

**Request for Proposals
NKU-41-19**



**Architectural and Engineering Design
and Contract Administration Services**

for Northern Kentucky University

Campus Master Plan

June 11, 2019



Project Name and Location: **Campus Master Plan**
Northern Kentucky University
Highland Heights, Kentucky

Deadline for Questions: **Wednesday, June 26, 2019 (2:00 PM)**

Final Date for Issuance of Addenda: **Friday, June 28, 2019**

Response Deadline (Proposals Due): **Friday, July 5, 2019 (2:00 PM)**

Notification of Short Listed Firms: **TBD**

Interviews: **TBD**

Selection Process: SHORT LIST with INTERVIEWS

Contact regarding this project is to be directed to Ryan Straus in NKU Procurement Services. Discussing this project with any other NKU staff member may be grounds for disqualification of the design firm/team. All requests for information, questions or comments relative to this project should be directed to:

Ryan Straus
Coordinator, Procurement Services
Northern Kentucky University
Phone: (859) 572-6605 Email: strausr2@nku.edu

I. General Background for RFP

A. Statutory Authority:

Selection of firms to provide professional services to Northern Kentucky University are governed by the provisions of the Kentucky Revised Statutes, KRS 45A.085, <http://www.lrc.ky.gov/KRS/045A00/085.PDF>

B. Responsiveness

The objective of the selection process is to provide a uniform methodology for Northern Kentucky University to procure professional architectural and/or engineering services. Members of the selection committee are asked to evaluate fairly all responses and to compare each team's qualifications with the project requirements. Selections will be determined through the unbiased and independent interaction of the members of the committee. Therefore, it is in your firm's best interest to be specifically responsive to the requirements of this solicitation. By submitting qualifications, the respondent represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the University's objectives.

II. Project Objective

Northern Kentucky University seeks a qualified consulting team to develop a physical campus master plan. A relatively young campus (50 years old), NKU has recently adopted a new three year strategic framework plan, *Success by Design*, <https://www.nku.edu/successbydesign.html> NKU is committed to advancing student success aligned with regional needs, based upon three pillars of student success: access, completion, and career and community engagement.

The University has a strong history of master planning and with this master plan, the University seeks to refine its focus for the future. Past planning efforts were focused on growing the campus to provide capacity for a continually growing enrollment. In recent years, enrollment has not been as strong. The 2009 Master Plan has been a good plan but the planning parameters for that plan are no longer valid.

Many of the priorities outlined in that plan have been accomplished, including:

- Construction of two academic buildings, Griffin Hall (College of Informatics) and the new Health Innovation Center, along with the full renovation of the University's second academic building, Founders Hall.
- The campus recreation center has been expanded, dining halls have been renovated and new residence halls have been added.
- A Soccer Stadium has been constructed.
- A new road has been constructed along the west edge of campus.
- The Central Plaza has been totally reconstructed.
- Finally, the University has a multi-phase P3/Town Gown project underway at the main entry to campus.

As a regional university located in a unique metropolitan area, NKU has great potential. How does *Success by Design* inform our planning? How do we align planning to meet future

objectives? These are among the key questions the University faces as it begins this important planning process. To be considered successful, this master planning process must engage the internal and external campus communities in conversations about the vitality of the University and of its potential to be a place of exemplary quality.

The Master Plan should be a living document which is both bold and visionary while supporting the university's mission and vision for the future. Respondents to this RFP are challenged to articulate how they would approach a planning process at NKU.

This master plan will require the full range of planning elements typically associated with a campus framework plan, including:

- academic program planning;
- space utilization and space needs;
- pedestrian circulation;
- competitive athletics and recreational sports;
- student life, housing and dining;
- land use and community integration;
- transportation, mobility, and parking;
- space and program planning; and,
- infrastructure and utility condition and capacity;
- wayfinding and signage;
- land acquisition and disposition;
- architectural and site design guidelines; and,
- implementation, phasing and cost modeling.

Facility Condition analysis will potentially be accomplished as part of a different effort coordinated by the Kentucky Council on Postsecondary Education, although the timing is uncertain at this time.

The successful master planning team responding to this RFP will have a history of coordinating the completion of successful comprehensive campus master plans.

Existing Data

The following is a sampling of documents which are available to the master planning team, and can be found here https://inside.nku.edu/content/inside/procurement/resources/nku-campus-master-plan-documents.html?cq_ck=1559320910779

- Previous NKU Master Plans
- Current Land Holdings Map
- Campus Base Map
- Various Space Database Reports
- US 27 Development – Draft Site Master Plan
- US 27 Project Traffic Study
- Highland Heights Comprehensive Plan
- NKU Hazard Mitigation Plan

III. Project Directives/Guidelines

A. Schedule

The University expects to begin a formal master planning process engaging internal and external representatives of the community, both campus and town, in September 2019. Finalist firms will be asked to provide proposed schedules for this work, anticipating that it will take approximately 12 months from start to finish; the publication of final master plan materials could extend beyond this time frame. Provide evidence of your team's current workload and capacity to perform the work within this stated timeframe.

B. Project Funding

The master planning effort will be funded through sources internal to the University. The total anticipated cost of the master plan, including all consultants and final documentation/reports, will be considered by the University during the fee negotiation phase. Upon conclusion of the interview phase of the selection process, scoring of the short listed firms will result in a preferred firm. That firm will be asked to submit a fee proposal organized to provide costs for the various possible elements of the plan. Should the University be unable to conclude fee negotiations with the preferred firm, the University will move to the second firm on the list. Although the University is not committing to spend this amount, the University anticipates that the cost of the master plan will not exceed \$750,000.

C. Work After Project Completion

Upon completion of the master plan, the University may be interested in further consultation with the master planning firm for work related to implementation of the master plan and to perform other planning studies as may be needed.

IV. RFP RESPONSE

A. Preparation and Submission of Proposal

The proposal shall be prepared double-sided on 8 ½" x 11" paper. Text type size shall be a minimum of 10 point font. Index, tab and sequentially number RFP Response sections as outlined below. Binders and covers are at respondent's discretion; however, elaborate graphics and expensive paper and binding are not necessary. All text and exhibits shall be concise and entirely relevant to the RFP requirements. Organize as follows:

Tab	Content	Page Maximum
1	Cover Letter	2
2	Design Team Organization and Key Personnel	As required
3	Narrative Content	As required
4	Schedule	As required
5	MBE/DBE Participation	Up to 10

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6	Qualifications and Experience	As required
7	References	As required
8	SF330 Parts II	As required
9	Signed and Notarized Authentication of Bid, Statement of Non-Collusion, Non-Conflict of Interest and Bidder Certifications and Reciprocal Preference	As required

NOTE: Submittals that do NOT contain the above items will be deemed a non-responsive proposal and disqualified from the selection for this project.

The respondent shall submit, via US Postal Service, courier or other delivery service in a sealed package **by 2:00 PM on Friday, July 5, 2019:**

- eight (simply bound for recycling purposes) copies;
- one unbound original of its proposal; and,
- one USB drive containing the proposal in electronic format

Failure to provide the required number of and type of proposal copies will result in the submittal being considered non-responsive and disqualified from the selection process.

Submittals shall be addressed to:

Mr. Blaine Gilmore
Director, Procurement Services
1 Nunn Drive
617 Lucas Administrative Center
Northern Kentucky University
Highland Heights, KY 41099

****Bearing respondent's name and address, and clearly marked as follows:**

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A/E Services
Campus Master Plan**

1. Tab 1 - Cover Letter

The cover letter shall serve as an introduction to the Respondent's qualifications and capabilities. The letter of no more than 2 pages shall be addressed to Mr. Blaine Gilmore, Director of Procurement Services, and must contain at least the following:

- a. Identification of master plan team, including name of each sub-consultant;
- b. Indicate ability to complete the project within the time specified on the notice to proceed;
- c. Statement that a principal member of the planning team holds a professional license to practice either architecture or landscape architecture in the Commonwealth of Kentucky;
- d. An email address---the results will be sent via email;
- e. Acknowledgement of receipt of RFP addenda, if any; and,

f. Signature of person authorized to bind the offering firm to the terms of the Proposal.

2. Tab 2 – Master Plan Team Organization and Key Personnel

In this section provide an **organizational chart** showing the interrelationship of the team members and key personnel. Identify the project manager and all team members who will assume leadership roles on this project with clearly labeled areas of responsibility. Provide contact information for each company: name, address, contact person and title, email and telephone number. Describe your previous experience working with each team member.

Provide a **resume** for each of the key personnel shown in the organizational chart. The project manager's experience on similar projects and a demonstrated ability to lead and manage the consultant team and a complex master planning process is highly important. Resumes must include clear identification of the firm for which the person worked, if a project for which a person claims experience occurred while employed for a different firm; and, in addition, the resume must include the time frame for each experience item.

NOTE: Any known, or anticipated, changes in the composition of the proposed project team shall be made known to the Selection Committee administrator, in writing, prior to the completion of the selection process. Non-compliance with this requirement may be deemed as sufficient reason for disqualification.

3. Tab 3 – Master Plan NARRATIVE CONTENT

Include a maximum of 10 pages of narrative content organized as follows:

- A. A narrative statement outlining the design team's philosophy about the importance of campus master planning;
- B. A narrative statement outlining the firm's proposed approach and process for this master plan, including the team's recommendation for the role and involvement of the University in that process; and,
- C. Proposed committee structure.

These topics should be covered:

- A. Analysis phase
- B. Idea and concept phase
- C. Refinement and decision phase
- D. Documentation/report phase

Describe the deliverables that we can expect. Include, as appropriate, the means of communication and information sharing that your team would propose to use as well as the role of technology planning tools in your recent master planning work efforts and that you would propose to use for this plan if selected.

4. Tab 4 – Master Plan SCHEDULE

Provide an anticipated schedule for the various phases of the master planning process proposed for our campus, as outlined in your narrative in Tab 3.

5. Tab 5 – MBE/DBE Participation

The University is committed to the participation of Minority/Disadvantaged Business Enterprises (MBE/DBE) design firms. NKU encourages the use of MBE/WBE businesses but has not formally established a MBE/WBE goal. While not a requirement, NKU is asking design teams to attempt to reach 10% of the total fee to MBE/WBE firms. To assist selection committee members in assessment of RFP responses, provide an estimate of your team's total fees that will be earned by MBE/WBE members of your team.

Provide certified documentation of MBE/DBE status and an outline of MBE/DBE firm's level of participation expressed as an estimated percentage of the total scope of work.

For assistance in identifying MBE/DBE professional design firms, respondents may contact the Office of Equal Employment Opportunity/Contract Compliance, Room 370, Capitol Annex, Frankfort, KY 40601; phone: 502-564-2874. For purposes of this submittal, MBE/DBE firms are those firms that have been certified by one of the following: KY Transportation Cabinet or *other* state transportation agencies, the Kentucky Minority Supplier development Council or *other* state minority Supplier Development Councils, the Kentucky Certification Cooperative, or the Small Business Administration.

Evidence of respondent's full good faith effort is to be included, briefly stating what efforts were made to seek and obtain the participation of a MBE/DBE owned professional design firm on their proposed team.

6. Tab 6 – Qualifications and Experience

Identify similar major master planning projects undertaken by the lead master planning firm as well as those undertaken by any sub-consultants within the last 5-7 years. Document each team member's actual responsibility on each project. The prime consultant should describe no more than ten (10) projects and the sub-consultants no more than five (5) projects each. The sub-consultant's projects should be similar to the work they will perform on this project.

Include no more than 2 pages per project and provide the following:

1. Plan name, location and a brief description of the work.
2. Describe your firm's responsibility or role in the plan.
3. If a member of your team was responsible for/or actively involved in the plan, identify them.
4. Completion date.
5. Contact person, email address and telephone number for each project.

7. Tab 7 - References

Provide five client references, including name, email, postal address and telephone.

8. Tab 8 – SF330 Parts II

Respondent shall be lawfully qualified to do business with and within the Commonwealth of Kentucky. A federal form SF330 Part II must be included in the Respondent's proposal for each member of the design/planning team.

9. Tab 9 – Authentication of Bid, Statement of Non-Collusion, Non-Conflict of Interest, Bidder Certifications and Reciprocal Preference

- A. The Authentication of Bid, Statement of Non-Collusion, Non-Conflict of Interest and Bidder Certifications form must be signed and notarized in order for your proposal to be considered. This form is appended to this RFP.
- B. In accordance with KRS 45A.494, a resident offeror of the Commonwealth of Kentucky shall be given a preference against a nonresident Bidder. In evaluating bids, the University will apply a reciprocal preference against a Bidder submitting a bid from a state that grants residency preference equal to the preference given by the state of the nonresident Bidder. Residency and non-residency shall be defined in accordance with KRS 45A.494(2) and 45A.494(3), respectively. Any Bidder claiming Kentucky residency status shall submit with its bid a notarized affidavit affirming that it meets the criteria as set for in the above referenced statute.

B. Addenda/Clarifications

Any University changes to this RFP will be made by written addendum. Verbal modifications will not be binding.

Questions or comments regarding this RFP must be in writing and must be received by Ryan Straus no later than **2:00 PM EDT on Wednesday, June 26, 2019**. Inquiries will not be accepted after the above listed date and time.

C. Confidentiality

In accordance with KRS 45A.085 Competitive Negotiation, all proposals received or information derived therefrom remain confidential until a contract is awarded or all proposals are rejected.

D. Proposal Evaluation Process

All proposals received will be reviewed by the University's Procurement Services office for completeness of items requested in this RFP. All complete proposal responses will be afforded equal consideration by the members of the Selection Committee. All complete proposals will be evaluated using a numerical rating system designed to afford each Selection Committee member a reasonable, individual, objective standard to equate the qualifications of the respondents.

The evaluation form is included with this RFP. Each Selection Committee member will review, consider, evaluate and assign a numerical score to each proposal. All proposals will be graded, and the scores will be ranked in order with the respondent having the highest score

in first place, the second highest score in second place followed by the third highest score, etc. Each committee member shall then indicate in writing their choices for first, second and third place. Each named first choice firm will receive three points followed by each second choice firm receiving two points and each third choice firm receiving one point.

The committee shall then determine the firms receiving the three or four highest scores based on the points associated with the ranking of each member's first, second and third choices. These firms shall be notified of their selection and scheduled for interviews per the schedule outlined herein.

Please note that firms selected for interviews are advised to bring those individuals to the interview who will be the team members assigned to our project; we want to meet the people with whom we will be working.

Following the interviews, those firms interviewed will be notified of the committee's determination of the firm best suited for this project. That firm will be asked to enter into negotiations with the university as outlined in KRS 164.590 to finalize a contract for A/E services. All respondents will be notified of the committee's determination of the firm best suited for this project.

E. Contact Persons

Interested firms shall have no contact with any NKU staff member about any matter relating to this solicitation. Any breach of this provision may be grounds for disqualification of the team from the selection process.

The respondent's point of contact for this proposal are:

Ryan Straus
Procurement Services
Phone: (859) 572-6605
Email: strausr2@nku.edu

F. Pre-Contractual Expenses

Pre-contractual expenses are defined as expenses incurred by the respondent in:

1. Preparing its proposal in response to this RFP.
2. Submitting its qualifications to the University.
3. Negotiating with the University any matter related to this submittal.
4. Any other expenses incurred by a respondent prior to the date of award of a contract to the selected respondent.

The University shall not, in any event, be liable for any pre-contractual expenses incurred by the respondents in the preparation of their submittals.

G. Contract Award

Issuance of this RFP, receipt of proposals, and completion of the selection process does not commit the University to award a contract. The University reserves the right to postpone opening for its own convenience, to accept or reject any or all proposals received in

response to their RFP; to negotiate with other than the selected respondent should negotiations with the selected firm be unsuccessful or terminated; to negotiate with more than one respondent simultaneously; to cancel all or part of the RFP; and to waive technicalities.

H. Electronic Responses

Electronic responses are not permitted.

I. Personal Services Contract

This RFP is for consulting or other personal services. Kentucky law requires a Personal Services Contract to be signed by the vendor and filed with the Legislative Research Commission in Frankfort prior to any work beginning. KRS 45A.690 defines a Personal Service Contract as “an agreement whereby an individual, firm, partnership, or corporation is to perform certain services requiring professional skill or professional judgment for a specified period of time at a price agreed upon.”

After Determination but prior to award, a Personal Services Contract will be sent to the winning offeror for signature. Please be sure to sign and return the original contract promptly to Northern Kentucky University. A Notice of Award will not be issued until the signed Personal Services Contract has been received by Procurement Services and filed with the Legislative Research Commission in Frankfort, KY.

Regarding Personal Service Contract Invoicing

House Bill 387 has now amended Kentucky Revised Statute 45A.695(10)(A) with the following language, “No payment shall be made on any personal service contract unless the individual, firm, partnership, or corporation awarded the personal service contract submits its invoice for payment on a form established by the committee”. The Personal Service Contract Invoice Form shall be used for this purpose and for your convenience we have added fields so that it can be filled in online and printed. This form can be located on Northern Kentucky University’s Procurement Services website at:
http://procurement.nku.edu/departmental_forms/PSC_INVOICE_FORM.pdf

J. Foreign Corporations

1. Foreign corporations are defined as corporations that are organized under laws other than the laws of the commonwealth of Kentucky. Foreign corporations doing business within the commonwealth of Kentucky are required to be registered with the Secretary of State, New Capitol Building, Frankfort, Kentucky and must be in good standing.
2. The Foreign Corporate Proposer, if not registered with the Secretary of State at the time of the bid submittal, shall be required to become registered and be declared in good standing prior to the issuance or receipt of a contract.
3. Domestic corporations. Domestic corporations are required to be in good standing with the requirements and provisions of the office of the Kentucky Secretary of State.

K. Occupational License

Northern Kentucky University was annexed by the city of Highland Heights in 2008. All contractors performing work for NKU must possess a Campbell County Occupational License and a city of Highland Heights Occupational License (administered by Campbell County) and must also pay applicable payroll taxes. For further information call 859.292.3884 or log onto:

<http://www.campbellcountyky.org/index.php/home/services/occupational-license>

V. Northern Kentucky University - Overview

Northern Kentucky University, located in the Greater Cincinnati metropolitan area about 7 miles south of downtown Cincinnati, was founded in 1968. The first building on the new campus in Highland Heights opened in August 1972. The campus sits on rolling land near the intersection of I-275 and I-471. Due to topography, many locations on campus have attractive views, including views of the Cincinnati skyline.

NKU owns about 425 acres and has 3.7 million GSF. With enrollment of nearly 15,000 students, Northern is the second largest university in the Greater Cincinnati area. For general information about NKU, visit: <http://www.nku.edu/about.html>

The University's 2009 master plan can be downloaded, Executive Overview:

https://inside.nku.edu/content/dam/campusplanning/docs/NKU_Executive_Summary_Complete_102010.pdf

or, the full report:

https://inside.nku.edu/content/dam/campusplanning/docs/NKU_REPORT_Complete_102010.pdf

PROJECT: Master Plan Score Sheet

FIRM NAME _____

EVALUATION CRITERIA	WEIGHT	RATING 1-5	Maximum TOTAL POINTS	POINTS AWARDED
<u>Team Qualifications</u>				
1. Master Planner/Architect	12		60	
2. Landscape Planner	8		40	
3. MEP Engineering	8		40	
4. Transportation/Parking Planner	8		40	
5. Space Planner	8		40	
6. Overall team qualifications & experience	20		100	
Subtotal			320 (64%)	
<u>Responsiveness to RFP</u>				
1. Narrative content, basic understanding of NKU's vision, goals and challenges	12		60	
2. Organization and thoroughness of RFP	7		35	
3. Proposed master plan process, project management and schedule	7		35	
Subtotal			130 (26%)	
<u>MBE/DBE Participation</u>				
See RFP section IV.A.5	10		50	
Subtotal			50 (10%)	
TOTAL POINTS			500 (100%)	

EVALUATOR _____

**ARCHITECTURAL SELECTION COMMITTEE
SUPPLEMENTAL RANKING FORM**

**Master Plan
Northern Kentucky University
Highland Heights, Kentucky
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RFP GRADING CRITERIA:

For the purpose of arriving at the best qualified firm for this Project, as set forth in the Selection process criteria for this project, each voting member of the Selection Committee shall rank their first, second and third choices based on the numerical scoring on the Grading Sheet. Based on the following formula, the firm with the highest number of points will be considered the Committee's collective first choice, etc.

Reviewer's

First Choice: 3 points
Second Choice: 2 points
Third Choice: 1 point

REVIEWER: _____

FIRST CHOICE: _____

SECOND CHOICE: _____

THIRD CHOICE: _____

Reviewer Signature: _____

Date: _____

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Proposal NO: NKU-41-19
Issue Date: June 11, 2019
Title: Campus Master Plan
Purchasing Officer: Blaine Gilmore
Phone: 859.572.6449

RETURN ORIGINAL COPY OF PROPOSAL TO:

**Northern Kentucky University
Procurement Services
1 Nunn Drive
617 Lucas Administrative Center
Highland Heights, KY 41099**

IMPORTANT: BIDS MUST BE RECEIVED BY: 07/05/2019 BEFORE 2:00 P.M. HIGHLAND HEIGHTS, KY time.

NOTICE OF REQUIREMENTS

1. The University's General Terms and Conditions and Instructions to Bidders, viewable at <http://procurement.nku.edu/policies/terms-and-conditions.html>, apply to this Request for Proposal.
2. Contracts resulting from this RFP must be governed by and in accordance with the laws of the Commonwealth of Kentucky.
3. Any agreement or collusion among Offerors or prospective Offerors, which restrains, tends to restrain, or is reasonably calculated to restrain competition by agreement to bid at a fixed price or to refrain from offering, or otherwise, is prohibited.
4. Any person who violates any provisions of KRS 45A.325 shall be guilty of a felony and shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars, or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment. Any firm, corporation, or association who violates any of the provisions of KRS 45A.325 shall, upon conviction, may be fined not less than ten thousand dollars or more than twenty thousand dollars.

AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND NON-CONFLICT OF INTEREST

I hereby swear (or affirm) under the penalty for false swearing as provided by KRS 523.040:

1. That I am the offeror (if the offeror is an individual), a partner, (if the offeror is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the offeror is a corporation);
2. That the attached proposal has been arrived at by the offeror independently and has been submitted without collusion with, and without any agreement, understanding or planned common course of action with, any other Contractor of materials, supplies, equipment or services described in the Request for Proposal, designed to limit independent bidding or competition;
3. That the contents of the proposal have not been communicated by the offeror or its employees or agents to any person not an employee or agent of the offeror or its surety on any bond furnished with the proposal and will not be communicated to any such person prior to the official closing of the RFP;
4. That the offeror is legally entitled to enter into contracts with the Northern Kentucky University and is not in violation of any prohibited conflict of interest, including those prohibited by the provisions of KRS 45A.330 to .340, 164.390, and
5. That the Offeror, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sale and use tax imposed by Chapter 139 to the extent required by Kentucky law and will remain registered for the duration of any contract award
6. That I have fully informed myself regarding the accuracy of the statement made above.

SWORN STATEMENT OF COMPLIANCE WITH FINANCE LAWS

In accordance with KRS45A.110 (2), the undersigned hereby swears under penalty of perjury that he/she has not knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky and that the award of a contract to a bidder will not violate any provision of the campaign finance laws of the Commonwealth of Kentucky.

CONTRACTOR REPORT OF PRIOR VIOLATIONS OF KRS CHAPTERS 136, 139, 141, 337, 338, 341 & 342

The Contractor by signing and submitting a proposal agrees as required by 45A.485 to submit final determinations of any violations of the provisions of KRS Chapters 136, 139, 141, 337, 338, 341 and 342 that have occurred in the previous five (5) years prior to the award of a contract and agrees to remain in continuous compliance with the provisions of the statutes during the duration of any contract that may be established. Final determinations of violations of these statutes must be provided to the University by the successful Contractor prior to the award of a contract.

CERTIFICATION OF NON-SEGREGATED FACILITIES

The Contractor, by submitting a proposal, certifies that he/she is in compliance with the Code of Federal Regulations, No. 41 CFR 60-1.8(b) that prohibits the maintaining of segregated facilities.

RECIPROCAL PREFERENCE

- (1) Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by a public agency, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder.
- (2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:
 - (a) Is authorized to transact business in the Commonwealth; and
 - (b) Has for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.
- (3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
- (4) If a procurement determination results in a tie between a resident bidder and a nonresident bidder, preference shall be given to the resident bidder.
- (5) This section shall apply to all contracts funded or controlled in whole or in part by a public agency.
- (6) The Finance and Administration Cabinet shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by public agencies in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.
- (7) The preference for resident bidders shall not be given if the preference conflicts with federal law.

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(8) Any public agency soliciting or advertising for bids for contracts shall make KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids

DEFINITIONS

As used in KRS 45A.490 to 45A.494: (1) "Contract" means any agreement of a public agency, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item; and

(2) "Public agency" has the same meaning as in KRS 61.805.

SIGNATURE REQUIRED: This proposal cannot be considered valid unless signed and dated by an authorized agent of the offeror. Type or print the signatory's name, title, address, phone number and fax number in the spaces provided. Offers signed by an agent are to be accompanied by evidence of his/her authority unless such evidence has been previously furnished to the issuing office. Your signature is acceptance to the Terms and conditions above.

READ CAREFULLY - SIGN IN SPACE BELOW
FAILURE TO SIGN INVALIDATES BID or OFFER

AUTHORIZED SIGNATURE: _____

DATE: _____

NAME (Please Print Legibly): _____

FIRM: _____

FED ID. OR SSN#: _____

PERMANENT ADDRESS:

STREET CITY STATE ZIP

CONTACT PERSON: _____

TITLE: _____

TELEPHONE NO: _____ FAX NO: _____

E-MAIL: _____

State of _____)

County of _____)

The foregoing statement was sworn to me this _____ day of _____,
20 _____, by _____.

(Notary Public)
My Commission expires: _____

THIS DOCUMENT MUST BE NOTORIZED