

# MONTGOMERY COUNTY CONVENTION FACILITIES AUTHORITY



## **REQUEST FOR QUALIFICATIONS:**

### **Construction Manager at Risk Services**

### **For the Dayton Convention Center Renovation Project**

Issued: December 27, 2021

**Due: January 26, 2022**

Issued By:

Montgomery County Convention Facilities Authority  
22 East Fifth Street  
Dayton, Ohio 45402  
Phone: (937) 469-1173  
Email: [Pplageman@montgomerycountycfa.org](mailto:Pplageman@montgomerycountycfa.org)

## **INTRODUCTION**

In accordance with Ohio Revised Code Section 9.33 et seq., The Montgomery County Convention Facilities Authority (the "MCCFA") is seeking submittals of qualifications from firms interested in providing construction manager at risk services for the renovation of the Dayton Convention Center in downtown Dayton, Ohio. The MCCFA is seeking firms who have extensive experience in providing construction management services for convention centers and related facilities similar in size and scope to the proposed project as described within this Request for Qualifications ("RFQ"). Submitted RFQs will be reviewed and evaluated against criteria listed below. The review and evaluation will result in a short-list of firms from which proposals will be requested in the second phase of the selection process. The second phase will require short-listed firms to provide both pricing and technical proposals which will be reviewed to determine which firm will provide the MCCFA with the best value.

## **BACKGROUND**

The MCCFA is the owner of the Dayton Convention Center located in downtown Dayton, Ohio. ASM Global is the venue manager, agent for the MCCFA. LWC/LMN Architects are the Design Team on the project. Established by the Board of County Commissioners of Montgomery County in November 2019, pursuant to Chapter 351.02 of the Ohio Revised Code, the MCCFA is a special governmental unit governed by an eleven-member board appointed by the Montgomery County Commissioners, and other elected officials.

As owner of the facility, the MCCFA is responsible for the improvement, management, and successful operation of the Dayton Convention Center. In addition, the MCCFA is responsible for ensuring the continued success and growth of the convention business within the Montgomery County community. Both responsibilities are directly linked to the MCCFA's investment in and support of services, resources, facilities, and community projects that enhance the use and improvement of the convention center.

## **RENOVATION/REVITALIZATION PROJECT**

Since its inception, the MCCFA has been taking steps in preparation for maintaining and improving the convention center, to give the facility a fresh, modern, new look. Areas in need of improvement include mechanical/HVAC, elevator and escalator refurbishment, exterior and main entry upgrades, theater, exhibit hall, meeting rooms, restrooms, and public spaces. While the facility has been maintained by the City of Dayton, no upgrades or enhancements have been completed since the 1980's. The facility looks and feels dated. As a result, the MCCFA board would like to upgrade several aspects of interior and exterior within the center to include but not be limited to carpet, wall coverings, color, materials, lighting fixtures, ceiling tiles, furnishings, and bathroom fixtures. The intent of the project is to refresh the center with a new look while also enhancing a client's use and experience within the facility. It is important to note that while the renovation project will re-design the interior of the convention center to be less institutional and more "hotel" like in finish, the renovation must not compromise the functionality of the convention center.

A Master Plan was created by the Design Team and approved by the Board of Directors in December 2021.

See Appendix A attached to review the Master Plan.

Upon selection of the Construction Manager at Risk, the MCCFA intends to move ahead quickly with the pre-construction phase of the Dayton Convention Center renovation project. An initial timeframe for the project is as follows and a development schedule is located in Appendix B:

CM at Risk selection and approval:	Q1 '22
Completion of Construction Documents:	Q3 '22
GMP:	Q4 '22
Start of construction:	Q4 '22
Substantial completion:	Q3 '24

The project will be constructed using the “Construction Manager at Risk” project delivery format. The Construction Manager shall be selected using a two-step “best value” selection process consisting of a qualifications phase and a request for proposals phase. The final award will be based upon qualifications, price, and past performance. The selected Construction Manager will be expected to execute a modified AIA A133 Owner and Construction Manager at Risk Agreement (“CMR Agreement”), and a modified A201 General Conditions, including modified provisions and other supplemental conditions prepared by the MCCFA. A sample CMR Agreement will be requested as part of the request for proposals. The selection process will be conducted in accordance with Section 9.334 of the Ohio Revised Code and the work will comply with prevailing wage laws.

### **SCOPE OF SERVICES**

The scope of services requested under this RFQ will be for the comprehensive completion of all construction management and construction services beginning with design review and preconstruction phase services participation in developing the budget and updated construction cost estimates, participation in preparing the construction schedule (including identification of significant milestones for completion of the Work), prequalification of subcontractors to perform the required Work, construction, and close-out phases of the Dayton Convention Center renovation project (“the Project”).

CMR services will be defined in an agreement with the MCCFA; the form of agreement, including general conditions of the contract for construction, will be provided to the short-listed firms during the RFP phase. Services will include but not be limited to the following phases.

#### *Preconstruction Phase Services:*

The Construction Manager will work cooperatively with the MCCFA, design professionals and the project team to provide, among other services: cost estimating, bidding, budget monitoring, value engineering, including life cycle cost analysis, constructability review, scheduling, sequencing of workflow and preconstruction planning throughout preconstruction.

#### *Construction Phase Services:*

The Construction Manager will coordinate, construct, and complete the Project pursuant to the construction documents and in accordance with the schedule and budget requirements. The Construction Manager shall select subcontractors based on competitive pricing submitted by prequalified subcontractors in accordance with Ohio law and criteria approved by the MCCFA. The Construction Manager shall hold all subcontracts and shall be fully responsible for the means and methods of

construction, permitting, project safety, and project completion within the schedule agreed upon in the preconstruction phase. The Construction Manager will be responsible for compliance with all applicable laws and regulations including monitoring compliance with prevailing wage requirements, equal employment opportunity programs and non-discrimination policies. In addition, the Construction Manager will:

- Supervise the bidding of the Project by preparing Project manuals, bid documents, addressing questions from potential bidders, conducting pre-bid meetings for the Project, reviewing bid packages, evaluating responses, and recommending to the MCCFA potential contractors for the Project.
- Serve as the MCCFA's representative in matters pertaining to the contractors, manage the work of the contractors, coordinate work with agreed upon schedules and other related activities, monitor contractor performance, and ensure that all contractual requirements of contractors are met.
- Conduct regular and frequent progress meetings with the MCCFA, its agents and architects to discuss procedures, progress, schedule, and potential problems. Prepare monthly Project reports for the MCCFA that will include a report on Project status, schedule and costs. The report should identify potential problems with any component of the Project and identify solutions. In addition to the monthly reports the CMR will be expected to notify the MCCFA, its agents and the design team of any Project issues as they arise.
- Obtain all building permits and other special permits as necessary. The selected CMR will be expected to begin the permitting process as early as possible to maintain the MCCFA's Project schedule. The selected CMR will comply with all laws, ordinances, rules, regulations, and orders of any public authority as required.
- Develop, communicate to the MCCFA, its agent and the design team, and monitor programs that will address overall Project issues, such as safety (for convention center clients as well as workers and the public), waste removal and job site cleanliness, and security.
- Assemble and timely submit to the MCCFA all maintenance and operations manuals, warranty documents and "as-builts"; and provide construction management services during the warranty period.
- Implement construction means and methods required to achieve LEED Gold certification.

The Construction Manager is to be fully responsible for the schedule of the Project. The master schedule will detail both design and construction timelines on all phases and bid packages and be inclusive of all design and construction tasks through building furnishing.

The Construction Manager may be requested, as part of its services for the Project, to develop, implement, administer and maintain a Contractor-Controlled Insurance Program (CCIP). If the Construction Manager is requested to provide a CCIP for the Project, the CCIP shall provide coverages for the Construction Manager and enrolled Subcontractors and Sub-subcontractors of all tiers, only for work performed on the Project site. Any work performed pursuant to subcontracts not covered by the CCIP for

any reason (for example, if it is performed away from the Project site) shall be governed by Construction Manager's standard subcontract insurance requirements.

*Guaranteed Maximum Price ("GMP"):*

When the construction documents prepared by the design team are at a stage of completion specified in the CM Agreement, such partially completed documents (the "Basis Documents") shall be provided to the Construction Manager, together with the design professional's detailed listing of any materially incomplete design elements and the design professional's statement of intended scope with respect to such incomplete elements. The Construction Manager shall submit to the MCCFA, its agents and the design professionals its proposed Substantial Completion Date and Guaranteed Maximum Price ("GMP"). The Construction Manager, the MCCFA, its agents and the design professionals (along with selected engineers and consultants) shall meet to reconcile any questions, discrepancies or disagreements relating to the Basis Documents.

The final negotiated GMP shall not exceed the Project budget established for construction. If the GMP exceeds such budget, then the MCCFA may terminate its agreement with the Construction Manager and seek from other firms, bids for completion of the Project.

The Construction Manager will engage in an "open book" process in which the MCCFA, its agents, and the Design Team and the Construction Manager will review bids for trade work, the costs proposed for general conditions/overhead of the Construction Manager, and the fee of the Construction Manager; and in which the MCCFA shall have access to all books, records, documents and other data in the Construction Manager's possession related to itself, its subcontractors and material suppliers pertaining to bidding, pricing, or performance of the agreement.

### **SELECTION PROCESS and EVALUATION CRITERIA**

The MCCFA will review, evaluate, and select a Construction Manager at Risk based upon a two-step best value selection process consisting of qualifications, performance and pricing as required in Section 9.334 of the Ohio Revised Code. Through review of qualifications as submitted in response to a request for qualifications (phase one of the two-step selection process) and cost/technical information as submitted in response to a request for proposals (phase two of the two-step selection process); a Construction Manager at Risk will be selected for the Project that is deemed to be the best value for the MCCFA. Evaluation will be made by an evaluation committee selected by the MCCFA and will include members of the MCCFA board and staff.

*Pre-Submittal Site Visit:*

During the RFQ phase, Respondents may visit the site, after submitting a written request that is approved in advance. Such written request must be made by email to Russell Kline at [Rkline@montgomerycountycfa.org](mailto:Rkline@montgomerycountycfa.org). The MCCFA reserves the right to have a representative present.

*Request for Qualifications (RFQ) – Phase One:*

Firms interested in providing Construction Manager at Risk services for the Project as described herein, must respond to this RFQ per the submittal instructions as provided. Each firm responding to the RFQ will be evaluated based upon the criteria and scoring as listed below:

- Qualifications of firm/experience of key individuals assigned: 20 points
- Past performance on similar projects: 20 points
- Proposed approach/implementation of project: 30 points
- Financial responsibility/availability of resources: 30 points

After evaluating the responses to the RFQ, the MCCFA will select a short-list of no fewer than three firms that it considers to be the most qualified to provide the required services, except that the MCCFA shall select and rank fewer than three firms when it determines in writing that fewer than three qualified Construction Managers at Risk are available. The firms selected and ranked in the qualifications phase shall be referred to as the “Short-Listed Firms” in the Request for Proposals phase.

*Request for Proposals (RFP) – Phase Two:*

Upon the identification of the Short-Listed Firms, the MCCFA will issue an RFP inviting the Short-Listed Firms to provide pricing (fees and general conditions) and technical information associated with the Project. Included within the RFP will be additional information on the Project along with design detail completed to date, a description of how the GMP for the Project will be determined, including estimated level of design detail upon which the GMP will be based, the form of the construction management contract and a request for pricing proposal along with pricing requirements. Prior to the submission of the RFP, MCCFA staff will hold a preproposal meeting with the Short-Listed Firms to allow the Short-Listed Firms to ask questions regarding the Proposal process and the pre-proposal meeting will include a tour of the Project site.

Upon submission of proposals, the MCCFA will interview each Short-Listed Firm who chooses to participate in the RFP process. The purpose of the interview will be to allow each firm an opportunity to clarify and respond to questions related to the proposal. The MCCFA may choose to provide questions to be addressed during the interview to the Short-Listed Firms in advance of each interview. After the interviews, the MCCFA will evaluate each proposal and will rank the Short-Listed Firms based upon performance and pricing criteria identified in the RFP documents. The MCCFA will enter into contract negotiations with the highest ranked firm.

*Anticipated Selection Schedule:*

The anticipated schedule for selection of the Construction Manager at Risk is as follows:

<b><u>Milestone</u></b>	<b><u>Date</u></b>
RFQ Issued	December 27, 2021
Deadline for Submittal of Questions	January 10, 2022, 4pm EST
RFQ Submittal Date	January 26, 2022, 4pm EST
Announcement of Short-Listed Firms	January 31, 2022
RFP Issued	February 4, 2022
Optional Pre-Proposal Submission Meeting(s)	February 10, 2022
Proposals Due to MCCFA	February 18, 2022, 4pm EST
Interview Firms in Person	February 24, 2022 - Tentative
CMR Selection and Approval	March 3, 2022

## REQUIRED SUBMITTALS

Interested firms (“Respondents”) must submit one original, eight copies, and one electronic copy in PDF format of the requested statement of qualifications (“SOQ”), enclosed in a sealed envelope. The envelope shall be plainly marked on the outside “MONTGOMERY COUNTY CONVENTION FACILITIES AUTHORITY-PROJECT CMR QUALIFICATIONS.” SOQs must be delivered to the following addressee on or before **January 26, 2022, at 4:00PM EST.**

Pam Plageman, Executive Director  
Montgomery County Convention Facilities Authority  
22 East Fifth Street  
Dayton, Ohio 45402  
Phone: (937) 469-1173

Hand deliveries must be made during the MCCFA’s operating hours. Respondents are responsible for confirming current operating hours at [www.montgomerycountycfa.org](http://www.montgomerycountycfa.org).

This RFQ constitutes only an invitation to present qualifications. The rights reserved by the MCCFA, which shall be exercised in its sole and absolute discretion, include without limitation the right to require additional information from one or more Respondents to supplement or clarify the SOQs submitted including, but not limited to, conducting interviews with Respondents if the MCCFA, in the MCCFA’s sole discretion, deems such interviews to be helpful; conduct investigations with respect to the qualifications and experience of each Respondent; visit and examine any of the facilities referenced in the SOQs and to observe and inspect the operations at such facilities; waive any defect or technicality in any SOQ received; determine which Respondents are qualified to be short-listed to receive the RFP and submit Proposals in response to the RFP; eliminate any Respondent that submits an incomplete or inadequate SOQ or is not responsive to the requirements of this RFQ; supplement, amend, or otherwise modify this RFQ, prior to the date of submission of the SOQs; issue one or more amendments to this RFQ extending the due date for the SOQs; receive questions concerning this RFQ from Respondents and to provide such questions, and the MCCFA’s responses, to all Respondents; cancel this RFQ or the RFP in whole or in part with or without substitution of another RFQ or RFP if determined to be in the best interest of the MCCFA; take any action affecting the RFQ process, the RFP process, or the Project that would be in the best interest of the MCCFA; and make public any and all documents associated with the Project, including documents submitted to the MCCFA by Respondents.

SOQs will be received until the deadline set forth above.

Submittals received after this time may be considered solely at the Owner’s discretion.

## COMMUNICATION PORTAL

Questions regarding this RFQ must be submitted in writing to Mr. Russell Kline at [Rkline@montgomerycountycfa.org](mailto:Rkline@montgomerycountycfa.org) on or before **January 26, 2022, at 4:00 PM EST.** Responses to all questions submitted to Mr. Kline by the January 10<sup>th</sup> deadline will be distributed to interested firms on record that have received a copy of the RFQ on or before January 14<sup>th</sup> at 4pm EST.

### *Submittal Content*

To enable the MCCFA to efficiently evaluate the submittals, Respondents should prepare their SOQ on 8.5 x 11 paper utilizing the RFQ section headings and general format guidelines described below. All information provided shall be bound into a single volume. A clear and concise presentation of information is encouraged with a maximum page limit of 50 single-sided pages (or 25 double-sided pages), not including resumes of key staff, standard brochures, and financial information and supporting data. Audiovisual materials will not be accepted. Sales brochures are not desired unless directly related to the response and referenced in the text. Please feel free to include other materials, such as covers, table of contents, transmittal letters, appendices, brochures, etc. at your discretion.

Only those persons or firms who have obtained an official copy of this RFQ from the MCCFA will receive any official addenda to this RFQ. Receipt of all addenda shall be acknowledged by Respondents in a transmittal letter with the SOQ.

### *Section I – Firm Description*

General information should include, but not be limited to:

1. The name, address, telephone number, fax and email address of an individual who will serve as the firm's contact for any questions or correspondence regarding the submittal and RFQ process.
2. A certification of accuracy provided by the highest ranking individual responsible for the firm's submittal.
3. A summary highlighting why the firm is uniquely qualified to successfully fulfill the requirements of the RFQ.

### *Section II – Approach and Project Implementation*

1. Describe the firm's approach to the CRM delivery project method for the completion of the Project and how this approach will impact not only the implementation of the services requested in the RFQ but the potential success of the Project. Identify possible challenges associated with the Project described in this RFQ and discuss how these challenges will be addressed through the management of the Project.
2. Discuss how the firm will handle the bidding process and subcontractor pre-qualification process. Provide information on the firm's knowledge of and working relationship with local contractors and suppliers.
3. State the firm's philosophy and approach to managing costs. Provide information on tools and procedures used to monitor costs. Discuss how the firm uses contingency and how the firm will prevent the unnecessary use of contingency. Show examples of budgets and cost tracking worksheets used during projects to manage costs.
4. Provide information on the type of scheduling system the firm will use for the Project. Discuss the firm's experience in completing construction projects that are fully functional during project implementation and how this will impact schedule and project implementation. Provide



information on how the firm will protect the MCCFA from schedule problems or delays. Provide information on how often schedules are updated and who will hold this responsibility.

5. Discuss how the firm will assure quality control. Provide information on the types of work the firm may self-perform and how the quality of self-performance is managed.

### *Section III – Profile and Description*

The profile should include, but not be limited to:

1. Information describing the firm's current organization, date of incorporation, ownership, corporate office, number of years in business, size of business, services offered, operating philosophy, number of employees and employee demographics.
2. If applicable, information describing any other participating firm's current organization, date of incorporation, ownership, corporate office, number of years in business, size of business, services offered, operating philosophy, number of employees and employee demographics.
3. A description of the firm's proposed organization for the Project. Identify key team members and describe the services, roles, and responsibilities of each. Discuss the relationship of key team members to each other, the prime firm and other member firms. Include a list of current projects and the status of each and relevant information (i.e., budget, type of work, stage of completion, committed staff, and consultants). Information should be provided that describes the firm's current workload as well as outlines the availability of necessary personnel, equipment and resources needed to satisfy the requirements of this RFQ. Please note that any key team members included in the qualifications cannot be changed by the construction manager during the course of the Project without the consent of the MCCFA.
4. Identify the firm's and CMR team members' representative project experience and CMR delivery method on similar projects, with an emphasis on public projects in the State of Ohio:
  - a) List the firm's relevant projects within recent history with an emphasis on Ohio convention facility experience and other projects of any type that are similar in size or budget, if any. Include a brief description of the project, including size of project (e.g., square footage) and project delivery model (e.g., general contractor, construction manager at risk, design-build, etc.). Describe experience with use of space, technology, and systems that support convention facility functions.
  - b) Identify projects on which a significant number of the individual team members have collaborated previously.

### *Section IV – Resumes of Key Individuals*

1. Provide an organizational chart depicting the structure and lines of authority and communication.
2. Provide professional resumes and job descriptions of the key individuals that will be assigned to the Project; describing each member's role on this project, education, technical training, qualifications, and experience with similar projects.

### *Section V – Experience*

1. Provide brief descriptions of projects that the firm has participated in during the past five years that are similar in size, scope, and type to the project referenced in this RFQ. The firm's role in each project should be clearly identified as well as the role of the team members proposed for this project. Information should include a description of services provided; examples of successful strategies implemented that improved the outcome of the project; examples of how construction was completed while the facility was in use (if applicable); examples of how the firm controlled project costs, resolved disputes, administered subcontractors, and met deadlines; unique characteristics of the project that made the project interesting. Include references for each described project. References should include a contact person, address, phone number, and email. References should be prepared to be contacted by the RFQ Selection Committee.
2. Provide a history of performance with meeting goals of any diversity and inclusion programs required by a public authority or by applicable law, and compliance with applicable affirmative action programs.
3. LEED Experience. List the firm's successfully completed projects comparable in design, scope, size and complexity, undertaken in the past five (5) years that achieved a USGBC LEED Silver certification or greater.

### *Section VI – Other Requested Information*

To respond to this RFQ, firms shall provide specific information regarding the following:

1. Demonstrate the firm's financial ability to perform the work requested in terms of workload and the availability of qualified personnel, equipment, and facilities to perform the required management services competently and expeditiously.
2. Provide information on whether the firm is currently or has in the past five years, been involved in any claims, litigation and/or arbitration.
3. Discuss the firm's approach and financial capability to provide a surety bond as required in Section 9.333 of the Ohio Revised Code. Provide evidence of such capability. Inability to provide such evidence may be cause for disqualification.
4. Provide the firm's annual revenue associated with similar construction projects for the past 7 years and the firm's total revenue for each year.

Provide information on the firm's professional liability coverage, commercial general liability coverage including a claims history for the last 10 years for each. For claims asserted by or against the firm or against the firm's performance or payment bond(s) on other projects, please provide specific information about the claims, including their resolution.

## **ADDITIONAL INSTRUCTIONS, NOTIFICATIONS, AND INFORMATION**

MCCFA's Best Interest – the MCCFA reserves the sole right to (1) evaluate the qualifications submitted; (2) waive any irregularities therein; (3) select candidates for the submittal of more detailed qualifications; (4) accept any submittal or portion of a submittal; and (5) reject any or all responses to the RFQ, should it be deemed in the MCCFA's best interest to do so. This RFQ is not intended to be an offer, contract, obligation, or commitment of any kind.

Addenda and Modifications – Changes in the specifications or terms and conditions of this RFQ may be made in writing by the MCCFA prior to the required due date. Results of informal meetings or discussions between a Respondent and any MCCFA official, staff or agent may not be used as a basis for deviations from the requirements contained within this RFQ and may subject the Respondent to immediate disqualification.

All addenda, amendments, and interpretations to this RFQ shall be in writing. Any amendment or interpretation that is not in writing shall not legally bind the MCCFA. Only information supplied by the MCCFA in this RFQ, or in connection with this RFQ, shall be used in preparing submittals. All contacts that a Respondent may have had before or after receipt of this RFQ with any individuals, employees, or representatives of the MCCFA and any information that may have been read in any news media or seen or heard in any communications regarding this RFQ should be disregarded by Respondents in preparing responses to this RFQ.

Clarification – the MCCFA reserves the right to conduct discussions with Respondents who submit proposals for the purpose of clarifications or corrections regarding a proposal to ensure full understanding of, and responsiveness to, the requirements of this RFQ.

No Gratuities – Respondents shall not offer any gratuities, favors, or anything of monetary value to any official, director, agent or employee of the MCCFA nor its advisors for any purpose or reason that could be construed as influencing the selection process. Any attempt by the Respondent to influence the selection process by any means, other than disclosure of qualifications and credentials through the proper channels, shall be grounds for exclusion from the selection process.

No False Information – Respondents who provide false or misleading information, whether intentional or not, in any of the documents presented to the MCCFA for consideration in the selection process shall be excluded.

Conflicts of Interests – All Respondents must disclose, within their statement of qualifications, the name(s) of any officer, director, agent, or immediate family members (spouse, parent, sibling, child) who is also an employee of the MCCFA or ASM Global or have a familial or business relationship with any MCCFA director. Further, all statements of qualifications must disclose the name of any MCCFA employees, who own, either directly or indirectly, an interest of ten (10%) percent or more in the Respondent or any of its affiliates or subcontractors.

Preparation Costs – Under no circumstance will the MCCFA be responsible for any costs incurred by anyone in (a) the submittal of qualifications, (b) in any subsequent follow-up to the submittal, (c) in any subsequent negotiations of a contract, or (d) in any other aspect of the effort to select the Construction Manager at Risk.

Confidentiality – To the extent permitted by law, the MCCFA will make reasonable efforts to safeguard the confidentiality of confidential information submitted in response to the RFQ, provided that the information is conspicuously marked “CONFIDENTIAL.” The MCCFA will not be required to defend any litigation seeking disclosure of confidential information. The MCCFA will make reasonable efforts to notify a consultant to give the consultant an opportunity to defend any request or litigation seeking disclosure.

Note that the wholesale use of headers/footers bearing designations such as “confidential,” “proprietary,” or “trade secret” on all or nearly all of a proposal is not acceptable and may be deemed by the MCCFA as a waiver of any exemption claim. The identification of exempt information must be sufficiently specific to allow for the MCCFA to identify the exempt data in responding to public records requests.

Public Records – Respondents are hereby notified that all proposals and qualifications, including without limitation, any and all information and documentation submitted therewith, will be available for public inspection after the award of the contract, in compliance with Ohio Revised Code Chapter 149 and other applicable public records laws.

By submitting to the MCCFA a document that the Respondent designates as “confidential” or “trade secret,” the Respondent agrees that in the event a third party brings any action against the MCCFA or any of its officials or employees to obtain disclosure of the document, the Respondent will indemnify and hold harmless the MCCFA and any affected officials and employees from all costs, including attorney’s fees incurred by or assessed against any defendant, of defending against such action. The Respondent also agrees that at the MCCFA’s request, the Respondent will intervene in any such action and assume all responsibility for defending against it, and that the Respondent’s failure to do so will relieve the MCCFA of all further obligations to protect the confidentiality of the document. The MCCFA assumes no responsibility for disclosure or use of unmarked data for any purposes.

Right of Refusal – the MCCFA reserves the right to reject any proposal in which the Respondent takes exception to the terms and conditions of this RFQ; fails to meet the terms and conditions of this RFQ, including but not limited to, the standards, specifications, and requirements specified in this RFQ.

### **NON-DISCRIMINATION POLICY**

The Montgomery County Convention Facilities Authority (“MCCFA”) is committed to equal opportunity and non-discrimination in all aspects of its contracting and procurement activities through the adoption of this Non-Discrimination Policy (“Non-Discrimination Policy”). Pursuant to this Non-Discrimination Policy, the MCCFA will not participate in either active or passive unlawful discrimination of any type.

The MCCFA recognizes that it has a continuing obligation to avoid unlawful discrimination in contracting and procurement activities. Therefore, all Contractors shall not have engaged, and shall not engage, in any kind of unlawful discrimination. Each Contractor, should they be engaged by the MCCFA, shall certify in writing that such Contractor, directly or indirectly, (1) has not engaged, is not engaged, and will not engage in any kind of unlawful discrimination involving race, color, sex, disability, age, religion, veteran status, or national origin, or any other basis prohibited by laws of the United States, the State of Ohio or the City of Dayton (“Other Prohibited Basis”), whether or not such discrimination is related to a contract or procurement activity with or for the MCCFA and (2) will not, for any purpose related to its engagement by the MCCFA, employ or contract with persons or businesses which the Contractor knows or has reason to know have engaged, are engaged, or will engage in any kind of unlawful discrimination involving race,

color, sex, disability, age, religion, veteran status or national origin, or Other Prohibited Basis, whether or not such unlawful discrimination is related to a contract or procurement activity with or for the MCCFA.

It is the position of the MCCFA that discrimination against business owners based on race, color, sex, disability, age, religion, veteran status or national origin, or Other Prohibited Basis, is prohibited. No person unlawfully shall be denied the benefit of, or otherwise discriminated against, in connection with the award and/or performance of any contract or award, or modification of any contract or award, between a Contractor and the MCCFA on such basis.

The fundamental tenets of this Non-Discrimination Policy are as follows:

- All Contractors should have an equal opportunity to compete with respect to contract and procurement activities of the MCCFA, regardless of race, color, sex, disability, age, religion, veteran status or national origin;
- No Contractor shall have engaged or shall engage in any kind of unlawful discrimination involving race, color, sex, disability, age, religion, veteran status or national origin, or Other Prohibited Basis, whether or not such unlawful discrimination is related to a contracting or procurement activity with or for the MCCFA;
- The MCCFA through its staff, management company, its agent and other contractors will (i) monitor and provide periodic reports to the MCCFA regarding compliance by the MCCFA and its Contractors with this Non-Discrimination Policy; (ii) collect and record information on the use of minorities and women in contracting and procurement activities and (iii) analyze data to evaluate the utilization of minorities and women in the MCCFA's contracting and procurement activities;
- The MCCFA shall review this Non-Discrimination Policy periodically to ensure that it effectively promotes and achieves non-discrimination and equal opportunity in connection with the MCCFA contracting and procurement activities; and
- All Contractors shall comply with this Non-Discrimination Policy. A Contractor's success or failure to comply with this Non-Discrimination Policy will be a factor in any award of contracts or procurement from the MCCFA to such Contractor.

The MCCFA through its staff, agents and other contractors shall be responsible for implementing, monitoring, and evaluating this Non-Discrimination Policy.

The MCCFA staff shall periodically review this Non-Discrimination Policy to ensure that it effectively promotes non-discrimination and equal opportunity in connection with the MCCFA's contracting and procurement activities and periodically report to the Board regarding compliance by the MCCFA and its contractors.

# Dayton Convention Center Renovation Master Plan

**Project Budget – \$31,000,000**

## **Budget Allocation:**

<b>Exterior Improvements –</b>	<b>4.5%</b>
<b>Interior Improvements –</b>	<b>63.0%</b>
<b>Infrastructure Improvements –</b>	<b>32.5%</b>

## Ground Level Renovation Scope - North



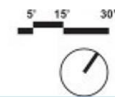
### INTENSIVE RENOVATIONS:

- Lobby/Pre-Function Spaces
- Gem City Ballroom Conversion
- Restrooms
- Kitchen Office

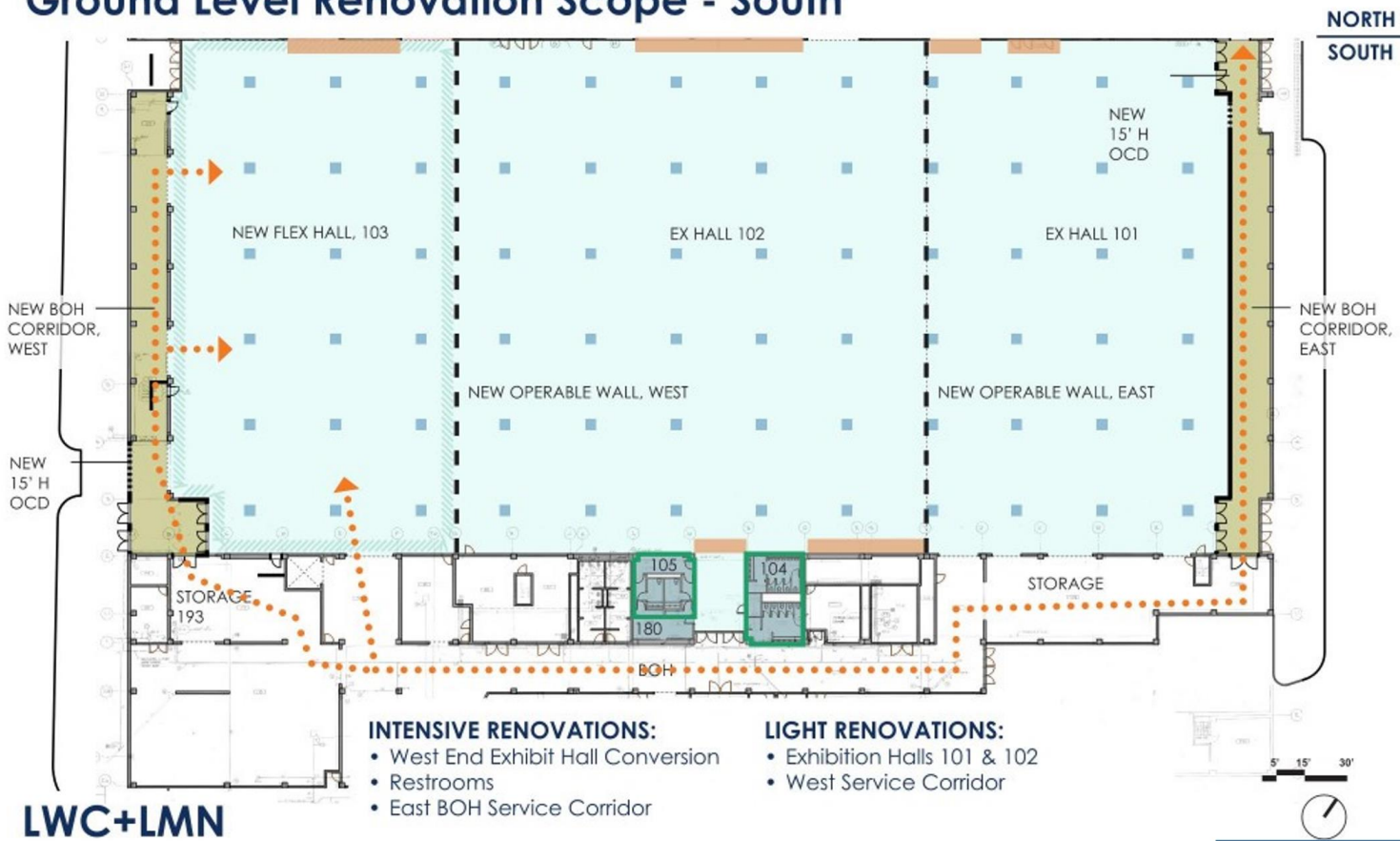
### LIGHT RENOVATIONS:

- Junior Ballroom 106

LWC+LMN



# Ground Level Renovation Scope - South







# Proposed Flexible Event Hall



LWC+LMN

## Second Level Renovation Scope - North



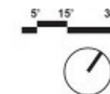
**INTENSIVE RENOVATIONS:**

- Lobby/Pre-Function Spaces
- Restrooms

**LIGHT RENOVATIONS:**

- None

**LWC+LMN**



## Existing Level Three Pre-function



# Proposed Level Three Pre-function with VIP Event Room



LWC+LMN



# Infrastructure Replacements & Improvements

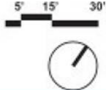
- **Replacing 9 Air Handling Units/New Controls**
- **Cooling Tower Replacement**
- **Refurbishing all 4 Escalators**
- **Electrical Distribution Upgrades**
- **Communications/Data/AV Upgrades**

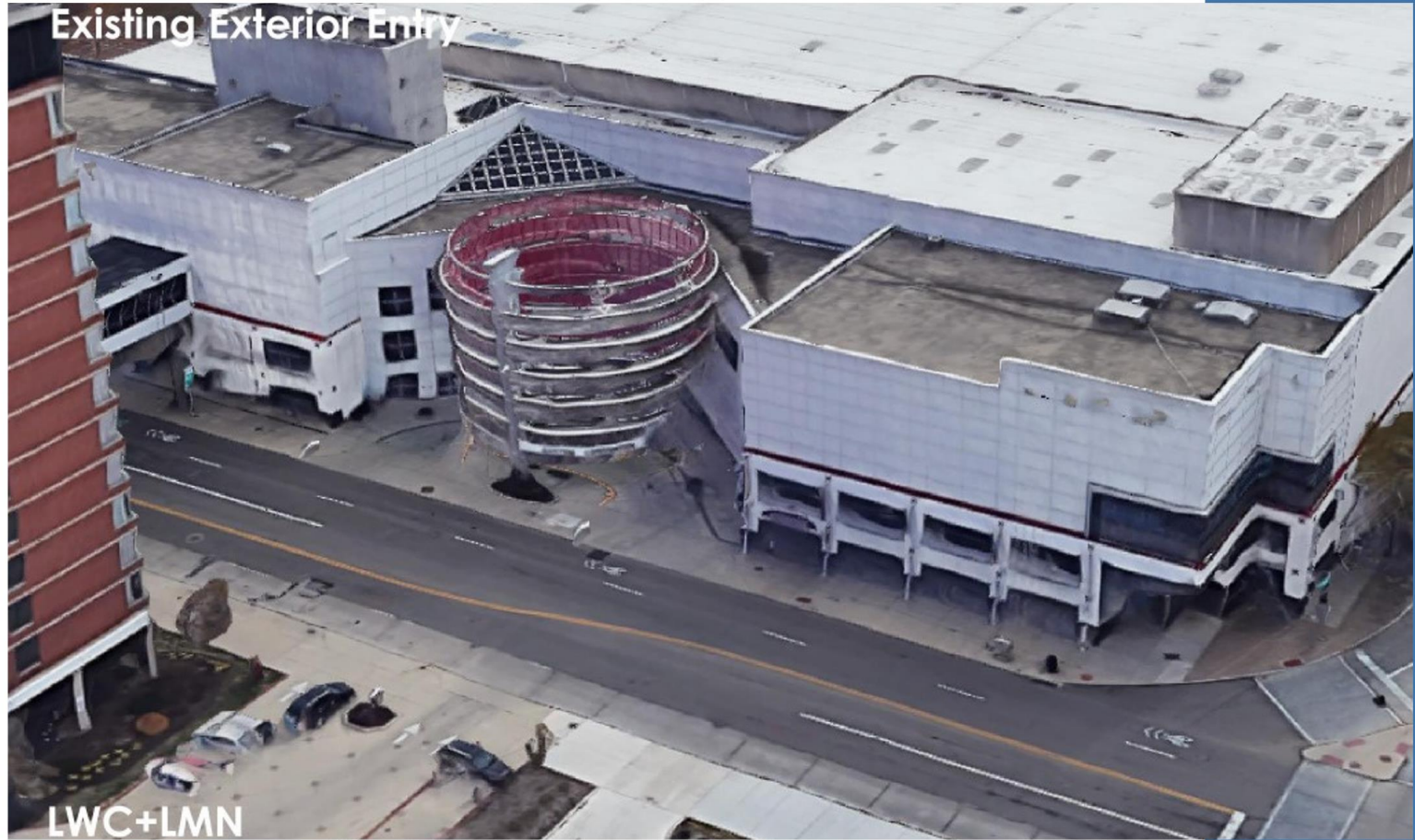
# Exterior Renovation Scope



- EXTERIOR RENOVATIONS:
- New Sidewalk/Entry Plaza/Landscaping
  - Level 3 Terrace
  - New Entry Vestibule
  - EIFS Recoating
  - Metal Wall Panel Refinishing

LWC+LMN









## Appendix B