



**FLORIDA POLYTECHNIC
UNIVERSITY**

**FLORIDA POLYTECHNIC UNIVERSITY
COMPETITIVE SOLICITATION NUMBER: ITN 21-001**

**Public-Private Partnership (P3) to
Construct and Operate a Research Facility
To Support the Mission of the University**



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INTRODUCTION

November 12, 2020

TO: Potential Respondents

This competitive solicitation is an invitation to negotiate (ITN) with The Florida Polytechnic University Board of Trustees (hereinafter referred to as “University”) to issue a ground lease to a private party to construct, build, and maintain a research facility on University’s main campus using the Public-Private Partnership (P3) method. The University desires its development partner to design, build, finance, operate, and maintain a state-of-the-art research facility (the “Facility”). The Respondent awarded this ITN will be expected to collaborate with the University in offering activities and opportunities at or through the Facility that are expected to enhance the University’s mission of educating and preparing its students and furthering its research activities. The Facility can be an owner-occupied single tenant building, or a multi-tenant facility operated and leased by the owner of the Facility to tenants engaged in research activities. The University’s desire is to enhance the research activities on campus as described herein by bringing one or more research partners onto its campus. It is not anticipated that the University will be a tenant in the Facility.

This ITN provides specific technical information to aid participating firms in formulating a thorough response. Please note that there is a non-mandatory virtual pre-proposal conference on **December 1, 2020 at 10:00 a.m. Eastern Time (E.T.)** where staff will be available to review this solicitation process and share other information that may be critical to your response.

Should you elect to submit a proposal for this ITN:

1. Digital Upload: Uploaded a completed digital copy **before 2:00 p.m. E.T., on January 26, 2021.**

https://flpoly-my.sharepoint.com/:f/g/personal/lmarrone_floridapoly_edu/EoAIFYJWvX5EIRK8oieO_KMBMmr8cTcApuZf45hXpsXgKA

2. Hardcopy: In addition, submit an original and the required copies of the requested information and return proposal binders all in a sealed box/envelope directly to Procurement Department **before 2:00 p.m. E.T., on January 29, 2021.** For more information, refer to “ITN Information and Instructions” below.

3. Late or incomplete responses will not be accepted.

Respondents are fully responsible for obtaining the complete ITN, Addenda (if applicable), and information concerning the ITN tabulations by visiting our web site:

<https://floridapoly.edu/procurement-auxiliary-enterprises/procurement/solicitations.php>

The name of the Respondent will be disclosed during the ITN process. Because contractual agreements of this nature require the expenditure of public funds and/or use of public facilities, Respondents should be aware that portions (potentially all) of their proposal (including any final contracts) will become public record in accordance with Florida Statutes 119.071, and as amended.

**Treasa
McLean** Digitally signed by
Treasa McLean
Date: 2020.11.12
09:51:56 -05'00'

Treasa McLean
Assistant Vice President
Procurement and Auxiliary Enterprises
Phone: 863-874-8428
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1.0 OVERVIEW

1.1 Statement of Objective

This competitive solicitation is an invitation to negotiate (ITN) with The Florida Polytechnic University Board of Trustees (hereinafter referred to as “University”) to issue a ground lease to a private party to construct, build, and maintain a research facility on University’s main campus using the Public-Private Partnership (P3) method. The ITN process is authorized by University Policy FPU-8.0011P and section 1013.171, Florida Statutes. The University desires its development partner to design, build, finance, operate and maintain a research facility (the “Facility”) in one of the locations chosen by the University, described in Attachment C, and subject to negotiation. The Facility should contain at least 30,000 gross square feet and be operated in such a manner as to support the mission of the University.

Through this ITN process, the University seeks to advance the following objectives:

- a. Enhance the development of stronger academic and research programs related to the areas of expertise of the University.
- b. Collaborate on potential degree program expansion that benefits the University’s mission.
- c. Establish internship, graduate research assistant or similar programs, and/or cooperative programs for University students.
- d. Provide consideration of University students for career opportunities related to their fields of study.
- e. Engage in collaborations with University faculty leading to enhanced education of students and advancement of research in fields related to University areas of focus.
- f. Further development of campus by building additional buildings or spaces for University staff or faculty, including but not limited to the Florida Industrial and Phosphate Research Institute (FIPR) and the Advanced Mobility Institute (AMI).

University desires private support to build out the campus to provide academic, research and student development opportunities to the University community. Such opportunities include (but are specifically not limited to) student internship, capstone projects, hiring of student workers, sponsored funding for university researchers, shared space or other relationships in which space is provided to the University, teaching opportunities for Respondent’s employees, and combinations of the aforementioned. Entering into a public-private partnership is a viable means of building campus facilities that could result in joint research with the University. This will ultimately lead to increased economic growth for Polk County and the State of Florida.

Respondents must be capable of financing the delivery, operation, and maintenance of the Facility. Design and construction method of the Facility will be subject to approval by the University Board of Trustees to ensure alignment with the University mission, cutting-edge innovation throughout the campus, and for consistency with the other buildings on campus.

The Facility needs to be designed such that the Facility has 20% of its useful life remaining after the end of the ground lease. Respondents must provide the minimum required term of

the ground lease needed. In making the determination of the life expectancy of the Facility, the standard fifty (50) year assumption found in section 1013.64(1)(a), Florida Statutes, may be used, if the Facility is being constructed in conformity with University construction standards and codes. However, any lease term in excess of thirty (30) years will require an analysis to demonstrate the benefits, including the additional cash flow distributions to the University, if any, and to the Respondent of the longer-term period when compared to a 30-year term.

Through the ITN solicitation process Respondents will need to demonstrate expertise in the planning, construction, and operation of a research facility and management of the accompanying staff, or otherwise prepare a Response that explains how these duties would be addressed. As such, Respondents will demonstrate their own, and any Team Member's, experience in the various aspects of project planning, technical design and specification, operation of a similar facility, management of a similar facility, collaboration with an educational institution, and other relevant information. The University may ask for detailed information or records regarding the relationship of the parties if Respondent submits a Response that includes Team Members.

In Phase Two of the solicitation Respondents will need to provide technical and financial information on the Facility to include but not be limited to the following: gross and net square footage; total acreage required, project timeline, infrastructure needs, project cost, financing plan and capabilities and other relevant information, among other considerations. All costs related to the planning, financing, constructing, operating, and maintaining of the facility will be borne by the Respondent. If the Facility or any part thereof will be leased to other third parties, the University will have the right to pre-approve any and all potential tenants to ensure that the research conducted at the Facility is pertinent to the University's mission.

Respondents proposing a multi-tenant program will need to provide information on the business nature/structure of the Facility with regard to market demand, leasing expectations including expected lease terms, lease rates, profit sharing, any economic incentives, and other relevant information. A description of the leasing plan is required if the Facility is to be built prior to the Respondent enters into leases with tenants.

1.2 University Environment

Florida Polytechnic University is a public research institution with a mission to educate students emphasizing Science, Technology, Engineering, and Mathematics (STEM) in an innovative, technology-rich, and interdisciplinary learning environment. The University collaborates with industry partners to offer students real-world problem-solving, work experience, applied research and business leadership opportunities. Florida Polytechnic University is institutionally accredited, with several Accreditation Board for Engineering and Technology, Inc. (ABET)-accredited programs, and debuted in the top 75 on the US News and World Report Top Engineering Schools (without a doctorate).

The University is 100% STEM. Its current undergraduate degree offerings include Bachelor of Science programs in:

- a) Business Analytics
- b) Computer Engineering
- c) Computer Science

- d) Data Science
- e) Electrical Engineering
- f) Engineering Mathematics
- g) Engineering Physics
- h) Environmental Engineering, and
- i) Mechanical Engineering

University currently has Master of Science programs in computer science and in engineering. The University anticipates adding additional programs, including doctoral programs during the life of the Facility.

The University also offers two certificate programs, one in applied liberal studies and one in health systems engineering.

University houses two research institutes: AMI, which is at the forefront of the evolution of connected and autonomous vehicles, and FIPR, which has a storied tradition as a world-class research entity specializing in phosphate-related issues and industrial applied science and engineering.

The University is selective in admissions and has rigorous admissions metrics; for Fall 2020, the average SAT for the first-time-in-college students was 1327 and an average ACT of 30.0; high school GPAs were 4.20 and one quarter of new students graduated in the top 10% of their high school class; nearly half were in the top quartile.

The University's website, <http://www.floridapoly.edu> provides additional information, which may be useful to the Respondent.

1.3 Calendar of Events

The anticipated dates and times by which stated actions will be taken or completed are listed below. If the University determines, in its sole discretion, that it is necessary to change any of these dates and times, an Addendum to this ITN may be issued and posted on the website (as later referenced). All times listed are Eastern Time (ET).

Date/Time	Action
11/12/2020	Competitive solicitation advertised and released
12/1/2020	<p>Virtual Pre-Proposal Audio/Video Conference</p> <p>Florida Polytechnic University</p> <p>1-415-655-0001 - Join by Phone 171 283 5716 – Access Code Ph3pi9miuP6 – Password</p> <p>10:00 a.m. E.D.T. – Meeting Commences</p> <p>Link to Audio/Video Conference available on Solicitation website</p>

	https://floridapoly.edu/procurement-auxiliary-enterprises/procurement/solicitations.php
12/15/2020	Inquiry Deadline: Last day and time for University to receive communications and/or inquiries from Respondents regarding the competitive solicitation via email to Authorized University Representative (as later defined) as Treasa McLean at Bids@floridapoly.edu (“ Inquiry Deadline Date ”)
1/7/2021	Inquiry Response Deadline: Estimated date University will respond to inquiries and requests for clarifications by posting an Addendum on the Website
1/26/2021	Response Due Date: Deadline for University to receive solicitation responses (see Section 2 for more details) from Respondents is 2:00 p.m. (<i>Note: Any solicitation responses received after the response Due Date and time will be deemed non-responsive</i>)
TBD	Shortlisted Respondents (as later defined) will be contacted by Authorized University Representative and posted to website.
TBD	Anticipated deadline for University to receive response from Shortlisted Respondents (see Section 2 for more details)
TBD	Anticipated deadline for University to receive Best and Final Offer (BAFO) from selected Shortlisted Respondents (Shortlisted Respondents will receive BAFO requirements during negotiations but the BAFO will be a complete response including materials for all tabs outlined in Section 2)
TBD	Anticipated deadline for conclusion of all Evaluation Committee (later defined) meetings; these meetings are NOT open to the public and the dates of the meetings are subject to change without notice
TBD	Anticipated completion of contract negotiations

The University Procurement Department may post notice of changes to any of the above dates and will provide advance notice of any pre-proposal meetings by posting the information on the University Procurement Department's website.

<https://floridapoly.edu/procurement-auxiliary-enterprises/procurement/solicitations.php>

Respondent is solely responsible for checking the website periodically in order to verify whether any changes have been made to the calendar or whether any meetings for informational purposes only are scheduled to take place. University reserves the sole discretion over the conduct of any meetings and the extent, if any, that those attending may participate in such meetings.

1.4 Background and Deliverables

1. Basic Information

The University and the awarded Respondent will enter into a ground lease on the University's main campus sufficient to construct and operate a privately funded and operated research Facility that will, in part, integrate into the University's academic mission.

It is highly recommended that any Respondent take a significant amount of time to review and understand the State University System of Florida's Public-Private Partnership Guidelines:

https://www.fbog.edu/documents_regulations/guidelines/Public-Private%20Partnership%20Guidelines.pdf

2. **Quality and Innovation:** Developing a high-quality building is an important consideration for University given that the durability and energy efficiency of the premises will have an impact on the ongoing cost of operations and maintenance of the Facility and the high quality of the University's existing academic spaces. The University expects for the Respondent to introduce cutting-edge innovation in the design and construction elements of the Project, the research to be conducted therein, and in the relationship between the Respondent and the University.
3. **Schedule:** A description of the Facility, a schedule for the initiation and completion of the Facility, and the total Project cost based on the initially identified project scope and conditions will be required.
4. **Provide a Safe, Secure Facility Environment:** The Project must provide building access, lighting, circulation, and other safety and security features that meet or exceed University's construction standards. Security is available through the University, subject to monitoring fees as may be negotiated.
5. **Construction:** All construction pertaining to the Facility must, at a minimum, comply with all applicable federal, state and local laws, rules and/or regulations, as may be amended from time to time. University construction standards will apply to this ITN as specified in Attachment D. Exterior fixtures in the Facility are considered part of the construction requirements under this ITN.

Initial signage costs will be borne by the awarded Respondent(s) and will conform to the University's existing signage design requirements.

- Note:** Per the Florida Board of Governors regulation 14.020, during the design and construction of a project on University property, the University is the authority having jurisdiction for compliance with the requirements of codes and statutes. Under the Powers and Duties of the University President adopted by the Board of Trustees, the president has delegated this enforcement authority to the University's Building Code Administrator. As such, the Respondent will be responsible for costs associated with design and construction related services, including, but not limited to, University internal permitting, inspection and other associated costs.
6. **Project Cost:** The Respondent is expected to pay for any and all costs and expenses pertaining to the construction, operation and maintenance of the Facility (this is in addition to its activities in support of the University's mission and any additional terms as outlined in the ground lease). Costs of the Facility will include, but is not limited to, the cost of design review, permitting, code compliance, inspection services, construction (including all necessary site utility connections) or additional infrastructure, management, security, emergency response, maintenance and all operational costs for the Facility constructed under the ground lease.
 7. **Debt Service.** The University will not provide a financial backstop if revenues decline below what is required to keep the project fiscally sound (i.e., payment of debt service and funding of required reserves). The University will not cover a portion of debt service for the Facility.
 8. **Utilities.** The University will need to review the capacity restraints depending on the proposed Facility, but, depending upon capacity, it to allow the Facility to connect to its central utility plant, assuming a connection fee is paid based on the total cost of the system and the expansion. The University is not allowed to resell utilities, but depending on the utility, the University may be able to use a reimbursement structure, i.e. chilled water if the Facility taps directly into the University's system. The University will need to coordinate with other utility providers on any infrastructure that cannot be tapped into the University's existing system.
 9. **Additional Project Elements**
 - a. **Single Point of Responsibility:** The Facility agreements, including the ground lease, will require a single point of responsibility between the University and the private party.
 - b. If an awarded Respondent is successful in petitioning governmental agencies for a reduction in property taxes as a result of the ground lease, the awarded Respondent will pay a percentage of the savings (TBD) to the University on an annual basis in the form of additional rent.
 - c. **Leased Parcel:** The University is prepared to offer the private party a ground lease, subject to various approvals, for the site of the Facility. The private party will be responsible for paying annual rent and additional rent in amounts to be negotiated with the University. The Shortlisted Respondents will be provided a summary of the material terms of the ground lease.

The University will determine the actual location of the Facility during the negotiations with any awarded Respondent(s) based on the locations described in Attachment C.

- d. **Ownership:** All improvements constructed by a private party on the leased parcel will be owned by the private party during the ground lease term and will transfer to the University at the expiration of the ground lease.

The ground lease or operating agreement will specify the extent to which the private party will have the right to modify the Facility during the term.

- e. **Parking for Building Occupants:** Respondent should outline its parking needs for the Facility. If no additional parking is constructed, the existing parking spaces on campus will not be exclusively for the use of any occupants. Occupants working in the Facility and private party employees working at the Facility would be allowed to obtain parking permits in the University's parking facilities for the main campus, provided they pay parking fees established by the University.

2.0 SOLICITATION RESPONSE

2.1 Solicitation Overview

Upon receipt of the responses to Phase One of this solicitation, the University will review all responses to establish a short-list of qualified Respondents to participate in Phase Two of this ITN process and further develop the framework and structure for the project agreement including a ground lease agreement with the University. A response to Phase One of this ITN is a prerequisite to participate in future phases of this ITN. Following receipt of responses to Phase One of this ITN, the University will narrow the list of qualified Respondents to no more than four Respondents to continue to Phase Two in the ITN process to further develop the framework for the Facility. From the Shortlisted Respondents that submit a response to Phase Two of the ITN, one or all of the Respondents will be asked to submit a best and final offer ("BAFO") to select a winning bidder. The outline of the ITN process is described below:

1. Phase One is the University evaluation of written responses and/or presentations concerning qualifications and, based on certain criteria outlined in this ITN, development of a "shortlist" of Respondents ("**Shortlisted Respondents**") whose qualifications best meet the requirements of the project. Respondents will be required to provide a robust plan for how the Facility will support the University's mission, conceptual design(s), and project planning.
2. Phase Two may require Shortlisted Respondents to submit a response for advanced conceptual design, construction, programming, leasing, and financing plan which will be used in a series of detailed negotiations between Shortlisted Respondents and University. As part of this process, it is anticipated that the Shortlisted Respondents may engage in the following activities:
 - a. Further discussion relating to how Respondent will support the University's mission.
 - b. Participate in a campus tour of the building sites and meetings with the academic administration to understand the areas of interest and potential collaborations.

- c. Participate in in-person interviews and present additional financial information as requested by the University.
- d. Review and discuss the proposed business terms that will form the relationship with the University.
- e. Review and discuss terms to be included in the ground lease agreement and other project agreements
- f. Discuss and prepare BAFO proposals.

Following this due diligence process, the University will select which of the Shortlisted Respondents will be asked to submit their BAFO in accordance with procedures and evaluation criteria to be provided to Qualified Respondents in Phase Two of this solicitation. The University reserves the right to ask one, several, or none of the Shortlisted Respondents to submit a BAFO.

Once the University reaches an agreement with a private party, the proposed ground lease will be submitted to the University's Board of Trustees ("Board of Trustees") to review and approve. If the Board of Trustees approves the ground lease, the University will submit the ground lease to the Florida Board of Governors ("Florida BOG") for its review and approval, if required. No agreement will be binding unless and until it is approved by the required governmental entities, the Board of Trustees, and signed by the President of the University.

2.2 Solicitation Information

1. Proposals must be made in the official name of the firm or individual under which business is conducted and must be signed by a person duly authorized to legally bind the person, partnership, company, or corporation submitting the proposal.
2. Respondents will be of known reputation and will have sufficient experience and qualified personnel to adequately build and operate a research laboratory or to sublease to others to do so.
3. The following will constitute the final agreement:
 - a. Ground Lease Agreement
 - b. Any applicable operating agreement
4. Each Respondent will organize its solicitation response in accordance with the following Submittal Instructions and Submittal Tab Content sections in the order stated below to assist University in the selection process.

2.3 Submittal Instructions

Respondents will format their Phase One responses utilizing the following Tabs, Topics, Lettering, and Numbering system with requested information contained in each. Failure to comply may result in a negative review of your response and may place your response in jeopardy.

Submit:

1. One (1) electronic copy of the original and all required documents must be uploaded to:

https://flpoly-my.sharepoint.com/:f/g/person/lmarrone_floridapoly_edu/EoAIFYJWvX5EIRK8oieO_KMBMmr8cTcApuZf45hXpsXgKA

- All electronic submittals must be contained in one (1) file and compatible with Windows 10 or PDF format. Respondents can only view/submit their solicitation response and will not have access to any other Respondent's submittals. Solicitation responses uploaded after the Response Due Date at 2:00 p.m. ET will not be considered. It is the sole responsibility of the Respondent to ensure that its digital solicitation response is uploaded. If the digital response as described above is not submitted as specified, the Respondent's submission will be considered **not in compliance** with the requirements of this solicitation and removed from consideration. University will **NOT** be responsible for delays caused by any power outages or internet failures. No exceptions will be made.
2. The original and the hard copies are to be submitted in three-ring binders using index tabs with the appropriate tab identification, with package labeled as provided in #4 below and sent to the address in #9 below.
 - a. One (1) original, clearly marked as original and will contain the original manual signature of the authorized person signing the proposal.
 - b. Four (4) hard copies; and
 3. Respondent's signature must contain Vendor's authorized representative's manual signature and title, in permanent ink, in the space provided or by digital signature.

Failure to include the original and all signed copies shall be grounds for rejection of your response without further evaluation.

4. The original and hard copies of the Response must be submitted in a sealed container/envelope and must include on the outer carton the ITN number, ITN name, and due date.

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Public-Private Partnership (P3) to Construct and Operate a Research Facility

1/26/2021

5. Response will include the information and required submittals described in the Submission Tab Content section, tabbed, and numbered with all information appearing in the Tab in which it was requested.
6. All information and required submittals requested will be in hardcopy form and included in your written response. Responses will not refer the University to electronic media such as a website, except to direct the University to publicly filed documents. No hard media such as a flash drive or a CD should be submitted. All information must be contained in the Response.

7. Any information or required submittals which, due to size or binding cannot be incorporated following the proper tab, may be submitted separately. The location of the information should be provided following the numbered tab.
8. The University will accept solicitation responses up to, and no solicitation responses may be withdrawn after the Response Due Date and time indicated under Section 1.3.
9. All required signed and completed copies of the response with the signed ITN Certification Affidavit Form, **Attachment A**, must be either mailed or delivered to:

FLORIDA POLYTECHNIC UNIVERSITY

Procurement Department

Florida Polytechnic University

Wellness Center Mail Room

4700 Research Way

Lakeland, FL 33805-8531

10. CAUTION: The executed ITN Certification Affidavit Form, **Attachment A**, must be signed and submitted as part of your response. Failure to do so may disqualify your response.
11. All addenda must be signed and submitted with response.

2.4 Submission Tab Contents

Tab A: Essential Documents

- a. ITN Certification Form (Affidavit), **Attachment A**, signed by authorized individual.
- b. Supplemental Solicitation Response Sheet, **Attachment E**, signed by authorized individual.
- c. Contact information including name, title, email address, mailing address, and phone number for the individual responsible for Respondent's proposal and negotiation during this process.

Tab B: Executive Overview of Respondent and Team Members

- a. Provide an overview and history of your company and an overview and history of each proposed Team Member's company (e.g., proposed general contractor, management company, etc.), including, but not limited to, the following:
 - 1) Name and address of the Respondent and each proposed Team Member, and corporate structure.
 - 2) Primary location of the Respondent's office which will have direct responsibility for this project and that of any Team Member.
 - 3) Provide a description of the standard services offered by the Respondent.

- 4) Provide a listing of professional organizations of which the Respondent is a member.
- b. Include copies of the two most recent financial and annual reports for each Team Member or provide a URL for publicly available information.
- c. Disclose if the Respondent or any Team Member has ever declared bankruptcy, otherwise been declared insolvent, has had a delinquency judgement issued against it in any court of competent jurisdiction, been placed in receivership, or any litigation that could significantly impact your financial operating results or financial position. If yes, attach a statement indicating the date, court jurisdiction, trustee or receiver's name, telephone number, amount of liabilities, amount of assets, and current status of the bankruptcy, insolvency, delinquency, or receivership.
- d. Describe in detail any projects within the last three years where liquidated damages, penalties, liens, judgments, defaults, cancellations of contract or termination of contract were imposed, sought to be imposed, threatened, or filed against the Respondent or any Team Member.
- e. Provide descriptions of the three (3) prior projects accomplished by the Respondent and any Team Member which most closely document the Team's capability to satisfy the University's requirements as stated in the ITN. Include overall project information. If any such projects involve a public/private partnership, please identify the public entities and the name, address, telephone, and email of each such project's contract administrator.

Tab C: How the Facility Supports the University's Mission

- a. Provide a thorough description of considerations Respondent will provide in support of the University's mission, and the type(s) of research to be conducted that would align with the objectives as referenced in section 1.1.
- b. Explain any benefits to the University which could be derived from Respondent having worked with other institutions of higher education or other research entities.
- c. Identify which Team Member will be responsible for which elements and the Team Members' experience with other institutions of higher education or other research entities

Tab D: Design & Construction

- a. Address how the Respondent's overall vision ties design intent with project planning and construction, resulting in delivery of a Facility meeting the ITN objectives.
- b. Present a conceptual design illustrating Respondent's understanding of the scope of services, design intent, other goals and considerations and highlighting overall qualifications.
- c. Describe the proposed Design/Construction method to achieve the ITN objectives and the major steps throughout the process.

Tab E: Management:

- a. Describe in depth how the Facility will be managed over the term of the ground lease including the relationship with the University.

- b. Identify which Team Member(s) will be responsible for managing management of the Facility and the relationship with the University, specifically experience managing, operating and maintaining research facilities and specifically highlight facilities of similar size and complexity completed within the last seven (7) years.

Tab F: References

Provide three references to whom Respondent and each Team Member for each major component of the ITN: (1) design, (2) construction, (3) operations, and (4) support of the client.

Each reference must be within the last 5 years and should include the Company Name, Contact Name and Title, Mailing Address, Current Phone Number, and E-mail address.

Tab G: Financial Proposal

Describe the financing plan for the initial costs of construction and for costs of operating and maintaining the Facility. Include a discussion of use of equity investment or debt financing or any combination.

If the Facility is to be constructed as a multi-tenant building, describe plans to pre-lease the Facility or if the Facility will be built on spec.

Tab H: Disclosure

Make disclosures regarding: (a) Respondent, or Respondent's team, employees having employment relationship with (or holding an office at) University, State of Florida or any State of Florida agencies AND/OR (b) any University, or State employee(s) or officers owning an interest of 5% or more of Respondent's company or its affiliates or branches.

2.5 Definitions

The terms used in this Invitation to Negotiate will have the following meaning.

1. **"BAFO"** Best and Final Offer.
2. **"Best Value"** – The highest overall value to the University based on factors that include, but are not limited to, price, quality, design, and workmanship.
3. **"Facility"** means the on-campus state-of-the-art research facility which will support the mission of the University.
4. **"ITN"** This Invitation to Negotiate is a method of formal competitive solicitation.
5. **"Respondent"** A private party who responds in full to the requests of this ITN and wishes to be considered as a candidate for products and/or services agreement as described herein.
6. **"Response"** The materials submitted by the Respondent in answering this ITN.
7. **"University"** The Florida Polytechnic University Board of Trustees.
8. **"Authorized University Representative"** means the University Procurement Department representative, or his/her designee, assigned to handle all

Respondent/Vendor communications related to this competitive solicitation (See Section 3.1).

9. **“Shortlisted Respondents”** means those Respondents determined in Phase One of the University evaluation of written responses and/or presentations concerning qualifications and, based on the criteria outlined in this ITN to continue in the process stated in this ITN.
10. **“Team Member”** means any agent, contractor, partner, or affiliate of a private party with responsibilities for performance under this ITN.

3.0 PROCESS

3.1 Authorized University Representative

The Authorized University Representative for this competitive solicitation is:

Treasa McLean
 Assistant Vice President
 Procurement & Auxiliary Enterprises
 Email: bids@floridapoly.edu
 Phone: 863-874-8428
 Web address:
<https://floridapoly.edu/procurement-auxiliary-enterprises/procurement/solicitations.php>

3.2 Respondent Communications and/or Inquiries

Questions regarding this ITN must be submitted via email only to the Authorized University Representative. Questions should identify the relevant Section(s), Subsection(s), Paragraph(s) and page number(s) of the ITN.

University will consider only those communications and/or inquiries submitted via email and received by the Authorized University Representative on or before the Inquiry Deadline Date specified in **Section 1.3, “Calendar of Events.”** Unless the Authorized University Representative specifically requests Respondent to provide additional communications, University will not accept or consider any of Respondent’s written or other communications and/or inquiries (except solicitation responses) received between the Inquiry Deadline Date and the posting of an award, if any, under this competitive solicitation.

To the extent University determines, in its sole discretion, to respond to any communications, inquiries or requests for clarification, University’s response (as applicable) will be made in an addendum to this competitive solicitation and posted on the Website.

Only those communications that are in writing from the Authorized University Representative will be considered as duly authorized expressions on behalf of University.

3.3 Restricted Respondent Communications

From the date of issuance of this competitive solicitation until University takes final action on this competitive solicitation, the Respondent must not communicate with any University employees or Evaluation/Negotiation Committee members regarding this competitive

solicitation or Respondent's solicitation response except as provided herein or as expressly requested by the Authorized University Representative. Violation of this restriction may result in rejection of the Respondent's solicitation response.

3.4 Addenda

The University Procurement Department will post any Addenda to this competitive solicitation on the website. The Respondent's authorized representative must sign and date the Addenda Acknowledgment Form(s), if any, and include the form(s) in the Respondent's solicitation response. All Respondents, including known interested private parties, are solely responsible for checking the website periodically to verify whether any such Addenda and forms were issued.

3.5 Protests – Intent to Award

Any Respondent/interested person who is disputing the specifications or is adversely affected by a decision or intended decision concerning this competitive solicitation or contract award and who wants to protest such specifications, decision, or intended decision will file a protest in compliance with the Florida Board of Governors' regulations. Failure to file a protest in accordance with Florida Board of Governors' regulation 18.002, or failure to post the bond or other security as required in BOG regulations 18.002 and 18.003 will constitute a waiver of protest proceedings.

The intent to award to a Respondent, if any, will be posted on the website for review by interested parties, and will remain posted for a period of at least seventy-two (72) hours; excluding weekends, federal holidays, and University holidays. Failure to file a protest in accordance with the above stated regulations will constitute a waiver of protest proceedings.

3.6 Withdrawal of Solicitations and Cancellation of Awards

A Respondent wishing to cancel their response to this ITN prior to the submittal date (i.e., Respondent has submitted a response to the ITN, and proposal received in response to the ITN has not yet been reviewed, the Respondent no longer wants to participate in the ITN and would like their response cancelled), may do so by submitting a written request to the Procurement Officer. The written request must contain: the name of the Respondent; the name, title and contact information of the person making the request; the ITN name and number; the date of the request; and a statement that the person making the request is authorized by the Respondent to cancel the response. In accordance with Florida law, submitted proposal will not be returned to the Respondent.

3.7 Solicitation Response

At 2:00 p.m. on the Solicitation Response Due Date, University will review all timely submitted solicitation responses for Phase One of this ITN for the sole purpose of recording the names of the Respondents submitting solicitation responses.

4.0 SELECTION PROCESS

4.1 Evaluation Process

1. Each response will be reviewed by the Procurement Department to determine whether it is responsive to the submission requirements outlined in the ITN. A responsive submittal

is one which has followed the requirements of the ITN, includes all documentation (including, but not limited to, the signed Affidavit Form, **Attachment A**), is submitted in the format outlined in the ITN, was submitted prior to the due date and time and has the appropriate signatures as required on each document. Failure to comply with these requirements may put Respondent's response at risk of being rejected as "non-responsive".

2. Responses found to be responsive shall be referred to an Evaluation Committee for review and further consideration. The responses to this ITN will be independently evaluated by an Evaluation Committee based on the written submittals.

4.2 Evaluation Criteria - Phase One (Shortlisted Respondents)

1. The Evaluation Committee will review each submittal utilizing the following criteria:

Item #	Description	Tab Reference
1.	Support of the University Mission: Partnership meets the University's Mission, is in the University's Best Interest, and meets the SOW of this ITN.	C
2.	Financials: Financial Strength/Lease, Business Terms Proposal, Financing is available.	B, G
3.	Design, Planning and Construction: A clear picture that the design intent, project planning and construction will deliver a facility of innovative design, built to high standards, meeting the University Requirements, schedule for initial and completion of facility, and any other requirements specified in this ITN.	D
4.	Experience: Evidence that the Respondent's Private Partner Team has successfully developed, constructed, maintained and managed projects of similar scope with similar P3 projects	B, E, F
5.	Team: Evidence that the individuals within the team have the qualifications to timely and properly execute the proposed development, to operate and maintain a high-quality Facility, and to successfully partner with the University.	A, B, F, G, H

2. The Evaluation Committee will carefully review and evaluate the solicitation responses. Each member will independently review all responses and Respondent presentations (if requested by Evaluation Committee). The Committee will meet to collectively discuss their analyses of the responses in order to formulate a recommendation.
3. All Respondents are hereby advised that the University may determine that oral interviews, additional written information and/or any other information may be requested at any time during the evaluation process. Internal staff analysis and presentations, outside consultants and any other resources may be utilized to assist in the selection of the "Best Value" Respondent(s).
4. The Evaluation Committee determines a short list of Respondents to participate in further negotiations with the University. Those Shortlisted Respondents will continue in the process.

4.3 Evaluation Criteria - Phase Two (Negotiation)

1. Representatives of a Respondent(s) selected to participate in Phase Two negotiation(s) will be first required to submit written authorization from the company CEO or CFO attesting to the fact that the company's lead negotiator is authorized to bind the company to the terms and conditions agreed to during negotiations and as may be contained in the offeror's BAFO. Such authorization will be requested prior to meeting with the Negotiation Committee, and the provision of such authorization will be a prerequisite to continuing in the ITN process.
2. Negotiators will enter the negotiations prepared to speak on behalf of the Shortlisted Respondent. The University reserves the right to immediately terminate negotiations with any company whose representatives are not empowered to, or who will not, make decisions during the negotiation session. Companies are reminded that the University may elect not to solicit a BAFO from any company whose representative(s) have been unable or unwilling to commit to decisions reached during the verbal negotiation process.
3. Negotiations with Shortlisted Respondents may involve presentations, site visits, oral interviews, additional written information, internal staff analysis and presentations, feedback from outside consultants, discussions with the Shortlisted Respondents about their capabilities and plans for design and construction of the Facility, and/or any other information deemed helpful to more fully evaluate the Shortlisted Respondents.
4. The Negotiation Committee will evaluate each proposal within the context of each Shortlisted Respondent's complete response. The Negotiation Committee may enter into negotiations with multiple Shortlisted Respondents in order to achieve the contract that most supports the University's missions and objectives.
5. The University reserves the right to negotiate concurrently or separately with competing Respondents. The University reserves the right to reject any and all proposals or portions thereof.
6. The University reserves the right to withdraw this ITN or a portion of this ITN without making an award.
7. Negotiations offer an opportunity for the selected Shortlisted Respondents to discuss their offers with the University negotiators and ultimately present a BAFO and details

- that support their proposal and business model. The objectives of this negotiation process is to identify the optimal outcome or the solution that best meets the needs of University.
8. After negotiations have been completed to the satisfaction of the Negotiation Committee, selected Shortlisted Respondents will be given the opportunity to submit a BAFO.
 9. The following award selection criteria will apply for Phase Two:
 - a. The Shortlisted Respondent's ability and approach to meeting the objectives of the ITN, as stated in subsection 1.1.
 - b. The Shortlisted Respondent's demonstration of its prior relevant experience and financial position.
 - c. The Shortlisted Respondent's design and construction method of the proposed Facility aligns with the University's mission, cutting-edge innovation throughout the campus, and consistency with the other buildings on campus.
 10. Based on review of BAFOs and in light of all information gained during the ITN process, the Negotiation Committee will develop a recommendation of University's intend to award this ITN and negotiate the terms of a ground lease and other project agreements resulting from this competitive solicitation to the successful Respondent(s) whose Response(s) represent the best value to the University. Contract(s) will be awarded, if any award is made, to Shortlisted Respondent(s) whose BAFO is assessed as providing the best value to the University in accordance with the selection criteria of this ITN. The Negotiation Committee will then make a recommendation.

4.4 Contract Award

1. University may reject all solicitation responses if such action is in the University's best interest. University is not obligated to make an award under or as a result of this ITN and may make multiple awards if it, in its sole discretion, deems it is in the University's best interest to do so.
2. University reserves the right and sole discretion to reject any Response at any time on grounds that include, but are not limited to:
 - a. Response is found to be nonresponsive, incomplete, or irregular in any way; or
 - b. Response is not in University's best interest.

The University may waive informalities and minor irregularities in Responses.
3. If the University determines that an awarded Respondent does not honor all agreements reached during the negotiations, and as contained in the subsequent BAFO, the University reserves the right to immediately cancel the award.

5.0 LIST OF ATTACHMENTS, APPENDIX, AND EXHIBITS

5.1 Attachment A - ITN Certification Form (Affidavit)

5.2 Attachment B - Terms and Conditions

5.3 Attachment C - Proposed Location of Facilities

5.4 Attachment D - Florida Poly Construction Projects Guide

5.5 Attachment E - Supplemental Solicitation Response Sheet