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REQUEST FOR PROPOSAL NO. 2460

SUSTAINABILITY & MEP REVIEW AND VERIFICATION SERVICES FOR THE ENTITLEMENT & CONSTRUCTION OF WHEATON GATEWAY

AT

11250 VEIRS MILL ROAD, WHEATON, MARYLAND

March 20, 2024

PRE-PROPOSAL MEETING: 11:30 a.m. on March 26, 2024

To Join Online:

Meeting URL: meet.google.com/arh-eiom-ffu

To Join by Phone:

Call-In Number: +1 458-888-1061

Meeting Pin: 307 644 222#

PROPOSAL DUE DATE: 12:00 p.m. on April 19, 2024

ELECTRONIC SUBMITTAL: PURCHASING@HOCMC.ORG

Leidi Reyes
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REQUEST FOR PROPOSAL NO. 2460
SUSTAINABILITY & MEP REVIEW AND VERIFICATION SERVICES
FOR
THE ENTITLEMENT & CONSTRUCTION OF WHEATON GATEWAY

The Housing Opportunities Commission of Montgomery County, Maryland (hereafter referred to as “HOC” or “Owner”) is soliciting proposals from qualified Sustainability & MEP Review and Verification firms (hereafter referred to as “Respondents” or “Sustainability Reviewers”) that are licensed and insured to conduct business within the State of Maryland. The selected Sustainability Reviewer shall provide design services and construction administration for the entitlement and construction of Wheaton Gateway located in Montgomery County, Maryland. Services should include the Sustainability Reviewer’s responsibility for engaging other consultants as necessary to complete all required services.

ITEM	DATE
RFP RELEASE	03/20/2024
PRE-PROPOSAL MEETING	03/26/2024
QUESTION DEADLINE	04/02/2024
PROPOSALS DUE	04/19/2024
NOTICE OF AWARD (WINNING OFFEROR ONLY)	

A pre-proposal meeting and conference will be held virtually on **March 26, 2024 at 11:30 a.m.** The URL to join the online meeting is **meet.google.com/arh-eiom-ffu**. A headset is recommended, or you may use your computer’s microphone and speaker. You can also join the meeting by phone. The Call-In number is **+1 458-888-1061** and PIN is **307 644 222#**. This meeting is optional. If you require any aids or services to fully participate in this meeting, please call (240) 627-9786.

All questions must be submitted in writing. **The deadline for submitting questions is April 2, 2024 by 12:00 p.m.**

Proposals will be received by the HOC Procurement Office electronically to Purchasing@hocmc.org by 12:00 p.m. on April 19, 2024. Delivery of Proposals by fax or mail is **not** acceptable. Proposals received after the due date and time will **not** be considered. Proposals will only be accepted from those Respondents that can establish, to the satisfaction of the HOC, the reliability and responsibility of the persons or entities proposed to furnish and perform the Work described in the Proposal Documents and provide satisfactory evidence of, and references for, completion of projects **(in the capacity as a Sustainability Reviewer) of similar scope which is defined as the verification and review of urban infill mixed-use developments which have targeted and/or achieved the attainment of certifications evidencing construction to standards above code minimum (e.g. LEED, Energy Star, etc...).**

The term of this Contract shall be for the duration of the project from initial Notice to Proceed (NTP) through construction administration of the First Phase of development as more particularly described in **Part I.C** herein.

The Contract will be awarded to the Responsive and Responsible Respondent offering the best combination of qualifications and price, who meets the **Qualification Requirements outlined in Part I. GENERAL – K. MINIMUM QUALIFICATIONS**. No Respondent may withdraw or alter their Proposal within One-Hundred Twenty (120) days after the Proposal due date. A Proposal is defined as a complete and properly executed written proposal to do the Work for the cost plus a fee. The Proposal Documents include the submittal Requirements, the proposed Contract Documents, and any Reference Documents. The HOC's evaluation team shall review the Respondents' qualifications and price in accordance with the published Selection Criteria.

**HOUSING OPPORTUNITIES COMMISSION
OF MONTGOMERY COUNTY, MARYLAND**

Leidi Reyes
Procurement Officer

REQUEST FOR PROPOSAL NO. 2460
SUSTAINABILITY & MEP REVIEW AND VERIFICATION SERVICES
FOR
THE ENTITLEMENT & CONSTRUCTION OF WHEATON GATEWAY

PART I. GENERAL

A. INTRODUCTION:

The Housing Opportunities Commission of Montgomery County, Maryland is soliciting proposals on behalf of Wheaton Venture, LLC, (hereinafter referred to as “HOC” or “Owner”) from qualified Sustainability & MEP Review and Verification firms (hereinafter referred to as “Respondents” or “Sustainability Reviewer”) that are licensed and insured to conduct business within the State of Maryland for work associated with the design, entitlement, and construction of the Wheaton Gateway Project in Montgomery County, Maryland.

The HOC is currently seeking approval of a Sketch Plan for the proposed redevelopment of an assemblage of ten properties located in Wheaton, Maryland (the “Wheaton Gateway Approved Sketch Plan”, attached hereto as **Exhibit A**).

Being in Montgomery County Maryland imparts increased importance on HOC’s focus on sustainable, resilient design. In response to climate change and its negative effects on the County and its residents, Montgomery County has recently released the Montgomery County Climate Action Plan (the “Climate Action Plan”) which states:

The Climate Action Plan is Montgomery County’s strategic plan to cut greenhouse gas (GHG) emissions 80% by 2027 and 100% by 2035. The Climate Action Plan details the effects of a changing climate on Montgomery County and includes strategies to reduce GHG emissions and climate-related risks to the County’s residents, businesses, and the built and natural environment¹.

Outlined within the Climate Action Plan is a “Vision for Building a Healthy, Equitable, Resilient Community”. With respect to Buildings, the Climate Action Plan identifies the following priorities:

¹Montgomery County Government. (2021). *Climate Action Plan*. MontgomeryCountyMD.. <https://www.montgomerycountymd.gov/green/climate/index.html>.



Buildings

Montgomery County is home to resilient and efficient buildings.

- High-performance buildings should be equitably available to all County residents.
- Increase energy conservation and efficiency and decrease fossil fuel use in all buildings, with the County leading by example with its own building portfolio.
- Support sustainable, carbon neutral building design, improvements, and energy sources.
- Phase in building requirements while providing transparency to residents and businesses and developing the market knowledge to best meet those requirements.
- Expand access to incentives, financing, and programs to construct or upgrade to resilient, efficient commercial and residential buildings.
- Create demand for jobs and grow the workforce by transitioning to resource-efficient, low-carbon, resilient buildings.

The Wheaton Gateway project will strive to exemplify and embody these priorities.

The properties presently are improved with outdated commercial development that includes an automobile dealership with related accessory structures as well as surface parking and vacant lots which formerly contained a hotel and a one-story retail building. The Sketch Plan proposes to replace these improvements with a modern, energy-efficient mixed-use development that will be known as “Wheaton Gateway” (the “Project”).

This Sketch Plan has been preceded by a Concept Plan application that the Montgomery County Planning Department (hereinafter the “Planning Department” or “MNCPPC”) has already accepted (the “Wheaton Gateway Concept Plan” as reflected on **Exhibit B** attached hereto). The current Sketch Plan reflects the result of constructive dialogues that have taken place by and between HOC, Park & Planning Staff, and importantly the community.

The Project represents a partnership of three very long-term interest holders with deep roots in the County: namely, the Housing Opportunities Commission of Montgomery County (“HOCMC”), the Duffie family (“Duffie”), and members of the Cohen family (“Willco”). Leading the overall Wheaton Gateway project development team in partnership with Duffie will be PS Ventures. PS Ventures’ primary mission is to help design and develop buildings that are more resilient, more durable, and more efficient utilizing building science and passive building principles. The goal of the Wheaton Gateway partnership is to utilize the HOC’s well-located assemblage of properties to develop in several phases a vibrant mixed-use, mixed-income community of modern, energy-efficient buildings that host a variety of uses and amenities that the marketplace demands. The development will be to a scale and character encouraged by the newly adopted Sector Plan².

While the HOCMC is the majority partner in the Wheaton Gateway Project, the team will create a mixed-use, mixed-income community targeting 30% affordable units rather than push the Project toward

² Montgomery County Government. (2016). Wheaton Sector Plan. Montgomery County MD. <https://montgomeryplanning.org/planning/communities/midcounty/wheaton/wheaton-plan/>.

predominantly moderately priced housing. The provision of market-rate homes in Wheaton Gateway will help to create an income stream that will support the HOCMC's operations on the property, as well as the HOCMC's mission in other parts of the County. Additionally, all three partners see the opportunity in Wheaton Gateway to create something new, exciting, and transformative in eastern Montgomery County. Few locations are so highly visible, adjacent to two primary thoroughfares, highly Metro accessible (1/4 mile), and so proximate to a future bus rapid transit station ("BRT"). For a more detailed narrative description of the Project Respondents may reference the "Wheaton Gateway Sketch Plan Narrative & Wheaton Gateway Statement of Justification" (attached hereto as **Exhibit C & Exhibit D respectively**).

High performance, sustainability, resiliency, and occupant health are cornerstones of the project goals. The Project will target a variety of above-code minimum, third-party verified certifications (see the Sustainability Certifications defined herein). The Project will also need to achieve all relevant building, energy, and green building codes.

The successful Respondent will recognize the highly collaborative and hands-on approach utilized by the HOC and be comfortable meeting frequently and working as part of a team sharing information and designs/models (including working in a shared Revit model).

The Wheaton Gateway Approved Sketch Plan combined with updated drawings created in response to comments previously received from MNCPPC shall serve as the basis of design for the responding Sustainability Reviewer. All work in connection with this RFP shall comply with the Project details and scope of work contained herein. The information provided in this RFP will be incorporated into the Contract as part of the Scope and specifications for the Project.


The HOC has the right to determine as non-responsive, any proposal which does not include all requested submission documents.

B. PROPERTY DESCRIPTION:

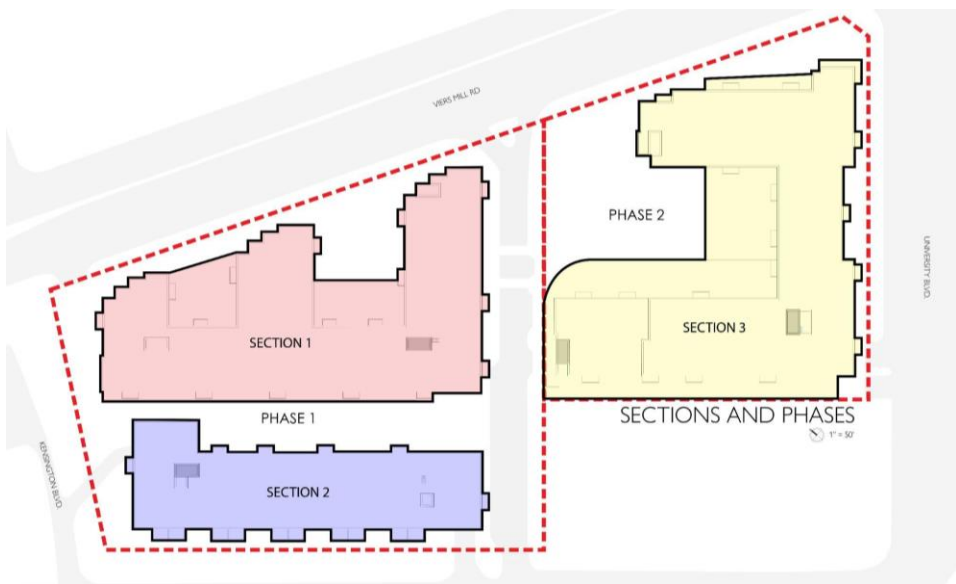
Wheaton Gateway will be prominently located along Veirs Mill Road just north of the intersection with University Boulevard. Located opposite to the Site, (toward the South) is the Westfield Wheaton Mall, to the West are predominantly single-family houses and to the East a mixture of industrial and commercial properties.

Wheaton Gateway is both an assemblage of partners and an assemblage of ten different parcels within several different zoning classifications: namely, Commercial Residential ("CR"), Commercial Residential Neighborhood ("CRN"), and Residential-60 ("R-60"), as shown below. In total, the tract area represented by this plan is an impressive 5.16 gross acres of land, or approximately 224,717 square feet. Notably, the proposed development will also facilitate the dedication of land to the adjacent State and local roads, and the resulting proposed overall site area of the Project will be approximately 4.76 acres, or approximately 207,635 square feet.

DESCRIPTION	OWNERSHIP		ZONING
Parcels	Tax ID	Parcel	Zoning
Lindsay West	13-00966988	11250 Veirs Mill	CR-3.0 C-2.5 R-2.5 H-100
Lindsay West	13-01027106	11227 EAST AVE	CRN-1.5 C-.25 R-1.5 H-45
Lindsay West	13-01027378	11225 EAST AVE	CRN-1.5 C-.25 R-1.5 H-45
Lindsay West	13-01026977	11223 EAST AVE	CRN-1.5 C-.25 R-1.5 H-45
Lindsay West	13-01027015	EAST AVE	CRN-1.5 C-.25 R-1.5 H-45
Lindsay West	13-01027026	EAST AVE	CRN-1.5 C-.25 R-1.5 H-45
Lindsay West	13-1027458	0 UPTON DR	R-60 - .35% Max Lot Coverage
Lindsay West	13-01027004	11217 EAST AVE	CRN-1.5 C-.25 R-1.5 H-45
Mattress	13-01188512	11200 VEIRS MILL RD	CR-5.0 C-4.5 R-4.5 H-130
Ambassador & Mattress	C000151	2715 University Boulevard West	CR-5.0 C-4.5 R-4.5 H-130



C. DEVELOPMENT SECTIONS AND THE FIRST PHASE:



DEVELOPMENT SECTIONS

It is anticipated that the three buildings reflected on the Sketch Plan shall be developed in two separate phases to commence with the first phase as described herein (the “First Phase”). The First Phase shall include the mixed-use building in Section 1, the residential building in Section 2, and interim conditions in Section 3.

The First Phase of development shall include:

Section 1: Infrastructure, site work, parking, building and common areas as reflected on the Sketch Plan inclusive of the mixed-use building in this Section.

Section 2: Infrastructure, site work, parking, and common areas per Interim condition plans (as reflected in Exhibit A: Wheaton Gateway Approved Sketch Plan) inclusive of the residential building in this Section.

Section 3: Infrastructure, Site work, parking, and common areas per Interim condition plans (as reflected in Exhibit A: Wheaton Gateway Approved Sketch Plan) exclusive of the mixed-use building in this Section.

The scope of work envisioned by this RFP includes efforts associated with I) completion of the entitlement stages (namely Site Plan and Preliminary Plan of Subdivision Plan approvals) governing ALL 3 sections including an additional phase/interim condition plan for Section 3 as necessary through MNCPPC and associated reviewing agencies³, ii) permitting of the First Phase (as described in section I.C) through the Montgomery County Department of Permitting Services (“DPS”) and associated reviewing agencies (the creation of construction drawings subject to a decision to proceed and the HOC’s subsequent release of such phase) and iii) construction through and including construction administration of the First Phase (Construction administration subject to a decision to construct and the HOC’s subsequent release of such phase).

D. FIRST PHASE PROGRAMMING:

It is anticipated that the First Phase shall contain the following elements. The Sustainability Reviewer shall assume each building is under independent operation.

- Section 1 - One Mixed Use Building
 - Residential
 - ~365,000 SF of Gross Residential Area.
 - Approximately 350 Units in ~11 levels in a single building.
 - Unit Breakdown - Initial Targets
 - 55% 1 BR, 5% 1 BR DEN; 35% 2 BR; 5% 3 BR
 - 30% AFFORDABLE
 - Residential Amenities.
 - Each building is to contain independent amenities of ~6% - 8% of GFA.
 - Residential amenities shall primarily be located on the 1st floor and on appropriate rooftop (including lower-level terrace) locations.
 - Distributed amenities to be determined by the design team including but not limited to lobby, leasing center, tenant storage space, fitness center, assembly rooms, business center, package room, resiliency hub.
 - Commercial
 - ~40,000 SF Commercial on both grade and above grade levels. Respondents shall assume that any commercial / retail areas which are ultimately designed into levels 1 & 2 shall be programmed as cold dark shells to have the interiors of these spaces fully programmed (potentially as an Additional Service) once the uses of these areas are more fully defined.
- Section 2 - One Residential Building

³ It is anticipated that in order to earn project entitlements (i.e. Certified Site Plan and Preliminary Plan of Subdivision), the Sustainability Reviewer shall provide the services described in this RFP in association with the traditional Conceptual Design, Schematic Design, and Design Development phases of plan development. Subsequent phases of plan development shall be dependent upon issuance by HOC’s of notices to proceed to Construction Documents and Construction Administration work.)

- ~120,000 SF of Gross Residential Area.
 - Approximately 110 Units on ~5 levels in a single building.
 - Unit Breakdown - Initial Targets
 - 70% 1 BR, 5% 1 BR DEN; 25% 2 BR
 - 30% AFFORDABLE
 - Residential Amenities
 - Each Building is to contain independent amenities of ~6-8% of GFA.
 - Residential amenities shall primarily be located on the 2nd floor (above the pickup/drop-off level).
 - Distributed amenities to be determined by the design team including but not limited to lobby, leasing center, tenant storage space, fitness center, assembly rooms, package room, resiliency hub.
 - Exterior Site design shall remain the responsibility of the HOC. The Sustainability Reviewer is expected to provide consultation on the sustainability targets of exterior site design elements where appropriate.
- Commercial: None
- Section 3 - See the Interim Space Plan within the Wheaton Gateway Approved Sketch Plan (**Exhibit A**).
 - Residential: None
 - Commercial: None
- All Sections:
 - Site:
 - Exterior Site design shall remain the responsibility of the HOC. The Sustainability Reviewer is expected to provide consultation on the sustainability targets of exterior site design elements where appropriate.
 - Parking:
 - Residential = ~1.5 spaces per unit residential in a combination of above and below-grade parking across all three Sections.
 - Commercial = Currently programmed at ~120 spaces but ultimately to be determined.

E. PRE-PROPOSAL MEETING:

A pre-proposal conference will be held virtually, on March 26, 2024 at 11:30 a.m. The URL to join the online meeting is meet.google.com/arh-eiom-ffu. A headset is recommended, or you may use your computer's microphone and speaker. You can also join the meeting by phone. The Call-In number is **+1 458-888-1061** and PIN is **307 644 222#**. Attendance at this conference is optional, and is not required to submit a proposal. If you require any aids or services to fully participate in this meeting, please call (240) 627-9786.

The purpose of the pre-proposal conference is to give potential respondents an opportunity to ask questions and to obtain clarification about any aspect of this Request for Proposal. While attendance at the pre-proposal conference is optional and not a prerequisite for submitting a proposal, respondents who intend to submit a proposal are encouraged to attend. Please download and review the solicitation prior to the meeting. Any changes resulting from this conference will be issued in a written addendum to this solicitation.

F. QUESTIONS:

All questions regarding the project and supporting documentation must be submitted to the HOC's Procurement Office, in writing via email to Purchasing@hocmc.org. The deadline for submitting any and all questions is **12:00 p.m. on April 2, 2024**. Responses to questions received in writing will be posted on the HOC's website in the form of an addendum. Your email subject line should read "Question for RFP #2460 – Sustainability and MEP Review and Verification Services for Wheaton Gateway".

G. DUE DATE:

Proposals will be received by the HOC's Purchasing Office electronically to Purchasing@hocmc.org, at **12:00 p.m., on April 19, 2024**. Delivery of proposals by fax or mail will not be accepted. Proposals received after the due date and time will not be considered. Proposals should only be submitted to the email address referenced above and indicate in the subject line "Proposal Submission for RFP #2460 - Sustainability and MEP Review and Verification Services for Wheaton Gateway".

H. ADDENDUM:

1. In the event this solicitation is amended, all terms and conditions which are not modified remain unchanged.
2. Respondents shall acknowledge receipt of any Addendum to this solicitation by signing and returning the Addendum with their proposal. Failure to acknowledge receipt of any Addendum will result in the rejection of Respondent's proposal if the Addendum contained information that substantively changed the HOC's requirements.

I. TERM:

The term of this Contract shall be for the duration of the project from initial Notice to Proceed (NTP) through construction administration of a First Phase of development as more particularly described in **Part I.C - DEVELOPMENT SECTIONS AND THE FIRST PHASE**.

J. CONTRACT ADMINISTRATOR:

Name: Paul Vinciguerra
Title: Construction Manager
Phone: 240-472-1857
Email: Paul.Vinciguerra@hocmc.org

K. MINIMUM QUALIFICATIONS:

Proposals will only be accepted from Respondents who provide satisfactory evidence of, and references for, work in the capacity of a Sustainability Reviewer for projects of similar scope, including:

1. High-rise residential projects;
2. Mixed-use projects;
3. Low-Income Housing Tax Credit (“LIHTC”) projects; and
4. The design of buildings which have successfully achieved 3rd Party certifications evidencing construction to above code minimum standards including but not limited to Leadership in Energy and Environmental Design (LEED), Energy Star, Passive House Institute US (PHIUS), Green Globes, National Green Buildings Standard (NGBS), etc....
5. Respondent’s references shall demonstrate successful experience with multifamily residential / mixed-use construction in Montgomery County, Maryland or the surrounding Baltimore-Washington Metropolitan area.

L. SECTION 3 POLICY / HOC WORKS POLICY:

All contracts and Purchase Orders executed between the HOC and Contractors are subject to either Section 3 or the HOC Works, based on the funding source of the contract. The funding source for this work requires Contractor participation in HOC Works:

1. HOC Works covered contracts are those that are funded by money connected to any source other than HUD. The HOC Works Program Requirements and HOC Works Opportunities Plan can be found in **Exhibit H**. A completed HOC Works Opportunities Plan must be submitted the proposal for this RFP.
2. Any questions related to HOC Works can be directed to HOC's Management and Compliance Analyst Team within HOC's Compliance Office at compliancemanagementanalyst@hocmc.org.

M. MINORITY PARTICIPATION:

HOC is committed to providing minority/female/disabled (“MFD”) firms or individuals an opportunity to compete in its purchasing environment and encourages all MFD firms to respond to this solicitation directly or through subcontracting opportunities. HOC promotes the use of MFD firms in all its bid opportunities and encourages all vendors to subcontract with firms with an MFD designation. Furthermore, HOC seeks responses from non-MFD firms with a record of employing minority persons in positions of responsibility.

N. BACKGROUND CHECKS:

At the conclusion of the Contract Award Meeting, prior to any work beginning, as well as upon any changes, the Contractor shall submit a list of all employees who will be working on this project to the Contract Administrator.

Copies of the completed background checks shall be made available to HOC upon request. Employees of the Contractor with criminal backgrounds (**as described within Exhibit I**) are prohibited from working on this, or any other, HOC project.

After work begins, any new employees of the Contractor added to the payroll must comply with HOC's security background check requirement as stated above.

O. ACCEPTANCE OF TERMS AND CONDITIONS:

By submitting a response to this RFP, Respondent acknowledges and accepts (1) all of the terms and conditions set forth in this RFP, and (2) that HOC intends to use, but is not limited to the, the following contract document: HOC's standard Agreement for Services (**attached hereto as Exhibit G**), which will be shared with the awardee upon selection and award; and the terms and conditions listed therein, will be used as the contract for the work under this RFP. In the event HOC agrees, in its sole discretion, to use Respondent's form contract, Respondent understands and agrees that the terms of conditions in HOC's Agreement for Services shall be added to Respondent's contract.

P. HUD CERTIFICATION REGARDING DEBARMENT AND SUSPENSION:

The Contractor shall, pursuant to 2 CFR part 2424.300, execute the U.S. Department of Housing and Urban Development Certification Regarding Debarment and Suspension, appended to this Agreement as **Exhibit J**. Furthermore, the Contractor shall comply with 2 CFR part 180 subpart C and shall require lower tier participants, including but not limited to subcontractors, sub-subcontractors, suppliers and consultants, to also comply with 2 CFR part 180 subpart C.

Q. DISCLOSURE:

HOC is subject to the Public Information Act, MD. Code Ann, Gen. Prov. §§ 4 - 101 – 4 – 601 (the "Act"). This RFP, Respondent's response to this RFP, any resulting contract, and any and all other communications with HOC shall be subject to disclosure, unless an exception prevents disclosure of such information.

R. HUD 2530 FORM:

The Work to be performed under this contract will require the Contractor to provide an approved 2530 form upon request.

S. MARYLAND LOCAL GOVERNMENT TORTS CLAIMS ACT:

The HOC's liability under any contract in connection with this work will be subject to the limitations contained in the Maryland Local Government Torts Claims Act, Maryland Code, Courts and Judicial Proceedings II, § 5-301 et. seq.

T. RIGHTS RESERVED:

HOC reserves the right to:

- Make more than one award;
- Reject any or all submissions as non-compliant;
- Consider prior experience with a Respondent as part of its evaluation process (including, without limitation, reducing points due to prior poor performance);
- Interview any or all of the Respondents;
- Reject any submission from a Respondent with prior experience with HOC that was unsatisfactory, at HOC's sole discretion;
- Request further information from the Respondent at any time during the process, either in writing or orally;
- Perform background checks on Respondents;
- Request a best and final proposal;
- Waive any informality (other than a submission after the due date and time);
- Modify this RFP, including an extension of the deadline for submission, at any time prior to the RFP's due date and time; and/or
- Cancel the RFP.

PART II. SCOPE OF WORK

Scope of Services and Responsibilities are as listed herein and shall be delivered throughout the entirety of the entitlement and permitting portions of the Project (from engagement through building permit issuance) as more particularly described in **PART IV. PHASES OF WORK**.

High performance, sustainability, resiliency, and occupant health are cornerstones of the project goals. The Project will target LEED-H Midrise v4 Platinum certification as well as PHIUS+ 2021⁴, EPA Indoor airPlus⁵, DOE Zero Energy Ready Home⁵, and Energy Star Multifamily New Construction Certifications⁵ (the “Base Certifications”). As an additional service, HOC is requesting work associated with the achievement of the WELL building or separately the Enterprise Green Communities Certification⁶ to reflect the importance of occupant health (the “Health Certifications”) (together the Base Certifications and Health Certifications being the “Sustainability Certifications”). If certifications beyond the Sustainability Certifications are added to the project, work associated with these certifications will be negotiated as an additional service.

The project shall be designed using a central Building Information Model (i.e. Revit) for architectural, structural, and mechanical systems. The Sustainability Reviewer shall freely collaborate and share models and information related to the Project design. For reference, Architectural designs shall be designed to Level 300, mechanical and structural designs shall be designed to Level 350.

The Sustainability Reviewer shall recognize that the design team for Wheaton Gateway is highly collaborative and that the achievement of the Sustainability Goals for the project requires significant time and coordination. The Sustainability Reviewer shall accordingly assume material time associated with meetings and coordination.

The list of services under contract of the Sustainability Reviewer shall include ALL of the following scopes of work. Only Respondents whose proposals include **ALL** of the scopes described below shall be considered responsive to this RFP:

A. High Performance Building Certification Verification and Guidance:

As part of the base scope of work, the Sustainability Reviewer shall:

- i. Provide all requisite rating/verification services as necessary to achieve the Sustainability Certifications as defined herein (e.g. LEED Green Rater and PHIUS+ verifier).
- ii. Provide support in evaluating the feasibility of building systems (including MEP) to achieve Sustainability Certifications.

⁴ Primary responsibility for the design of items associated with the PHIUS+ certification shall remain with the Architect.

Notwithstanding the foregoing, the Sustainability Reviewer shall provide relevant review and consultation including on air sealing plans and details.

⁵ This certification is a requisite component of the PHIUS+ Certification.

⁶ WELL certification is a component of the Enterprise Green Communities certification.

- iii. Review the design documents provided by the architectural team for compliance with the Montgomery County MD Green Building Code.
- iv. Assist in the development of specific approaches and measures in association with HOC's pursuit of the Sustainability Certifications. This shall include but not be limited to developing the LEED scorecard.
- v. Review and consult the design team on the basis of design for MEP building systems.
- vi. Provide Home Energy Rating System (HERS) Modeling as necessary in association with the DOE Zero Energy Ready Home Program.⁷
- vii. Provide (initially on the **Exhibit K – Pricing Matrix**) and update as necessary estimates of program certification fees (which fees shall remain the responsibility of HOC and are beyond the scope of this RFP).
- viii. Provide Design Reviews of all drawings including MEP drawings to verify compliance with all applicable Sustainability Certifications requirements (e.g. the Energy Star Certification Checklists, LEED Scorecard). The Sustainability Reviewer shall anticipate four (4) such reviews (subject to adjustment but reviews are anticipated following Design Development Drawings, the Permit Submission Set prior to submission, the Permit Issuance Set and finally the Issued for Construction Set). Additionally, it is expected that the Sustainability Reviewer shall aid the design team in preparing documentation (e.g. development of an air sealing/whole building blower door test plan and responsible party schedule(s) in association with the Sustainability Certifications including PHIUS+) that will allow for the success of the ultimate sustainability verification associated with construction (which construction phase verifications are beyond the scope of this RFP).
- ix. Attend regular design meetings. It is anticipated that broader design team meetings will take place every two weeks on average (more during some phases than others). Meetings typically involve a review of outstanding items on the Basecamp platform. While the Sustainability Reviewers will not be expected to participate in all design meetings, they shall maintain general project awareness of relevant items through review of items on Basecamp.
- x. Provide necessary administrative work to file for the target Sustainability Certifications as applicable, (i.e. LEED-H Midrise v4 Platinum certification and Energy Star Multifamily New Construction Certification, and Well Certification or Enterprise Green Communities Certification as applicable). This shall include assistance in the development of the LEED scorecard.
- xi. Provide reviews and feedback as necessary for project value engineering efforts.

⁷ Modeling associated with Code Compliance, Utility Incentives, and PHIUS shall be performed by others.

B. Mechanical, Electrical, & Plumbing (MEP) Commissioning:

To fulfill the project's ambitious sustainability goals, the Sustainability Reviewer shall have experience with (or shall subcontract with) a firm experienced in MEP commissioning (such firm or individual being the "MEP Commissioning Agent").

The MEP Commissioning Agent shall ensure that the MEP systems are designed, documented, and planned, according to the HOC's requirements which the Sustainability Reviewer (and MEP Commissioning Agent as applicable) shall assist in developing.

This scope will support and document as necessary the project's Sustainability Certifications, and any applicable code requirements associated with MEP design and commissioning documentation of both buildings in Phase 1. The scope of work associated with MEP Commissioning is only related to project design and documentation and shall not include scope associated with construction administration, testing, inspections or ultimate verification which scopes shall be solicited later when the building systems are defined. Due to the regulatory nature of MEP Commissioning, all reports and findings shall be given jointly to the HOC and the Architectural Team. Provide reviews and feedback as necessary for project value engineering efforts.

The services to be provided by the MEP Commissioning Agent shall include:

1. Assist in the development of the Owner's Program Requirements (OPR) and Basis of Design component selections and documentation of the same with respect to MEP related items.
2. Throughout the design and permitting phases of the project, work collaboratively with the design team including the MEP Engineer to assist in the design of the MEP systems for both buildings in Phase 1 including recommendations associated with any value engineering and component selection.
3. Create full MEP commissioning plans (the "MEP Commissioning Plans") covering all code and Sustainability Certifications (to include the development of equipment, sampling, process, and responsibility schedules) for each building in Phase 1 (two plans).
4. Review and provide formal comments on the drawings (and/or the Revit) at the following stages of plan development for each building: 100% Design Development Drawings, Permit Submission Set, and Issued for Construction Set for each building.
5. Attend meetings, as required, with the project team to help resolve MEP related questions.
6. Verify the inclusion of appropriate systems manual requirements and operator and occupant training requirements in the drawing sets as they relate to MEP systems for both buildings.
7. The MEP Commissioning Agent is to coordinate all written communications with the Project Team & HOC Construction Team utilizing the online collaboration tool(s) being utilized by the GC & Owner (e.g. Procore & Basecamp).

MEP Commissioning Agent shall recognize that the design team for Wheaton Gateway is highly collaborative and that the achievement of the Sustainability Goals for the project requires significant time and coordination.

The MEP Commissioning Agent shall accordingly assume material time associated with meetings and coordination.

C. Enclosure Commissioning:

To fulfill the project's ambitious sustainability goals, the Sustainability Reviewer shall have experience with (or shall subcontract with) a firm experienced in envelope commissioning (such firm or individual being the "Envelope Commissioning Agent").

The Envelope Commissioning Agent shall ensure that the envelope systems are designed, documented, and planned, according to the HOC's requirements which the Sustainability Reviewer (and Envelope Commissioning Agent) shall assist in developing.

The Envelope Commissioning Agent will be expected to perform 17 services consistent with the industry-accepted role of an Envelope Commissioner in accordance with ASHRAE Guideline 0-2005 and the National Institute of Building Sciences (NIBS) Guideline 3-2012.

This scope will provide support for and documentation as required of the project's Sustainability Goals as they relate to envelope design and commissioning of both buildings in Phase 1. The scope of work associated with Envelope Commissioning is only related to project design and documentation and shall not include scope associated with construction administration, testing, inspections, and ultimate verification which scopes shall be solicited later when the building systems are defined. Due to the regulatory nature of Enclosure Commissioning, all reports and findings shall be given jointly to the HOC and the Architectural Team.

The services to be provided by the Envelope Commissioning Agent shall include:

1. Assist in the development of the Owner's Program Requirements (OPR) document with respect to envelope related items.
2. Throughout the design and permitting phases of the project, work collaboratively with the design team including the Architect to assist in the design of the envelope systems for both buildings in Phase 1 including recommendations associated with any value engineering and component selection.
3. Create full envelope commissioning plans (the "Envelope Commissioning Plans") for the envelopes (including exterior walls, unitized wall system, glazing, roofing, and waterproofing systems) of both buildings in Phase 1 (two plans).
4. Review and provide formal comments on the drawings (and/or the Revit) at the following stages of plan development: 100% Design Development Drawings, Permit Submission Set, and Issued for Construction Set for each building.
5. Attend meetings, as required, with the project team to resolve envelope commissioning related questions.

6. Verify the inclusion of appropriate systems manual requirements and operator and occupant training requirements in the drawing sets as they relate to envelope for both buildings.
7. The Envelope Commissioner is to coordinate all written communications with the Project Team & HOC Construction Team utilizing the online collaboration tool(s) being utilized by the GC & Owner (e.g. Procore & Basecamp).

The Envelope Commissioning Agent shall recognize that the design team for Wheaton Gateway is highly collaborative and that the achievement of the Sustainability Goals for the project requires significant time and coordination. The Envelope Commissioning Agent shall accordingly assume material time associated with meetings and coordination.

PART III. INSURANCE REQUIREMENTS

All liability insurance required herein shall be Comprehensive General and Automobile Bodily Injury and Property Damage policy or policies. The insurance required by the above shall be written for not less than the following limits of liability:

TYPE	LIMIT NOT BE LESS THAN
Commercial General Liability	\$1,000,000 per occurrence and \$2,000,000 in the aggregate for bodily injury, personal injury, and broad form property damage, including the following coverages: Contractual Liability, Premises and Operations; Products & Completed Operations; Independent Contractors & Subcontractors. Coverage shall be endorsed to apply on a per project or per contract basis.
Umbrella Liability	Umbrella/Excess Liability insurance coverage with a limit of liability of at least \$3,000,000.
Professional / Management Liability	Prime Sustainability Reviewer: \$2,000,000 per claim and \$2,000,000 in the aggregate that covers professional errors and omissions, negligent acts, and misconduct or lack of ordinary skill during the term of the Agreement.
Automobile Liability	\$1,000,000 combined single limit for bodily injury and property damage coverage per occurrence including the following: owned automobiles, hired automobiles, non-owned automobiles.
Worker’s Compensation	Meeting all the statutory requirements of the State of Maryland and with the following minimum Employer’s Liability limits: Bodily Injury by Accident - \$500,000 each accident Bodily Injury by Disease - \$500,000 policy limits Bodily Injury by Disease - \$500,000 each employee

Proof of such insurance shall be filed by the Contractor with the HOC prior to commencement of work. **The Certificate of Insurance will name Wheaton Venture, LLC as an additional insured**; provide Forty-Five (45) days written notice of cancellation or change and show the HOC as the certificate holder, as follows:

Housing Opportunities Commission of Montgomery County, MD
Procurement Office – RFP #2460
10400 Detrick Avenue
Kensington, MD 20895

HOC reserves the right to modify its insurance coverage prior to execution of an Agreement and to self-insure.

PART IV. PHASES OF WORK

As the Wheaton Gateway project is still engaged in the entitlement process, the exact nature and character of the Project is not fully known. It is HOC's intent that services provided during the Design Phase as described herein shall assist HOC in defining the Project. Notwithstanding the foregoing, the cost of Basic Services provided by Respondents shall include the anticipated cost of the Construction Phase of work (which phase shall only be engaged with a decision by HOC to proceed to that phase). In order to facilitate the Respondent's efforts in providing pricing associated with both the Design Phase and Construction Phase work and deliverables, HOC has created a list of assumptions that Respondents may use in developing pricing (such assumptions being denoted on **Exhibit F - Project Assumptions**). In the event that the ultimate Project design is materially different from the Project's design as denoted in Exhibit A then, prior to the release of the Construction Phase work, the winning respondent shall be afforded the opportunity to update their Construction Phase pricing (such update being the "Updated Construction Phase Bid"). HOC reserves the right to re-issue this RFP or otherwise select another qualified bidder should (in HOC's sole judgment) the winning bidder's Updated Construction Phase Bid materially differ from the bid provided in response to this RFP without sufficient explanation.

A. Design Phase: Total Estimated Duration of 30 months⁸ (the "Design Phase").

- i. 6 months of preparing entitlement documents (i.e. Site Plan and Preliminary Plan of Subdivision) (heavier Sustainability Reviewer involvement is anticipated during this stage);
- ii. 9 months of entitlement process at MNCPPC (Site Plan and Preliminary Plan of Subdivision Approval Process);
- iii. 6 months of permit set preparation (to 80% CDs)(heavier Sustainability Reviewer involvement is anticipated during this stage);
- iv. 6 - 9 months of permitting process through permit issuance;
- v. 3 months of post permit issuance general contractor procurement and VE.

B. Construction Phase: Total Estimated Duration of 36 months from commencement of Construction:

- i. Aid the design team in preparing documentation for sustainability verification.
- ii. Conduct Submittals and Submittal Review Procedure.
- iii. Conduct inspections to ensure design and implementation are in conformance to LEED-H Midrise v4 Platinum, PHIUS+ 2021, and Energy Star Multifamily New Construction.
- iv. Provide necessary administrative work to file for and achieve sustainability certifications associated with relevant MEP and envelope scopes.
- v. Provide on-site construction installation verification, observation, and sampling in accordance with the Commissioning Plan developed by respondent (e.g. inclusive of scope associated with requisite component testing).

⁸ Given the collaborative nature of the project team, the Sustainability Consultant shall expect to attend regular design meetings. It is anticipated that broader design team meetings will take place every two weeks on average (more during some phases than others). Meetings typically involve a review of outstanding items on the Basecamp platform. While the Sustainability Reviewers will not be expected to participate in all design meetings, they shall maintain general project awareness of relevant items through review of items on Basecamp.

- vi. Conduct monthly (or as otherwise warranted) site inspections once major MEP systems begin to install and provide documentation of the same.
- vii. Conduct monthly (or as otherwise warranted) site inspections once the envelope begins installation and provide documentation of the same.
- viii. Perform startup and equipment checkout.
- ix. Conduct functional test procedure reviews.
- x. Provide test readiness and functional performance testing, including seasonal functional testing.
- xi. Provide retests, deficiency resolution and warranty reviews.
- xii. Provide training verification and O&M Manual.
- xiii. Provide Commissioning Report and CFR.
- xiv. Close out

In consideration of the lengthy duration of the Project, should the duration of the Design Phase exceed thirty-six (36) months from the date of contract execution, then the winning bidder shall be permitted to increase the cost of uncompleted Design Phase work by not more than 3% per year from such date. Following the Design Phase, prior to the commencement of the Construction Phase, the winning bidder shall be afforded the opportunity to incorporate (into an Updated Construction Phase Bid as previously described) reasonable price escalation. Reasonable price escalation shall not exceed 3% per year from that date which is thirty-six (36) months from the date of Contract execution.

PART V. SELECTION

The HOC will conduct a comprehensive, fair, and impartial evaluation of all Proposals received in response to this RFP. The HOC may appoint an Evaluation Team to perform the evaluation. Each Proposal will be analyzed to determine the overall price, responsiveness, and qualifications under the RFP. The Evaluation Team may select some or none of the Offerors for interviews. The HOC may also request additional information from Respondents at any time prior to final approval of selected Sustainability Reviewers. The HOC reserves the right to select one, or none of the Respondents to provide services. Final approval of a selected Respondent is subject to the action of the HOC.

A Proposal is defined as the completed and properly executed Submission Forms, and quotation sheets, for the sums stipulated therein, submitted with the proposal. In the event a Respondent leaves a line item blank, the proposal may be deemed non-responsive and subsequently disqualified.

The proposal includes the request for proposal requirements, proposed Contract documents, and any other Reference documents. The HOC has the right to determine as non-responsive, any proposal which does not include **all submission forms, and quotation sheets completed in its entirety as specified.**

1. Selection Criteria

The HOC will use the following criteria to evaluate the proposals and will rate each Respondent accordingly:

A. Contractor Qualifications (50%):

Showing i) experience with similar project types (high-rise residential and mixed-use new construction), ii) projects using Passive House construction techniques (e.g. enhanced air sealing, energy conserving systems, or enhanced insulation), iii) experience with similar high-performance construction standards including a successful track record showing the design of buildings which have achieved 3rd Party Certifications evidencing construction to above code minimum standards), iv) experience with Low Income Housing Tax Credit (“LIHTC”), showing successful track record with LIHTC projects, with a preference for LIHTC projects in the State of Maryland.

B. Excess MFD Participation (15%):

The 15 points for MFD Participation shall be awarded as follows:

- Up to 5 pts for the Respondent’s direct MFD associated efforts.
 - i. A Respondent will be awarded the full 5 points under this section if it provides evidence that (1) it is certified as an MFD with a federal, state or local governmental entity and (2) no more than 60% of the contract value for the work will be outsourced or subcontracted to a single non-MFD firm.

- ii. If a Respondent cannot score points under the first bullet, the Respondent can score up to 5 points under this subsection if Respondent demonstrates a commitment to directly employing and/or training minority, female or disabled persons. Respondent must submit evidence of its MFD related commitments, which can include evidence of MFD individuals in senior leadership, MFD individuals staffed to this project, training and internship programs, etc. HOC will review and evaluate the Respondent's MFD related commitments and based on such review and evaluation, will award none, some or all of the 5 points under this section.
- Up to 10 pts for Subcontracts & Wages.
 - i. An MFD or non-MFD Respondent can score points under this section as follows:

0 points	If the sum of (1) the contract value subcontracted to MFD firms and (2) wages paid to MFD individuals assigned to the project is <25% of the total contract value
5 points	If the sum of (1) the contract value subcontracted to MFD firms and (2) wages paid to MFD individuals assigned to the project is ≥25% and <30% of the total contract value
10 points	If the sum of (1) the contract value subcontracted to MFD firms and (2) wages paid to MFD individuals assigned to the project is ≥30% of the total contract value

If the Respondent chooses to subcontract a portion of the scope of work, the Respondent must submit a subcontracting plan to HOC.

C. References: Satisfactory references (5%):

Including from those references denoted upon the references sheet, with demonstrated ability for on-time completion, change order history, and quality assurance and control.

D. Price (30%):

Price and Fees for performing the services described in this request for proposal. Price proposals should include detailed cost of each service and be returned (in both pdf and .xlsx format) on the form attached hereto as **Exhibit K – Pricing Matrix**.

PART VI. SUBMISSION REQUIREMENTS

a. **Qualifications Statement:**

A statement clearly outlining the work experience of the Sustainability Reviewer with similar projects demonstrating compliance with the Minimum Qualifications. This section may include company brochures and other marketing materials from the various team members to assist the HOC in evaluating your firm.

b. **Principals and Staff:**

Resumes of all primary staff responsible for the project including such materials from various team members.

c. **Experience:**

List of similar projects including a brief description of the type, location, size and respondents' involvement in the project. Respondents must demonstrate how it meets the minimum qualifications outlined above.

d. **References:**

A minimum of three (3) references from owners or their representatives on projects involving substantial renovation or new construction of similar size and type.

e. **Price Proposal Sheet:**

A detailed cost estimate provided in the format provided in **Exhibit K – PRICING MATRIX**.

f. **Schedule:**

A detailed schedule of benchmarks and deliverables from date of engagement through construction documents.

g. **Licensing and Insurance:**

Respondents shall provide proof of all necessary licensing and evidence of adequate insurance. Please provide insurance evidence or certification of all insurance coverages and policies shown in **PART III. INSURANCE REQUIREMENTS**.

The HOC reserves the rights to require additional insurance coverage if the HOC determines, in its sole discretion, additional insurance coverage is required.

h. **Subcontracting Engagement Plan:**

HOC is committed to providing Minority/Female/Disabled (“MFD”) firms an opportunity to compete in its purchasing environment and encourages all MFD firms to respond to this solicitation directly or through subcontracting opportunities. HOC promotes the use of MFD firms in all its procurement opportunities and encourages all vendors to subcontract with organizations with an MFD designation. Furthermore, HOC seeks responses from non-MFD firms with a record of employing minority persons in positions of responsibility. All responses must include a summary of the firm or individual’s MFD status,

including certification, and any Respondent may incorporate a plan to include MFD firms as subcontractors.

Subcontracting Plan:

The proposal may contain a Subcontracting Plan. The subcontracting Plan must include the following information for each subcontractor to be used: (1) name and address; (2) the type of work or service to be provided; (3) their qualification; (4) the percentage of work to be completed; (5) MFD designation (if applicable), including the name of the certifying agency, the certificate number, and proof of certification (e.g., a certification letter or copy of the certificate from the certifying agency).

- i. **HOC Works Opportunities Plan (see Exhibit H).**
- j. **U.S. Department of Housing and Urban Development Certification (see Exhibit J)**

No Respondent may alter their proposal after submission. Failure to provide all required documentation with packet submission will be deemed an incomplete submission and subject to disqualification.

EXHIBITS

- 1. Exhibit A:** Wheaton Gateway Approved Sketch Plan - Plan / Application / Comments
- 2. Exhibit B:** Wheaton Gateway Concept Plan - Plan / Application / Comments
- 3. Exhibit C:** Wheaton Gateway Sketch Plan Narrative
- 4. Exhibit D:** Wheaton Gateway Statement of Justification
- 5. Exhibit E:** Draft Dry Utilities
- 6. Exhibit F:** Project Assumptions
- 7. Exhibit G:** HOC Standard Form Agreement for Services
- 8. Exhibit H:** HOC Works Program Requirements and HOC Works Opportunities Plan
- 9. Exhibit I:** HOC Contractor/Sub-contractor Background Screening Requirement
- 10. Exhibit J:** U.S. Department of Housing and Urban Development Certification Regarding Debarment and Suspension (HUD Form 4010)
- 11. Exhibit K:** Pricing Matrix

PROPOSAL SUBMITTAL

Proposal of _____ Firm (“hereinafter called “Respondent”) a corporation/partnership/individual licensed and insured to conduct business in the State of Maryland to the Housing Opportunities Commission of Montgomery County, Maryland (hereinafter called “HOC”).

Respectfully Submitted;

By:

(Authorized Signature)

(Typed or Printed Name)

Title: _____

Company Name: _____

Address: _____

Federal ID #: _____

Phone: _____

Contact Person: _____

Email Address: _____

SEAL (if Proposal is by a corporation)

I hereby represent that my/our firm is ___ not ___ a Minority Business Firm as

Certified by

, Certification No.

1. Circle MFD Type:

BLACK AMERICAN

NATIVE AMERICAN

HISPANIC AMERICAN

HASIDIC JEWS

FEMALE

DISABLED PERSON

ASIAN/PACIFIC AMERICAN

I hereby represent that my/our firm is ___ is not ___ a Section 3 Business Firm per Paragraph 40 of Form HUD 5370.

NON-COLLUSIVE AFFIDAVIT

State of _____ .

County of _____

_____,
being first duly sworn, deposes and says:

That he/she is _____
(Individual, partner, or officer of the firm)

the party making the foregoing proposal or bid. That such proposal or bid is genuine and not collusive or sham. That said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person to put in a sham bid or to refrain from bidding. Has not, in any manner, directly or indirectly, sought by agreement or collusion, or communication of conference, with any person, to fix the bid prices of affiant or of any other bidder, or to fix any overhead, profit, or cost element of said bid price, or of that or any other bidder, or to secure any advantage against the LHA or any person interested in the proposed Contract; and that all statements in said proposal or bid are true.

By _____

Title _____

Subscribed and sworn to before me

this _____ day of _____, 20__.