

# REQUEST FOR QUALIFICATIONS

*Owner's Representative Services*

*21<sup>st</sup> Century Missouri State Capitol Restoration Project*

*Jefferson City, Missouri*

Date Issued: May 30, 2024

Project No.: O2347-03

STATE of MISSOURI

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OFFICE of ADMINISTRATION

Facilities Management, Design & Construction

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**REQUEST FOR QUALIFICATIONS (RFQ)  
FOR OWNER’S REPRESENTATIVE SERVICES**

**OWNER**

**The State of Missouri  
Office of Administration,  
Division of Facilities Management, Design and  
Construction (“OA-FMDC”)  
301 West High Street, Room 730  
Jefferson City, Missouri**

**PROJECT TITLE AND NUMBER:**

**Owner’s Representative Services  
21<sup>st</sup> Century Missouri State Capitol Restoration Project  
Jefferson City, Missouri  
Project No.: O2347-03**

**SUBMISSION OF STATEMENTS OF QUALIFICATIONS:**

Until: **1:30 PM CST, June 18, 2024**

To: State of Missouri, Office of Administration  
Division of Facilities Management,  
Design and Construction  
Attn: Becky Mitchell  
301 West High Street, Room 730  
Jefferson City, Missouri 65101

**POINT OF CONTACTS:** RFQ and Statements of Qualifications Inquiries:

**Becky Mitchell**  
OA-FMDC Contracts Services Manager  
Phone: (573) 751-8884  
Email: [Becky.Mitchell@oa.mo.gov](mailto:Becky.Mitchell@oa.mo.gov)

Project Specific and Technical Questions:

**Andrew Friedmeyer, Assoc. AIA,**  
OA-FMDC Project Manager  
Phone: (314) 244-1608  
Email: [Andrew.Friedmeyer@oa.mo.gov](mailto:Andrew.Friedmeyer@oa.mo.gov)

**Firms must direct all contact and questions regarding this RFQ and the Project to the point of contacts listed above. Firms are prohibited from directly or indirectly communicating about this RFQ or the Project during this contract process with any other state employee, agency, or elected officials or their staff involved in the evaluation, scoring, or negotiation of this RFQ, unless otherwise authorized by OA-FMDC.**

Request for Qualifications (RFQ) information and addenda may be obtained at no cost for electronic sets on the OA-FMDC website at <https://oa.mo.gov/facilities/bid-opportunities/bid-listing-electronic-plans> or for a small download fee at American Document Solutions, 1400 Forum Blvd., Suite 7A, Columbia, Missouri 65203, Phone (573) 446-7768 or Fax (573) 355-5433.

## 1.0 GENERAL INFORMATION

The State of Missouri, Office of Administration, Division of Facilities Management, Design and Construction on behalf of the Missouri State Capitol Commission (referred to collectively as “Owner”) is requesting statements of qualifications (referred to herein as “SOQ”) from qualified and interested firms to provide Owner’s Representative Services for the successful completion of the **21<sup>st</sup> Century Missouri State Capitol Restoration Project**, located in Jefferson City, Missouri (referred to herein as “Project”).

The selection process for Owner’s Representative Services is a Qualification Based Selection (referred to herein as “QBS”) process in accordance with sections 8.285 through 8.291 of the Revised Statutes of Missouri (RSMo). The following is a brief description of the process, further details are outlined within this Request for Qualification (referred to herein as “RFQ”).

**Step One** will consist of issuance of this RFQ, followed by an evaluation of submitted SOQ’s. **No more than three firms will be shortlisted to proceed to Step Two.**

**Step Two** will consist of an interview with the Owner. Further information regarding the Interview process can be found within this RFQ.

**Step Three** consists of the Owner combining the average points assigned to each firm in Steps One and Two. The Firm receiving the highest points total being considered QBS #1, the next highest scorer will be considered QBS #2, and so on.

QBS #1 will be issued an official Request for Proposal (referred to herein as “RFP”) by the Owner and enter into contract negotiations with the Owner. If contract negotiations fail with QBS #1, in the sole discretion of the Owner, negotiations shall be terminated and the Owner shall then undertake negotiations with QBS #2. If negotiations fail with QBS #2, in the sole discretion of the Owner, the Owner shall then undertake negotiations with QBS #3. Negotiations shall continue until an agreement can be issued or until negotiations fail with all QBS selections.

The Owner is not responsible for any costs incurred during the procurement process by a firm for any work performed relative to the preparation or the response to this RFQ or any subsequent work performed during the contract negotiation stage or the RFP process.

## **2.0 PROJECT INFORMATION**

### **2.1 Overview:**

The State of Missouri is considering updates and renovations to the State of Missouri Capitol Building and Capitol Grounds and Complex (referred to collectively as “the Capitol Complex”) to better serve the needs of Missouri state government, its citizens, and visitors of all abilities. The Missouri State Capitol Commission (“MSCC”), with assistance from the OA-FMDC, is tasked with approving and recommending a comprehensive master plan to move forward with this project. That final plan has not yet been approved.

In April 2024, the MSCC authorized and directed OA-FMDC to use its statutory procurement processes, as defined in Chapter 8, RSMo., to hire an Owner’s Representative who will consult with the Master Plan Subcommittee, the MSCC, OA-FMDC, and any other applicable state entity and contractor to ensure that the master plan, ultimately approved by the MSCC, stays on schedule, within scope, and within the approved budget, and for such additional assistance as set forth more fully below and identified in Missouri State Capitol Commission Resolution 2024-002.

### **2.2 Background Information:**

The Missouri State Capitol (“Capitol”) is located at 201 West Capitol Avenue, Jefferson City, MO 65101. The Capitol was completed in 1917 and is listed in the National Register of Historic Places, both individually, and as a contributing property in the Missouri State Capitol Historic District.

The Missouri State Capitol Building serves as the seat of Missouri Government and houses the offices of members of the Missouri General Assembly, statewide officials including the Governor, Lieutenant Governor, Secretary of State, Treasurer and Auditor, along with staff who serve both the legislative and executive branches of government. The Capitol also serves as a monument to the citizens of Missouri and a museum of public art, remarkable not only for its quality and abundance, but as a faithful reflection of the themes, events and people of Missouri.

The current Capitol is the third to stand in Jefferson City. While the exterior of the Capitol building appears very much as it did when it was originally built, the interior has been modified to accommodate the increase in occupants in 1950 and again in 1974 and 1984.

When the Capitol was initially envisioned, it provided a wide variety of spaces within its walls for most of state government offices. However, over time many of those offices have grown to exceed the space available within the Capitol and have relocated to other buildings outside of the Capitol Building. With each successive exit of a state agency or office, the space was backfilled by legislative functions. In 1950, the basement level was added to the Capitol where it was once used as a storage area for automobiles and freight wagons. This provided relief for legislative needs such as meeting rooms, hearing rooms, and legislative staff office space for support functions. This relief only lasted a short while and was eventually outgrown as additional functions and staff were crammed into tighter and tighter spaces.

In 1974 and 1984, mezzanines were constructed around the perimeter of the first floor and, to a lesser degree, along the south edge of the second floor to accommodate the creation of additional offices, eventually allowing all General Assembly members an office located within the Capitol Building. This expansion has greatly impacted the building. While the mezzanines created additional space for offices, they prevent accessibility for some individuals. The renovations also altered the original character of the building on the first and much of the second floor because the mezzanines disrupted the light from the transoms to enter from the offices into the inner hallways as intended by the original architecture. Even with the use of the basement and the added space

provided by the mezzanines, the demand for functional space to support state government and has continued to place pressure on the Capitol Building.

In 2001 the General Assembly created the MSCC, comprised of members from both the legislative and executive branch, to work in conjunction with OA-FMDC on the preservation, restoration, and renovation of the Capitol. The MSCC is authorized to evaluate and approve Capitol studies and improvement, expansion, renovation, and restoration projects, including the “21<sup>st</sup>-Century State Capitol Restoration Project,” which includes the development and implementation of a master plan for the restoration, protection, risk management, and continuing preservation of the Capitol building, grounds and annex properties as defined by Section 8.007 RSMo. Section 8.007 RSMo.

OA-FMDC is responsible for supervising the design, construction, renovations, maintenance, and repair of state facilities and contracting for such services. Sections 8.110 and 8.320, RSMo. Therefore, OA-FMDC assists MSCC in its endeavor to develop and implement a comprehensive long-range restoration and space utilization master plan.

MSCC recognizes the adoption of a Master Plan is a once-in-a-generation opportunity to improve the resources within the Capitol Complex to ensure accessibility to all people, and allow future generations to access, utilize, and enjoy this great building and grounds for years to come. Since 2001, various master plan options have been developed to address the continued space concerns within the Capitol but the MSCC has not adopted a final comprehensive master plan.

### **2.3 Criteria / Professional Services:**

The Owner’s Representative shall provide uniquely qualified individuals to provide the services who have the necessary skills, knowledge, and abilities to fulfill a project of this scope and size. Through a broad range of technical and administrative services, in addition to an understanding of applicable laws, regulations, and statutes of the State of Missouri, the Owner’s Representative shall track, monitor, and evaluate every aspect of the project utilizing a high degree of competency for the standard of work desired at the Capitol Complex. The Owner’s Representative shall work with OA-FMDC, the Architect of Record (AOR), the Construction Manager at Risk (CMR), and other applicable entities to observe, report, advise, and coordinate the progress of the work throughout the project’s lifecycle. If additional consultative services or staff are necessary, the Owner’s Representatives shall notify the Owner and work with OA-FMDC to make recommendations on the qualifications necessary as well as the duration of potential services.

The Owner’s Representative shall utilize their specialized and unique understanding of like-projects, rendering their professional services in conformance with the applicable standard of care required on work at the Capitol Complex. As an extension of the State’s roles and responsibilities, the Owner’s Representative shall always act in the best interest of the State of Missouri and on behalf of the MSCC. The Owner’s Representative shall provide, but is not limited to, the following services:

- Provide advice and consultation with respect to the design, value engineering, scope of work, cost estimating, CMR and subcontractor prequalification, scheduling, and construction.
- Assist MSCC, any subcommittee thereof, and OA-FMDC as a technical expert during evaluation, selection, and negotiation of the AOR, CMR, or other contractor or services sought to implement the comprehensive master plan as requested.

- Assist OA-FMDC with the oversight of the AOR and CMR and additional entities as necessary for completion of the project and assist OA-FMDC to ensure contract compliance.
- Once the comprehensive master plan is approved by MSCC, assist OA-FMDC in monitoring the design process, ensuring the incorporation of all program requirements, and make recommendations/value engineering suggestions to assist the design team with maintaining the project budget, as necessary.
- Ensure the preparation of time schedules which shall serve as control standards for monitoring performance of the project and monitor regular updates to the schedule based on impacts due to design changes, field conditions, and other related impact.
- Assist in overall project evaluation and recommend items for consideration in requests for proposals and bids.
- Establish the project communication plan and facilitate stakeholder engagement and management. Such communications should provide timely updates on the project and identify whether the project remains within timelines, scope, and budget.
- Recommend courses of action to minimize disruption of state services caused by the project. Advise on options with differing impacts or consequences and costs.
- Anticipate inherent risks and provide recommendations to mitigate those risks.
- Advise on courses of action on the restoration and preservation of the Capitol.
- Advise on courses of action to promote accessibility for persons with varying abilities within the Capitol Building and Capitol Complex.
- Advise on courses of action consistent with the master plan ultimately approved by the MSCC and other functions as identified by the Owner.

The Owner's Representative shall take into consideration that the Capitol is listed in the National Register of Historic Places and ensure the historic preservation of the structure in all respects, along with any other regulatory guidelines or requirements set forth by the State of Missouri relating to construction on the Capitol Complex.

Once a comprehensive master plan concept has been selected by the MSCC, the tasks, duties, and responsibilities of the Owner's Representative shall be facilitated over the course of four phases:

- Phase 1 - Project Initiation
- Phase 2 – Design
- Phase 3 – Bidding
- Phase 4 –Construction

The first phase, Project Initiation, includes assisting OA-FMDC with the procurement of the AOR, CMR, and/or other Special Services required. The Owner's Representative shall make recommendations to OA-FMDC for the development of comprehensive scopes of work for the procurement documents relative to the AOR and CMR and any other specialized consultants as necessary. Additionally, the Owner's Representative shall provide technical expertise and consultation in the selection of the AOR and CMR, assist OA-FMDC to facilitate interviews and calling of references, and provide recommendation on final selection of AOR and CMR. This Phase shall conclude upon the execution of a CMR contract and Design Agreement by the State.

The second phase, Design, includes assisting OA-FMDC with completion of Planning and Programming, Schematic Design, Design Development, and Construction Documents Phases. The Owner's Representative shall manage efforts with the AOR, CMR, and any other consultants to ensure the four design phases listed above are completed on time and to the satisfaction of the Owner. The Owner's Representative shall provide technical expertise and consultation throughout each design phase including preparation of review comments for each design phase submittal. The Owner's Representative shall coordinate all aspects of the design phases and ensure timely and adequate communication throughout each design phase. The Owner's Representative shall ensure the AOR and CMR are providing a design that fits within the Owner's established budget. The Owner's Representative shall perform the duties listed above for each proposed Construction package. This Phase shall conclude upon approval of final Construction Documents for each proposed Construction package.

The third phase, Bidding, includes assisting OA-FMDC with advertisement, attending pre-bid meetings, preparing project addenda, reviewing and evaluating bids if requested, providing award recommendations if requested, and coordinating efforts of the AOR and CMR. The Owner's Representative shall perform the duties listed above for each proposed Construction package. This Phase shall conclude upon issuance of Notice To Proceed for each proposed Construction package.

The fourth phase, Construction, includes assisting OA-FMDC in managing all construction-related services throughout the entirety of the projects. The Owner's Representative shall provide continuous onsite management services, including assisting the CMR throughout all construction activity. The Owner's Representative shall recommend various alternate courses of action when construction contractors are not performing work in accordance with contract documents, ensuring all conditions of the Guaranteed Maximum Price (GMP) are met. The Owner's Representative shall represent the Owner in communications with all project stakeholders, including the AOR, CMR, and subconsultants such as scheduling, attending, and conducting progress meetings. The Owner's Representative shall assist and review in the processing of change orders; advise the Owner concerning the necessity for, scope of, and cost of change orders; and negotiate, on the Owner's behalf, all change orders with the CMR for Owner approval. The Owner's Representative shall review all applications for payment by the AOR and CMR; additionally, the Owner's Representative shall review the CMR's payroll to ensure all conditions relating to prevailing wages are met as required by the statutes of the State of Missouri. The Owner's Representative shall direct the CMR (and others, where appropriate) to prepare and update a critical path schedule for completion of all applicable work. The Owner's Representative shall coordinate the AOR's review and approval of shop drawings, product data, and other submittals by the CMR. The Owner's Representative shall advise the Owner concerning the procurement of materials by the CMR regarding budget and schedule implications. The Owner's Representative shall complete the final close-out and warranty of the projects ensuring all obligations agreed to upon by the AOR and CMR are met and performed to the Owner's satisfaction. While performing the work, the Owner's Representative shall promptly inform the Owner of any security concerns and/or unsafe conditions.

The Owner's Representative shall represent the Owner for the sole purpose of achieving the Owner's goals and objectives and shall maximize the value of the State's investment. OA-FMDC has a statutory obligation to supervise the design, construction, renovations, maintenance, and repair of state facilities. Additionally, the OA-FMDC Director has a statutory obligation to approve all contracts for design, repair, renovation, or construction relating to state property. Therefore, the Owner's Representative may advise on matters related to these obligations but may never act in a way that would prevent or hinder OA-FMDC from fulfilling its statutory obligations.



### 3.0 Owner’s Representative Definition:

The Firm selected most qualified who will serve as a technical expert, advocate, and liaison on behalf of the MSCC and any subcommittee thereof, and shall assist and consult with OA-FMDC and other applicable entities to ensure that the comprehensive master plan, ultimately approved by the MSCC, stays on schedule, within scope, and within the approved budget, and for such additional assistance as set forth within the contractual documents with the Owner.

### 4.0 Total Project Budget:

The “Total Project Budget” for this Project **shall not exceed \$595 Million.** Definition of “Total Project Budget” includes the cost to design and construct all elements of the Project, as well as any expense beyond the physical construction of the building including but not limited to, any site work, contingencies, permitting, professional services including design fees, contractor fees, and subcontractor fees. This project shall at all times will be subject to available appropriations. The Owner’s Representative will help OA-FMDC navigate the impact of any changes to the Total Project Budget.

### 5.0 Step One - Scoring and Criteria:

The evaluation team for Steps 1 and 2 shall consist of two (2) representatives from OA-FMDC and the three (3) representatives of the MSCC from the Master Plan subcommittee as set forth in Resolution 2024-002.

#### 5.1 Request for Qualifications (RFQ):

Following receipt and opening of the Letters of Interests and the Statements of Qualifications, the evaluation committee will score and establish a ranking of firms based on their written responses to the selection criteria outlined in Section 5.2 below. The three firms with the highest average scores, not to exceed three (3), will be shortlisted and proceed to the interview process.

#### 5.2 Available Points and Scoring (100 points)

Evaluation of Step One Statements of Qualifications will be based on a 100 total point system based on the following criteria.

Statements of Qualification Requirement	Available Points
5.3 Cover Letter of Interest	-
5.4 – Tab 1 – Firm Experience & Past Performance	25
5.5 – Tab 2 – Firm Organization & Proposed Project Team	20
5.6 – Tab 3 – Team Experience, Methodology, & Practices	25
5.7 – Tab 4 – Current Projects, Workload, Resource Availability	20
5.8 – Tab 5 – References	10
<b>Available Points</b>	<b>100</b>

Each firm shall provide the information requested in Sections 5.3 through 5.8, at a minimum, in its Statement of Qualifications. **If the required information is not provided the RFQ will be deemed non-responsive.**

#### 5.3 Cover Letter of Interest, including the following certification:

Each firm shall include a brief statement of their interest in this project along with the following information:



- a. Name and Address of Firm:
- b. Authorized Person (printed) along with a Signature
- c. Title/Position:
- d. Telephone Number:
- e. E-mail Address:
- f. Name, Telephone and E-mail of Primary Point of Contact regarding this RFQ
- g. Certification (the text of the following certification must be included in the Cover Letter): *“I certify that I am authorized to represent the firm named below and that the statements contained in this Letter of Interest and submitted qualifications are true and correct.”*

**5.4 Tab 1 - Firm Experience & Past Performance:**

- a. Identify and summarize the firm’s experience and expertise in providing equivalent Owner’s Representative and advisory services on State Capitol Buildings or projects of similar caliber that involve extensive historic restoration, renovation, preservation, sitework and/or infrastructure upgrades.
- b. Provide a record of the firm’s past performance on the projects referenced above in 5.4(a), including contract administration, ability to meet schedule and budget, and overall quality of work.
- c. Provide at least three (photos) of the firm’s past performance on the projects referenced above in 5.4(a).

**5.5 Tab 2 - Firm Organization & Proposed Project Team:**

- a. Provide a firm organizational chart that outlines personnel associated with ownership, management, and/or supervisory roles.
- b. Provide a firm organizational chart that outlines personnel associated with the day-to-day project workflow.
- c. Identify the proposed project team including any major subconsultants with individual roles explained. You must also identify if you anticipate or plan to utilize any subcontractor to fulfill any role on the project team.
- d. Provide a resume (one page maximum) describing relevant education, experience, and professional certifications of personnel who will be assigned to the proposed project team..
- e. Provide a bar chart illustrating the timing, duration, and percentage of all the firm’s personnel assigned to the proposed project team.
- f. Provide additional resumes of alternate personnel and explanation of the firm’s capacity to substitute key positions in the event of unavoidable personnel changes.

**5.6 Tab 3 - Team Experience, Methodology, & Practices:**

- a. Provide evidence of common experience between the key team members of the proposed project team on past projects of similar scope and complexity.

- b. Provide a summary of the project team's methodology and practices that will be utilized in managing and executing this project in all phases, including meeting completion schedule and staying within the available budget.
- c. Describe any unique management strategies, services, and value the project team will bring contribute, such as architectural design, client communications, site planning, environmental design considerations, and design of building systems.
- d. Describe any critical issues anticipated during all phases of this project.
- e. Identify cost and schedule control methodology.

#### **5.7 Tab 4 - Current Projects, Workload, Resource Availability**

- a. List all projects (ongoing and awarded) that the firm currently is involved.
- b. List all personnel assigned to each of the referenced projects in 5.8(a) to demonstrate current workload and future capacity for this project.
- c. Provide the location of firm office(s) for project coordination and services.

#### **5.8 Tab 5 - References:**

- a. Provide a minimum of three (3) references with current contact information of projects being the Owner's Representative on State Capitol Buildings or projects of similar caliber that involve extensive historic restoration, renovation, preservation, sitework and/or infrastructure upgrades.

Note: References will be contacted as part of the evaluation process.

- b. Include a general description of the scope of work, contract amounts, schedules, and contact information of the Owner (names, addresses, email addresses and telephone numbers).

#### **5.9 Format for SOQ Submissions:**

The following format must be utilized and the items must be included in the SOQ submission.

- a. **One electronic copy on a flash drive**
- b. **Fifteen (15) spiral bound hard copies** consisting of a maximum of forty (40) double-sided 8 ½ x 11 pages, not including the letter of interest, table of contents, organizational chart and bar chart, personnel resumes/qualifications, covers and dividers.
- c. Each hard copy submission shall be spiral bound with hard stock covers front and back arranged in the order of the RFQ selection criteria as outlined in Section 5.3 through 5.8 of this RFQ.
- d. Tab dividers separating selection criteria items 1 through 5 identified above must be included and shall be clearly labeled to readily identify the selection criteria identified above.

#### **6.0 Step Two – Interviews - Scoring and Criteria; (100 points):**

No more than three (3) firms will be invited to Interview.

Key personnel from the firm and any major consultants who will be directly involved with the project should attend the Interview.

Following the Interview, the evaluation committee will score each Interview, calculate an average score for each firm, and establish an average ranking of firms on their Interview. The scoring of each Interview will be based on the following criteria:

<b>Step Two – Interview Scoring Category</b>	<b>Available Points</b>
Firm demonstrated unique experience and technical expertise based on completed projects and individual team member qualifications.	20
Firm exhibited cohesive relationship among project team members	20
Firm demonstrated an ability and plan to timely and effectively communicate all aspects of the Project with the Owner and other major stakeholders	20
Firm demonstrated an overall approach and methodology for implementing and administering all Phases of the project.	20
Firm demonstrated past performance on staying within required budget on projects of similar scale	20
<b>Available Points</b>	<b>100</b>

**At no time during Step One or Step Two shall any proposed fees be discussed.**

#### **7.0 Anticipated Procurement Timeline:**

The Owner’s anticipated timeline for the selection process is as follows (subject to change):

Issue RFQ	May 28, 2024
Last Day for Questions	June 11, 2024
Last Addendum issued	June 12, 2024
Statements of Qualifications due to the Owner	June 18, 2024
Evaluation Meeting to Score SOQ’s.	June 25, 2024
Scoring Released   Shortlisted Firms notified	July 3, 2024
Interviews for Shortlisted Firms	July 24, 2024
Evaluation Meeting to Score Interviews	July 31, 2024
Issue RFP to QBS #1	August 7, 2024
Pre-Proposal Meeting with QBS#1	August 14, 2024
Proposal Due to Owner	August 28, 2024
Negotiate Proposal with QBS#1	August 29, 2024 thru September 13, 2024
Award Contract to QBS#1	September 13, 2024

#### **8.0 Due Date**

Statements of Qualifications shall be delivered to the address provided on the first page of this RFQ by the date and time specified or as modified via written addenda only. The Firm is solely responsible for submitting a response on time. It is the responsibility of the Firm to ensure that submissions are received by the deadline.

**Late proposals will not be considered and will be deemed non-responsive.**

#### **9.0 Responsibility of Firm to Provide Clear Information**

It is the sole responsibility of each firm to provide clear and complete answers and descriptions of the requested information. The firms qualifications shall be evaluated based solely on the information and materials provided by the firm in response to this RFQ and in an interview, to the

extent an interview is requested. Failure to provide all information requested or to provide clear answers may result in a proposal being rejected or may result in lower scoring.

### **10.0 Questions and Communications**

Questions, requests for clarification or requests for modification of the RFQ must be submitted in writing to Becky Mitchell at [Becky.Mitchell@oa.mo.gov](mailto:Becky.Mitchell@oa.mo.gov) no later than the date specified in the RFQ. Any project specific or technical questions may be submitted in writing to [Andrew.Friedmeyer@oa.mo.gov](mailto:Andrew.Friedmeyer@oa.mo.gov). Firms must restrict all contact and questions regarding this RFQ to these two identified individuals, unless otherwise authorized by OA-FMDC.

**Firms are prohibited from directly or indirectly communicating about this RFQ or the Project during this contract process with any other state employee, agency, or elected officials or their staff involved in the evaluation, scoring, or negotiation of this RFQ, unless otherwise authorized by OA-FMDC.**

**Any violation of this provision will result in disqualification of the Firm from the selection process.**

### **11.0 Confidentiality of Submittals:**

OA-FMDC is a public governmental body. The Missouri Sunshine Law (Ch. 610, RSMo) provides that all records of a public governmental body are open unless they may be closed or are closed as otherwise provided by law. All materials submitted by the Firm in conjunction with the RFQ becomes the property of OA-FMDC, and are subject to disclosure pursuant to the Missouri Sunshine Law. The Firm may mark submitted material as containing confidential trade secrets; however, such label is not binding on OA-FMDC. Only information expressly permitted to be closed pursuant to the provisions of Missouri law, as determined by OA-FMDC's legal counsel or as required by a court, will be treated as a closed record by OA-FMDC and withheld from any public request for records. The Firm should presume information provided to OA-FMDC in a proposal will be public following the award of the contract or after rejection of all proposals, and will be made available upon request in accordance with the provisions of state law.

### **12.0 State's Rights Reserved**

OA-FMDC reserves the right to do, but is not required to do, the following:

- reject all submissions and reissue this RFQ if the submissions received are not acceptable to OA-FMDC;
- waive clerical errors in this RFQ or any submission; or
- request additional information and data from any Firm.

Any request for information by OA-FMDC to the Firm is solely for the purpose of evaluating the statement of qualifications and understanding its terms. Such a request shall not be considered to constitute a binding agreement or commitment by OA-FMDC in any manner.

### **13.0 Modifications to RFQ**

This RFQ is subject to revision after the date of issuance via **written** addendum only. Any addendum will be posted on OA-FMDC's website at <https://oa.mo.gov/facilities/bid-opportunities/bid-listing-electronic-plans> and at American Document Solutions at <https://www.oafmdcplanroom.com/jobs/public>. It is the responsibility of each Firm to check for any RFQ addenda prior to submitting its Statement of Qualifications. No verbal interpretations or statements made to any Firm regarding the meaning of the RFQ shall be binding on OA-FMDC.

## **14.0 Notice of Legal and Contractual Requirements:**

### **14.1 Business Registration**

To be awarded a contract, any Firm that operates as a legal entity in the State of Missouri must be appropriately registered with the Missouri Secretary of State's office, and such registration must be active and in good standing. If the successful Firm is doing business in the State of Missouri under a fictitious name, the Firm must have a current Registration of Fictitious Name. If the Firm is an entity formed in another State, the Firm must have a Certificate of Authority to do business in Missouri. The Owner will typically ascertain the Firm's standing with the Missouri Secretary of State from the information available on the Secretary of State's website. However, the Owner may, at its discretion, request proof of compliance with this paragraph from the selected Firm prior to award of a contract. The Firm shall provide a certified copy of its Certificate of Good Standing, Certificate of Authority and/or Registration of Fictitious name to the Owner upon request. If the Firm fails to provide such information upon request, the Owner shall not award a contract to the Firm, and the Owner will not be under any further obligation to the Firm.

### **14.2 Transient Employers**

Transient employers subject to sections 285.230 and 285.234, RSMo (out-of-state employers who temporarily transact any business in the State of Missouri) may be required to file a bond with the Missouri Department of Revenue. The Owner may require the Firm to certify that it has complied with all applicable provisions of sections 285.230 and 285.234, RSMo before awarding a contract.

### **14.3 Work Authorization**

Sections 285.525 and 285.530, RSMo require business entities to enroll and participate in a federal work authorization program in order to be awarded a contract in excess of \$5,000 with the State of Missouri. Firms must submit an Affidavit of Work Authorization prior to being awarded a contract. Firms must also submit an E-Verify Memorandum before the Owner may award a contract to the Firm. Information regarding E-Verify is located at <https://www.uscis.gov/e-verify/>. The Firm shall be responsible for ensuring that its subcontractors or subconsultants enroll in E-Verify.

### **14.4 Anti-Discrimination Against Israel Act**

If selected, the Firm will be expected to provide a certification before being awarded a contract as follows:

- If the Owner's Representative meets the definition of a company as defined in section 34.600, RSMo, and has ten or more employees, the Owner's Representative shall not engage in a boycott of goods or services from the State of Israel; from companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or from persons or entities doing business in the State of Israel as defined in section 34.600, RSMo.
- If, at any time during the life of this Agreement, the Owner's Representative meets the definition of a company as defined in section 34.600, RSMo, and the Owner's Representative company's employees increases to ten or more OR the Owner's Representative's business status changes to become a company as defined in section 34.600, RSMo, and the Owner's Representative company has ten or more employees, then the Owner's Representative shall submit to the Division of Facilities Management, Design and Construction a completed Box C of the exhibit titled "Anti-Discrimination Against Israel Act Certification, and shall comply with the requirements of Box C.

#### **14.5 Background checks and Photo ID**

If awarded a contract, the Owner's Representative employees, and the employees of all subcontractors and suppliers who perform work on the project, will be required to undergo a background check and obtain a State of Missouri identification badge prior to beginning work, as set forth further in the Site Security and Health Requirements provided in the Request for Proposal.