



**Administered by University of Maine System (UMS)
Office of Strategic Procurement
Request for Qualifications (RFQ)**

**University of Southern Maine (USM)
Public-Private Partnership for
Portland Campus Student Housing and Student
Center
RFQ #2019-075**

Issue Date: June 12, 2019

Response Deadline Date/Time: June 26, 2019 by 11:59PM EST

Response Submission Information:

Submitted electronically to UMSresponses@maine.edu

Email Subject Line: USM Student Housing and Student Center P3 Development -
RFQ#2019-075

Response Contact Information:

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1.0 Introduction and General Information

1.1 Introduction and Overview of RFQ

The University of Maine System (“UMS” or the “System”) is exploring various options for the financing and operation of a new student housing and a new student center (the “Project”), including traditional self-funding and operating as well as a public-private partnership (“P3”). To this end, the University of Southern Maine (“USM” or the “Owner”) is soliciting qualifications from experienced developers who are qualified to enter into a P3 project with USM. The Project will be located on USM-owned property on USM’s Portland campus. The Project will be implemented and operated in a manner consistent with the objectives of USM, which are described within this document.

USM requests that interested proposers (“Developers” or “Respondents”) submit a Statement of Qualifications that demonstrates their experience, capabilities, and approach to partnering with a university known for its high-quality and engaging academic environment. The statement of qualifications must be submitted in accordance with the terms and conditions of this RFQ and any addenda issued hereto. Following the submission of qualifications, USM will select a shortlist of Developers. If USM decides to move forward with a P3 approach, these Developers will be invited to respond to a comprehensive Request for Proposals (“RFP”) for the Project.

1.2 Background

Established in 1968, the University of Maine System is Maine’s largest educational enterprise. UMS unites seven distinctive public universities, comprising 10 campuses and numerous centers, with the common purpose of providing quality higher education while delivering on its traditional tripartite mission of teaching, research, and public service. The System consists of the following seven universities: University of Maine (UM); University of Maine at Machias (UMM); University of Maine at Augusta (UMA); University of Maine at Presque Isle (UMPI); University of Maine at Farmington (UMF); University of Southern Maine (USM); and University of Maine at Fort Kent (UMFK). Additional details about UMS can be found at the following [link](http://www.maine.edu/about-the-system/) (<http://www.maine.edu/about-the-system/>).

The University of Southern Maine comprises three campus locations in central and southern Maine, a region that is viewed nationally as among the most livable and desirable in the country. The three campuses, located in Portland, Gorham, and Lewiston-Auburn, have different physical features and dynamics, and each offers a variety of educational, cultural, and recreational opportunities to USM students. USM completed a Facilities Master Plan in January 2019, which was approved by the Board of Trustees for the University of Maine System. In the Master Plan, USM identified a need for a new residence hall on its Portland campus and discussed the desire to consider the Project as the first P3 building on campus. This project will be the first student housing facility on Portland campus. Additional details about the Master Plan can be found at the following [link](https://usm.maine.edu/president/master-plan) (<https://usm.maine.edu/president/master-plan>).

1.3 Student Enrollment and Existing Housing Conditions

In fall 2018, USM enrolled 8,140ⁱ students across its three campuses. The growing student body is the most diverse in the state of Maine and one of the most diverse in New England. USM’s student enrollment has grown since 2015, and USM aims to grow to a total of 10,000 students in the near future.

Please find further details below regarding USM’s fall 2018 student enrollment:

ⁱ Online students are not included in this figure.

Table 1: USM's Population by Classification

Classification	Fall 2018 Enrollment
First-year undergraduate students	2,206
Second-year undergraduate students	1,079
Third-year undergraduate students	1,234
Fourth-year undergraduate students	1,871
Graduate and law students	1,750
Total	8,140

USM's 10 residence halls on its Gorham campus primarily accommodate undergraduate students. In fall 2018, 21% of USM's undergraduate students resided in residence halls on the Gorham campus. Almost all graduate and law students are accommodated in the off-campus market, with many living in the Portland area.

The design capacity of the Gorham campus housing portfolio is 1,180 beds as of fall 2018. The housing portfolio is typically occupied beyond its design capacity, with fall 2018 occupancy at 112% of capacity.

USM would like to increase its capacity to house students and provide a residential experience for multiple class years. USM currently does not offer student housing on its Portland campus. There are limited student-friendly off-campus housing options in close proximity to the campus. The multi-family housing market is primarily focused on accommodating the residential needs of the general (non-student) population. In addition, Portland's housing market has grown and continues to grow, as evidenced by the number of units currently under construction and rising rental rates. Without appropriate and affordable housing for upper-division undergraduate and graduate students on or near the Portland campus, many USM students live within or in proximity to the greater Portland area. USM views the provision of dedicated housing on campus as an important mission-driven goal.

USM also intends to develop a new student center on its Portland campus to support USM's goals and objectives with respect to advancing student development, providing needed space for student activities, and strengthening of the USM community of residential and commuter students.

2.0 Project Description

2.1 Future of Portland Campus

USM's Portland campus is located within a mile of the heart of downtown Portland, providing excellent access to social, cultural and internship opportunities for its students. The Portland campus is approximately 10 miles away from the Gorham campus. The Portland campus also has convenient access and visibility from Interstate 295, with Forest Avenue serving as the primary access point. This Project represents an important opportunity for USM to form a new campus gateway at the corner of Forest Avenue and Bedford Street, which would signal the value that USM places on its students and its new residential community.

2.2 Student Housing and Student Center Strategic Project Outcomes

USM has several strategic objectives and guiding principles for the planning, design and development of the new residential and student life community. USM will shortlist Developer teams it deems most qualified to help achieve these goals. Specifically, USM's priorities are as follows:

- To provide a safe, high quality and affordable student life environment that supports the overall well-being of its diverse student community
- To create a residential community for upper-division (third- and fourth-year) undergraduate, graduate and law students that is highly proximate to academic resources and support
- To construct a housing development that maintains affordability for students while assuring the financial sustainability of USM
- To design an iconic community that serves as a campus gateway, that is inviting to off-campus visitors while maintaining a safe and secure campus
- To create a development that serves as a catalyst for community development and connection between USM and Portland and elevates the presence of USM in the community
- To create a vibrant, connected student center environment to service both on-campus and off-campus student populations and sharing facilities infrastructure with the residence hall
- To demonstrate fiscal and environmental responsibility by striving for the sustainability goals outlined in USM's Master Plan

2.3 Project Opportunity

The student housing and student center facilities will be co-located on the site depicted in the USM Facilities Master Plan. For all components of the partnership, the Owner reserves the right to adjust the scope of the Project at its discretion. This position will continue as the selection process advances and the scope will be clarified in the RFP that will be sent to shortlisted teams.

Student Housing

USM is in the process of completing a student housing market analysis with Brailsford & Dunlavey, Inc. The ongoing analysis has confirmed demand for approximately 500 to 550 beds of on-campus housing at the Portland campus to accommodate graduate and law students as well as third- and fourth-year undergraduate students. Based on the analysis, the market-driven demand for unit types is approximately 40% suite-style bedrooms and 60% apartment-style bedrooms. Affordability is a critical driver for USM students. Therefore, the project solutions must balance USM students' interest in independent lifestyle features (private bathrooms, private bedroom, etc.) with affordable occupancy costs.

For all new construction pursued as part of this partnership, all buildings will be built on a USM-owned site on the Portland campus in conformance with the Master Plan. To achieve the envisioned program solutions, USM will be seeking Developer input regarding phasing, timing and unit type for the Project.

Student Center

Additionally, to achieve USM's Facilities Master Plan objectives, USM will be including the construction of a new student center which might be at least partially funded by state bond funds and other USM Funds. The program for the student center is anticipated to comprise approximately 40,000 – 50,000 gross square feet and may include:

- Dining Services
- Career Center / Career & Employment Hub
- Student Affairs Offices
- Bookstore / School Store
- Student Lounge Spaces
- Large Multipurpose Room
- Additional Program Components

2.4 Financing and Operations

The Owner will collaborate with the shortlisted Developers to explore a range of approaches to the project delivery, operations and maintenance plans. The plans will concurrently achieve the most advantageous design, build, financing, operations and maintenance outcomes for the Owner, consistent with public institution accounting standards set out by the Governmental Accounting Standards Board.

Examples of alternative strategies may include full Project financing by the Developer, full funding by the Owner and parts of the Project financed by the Developer with other parts of the Project funded by the Owner. In addition, as possible, shared operating responsibilities may be considered between current Owner service providers (i.e., utilities, landscaping, cable, etc.) and the operations for this Project, if efficiencies or cost savings are achievable.

3.0 RFQ Overview and Questions

3.1 Overview of the RFQ Process

Through this RFQ process, USM is seeking to identify Developers with the necessary qualifications and experience to assure the successful implementation of this Owner-sponsored Project. Two (2) or more entities may collaborate in submitting a response to this RFQ; however, a single Developer entity must be designated to contract with the Owner and must be responsible for performance under any future pre-development or development agreement. Participation in this RFQ is a prerequisite to participate in the RFP process and subsequent steps of the selection process.

An Evaluation Committee (“Committee”) designated by the Owner will conduct an evaluation of all materials submitted by Developers. The Owner intends to shortlist Developers it deems most qualified to receive the RFP. USM will evaluate the Statement of Qualifications according to the information submitted in this RFQ, but reserves the right to conduct independent research in order to confirm its evaluation.

Upon receipt, Statements of Qualifications will be reviewed for completeness in accordance with the submission requirements and assessed in the areas of technical and financial capability, relevant project experience and references, with respect to the standards set forth in this RFQ. The Owner reserves the right to disqualify any response to the RFQ that does not completely fulfill these requirements. The Owner reserves the right to accept or reject any or all submissions.

3.2 Timeline of Key Events

Event Name	Event Due Date
Respondents' Pre-Bid Conference Call	06/17/2019
Deadline for Written Inquiries/Questions	06/19/2019
Response to Written Inquiries/Questions	06/21/2019
Deadline for Statement of Qualifications Submission	06/26/2019
RFP Qualifications Announcement (subject to change)	Week of 07/1/2019

3.3 RFQ Submittal Questions

The Owner will entertain questions in connection with this RFQ from interested Developers. All questions regarding the RFQ are due from Developers by 5:00pm EST on June 19, 2019. Questions should be submitted via e-mail to Rudy Gabrielson at UMSresponses@Maine.edu. Developers are prohibited from contacting any undesignated USM officials or advisors of the Owner. Developers are advised that unauthorized contact with USM officials, related parties or advisors of the Owner may result in disqualification of the Developer from this RFQ process.

4.0 Submittal Requirements

The following constitutes the submittal requirements and evaluation criteria for the Owner to evaluate RFQ responses. The RFQ response must follow the order provided below to facilitate review of the responses. In addition, the RFQ response must provide tabs correlating to each of the following criteria numbers below. Total response should be limited to 40 pages of text and graphics (twenty pages front and back) beginning at Tab 1. Tabs that include text, photographs, and/or graphics will be counted as pages. Tabs showing only the tab title and number will not be counted as pages. All pages should be numbered.

Please note that the submittal requirements and evaluation criteria listed in this RFQ apply to the entire responding Developer Team. Information pertaining to potential team members should be submitted as part of the Developer's RFQ response.

Submittals must respond to each criterion in the following order:

- Cover Page
 - Insert Appendix A – UMS Response Cover Page
- Cover Letter
- Table of Contents
- Tab 1: Developer Team Comprehensiveness
- Tab 2: Quality of Approach / Technical Capability
- Tab 3: Financial Capability and Experience
- Tab 4: Relevant Experience and References

A description of Tabs 1, 2, 3, and 4 is included below in further detail.

4.1 Description of Tabs

i. Developer Team Comprehensiveness

1. Description of Developer: Provide a description of the Developer and the anticipated legal relationship (governance and capital structure) for the proposing Developer. Include in the description of Developer the year founded, description and approximate value of real estate developed and currently under control, number of employees by function, and an organizational chart. All equity investors should be identified. List information on any lawsuits, legal claims or litigation in which the Developer or any of its team members have been named.
2. Role of Developer's Key Personnel: Briefly outline the roles of the key personnel for the Developer. Provide resumes of key personnel, including length of time in current position with the company. For all key personnel, list information on any law suits, legal claims or litigation in which they have been named individually or that resulted from a project in which they served on the development team or played a management role in the project oversight.
3. Contact Person: Provide a single point of contact for all future communication with the Owner. Disclose the contact person's name, title, organization, address, telephone number and e-mail address.
4. Controlling Interest: Identify the individuals or companies who hold a major or controlling interest in each of the participating Developers.

5. Description of Project Team: Provide a description of the Developer's chosen project team, including, but not limited to, an architect, engineers, specialty consultants and general contractor or construction manager that the Developer proposes to use for the Project's design and construction. The description should include an explanation of the team selected, a brief overview of each firm, the firm's relevant experience and the roles of each of the firm's key personnel and their resumes. Include an organizational chart showing the relationships between key personnel and highlighting who would be the primary contacts with the University.

ii. Quality of Approach / Technical Capability

Specifically, the Developer should demonstrate proficiency / experience in the following areas (through project examples) and provide a short description (1-2 paragraphs, not to exceed 300 words for each section) of how this proficiency / experience applies to the Project:

1. Development Implementation: Proposed team has worked successfully with universities to meet design and construction requirements and is able to work with universities to complete projects on schedule and on budget.
2. Urban Development: Proposed team has had experience in designing and implementing successful student housing and student center projects in an urban setting while maintaining affordability for their primary users (students).
3. Student Housing and Student Center Design: Proposed design and construction team has had experience in designing and implementing both student housing and student center projects in the past.
4. Sustainability: Proposed team has had experience in designing to PassivHaus or comparable standards, as well as LEED standards, and has achieved innovative, cost-effective outcomes for sustainability targets. Refer to Article 5.0 of the UMS Design Criteria [here](http://staticweb.maine.edu/wp-content/uploads/2018/11/AppA-UMSDesignCriteriaRevisedNov-2018.pdf?0d0f03) (<http://staticweb.maine.edu/wp-content/uploads/2018/11/AppA-UMSDesignCriteriaRevisedNov-2018.pdf?0d0f03>).
5. Student Housing Operations, Facility Maintenance, Custodial, and Asset Management Experience: Proposed team must be able to show experience in maintaining student housing assets of similar scale, quality, and scope. The Owner desires to enter into an agreement with an operator to provide facility maintenance, asset management, and custodial services. The Developer will undertake all maintenance responsibilities, either directly or by contracting with a third-party. All preventive and major maintenance responsibilities will be performed at a level consistent with USM standards.

USM will partner with the Developer under a shared services arrangement to provide administrative functions, such as billings, assignments, IT support desk management, revenue collection, etc.

Submittals must include evidence demonstrating the Developer's ability to maintain a project of this nature and scope within the allotted page limit. The Developer should demonstrate that it possesses:

- Substantial experience maintaining similarly-scaled student housing facilities;
- Advanced knowledge of campus facilities maintenance, repair, construction, and practical application of equipment and materials; and,
- Demonstrated understanding of facility aging behavior to assess and determine the applicability of remedial maintenance action and lifecycle management.

6. General Contract Conditions: Ability and experience complying with typical public higher education entity terms and conditions. UMS executes design and construction projects utilizing standard general contract documents and conditions. These documents can be found here: [Design agreement](#); [General Conditions for Construction](#). Depending on the final delivery method of this project, specific conditions may apply, including, but not limited to, the following:
- State prevailing wage rates (Section 3.4.4 of the [General Conditions for Construction](#));
 - Designer and Contractor Insurance requirements (Article 11 of the [General Conditions for Construction](#) and Article 1 of the [Design agreement](#));
 - Equal Employment opportunity (Section 3.4.6 of the [General Conditions for Construction](#)); and,
 - Ownership and Use of Drawings, Specifications and Other Instruments of Service (Section 3.3 of the [Design agreement](#)).

iii. Financial Capability and Experience

Developers must provide specific evidence that they have the appropriate financial resources and experience to complete all aspects of the Project or demonstrate their capability to raise financing for a project of this nature and scope. This evidence should include copies of audited financial statements for the past three (3) years together with any other relevant financial information. If audited financial statements cannot be provided, Developers should provide sufficient financial information to demonstrate that they have the financial resources to successfully execute a project of this nature and scope. Except as required by applicable law, materials marked as proprietary or confidential will be considered as such.

Information that must be provided, in addition to any audited financial statements, include:

- Available financial resources;
- Capability of raising capital (public placement debt, private-placement debt, equity, other) in the capital market;
- The number and size of past relevant transactions; and,
- Specific experiences on past relevant transactions.

The audited financial information should be appended to the Statement of Qualifications and will not count against the forty (40) page restriction. Please reference Attachment A (General RFQ Terms and Conditions) for information related to the confidentiality of responses.

The Student Center component of the project will be at least partially USM-funded and may include state bond funds. Please provide evidence of experience working on projects with outside funding sources including state bond funding.

iv. Relevant Experience & References

Provide a list, in order of relevance to the Project, of at least four (4) recent comparable projects in which the proposing Developers have participated, preferably projects that were developed within the past ten (10) years. Developers are requested to include projects that have relevance to the Project opportunity described in this RFQ. Each included project should list the teaming structure and identify if the proposed team (in response to this RFQ) have collaborated previously.

For each of the four (4) required comparable recent projects, a general project description must be provided along with the following specific information submitted in the order and format prescribed:

- Title of project;
- Owner of project with a representative's name, phone number and e-mail address;
- Location of project;
- Use(s) of facilities (types of spaces included in facilities);
- Square footage of facilities in total and by types of space (i.e. housing, dining, recreational, etc.);
- Total project cost of facilities constructed on the site;
- Construction costs on a per square foot basis and a "per bed" basis for the facilities;
- Architect for the project;
- General contractor for the project;
- Construction timeline and opening date – how delivery schedule aligns with implementation schedule;
- Sustainability achievements (PassivHaus, etc.);
- Photographs of the completed project or if the project has not been constructed, architectural renderings of the project;
- Structure of contract with the owner (i.e. design, build, finance, operate, maintain); specify Developer's operation and maintenance obligations;
- For any developments that involve revenue sharing or profit splitting with the owner(s), a summary of the structure of the general financial arrangements with owner;
- A brief summary of the financial structure used for each project (i.e. 501(c)(3), equity, concessionaire, or others); and,
- Any arbitration, mediation, or litigation that has arisen from each development contract and the current stage of resolution of any of those items. For those items that have been concluded or resolved, the outcome of the arbitration, mediation, or litigation that was conducted.

Please include a reference name, title, address, telephone number, and e-mail address of a primary contact at the relevant university/institution with detailed knowledge of the projects.

4.2 Submittal Instructions

A **SIGNED** virus-free electronic copy must be submitted as follows:

- The response must be received electronically to the E-Mail shown in the **Response Submission Information** section of the cover page of this document.
- Electronic submission must be received by the required **Response Deadline Date/Time** reflected on the cover page of this document.
- Response submissions that exceed 20 MB will be submitted with multiple emails modifying email subject line shown in the **Response Submission Information** section of the cover page of this document to include: Submission 1 of X ('X' representing the number of files being submitted).

5.0 Method of Review and Statement of Qualifications Evaluation

During the evaluation period—from the date submittals are opened through the date the shortlisted Developers are notified—each Developer submitting a Statement of Qualifications (including its representatives and/or sub-contractors) is prohibited from having any non-solicited communications with any person inside USM or any affiliates of USM (i.e., UMS Board of Trustees) if the communication refers to the content of Developer's qualifications, and/or the transmittal of any other communication of information that could be reasonably considered to have the effect of directly or indirectly influencing the evaluation of Statements of Qualifications. Developers not in compliance with this provision may be subject to disqualification, unless it is determined, in the Owner's discretion, that the communication was harmless, that it was made without intent to influence, and that the best interest of the Owner would not be served by the disqualification. A Developer's submittal may be disqualified if any of its identified teammates engage in any of the foregoing

communications during the time that the evaluation period is active (i.e., the issuance date of the procurement to the date the prequalified Developers are notified). Only those discussions, communications or transmittals of information authorized or initiated by USM for this RFQ or general inquiries directed to the Purchasing and Strategic Sourcing official regarding requirements of the RFQ (prior to Statement of Qualifications submission) or the status of the prequalification notifications (after submission) are excepted from this provision.

5.1 Evaluation Criteria: Scoring Weights

The evaluation score will be based on a 100 point scale and will measure the degree to which each response meets the following criteria:

Section	Category	Points
4.1.i	Developer Team Comprehensiveness	15
4.1.ii	Quality of Approach / Technical Capability	35
4.1.iii	Financial Capability and Experience	10
4.1.iv	Relevant Experience and References	35
N/A	Overall Quality of Submission	5
Total Points		100

6.0 Award Protest

Respondents may appeal the selection decision by submitting a written protest to the University of Maine System's Chief Facilities Management and General Services Officer via eMail at USMresponses@Maine.edu within five (5) business days of the date of the notice. Copies of the protest will be provided to the successful Respondents. The protest must contain a statement of the basis for the challenge. Further information regarding the appeal process can be found at:

http://staticweb.maine.edu/wp-content/uploads/2015/07/APL_VII-A_20150630-FINAL.pdf?565a1d

The appeal procedures mentioned above are available for the selection for participation in the RFP phase but not during subsequent competitive procedures involving only the pre-qualified participants

7.0 Disclaimer

Any representations or statements made within this RFQ shall not be considered a contractual obligation by the Owner and the Developers shall not be entitled to rely upon them. The Owner reserves the right to reject any and all submittals and to identify and select the Developer which the University, in its sole and absolute discretion, deems most qualified.

The Developer shall be solely and totally responsible for all costs associated with responding to this RFQ, and the University accepts no responsibility with regard thereto. Submissions will become the property of the Owner.

The Owner reserves all rights in administering this RFQ, including, without limitation, to:

- Reject any or all submittals at any time;
- Terminate evaluation of any or all submittals at any time;
- Suspend, discontinue and/or terminate negotiations with any Developers at any time prior to the actual authorized execution of Developer Agreement;
- Negotiate with a Developer without being bound by any provision in its submittal;

- Accept and review a nonconforming submittal;
- Request or obtain clarifications, revisions or additional information from any source;
- Issue addenda to and/or cancel this RFQ;
- Issue a new request for qualifications;
- Decline to financially participate in a proposed project;
- Extend any deadline or time and waive or permit the correction of minor deficiencies or irregularities in a submittal and minor or technical violations of this RFQ;
- Change the scope and the range of services from what is defined in this RFQ at any time; and,
- Select any possible P3 structure.

This RFQ does not commit the Owner to enter into a contract. In no event shall the Owner be bound by, or liable for, any obligations with respect to a project until such time (if at all) as a Developer Agreement, in form and substance satisfactory to the Owner, has been executed and properly authorized, and then only to the extent set forth therein.

Under no circumstances shall the Owner be liable for, or reimburse, the costs incurred by Respondents, whether or not selected for negotiations, in developing submittals or in negotiating agreements.

Each responding Developer, by submitting qualifications, thereby accepts all risk of adverse public notice, damages, financial loss, criticism or embarrassment that may result from any disclosure or publication of any material or information required or requested by any of the Owner in connection with the submission of qualifications. In submitting qualifications, the Respondent expressly waives, on behalf of itself, its partners, joint venture members, officers, employees and agents, any claim against any the Owner and their respective officers and employees, for any damages that may arise therefrom.

Any and all information the Owner makes available to Developers shall be as a convenience to the Developer and without representation or warranty of any kind.

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Attachments to this RFQ begin on the next page.

ATTACHMENT A: General RFQ Terms and Conditions

1. Revisions to the Request for Qualifications. In the event that it becomes necessary to revise any part of this RFQ prior to the assigned response deadline, revisions will be provided by Strategic Procurement to all Developers involved in this Project. UMS shall be the sole determinant of whether any revisions/addenda should be issued as a result of any question or other circumstances, and will extend the Statement of Qualifications deadline if, in UMS's sole judgment, such information significantly amends this solicitation or makes compliance with the original deadline impractical.
2. Ownership of Materials. Ownership of all data, materials and documentation originated and prepared for USM pursuant to this RFQ shall belong exclusively to UMS.
3. Errors in RFQ Responses. UMS will not be liable for any errors in Developer Statements of Qualifications. Except during negotiations initiated by UMS, modifications to Statements of Qualifications will not be accepted after the deadline.
4. Withdrawing RFQ Responses. Developers may withdraw a Statement of Qualifications at any time prior to the deadline by submitting a written request to UMS from an authorized representative of the Developer. After withdrawing a Statement of Qualifications, the Developer may submit another Statement of Qualifications at any time prior to the Statement of Qualifications due date.
5. It is the responsibility of all Developers to ensure their Statements of Qualifications are received by UMS no later than the appointed hour and date for submission as stated in the Request for Qualifications. Late submittals will not be accepted.
6. UMS expressly reserves the right to reject any and all Statement of Qualifications or any portion thereof. Neither receipt of a Statement of Qualifications nor failure to reject shall impose any legal obligation on UMS.
7. Developer's submittal of their Statement of Qualifications certifies it is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a bid/offer for the same services, and is in all respects fair and without collusion or fraud. Developer agrees to abide by all conditions of this solicitation and certifies that the signatory is authorized to submit the Statement of Qualifications for the Developer.
8. Use of USM or UMS Name. Developer shall not use USM's or UMS' name, logos or other trademarks in any marketing and/or advertising media without prior written approval from the UMS Office of Trademark Licensing.
9. Developers are to direct all questions related to this RFQ to the UMS contacts identified herein. Unauthorized contact, discussions or requests for meetings with any other UMS personnel during the bid process may result in the rejection of your Statement of Qualifications.
10. Confidentiality.

The Owner must adhere to the provisions of the Maine Freedom of Access Act (FOAA), 1 MRSA §401 et seq. As a condition of submitting a response under this section, a respondent must accept that, to the extent required by the Maine FOAA, responses to this solicitation, and any ensuing contractual documents, are considered public records and therefore are subject to freedom of access requests.

The information contained in responses submitted for the Owner's consideration will be held in confidence until all evaluations are concluded and qualified Respondents are selected for the next phase (the successful Respondents). At that time all Respondents' responses may be made available for public inspection upon request. Such requests must be made by submitting a written request to the individual noted in the Response Contact Information shown on the cover sheet of this document.

Pricing and other information that is an integral part of the offer cannot be considered confidential after a qualification determination has been made. The Owner will honor requests for confidentiality for information that meets the definition of "trade secret" under Maine law. Clearly mark any portion of your submitted materials which are entitled to "trade secret" exemption from disclosure under Maine's Freedom of Access Act. Failure to so identify as trade secret will

authorize the Owner to conclude that no portions are so exempt; and that your entity will defend, indemnify and hold harmless the Owner in any and all legal actions that seek to compel the Owner to disclose under Maine's Freedom of Access Act some or all of your submitted materials and/or contract, if any, executed between the Owner and your entity.

11. Scholarships, donations or gifts to the University, will not be considered in the evaluation of responses.
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Appendix A – University of Maine System Response Cover Page

RFQ # 2019-075:

Public-Private Partnership for Portland Campus Student Housing and Student Center

Organization Name:	
Chief Executive – Name/Title:	
Telephone:	
Fax:	
Email:	
Headquarters Street Address:	
Headquarters City/State/Zip:	
Lead Point of Contact for Quote – Name/Title:	
Telephone:	
Fax:	
Email:	
Street Address:	
City/State/Zip:	

1. No personnel currently employed by the USM or any other USM agency participated, either directly or indirectly, in any activities relating to the preparation of the Respondent's response.
2. No attempt has been made or will be made by the Respondent to induce any other person or firm to submit or not to submit a response.
3. The undersigned is authorized to enter into contractual obligations on behalf of the above-named organization.
4. By submitting a response to a Request for qualifications, entity understands and agrees that:
 - a. The Agreement provisions in Attachment A of this document will not be modified and are thereby incorporated into any agreement entered into between Owner and your entity; that such terms and condition shall control in the event of any conflict with such agreement; and that your entity will not propose or demand any contrary terms;
 - b. Your entity will identify at the time of submission which, if any, portion or your submitted materials are entitled to "trade secret" exemption from disclosure under Maine's Freedom of Access Act; that failure to so identify will authorize UMS to conclude that no portions are so exempt; and that your entity will defend, indemnify and hold harmless UMS in any and all legal actions that seek to compel UMS to disclose under Maine's Freedom of Access Act some or all of your submitted materials and/or contract, if any, executed between UMS and your entity.

To the best of my knowledge all information provided in the enclosed response, both programmatic and financial, is complete and accurate at the time of submission.

Date: _____

Name and Title (Printed)

Authorized Signature