

**REQUEST FOR PROPOSAL**  
**ARCHITECTURE/ENGINEER DESIGN CONSULTING SERVICES**  
**DESCRIPTION OF SERVICES**

This Request for Proposals (“RFP”) is issued in accordance with the requirements of Section 41-16-72(3), Code of Alabama (1975). This RFP is not an offer to contract but seeks the submission of proposals from qualified, professional respondents that may form the basis for negotiation of a contract or agreement. *The Alabama Emergency Management Agency reserves the right to reject any or all proposals and to solicit additional proposals if that is determined to be in the best interests of the State of Alabama.*

The State of Alabama Emergency Management Agency (“AEMA”) is soliciting proposals from qualified Architecture/Engineer design (A/E) firms to provide plan, design and manage construction of a file storage building to be located at the AEMA’s Clanton complex. The proposed site is at 5898 County Road 41, Clanton, Alabama 35046. This storage building will be used to store files.

Design and construction of the proposed facilities shall conform to the requirements of the Alabama Building Commission, and AEMA. AEMA anticipates that the storage building will be approximately 1980 sq. ft.

**Qualifications:** The A/E firm shall be licensed in the State of Alabama and demonstrate experience in design and construction oversight of file storage buildings. All applicable State of Alabama Building Commission bid documents and bidding procedures, as well as any other applicable requirements from additional funding sources shall be utilized on this project.

The proposals will be reviewed for experience and qualifications and finalists may be selected for an interview process. Interested firms must submit qualifications on GSA Standard Form 330. Please address experience as it relates to the qualification requirements or design, bidding and construction management.

Act 2201-955 requires a disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals submitted to the State of Alabama in excess of \$5,000.

**Maximum Funding:** **The maximum funding the Alabama Emergency Management Agency has to complete this project is One Hundred Thousand Dollars (\$100,000), including all A/E fees.**

**QUALIFICATION REQUIREMENTS**

The Respondent has a continuing obligation to disclose information throughout the RFP process should any qualifications or situations change that might render the Respondent as an unqualified candidate.

It is the intent of AEMA to do business with Alabama firms that pay Alabama taxes and employ Alabama citizens. When all factors are equal, corporations located in Alabama will be given preference. The following are the minimum qualifications:

- (a) The Respondent has been providing similar services as described in this RFP for five years.

- (b) The Respondent will be qualified with the Secretary of State to conduct business in the State of Alabama, if selected. For more information, visit the Secretary of State website at [www.sos.alabama.gov](http://www.sos.alabama.gov) and click Corporations.
- (c) The Respondent covenants that it will have no interest, direct or indirect, that will conflict in any manner or degree with the performance of its contract services. The Respondent further covenants that, in the performance of the contract, the Respondent shall employ no person having any such known interests.
- (d) The Respondent has a policy and practice of equal employment opportunity and non-discrimination based on age, race, creed and/or gender.
- (e) The Respondent attests that all workers providing the services described in this RFP are either citizens of the United States or are in proper and legal immigration status that authorizes them to be employed for pay within the United States.
- (f) The design fee will be in accordance with the State of Alabama Building Commission's Basic Fee Schedule. The State of Alabama Building Commission's Fee Schedule can be viewed at [www.bc.alabama.gov](http://www.bc.alabama.gov) under Manual of Procedures, Chapter 4 Supplement. The project will be classified as a Group I building.

Preference will be given to those firms who have successfully provided similar services to the federal, state, or local governments. **The State of Alabama has the right to exercise any or all options according to its needs and available funding including but not limited rejecting a bid in excess of its funding for the Project.**

#### **SELECTION:**

All proposals timely received will be reviewed by the Selection Committee. The Committee will recommend proposals to AEMA's General Counsel that most closely meets the requirements of the RFP.

Discussions and/or Presentations. After the review and evaluation of the proposals, AEMA's General Counsel or Committee may conduct interviews. Finalists chosen for interviews will be notified, if applicable. AEMA's General Counsel reserves the right, in his sole discretion, to negotiate and award a contract based upon the written proposals received without additional discussion or negotiations.

Selection. AEMA's General Counsel will select the Respondent the General Counsel determines, in his sole discretion, to be fully qualified and best suited among those submitting proposals to fulfill the purposes of the RFP.

Pursuant to section 41-16-72(3), the State of Alabama reserves the right to accept or reject any or all proposals to this RFP.

Submission Deadline. It is the responsibility of the Respondent to ensure that its proposal is timely delivered and received in the AEMA's Office on or before the Submission Deadline. AEMA will not consider proposals received after the Submission Deadline. AEMA assumes no responsibility for late delivery by the U.S. Mail, the State's Central Mail Facility, a commercial courier service, or any other method of delivery selected by the Respondent.

All technical questions should be directed in writing by or before December 15, 2009, to Terry DeVaughn at [terry.devaughn@ema.alabama.gov](mailto:terry.devaughn@ema.alabama.gov) or by mail to:

Terry DeVaughn  
Alabama Emergency Management Agency  
P.O. Drawer 2160  
Clanton, Alabama 35046-2160

Interested parties must submit one original and five copies no later than December 30, 2009 (the "Submission Deadline") to:

Bryan K. Prescott  
General Counsel  
Alabama EMA  
5898 County Road 41  
P. O. Drawer 2160  
Clanton, AL 35046-2160

Any oral communications shall be considered unofficial and nonbinding on AEMA. Written responses to written comments shall be posted on the AEMA's website.

Discussions initiated by the Respondent with AEMA staff other than Terry Devaughn concerning this RFP prior to contract award may be grounds for elimination from the selection process.

**AGREEMENT.**

All duties of the Respondent shall be set forth in a negotiated contract agreement between the Respondent and AEMA. Constraints set by the grant agreement funding the RFP will determine the length of the contract. The contract will incorporate reference to the requirements of the RFP and the Respondent's proposal as negotiated.

State law prohibits AMEA from agreeing to (1) indemnify the Respondent; (2) waive the right for jury trial; (3) grant a security interest; or (4) binding arbitration. Additionally, it is mandatory that Alabama laws apply to the performance of the contract and that jurisdiction and venue be in Montgomery, Alabama for state and federal courts.

**PUBLIC INFORMATION**

All responses received will be subject to the Alabama Open Records Act, §36-12-40, Code of Alabama and may be subject to public disclosure upon request. The Open Records Act is remedial and should therefore be liberally construed in favor of the public. The Alabama Trade Secrets Act is §8-27-1 through §8-27-6, Code of Alabama. Responders are cautioned to be familiar with these statutes. The burden is on the one asserting the trade secret to show that the information sought to be protected meets the definition of a Trade Secret as defined in the Act.

Any RFP response submitted that contains confidential, trade secrets or proprietary commercial information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as such. Identification of the entire bid proposal as confidential is not acceptable unless the Respondent enumerates the specific grounds or applicable laws which support treatment of the entire material as protected from disclosure according to the foregoing statutes or other applicable Alabama law.

The owner of the confidential information shall indemnify and hold the State of Alabama, AEMA, and the AEMA staff harmless from all costs or expenses, including but not limited to attorney fees and expenses related to litigation concerning disclosure of said information and documents.