

December 24, 2007

Re: Request for Proposal for Code and Fire Protection Consulting Services

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


On behalf of the Dr. P. Phillips Orlando Performing Arts Center (DPAC and “Owner”), we are pleased to invite you to submit a proposal for Code and Fire Protection Consulting services for the referenced Project. Hines has been selected to act as the Development Manager for the Project and HKS Architects, Inc. (HKS) has been selected as the Prime Architect in association with Barton Myers Associates and Baker Barrios Architects. The final selection for the code and fire protection consultant will be made by HKS and Baker Barrios as the “Production Architect,” and the selected consultant will contract directly with HKS Architects, Inc.

The attached Request for Proposal (the “RFP”) provides a general overview of the proposed Project and outlines the requirements for your proposal. Eight (8) copies of your proposal should be submitted no later than 1:00 p.m. Eastern Standard Time on January 16, 2008. Copies of the RFP, attachments, and any subsequent addenda can be found on the DPAC website at www.orlandopac.org. Interviews, if required, are tentatively scheduled for January 23, 2008.

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

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

Sincerely,



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

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

REQUEST FOR PROPOSAL

FOR

**CODE & FIRE PROTECTION CONSULTING
SERVICES**

December 24, 2007

CONFIDENTIALITY

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

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

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I. INTRODUCTION

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

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

This Request for Proposal (the “RFP”) is being issued for the express purpose of engaging a Consultant to provide code and fire protection consulting services for the Project. Your response should be based on the requirements described herein, along with the Code & Fire Protection Consultant Responsibilities included with Attachment A, the Project description information included in the attached Prime Agreement with Attachment B, the Project Schedule included with Attachment C, the draft Architect-Consultant form of agreement with Attachment D and the current Concept Plan which is included as Attachment E.

II. PROJECT SUMMARY

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

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

III. CODE & FIRE PROTECTION CONSULTANT’S RESPONSIBILITIES

See Attachment A.

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

This RFP is being issued subject to the Chapter 57 of the City of Orlando’s Code relating to Minority and Women Business Enterprise (M/WBE) participation. While the City has an M/WBE participation goal of 18% Minority Business Enterprise and 6% Women Business Enterprise participation, the Production Architect has established a goal of 30% for M/WBE participation for this project. Local businesses and M/WBEs certified by the City of Orlando and/or Orange County are strongly encouraged to submit a proposal that complies with or

exceeds these goals. If you propose a “teaming” arrangement in association with other firms to meet or exceed these goals, then your proposal should indicate whether your team is an “association” or a “joint venture.” HKS will be contracting with only one “entity” for code & fire protection consulting services.

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

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

V. PROPOSAL REQUIREMENTS

Your firm will be evaluated on the basis of how well your firm and its individual professionals meet the criteria outlined below including general and specific selection criteria. Please submit your proposal in a concise written tabulated format indexed and organized in order by the following sections:

A) Qualifications Summary

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

Provide a list of similar Projects on which each of your proposed personnel who will be assigned and directly involved and responsible throughout the duration of the Project has been engaged. In particular, the Production Architect, Owner and Development Manager would like to review similar project experience.
- 4) Personnel: Please provide a schedule of your personnel who will be assigned and directly involved and responsible throughout the duration of the Project. Information shall include the names and resumes of all assigned Project personnel, including but not limited to:
 - a) Principal-in-Charge;
 - b) Project Manager;

- 5) Contact References: Please provide no more than three contact references for each of your firm personnel assigned to the Project;
- 6) Special Considerations: Please describe any special resources which your firm or your personnel assigned to the Project may bring to the Project or in-house expertise in technical areas which will specifically benefit the Owner;
- 7) Quality Assurance: Please provide a detailed description of your firm’s quality assurance review and checking procedures;
- 8) Detailed Exceptions: Please provide in writing any exceptions you may take to the requirements of this RFP, the reasons for such exceptions and any proposed alternatives.

B) Proposed Fee Structure

Please provide the following:

- 1) A Stipulated Sum Fee Proposal which shall be broken down by phases outlined in *Attachment A – Code & Fire Protection Consultant Responsibilities*.
- 2) Any fees required for design services not included in basic services;
- 3) Please estimate and propose the categories for reimbursable out-of-pocket expenses, if any;
- 4) Your Fee Proposal should be in the following format:

Phase of Service	Man-Hours	Fee	Est. Reimbs.
Schematics Design	_____	_____	_____
Design Development	_____	_____	_____
Construction Documents	_____	_____	_____
Construction Administration	_____	_____	_____
Totals	_____	_____	_____

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

C) Special Services

Provide a detailed description of all services which you would plan to provide that are not described above, and any fees required for special design work not included in basic services but which you believe would be in the Owner’s interests for you to provide.

D) Contracting Requirements

All consultants' proposals will be reviewed by the Owner and Development Manager, who will make recommendations for approval by the Production Architect. The Architect – Consultant Agreement (Attachment D) will be executed by and between HKS as the Prime Architect and the selected Code & Fire Protection Consultant. A copy of the Prime Architect-Owner Agreement (Attachment B) will be attached to the consultant agreement, and all of the terms and conditions of the Prime Agreement will also apply to the Consultant.

The consultant shall carry the same level of insurance as required in the Prime Agreement. As part of your proposal, indicate your current professional liability insurance limits as well as a price to increase to \$2.0 Million per claim / \$4.0 Million annual aggregate, if necessary.

E) **Schedule**

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

F) **Additional Information**

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

VI. ATTACHMENTS

- A) Code & Fire Protection Consultant Responsibilities
- B) Prime Architect-Owner Agreement
- C) Preliminary Project Schedule
- D) Architect-Consultant Form of Agreement
- E) Current Concept Plans

VII. SUBMISSION REQUIREMENTS AND PROJECT CONTACT

Please submit eight (8) copies of your Proposal to the Project contact listed below no later than 1:00 PM (EST) on January 16, 2008:

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

Please also submit your proposal electronically (as a PDF file) to Mike Woollen at mwoollen@hksinc.com.

Should you have any questions concerning the Project or this submission, please send by email to Mike Woollen.

VIII. PROPOSAL ACCEPTANCE

The Production Architect, with advice from the Owner and Development Manager, reserves the right to reject any or all proposals received under this Request for Proposal, and is under no obligation to any of the prospective consultants as a result of this Request for Proposal process. Upon review of the proposals, the Production Architect may elect to enter into negotiations with one or more respondents for one or more components of the various services described herein. The Production Architect may or may not choose to interview one or more candidates for the position of Code & Fire Protection Consultant prior to the final selection.

IX. OTHER

You will receive no reimbursement for your expenses in preparing this proposal. The Production Architect is under no obligation to accept your proposal and specifically reserves the right to reject it for any reason.

All materials and documents submitted hereunder shall become the sole property of the Production Architect.

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

End of Request for Proposal

ATTACHMENT A

CODE & FIRE PROTECTION CONSULTANT RESPONSIBILITIES

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

1. Attend project meetings with the Production Architect, the Architect Team, the Development Manager, DPAC, and other consultants as required for the proper coordination and implementation and review of the work. These meetings will include the following:
 - a. Initial meeting with Architect Team to review the project requirements
 - b. Meeting to review the initial code summary report with Production Architect, Development Manager, DPAC and local regulatory agencies.
 - c. Review of 100% schematic design with Production Architect, Development Manager, DPAC and local regulatory agencies
 - d. Review of 100% Design development drawings with Production Architect, Development Manager, DPAC and local regulatory agencies
 - e. 50% construction document review with Production Architect, Development Manager, DPAC and local regulatory agencies
 - f. 90% construction document review with Production Architect, Development Manager, DPAC and local regulatory agencies
 - g. Assume at least four other work sessions when requested by the Production Architect, Development Manager or DPAC, or when required by the local regulatory agencies.
2. Review schematic design drawings done to date and prepare a summary of code requirements based on the applicable codes outlining the local code and fire protection requirements.
3. Once completed, review schematic design, design development and construction drawings and specifications for compliance with the initial summary of code requirements.
4. Provide general consulting and attend meetings during the construction period to address any code related issues that may arise.

ATTACHMENT B

PRIME AGREEMENT FOR ARCHITECTURAL SERVICES

The attached Prime Architect-Owner Agreement shall be attached to and referenced as part of the architect-consultant agreement, and the terms and conditions of the prime agreement shall apply to the code & fire protection consulting services described in this Request for Proposals.

ATTACHMENT C

PRELIMINARY PROJECT SCHEDULE

Refer to the attached Project Schedule.

ATTACHMENT D

ARCHITECT-CONSULTANT FORM OF AGREEMENT

See the attached draft Architect-Consultant form of agreement that shall be used for Code & Fire Protection consulting services, in conjunction with the referenced prime agreement.

ATTACHMENT E

CURRENT CONCEPT PLAN

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