



COMPETITIVE SOLICITATION  
**RFP-23-012**  
**Gary C. Wendt Engineering Building**

Issue Date: Friday, October 14, 2022

**Response Due Date: Friday, November 18, 2022 ; 2:00 PM (ET)**

4700 Research Way

Lakeland, FL 33805

## Table of Contents

<b>1.0 Overview</b> .....	3
<b>1.1 Objective</b> .....	3
<b>1.2 Scope of Work and Deliverables</b> .....	3
<b>1.3 Schedule</b> .....	4
<b>1.4. Definitions</b> .....	4
<b>1.5 University Environment</b> .....	4
<b>3.0 Design Criteria Package</b> .....	6
<b>4.0 University Guides and Documents</b> .....	7
<b>5.0 Proposal Instructions</b> .....	8
<b>5.1 Proposal-General Information</b> .....	8
<b>5.2 Proposal- Required Contents</b> .....	8
<b>5.3 Submission Instructions</b> .....	10
<b>6.0 Process</b> .....	12
<b>6.1 Authorized University Representative</b> .....	12
<b>6.2 Respondent Communications and Inquiries</b> .....	12
<b>6.3 Restricted Respondent Communications</b> .....	12
<b>6.4 Addenda</b> .....	12
<b>6.5 Opening of Proposals</b> .....	13
<b>6.6 Responsive Determination</b> .....	13
<b>6.7 University Rejection of Proposal</b> .....	13
<b>6.8 Withdrawal of Proposal from Further Consideration</b> .....	13
<b>6.9 Protests</b> .....	13
<b>7.0 Selection Process</b> .....	14
<b>7.1 Evaluation Criteria</b> .....	14
<b>7.2 Selection Process</b> .....	14
<b>8.0 Terms and Conditions - Competitive Solicitation Process</b> .....	15
<b>Attachment A-Competitive Solicitation Certification Form (Affidavit)</b> .....	18
<b>Attachment B -Trade Secret Affidavit</b> .....	21



## 1.0 Overview

### 1.1 Objective

The Florida Polytechnic University Board of Trustees (the "University") is requesting Proposals from Pre-qualified Respondents to develop an on-campus state of the art Engineering Building at its Lakeland, FL campus. The University desires to contract with a qualified Design/Build Firm to design and construct the project. The University intends to award the Design/Build Agreement to a qualified entity that the University determines to be in the best interest of and most advantageous to the University. This Request for Proposals is being made to Pre-Qualified Respondents (referred to as Respondents) as a result of the Request for Qualifications RFQ 23-005 Gary C. Wendt Engineering Building (the "RFQ") dated July 13, 2022.

### 1.2 Scope of Work and Deliverables

The University is interested in partnering with a qualified firm to develop an on-campus state of the art Engineering Building ("Project") at its Lakeland, FL campus.

The Student Body at Florida Poly continues to grow and the need for academic space to support new and growing programs continues. This Project will support the Environmental Engineering degree program and the very closely aligned Florida Industrial and Phosphate Research Institute. The synergy between these two entities provides established research expertise and a long research track from FIPR with the "new blood" that a young degree program brings in its faculty. An area of emphasis for this in addition to the traditional beneficiation of ores, is a focus on water both as it relates to use and management within the phosphate industry and to water quality, transport of pollutants, cleanup, and water management in the overall environment. Each of the two entities stands to benefit greatly from this strategic collocation of resources and activity.

The University will be looking at internal sources to enhance the program and will be partnering with the Florida Industrial and Phosphate Research Institute for development of the program. FIPR Institute provides an important launchpad for research beyond Environmental Engineering; the Engineering Building will be immediately adjacent to the new Academic Research Center and will be designed for easy access of people and material across the two buildings, thereby helping facilitate research over multiple degree programs.

The Project should be comprised of approximately 40,000 gross square feet (gsf), and will be located south of the Applied Research Center (ARC) adjacent to Parking Lot 4 (refer to A4, on Figure 1.3 on the Campus Master Plan; <https://floridapoly.edu/facilities-safety-services/assets/campus-master-plan.pdf> ).

The proposed project will include design and construction of campus support spaces, research laboratories, research learning environments, and research support spaces.

The budget for this project is approximately \$13,125,257.00.

All services proposed must meet or exceed the specifications as of the date the Proposals are due, unless specifically stated as otherwise in the Competitive Solicitation documents.

### 1.3 Schedule

The anticipated schedule and deadlines for this Competitive Solicitation and contract approval process are projected as follows:

Table 1.3: Schedule

Activity	Date	Time (Eastern Time)
Issue Competitive Solicitation	10/14/2022	N/A
Design Criteria Package Part I Issued	10/14/2022	N/A
Design Criteria Package Part II Issued	TBD	
Deadline for Written Questions	10/28/2022	4:00 PM (ET)
Due Date	11/18/2022	2:00 PM (ET)
Presentations	TBD	

The University may post a notice of change to any of the above dates and will provide advance notice of any pre-response meetings by posting the information on the University Procurement Department's Website, available here: <<https://floridapoly.edu/procurement/solicitations/index.php>>

Respondent is solely responsible for checking the Procurement Website periodically for changes that have been made to the schedule or whether any additional meetings are scheduled.

The University has the sole discretion to schedule any meetings and the extent, if any, that those attending may participate in such meetings.

### 1.4. Definitions

**Addenda/Addendum** – Written or graphic instruments issued prior to the date for opening of responses, that modify or interpret this Competitive solicitation by additions, deletions, corrections or clarifications.

**Respondent**– A firm or individual submitting a Proposal to this Competitive Solicitation that was qualified pursuant to RFQ 23-005 Gary C. Wendt Engineering Building.

**Proposal** - An executed offer submitted by a Respondent in response to this Competitive Solicitation.

**Successful Respondent** - A recommended recipient of an award of a contract under this Competitive Solicitation.

### 1.5 University Environment

Florida Polytechnic University is a public research institution with a mission to educate students emphasizing science, technology, engineering, and math (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. The University is institutionally accredited, with several Accreditation Board for Engineering and Technology, Inc. (ABET)-accredited programs, and is ranked by U.S. News & World

Report as the #1 public college in the south and the #26 engineering college (without a Ph.D.) in the nation.

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

Applied Mathematics	Data Science
Business Analytics	Electrical Engineering
Computer Engineering	Engineering Physics
Computer Science	Environmental Engineering
Cybersecurity Engineering	Mechanical Engineering

The University currently has Master of Science programs in computer science (Computer Science and Data Science) and in engineering (Computer Engineering, Electrical Engineering, Mechanical Engineering, and Robotics). The University anticipates adding programs, including doctoral programs in the near future.

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

## 3.0 Design Criteria Package

### Part 1: Please See EXHIBIT I - DESIGN CRITERIA PACKAGE

1. Building floor plan with appropriate detailed plans
2. Roof Plan
3. Renderings (three exterior views and two interior)
4. Building Elevations with appropriate detailed design information

### Part 2: - Forthcoming in an Addendum

5. General Site Survey, and utility information
6. Building site layout
7. Mechanical /Electrical System Descriptions
8. Equipment/Lab Fit-out Considerations
9. Preliminary Specifications



## 4.0 University Guides and Documents

1. [Campus Design Standards](#) – SEE EXHIBIT II
2. Construction General Terms and Conditions – SEE EXHIBIT III
3. [Campus Master Plan](#) – SEE EXHIBIT IV
4. Design Build Contract – SEE EXHIBIT V

## 5.0 Proposal Instructions

### 5.1 Proposal-General Information

1. **Official Name.** Proposals must be made in the legal name of the partnership, company, or corporation (“firm”) or individual under which business is conducted and must be signed by a person duly authorized to legally bind the Respondent.
2. **Respondent Reputation and Experience.** Respondents must be of known reputation and have sufficient experience and qualified personnel to adequately perform the prescribed services.
3. **Proposal Preparation.** Each Respondent must organize its Proposal in accordance with the *Proposal- Required Contents* and *Submission Instructions* sections below and must number and label all parts, pages, figures, and tables in its Response. Respondent should prepare its Response simply and economically, providing a straightforward, concise description of the Respondent’s capability to satisfy the conditions and requirements of this competitive solicitation. (Fancy bindings, colored displays, and promotional material are not desired). Respondent’s emphasis should be on completeness and clarity of content.
4. **Small Business Minority Enterprise (SBME).** It is the University’s desire (consistent with state and federal law), to optimize opportunities for business contracting with small, minority and disadvantaged business enterprises in the areas of commodities, construction, contractual services, and architectural and engineering services. Respondents are likewise encouraged to use the small, minority and disadvantaged business enterprises and to have a business diversity program in place. For more information on becoming a State of Florida Certified Minority Business (CMBE), to request certification or to locate CMBEs, please contact the Office of Supplier Diversity, Department of Management Services at (850) 487-0915.

### 5.2 Proposal- Required Contents

#### Tab 1: Acknowledgement

Respondents are required to submit a signature page that acknowledges the receipt, review, and understanding of all materials provided in this Competitive Solicitation, including information provided in appendices and addenda. With this signature page, it will be assumed that Respondents are fully aware of all information that may impact design, program, and financial assumptions. Failure to provide this signature page may result in non-compliance with the submission materials, thus impacting the University’s ability to review the Proposal

#### Tab 2: Design/Build Team Background and Information

Confirm that the Design/Build Team, key staff, and major discipline heads for the proposed team remain consistent with those identified in the RFQ response. Should there be any adjustments to those previously identified, highlight those changes and provide a brief overview on the new partner and/or state roles of the new key personnel.

#### Tab 3: Project Program/Concepts in accordance with the Design Criteria Package

Respondents must confirm that they have verified the program, and demonstrate an understanding of adjacent facilities, maintaining compliance with the Campus Master Plan. Additional program concepts include compliance with University Design Standards, approach to sustainable design compliance, and



architectural schemes/concepts to continue cutting edge design practices. Intended Program enhancements/variations to the floor plans provided in the Design Criteria Package, to leverage the design intent should also be provided. In addition, each respondent should familiarize themselves with all design/construction guides provided, including the University's Design Standards.

#### **Tab 4: Graphic Documents and Renderings**

Respondents must illustrate their design proposal for all aspects of the Project and the site development in a graphic manner. The minimum conceptual drawings required include:

1. A schematic site plan for the Project
2. Typical floor plans
3. Concept elevations
4. 3D renderings illustrating the key design features
5. Materials and finishes must be either noted or clearly rendered (wall sections preferred)

Respondents must clarify their design proposal with narratives as part of the Proposal. Narratives may also identify specifications offered by the Respondents that are beyond the design criteria package described herein. The minimum narratives required are:

1. A narrative describing broad architectural concepts for the site layout and building design. The narrative should also describe any details of the design that may not be readily apparent from the drawings, including comments on material and finish quality.
2. A narrative describing the approach to enhance/comply with the practices set forth in the design standards, Design Criteria Package, and adjacent facilities.
3. A narrative describing the structural methodology that the Respondent plans to employ.
4. A narrative describing the building systems, and controls (mechanical, electrical, and plumbing) that the Respondent would employ.

Drawings provided as part of the submission must be 11" by 17".

#### **Tab 5: Project Budget**

Respondents are required to provide a design and construction budget that reflects the program and design, and construction methods included in the Proposal. Budgets/Estimates should be provided in CSI Format, broken down by scope of work. The University must be able to analyze the project budget. Design considerations for potential cost savings, where applicable, should also be included and noted for consideration by the University.

#### **Tab 6: Implementation Schedule**

Respondents must provide their plan to advance the Project's requirements and add distinctive value to the University, indicating the steps that should be taken to ensure timely construction completion.

Specifically,

1. Provide a schedule for the design and construction, including owner feedback/reviews, of the Project. Please provide a narrative describing key schedule milestones and how to ensure a timely delivery of the Project.
2. If a force majeure event or other delay of the completion of the Project (beyond the delivery dates) occurs, please describe the potential solutions that would be pursued by the Respondent.

#### **Tab 7: Trade Secret Certification**

Responses should include the following items in Tab 7, if applicable:

Provide the **Affidavit of Trade Secret Certification** (Attachment B), completed and signed by an authorized representative as to applicable trade secrets contained in the Respondent's documents. Respondent must segregate and clearly mark all documents certified as a trade secret and include the documents in this tab of Respondent's Response.

1. **Segregate and separately label the document(s)** claimed as trade secrets. Documents labeled as trade secrets that are produced electronically should be produced on a separate jump drive and clearly labeled "Trade Secret" on the jump drive as well in the title/name of the electronic folder or file. Documents produced in hard copy should be separated and each clearly labeled "Trade Secret." Merely inserting the words "Confidential" and/or "Proprietary" to the front of or the footer of a document does not automatically entitle the document to be treated as a trade secret under Florida law and thus is insufficient to comply with this requirement.
2. **Provide the Affidavit of Trade Secret Certification** form (Attachment B) signed by a high-level officer of the Respondent to The University's Procurement Department, certifying the following for each separate claimed trade secret document:
  - a. Identify with specificity the document(s) for which trade secrets protection is claimed;
  - b. Provide a description of the document sufficient to determine the application of the trade secret exemption; and
  - c. Explain in detail the specific element(s) or provision(s) of Florida Statutes Section 688.002(4) or Section 812.081(c) that render the document at issue a trade secret exempted from public records under applicable Florida law.
3. Respondent's failure to fully comply with the above and/or submit a sworn affidavit with its Response is an affirmation that none of Respondent's documents are trade secrets.

### 5.3 Submission Instructions

Please read these instructions carefully. Failure to comply with all instructions is grounds for rejection of Respondent's Proposal without further evaluation. Respondents must submit their Proposal by following the instructions below.

1. Respondent must submit the following:
  - a. One **(1) printed original of the Proposal** clearly marked as the original and containing an authorized representative's signature, title, and date of signature.
  - b. Four **(4) hard copies** of the Response.
  - c. One **(1) electronic copy** of the Response, preferably on a jump drive. Do not provide the Response via email.



2. The items listed in 1. above must be delivered to and received by the University prior to **the Proposal Due Date** and time at the following address in a sealed container or envelope:

**FLORIDA POLYTECHNIC UNIVERSITY**  
**Procurement Department**  
**c/o Wellness Center Mail Room**  
**4700 Research Way**  
**Lakeland, Florida 33805-8531**

**Outer label MUST also include:**

**RFP23-012**

**Gary C Wendt Engineering Building**  
**[Attn:Andrea Cashell]**

3. Any information or required submittals that, due to size or binding cannot be incorporated into the proper tab, may be submitted separately but must be submitted at the same time as Respondent's Proposal is submitted. Instructions on where to find the separately submitted information should be provided in the relevant tab.
4. Presentations/Interviews: The University may choose to meet with each Design-Build Firm, formally. This meeting will be for sixty (60) minutes and be scheduled some time following submittal of the final Response. The purpose of this meeting is for the Design-Build Firm to guide the Review Committee through the Response, highlighting sections that the Design-Build Firm wishes to emphasize. The Department will terminate the Technical Proposal page-turn meeting promptly at the end of the allotted time. All meetings will be recorded, and all recordings will become part of the Contract Documents. The meeting will not constitute discussions or negotiations. The Design-Build Firm will not be permitted to ask questions of the Review Committee during the meeting.

## 6.0 Process

### 6.1 Authorized University Representative

The Authorized University Representative for this competitive solicitation is:

Andrea Cashell, Procurement Director

Email: [bids@floridapoly.edu](mailto:bids@floridapoly.edu)

Phone: 863-874-8428

### 6.2 Respondent Communications and Inquiries

Questions regarding this Competitive Solicitation must be submitted via email only to the Authorized University Representative and only at the email address stated in 3.1. above. Respondent's written questions should identify the relevant Section(s), Subsection(s), Paragraph(s) and Page Number(s) of the Competitive Solicitation for each question.

The University will consider only those communications and/or inquiries submitted via email and received by the Authorized University Representative on or before the Deadline for Written Questions specified in the Schedule. Unless the Authorized University Representative specifically requests Respondent to provide additional communications or documents, University will not accept or consider any of Respondent's written or other communications and/or inquiries (except Responses) received between the Deadline for Written Questions and the posting of an award, if any, under this Competitive Solicitation.

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

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

### 6.3 Restricted Respondent Communications

From the date of issuance of this Competitive Solicitation until the University takes final action, the Respondent must not communicate with any University employees or Evaluation/Negotiation Committee members regarding this Competitive Solicitation or Respondent's 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 Response.

### 6.4 Addenda

The Procurement Department will post any Addenda to this Competitive Solicitation on the Procurement 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 Response. All Respondents, including known interested private parties, are solely responsible for checking the Procurement Website periodically to verify whether any such Addenda and forms were issued.

## 6.5 Opening of Proposals

At 2:00 p.m. on the Proposal Due Date, the Procurement Department will open and review all timely submitted Proposals for the sole purpose of recording the names of the Respondents submitting Responses.

## 6.6 Responsive Determination

Each Proposal will be reviewed by the Procurement Department to determine whether it is responsive. A responsive response is one that:

- a. Follows the requirements of this Competitive Solicitation,
- b. Includes all required documentation and information,
- c. Was submitted in the format outlined in this Competitive Solicitation,
- d. Was received by the University on or before the Response Due Date and time, and
- e. Has the appropriate signatures, as required, on each document.

Respondent's failure to comply with these requirements may put Respondent's Proposal at risk of being rejected as "non-responsive".

## 6.7 University Rejection of Proposal

The University reserves the right and sole discretion to reject any Proposal at any time on grounds that include, but are not limited to:

1. Proposal is nonresponsive, incomplete, or irregular in any way; or
2. Proposal is not in University's best interest.

The University may waive informalities and minor irregularities in Proposals.

## 6.8 Withdrawal of Proposal from Further Consideration

Respondent may withdraw its Proposal by notifying the Authorized University Representative, in writing, of its withdrawal no later than seventy-two (72) hours after the Proposal Due Date. The submitted Proposal will not be returned to the Respondent; however, the Proposal will be withdrawn from further consideration in the competitive solicitation process.

## 6.9 Protests

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 must file a protest in compliance with the Florida Board of Governors' regulations.

Notices of actions, including an intent to award to a Respondent, will be posted on the Procurement Website and will remain posted for a period of at least seventy-two (72) hours. Failure to timely file a protest or failure to timely deliver the required bond or other security in accordance with the Board of Governors Regulations 18.002 and 18.003 shall constitute a waiver of protest proceedings.

## 7.0 Selection Process

### 7.1 Evaluation Criteria

Proposals will be evaluated based on the following criteria and points:

Criteria	Maximum Points Available
Design	35
Construction Methods	20
Schedule	15
Budget	30
<b>Total Points Available:</b>	<b>100</b>

### 7.2 Selection Process

The President will appoint a Selection Committee to make recommendations and serve throughout the selection process. The Selection Committee will consist of at least three members in compliance with Board of Governors regulation 14.0055. The Project Design Criteria Consultant may attend the selection meetings in an advisory capacity, at the Selection Committee's discretion.

The Selection Committee will review all Proposals and rate each Proposal based on the point scale provided above. The Selection Committee will conduct interviews with Respondents. The Selection Committee may request additional information from Respondents. Proposals will be reviewed by the Design Criteria Consultant, who will provide the Selection Committee with an evaluation of code, structure, engineered systems, life-cycle cost implications, and compliance with design criteria.

The University reserves the right to award a Contract without negotiations with the highest scoring Respondent; therefore, Respondent's Proposal should contain the Respondent's best terms from a cost or price and technical standpoint.

All provisions of this Competitive Solicitation and the Successful Respondent's Final Response provide the specifications for, and obligations of both parties to be executed by the duly authorized representative(s). The following constitute the Contract:

- a. The Competitive Solicitation document, including RFQ 23-005 and related documents, along with any addenda issued pursuant thereto,
- b. The Respondent's Final Response, and
- c. Terms in the University Sample Agreement to include all clarifications and negotiated modifications to the Competitive Solicitation, Sample Agreement, addenda, and Respondent's Final Response.



## 8.0 Terms and Conditions - Competitive Solicitation Process

The following terms and conditions apply to all Respondents. By participating in this competitive solicitation process, Respondent agrees to be bound by the following terms and conditions:

- 1. Actions of Respondent.** The University is not bound by the actions of any Respondent with respect to third parties. Respondent will not provide any services or take any action, even if such is as a result of any discussions with any the University employee, prior to a contract being signed by both parties. If Respondent provides services or takes any action prior to a contract being signed by both parties, the Respondent does so at Respondent's sole risk and expense.
- 2. Collusion Prohibited.** Respondent's collusion with other Respondents, other Respondents' employees, or any employee of the University is prohibited and may result in rescission or cancellation of solicitation (or contract) without liability to the University.
- 3. Conflict of Interest.** The award of this Competitive Solicitation is subject to the provisions of Chapter 112, Florida Statutes, and any other laws, regulations and/or policies concerning conflicts of interest in dealing with entities of the State of Florida (collectively, "Conflicts of Interest Rules").
  - a. Solely by way of example, Respondent must disclose in its Response the name of any officer, director, or agent of the Respondent who is also an employee or public officer of the University. Further, Respondent must disclose in its Response the name of any University employee or public officer (or his or her spouse or child) who owns, directly or indirectly, an interest of five percent (5%) or more of the Respondent's company or any of its affiliates or branches.
  - b. In addition, in accordance with Section 112.3185, Florida Statutes, by submitting a Response, the Respondent certifies that no individual employed by the Respondent or subcontracted by the Respondent has an immediate relationship to any University employee or public officer who was or is directly or indirectly involved in any way in the drafting, evaluating, or awarding of this Competitive Solicitation.
  - c. Failure to disclose the required information or violation of the Conflicts of Interest Rules is grounds for the University's rejection of Respondent's Response, cancellation of an intent to award to Respondent, and/or cancellation of any contract with the Respondent.
- 4. Covenant against Commissions, or Brokerage and Contingent Fees.** The Respondent warrants that the Respondent has not employed or retained any person or entity, other than a bona fide employee working solely for the Respondent, to solicit or secure any award, agreement, or any other advantage related to this Competitive Solicitation.
- 5. Disposition of Responses.** Upon submission, all Responses become the property of the University, and the University has the right to use all ideas, and/or adaptations of those ideas, contained in any response received in response to this Competitive Solicitation. The University's selection or rejection of a Response does not affect this provision.
- 6. Public Records Laws; Trade Secret Certification.** The University is subject to Chapter 119 of Florida Statutes, commonly known as the Florida Public Records Law. This Competitive Solicitation is a public record. Any documents Respondent submits to The University in response to this Competitive Solicitation become public records, which will similarly be subject to the Florida Public Records Law. As required by law, The University will respond to public records requests without



providing notice to Respondents whose documents have been requested.

- a. Should Respondent seek to assert trade secret protection for any document the Respondent submits in response to this competitive solicitation, under Sections 119.0715, 688.002(4), 812.081(1)(c), 815.04(3), and/or 815.045, Florida Statutes, Respondent must comply with the instructions for **Tab 7** for each document that trade secret protection is claimed.
- b. If a Respondent properly complies and submits a sworn affidavit with its Solicitation Response and the University later receives a public record request for a document or information that is marked and certified with an affidavit to be a trade secret, the University will provide the requestor a copy of the Respondent's sworn affidavit. Any challenge to the affidavit and the application of the trade secret exemption will be rebutted, if at all, only by the Respondent; the University's only obligation will be to provide Respondent notice that such a challenge has been received. The University's notice to Respondent will serve as formal notice to the Respondent that the Respondent has thirty (30) calendar days following receipt of such notice to file an action with a court of competent jurisdiction seeking an order barring public disclosure of the document(s). If Respondent files such an action within thirty (30) calendar days after receipt of the notice of a challenge to its trade secret certification and informs the University Director of Procurement of such, the University will not release the documents at issue pending the outcome of the legal action. Respondent's failure to file an action within the thirty (30) calendar day period and inform the University of such constitutes a waiver of any claim of confidentiality, and the University will release the requested documents.
- c. Any parts of a Response, and any other material(s) submitted to the University with the Response, that are copyrighted or expressly marked as "confidential," "proprietary," "trade secret," or similar marking, (proprietary designation) will be exempt from the public records disclosure requirements of chapter 119, Florida Statutes, only to the extent expressly authorized by Florida law. Respondent's mere use of a propriety designation, while necessary, does not ensure that such materials will be exempt from disclosure. In the absence of a specific Florida statute exempting the material from the public records law, the University is legally obligated to produce all public records produced or received in the course of conducting university business, irrespective of any proprietary designation by the Respondent. The University, or potentially a court, will make the ultimate determination of whether a Respondent's claim of a proprietary designation will support an exemption from disclosure.
- d. If the instructions listed above conflict with Florida law, Florida law controls.

**7. Public Entity Crimes.** In accordance with Section 287.133(2)(a), Florida Statutes, a person or entity who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a Response; may not perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, including the University; and may not transact business with the University in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date being placed on the convicted vendor list. By filing a Response, Respondent certifies that Respondent is not on the convicted vendor list maintained by the Florida Department of Management Services, and Respondent also certifies that any subcontractor listed in Respondent's solicitation response is not on the convicted vendor list.

**8. Prohibitions.** Unless expressly and specifically authorized in writing by the University in advance, Respondent is prohibited from engaging in any of the following:

- a. Incurring any debt or obligation on behalf of the University;
- b. Entering into any contract, arrangement, or transaction that binds the University to any extent or





creates any obligation on the University; and/or

c. Utilizing the University's name, credit, reputation, good-will, resources, and/or assets for any purpose without the prior and explicit written approval of the University.

- 9. Respondent's Costs.** The University is not liable for any costs incurred by Respondent in responding to this Competitive Solicitation including, without limitation, costs for any presentations requested by the University.

**Attachment A-Competitive Solicitation Certification Form (Affidavit)**

**Florida Polytechnic University**

**Competitive Solicitation RFP 23-012 Gary C Wendt Engineering Building**

**Response Due Date: 11/18/2022 2:00 PM**

**Publish Date: October 14, 2022**

**1. Respondent Information:**

Name of Respondent;

\_\_\_\_\_

Authorized Individual's Name:

\_\_\_\_\_

EIN/FEIN/FIN: \_\_\_\_\_

Title:

Phone Number \_\_\_\_\_

\_\_\_\_\_

Email Address: \_\_\_\_\_

**2. Government Classifications.** Check all that apply to Respondent:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> African American  | <input type="checkbox"/> American Woman         | <input type="checkbox"/> Asian-Hawaiian          |
| <input type="checkbox"/> Government Agency | <input type="checkbox"/> Hispanic               | <input type="checkbox"/> MBE Federal             |
| <input type="checkbox"/> Native American   | <input type="checkbox"/> Non-Minority           | <input type="checkbox"/> Non-Profit Organization |
| <input type="checkbox"/> PRIDE             | <input type="checkbox"/> Small Business Federal | <input type="checkbox"/> Small Business State    |

**3. Required Disclosure- Employment.** List below the names of Respondent or Respondent's employees having an employment relationship with the University and describe the nature of the relationship, If none, indicate such by writing "Not Applicable" or "N/A" below. (Attach an additional page if necessary.)

Name:  
Name:  

**4. Required Disclosure- Ownership.** List below the names of any University officer or employee owning an interest of 5% or more of Respondent's firm or its affiliates or branches and describe the nature of the ownership interest. If none, indicate such by writing "Not Applicable" or "N/A" below. (Attach an additional page if necessary.)

Name: Ownership Interest:
Name: Ownership Interest:

**5. Required Disclosure- Bankruptcy/Insolvency/Delinquency Judgement.** If Respondent has declared bankruptcy, otherwise been declared insolvent, has had a delinquency judgement issued against it in any court of competent jurisdiction, has been placed in receivership, or is involved in any litigation that could significantly impact Respondent's financial operating results or financial position, provide the information below. If none, indicate such by writing "Not Applicable" or "N/A" below. (Attach additional pages, if necessary.)

Date:	Court jurisdiction:
Trustee/ Receiver Name:	Phone Number:
Amount of Liabilities:	
Amount of Assets:	
Current Status:	

**6. Required Disclosure- Damages/Penalties/Liens/Judgments/Defaults/Cancellations/Termination.** If Respondent has had any agreements/contracts 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, provide a description below. If none, indicate such by writing "Not Applicable" or "N/A" below. (Attach additional pages, if necessary.)

**SIGNATURE REQUIRED** – I hereby swear under the penalty for false swearing:

1. That I am the Respondent (if the Respondent is an individual), a partner (if the Respondent is a partnership), or an Officer or employee of the Respondent with authority to sign on its behalf (if the Respondent is a corporation).
2. That the information provided in this document is accurate and complete.
3. That the Respondent is legally entitled to enter into contracts with the Florida Polytechnic University Board of Trustees.
4. That Respondent is aware of and has complied with the requirements of the Conflicts of Interests Rules, including any requirement to file appropriate disclosures with the State of Florida Commission of Ethics prior to submission of this Response.
5. That Respondent's Response remains valid for six (6) months after the Response Due Date.

Click here to enter respondents name.  
Respondent's Name

By: \_\_\_\_\_  
Signature

Name:

Title:

Date:

NO RESPONSE – If not responding to this solicitation, please advise reason and return via email to bids@floridapoly.edu with reason for NO RESPONSE.

## Attachment B -TRADE SECRET AFFIDAVIT

**STATE OF** \_\_\_\_\_

**COUNTY OF** Click or tap here to enter text.

I, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury that the following facts are true:

1. I am over the age of eighteen and am a resident of the State of Click or tap here to enter text.. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.
2. I am the \_\_\_\_\_ of \_\_\_\_\_. (name of corporate entity), a(n) \_\_\_\_\_ (state) \_\_\_\_\_ (type of corporate entity), whose principal address is \_\_\_\_\_ (enter address, city, state, and zip code).
3. [I consider/My company considers] the information contained in the document(s) entitled RFP 23-012 Gary C Wendt Engineering Building (*Identify with specificity the documents for which trade secrets protection is claimed*) and inserted in Tab 7 of the Competitive Solicitation ("Tab 7") a trade secret under applicable law for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4. Respondent has taken measures to prevent the disclosure of the information contained in Tab 7 to anyone other than those who have been selected to have access for limited purposes, and [I intend/my company intends] to continue to take such measures.
5. Respondent believes the information contained in Tab 7 to have value and provides an advantage or an opportunity to obtain an advantage over those who do not know or use it.
6. All of the information in Tab 7 is not and has not been reasonably obtainable, without Respondent's consent, by other persons by use of legitimate means.
7. All of information in Tab 7 is not publicly available elsewhere.
8. I am the person for Florida Polytechnic University to contact in the event a challenge to any information contained in this Affidavit is received.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in \_\_\_\_\_ County,  
\_\_\_\_\_ (State).

Affiant- Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiant Signature: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ (date) by

\_\_\_\_\_ (Affiant).

\_\_\_\_\_  
NOTARY PUBLIC

Personally Known

Produced identification (Type of ID)