

February 11, 2008

Re: Request for Proposals for Sustainability Consultant Services

Project: Dr. P. Phillips Orlando Performing Arts Center – Orlando, Florida

On behalf of the Dr. P. Phillips Orlando Performing Arts Center (DPAC and “Owner”), we are pleased to invite you to submit your proposal for Sustainability Consultant services for the referenced Project. Hines has been selected to act as the Development Manager for the Project and HKS Architects, Inc. (HKS) has been selected as the Prime Architect in association with Barton Myers Associates and Baker Barrios Architects.

The attached Request for Proposals (the “RFP”) provides a general overview of the proposed Project and outlines the requirements for your proposal. Eight (8) copies of your proposal along with a CD (with all documents on one pdf) should be submitted to the Orlando office of HKS Architects, Inc. no later than 1:00 p.m. Eastern Standard Time on February 29, 2008. Copies of the RFP, attachments, and any subsequent addenda can be found on the DPAC website at www.orlandopac.org.

According to the DPAC Bylaws, firms responding to this RFP should not contact DPAC board members or governmental and elected officials, and firms doing so risk disqualification from the Project. Questions and requests for information should be sent by phone or email to Mike Woollen at HKS Architects, Inc, - mwoollen@hksinc.com, 407-648-9956.

We look forward to your response and we are delighted to have your participation in this process.

Sincerely,



J. Michael Woollen, AIA
Vice President
HKS Architects, Inc.

**DR. P. PHILLIPS ORLANDO PERFORMING ARTS
CENTER**

REQUEST FOR PROPOSALS

FOR

SUSTAINABILITY CONSULTANT SERVICES

February 11, 2008

CONFIDENTIALITY

This RFP is both confidential and proprietary to Production Architect and Owner, and Production Architect and Owner reserve the right to recall the RFP in its entirety or in part. Recipients must not, and agree that they will not, duplicate, distribute or otherwise disseminate or make available this document or the information contained in it to a third party without the prior written consent of Production Architect and Owner. Consent shall be deemed granted only if provided in writing by the Production Architect and Owner. Notwithstanding the foregoing, recipients may make this document available to those employees who have a need to know its contents in order to participate in the response to this RFP.

Recipients shall not include or reference this RFP in any publicity without prior written consent from Production Architect and Owner.

- I. INTRODUCTION**
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I. INTRODUCTION

The Dr. P. Phillips Orlando Performing Arts Center is proposed to be a complex consisting of three theaters – a 2,800-seat amplified theater, an 1,800-seat acoustic theater, and a 300-seat theater, along with related front of house and back of house spaces and public plaza (“Project”). The Project will be located in downtown Orlando, Florida, bordered by South Street to the north, Anderson Street to the south, Orange Avenue to the west, and Rosalind Avenue to the east. A more detailed description of the Project is provided in the Prime Architect-Owner Agreement (prime agreement) included with Attachment B. The current Concept Plan is included in Attachment E.

The Owner has selected Hines to act as its Development Manager (“Development Manager”) for the Project under the direction of the Owner. HKS Architects, Inc. has been selected as the “Prime Architect” and, in conjunction with Baker Barrios Architects, will serve as the “Production Architect.” All consultants, including Barton Myers and Associates as the “Design Architect,” will be under sub-contract to HKS. The Production Architect will coordinate all aspects of consultant selection, design, approvals, construction and operational start-up of the Project. Major decisions regarding the scope of the Project are vested with the Owner, acting through Hines as the Development Manager.

This Request for Proposals (the “RFP”) is being issued for the express purpose of engaging the consulting services for the Project outlined in Attachment A – Consultant’s Responsibilities. Your response should be based on the requirements described herein, the scope in Attachment A, the Project description information included in the attached Prime Agreement with Attachment B, the Project Schedule included with Attachment C, the draft Architect-Consultant form of agreement with Attachment D and the current Concept Plan which is included as Attachment E.

II. PROJECT SUMMARY

The Project is generally described in the Prime Agreement included with Attachment B and as shown in the current Concept Plan in Attachment E; while this information is presented as a conceptual reflection of the Owner’s current thinking, it should not be viewed as anything other than a preliminary outline of a possible program.

The Project may be certified under the USGBC LEED New Construction rating system.

III. CONSULTANT RESPONSIBILITIES

See Attachment A.

IV. PARTICIPATION OF MINORITY AND/OR WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE)

This RFP is being issued subject to the Chapter 57 of the City of Orlando’s Code relating to Minority and Women Business Enterprise (M/WBE) participation. While the City has an M/WBE participation goal of 18% Minority Business Enterprise and 6% Women Business Enterprise participation, the Production Architect has established a goal of 30% for M/WBE participation for this project. Local businesses and M/WBEs certified by the City of Orlando and/or Orange County are strongly encouraged to submit a proposal that complies with or exceeds these goals. If you propose a “teaming” arrangement in association with other firms to meet or exceed these

goals, then your proposal should indicate whether your team is an “association” or a “joint venture.” HKS will be contracting with only one “entity” for these consulting services.

Additionally, the Project Architect has adopted the “City of Orlando’s Blueprint for Using Community Venues to Create a Sustainable Economic Impact”. You are required to address in your submittal how your firm or team will meet the goals established in the Blueprint. Your success in addressing, meeting, exceeding and demonstrating a good faith effort to meet these M/WBE and Blueprint goals will be a very important factor in the selection process.

- Chapter 57 of the City of Orlando Code can be located at <http://www.cityoforlando.net/admin/mbe/chapter57.html>
- City of Orlando Blueprint can be located at http://www.nba.com/media/magic/Local_Economic_Plan_Blueprint.pdf

V. SUBMITTAL REQUIREMENTS

Your firm will be evaluated on the basis of how well your firm and its individual professionals meet the criteria outlined below including general and specific selection criteria. Please submit your qualifications in a concise written tabulated format (NOT TO EXCEED 20 PAGES) indexed and organized in order by the following sections:

A) **Qualifications Summary**

- 1) Qualifications: A brief statement of your qualifications limited to one page.
- 2) Services: Confirm you will provide all the services required by this RFP.
- 3) Similar Projects:

Provide a list of similar Projects on which each of your proposed personnel who will be assigned and directly involved and responsible throughout the duration of the Project has been engaged. In particular, the Production Architect, Owner and Development Manager would like to review similar project experience.
- 4) Personnel: Please provide a schedule of your personnel who will be assigned and directly involved and responsible throughout the duration of the Project. Information shall include the names and resumes of all assigned Project personnel, including but not limited to:
 - a) Principal-in-Charge;
 - b) Project Manager;
- 5) Contact References: Please provide no more than three contact references for each of your firm personnel assigned to the Project;
- 6) Special Considerations: Please describe any special resources which your firm or your personnel assigned to the Project may bring to the Project or

in-house expertise in technical areas which will specifically benefit the Owner;

- 7) Quality Assurance: Please provide a detailed description of your firm's quality assurance review and checking procedures;
- 8) Detailed Exceptions: Please provide in writing any exceptions you may take to the requirements of this RFP, the reasons for such exceptions and any proposed alternatives.
- 9) Insurance: The consultant shall carry the same level of general insurance as required in the Prime Agreement. As part of your submittal, indicate your current professional liability insurance carrier name, rating of your carrier, length of time with this carrier, and your policy amounts. Also indicate your willingness to increase to \$1.0 Million per claim / \$2.0 Million annual aggregate, if required.
- 10) Investigations and Litigation: If the Proposer has ever been the subject of an investigation conducted by a regulatory agency or professional licensing board, give the date, details and outcome of such action, including but not limited to any disciplinary sanctions imposed. If the Proposer has been sued as a result of actions or inactions in the course of their business or profession in the past ten (10) years, give the date, details and outcome of such suit, including but not limited to the dollar amount of any settlement or judgment.

B) Proposed Fee Structure

Please provide the following:

- 1) A Stipulated Sum Fee Proposal which shall be broken down by phases outlined in *Attachment A – Consultant Responsibilities*.
- 2) Any fees required for design services not included in basic services;
- 3) An estimate of the reimbursable expenses you expect to incur on the Project (refer to the Prime Agreement in Attachment B for description of approved reimbursable expenses.)
- 4) Your Fee Proposal should be in the following format:

Phase of Service	Staff-Hours	Fee	Est. Reimbs.
Schematic Design			
Design Development			
Construction Documents			
Construction Administration			
Totals			

- 5) Please include a detailed schedule of fully burdened billing rates for all personnel classes that you propose to use on the Project.

C) **Special Services**

Provide a detailed description of all services which you would plan to provide that are not described above.

D) **Selection Process**

The successful Proposer will be selected by the Production Architect and the Development Manager. DPAC bylaws prohibit communications initiated by a Proposer or a Proposer's representative to any selection committee member and any DPAC Board member. Such communication initiated by a Proposer or Proposer's representative may be grounds for disqualification of the offending Proposer from consideration for award of a contract.

All questions concerning this Request for Proposals prior to submission should be addressed by email to the attention of Mike Woollen of HKS Architects, Inc. at the following email address:

mwoollen@hksinc.com

The Production Architect and the Development Manager will review and evaluate the Proposals. All firms proposing will be evaluated to determine if they are fully qualified to perform the services required herein. Among the factors to be considered in making the finding are the capabilities, adequacy of personnel, track record and experience of the firm, and fee proposals. Further written documentation may be requested, and failure to promptly supply information in connection with such request, including, but not limited to, information regarding past performance, financial stability, and ability to perform on schedule, may be grounds for determination of non-responsiveness with respect to the Proposal. HKS and the Development Manager will then enter into negotiations, if needed, with the top-ranked Proposer with the intention of entering into an agreement. If negotiations with the top-ranked Proposer are unsuccessful, then negotiations with this Proposer will be terminated and negotiations will begin with the next successively ranked Proposer until a successful contract is negotiated.

E) **Schedule**

The overall proposed project schedule is included with Attachment C. Please state in your submittal the duration of time required to perform your scope of services.

F) **Additional Information**

Please provide any other additional information that you believe would be helpful to Owner, Production Architect and Development Manager in their decision.

VI. ATTACHMENTS

A) Consultant Responsibilities

- B) Prime Architect-Owner Agreement
- C) Preliminary Project Schedule
- D) Architect-Consultant Form of Agreement
- E) Current Concept Plans

VII. SUBMISSION REQUIREMENTS AND PROJECT CONTACT

Please submit eight (8) copies of your submittal information, plus one CD with your submittal information in a single pdf file, to the Project contact listed below:

Mike Woollen, AIA
HKS Architects, Inc.
225 E. Robinson Street
Orlando, FL 32801
(407) 648-9956(T)
(407) 648-9976 (F)

All submittals shall be in a sealed container with the notation "Proposal Enclosed." Should you have any questions concerning the Project or this submission, please send by email to Mike Woollen at mwoollen@hksinc.com.

VIII. SUBMITTAL ACCEPTANCE

The Selection Committee reserves the right to reject any or all submittals received under this Request for Proposals, and is under no obligation to any of the prospective consultants as a result of this Request for Proposals process.

IX. OTHER

You will receive no reimbursement for your expenses in preparing this proposal. All materials and documents submitted hereunder shall become the sole property of the Production Architect.

A response to this RFP shall not be construed as a contract nor indicate a commitment of any kind on the part of the Development Manager, Production Architect or Owner. The Development Manager and Production Architect, with advice from the Owner, reserve the right to reject any or all responses to this RFP.

End of Request for Proposal

ATTACHMENT A

SUSTAINABILITY CONSULTANT RESPONSIBILITIES

The Consultant under the direction of the Production Architect and in close coordination with the other consultants and sub-consultants (the “Architect Team”), will be responsible for the following scope of services:

1. Attend project meetings when requested with the Production Architect, the Architect Team, the Development Manager, DPAC, and other consultants as required for the proper coordination and implementation and review of the work.
2. Review schematic design drawings done to date and prepare a summary of sustainability and LEED opportunities.
3. Develop a sustainability plan, and make a determination, in conjunction with the Design Team, the Development Manager, and DPAC, whether or not the project should strive for LEED certification – and if so to what level.
4. Once the sustainability plan is completed and approved, review the drawings at the conclusion of each phase (schematic design, design development and construction documents phases) – or more often if needed - to ascertain how the project is tracking with the sustainability plan. If a determination is made to strive for LEED certification, then prepare a design phase submittal with all required documentation to the U.S. Green Building Council for the first round of LEED certification.
5. At the conclusion of construction, review the completed project for conformance with the sustainability plan. Prepare a report for DPAC, the design team, the Development Manager, and the Construction Manager listing any deviations or omissions from the sustainability plan. If a determination is made to strive for LEED certification, then prepare the additional required submittal information with all required documentation to the U.S. Green Building Council. Follow through with the USGBC until the desired level of LEED certification is approved.

Note: Your fee proposal should be divided into two sections: 1) your fees for basic sustainability consulting services and 2) your fees for LEED certification, include the preparation and submittal of all required paperwork and follow-up activities until the LEED certification is obtained. If the decision is made to strive for LEED Silver Certification instead of basic LEED Certification, then indicate if there are additional fees.

ATTACHMENT B

PRIME AGREEMENT FOR ARCHITECTURAL SERVICES

The attached Prime Architect-Owner Agreement shall be attached to and referenced as part of the Architect-Consultant Agreement (Sub-Consultant Agreement), and the terms and conditions of the prime agreement shall apply to the consulting services described in this Request for Qualifications. To the extent that there are any conflicts between the Production Architect Agreement and the Sub-Consultant Agreement, the Production Architect Agreement shall govern.

ATTACHMENT C
PRELIMINARY PROJECT SCHEDULE

Refer to the attached Project Schedule.

ATTACHMENT D

ARCHITECT-CONSULTANT FORM OF AGREEMENT

See the attached draft Architect-Consultant form of agreement that shall be used these consulting services, in conjunction with the referenced prime agreement.

ATTACHMENT E
CURRENT CONCEPT PLAN

See the attached current design concept plans. Note: this represents a preliminary design concept that is subject to change and refinement; however, this concept reflects the basic requirements included with the project description and current building program.