

STATE OF MARYLAND
R.F.P. LA-03-23
SPECIFIC REQUIREMENTS

NOTICE – The Department of General Services Office of Real Estate has contracted with and has authorized CBRE, to serve in the capacity of Exclusive Tenant Representative (Broker) for commercial leases where the State is the Tenant. CBRE has engaged Birch Associates, to assist in this effort. As customary, the Broker’s commission will be the responsibility of the Landlord executing a lease with the State and will be due in its entirety upon approval by the Board of Public Works.

The State of Maryland requires office space for lease for the **Maryland Office of the Public Defender**:

1. Requirements

1.1 Type and amount:

- 4,630 net square feet (NSF) of administrative office space with client contact as further defined in Section 2 below.

1.2 Location

Anne Arundel County, specifically within the following boundaries:

- North: MD I-695
- East: MD I-97
- South: MD Rt 100
- West: MD I-295

1.3 Term

- (1) Original Term– Ten (10) years
- (2) Renewal Term – One (1) for five (5) years

1.4 Offerors shall submit proposals in accordance with the requirements contained in this Request for Proposals (“RFP”), the Department of General Services Office of Real Estate General Performance Standards and Specifications for State of Maryland Leased Facilities as of 7/2013 (“Performance Standards”) as amended by this RFP. All improvements necessary to bring the space into compliance with the Performance Standards by the required delivery time shall be made by the Offeror and at the Offeror’s expense.

1.5 Using the NSF and space program provided herein (“Space Program”), Offerors must indicate the net usable square feet (NUSF as defined in the Performance Standards) required to complete the project at its proposed facility. The measured NUSF will be what is listed in all documentation and will be the figure all economics are derived from.

1.5.1 As an exhibit to its RFP submission, Offerors must include a proposed

test-fit to support its NUSF measurement. The test fit should be detailed to provide the NUSF measurement of each individual program requirement listed on the provided space program. When completing the test fit, the space program attached as an exhibit to this document should be used to detail adjacencies and business units that will be required to be located within proximity to each other. Any other specific program requirements will also be found detailed in that area.

Offerors must provide a table of restroom fixtures on each floor in the proposed test fit. The fixture count shall comply with the DGS Performance Standards or local plumbing code, whichever is stricter. Fixture count should meet the DGS Performance Standards per each floor's occupant load.

- 1.5.2 The space is to be designed with all enclosed rooms/offices located along the interior of the proposed space, and all open workstations should be situated along the window line of the space/exterior wall to allow maximum natural light in the space.
- 1.5.3. If Offerors are required to make changes to their proposed plan/ test fit they will have the ability to adjust their NUSF by +/- 5%, however the proposed annual rent cannot increase beyond their initial proposal even if there is an increase in square footage.
- 1.6 The proposed rental rate for the 5-year option term will be negotiated prior to the commencement of the renewal term.
- 1.7 By submitting a proposal in response to this RFP the Offeror, if selected for award, shall be deemed to have accepted the terms and conditions of this RFP, the attached Standard State Lease Form and Addendum A and the Performance Standards, as amended by this RFP, and excluding Section A, subsection E, Selection Criteria. A red-lined document reflecting any proposed changes to the Standard State Lease Form and Addendum A **must** be submitted with the technical proposal package. Any exceptions to the aforementioned documents will be taken into consideration when evaluating the Offeror's proposal. The Procurement Officer reserves the right to accept or reject any proposed changes to the Standard State Lease Form and Addendum A.
- 1.8 Offerors may be required to make oral presentations to State representatives during the site visit process. Oral presentations are considered part of the Technical Proposal. Offerors must confirm in writing any substantive oral clarification of, or change in, their Proposals made in the course of discussions. Any such written clarifications or changes then become part of the Offeror's Proposal. The Procurement Officer will notify Offerors of the time and place of oral presentations/site visit(s).
- 1.9 Multiple or Alternative proposals will not be accepted.

- 1.10 Any protest or dispute related to this solicitation or the Contract award shall be subject to the provisions of COMAR 21.10 (Administrative and Civil Remedies).
- 1.11 Any proposal that does not meet the above requirements and/or fails to include any of the above requirements will be deemed not reasonably susceptible for award.

2. Procurement Instructions

- 2.1 Offerors must submit the financial and technical portions of their RFP Proposals in separate sealed envelopes and labeled respectively. Failure to do so will result in an inability for the procurement team to review the submission.
 - 2.1.1 Technical Proposals must be in PDF format.
 - 2.1.2 “The Department of General Services, Financial Proposal, Offer to Lease Space to the State of Maryland” (**Attachment 1**) constitutes the entirety of the Price Proposal that is required to be submitted.
- 2.2 Offerors must acknowledge that they have read the attached Executive Order 01.01.2009.12 for Transit Oriented Development in their Technical Proposal.
- 2.3 Offerors are required to be registered and in “good standing” with the Maryland Department of Assessments and Taxation. Offerors must submit a certificate of status reflecting good standing status at the time of RFP submission in their Technical Proposal.
- 2.4 An online/virtual pre-proposal conference will be held on **Wednesday, February 1, 2023, at 1:00 PM EST** to provide context to this RFP. Pre-proposal conference invitations will be sent to all parties that have requested a proposal package and have identified in the request the building(s) they intend to offer by e-mailing Tavon Winborne at dgs.re-bidsproposals@maryland.gov.
- 2.5 All questions must be submitted in writing to the attention of Tavon Winborne at dgs.re-bidsproposals@maryland.gov with the subject line being “RFP LA 03-23 Questions” no later than **Friday, February 3, 2023 by 5:00 PM EST**. Any questions submitted verbally or to any place other than the provided e-mail address will be disregarded.
- 2.6 Proposals must be received on **Thursday, February 23, 2023, by 3:30 PM EST**.
- 2.7 Information on other pending Request for Proposals (RFP) for lease space may be found on the DGS website at www.dgs.maryland.gov/Pages/RealEstate/index.aspx

3. Minimum Qualifications

The following qualifications/specifications, in addition to those found in Section 1 (Requirements) must be complied with/provided. Whenever these special qualifications/specifications conflict with the specifications contained elsewhere in this proposal package, these special qualifications/specifications shall prevail:

- 3.1 Offeror must indicate the location and costs to the State, associated with parking. A minimum of 16 total parking spaces must be provided with a breakdown as follows:
 - 3.1.1 Offeror must allow the conversion of additional on-site parking spaces to electric vehicle charging stations at the State's expense should they choose to do so in the future.
 - 3.1.2 24/7 access to the parking areas identified in 3.1.1 and 3.1.2 above is required. The agency must be able to access parking areas 24 hours per day, 7 days per week including holidays.
- 3.2 The State requires access to the proposed space 24 hours per day, 7 days per week including holidays.
- 3.3 All floors occupied by the State are required to be keycard access from elevators and stairwells. If a proposed portion of the space is on a multi-tenanted floor suite entry will be required to have keycard-controlled access.
- 3.4 A minimum of Two (2) elevators are required to access the space is the proposed space is located above street level.

Failure to meet any of the above Minimum Qualifications will result in the Offeror's Technical Proposal being rejected.

4. Evaluation and Selection Process

Evaluation of Proposals will be performed in accordance with COMAR 21.05.03 by a committee established for that purpose (the "Evaluation Committee") and based on the evaluation criteria set forth below. The Evaluation Committee will review proposals, participate in Offeror oral presentations and discussions, tour potential building locations and provide input to the Procurement Officer. The Department reserves the right to utilize the services of individuals outside of the established Evaluation Committee for advice and assistance, as deemed appropriate. During the evaluation process, the Procurement Officer may determine at any time that a particular Offeror is not susceptible for award.

- 4.1 Technical Proposal Evaluation Criteria
The criteria to be used to evaluate each Technical Proposal are listed below in descending order of importance. Unless stated otherwise, any sub-criteria within each criterion have equal weight.
 - 4.1.1 **Agency program consideration, efficiency of building layout, etc.**

Offerors are judged based on their ability to meet the specific needs outlined in the “Requirements” portion of this RFP and the attached Space Program. The ability to lay out the space in a format that creates operational efficiencies will also be evaluated. Layout of the building including column spacing, irregular space configurations, long narrow runs of space, and atriums, light wells or other areas interrupting contiguous spaces, or any other unusual building features will be evaluated. Additional weight will be given to street level client access space.

- 4.1.2 **Access to Retail and Outdoor Amenities.** Offeror’s Proposals are judged based on the availability and quality of the following amenities within a 1/2 mile radius of each building proposed:

Pharmacy
Dry Cleaner
Gym/ Fitness
Restaurant

- 4.1.3 **Indoor Amenities**

Responses will be evaluated on the availability of building amenities. These amenities include the availability of tenant conference centers/facilities, fitness centers, on-site food service options/restaurants, concierge service, and any other amenity that the Offeror provides to tenants in the building.

- 4.1.4 **Ease of access by the public.**

Walkability to the proposed site from public transportation will be evaluated with respect to the physical characteristics of the path of travel to enter the building from public transportation modes available to the building which will allow both a person with or without a temporary or permanent incapacity or disability to gain access to the building.

- 4.1.6 **Quality of outdoor environment.** Quality of outdoor environment will be evaluated for protection of noise interference, views from building windows on proposed floors, availability of or proximity to green space and access to walking paths/recreational areas.

- 4.1.7 **First Impression of facility appearance.** First impression of facility appearance will be evaluated for maintained landscaping, operating elevators, clean mats, cleanliness and maintenance of the interior and exterior of the building, building signage condition, lobby and common area lighting, recent building renovations/common area upgrades and maintenance, and general condition of building façade.

- 4.1.8 **Conformity of Use.** Offeror’s proposed location/building will be evaluated on whether it is surrounded by other similar office buildings as opposed to

industrial buildings, medical/institutional education buildings, and residential buildings.

4.1.8 Transit Evaluation Factors:

4.1.8.1 Every submission is mapped to track the availability and distance to bus lines. Offeror's Proposals are judged on the distance from the main entrance of the proposed building to the following modes of public transportation:

- Quantity of different routes and distance from the building main entrance to bus stops.
- Greater weight will be given to Offeror's proposals who have two or more bus routes within 1/2 mile of the Offeror's building.

4.1.8.2 Transit Oriented Development – "TOD"

Greater weight will be given to Offer's proposals whose buildings fall within a TOD. "Transit-oriented development" has the meaning defined under Section 7-101 of the Transportation Article of the Annotated Code of Maryland.

4.2 Financial Proposal Evaluation Criteria

The Financial Proposal Form (Attachment 1) is used to calculate the Offeror's Total Net Effective Rent. The Net Effective Rent is used as the basis for the Offeror's fully evaluated financial rating. The criteria to be used to evaluate each Financial Proposal are listed below in descending order of importance. Unless stated otherwise, any sub-criteria within each criterion have equal weight.

4.2.1 Net Effective Rent:

The Net Effective Rent is inclusive of base rental rate, annual escalations, operating expense structure, rent abatement, parking costs, and any other miscellaneous pass-throughs proposed by the offeror.

4.2.2 The full point total is awarded to the lowest proposed annual net effective rent while each successive response receives a score that is proportionately reduced based upon the percentage difference from the lowest annual net effective rent.

4.2.3 Turn-Key Buildout:

The proposal will be evaluated based on whether Offeror elects to complete the proposed build-out per the RFP as turnkey. A turnkey buildout is defined as one that the Offeror assumes the entire cost of construction and will not be eligible for excess fit-up reimbursement per the DGS construction process.

4.2.4 Janitorial Provided by Landlord:

It is always the State's preference for the procurement of janitorial services to be the responsibility of the Landlord.

4.2.5 Pass Through Costs:

- The three main operating expenses Landlords can pass through to the State are janitorial, utilities, and real estate taxes. All Offerors have the option of procuring these services on behalf of the State, or directly passing through the cost/responsibility to the using agency. If the offeror chooses to assume procurement responsibilities, they also have the option to cover any increases over a base year, or to pass that cost through to the State.
- The Offeror will receive consideration for any pass through the Offeror not only procures on behalf of the State, but also assumes the costs of any increases over the base year.

4.2.6 Targeted Growth Zone and Revitalization Zone:

- A **Targeted Growth Zone** is one that capitalizes on the state's influence on economic growth and development. These are existing communities and places designated by local governments indicating where they want state investment to support future growth. Consideration is given if the Offeror's site meets this qualification.
- **Revitalization Zones** are those within the boundaries of a Sustainable Community and help achieve the outcomes identified in a communities Sustainable Communities Action Plan. Consideration is given if the Offeror's site fits this qualification.

4.2.7 State Energy Initiatives:

Offerors are given the opportunity to disclose the energy efficiency of their site by disclosing whether it has earned LEED Gold or Silver classification, or by filling out a Tier I or Tier II energy efficiency checklist. Greater consideration will be given in descending order as follows:

LEED Gold
LEED Silver
Tier II Environmental and Energy Efficiency
Tier I Environmental and Energy Efficiency

5 **Selection Procedures**

5.1 General

- 5.1.1 The contract will be awarded in accordance with the Competitive Sealed Proposals (CSP) method found at COMAR 21.05.03. The CSP method allows for the conducting of discussions and the revision of Proposals during these discussions. Therefore, the State may conduct discussions with all Offerors that have submitted Proposals that are determined to be reasonably susceptible of being selected for contract award or potentially so. However, the State reserves the right to make an award without holding discussions.
- 5.1.2 With or without discussions, the State may determine that an Offeror is not responsible, or the Offeror's proposal is not reasonably susceptible of being selected for award at any time after the initial closing date for receipt of Proposals and prior to contract award.
- 5.1.3 The Procurement Officer may limit discussions and negotiations to only those responsible offerors that submitted the three best proposals based upon the procurement officer's preliminary review, in accordance with the evaluation factors, of all proposals received in response to the request for proposals.
- 5.1.4 When in the best interest of the State, the Procurement Officer may permit Qualified Offerors to revise their initial Proposals and submit, in writing, Best and Final Offers (BAFOs). The State may make an award without issuing a request for BAFO. Only Offerors being classified as reasonably susceptible of being selected for award will be permitted to revise their initial Proposal in BAFOs.

5.2 Award Determination

Upon completion of the Technical Proposal and Financial Proposal evaluations and rankings, each Offeror will receive an overall ranking. The Procurement Officer will recommend award of the Contract to the responsible Offeror that submitted the Proposal determined to be the most advantageous to the State. In making this most advantageous Proposal determination, financial factors will receive greater weight than technical factors. After obtaining the approval of this recommendation by the agency head or designee, the Maryland Board of Public Works, and all other required approvals and certification of funds by the appropriate fiscal authority, the procurement agency shall award the lease.

Information may be found on eMMA by clicking the below link:

STATE OF MARYLAND
R.F.P. LA-03-23
AMENDED GENERAL PERFORMANCE STANDARDS AND SPECIFICATIONS FOR
STATE OF MARYLAND LEASE FACILITIES AS OF 07/2013

The following special specifications must be complied with/provided. Whenever these special specifications conflict with The Department of General Services Office of Real Estate *General Performance Standards and Specifications for State of Maryland Leased Facilities as of 07/2013* (available electronically at <https://dgs.maryland.gov/Pages/RealEstate/index.aspx>), these special specifications shall prevail:

1. LED lighting shall be required throughout the demised premises which will meet all other specifications as contained within the V. Section E. Electrical System Criteria & Components, B. Lighting as contained within *General Performance Standards and Specifications for State of Maryland Leased Facilities as of 07/2013*.
2. Carpeted areas will require carpet tiles which will meet all other specifications as described in VI. Section F. Interior Construction & Finishes, C. Floor Coverings, 2. Carpet Tiles as contained within *General Performance Standards and Specifications for State of Maryland Leased Facilities as of 07/2013*.
3. Space offered for lease to the State must contain the required net square footage (plus or minus 5%) as required by the solicitation. Upon delivery, the actual number of net useable square feet of space delivered will be determined by mutual field measurement. In no event shall the State pay a greater annual rent than the amount submitted by the Offeror on DGS Form 680-2, "Offer to Lease Space." However, the State shall be entitled to a credit/rental reduction if by mutual field measurement the amount of net usable square footage is less than the amount submitted on the DGS Form 680-2.
4. All restroom fixtures (including hand soap and paper towel dispensers) on floors proposed to be occupied by the State will be required to be touchless and sensor operated which will meet all other specifications as described in IV. Section D. Mechanical & Plumbing Systems Criteria, B. Plumbing/Utilities, 3. Restroom Fixtures
5. All doors to lunchrooms/kitchenettes, focus rooms, interview rooms, and huddle rooms will be required to have a full glass pane installed to allow for access to natural light which will meet all other specifications as contained within the VI. Section F. Interior Construction and Finishes, G. Interior Doors as contained within *General Performance Standards and Specifications for State of Maryland Leased Facilities as of 07/2013*.
6. Offeror shall provide office doors with clear tempered glass lights. Interior office partitions shall include a glass side light adjacent to office doors that are 12-18" wide and which extend from the floor to the top of the door frame (7'-0"). The sidelight frame shall be the same frame material as the door frames. Sidelights shall meet the same partition rating and STC rating as the office partitions in which they are installed. Glazing shall be 1/4" clear fully tempered glass.
7. Luxury Vinyl Tile (LVT) shall be required in lieu of Vinyl Composition Tile (VCT) throughout the demised premises and must meet the below LVT Specifications. These specifications supersede the specifications within VI. Section F. Interior Construction Finishes, Section C. Floor Coverings, 3a. Vinyl Composition Tile (VCT) as contained within the *Standards and Specifications for State of Maryland Leased Facilities as of*

07/2013.07/2013. Any reference to VCT throughout the Specifications and Standards shall be replaced with LVT.

8. Drinking Fountains/Water Bottle Filling Stations shall be required throughout the demised premises and must meet the below Bottle Filling Station Specifications. These specifications supersede the specifications within IV. Section D. Mechanical & Plumbing Systems Criteria, Section B. Plumbing/Utilities, 2. Drinking Fountains as contained within the *Standards and Specifications for State of Maryland Leased Facilities as of 07/2013.07/2013*.
9. Solid surface countertop will be required in all wellness/lactation rooms and break/lunchrooms.

BOTTLE FILLING STATION PRODUCT SPECIFICATION SHEET

Sanitary, touchless activated electric water cooler & bottle filling station.

Minimum drinking water delivery of 8 GPH drinking water (refrigerated) w/ quick fill rate

Easy touch controls, menu, and push bar activation

LED light will illumination and filter monitor

Must be certified to NSF/ANSI 42 & 53, with visual filter monitor to indicate when replacement is necessary (2500 gallons or more).

New filter detection with reset.

Automatic refrigeration control with hermetically sealed, reciprocating type, single phase, and self- lubricating

Display menu with temperature control and sensor

Stainless steel w/anti-microbial protection w/ drain system; combination self-cleaning cooling unit

Cooling unit should have continuous copper tubing, stainless steel tank (fully insulated Unit shall meet ADA guidelines.

STANDARD FEATURES

- Filtration System must be certified to NSF/ANSI 42 & 53 (Lead, Class 1 Particulate, Chlorine, Taste & Odor) and Unit must be UL399 and FCC compliant• Unit shall be a lead-free design which is certified to NSF/ANSI 61 and 372 and meets Federal and State low-lead requirements.
- Fan cooled condenser with copper tube & aluminum fins. • Meets UL requirements for self-extinguishing material.

Luxury Vinyl Tile (LVT): LVT shall meet:

1. ASTM F1700 Standard Specification for Solid Vinyl Floor
2. Classification: ASTM F1700, Class III, Type B
3. Gauge Total Thickness: 0.2 in. (5 mm), ASTM F386
4. Wear-Layer Thickness: 20 mil (0.50 mm)
5. Surface Treatment: UV Cured Polyurethane

6. Static Load: < 0.005 in. (250 psi), ASTM F970
7. Dimensional Stability: < 0.20 in/1 in ft, ASTM F2199
8. Flexibility: ASTM F137, 1" Mandrel, No Cracks or Breaks
9. Slip Resistance: ASTM D2047 ADA Compliant
10. Resistance to Chemicals: Slight change maximum, ASTM F925.
11. Resistance to Light: $\Delta E < 8$, ASTM F1515
12. Resistance to Heat: $\Delta E < 8$, ASTM F1514
13. Fire Rating: > 0.45 W/cm², Class I, ASTM E648
14. Impact Insulation Class (IIC): > 50, ASTM E492
15. Indoor Air Quality: Must be FloorScore® Certified
16. Product EPD: Description; no minimum recyclable content
17. Warranty: 15 years limited

**STATE OF MARYLAND
R.F.P. LA-03-23
GENERAL INFORMATION**

The Department of General Services Office of Real Estate *General Performance Standards and Specifications for State of Maryland Leased Facilities* are only available electronically at www.dgs.maryland.gov/Pages/RealEstate/index.aspx

PLEASE BE ADVISED THAT ELECTRONIC PROPOSALS SHALL NOT BE ACCEPTED. ONLY HARD COPY SEALED PROPOSALS: (1) DELIVERED IN AN ENVELOPE ADDRESSED TO: TAVON WINBORNE, AGENCY RELATIONSHIP MANAGER – PROCUREMENT OFFICER, STATE OF MARYLAND, DEPARTMENT OF GENERAL SERVICES, OFFICE OF REAL ESTATE, 300 WEST PRESTON STREET, ROOM 601, BALTIMORE MARYLAND 21201, (2) MARKED RESPONSE TO RFP-LA-03-23 CLEARLY ON THE ENVELOPE AND (3) DELIVERED WITHIN THE PERMITTED TIME PERIOD SHALL BE ACCEPTED.

PROPOSERS MUST REQUEST COPIES OF THE REQUIRED PROPOSAL DOCUMENTS ALLOWING SUFFICIENT TIME TO RESPOND BY THE CLOSING DATE BY CONTACTING TAVON WINBORNE at dgs.re-bidsproposals@maryland.gov WITH THE SUBJECT LINE “RFP-LA-03-23 RFP DOCUMENTS REQUEST”. EACH SUBMISSION MUST REQUEST THEIR OWN RFP DOCUMENTS AND IDENTIFY THE BUILDING(S) THEY INTEND TO SUBMIT.

ALL PROPOSALS MUST BE DELIVERED TO THE OFFICE OF REAL ESTATE AT 300 WEST PRESTON STREET, ROOM 601, BALTIMORE, MARYAND 21201.

PROPOSALS NOT SUBMITTED ON TIME, ON THE PROPER FORMS OR IN THE PROPER ENVELOPE FORMAT WILL BE DETERMINED TO BE NON-RESPONSIVE AND WILL NOT BE CONSIDERED. Proposals must be received on Thursday, February 23, 2023, by 3:30 PM EST.

Information on pending Request for Proposals (RFP) for leased space may be found on the DGS web page @ www.dgs.maryland.gov/Pages/RealEstate/index.aspx

REGULATORY NOTICES:

Public Information Act. Offerors should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed by the State under the Access to Public Records Act, General Provisions Article, Title 4, of the Annotated Code of Maryland [COMAR 21.05.08.01]

If the proposal is for a contract that is reasonably expected to exceed \$50,000.00 or if this procurement requires bid security under an applicable Federal law or a condition of Federal assistance, the Procurement Officer may require bid security in some form determined by DGS or Federal law, as the case may be. Offerors are encouraged to inquire whether such bid security is required for this solicitation if such notice is not given by DGS. [COMAR 21.05.08.02]

Minority business enterprises are encouraged to respond to this solicitation. [COMAR 21.05.08.03]

By submitting a response to this solicitation, an offeror shall be deemed to represent that it is not in arrears in the payment of any obligation due and owing the State of Maryland, including the payment of taxes and employee benefits, and that it shall not become so in arrears during the term of the lease if selected for contract award. [COMAR 21.05.08.06]

Please review, complete and sign the accompanying Proposal Affidavit and the Conflict-of-Interest Affidavit and Disclosure and be sure to include them with your proposal. Note that both affidavits provide that you are signing each affidavit under affirmation based upon the best of your knowledge, information and belief. Failure to include the affidavits will result in your proposal being rejected as non-responsive.

https://emma.maryland.gov/page.aspx/en/bpm/process_manage/35248