

The three (3) voting members of the Evaluation Committee will be a combination that consists of:

- A Capital Programs, Bureau of Design Management Representative
- A Capital Programs, Bureau of Construction Representative
- A Client Agency, Representative

The voting members of the Committee are responsible for providing information for customizing the standard RFP to reflect project specific requirements, developing the proposal evaluation scoring matrix, and evaluating and scoring the Technical Submissions of the proposals. These responsibilities are described in more detail herein.

The non-voting members of the Committee may include representatives from:

- Comptroller Operations
- DGS' Office of Chief Counsel
- Professional Design Team

- DGS' Bureau of Diversity, Inclusion, and Small Business Opportunities
- Construction Management Team, if applicable

Non-voting members may participate at their discretion during the project specific discussions but will not decide upon the content of the RFP or the scores of the voting members.

Cabinet secretaries and other senior level political appointees will not play a direct role in evaluating proposals.

4. RFP COORDINATOR

All RFP Proposal Committees will be chaired by the RFP Coordinator. This Coordinator is a non-voting facilitator and is the DGS contact person for all RFP issues and shall be responsible for:

- Ensuring that the determination memo and other RFP documents are posted to the DGS Website.
- Contacting the Proposal Committee members to schedule the project discussion meeting.
- Contacting the Evaluation Committee to schedule the RFP template modification meeting and scheduling the subsequent scoring meeting. The RFP Coordinator will guide the discussion during these meetings but will not dictate results or decide upon the content of the RFP or the scores of the voting members.
- Ensuring all Committee members sign the Statement of Confidentiality and the No Conflict of Interest statements and retain these statements on file.
- Modifying the RFP template to reflect the decisions by the voting members regarding the important factors that Proposers should address on each project.
- Modifying the scoring matrix to reflect the specific points assigned by the Evaluation Committee for the factors that Proposers should address and attaching this as an appendix to the RFP issued for the project.
- Issuing the Notice to Proposers.
- Serving as contact person for all issues arising out of the proposal process, including accepting questions, ensuring timely issuance of addenda (but not responsible for the content of the addendum) and accepting the proposals on submission date.
- Ensuring the confidentiality of all cost submissions by keeping the Cost Submittals in a secured location.
- With DGS Office of Chief Counsel, opening proposals and conducting a responsibility review for compliance with any mandatory requirements outlined in the RFP and conducting a cost review.
- Notifying the Director of Capital Projects Planning and Procurement if the total lowest costs for the contracts exceeds the project allocation.
- When Small Diverse Business (SDB) and Veteran Business Enterprise (VBE) goals have been established, forwarding responsive Proposers' SDB and VBE Participation Submittals to BDISBO for SDB/VBE goals responsiveness review.
- Notifying non-responsible/non-responsive firms that their RFPs are no longer being considered and distributing responsible/responsive proposals to the Evaluation Committee.
- As necessary, working with the design professional to contact all references and prepare summary reports and other reports deemed necessary and distributing them to the Evaluation Committee.

- Convening the Technical Score review meeting and calculating the final technical scores.
- After finalization of the technical scores, opening cost proposals and determining total proposal scores.

- Drafting the memo to the Deputy recommending award to the successful Proposers.
- Forwarding the assigned memo to the successful proposers and notifying the unsuccessful proposers.
- Posting documents regarding the selection on the DGS website.
- Scheduling and conducting the debriefing meetings.

5. COMMITTEE STATEMENTS OF CONFIDENTIALITY AND NO CONFLICT OF INTEREST

All Committee members are required to sign a Statement of Confidentiality (**Exhibit C**) and the voting members are required to sign a Statement of No Conflict of Interest (**Exhibit D**). Committee members will sign the Statement of Confidentiality when they are appointed or invited to serve on the Committee or attend a committee meeting. The Statement of Confidentiality ensures that non-public information and the contents of proposals remain confidential and outside parties do not have access to Committee or proposal information and cannot influence the outcome. The voting Committee members sign the Statement of No Conflict of Interest after they have received the responsive Proposals to be scored and reviewed the identities of all prime contractors and any listed subcontractors for conflicts. Any Committee member who violates the terms of these statements is subject to termination of employment.

All others requiring non-public information regarding the RFP shall sign a Statement of Confidentiality (Exhibit C) and if required, a Statement of No Conflict of Interest (Exhibit D).

6. COMMITTEE AUDITS

The Committee will be subject to random audits by Commonwealth personnel. The audits may include the review of Committee procedures, documents, and decision-making processes.

7. PUBLIC NOTICE

Public notice of the Determination will be posted to DGS' website approximately thirty (30) days or more prior to the Notice to Proposers being issued. Public notice of the Project will be given in the same manner as a public notice is given for the competitive sealed bidding process. Proposers will be given a reasonable time, approximately six weeks between the Notice for Proposals and the Proposal Submission Deadline, to prepare their proposals.

8. ISSUANCE OF RFP

The RFP documents, including the Notice to Proposers, will be available to Proposers through eMarketplace and within the Trimble/e-Builder Enterprise Software Program system. The Notice to Proposers, at a minimum, will contain the following:

- Date, time and place of the Pre-Proposal Conference, when applicable.
- Deadline to submit written questions concerning the RFP.
- Proposal Submission Deadline. This is the deadline by which proposals must be delivered to the RFP Coordinator or their designee in Harrisburg.

- Name and telephone number of the RFP Coordinator.

9. PRE-PROPOSAL CONFERENCE

When applicable, the Calendar of Events within the RFP document will indicate the date, time and location for a Pre- Proposal Conference. This will be scheduled approximately two weeks after issuing the RFP. This two-week period will provide Proposers adequate time to review the RFP documents and to submit written questions via the Trimble/e-Builder Enterprise software program to the RFP Coordinator.

The Professional will host the Pre-Proposal Conference and will discuss project details, including but not limited to:

Background Information
The Professional will present the basics of the project to the attendees and describe any special aspects of the project.

Answer Proposers' Questions on the RFP
The Professional may present answers to the questions that have been submitted in writing prior to the Pre-Proposal Conference. It is important to note that although the Professional may respond to questions at the conference, any answer given at the Pre-Proposal Conference is not binding on the Department until the answer is confirmed in writing and issued in an addendum.

10. RECEIPT OF PROPOSALS

All proposals shall be submitted to DGS as described in the RFP by the date and time established in the Notice to Proposers. Any proposal received after the Proposal Submission Deadline will be rejected.

11. PROPOSAL RESPONSIBILITY/RESPONSIVENESS AND COST REVIEW

Following the receipt of the proposals, a representative from DGS' Office of Chief Counsel (OCC) and the RFP Coordinator will conduct a Proposal Responsibility/Responsiveness Review and a Cost Review.

The purpose of the Proposal Responsibility/Responsiveness Review is to review each proposal according to the Requirements Checklist (appendix to RFP) (**Exhibit E**) and any requirement of the RFP. If a mandatory requirement is not met, the Proposal will be rejected as non-responsive. The OCC representative will create a Rejected Proposals Form (**Exhibit F**) listing the rejected proposals for each discipline and setting forth the reason(s) for the rejection. These completed forms will be submitted to the RFP Coordinator. Rejected proposals will not be evaluated beyond the Proposal Responsibility/Responsiveness Review and the rejected Proposers will be notified of their rejection in a timely manner. If a Proposer disagrees with the rejection, they may file a protest in accordance with the protest procedures set forth in the RFP, but there will be no debriefing for proposals rejected as non- responsive.

In addition, a Cost Review will determine if the sum of the lowest Cost Submissions for all Prime Contracts exceeds the funds allocated for the project. The Cost Summary (**Exhibit G**) will be completed by listing the lowest Cost Submission price for each Base Bid and discipline (.1/.2/.3/.4) **without identifying the Proposers**. In the event that this sum exceeds the allocation, the RFP Coordinator will notify the Director of Capital Projects Planning and Procurement who will conduct a fiscal analysis and discuss funding options with the Client Agency. Once any funding issues are resolved, the RFP coordinator will forward the SDB/VBE Participation Submittal packets of the responsible proposals to the Bureau of Diversity Inclusiveness and Small Business Opportunities (BDISBO) for a goals responsiveness review when applicable. If no goals were established for the project, the RFP Coordinator will distribute the proposal to the Evaluation Committee members ensuring the confidentiality and integrity of the RFP process. If the lowest Cost Submissions for all Prime Contracts exceeded the funds allocated for the project and the funding issues were not able to be resolved, the project may be canceled in the best interest of the Commonwealth.

12. SMALL DIVERSE BUSINESS AND VETERAN BUSINESS ENTERPRISE PARTICIPATION SUBMITTAL REQUIREMENTS

When SDB and VBE goals have been established, failure to include the Small Diverse Business Participation Submittal and the Veteran Business Enterprise Participation Submittal will result in rejection of the Proposal as non-responsive. The Proposer will not be given an opportunity to supply a Small Diverse Business and Veteran Business Enterprise Submittal after the Proposal Submission Date.

SDB and VBE Participation Goals. The Issuing Office and Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) may set an SDB Participation Goal and a VBE Participation Goal for the construction disciplines. Goals are listed on the Notice to Proposers under Project Information. The SDB and VBE Participation Goals are calculated based upon the market availability of SDBs and VBEs for work scopes identified for the solicitation and possibly an assessment of past performance of similar work. Proposers must agree to meet the SDB and VBE Participation Goals in full, partially meet the Participation Goals, or request a waiver. If a waiver is requested they must demonstrate they have made Good Faith Efforts to meet the Goals.

13. TECHNICAL SUBMISSION EVALUATION

The Evaluation Committee will receive the responsible/responsive proposers' Technical Submissions as soon as the Responsibility/Responsiveness Review and any funding issues have been resolved. Each Evaluation Committee member will evaluate and score each Technical Submission for each discipline (general, HVAC, plumbing, electrical) and record his/her scores using a project specific version of the Evaluation Committee Scoring Matrix (**Exhibit H**). Each Evaluation Committee member will review each Technical Submission independently and score according to the project specific Evaluation Committee Scoring Matrix. To determine the appropriate score to be assigned to each evaluation factor, they will use the guide below, their professional expertise and business judgment. A score will be assigned only after considering all documentation provided on the Proposer and subcontractors (if applicable). The maximum Technical Submission Score is written in the RFP.

During the evaluation of the Technical Submissions, the RFP Coordinator may issue a technical clarification letter to solicit the necessary clarifying information from a Proposer. The letter will be used to clarify information but not to remedy any defects in the Mandatory Requirements.

The RFP Coordinator may provide the Evaluation Committee a copy of reports on each Proposer. In addition, the RFP Coordinator, or a designee, may research the references provided in the proposals and provide the information to the Evaluation Committee.

The Evaluation Committee members must complete their evaluations for each Proposal and recorded the scores on the Evaluation Committee Scoring Matrix and submit it to the RFP Coordinator prior to the final scoring meeting. The RFP coordinator will convene a meeting with the Evaluation Committee to calculate the final scores for the proposals. The agenda for this meeting may be as follows:

- First, each Evaluation Committee member will confirm their individual score for each Technical Submission evaluation factor listed on the Evaluation Committee Scoring Matrix.

- Second, the RFP Coordinator will calculate the average of the individual scores from each Evaluation Committee member for each evaluation factor.
    - If an individual score deviates by more than 15% from the average scores for that evaluation factor, the RFP Coordinator will request that the Evaluation Committee member with the higher or lower score discuss the basis for their score (e.g., the proposal's relative strengths, capabilities, weaknesses, risks or deficiencies of that portion of the Technical Submission). All Evaluation Committee members may provide their viewpoints however; it is their sole discretion to alter or not alter their score.

After the Evaluation Committee members have disclosed and finalized their scores, if this occurred at an in-person meeting, each will sign and date his/her Evaluation Committee Scoring Matrix and submit it to the RFP Coordinator. If this occurred on a virtual meeting, each will email the RFP Coordinator their final scores.

The RFP Coordinator will then calculate the Evaluation Committee Scoring Matrix for each proposal, which will be the averages of the individual Evaluation Committee member scores. Only Proposers whose Technical Score equals or is greater than 75% of the available technical points will be deemed responsible.

After the RFP Coordinator has recorded the Technical Submission Scores, the RFP Coordinator will proceed to open the Cost Submissions from all responsible Proposers and finish calculating the scores for each proposal in accordance with the RFP.

Evaluation Committee members do not see and are not allowed to consider the Cost Submissions when evaluating the Technical Submittals. This confidentiality is necessary to ensure that the voting members' technical evaluations are not influenced by this information.

The Maximum Allowable Points (MAP) allocated to the Technical Submission is determined by the Evaluation Committee. The proposal with the highest technical score will receive the maximum allowable points. The scores for the remaining proposals will be calculated using the formula presented below:

$$MAP - \left(\frac{MAP \times (\text{Highest Technical Score} - \text{Proposer's Technical Score})}{(\text{Highest Technical Score})}\right)$$

14. TECHNICAL SUBMITTAL RATING GUIDANCE

In evaluating and rating each section of the Technical Submittal, the Evaluation Committee will use the following rating system as a scoring guide. The ratings reflect the Commonwealth's confidence in each Proposer's ability, as demonstrated in its Proposal, to perform the requirements stated in the RFP.

Excellent

When applied to an individual evaluation factor, a rating of excellent should be given if the Proposer excels in all or virtually all aspects and criteria relating to the factor. The proposal demonstrates that the Proposer or their Project Team has exceptional strengths that will significantly benefit the Commonwealth. Performance risk is very low. The Proposer or Project Team would rate well above average according to what is expected from qualified contractors and stand out as leaders in the industry as related to the factor.

When determining the final score for a factor of the Technical Submittal, the range of 91 to 100 percent of the maximum score should be awarded.

Good

When applied to an individual evaluation factor, a good rating should be given if the Proposer or Project Team demonstrates strong qualities relating to the factor. While the Proposer or Project Team's rating for a given factor may not justify an excellent rating, the Proposer or Project Team proves very qualified and capable in all or virtually all-important criteria relating to the evaluation factor. The proposal document demonstrates that the Proposer or Project Team has one or more strengths that will benefit the Commonwealth and if deficiencies exist, they are minor and do not seriously undermine the overall capability for a given factor. Performance risk is low. The Proposer or Project Team would rate above average according to what is expected from qualified contractors.

When determining the final score for a factor of the Technical Submittal the range of 81 to 90 percent of the maximum score should be awarded.

Satisfactory

When applied to an individual evaluation factor the Proposer's or Project Team's qualifications are average. It may be fairly strong in some aspects of the criteria relating to a given evaluation factor, but weak on others (e.g., with regard to management plan, it has an adequate management Project Team, but its technical approach to the project does not demonstrate a good understanding of the requirements). The proposal document demonstrates few or no strengths. Deficiencies exist, but do not rise to the level of rendering the Proposer or Project Team technically incompetent. However, there would be a moderate performance risk involved. The Proposer or Project Team would rate average according to what is expected from qualified contractors.

When determining the final score for a factor of the Technical Submittal a range of 75 to 80 percent of the maximum score should be awarded.

Unsatisfactory

When applied to an individual evaluation factor the Proposer's or Project Team's qualifications are unacceptable. The Proposer or Project Team fails to meet even a minimum acceptability relating to a given evaluation factor. Multiple serious deficiencies exist and indicate the Proposer or Project Team

would pose unacceptable risks in performance. The Proposer or Project Team would rate well below average according to what is expected from qualified contractors.

When determining the final score for a factor of the Technical Submittal a range of 0 to 74 percent of the maximum score should be awarded.

If a Evaluation Committee member elects to score a factor as Unsatisfactory, they are expected to provide a brief written comment in their notes on why the factor merits an unsatisfactory score.

15. COST SUBMISSION EVALUATION

The RFP Coordinator, in the presence of OCC representative, will open the sealed Cost Submissions. The proposal for each discipline (general, HVAC, plumbing, electrical) with the lowest possible Cost Submission will get the MAP for the Cost Submission. The score for the remaining proposals will be calculated using the formula presented below.

$$MAP - \left(\frac{MAP \times (\$\ Proposers\ Cost\ Submission - \$\ Lowest\ Proposers\ Cost\ Submission)}{(\$\ Lowest\ Proposers\ Costs\ Submission)}\right)$$

16. PROPOSAL SELECTION

Upon completion of the detailed evaluation and scoring of the Technical Submissions and Cost Submissions, the RFP Coordinator will calculate each Total Proposal Score using the formula identified in the RFP. The following formula is provided as an example for calculating the Total Proposal Score. In the event of a tie, the scores will be extended out to sufficient decimal places to eliminate the tie. The maximum Total Proposal Score is specific to each RFP.

$$Total\ Proposal\ Score = Technical\ Score + Cost\ Score$$

After finalizing the Total Proposal Scores, the RFP Coordinator will prepare a recommendation report that is sent to the Deputy Secretary listing the final scores of all responsive and responsible qualified Proposers, highlighting the Proposer(s) with the highest Proposal Score(s).

The Deputy Secretary will then, if needed, forward the recommendation report to the Secretary or designee for review. The Secretary or designee has the discretion to reject all proposals or, if he/she has good cause to believe that the recommendation is not sound, he/she can return the recommendation to the Evaluation Committee with any concerns. The Evaluation Committee should consider the concerns but is under no obligation to revise its scores or recommendation. The Secretary or designee must approve the recommendation before proceeding with the normal procedure for awarding and executing the contract(s).

17. NOTICE OF SELECTION

Upon receiving the Secretary's or Deputy Secretary's confirmation of the selected Proposer(s), the RFP Coordinator will notify the selected Proposers and initiate award and execution of the contract(s) by the Capital Programs Procurement Office. The RFP Coordinator is responsible for ensuring the posting of the successful proposals and the summary of the final scores of all of the Proposers, with only the successful Proposer's name listed, to DGS' website in compliance with the RFP.

18. NOTIFICATION TO NON-RESPONSIBLE AND UNSUCCESSFUL PROPOSERS

The RFP Coordinator will notify all Proposers deemed non-responsible and unsuccessful promptly after their proposals are eliminated from consideration. The contents of the notification will depend upon whether the elimination was based upon a rejection for non-responsiveness made before the proposals were distributed for scoring, non-responsible due to not meeting the threshold requirement of the Technical Submission, or whether the elimination was based upon not being the highest scored proposal.

- If the proposal is rejected as non-responsible/responsive prior to the technical evaluation, the notification to the unsuccessful Proposer will include an explanation of the basis for the rejection and a brief summary of the Proposer's option to file a protest. There will be no debriefing for any proposals rejected as non-responsible/responsive.
- If the proposal is rejected as non-responsible during the technical evaluation, the notification to the unsuccessful Proposer will include an explanation of the basis for the rejection, their non-prorated Technical Score, and a brief summary of the Proposer's option to file a protest. There may be a debriefing for any proposal rejected as non-responsible. See the RFP for Project Procedures.
- If the proposal is eliminated as not the highest scored proposal, then the notice to the unsuccessful Proposer will include the name of the selected Proposer, the Proposer's Total Proposal Score and its Cost and a reference to the DGS' website. The notification will also inform the unsuccessful Proposer of its opportunity for a debriefing and the requirement that, if a debriefing is desired, the Proposer must request the debriefing within two (2) calendar days of the date of the Notification of Non-Selection. The timeframe for debriefing of unsuccessful proposers neither extends nor modifies in anyway the deadlines for the RFP Protest Procedures. If a Proposer exercises its opportunity to be debriefed, this shall not constitute the filing of a protest.

19. DEBRIEFING

The purpose of the debriefing is to provide a general explanation of the evaluation of the Proposer's proposal. The procedures and content of a debriefing are summarized below:

- The non-responsible/responsive or unsuccessful Proposer must submit a request for a debriefing to the RFP Coordinator within two (2) calendar days of the Notice of Non-Selection or rejection, The RFP Coordinator will schedule all debriefings within five (5) calendar days of receipt of a written request for debriefing but no later than seven (7) calendar days from the date of the Notice of Selection.

- The Department will attempt to avoid issuing Notices of Selection to successful Proposers on Thursday or Friday. This will enable unsuccessful Proposers to receive the Notice of Non-Selection and to submit a debriefing request by the end of the work week.

- During the debriefing, the RFP Coordinator will provide a review of the proposal's strengths and weaknesses, the Proposer's relative rank in the final scoring process, and the awardee's total cost. This will be followed by reasonable responses to relevant questions. Whenever appropriate the debriefing should include comments taken directly from the Committee's evaluation process.

- The identity of the Committee members, their notes, evaluation scores, and any other record of the Committee will not be released.

20. DGS RIGHTS RESERVED

DGS reserves the right to change these Guidelines. If changes are made to the Guidelines, the new guidelines will apply only to RFPs issued after the date the changes are posted on the website. In addition, DGS reserves the right to change the RFP documents. The amended RFP documents will be posted on the DGS website.

END OF TEXT

EXHIBIT A

DETERMINATION MATRIX

	Title	$	
	Project #		
	BV	**LB**	
Site Considerations			**Comments**
Prison			
Haz. Mat. abatement			
Restricted access/tunnels			
Unbalanced cut/fill operation			
Limited Lay down area			
Interfacing with existing structures			
LEED criteria			
Critical Project Conditions			
.1 Architectural factors			
Large-scale demolition			
Unusual/Unique construction			
Skin			
Foundations			
Roof			
LEED Certification/Eligible			
.2 HVAC Factors			
Laboratory facility			
Boiler Replacement			
Master Plant Control System			
.3 Plumbing Factors			
Difficult access			
.4 Electrical Factors			
Computer Science labs			
Acoustical/Theatrical considerations			
Other Factors to Consider			
Historical status			
Schedule Considerations			
Evacuation of facility			
Occupied facility			
Expedited/Mandated use date			
Tight coordination of primes			
Demolition concurrent with construction			
Renovation/ New Construction concurrent			
Overall Determination:			

EXHIBIT B

DETERMINATION DECISION MEMO

PROJECT TITLE

Project Number: **D.G.S.**
Contract Number:
Project Location:

DETERMINATION REGARDING THE USE OF THE
REQUEST FOR PROPOSAL (RFP) METHOD OF PROCUREMENT

The use of the standard competitive sealed bid method of procurement for the [contractor(s)] on [project title insert] is/is not practical and/but is/is not advantageous to the Commonwealth. The [project] is for [description of contract/project]. Specifically, the [contractor] scope involves:

- [Insert bullets describing the results/discussion of the factors listed on the Determination Matrix.]

The above factors do/do not demonstrate the unique and particular construction considerations for the [contractor(s)] on this project, which requires specific contractor knowledge, skill and experience to complete the project work successfully and to expedite the construction schedule. Consequently, it is/is not practical and/but it is/is not advantageous for the Commonwealth to use the competitive sealed bidding process to procure contractors because the low bid approach does/does not allow the Commonwealth to consider these specific and particular factors presented herein, in conjunction with cost, during the procurement process.

_____ _____
Deputy Secretary for Capital Programs Date

EXHIBIT C

STATEMENT OF CONFIDENTIALITY

This statement must be signed by all that require non-public information regarding this RFP.

To protect the integrity of the public procurement process and in order to ensure fairness in the evaluation of proposals submitted in response to a RFP, it is very important that non-public information and the contents of proposals remain confidential throughout the evaluation process.

I certify that:

1. I will not divulge nor make known, in any manner whatsoever, to any person, other than a member of the RFP Proposal Evaluation Committee or other individual who has signed a confidentiality statement for the same Project, or to an investigatory or law enforcement authority, after consultation with the individual's Office of Chief Counsel, any information (which has not already been made available to the public or all interested Proposers) pertaining to any and all aspects of the RFP including but not limited to the Members of the Evaluation Committee, discussions during the RFP Template review meeting, the contents of Proposers' proposals, the scoring method, points allotted, evaluator scores, costs, or any other non-public/confidential information regarding the RFP process.

2. I understand that unauthorized sharing of information may give a Proposer an unfair advantage over another Proposer and thereby render the process invalid.

3. I understand that if I divulge such information I may be subject to disciplinary action, including termination of my employment with the Commonwealth.

By signing below, I acknowledge that I have read and understand the certifications set forth above in this Statement of Confidentiality.

_____ _____

Signature **Date**

_____ _____

Name **RFP or Contract Number**

_____

Employing Agency

EXHIBIT D

STATEMENT OF NO CONFLICT OF INTEREST

To protect the integrity of the public procurement process, it is essential that proposals be evaluated in an unbiased manner and without conflict of interest. You have been selected to participate as a member of the Proposal Evaluation Committee for the referenced RFP not only because of your technical expertise, but also because the Deputy Secretary and your supervisor are not aware of any bias, business or family relationships, or any other conflicts that could affect, or which could be perceived to affect, your fair, honest and impartial participation in the evaluation of proposals. As an evaluator you are expected to: 1) discharge your duties impartially so as to assure fair, competitive access to Commonwealth procurement by responsible contractors, and 2) conduct yourself in a manner which fosters public confidence in the integrity of the Commonwealth procurement process.

No Foreseeable Conflict of Interest or Bias

I certify that I, and to the best of my knowledge, my spouse, parent, child, brother or sister ("immediate family"), as defined in the *Public Official and Employee Ethics Act,* 65 Pa. C. S.A. §1102:

1. Are not current employees of any of the Proposers.
2. Are not directors, officers, owners, partners, agents, or representatives of any of the Proposers.
3. Do not hold any stock or any financial interest in any of the Proposers.

And, as stated in section 513(e) of the Procurement Code (62 Pa. C.S. § 513(e)):

4. I certify that I was not employed by the Proposer within the preceding two years.

I certify that I will NOT, during the RFP process:

1. Solicit or accept, directly or indirectly, any promise of future employment or business opportunity from, or engage, directly or indirectly, in any discussion of future employment or business opportunity with, any director, officer, owner, partner, employee, representative, agent or consultant of a Proposer or their proposed subcontractors.
2. Ask for, demand, exact, solicit, seek, accept, receive, or agree to receive, directly or indirectly, any money, gratuity, or other thing of value from any director, officer, owner, partner, employee, representative, agent, or consultant of a Proposer or their proposed subcontractors for this project. I will advise my immediate family that the acceptance of any such gratuity may be imputed to me as a violation, and must therefore be avoided by them.

STATEMENT OF NO CONFLICT OF INTEREST Initials_____

I understand that my obligations under this certification are of a continuing nature. I will immediately seek the advice of the Department of General Services' Office of Chief Counsel and report the circumstances to my supervisor and to the Deputy Secretary of Capital Programs if at any time during the RFP process:

1. I receive a contact from a Proposer that submitted a proposal, or their proposed subcontractors, concerning employment or other business opportunity.

2. I receive an offer of a gift from a Proposer that submitted a proposal, or their proposed subcontractors.

3. I encounter circumstances where my participation might result in a real, apparent, or potential conflict.

Exceptions

Exceptions to the certifications that I have made in completing this certification are listed below.
If additional space is needed, attach additional pages and initial each page of the addition.

Check here if there are no exceptions to the certifications.

Signature and Certification

I have read and understand the certifications and understanding set out in this document. I further understand that by signing this document, I make the certifications and confirm the understandings herein subject to the provisions and penalties of *18 Pa.C.S. Section 4904 (unsworn falsification to authorities).*

Signature (must be original ink signature)	**Date**
Name (print)	**RFP or Contract Number**
Employing Agency	

EXHIBIT E

PROPOSAL COMPLIANCE AND RESPONSIVENESS FORM (Sample)

OCC Rep.:_____Date:_____Proposer's Name:_____

Bidding Unit Rep.:_____Date:_____

Indicate if the proposal meets each of following mandatory requirements. Any Proposal that has a "No" checked for an applicable item in the Mandatory section will be rejected as non-responsive. The Non-Mandatory section is intended to assist you in completing your Proposal.

MANDATORY REQUIREMENTS (if "No", Proposal rejected as non-responsive):	**Yes**	**No**
Technical, Cost, and SDBSB Submissions included and separately sealed		
Non-Collusion Affidavit properly complete and notarized		
Signature Page properly executed with original signatures		
NON-MANDATORY REQUIREMENTS CHECKLIST		
Prime Contractor: (EXAMPLES BELOW)	**Yes**	**No**
■ Technical Section T-1A Introduction to Project Team		
■ Technical Section T-1B Prime Contractor Qualifications, Experience and Past Performance		

NOTES (FOR DGS USE):

EXHIBIT F

PROPOSAL COMPLIANCE AND REJECTED PROPOSALS

(To Be Completed by Office of Chief Counsel Representative)

Point	Rejected Proposer	Reason(s) for Rejection

EXHIBIT G

PROPOSAL COST REVIEW
COST SUMMARY
(To Be Completed by Office of Chief Counsel Representative)

Base Bid #	Contract	Apparent Low Cost	Available Funds:
1	.1		
	.2		
	.3		
	.4		
	.5		
	Base Bid Total:		
2	.1		
	.2		
	.3		
	.4		
	.5		
	Base Bid Total:		
3	.1		
	.2		
	.3		
	.4		
	.5		
	Base Bid Total:		
4	.1		
	.2		
	.3		
	.4		
	.5		
	Base Bid Total:		

EXHIBIT H

EVALUATION COMMITTEE SCORING MATRIX

SEE SPECIFIC RFP FOR MATRIX