



**WASHINGTON COUNTY, VIRGINIA  
REQUEST FOR PROPOSALS**

**For**

**CONCEPTUAL PHASE OF  
DESIGN-BUILD OF COURTHOUSE EXPANSION AND RENOVATION UNDER THE  
VIRGINIA PUBLIC PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT**

**Date:** December 9, 2020

**Time:** All time references shall be to Eastern Standard Time.

**CLOSING DATE:** January 14, 2021 at 2:00 pm. Six (6) hardcopies and an electronic (pdf) copy on USB drive of the Conceptual Phase Proposal shall be delivered to:

County of Washington, Virginia  
Attn: Tammy Copenhaver, Director, Department of Budget and Finance  
Washington County Government Center  
1 Government Center Place, Suite A  
Abingdon, VA 24210

**MANDATORY PRE-PROPOSAL CONFERENCE:** December 17, 2020 at 10:00 am at the Washington County Courthouse located at 191 East Main Street, Abingdon, Virginia.

**DEADLINE FOR QUESTIONS:** January 8, 2021 at 5:00 pm. All questions should be submitted by email by the deadline to the contact noted below.

The Request for Proposals (RFP) can be downloaded "free of charge" at: <https://www.washcova.com/>. Any addenda and responses to all questions will be posted to this website no later than 5 p.m., January 11, 2021 .

For inquiries contact: Curtis Elswick  
Sr. Vice President/Regional Executive  
Skanska USA Building Inc.  
[curtis.elswick@skanska.com](mailto:curtis.elswick@skanska.com)

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 REQUEST FOR PROPOSALS FOR CONCEPTUAL PHASE OF  
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**WASHINGTON COUNTY, VIRGINIA  
REQUEST FOR PROPOSALS (RFP)FOR CONCEPTUAL PHASE OF  
DESIGN-BUILD OF COURTHOUSE EXPANSION AND RENOVATION UNDER THE VIRGINIA PUBLIC  
PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT (PPEA)**

**1. INTRODUCTION/SUMMARY**

1.1. Background:

County of Washington, Virginia (herein referred to as “Owner” or “County”) desires to contract with an experienced Private Entity under the Public Private Education Facilities and Infrastructure Act (herein referred to as “PPEA”) for design-build services for the Courthouse Expansion and Renovation project (herein referred to as “Project”). The Project is described in this Request for Proposals document (herein referred to as “RFP”).

The original Washington County Courthouse is over 150 years old and was constructed in 1869 with additions constructed in the 1950s and 1990s and includes 23,853 SF of assignable SF (approximately 47,000 GSF) that houses Circuit Court, General District Court, Juvenile & Domestic Relations Court, Court Services, Prisoner Holding and Transportation, and other spaces within the courthouse. The Commonwealth’s Attorney formerly was in the Courthouse but has recently relocated to space outside the courthouse. There are significant capacity and space issues, security concerns, as well as parking issues. Inmates, judges, courtroom audience and participants, and courthouse staff use the same parking areas and hallways. Case load is growing, which is resulting in additional judges, however, there is no space available for additional courtrooms or support space. The historic front door to the courthouse is not used due to security concerns. The public enters the courthouse through the 1990s addition.

The County would like to expand the courthouse facility and renovate spaces as necessary to address many issues including:

- Overall space needs and security concerns.
- ADA access issues including the need for additional ADA-accessible restrooms.
- J&DR waiting areas are not sufficient.
- Need for a break room in J&DR court support area.
- Need to consolidate juvenile probation onto same floor.
- General District Clerk needs more space (insufficient space for additional employees to handle current workload).
- Need for additional holding cells.
- Current “sally port” is a security concern.
- Brick is bulging on the exterior of the 1990s addition.
- There is inadequate parking. A nearby future parking garage should be considered in the planning phases for this project, however, it is not necessarily part of the scope of this project.

Thompson & Litton prepared a Space Needs Assessment for the County of Washington, Virginia dated June 14, 2016. A copy of the Assessment is included within this RFP package for information purposes and contains a program space summary. See, Appendix H. Since preparation of the Assessment, the Commonwealth's Attorney has relocated out of the courthouse to a nearby location but still needs some meeting space within the courthouse.

The re-roofing of the 1869 section of the courthouse (standing seam metal roof) is currently out for bid and other roof sections have been replaced/re-roofed within the last two years. Other areas within the courthouse are generally in good physical shape, however, it seems water is infiltrating the 1990s addition from outside the current public entrance area and there is bulging of brick on the 1990s addition. Options to upgrade current facility systems and finishes may be considered.

A HAZMAT survey report was completed in November. The HAZMAT survey report was not available at the time of issuance of the RFP package. The HAZMAT survey report will be provided for information purposes via an addendum prior to the pre-proposal date. A geotechnical study is not available but can be obtained and provided once a design-build team has been selected.

1.2. The Project includes the expansion of the existing courthouse and associated renovations with all associated abatement, demolition, sitework, utilities, and required parking. At this time, it is anticipated that the existing courthouse will remain in operation during any renovations and/or additions.

1.2.1. Programmatically, the facility will need to house the following:

- Circuit Court and Support Space
- General District Court and Support Space
- Juvenile and Domestic Relations District Court and Support Space
- Circuit Court Clerk and associated records storage
- General District Court Clerk and associated records storage
- Juvenile and Domestic Relations District Court Clerk and associated records storage
- Deputy Clerks
- Break rooms for courthouse staff
- Meeting spaces for Commonwealth's Attorney, private attorneys, and probation officers
- Courthouse Security
- Space for Adult and Misdemeanor Probation and Public Defender
- Holding Cells
- Storage and Common Areas
- Vehicular sally port
- Enclosed, secure parking for Judges

1.2.2. The proposed expansion and renovation will be on the existing Washington County Courthouse property located at 191 East Main Street, Abingdon, Virginia. See Appendix C.

1.2.3. The adjacent Elliott Building is owned by the County and can be considered for demolition. The scope and cost of demolition and disposal of demolition debris of the Elliott Building should be assumed by the Private Entity in its proposal.

1.2.4. The exterior of any new addition or exterior improvements to the existing courthouse must consider the Town of Abingdon, Virginia's Historical Preservation Review Guidelines. See, Appendix D. Proposers may provide alternative façade options for consideration.

1.3. On November 24, 2020, the County Board of Supervisors adopted a document entitled, "County of Washington, Virginia: Public-Private Education Facilities and Infrastructure Act of 2002, as Amended, Guidelines and Procedures" to govern the County's implementation of the PPEA. See, Appendix A.

1.4. On November 24, 2020, the County Board of Supervisors adopted Resolution 2020-42, which stated the Board's approval of the Project as a qualifying project under the PPEA, and the County now seeks to obtain competitive negotiable proposals for the Project to meet the long-term facility and space needs of the court system. The County determined that the PPEA may offer opportunities for innovative solutions to meet the needs of its court system. See, Appendix A.

1.5. The County will consider proposals that provide conceptual phase design, anticipated schedule for design and construction, and estimates of cost for the Project.

1.6. Design of the Project should meet the following minimum criteria:

1.6.1 Conceptual phase design for a proposal which will meet the space needs of the County of Washington court system.

1.6.2 Comply with the Virginia Courthouse Facilities Guidelines, latest edition as of approval of Design Development or otherwise agreed upon between the County and Private Entity. Current Edition is Revision February 2015. See, Appendix B.

1.6.3 Be designed to provide necessary security and protection, lighting, acoustics, electrical, mechanical, fire protection, structural, data/telecommunications, and audio-video systems in accordance with nationally recognized court design standards and the Virginia Uniform Statewide Building Code.

1.7. Courthouse operations currently housed within the existing courthouse facility are anticipated to remain in operation during construction activity.

1.8. The procurement, delivery and installation of all loose furnishings, fixtures and equipment (FF&E) will be managed by the County. The Private Entity should include all fixed casework, fixed shelving, security equipment, and fixed courtroom seating in their scope of work.

1.9. Public-Private Education Facilities and Infrastructure Act of 2002 for the County are being followed for this PPEA selection, which provide for a two-part proposal submission process consisting of an initial Conceptual Phase Request for Proposals (RFP) and subsequent Detailed Stage Proposals.

1.10. The objective of this RFP is to select a shortlist of highly qualified Private Entities deemed most suitable for this particular project. The short list of proposers will be requested to submit and participate in the Detailed Stage of the proposal. The County may, at any time, require the proposer to provide additional information, additional copies of prior submissions, and/or clarification to any submission. Since this is a solicited proposal, there is no proposal review fee required from the Private Entity.

1.11. A stipend may be paid to those Proposers selected to participate in the Detailed Stage and who submit satisfactory proposals. The amount of the stipend, if any, will be determined at a later date.

1.12. The County intends to enter into an Interim Agreement and follow-on Comprehensive Agreement with the successful Proposer that will have specific contract provisions that may include, but not limited to: an initial Contract Cost Limit for all design and construction costs including site improvements and building costs; design fees; lump sum fees; Guaranteed Maximum Price at or near 65% design or possibly at or near 100% design; open book contracting; design review process; allowances and unit price items; reimbursable costs; contingencies; and may include liquidated damages.

1.13. Project Schedule - These dates are preliminary and are subject to change:

1.13.1 RFP Issuance Date: December 9, 2020

1.13.2 Mandatory Pre-Proposal Meeting: December 17, 2020 at 10:00 am Local Time

1.13.3 Last Day for Questions on RFP: January 8, 2021 by 5:00 pm Local Time

1.13.4 Conceptual Phase Proposals Due: January 14, 2021 by 2:00 pm Local Time

1.13.5 Announce Shortlist of Successful Conceptual Phase Proposals: By early February 2021

1.13.6 Issue Request for Detailed Stage Proposals: February 2021

1.13.7 Detailed Stage Proposals due: March 2021

1.13.8 Interviews with Firms Presenting Detailed Proposals: March 2021

1.13.9 Enter into negotiations with the Successful Detailed Phase Proposer: March 2021

1.14. Additional information may be made available to firms selected to provide Detailed Stage Proposals to include, but may not be limited to:

- As-built drawings of existing courthouse
- Fire flow test data
- Geotechnical report

## **2. CONTACTS, QUESTIONS, AND CLARIFICATIONS**

**2.1** Contact shall be by email only with Curtis Elswick, Sr. Vice President/Regional Executive, Skanska USA Building Inc. ([curtis.elswick@skanska.com](mailto:curtis.elswick@skanska.com) or 540-423-2860). No contact shall be made with County administrative staff, judges, court staff or sheriff office staff without the prior approval of Mr. Elswick. Any contact with County representatives other than the contact listed above may serve as grounds for rejection of proposals.

**2.2.** All questions shall be in written form by email to Curtis Elswick at [curtis.elswick@skanska.com](mailto:curtis.elswick@skanska.com).

**2.3.** Interpretations or clarifications considered necessary by Owner in response to such questions will be issued by Addenda and posted on Washington County's website. Proposers are solely responsible for checking this website regularly for all Addenda.

**2.4.** Questions received after the posted deadline may not be answered. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will not be binding.

**2.5.** Addenda may be issued to clarify, correct, or change the Proposal Documents as deemed necessary.

## **3. MANDATORY PRE-PROPOSAL MEETING AND SUBSEQUENT SITE VISITS**

**3.1.** A Mandatory Pre-Proposal Meeting shall be held at the Washington County Courthouse located at 191 East Main Street, Abingdon, Virginia on December 17, 2020 at 10:00 am. This meeting is mandatory and any proposals received by parties not in attendance representing their proposed design-build team will not be accepted. Those interested in participating in the Mandatory Pre-Proposal Meeting should meet at the main lobby of the courthouse prior to the start time noted above. The purpose is to review the administrative requirements of the RFP, steps for completing the Design-Build proposal, review the site and to receive any questions concerning the RFP process.

**3.2.** On request, the County will provide each Proposer access to the Site to conduct such examinations and investigations as each Proposer deems necessary for submission of a Proposal.

## **4. PROPOSAL SUBMITTAL**

**4.1** **Six (6) copies of the Proposal, and an electronic copy on USB drive**, shall be submitted to the County on or before the due date and time listed in order to be considered. Late proposals will not be accepted. Proposals shall be clearly identified with the Project title: *Request for Proposals for the Washington County Courthouse Expansion and Renovation – Conceptual Phase*. In addition, Private Entity shall provide with its Proposal submittal a redacted copy of the Proposal suitable for public disclosure if Private Entity requests any content to be withheld from public disclosure as proprietary information under the Virginia Freedom of Information Act (VFOIA). The redacted copy shall be provided in electronic format and one hard copy.

**4.2 Public disclosure.** Contents for Information shall be satisfactory for posting and publication, unless expressly waived by the County. If Private Entity requests that any content in Proposal be maintained as confidential, Private Entity shall declare such request and the basis for it using the form provided as Appendix F.

**4.3. Packaging.** Proposals shall be enclosed in an opaque sealed envelope or box, marked with the Project title and name and address of Proposer and accompanied by all required documents. If the Proposal is sent through the mail or other delivery system the sealed envelope or box shall be enclosed in a separate envelope or box with the notation — PROPOSAL ENCLOSED on the face of it.

**4.4. Received by deadline.** Proposals must be delivered to the County office at the address, below, on or before the submittal deadline. Proposals received after the deadline will not be accepted, postmarks notwithstanding.

County of Washington, Virginia  
ATTN: Office of Budget and Finance  
1 Government Center Place, Suite A  
Abingdon, Virginia 24210

**4.5. Opening of Proposals.** Proposals will be opened privately after the submittal deadline.

**4.6. Modification and withdrawal of proposal.** A proposal may be modified or withdrawn by an appropriate document duly executed in the same manner that a Proposal must be executed and shall be delivered to the County prior to the date and time for the opening of the Proposals.

**4.7. Presentation to County.** All Proposers should be available to give a presentation to the County with Key Staff present if required.

## **5. PROPOSAL CONTENT**

**5.1. Orderly presentation.** The Proposals submitted shall be structured in an orderly manner addressing all requested information and requirements.

**5.2. Format.** Conceptual Proposals should follow the format specified in Section IV of Appendix A - County of Washington, Virginia: Public-Private Education Facilities and Infrastructure Act of 2002, as Amended, Guidelines and Procedures (Adopted on November 24, 2020) but include, at a minimum:

- A. Mandatory Criteria (see Section 4 of RFP).
- B. Qualifications and Experience Forms (AIA Document A305 and B305).
- C. Past project information supplied by General Contractor.



- D. Past project information supplied by Architect/Engineer/Consultants.
- E. Other relevant information as required by Section 2.09 of Appendix A - County of Washington, Virginia: Public-Private Education Facilities and Infrastructure Act of 2002, as Amended, Guidelines and Procedures (Adopted on November 24, 2020) and Section 5 and 6 of this RFP.
- F. Other relevant materials as desired by Proposer but not mandatory by RFP (Separate Tab).

## **6. QUALIFICATIONS AND RESPONSIVENESS**

**6.1. Mandatory criteria** – An unsatisfactory response to any item in the category titled “Mandatory Criteria” may be considered sufficient cause to disqualify an applicant from further consideration for short-listing for this Project. Responses to the RFP shall be complete for criteria requested by the County as it relates to the project. Additional information, examples of work, and data shall be issued in a separate binder or identified by Index Tab as supplemental information. The information below may be included in the AIA Document A305 and/or B305 and referenced as such. See, Appendix G.

**6.2. Responsiveness to RFP** – Only responsive applications will be considered and evaluated. A responsive application must be completed according to the instructions and must include all required attachments and requested information.

**6.3. Debarment Status** – By submitting an application, the Proposer certifies that neither it nor any affiliated entity is currently debarred from submitting bids or has otherwise agreed not to submit bids on contracts with any government or business entity. If the Proposer experiences a material change in its debarment status after the application is submitted and prior to the award of the contract for the project, the Proposer shall notify the County of the change in writing at the time the change occurs or as soon thereafter as is reasonably practicable. If at any time during the evaluation process the Proposer is issued a debarment judgment then this will be considered grounds for automatic disqualification.

**6.4 License** – The Proposer must provide copies of their firm’s Commonwealth of Virginia Contractor’s and Architect’s Licenses with the RFP response.

**6.5 Bonding Capacity/Statement** – Proposers must provide a signed statement from their Surety stating that, based on present circumstances, the Surety will provide, at a minimum, a \$12 million (or value of the proposal, whichever is more) performance and payment bond for the Proposer in connection with the Project.

**6.6. Conflict of Interest** - Identify any persons known to the applicant who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to Virginia State and Local Government Conflict of Interest Act (Va. Code §§ 2.2-3100 et seq.).

## **7. EVALUATION FACTORS**

**7.1. County discretion.** In considering a Proposer for short listing, the County will be the sole judge of the Proposer's qualifications and experience, including experience with similar projects, experience with PPEA projects, demonstration of ability to perform work; leadership structure; project manager's experience, project team and experience working together, management approach, financial condition, project understanding and project schedule. The Project understanding shall include the County's desired level of construction quality, building site improvements, County administration and court operation procedures, traffic and pedestrian flow, and general design intent as deemed appropriate for the County. Evaluation factors are listed in no order of preference:

### **7.2. Qualifications and Experience**

7.2.1. Experience with similar projects/ability/PPEA methods to perform work – During the evaluation of experience and ability to perform the work, emphasis will be placed on a Proposer's performance on recent projects of a similar size and nature to the Project, including Proposer's ability to manage costs within an established construction budget and to develop a comprehensive agreement. Other factors include, but are not limited to, delivery of a quality product, and meeting scheduled completion dates. Preference will be given to firms with the following experience:

Construction Experience including the following: Successful completion (on time, within budget, and per client's specifications) of at least two (2) building construction projects of \$10 million or more in the last five (5) years by the general contractor similar in scope to the Project in this RFP. Acceptable delivery methods include Design-Bid-Build, Design-Build and CM at Risk.

Design Experience including the following: Courthouse Experience - Successful completion (on time, within budget, and per client's specifications) of at least one Courthouse design by the designated Design Project Manager and Project Architect.

7.2.3. **Resources.** Provide details explaining how the firm or firms involved have current resources available to perform this Project.

7.2.4. **Leadership structure/key personnel experience** – Provide resumes demonstrating that the qualifications of the persons proposed for the following positions have relevant experience on projects of similar size and scope. Proposer must dedicate all key personnel to the project and may not make changes without written approval from the County. No substitutions of the key personnel represented below will be accepted without prior approval by the County. Request for approval to substitute may be submitted by the Proposer only for reasons beyond the Proposer's control.

**7.2.4.1. Key Personnel** include the following:

- A. Design/Build Project Manager – Experience on design/build projects of similar scope is required.
- B. Design Project Manager and Project Architect - Experience with Courthouse facilities is required.
- C. Construction Project Manager, if different than Design/Build Project Manager – Experience with projects of similar scope is preferred.
- D. Construction Superintendent – Experience with projects of similar scope is preferred.

**7.2.4.2. Other Team Members** include the following:

- A. Civil Engineer - Experience working on projects within Washington County or with municipalities within Southwest Virginia is preferred.
- B. Mechanical, Plumbing, Fire Protection and Electrical Engineer(s) – Experience with Courthouse or similar facilities is preferred.
- C. Security Consultant – Experience with Courthouse facilities is required.
- D. Audio/Visual Consultant – Experience with Courthouse facilities is required.

**7.2.5. Management Approach.** Provide a narrative explaining your approach to successfully manage the design and construction of the Project. Include a description and examples of how you will manage cost, quality and schedule. Schedule shall begin at “Notice to Proceed” and end with “Owner Occupancy” and assume an Interim Agreement will be executed.

**7.2.6. References** – Proposal shall include a minimum of 5 references. Preference is given to references that are of civic architecture and courthouse construction projects. The County reserves the right to contact any reference listed or non-listed party it deems appropriate. By submitting a response to this Request for Proposals, the Proposer releases the County and any references from all liability concerning this exchange of information.

**7.2.7. Financial Condition** – Financial data will be reviewed and compared to industry standards. **Include on AIA Document A305.**

**7.2.8. Safety Performance** – Safety data will be reviewed and compared to industry standards. Safety Performance (Contractor) – Please provide the following information on a separate sheet of paper:

1. Experience Modification Factor (EMF) for past five years.
2. A list of OSHA citations levied during the past three years. Describe the infractions and indicate whether there was a warning or fine imposed and the dollar amount of each.
3. Details from your organization’s OSHA 300 “Log of Work-Related Injuries and Illnesses” indicating:

- Number of lost workday cases
- Number of restricted workday cases
- Number of cases with medical attention only
- Number of fatalities

**7.2.9. Claims/Final Resolution/Judgments** – Evaluation of this data will be based on the number of affirmative answers to the questions and the details provided in the explanation for each occurrence. **Include on AIA Document A305.**

**7.2.10. Failure to Complete** – Evaluation of the Proposer’s failure to complete projects will be based primarily on the number of failure-to-complete occurrences and the explanations for the failure-to-complete occurrences. **Include on AIA Document A305.**

**7.2.11. Other Relevant Criteria** – Under separate Index Tab on binder include any relevant information, deemed to be in the best interest of the proposer and for benefit of the County but is not identified as mandatory to the Conceptual Phase proposal.

1. Proposer is encouraged (not mandatory) to present design schemes/options for consideration. Design with emphasis on court and government administration operations, use of site, parking, and cost benefit that may show the proposers understanding and creativity of the project.
2. Proposer is encouraged (not mandatory) to offer any creative methods for construction means and methods that may reduce the time for construction, phasing considerations, and/or minimize disruptions acknowledging the courthouse will remain in operation during construction.

## **8. PROCESS AND CRITERIA FOR REVIEW OF PROPOSALS AND SELECTION**

**8.1. Compliance.** Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation, and that are provided in an appropriate format, as described in this solicitation, will be considered for further review at the Detailed Stage proposal.

**8.2. Review Committee** - The County will establish a selection Committee to review proposals received under this solicitation.

**8.3. Announcement of selection for Detailed Stage Proposals.** The County will announce by letter the shortlist of the selected Proposers that will be asked to respond to the Request for Detailed Stage Proposals for the Project.

**8.4. Criteria for Selection** - The following items will be considered in the evaluation and selection of the Conceptual Phase proposals. The County however reserves and retains the right to reject any request or proposal at any time for any reason whatsoever.

**8.4.1 Qualifications and Experience:** Conceptual Phase proposal factors to be considered in the County's review to determine whether the proposer possessed the requisite qualifications and experience may include but shall not be limited to:

- a. Experience with similar projects;
- b. Demonstration of ability to perform work;
- c. Leadership structure;
- d. Project manager's experience;
- e. Management approach;
- f. Financial condition; and
- g. Project ownership.

**8.4.2 Project Characteristics:** Design Phase proposal factors to be considered in determining the project characteristics may include but shall not be limited to:

- a. Project definition;
- b. Proposed project schedule;
- c. Operation of the project;
- d. Technology, technical feasibility;
- e. Conformity to laws, regulations, and standards;
- f. Environmental impacts;

- g. State and local permits;
- h. Maintenance of the project.

**8.4.3 Project Costs:** Design Phase proposal factors to be considered in determining whether the proposed project costs are adequate for funding available may include but shall not be limited to: Estimated costs for design fees, all anticipated site construction to include site utilities, site improvements, landscaping and required parking; all building and/or renovation construction costs; and fixed furnishings and equipment.

## **9. TERMS AND CONDITIONS OF SOLICITATION**

**9.1. Request for proposal** – This document, and all referenced documents included on Washington County’s website constitute the entire Request for Proposal package. The RFP Documents are only for the purpose of obtaining Qualification Proposals for the Work and do not confer a license or grant to Proposers for any other use.

**9.2. Owner rights.** As set forth in the County’s PPEA Guidelines, the County reserves all rights available to it by law in administering these Guidelines including, without limitation, the right in its sole discretion to:

**9.2.1.** Reject any and all proposals at any time;

**9.2.2.** Terminate consideration or evaluation of any and all proposals at any time;

**9.2.3.** Suspend, discontinue and/or terminate discussions regarding confidentiality agreements, interim agreements and comprehensive agreements at any time prior to the authorized execution of such agreements by all parties;

**9.2.4.** Suspend or eliminate conceptual phase review and proceed directly to detailed phase review;

**9.2.5.** Negotiate with a proposer without being bound by any provision in its proposal;

**9.2.6.** Negotiate with all or fewer than all proposers at any given time;

**9.2.7.** Request and/or receive additional information regarding any proposal;

**9.2.8.** Issue addenda to and/or cancel RFP;

**9.2.9.** Revise, supplement or withdraw all or any part of the Guidelines or RFP;

**9.2.10.** Request revisions to conceptual or detailed phase proposals.

**9.3. Hold harmless.** A Proposer who submits a proposal agrees to hold the County, its officers, employees, agents and volunteers harmless and free from all liability, loss, injury, and/or cost and expense which might be incurred by such Proposer in responding to, or as a consequence of the RFP, and agrees to waive any and all claims for damages arising in connection with the procurement process contemplated by the RFP.

**9.4. Public disclosure.** Proposal documents are generally subject to the Virginia Freedom of Information Act (FOIA) except for specific exemptions of certain documents from public disclosure. See Appendix G, Proprietary/Confidential Information, for further details.

**9.5. Applicable laws and courts** – This solicitation and any resulting contract shall be governed in all respects by the law of the Commonwealth of Virginia, and any litigation with respect thereto shall be brought in the court of appropriate jurisdiction in Washington County, Virginia. The Contractor shall comply with all applicable federal, state and local laws, rules and regulations.

**9.6. Ethics in public contracting** – By submitting their bid, contractor certifies that their bid is made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other bidder, supplier, manufacturer, or subcontractor in connection with their bid, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

**9.7. Investigation of qualifications of contractor** – Contractor agrees to cooperate with such reasonable investigation as the County deems proper and necessary to determine the ability of Contractor to satisfy the terms of any contract that may be awarded pursuant to this Solicitation. Investigation may include inspection of Contractor's physical facilities prior to award to satisfy questions regarding Contractor's capabilities. Further, the County reserves the right to reject any proposals if the evidence submitted by, or investigations of, such contractor fails to satisfy the County that such contractor is properly qualified to fulfill the obligations of the contract.

**9.8. Testing and inspection** -- The County reserves the right to conduct any test/inspection it may deem advisable to assure goods and services conform to the specifications.

**9.9. Headings** – The headings included in this RFP are for general reference purposes only and shall have no effect on the interpretation of the RFP.

**9.10. Terms and conditions of contract.** Any contract awarded pursuant to this RFP shall contain the Special and General Terms and Conditions included as Appendices I and J.

## **10. APPENDICES**

- A. County of Washington, Virginia: Public-Private Education Facilities and Infrastructure Act of 2002, as Amended, Guidelines and Procedures (Adopted on November 24, 2020).
- B. Virginia Courthouse Facility Guidelines, Rev. 2/15.
- C. General Site Information
- D. Town of Abingdon, Virginia's Historical Preservation Review Guidelines
- E. HAZMAT Survey Report prepared by HDH Associates is not available at the date of issuance of RFP package. The County will issue an addendum to include the HAZMAT Survey Report prior to the mandatory pre-proposal meeting.
- F. Proprietary/Confidential Information
- G. Sample Qualifications and Experience Forms (AIA Document A305 and B305)
- H. Thompson & Litton Space Needs Assessment dated June 14, 2016
- I. Special Terms and Conditions
- J. General Terms and Conditions