Date: February 24, 2020

To: Potential Respondents

From: Don Lynch – Executive Director System Facilities Administration

Subject: Responses to RFQ Questions #1
RFQ769-20-950DL
Public Private Partnership

This document is being issued to answer questions that have been submitted as follows:

1. Please send responses to:
   Don Lynch
   University of North Texas System
   Business Service Center
   Woodhill Square
   1112 Dallas Drive, Suite 4000
   Denton TX 76205

   **EMAILED OR FAXED RESPONSES TO THIS RFQ WILL NOT BE ACCEPTED**

2. **Section 1.1.** Is it the intention of UNTS to (a) award subsequent public-private partnership (P3) opportunities directly to firms which UNTS prequalifies via this RFQ process, (b) permit firms which UNTS prequalifies via this RFQ process to respond to subsequent RFPs for public-private partnership (P3) opportunities, or (c) both (a) and (b)?

   Both options are possible. It will depend on the needs of the project.

3. **Section 1.4.** The RFQ states “UNTSE may publish future solicitations for specific Public Private Partnership projects if, in its sole discretion, there are no pre-qualified firms from this solicitation that meet the requirements for that project.” Does responding to the RFQ and being qualified by UNTS preclude the Respondent or team members identified in the RFQ response from responding to or joining other public-private partnership consortia which may respond to other public-private partnerships for which UNTS solicits outside of the pre-qualified firms?

   No, responding to or being qualified through this RFQ will not preclude a firm or team members from responding to possible future P3 solicitations.
4. **Section 2.2.** The title of this section is “Examination of the Request for Proposal”. Please confirm this document a Request for Qualification and that the items in Section 3 refer to this RFQ and potential submissions related to this RFQ. Please confirm that as stated in Section 1.1, Section 2 and Section 3.1, the specifics of each subsequent project will be negotiated between UNTS and the selected Respondent.

This RFQ response will pre-qualify firms but will not result in an Agreement. Agreements will be negotiated on a project by project basis, based on the needs of a project.

5. **Section 2.3.** This section states “Covers, table of contents and divider tabs will not count as pages, provided no additional information is included on those pages.” Please confirm that photos and photo captions are not considered “additional information”.

Photos are not considered additional information.

6. **Section 2.3 and Section 2.4.** Please confirm which of the following required items and documents, if any, count towards the 30-page limit. A number of these items and documents will consume most if not all the 30-page limit; as a result, we recommend these items be excluded from the 30-page count limit.

   a) HUB Participation Plan (Section 2.8) – including all the UNTS RFQ required components;
   b) Signed Execution of Offer (Exhibit A);
   c) Development Services (Exhibit B);
   d) General Terms and Conditions (Exhibit C), and;
   e) Financial Capability Materials – Financial Statements (Section 3.3.d), Financial and Banking References.

   **HUB Participation Plan does count**
   **Signed Execution does NOT count**
   **Development Services does NOT count**
   **General Terms and Conditions does NOT count**
   **Financial Capability does NOT count**

7. **Section 2.3 and Section 2.4.** Please clarify how many paper copies of the RFQ response are to be submitted. Section 2.3 calls for one paper submittal (“Provide two (2) copies of the submittal in the form of: one (1) in paper format, loose bound and one (1) electronic format on a virus free CD ROM or flash drive”). However, Section 2.4 indicates Respondents should submit two paper responses (“RESPONDENT shall provide one (1) original, one (1) additional hard copy, and one (1) electronic copy of the complete RFQ response as specified above.”)

   1 (one) hard copy response and 1 (one) electronic version.
8. **Section 2.4.** Regarding electronic copies of the RFQ submission, if the Respondent inserts the images into the overall RFQ submission as a PDF, please confirm that UNTS does not require Respondents to additionally include these images as separate .jpg, .gif, .bmp or .tif files? This would seem to potentially lead to confusion as UNTS would need to match the image files with the images contained in the overall PDF response submission.

    The entire electronic response should be pdf.

9. **Section 2.7.** Certain portions of the RFQ submittal may be CONFIDENTIAL. These CONFIDENTIAL sections contain confidential or privileged information including but not limited to financial or trade secrets. In preparation and submission of one’s RFQ response, what steps should a Respondent take to inform UNTS and identify those pages of the submission which contain CONFIDENTIAL information?

    Firms should clearly note CONFIDENTIAL information contained within the response.

10. What steps will UNTS take to protect the confidentiality of these CONFIDENTIAL pages?

    UNT System Office of General Counsel reviews and provides responses to all Public Information Requests and only releases information allowable by the Statutes of the State of Texas.

11. **Section 2.8.** Does UNTS require a HUB Participation Plan from both the Respondent and a contracting firm which the Respondent has identified?

    The HUB Participation Plan should be from the respondent.

12. Page 4 of the RFQ notes “HUB Participation Plan” as a required document of the RFQ response and is further detailed on page 6 and 7 in which it states the HUB Plan should be submitted in a separate envelope with the proposal. However, the initial RFQ notification email (below) noted “This Request for Qualifications does NOT have a HUB Subcontracting Plan requirement.” Can this requirement be clarified?

    A HUB Plan is NOT required. The HUB Participation Plan should be in the response, not in a separate envelope.

13. **Section 3.2 – Planning Phase.** Please confirm that it is acceptable to UNTS for the Respondent to contract with third parties to perform the necessary market and feasibility analyses and that UNTS does not require the Respondent to self-perform these studies and analyses.

    Yes, that is acceptable.
14. **Section 3.2 – Financing & Construction.** Please confirm that the subsequent UNTS project(s) may not be a student housing project as stated in this bullet.

Cannot confirm as this RFQ is not related to any specific project at this time.

15. **Section 3.2 – Operations Phase.** Please confirm that it is acceptable to UNTS for the Respondent to contract with third parties to manage, operate and maintain the constructed facility.

  Yes, that is acceptable.

16. **Section 3.3b.** Please confirm that it is acceptable to UNTS for a Respondent to list more than one entity for each discipline (e.g., general contractor, architect and engineer, O&M provider, etc.). The nature of the specific project may warrant use of different team members. Please confirm that if selected and prequalified by UNTS, the Respondent may revise the firms on the list.

Section 3.3 b. 5th bullet point states we are to list and describe the qualifications of all entities, including GC, architects and engineers. I am curious if the University feels this is required and/or practical at this stage for three reasons:

- Section 3.2 d. of the RFQ states the University reserves the right to reject at its discretion any architect or GC selected by the developer, so the University has the ability in the future to fully vet our recommended vendors
- Through our future HUB outreach efforts, we may identify a qualified firm we may want to consider that was not considered as part of our RFQ phase
- Depending on the product type, (Housing, Mixed Use, Parking Garage, Child Care) we may have a very different list of proposed contractors, architects and engineers, and even within these product types depending on more project info like density and construction type (concrete, steel, wood frame, etc.) we might have a very different list of vendors.

  Some firms may have teams they prefer to work with, others may not. The University will review the teams as presented. It is up to the respondent to determine which team members to present.

17. **Section 3.3c.** Please confirm that the previous experience sought in Section 3.3c may be evidenced by the Respondent as well as other members of the Respondent’s consortia / team so long as the Respondent identifies these other team members and provides UNTS with a team member profile.

  Yes, that is correct.
18. **Section 3.3c.** Detailed proformas that include the information requested in the last bullet typically are confidential and cannot be shared. We request UNTS to delete this requirement. In addition, these proforma pages would exceed the 30-page limit.

Pro Formas will be develop specific to a project. Since there is no specific project outlined in the RFQ one will not be required. But if UNTS selects a firm to work on a specific project, one will be required at that time. At this time we are only trying to determine qualifications.

19. Please confirm whether we are required to provide evidence of the general contractor’s financial capability as part of this RFQ response or “as requested by UNTS or Institution” at a later time. (3.3.d. third bullet)

Financial capability will be needed specific to a project. Since there is no specific project outlined in the RFQ one will not be required. But if UNTS selects a firm to work on a specific project, one will be required at that time. At this time we are only trying to determine qualifications.

20. **Section 3.3d.** The financial statement information is confidential. Please confirm what steps should a Respondent take to inform UNTS and identify those pages / sections which contain CONFIDENTIAL information? What steps will UNTS take to protect the confidentiality of these CONFIDENTIAL pages / sections?

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21. **Section 3.3.5.** Please confirm that the prior experience sought in Section 3.3.5 may be evidenced by the Respondent as well as other members of the Respondent’s consortia / team so long as the Respondent identifies these other team members and provides UNTS with a team member profile.

Yes, that is correct.

22. **Section 3.3.5.** Please confirm that section (d) is duplicative of section (b) and UNTS will delete section(d) in its entirety.

Yes, section b and d are duplicates. Section d can be deleted.

23. Is UNTS using any P3 advisors for this solicitation?

No.
24. **Exhibit B Objective #1 – Project Planning.** Please confirm that it is acceptable to UNTS for the Respondent to contract with third parties to perform some or all portions of the Project Planning tasks and that UNTS does not require the Respondent to self-perform these studies and analyses.

Yes, that is acceptable.

25. **Exhibit B Objective #1 – Due Diligence.** It is not uncommon for the Owner (UNTS) to prepare many of these due diligence studies, analyses, assessments, etc. Is UNTS open to preparing or causing to be prepared many of these due diligence items?

Yes, it is possible. It would be reviewed on a project by project basis.

26. Regarding the deliverables in Exhibit B; please confirm the Respondent may engage a qualified firm, where not already specified, to complete sub-tasks where we wish to leverage 3rd party expertise (student surveys, master plan updates etc.).

Yes, it is possible.

27. Regarding Objective #2, Paragraph A, bullet #7 on page 14, “Obtain all necessary entitlement approvals . . .”: is any land contemplated within the scope of the RFQ currently not owned by UNTS?

At this time all land is owned by UNT System but it could be possible that future projects may not be.

28. **Exhibit C #10.** It is not uncommon, especially in a tax-exempt structure, for the amount of initial financing to include amounts in addition to the cost of the project improvements to cover items such as but not limited to marketing of the new development, initial operations and maintenance start up budget, etc. We request UNTS consider revising this condition to provide flexibility for similar project related, but not project improvement cost.

29. **Exhibit C #25.** The acronym “TAMUS” previously has not been defined in the document. Is its use in error?

This is an error.

30. RFQ refers to a process that seem to indicate a master developer role to be employed by the selected developer(s). Can a respondent present a full DBFOM P3 proposal and bring forth a comprehensive team from the start?

Yes, that is acceptable
31. Can you identify the term of the expected ground lease?

   It will be negotiated on a project by project basis. This RFQ is not related to a specific project. As projects are identified and pursued, UNTS will negotiate the ground lease terms.

32. How does the UNTS intend to pay back the developer for non-income producing assets such as classroom and mixed use spaces?

   It will be negotiated on a project by project basis. This RFQ is not related to a specific project. As projects are identified and pursued, UNTS will negotiate the terms.

33. Has UNTS determined an overall schedule for implementing entire program, i.e. service dates for student housing, parking structures, mixed use and academic spaces?

   No.

34. Will future projects will be subject to prevailing wages?

   Yes.

35. Could we request a pre-submittal meeting to be added to the proposal sequence and have a sign-in sheet as a way for firms to recognize interest in joining teams to provide services on behalf of UNT?

   A pre-submittal meeting will not be conducted. The RFQ is being published to pre-qualify firms for UNTS to work with. As projects are identified, UNTS will review the qualifications of the approved firms to determine if any meet the needs of the project. If not qualified firms are available, then a subsequent solicitation may be published.

36. Can you please clarify what the anticipated funding (not financing) sources are for these projects? For example, would the university intend to:

   a) have these facilities fund themselves through student or parking rents on a ground lease, where the university will not contribute its own funds, or

   b) have the developer finance the projects and the university would pay/fund at the end of construction or over time? If the latter, we may be able to support.

   Specific projects have not been identified therefore project revenues are unknown.
Note to all potential respondents:

The University of North Texas System intends to review the overall qualifications received from each of the respondents. The projects listed in the RFQ are only examples. When the need for a project is determined, UNTS will review the qualifications of the firms pre-qualified through this process. If a qualified partner can be identified, UNTS will discuss specifics of the project with the firm and negotiate an agreement. If a qualified firm is not identified, UNTS will publish an RFP specific for that project. Pre-qualification through this process does not guarantee award of any future projects.

The published RFQ includes information to help respondents know the level of detail that UNTS will require if a future project is awarded. These items are outlined in Exhibit B. Information in Exhibit B is not required in this RFQ response.