



# **REQUEST FOR QUALIFICATIONS**

For

## **DESIGN, BUILD AND INFRASTRUCTURE CONSERVATION SERVICES**

### **SCHOOL MODERNIZATION PROJECT:**



### **SCHOOLS FOR THE 21ST CENTURY**

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Terms not specifically defined in this RFQ take their meaning from the *Public-Private Partnerships Act*, Act No. 29 of June 8, 2009

# 1. Overview of RFQ and Concession Process

## 1.1 INTRODUCTION

The Government of Puerto Rico is interested in entering into agreements in connection with the provision of design, construction and infrastructure conservation services related to the school modernization program in Puerto Rico, known as “Schools for the 21<sup>st</sup> Century.”

The Puerto Rico Public-Private Partnerships Authority (the “**Authority**”), in collaboration with the Puerto Rico Infrastructure Financing Authority (“**AFI**”), is seeking to facilitate the execution of agreements with qualified private entities (each a “**Proponent**”) for the remodeling of existing schools and the construction of new schools in Puerto Rico (the “**Project**”). AFI is serving as procurement and technical advisor to the Authority and the PPP Committee in connection with this RFQ and the possible award of PPP Contracts, which would be structured as design, build and infrastructure conservation agreements. More specifically, the Proponents will be required to (1) complete the design in accordance with the guidelines prepared for the Project, (2) build in accordance with the design and repair specifications, and (3) implement a five (5) year infrastructure conservation program.

Prospective Proponents are encouraged to review the following documents, which are available for download on the Authority’s website at <http://www.p3.gov.pr>:

- i. the Project’s Desirability and Convenience Study, and
- ii. the Government of Puerto Rico’s (the “**Government of Puerto Rico**”) Financial Information and Operating Data Report, dated May 1, 2010, which presents detailed information regarding the economy of Puerto Rico and the Government’s finances.

The Project is based on the understanding that improved and adequate learning environments have a direct positive effect on academic performance and teaching effectiveness. In addition, the Project seeks to promote community integration.

## 1.2 BACKGROUND TO PUERTO RICO’S PPP PROGRAM

The Public-Private Partnership Act (the “**Act**”) was approved on June 8, 2009. The Act states that the public policy of the Government of Puerto Rico is to favor and promote the establishment of PPPs for the creation of certain “Priority Projects,” and among other things, to further the development and maintenance of infrastructure facilities, share with the private sector the risk involved in the development, operation or maintenance of such projects, improve the services rendered and the functions of the Government, encourage job creation and promote the Island’s socio-economic development and competitiveness.

The Act provides that the new public policy must maintain such controls as are necessary to protect the public interest and temper this need with the profit-making purpose of any private operation. The contractual relationship must thus be mutually beneficial, while ensuring the efficient, effective and affordable provision of public goods and services to all citizens.

The Act created the Authority as a public corporation of the Government of Puerto Rico, affiliated to the Government Development Bank for Puerto Rico (the “**GDB**”). The Authority is designated as the sole government entity authorized and responsible for implementing the public policy on PPPs and for determining the functions, services or facilities for which PPPs are to be established.

For each proposed PPP, the Authority must create a PPP Committee. The PPP Committee is responsible for the PPP qualification, evaluation and selection processes, for establishing the terms and conditions of the PPP Contract and reporting on the procedures followed.

**A key issue to note for prospective Proponents is that the PPP Committee has been vested with the power to negotiate the terms of the PPP Contract, and the Sponsors<sup>1</sup> have been vested with the power to approve the PPP Contract agreed to with a Proponent, subject to final approval by the Governor of Puerto Rico. The PPP Contract does not require further approval of the Legislative Assembly of Puerto Rico.**

### 1.3 FUNCTION OF THIS RFQ

This document is a Request for Qualifications (the “**RFQ**”) to solicit Statements of Qualifications (the “**SOQs**”) from (i) individuals, (ii) companies, (iii) joint ventures, or (iv) consortia of individuals and/or companies interested in providing design, construction and infrastructure conservation services for the Project. This RFQ is issued under Section 4.4 of the Regulation for the Procurement, Evaluation, Selection, Negotiation and Award of Public-Private Partnership Contracts under Act No. 29 of June 8, 2009 (the “**Regulation**”). Prospective Proponents are encouraged to review the Regulation, which is available for download on the Authority’s website: <http://www.p3.gov.pr>.

This RFQ provides each interested prospective Proponent with sufficient information to enable it to prepare and submit an SOQ for consideration and evaluation by the Authority. This RFQ contains instructions to prospective Proponents and a Proposal Form which must be completed in its entirety and submitted to the Authority to be considered for qualification. The completed Proposal Form, together with all required attachments, shall constitute the prospective Proponent’s SOQ. The Proposal Form is attached as **Appendix A**.

The Authority is issuing this RFQ because it has determined that:

- i. the Project meets the requirements of Article 3 of the Act; and
- ii. it is advisable to pursue the establishment of a PPP in connection with the Project.

This RFQ is being issued, in anticipation of several Request for Proposals (“**RFP**”) to be issued by the Authority for the Project, to identify the prospective Proponents that meet the legal requirements imposed by the Act (as discussed in Section 3 of this RFQ) and the PPP Committee’s standard of the minimum required:

- i. technical or professional ability and experience, and
- ii. financial condition and bonding capacity.

These standards are discussed in Section 3 of this RFQ.

The objective of this RFQ is to help the PPP Committee qualify prospective Proponents. The PPP Committee, in making its evaluation of the qualifications of a prospective Proponent, may disqualify a prospective Proponent if the prospective Proponent:

- i. may be treated as ineligible to submit a Proposal on one or more grounds specified in Section 6 of the Regulation;
- ii. fails to satisfy the standards established by the PPP Committee with respect to the prospective Proponent’s required financial condition, bonding capacity or technical or professional ability and experience (as discussed in Section 3 of this RFQ); or
- iii. fails to comply with the requirements of Articles 9(a) (Applicable Requirements and Conditions for those who wish to be considered as Proponents) and 9(d) (Consortia) of the Act, as applicable.

**In addition, the PPP Committee reserves the right to qualify a limited number of prospective Proponents.**

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<sup>1</sup> As used in this RFQ, the term “Sponsors” refers, collectively, to the Authority and any other governmental entity of the Government of Puerto Rico that would be deemed a Participating Governmental Entity under the Act.

## 1.4 OVERVIEW OF THE CONTENTS OF THIS RFQ

This RFQ requires prospective Proponents to formally express their interest in submitting a proposal to enter into a PPP Contract for the Project. Section 2 of this RFQ provides an introductory description of the Project and includes highlights of the Project. Section 3 discusses the qualifications of prospective Proponents. Section 4 lists the requirements and procedures for a prospective Proponent's SOQ.

## 1.5 CONSORTIA

To the extent that any prospective Proponent has formed or proposes to form a consortium to participate in the RFP for this Project, such prospective Proponents should respond to this RFQ jointly setting out the identity and capabilities of all Team Members.

### ADDITIONAL RULES WITH RESPECT TO CONSORTIA

For the purposes of this RFQ, the following definitions will apply:

- "Team" or "Proponent" means a(n) (i) individual, (ii) company, (iii) joint venture, or (iv) consortium of individuals and/or companies formed (whether formally or informally) to undertake the Project and enter into the PPP Contract.;
- "Team Member" means a member of a Team or Proponent. For the purpose of the Project, Team Members shall include each of the following with respect to a Team or Proponent:
  - Design Firm
  - Construction Firm
  - Infrastructure Conservation Firm
  - Each Key Subcontractor.
- "Key Subcontractor" means each person or legal entity which will be principally responsible for undertaking the design, construction or infrastructure conservation work of the Project.

Please note the following with respect to Teams:

- No person or legal entity may join or participate with, directly or indirectly, as a Team Member in more than one Team or Proponent. Each person or legal entity who participates as a Team Member must ensure that each other person or legal entity which is related to it does not join or participate with, directly or indirectly, as a Team Member in any other Team or Proponent without the prior written consent of the PPP Committee.

A person or company is "related" to another person or legal entity if:

- one may exercise Control over the other; or
- each is under the direct or indirect Control of the same ultimate person or legal entity.

A person or legal entity exercises "Control" of another if it has the capacity to determine the outcome of decisions about the other's financial and operating policies (whether formally or informally).

- The response of a prospective Proponent to this RFQ in no way limits that prospective Proponent's ability to add to, substitute, or subtract from, its Team Members later during the procurement process, subject to the matters listed below, provided written notice is given to the PPP Committee and, in the case of any deletion or substitution of a Team Member who is identified in the prospective Proponent's response to this RFQ, provided the prior written consent of the PPP Committee is first obtained.

Without limiting any other right it may have, the PPP Committee reserves the right to disqualify a Proponent or Team from the procurement if, in the PPP Committee's sole opinion, a change to a Proponent or Team would render the Proponent or Team materially different for the Proponent or Team that was originally qualified.

- The Authority shall be entitled to condition the selection of certain Proponents or Teams to having such Proponents or Teams join other qualified Proponents when, based on the qualifications of individual Proponents or Teams, the Authority determines that:
  - such action better serves the public interest; or
  - the evaluation criteria set forth in Article 9(c) of the Act are better met if such action is taken.

## 1.6 PROCESS AND SCHEDULE

A summary schedule of the major activities associated with the procurement process is presented in Table 1-1. The dates and activities are subject to change and may be revised through the issuance of addenda to this RFQ.

**TABLE 1-1  
RFQ SCHEDULE**

The Authority expects to adhere to the following schedule for the qualification of prospective Proponents:

June 22, 2010	RFQ issued by the Authority
July 14, 2010	SOQs due at AFI no later than 3:00 p.m. local time (the “ <u>SOQ Submittal Due Date</u> for Contractors”)
July 30, 2010	Qualified Proponents notified

The PPP Committee reserves the right to reject any and all SOQs, to waive technical defects, irregularities or any informality in SOQs, and to accept or reject any SOQs at its discretion. The PPP Committee also reserves the right to postpone the date on which SOQs are required to be submitted, or to take any other action it may deem in the best interests of the Sponsors.

After the PPP Committee’s review of the SOQs, Proponents that are qualified by the PPP Committee and who decide to participate in the RFP process will have the opportunity to conduct thorough due diligence through:

- i. access to a data room – this data room will appear online and provide a high level of information on the Project; and
- ii. addendum, presentations, and other related documentation.

Proponents that are qualified will also required to sign a Confidentiality and Process Agreement before they are permitted access to, or participation in, any of the above. A form of this will be provided upon announcement of qualified Proponents.

Following this process, final, binding proposals will be requested in accordance with procedures to be provided to the qualified Proponents in the RFP. A more detailed description of the negotiation and bidding process for qualified Proponents, together with a more detailed timetable, will be provided in the RFP.

## 1.7 RESTRICTED PARTIES

Restricted Parties (as defined below), their respective directors, officers, partners, employees and person or legal entities Related to them (as defined in Section 1.5 above) are not eligible to participate as Team Members, or advise any Team Member, directly or indirectly, or participate in any way as an employee,

advisor, or consultant or otherwise in connection with any Proponent. Each prospective Proponent will ensure that each Team Member does not use, consult, include or seek advice from any Restricted Party. The following Restricted Parties have been identified:

- UNIPRO Engineers, Architects and Planners
- Fielding/Nair International
- Caribbean Project Management (CPM)
- Pietrantonio Mendez & Alvarez LLP
- Or a subsidiary of the above mentioned companies

Moreover, prospective Proponents must comply at all times during the procurement process with the Authority's Guidelines for the Evaluation of Conflicts of Interest and Unfair Advantages in the Procurement of Public-Private Partnership Contracts (the "**Ethics Guidelines**"). Prospective Proponents should review the Ethics Guidelines, which are available for download on the Authority's website: <http://www.p3.gov.pr>.

## 1.8 DEADLINE

Those interested in participating in the RFP process for the Project must respond to this RFQ by submitting their SOQs no later than 3:00 PM (local time) on July 14, 2010.

### Clarifications

Note that a prospective Proponent may request from the PPP Committee explanation or interpretation through a Request for Clarification or Information ("**RFC**" or "**RFI**") of any matter contained in this RFQ up to ten (10) days prior to the due date for the SOQs. Any such RFC/RFI from prospective Proponents must be submitted via email to the contact person listed below. If the Authority provides any clarification or additional information as a result of an RFC/RFI, it will provide such clarification(s) by means of an addendum to be posted on the Authority's website (as required by the Regulation) at <http://www.p3.gov.pr> and will make reasonable efforts to deliver each addendum to all such interested parties. The Authority makes no guarantee of timely delivery of any addenda to any person or firm.

### COMMUNICATIONS PROTOCOL

The Sponsors are committed to a fair, open process for prospective Proponents to receive information about the competitive solicitation process. Prospective Proponents and any Team Members will not discuss or communicate, directly or indirectly, with any other prospective Proponent(s) or any director, officer, employee, consultant, advisor, agent or representative of any other prospective Proponent, including any Team Member of such other prospective Proponent regarding the preparation, content or representation of their SOQs. SOQs will be submitted without any connection (i.e., arising through an equity interest [other than an equity interest that does not represent a controlling interest in an entity, as determined by the Authority from time to time] in or of a prospective Proponent), knowledge, comparison of information, or arrangement, with any other prospective Proponent or any director, officer, employee, consultant, advisor, agent or representative of any other prospective Proponent, including any Team Member of such other prospective Proponent.

Prospective Proponents that anticipate responding to this RFQ shall so indicate as soon as possible by providing contact information to the PPP Committee via e-mail at **[RFQ-SCHOOLS@p3.gov.pr](mailto:RFQ-SCHOOLS@p3.gov.pr)**. Also, all RFCs/RFIs regarding this RFQ should be directed to the PPP Committee via e-mail at **[RFQ-SCHOOLS@p3.gov.pr](mailto:RFQ-SCHOOLS@p3.gov.pr)**. Caribbean Project Management (CPM) is serving as Procurement and Project Management advisor (the "**Advisor**") to the Sponsors for this Project and will provide assistance in the RFQ and procurement process. Please do not contact any officials or related parties of the Sponsors or AFI via telephone or otherwise. Such contact may serve as grounds for disqualification.





## 2. School Modernization Project: Schools for the 21st Century Description

### 2.1 OVERVIEW AND HISTORY

#### 2.1.1 BACKGROUND

Puerto Rico has more than 1,500 active schools serving about 485,000 students. About 70% of public schools that are operating today were built more than forty years ago, some dating as far back as the 1930s and 1940s.

Currently, the public education system does not have an effective maintenance and conservation program to ensure that schools are maintained in optimal operating conditions. This has created serious infrastructure problems that cause delays in the start of each school year. This has also led to the use of improvised maintenance services, the continued implementation of emergency repairs and the loss of a significant amount of school days. Moreover, the general physical appearance of public schools reinforces a negative public image and the development of stigmas that affect demand for services from the public education system. Finally, there is no standard or prototype design guide for the remodeling of existing facilities and construction of new schools, resulting in inefficient designs and high construction costs.

The Sponsors are interested in developing an efficient and diligent remodeling program to modernize the current infrastructure condition of a number of schools with the ultimate goal of improving academic performance and fostering community integration into the public education system.

#### 2.1.2 OBJECTIVE

The objective of the Project is to significantly better school habitats to improve academic performance in the public education system. This will be achieved by considering students, teachers and administrators and the buildings and spaces they inhabit in order to understand the connections between the existing environment and the human learning experience. The goal is to shape the buildings in which students learn so that they are truly the manifestation of the future aspirations Puerto Rico as a society.

#### 2.1.3 METHOD

The Project contemplates the renovation of approximately ninety-five (95) schools and the construction of five (5) new schools in Puerto Rico. All municipalities will have at least one school included in the Project. The Project will positively affect schools covering all academic levels and programs. The Project expects to impact approximately 50,000 students from the public education system.

#### 2.1.4 APPLICABILITY OF DAVIS-BACON ACT

Prospective Proposers should note that the Project may be funded in whole or in part through the issuance of certain tax-credit bonds authorized under the American Recovery and Reinvestment Act of 2009 (ARRA). Such funding will require that the PPP Contracts, expected to be entered into by successful Proponents and AFI, include provisions requiring the Contractors to comply with the prevailing wage requirements of the Davis-Bacon Act (Title 40, Chapter 31, Subchapter IV of the United States Code) (the "DBA"). It is expected that the PPP Contracts will include certain provisions relating to the applicability of and compliance with the DBA, including as set forth in 29 CFR Part 5.5. A further explanation of these requirements and their applicability to the PPP Contracts will be set forth in the RFP.

Accordingly, each prospective Proponent should familiarize itself with the requirements of the DBA, and in particular 29 CFR Part 5.5. Each prospective Proposer will be required to certify in its SOQ that it has reviewed these requirements and, if following the issuance of the RFP it is selected as a successful Proposer, it can and will comply with the requirements of the DBA in undertaking the Project.

### 3. Proponent Qualification Requirements and Evaluation Criteria

This RFQ is available for prospective Proponents who desire to participate in the RFP for the Project. All SOQs will be reviewed based on the requirements set forth in Section 4 of this RFQ.

The Authority reserves the right to issue one or more RFQs based on the needs of the Project and the qualification criteria.

The Regulation states that:

The PPP Committee reserves the right to qualify a limited number of prospective Proponents in order to arrive at a short list for a particular Project; provided that such right is contemplated in the applicable RFQ or RFP.

The Authority hereby notifies prospective Proponents of its right to limit the number of Proponents who will be qualified. The Authority will only do so if this would be in the interests of the Authority in achieving its objectives.

#### 3.1 EVALUATION CRITERIA

Prospective Proponents who submit a response to this RFQ will be evaluated on the basis of the following three sets of criteria:

##### **COMPLIANCE WITH REQUIREMENTS OF THE ACT**

The SOQ will be reviewed to determine whether it satisfies the Act's requirements with respect to the following areas:

- The prospective Proponent shall have available such corporate or equity capital or securities or other financial resources that, in the judgment of the Authority and the PPP Committee, are necessary for the proper operation and infrastructure conservation of the Project;
- The prospective Proponent shall have a good reputation and the managerial, organizational and technical capacities, as well as the experience, to develop and administer the Project;
- The prospective Proponent shall certify that neither he or she, and in the case of a legal entity, its directors or officers, and in the case of a private corporation, the stockholders with direct or substantial control over the corporate policy, and in the case of a partnership, its partners, and in the case of natural persons or legal entities, any other natural person or legal entity that is the alter ego or the passive economic agent thereof, have been formally convicted for acts of corruption, including any of the crimes listed in Act No. 458 of December 29, 2000, as amended, whether in Puerto Rico or in any jurisdiction of the United States of America or in any foreign country. The prospective Proponent shall certify that it complies and shall continue to comply at all times with laws which prohibit corruption or regulate crimes against public functions or funds, as may apply to the prospective Proponent, whether Federal or State statutes, including the Foreign Corrupt Practices Act.

## 3.2 EXPERIENCE AND PERFORMANCE

### 3.2.1 Experience – Minimum Requirements

- The criteria set forth in this Section will be evaluated as minimum requirements on an “acceptable/not acceptable” basis. All other evaluation criteria will not be evaluated on a “pass/fail” basis, but upon the relative strengths and weaknesses of the prospective Proponent’s responses.

In order to qualify for consideration for the participation in the RFP, the construction company member of the prospective Proponent group shall have successfully completed within the past ten (10) years two (2) or more institutional, commercial, or similar projects with a cost within the following ranges:

- Four Million Dollars (\$4,000,000.00) to Ten Million Dollars (\$10,000,000.00) each, and/or
- Over Ten Million Dollars (\$10,000,000.00) to Twenty Million Dollars (\$20,000,000.00) each, and/or
- Over Twenty Million Dollars (\$20,000,000.00) to Thirty Million Dollars (\$30,000,000.00) each, and/or.
- Over Thirty Million Dollars (\$30,000,000.00) each

### 3.2.2 Past Performance and Record of Integrity

- Past performance, experience, and the record of integrity of the prospective Proponent shall be considered in the qualification process. The prospective Proponent shall provide precise information to verify its experience and past performance, including name and phone number of owner representative, inspector, Architects and Engineers.
- The remodeling project will require exceptional coordination and execution skills. It is expected that most schools will not be in use during the duration of the remodeling work. Some schools, however, may continue operations during such work. Prospective Proponents will be evaluated on their ability to plan and execute complex implementation plans within environments where daily operations cannot be shutdown. Prospective Proponents shall include specific experience in projects of similar complexity in the areas of design, construction and infrastructure conservation.

### 3.2.3 Management

- The prospective Proponent shall identify the experience and provide a resume for at least one (1) qualified construction supervisor to manage and supervise the Project, who has a minimum of:
  - Five (5) years construction experience and has supervised the completion of at least two (2) Four Million Dollars (\$4,000,000.00) or more for institutional, commercial, or similar projects during the past seven (7) years, to qualify for RFP packages within the Four Million Dollars (\$4,000,000.00) to Ten Million Dollars (\$10,000,000.00) range.
  - Eight (8) years construction experience and has supervised the completion of at least two (2) Ten Million Dollars (\$10,000,000.00) or more for institutional, commercial, or similar projects during the past ten (10) years to qualify for RFP packages over Ten Million Dollars (\$10,000,000.00) to Twenty Million Dollars (\$20,000,000.00) range.
  - Ten (10) years construction experience and has supervised the completion of at least two (2) Twenty Million Dollars (\$20,000,000.00) or more for institutional, commercial, or similar projects during the past fifteen (15) years to qualify for RFP packages over Twenty Million Dollars (\$20,000,000.00).

- Design Firm should include green and sustainable design practices. Prospective Proponent shall provide resume of a certified green building professional such as a LEED AP from the US Green Building Council. During the evaluation process, the PPP Committee will consider favorably a designer's knowledge in green and sustainable design practices.

#### **3.2.4 Financial Stability**

- The prospective Proponent shall submit a certificate by a surety agency qualified to do business under the laws of Puerto Rico, indicating that its organization is fiscally stable and is capable of obtaining sufficient bonding to cover a minimum of \$4,000,000. The certificate shall indicate the maximum available bonding capacity that the construction firm within the prospective Proponent group has. If more than one Construction Company will be part of the prospective Proponent group the certification should reflect the combined available bonding capacity. RFP packages will be divided to promote participation of small, medium and large companies. Once a prospective Proponent is qualified, its bonding capacity will determine in which RFP it will be invited to participate. The RFP packages will range from \$4,000,000 to more than \$30,000,000.
- Prospective Proponents shall submit an audited or certified financial statement of the last two (2) years of operation.
- Design firms shall provide an insurance certificate or a letter of intent from the Insurance Company of an Error and Omission (E&O) Insurance coverage for at least \$1,000,000.00. The letter shall indicate that the prospective Proponent (or member of the Team) is capable of obtaining the insurance coverage.

#### **3.2.5 Safety Performance**

- The prospective Proponent shall submit copies of the Occupational Safety and Health Administration (OSHA) 300 forms for the past three (3) years. If not applicable, a prospective Proponent shall present a document explaining the reasons for not submitting the form.

#### **3.2.6 Organizational Capabilities**

- The prospective Proponent shall have an organization capable of providing most of the services required for the Project, supplemented by a reasonable amount of subcontractors. In any case, the prospective Proponent shall execute with its own organization a work amount not less than twenty-five percent (25%) of the original contract cost amount. In any case, no subcontracted amount shall exceed the prospective Proponent's work amount.

#### **3.2.7** The prospective Proponent shall submit its previous experience in regards to the Technical Specialties' listed. Also, the prospective Proponent shall submit a list of the sub-contractors it intends to use and the experience of these sub-contractors in the following items:

- (a) Design of institutional, commercial, or similar projects for new facilities.
- (b) Design for remodeling projects of institutional, commercial, or similar projects.
- (c) Site preparation including, but not limited to soil improvement techniques, deep foundation installation, underground utilities and others.
- (d) Concrete and steel work including, but not limited to, reinforced concrete structures steel structures, and finishes.
- (e) Electrical work including, but not limited to, power distribution, lighting, alarm and communications systems.
- (f) Mechanical work including, but not limited to, HVAC and plumbing systems.
- (g) Site finishes like asphalt paved parking, roads, landscaping and others.
- (h) Interior finishes on institutional, commercial, or similar projects.
- (i) Infrastructure conservation of institutional, commercial, or similar facilities including but not limited to painting, equipment maintenance, roof protection, electrical and mechanical work.

The janitorial and landscaping services are not included in the infrastructure conservation services.

## 4. SOQ Requirements and Procedure

### 4.1 SOQ REQUIREMENTS

#### OVERVIEW OF REQUIREMENTS

The SOQ should comply with the format provided under Appendix A. Additional information not specifically related to the Project or this RFQ should not be included.

#### NO LIABILITY FOR COSTS

The Sponsors, AFI and their advisors are not responsible for costs or damages incurred by prospective Proponents, Teams, Team Members, subcontractors, or other interested parties in connection with the solicitation process, including but not limited to, costs associated with preparing responses, including the SOQ, qualifications, and proposals, and of participating in any conferences, oral presentations, or negotiations.

#### MODIFICATION AND TERMINATION RIGHTS

The Sponsors reserve the right to modify or terminate the RFQ and the RFPs for this Project at any stage if the Sponsors determine such action to be in their best interests. The receipt of SOQ's proposals or other documents at any stage of either the RFQ or the RFP process will in no way obligate the Sponsors to enter into any contract of any kind with any party.

#### AUTHORIZATION FOR FURTHER INVESTIGATION

By submitting a response to this RFQ, each prospective Proponent specifically authorizes the Sponsors, AFI, the PPP Committee and their officers, employees and consultants to make any inquiry or investigation to verify the statements, documents, and information submitted in connection with this RFQ, and to seek clarification from the prospective Proponent's officers, employers, advisers, accountants and clients regarding the same.

### 4.2 RFQ SUBMISSION REQUIREMENTS

#### SOQ Contents

The SOQ shall consist of a complete and executed Proposal Form, together with all required attachments thereto and additional company information as **Exhibit B** (optional). The Proposal Form shall identify the person that will serve as the contact for all communications from the PPP Committee with respect to the SOQ and the RFQ (the "**Proponent Contact**") including such person's name, title, company, address, telephone number, facsimile number and E-mail address. A duly authorize representative of the prospective Proponent must sign the Proposal Form in blue ink and seal it with the prospective Proponent's corporate seal, if applicable.

The prospective Proponent should refer to the check-list provided at the beginning of the Proposal Form to insure that all required documentation has been included in order that its SOQ may be properly evaluated.

The Proposal Form shall be executed and dated as closely as possible to the SOQ due date.

## 4.3 FORMAT, REQUIRED INFORMATION AND SUBMISSION INSTRUCTIONS FOR RFQ

### 4.3.1 Compliance with the RFQ

The prospective Proponent shall comply with the SOQ requirements described below and in Section 4, in order for the Authority to evaluate its SOQ. The Authority reserves the right to reject any SOQ not in compliance with the RFQ.

### 4.3.2 Format of SOQ

The SOQ shall be prepared in the English language. All requested information must be included in the SOQ, either by completing the Proposal Form or by attaching the required documents thereto. At the prospective Proponent's option, pre-printed brochures may be provided as additional information, but may not be in substitution for the required information. The tables requested in the Proposal Form may be provided on 11" x 17" paper. All pages forming the Proposal Form, including all attachments, are to be bound into a single document.

### 4.3.3 SOQ Packaging and Delivery

The prospective Proponent shall submit one (1) originally executed SOQ, with signatures in blue ink, and (5) copies along with one copy in portable document format (PDF) on a CD. The SOQ containing original signatures shall be marked as "Originals".

The SOQ shall be labelled as follows:

**Confidential: To Be Opened by Addressee Only**  
**Schools Public-Partnership Partnership (PPP) Committee**  
**Puerto Rico Public-Private Partnership Authority**  
**Design, Build & Infrastructure Conservation Services SOQ**  
**Submitted By: (prospective Proponent's name and address)**  
**Project: School Modernization Project: Schools for the 21st Century**

The SOQ shall be delivered to:

**Puerto Rico Infrastructure Financing Authority (AFI)**  
**Capital Center II, 15th Floor**  
**235 Arterial Hostos Avenue**  
**San Juan, Puerto Rico 00918-1454**  
**Attn: Eng. Memphis Cabán**

AFI shall date-time stamp all SOQs upon receipt. AFI will reject any SOQ without a date-time stamp or a date-time stamped after the SOQ due date and time set forth in Sections 1.6 and 1.8.

The Authority and AFI will not accept any SOQ delivered by telephonic, electronic or facsimile means.

## 4.4 RFQ MISCELLANEOUS INSTRUCTIONS

### 4.4.1 Addenda to RFQ

The Authority reserves the right to amend this RFQ at any time. Any amendments to this RFQ shall be described in written Addenda. Copies of each Addendum shall be available at the Authority's website: <http://www.p3.gov.pr>. Prospective Proponents are encouraged to review the Authority's web page regularly. All Addenda will become part of this RFQ. The prospective Proponent shall acknowledge receipt of each Addendum in the Proposal Form.

### 4.4.2 Withdrawal of SOQs

A prospective Proponent may withdraw an SOQ by delivering to the Authority prior to the SOQ due date, at the address for delivery of SOQs set forth in Section 4.3.3, a written request for withdrawal that is executed by an authorized representative of the prospective Proponent. Timely withdrawal of an SOQ does not prejudice the right of a prospective Proponent to submit another SOQ by the SOQ due date.

### 4.4.3 Protests; Request for Reconsideration

Review regarding the selection and award process for qualifications must be pursued in accordance with Section 20 – Judicial Review Procedures of the Act.

## 4.5 CONFIDENTIALITY OF SOQ

All SOQs shall become the property of the Authority, except for documents or information submitted by prospective Proponents which are trade secrets, proprietary information or privileged or confidential information of the prospective Proponents. Prospective Proponents are advised to familiarize themselves with the confidentiality and publication provisions contained in Articles 9(i) and 9(j) of the Act and Section 9.3 of the Regulation to ensure that documents identified by prospective Proponents as "confidential" or "proprietary" will not be subject to disclosure under the Act.

If a prospective Proponent has special concerns about confidential or proprietary information that it would desire to make available to the PPP Committee prior to filing its SOQ, such prospective Proponent may wish to:

- Make a written request to the PPP Committee for a meeting to specify and justify proposed confidential or proprietary documents.
- Make an oral presentation to the PPP Committee staff and legal counsel.
- Receive written notification from the PPP Committee accepting or rejecting confidentiality requests.

Failure to take such precautions prior to filing an SOQ may subject confidential or proprietary information to disclosure under Articles 9(i) and 9(j) of the Act and/or Section 9.3 of the Regulation.

The Authority will endeavor to maintain the confidentiality of any information that a prospective Proponent indicates to be proprietary or a trade secret, or that must otherwise be protected from publication according to law, except as required by law or by a court order. The PPP Committee shall determine whether or not the requested materials are exempt from disclosure. In the event that the PPP Committee elects to disclose the requested materials, it will provide the prospective Proponent notice of its intent to disclose. In no event shall the Government of Puerto Rico, the Sponsors the PPP Committee or AFI be liable to a prospective Proponent for the disclosure required by law or a court order of all or a portion of an SOQ filed with the Authority.

Upon execution of the PPP Contract, the PPP Committee is required to make public its report regarding the procurement process, which shall contain the information related to the qualification, procurement, selection and negotiation process, and the information contained in the SOQ, except trade secrets, proprietary or privileged information of the prospective Proponent clearly identified as such by the



prospective Proponent, or information that must otherwise be protected from publication according to law, unless otherwise ordered by a court order.

## 4.6 DISCLAIMER

The information provided in this RFQ, or any other written or oral information provided by the Authority, AFI, the PPP Committee, the Advisor and their officers, employees and consultants in connection with the Project or the selection process is provided for the convenience of the prospective Proponents only. The prospective Proponents shall make their own conclusions as to such information. Oral explanations or instructions from officials, employees or consultants of the Authority, AFI, the PPP Committee, the Advisor or any Puerto Rico public agency shall not be considered binding on the Authority, AFI, the PPP Committee, or the Advisor. The Sponsors, AFI, the PPP Committee, the Advisor and their officers, employees and consultants make no representation as to such information, the accuracy and completeness of such information is not warranted by any of them and none of them shall have any liability in connection with such information or the selection process, all of which liability is expressly waived by the prospective Proponents.

In connection with this proposed Project, the Authority and AFI reserve all rights (which rights shall be exercisable by the Authority and AFI in their sole discretion) available to them under applicable laws and regulations, including, without limitation, with or without cause and with or without notice, the right to:

- Modify the procurement process to address applicable law and/or the best interests of the Sponsors,, AFI, GDB and the Government of Puerto Rico.
- Develop the Project in any manner that they deem necessary. If the Authority and AFI are unable to negotiate a PPP Contract to their satisfaction with a Proponent, they may negotiate with the next highest ranked Proponent, terminate the process and pursue other alternatives relating to the Project or exercise such other rights as they deem appropriate.
- Cancel the procurement process, as applicable, in whole or in part, at any time prior to the execution by AFI of an agreement, without incurring any cost obligations or liabilities.
- Issue a new RFQ after withdrawal of this RFQ.
- Reject any and all submittals and responses received at any time.
- Modify all dates set or projected in this RFQ.
- Terminate evaluations of responses received at any time.
- Exclude any prospective Proponent from submitting any response to the RFQ or bid, as the case may be, based on failure to comply with any requirements.
- Issue addenda, supplements and modifications to this RFQ.
- Require confirmation of information furnished by a prospective Proponent, require additional information from a prospective Proponent concerning its response and require additional evidence of qualifications to perform the work described in this RFQ.
- Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
- Add or delete prospective Proponent responsibilities from the information contained in this RFQ or any subsequent process instruments.
- Negotiate with any party without being bound by any provision in its response.
- Waive deficiencies in a response to the RFQ or permit clarifications or supplements to a response to the RFQ.
- Add or eliminate facility expansion to or from the Project.
- Modify the Project described in the RFQ.

- Incorporate the RFQ or any prospective Proponent's response to the RFQ as part of any formal agreement with the chosen Proponent.
- Not issue a notice to proceed after execution of any contract.
- Exercise any other right reserved or afforded to the Authority and AFI under the Act, the Regulation or this RFQ.

This RFQ does not commit AFI to enter into a contract or proceed with the Project as described herein. The Authority, AFI, GDB, and the Government of Puerto Rico assume no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or in considering or making any submission. All of such costs shall be borne solely by each prospective Proponent.

In no event shall the Authority or AFI be bound by, or liable for, any obligations with respect to the PPP Contract until such time (if at all) as a contract, in form and substance satisfactory to the Authority, AFI and the Governor, has been executed and authorized by AFI and, then, only to the extent set forth therein.

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### Check List

- \_\_\_\_\_ 1. Proposal Form - Appendix A
- \_\_\_\_\_ 2. Financial Statement
- \_\_\_\_\_ 3. Letter from Surety Company indicating the Bonding Capability
- \_\_\_\_\_ 4. OSHA 300 Reports or explanation as to Nor-Applicability
- \_\_\_\_\_ 5. Construction Supervisor Profile
- \_\_\_\_\_ 6. Prior Experience (Contractor and Subcontractors)
- \_\_\_\_\_ 7. E&O Insurance information or letter from Insurance Company
- \_\_\_\_\_ 8. Documents in Appendix B

**NOTE: All SOQs shall be submitted in the original documents (Exhibits) provided herein (additional sheets may be used). All required additional documents shall be included. To simplify the evaluation of the SOQ, please provide the documents in the order of the check list.**

**APPENDIX A**

**PROPOSAL FORMS**

**PUERTO RICO PUBLIC-PRIVATE PARTNERSHIP AUTHORITY**

**REQUEST FOR QUALIFICATIONS**

**FOR**

**DESIGN, BUILD AND INFRASTRUCTURE CONSERVATION SERVICES**

**FOR THE**

**SCHOOL MODERNIZATION PROJECT:**

**SCHOOLS FOR THE 21ST CENTURY**

**PROPOSAL FORM A-1**

**STATEMENT OF PROSPECTIVE PROPONENT**

*(To Be Completed by the prospective Proponent)*

To: Schools PPP Committee  
Puerto Rico Infrastructure Financing Authority (AFI)  
Capital Center II, 15<sup>th</sup> Floor  
235 Arterial Hostos Avenue  
San Juan, Puerto Rico 00918-1454

From: (Prospective Proponent - Name and Address)

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**A. PROSPECTIVE PROPONENT DATA**

i. Date prospective Proponent's business established: \_\_\_\_\_

ii. If the prospective Proponent has been in business under the present business name for less than five (5) years, provide the prior business name of the prospective Proponent or Team Members information (or its principals) and the number of years it was in business:

Prior Business / Team member Name: \_\_\_\_\_;  
in business for \_\_\_\_\_ years.

Prior Business / Team member Name: \_\_\_\_\_;  
in business for \_\_\_\_\_ years.

Prior Business / Team member Name: \_\_\_\_\_;  
in business for \_\_\_\_\_ years.

iii. Contact Person: \_\_\_\_\_

iv. Title: \_\_\_\_\_

v. Business telephone: \_\_\_\_\_

vi. Facsimile number: \_\_\_\_\_

vii. e-mail address: \_\_\_\_\_

viii. Address: \_\_\_\_\_

ix. Federal tax identification number: \_\_\_\_\_

x. Current number of employees: \_\_\_\_\_

xi. Prospective Proponent is a:

Sole Proprietorship \_\_\_\_\_ Corporation \_\_\_\_\_

Partnership \_\_\_\_\_ Other (Specify) \_\_\_\_\_

xii. If the prospective Proponent is a subsidiary corporation, provide all data required in items 1 (i) through (vii), above, and items 1 (xi) and 1 (xiii), below, for its parent company.

xii. Prospective Proponent's present headquarters office:

Past 5 years:

- xiii. Team Members information – Please indicate the name, address, POC of each member of the prospective Proponent group

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- xiv. The following named person(s) are hereby authorized to bind the prospective Proponent in matters relating to the SOQ:

\_\_\_\_\_ (name, title)

\_\_\_\_\_ (name, title)

**B. PRIOR EXPERIENCE**

Identify all construction work related to this SOQ that meets the minimum experience requirements in Section 3.2 of the RFQ.

**DESIGN PROJECTS**

<b>Project Name / Year Completed</b>	<b>Description of the Work</b>	<b>Contract Amount<sup>1</sup></b>	<b>Name, Address, Telephone, Fax, E-mail of Owner / Reference</b>	<b>Green Practices Design<sup>2</sup></b>

1. If acting as a sub-contractor, state the exact subcontract amount.
2. Please check if project includes green practices design

**CONSTRUCTION PROJECTS**

<b>Project Name / Year Completed</b>	<b>Description of the Work</b>	<b>Contract Amount<sup>1</sup></b>	<b>Name, Address, Telephone, Fax, E-mail of Owner / Reference</b>	<b>Green Practices Design<sup>2</sup></b>

1. If acting as a sub-contractor, state the exact subcontract amount.
2. Please check if project includes green practices design



**INFRASTRUCTURE CONSERVATION PROJECTS**

Project Name / Year Completed	Description of the Work	Contract Amount <sup>1</sup>	Name, Address, Telephone, Fax, E-mail of Owner / Reference

1. If acting as a sub-contractor, state the exact subcontract amount.

**C. SUBCONTRACTORS TO BE USED ON SPECIALTIES WORK AND THEIR EXPERIENCE**

Sub Contractors	Specialty Work	Project Name/ Year Completed	Name, Address, Telephone, Fax, E-mail of Owner/Reference

**D. RECORD OF PERFORMANCE AND INTEGRITY**

i. Has the prospective Proponent (including Team Members and key subcontractors) had a contract that has been terminated for default within the past seven (7) years? \_\_\_\_

Or has a judgment has been rendered against the prospective Proponent (including Team Members and key subcontractors) in any court, during the seven (7) year period prior to the date of issuance of the RFQ? \_\_\_\_

If the answer to either question is “yes”, include for each such contract Client / Owner’s name, address, name of contact person, title, telephone, number and FAX number, the nature of work, contract amount, reason for default, and date of the termination or judgment: (additional sheets may be provided if necessary).

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- ii. Has the prospective Proponent (including Team Members and key subcontractors) been involved in any criminal, civil or administrative suits, actions, investigations or proceedings that were commenced, pending, settled, threatened, resolved or concluded during the seven (7) year period prior to the date of issuance of the RFQ? \_\_\_\_\_

If the answer to this question is “yes”, state the date of the suit, action, investigation or proceeding (or time period involved); the specific nature of the suit, action, investigation or proceeding; the amount of funds involved, if any; the names of the parties; the names and complete addresses of the courts and law enforcements agencies involved; the title and file number of the suit, action, investigation or proceeding; the disposition or current status; and any sentence, fine or other penalty imposed.

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- iii. Has the prospective Proponent (including Team Members and key subcontractors) been involved with any projects on which damages for errors and/or omissions have been assessed during the seven (7) year period prior to the date of issuance of the RFQ? \_\_\_\_\_

If the answer to this question is “yes”, submit a description of the projects involved, the contract time for each project, the total amount of damages assessed on each such project, and an explanation of the reasons for the assessment of damages in each case. (additional sheets may be provided if necessary).

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- iv. Has the prospective Proponent (including Team Members and key subcontractors) failed to complete a design, construction or infrastructure conservation project during the seven (7) year period to the date of issuance of the RFQ? \_\_\_\_\_

If the answer is "yes", include for each such contract Client/Owner's name, address, name of contact person, title, telephone number and FAX number, the nature of the project, and the reason for not completing the work (*additional sheets may be provided if necessary*).

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- v. Include a description of any other lines of business that the prospective Proponent (including Team Members and key subcontractors) has a financial interest in.

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**E. EXPERIENCE OF CONSTRUCTION SUPERVISOR**

- i. Provide the name(s) and attach a copy of the Resume of the construction supervisor(s) who will manage and supervise the Work.

Name(s): \_\_\_\_\_  
\_\_\_\_\_

- ii. Provide the name and attach a copy of the Resume of a certified green building professional such as a LEED AP from the US Green Building Council:

Name: \_\_\_\_\_

**F. FINANCIAL STABILITY AND CAPACITY**

- i. Provide the name, address, telephone number, facsimile number, and officer's name of at least one bank or financial institution that may be contacted regarding the financial responsibility of the prospective Proponent (including Team Members and key subcontractors).

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ii. Provide an audit or certified financial statement of the last two (2) years of operation of your firm(s).
- iii. Provide a certification from your bonding company indicating the actual amount of your Bonding Capacity. Please provide the name of the Bonding Company lawfully authorized to do business and having jurisdiction in Puerto Rico

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Available Bonding Capacity \_\_\_\_\_

**G. REPRESENTATIONS, CERTIFICATION AND ACKNOWLEDGEMENTS OF THE PROSPECTIVE PROPONENT**

- i. The prospective Proponent hereby acknowledges receipt of the following Addenda:

Addendum	Date
_____	_____
_____	_____

- ii. The undersigned represents warrants and certifies on behalf of the prospective Proponent that:
  - a) The information contained in the SOQ is true and complete.
  - b) The SOQ has been duly and properly authorized for submission by the Prospective Proponent.
  - c) In its preparation and development of the SOQ, the prospective Proponent has not, directly or indirectly, solicited or received any advice, assistance or information concerning the RFQ from any representative of the Authority, or its agents or contractors, which was not equally available to other prospective

Proponents and which might contribute to an actual or potential competitive advantage for the prospective Proponent.

- iii. The undersigned acknowledges on behalf of the prospective Proponent that the Authority's receipt or discussion of any information (including information contained in the SOQ) shall not impose any obligation whatsoever on any Sponsor, AFI, the GDB or the Government of Puerto Rico, or entitle the prospective Proponent to any compensation therefore, except to the extent specifically provided in such written agreement as may be entered into between the Authority and the prospective Proponent. Any information given to the Authority before, with or after the submission of the SOQ, either orally or in writing, except as noted below, may be used or disclosed to others for any purpose at any time without obligation and compensation and without liability of any kind whatsoever. Any statement which is inconsistent with the terms of this paragraph, whether made as part of or in connection with any information received from the prospective Proponent or made at any other time in any fashion, shall be void and of no effect. The SOQ is not intended, however, to grant to the Authority the right to use any matter which is the subject of validity existing or pending patents.
- iv. The undersigned certifies for himself and for the prospective Proponent, under penalty of perjury, that to the best of my knowledge and belief:
- The prospective Proponent's sole proprietorship, partnership, corporation or other legal entity is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
  - The prospective Proponent's sole proprietorship, partnership, corporation or other legal entity has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past five (5) years;
  - The prospective Proponent's sole proprietorship, partnership, corporation or other legal entity has not been indicated, convicted nor had a civil judgment rendered against by a court of a competent jurisdiction in any matter involving fraud or official misconduct within the past five (5) years.

Any exceptions to the above representations are set forth as an attachment to this Proposal Form. (*The prospective Proponent should indicate on attached sheets all exceptions to each of the above representations, indicating for each to whom it applies, the initiating agency, and dates of action*)<sup>1</sup>.

**IN WITNESS THEREOF**, the prospective Proponent has executed this **Proposal Form – Statement of prospective Proponent** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

<sup>1</sup> Exceptions will not necessarily result in denial of qualification, but will be considered in determining prospective Proponent responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

*When prospective Proponent is an individual:*

By: \_\_\_\_\_  
(Signature of Individual)

\_\_\_\_\_  
(Printed Name of Individual)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

*When a prospective Proponent is a sole proprietorship or operates under a trade name:*

\_\_\_\_\_  
(Printed Name of Firm)

By: \_\_\_\_\_  
(Signature of Individual)

\_\_\_\_\_  
(Printed Name of Individual)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

*When prospective Proponent is a partnership or joint venture: (A general or limited partner must sign)*

\_\_\_\_\_  
(Printed Name of Partnership or Joint Venture)

By: \_\_\_\_\_  
(Signature of Partner)

\_\_\_\_\_  
(Printed Name of Partner)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

*When prospective Proponent is a corporation:*

\_\_\_\_\_  
(Corporate Name)

\_\_\_\_\_  
(Corporate Address)

By: \_\_\_\_\_  
(Signature of Officer)

Title: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Secretary)

(CORPORATE SEAL)

\_\_\_\_\_  
(Jurisdiction)

# Appendix B: SOQ Forms

## FORM 1: PROPONENT CERTIFICATION

*[Letterhead of each prospective Proponent and prospective Proponent Member]*

Schools PPP Committee  
Puerto Rico Infrastructure Financing Authority (AFI)  
Capital Center II, 15<sup>th</sup> Floor  
235 Arterial Hostos Avenue  
San Juan, Puerto Rico 00918-1454

Dear PPP Committee,

We have carefully reviewed the Request for Qualifications dated [MONTH DAY], 2010 (“**RFQ**”) issued by the Puerto Rico Public-Private Partnerships Authority and any other documents accompanying or made a part of the RFQ. Capitalized terms used in this certificate have the meanings given to them in the RFQ.

We acknowledge and agree to comply with all terms and conditions of the RFQ, the attached Statement of Qualifications and all enclosures thereto. Without limitation, we specifically acknowledge the disclaimer contained in section 4.5 of the RFQ.

We certify that the information contained in the attached Statement of Qualifications is truthful. We further certify that the individual who has signed and delivered this certification is duly authorized to submit the attached Statement of Qualifications on behalf of the prospective Proponent/Team Member as its acts and deed and that the prospective Proponent/Team Member is ready, willing and able to perform if awarded the PPP Contract.

In particular, we further certify that if awarded the PPP Contract, the Proponent/Team Member is ready, willing and able to comply with the prevailing-wage requirements of the Davis-Bacon Act as they may be applicable to the Project and included in the PPP Contract.

We further certify that neither we, nor any of our officers, directors, controlling stockholders or partners, as the case may be, have been formally convicted for acts of corruption, including any of the crimes listed in Act No. 458 approved by the Legislative Assembly of Puerto Rico on December 29, 2000, as amended, whether in Puerto Rico or in any jurisdiction of the United States of America or in any foreign country.

We further certify that we comply and shall continue to comply at all times with laws which prohibit corruption or regulate crimes against public functions or funds, as may apply to the prospective Proponent, whether Federal, state or Puerto Rico statutes, including the Foreign Corrupt Practices Act.

We further certify that no officer or employee of the Sponsors, AFI, the PPP Committee or any other public agency of Puerto Rico who participates in the selection process described in, or negotiations in connection with, the RFQ (nor any member of their families) has an economic interest in or is connected with the prospective Proponent, and no officer or employees of the Sponsors, AFIPPP Committee or any other public agency of Puerto Rico (nor any member of their families) has directly or indirectly participated with the prospective Proponent in the preparation of its SOQ.



We further certify that we are in compliance with the provisions of Act No. 84 approved by the Legislative Assembly of Puerto Rico on June 18, 2002, also known as the Code of Ethics for Contractors, Suppliers and Applicants for Economic Incentives of the Executive Agencies of the Government of Puerto Rico, a copy of which is available at the Authority's website: <http://www.p3.gov.pr>.

We further certify that we are in compliance with the provisions of the Authority's Guidelines for the Evaluation of Conflicts of Interest and Unfair Advantages in the Procurement of Public-Private Partnership Contracts, a copy of which is available at the Authority's website: <http://www.p3.gov.pr>.

We further certify that the Statement of Qualifications is made without prior understanding, agreement, connection, discussion or collusion with any other person, firm or corporation submitting separate Statement of Qualifications or any officer, employee or agent of the Sponsors, AFI or the PPP Committee; and that the undersigned executed this Proponent's Certification with full knowledge and understanding of the matters herein contained and was duly authorized to do so.

The attached Statement of Qualifications shall be governed by and construed in all respects according to the laws of Puerto Rico and the terms of the RFQ.

Our business address is:

*[Insert business address]*

Yours faithfully,

*[Insert appropriate signature block for signature by a person duly authorized to bind the prospective Proponent or Team Member]*

**FORM 2: ACKNOWLEDGEMENT FOR RECEIPT OF ADDENDA**

*[Letterhead of each prospective Proponent and prospective Proponent Member]*

Schools PPP Committee  
Puerto Rico Infrastructure Financing Authority (AFI)  
Capital Center II, 15<sup>th</sup> Floor  
235 Arterial Hostos Avenue  
San Juan, Puerto Rico 00918-1454

Dear PPP Committee,

I, [Name of prospective Proponent Representative] in my capacity as [Title] of [Name of the prospective Proponent], acknowledge that our Company was able to access the Puerto Rico Public-Private Partnership Authority (the Authority) web site and downloaded the following documents regarding the Request for Qualifications for the Design, Build and Infrastructure Conservation Services for the School Modernization Project: Schools for the 21<sup>st</sup> Century for the Puerto Rico Infrastructure Financing Authority, issued on [Date] by the Authority.

<u>Document/File Title</u>	<u>Date Received/Downloaded</u>
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Date

**FORM 3: INSURANCE COMPANY LETTER OF INTENT**

*[Letterhead of each Design Firm within the prospective Proponent]*

Schools PPP Committee  
Puerto Rico Infrastructure Financing Authority (AFI)  
Capital Center II, 15<sup>th</sup> Floor  
235 Arterial Hostos Avenue  
San Juan, Puerto Rico 00918-1454

Dear PPP Committee,

[Name of prospective Proponent] has submitted herewith a Statement of Qualifications in response to the Request for Qualifications (the RFQ) for the Design, Build and Infrastructure Conservation Services for the School Modernization Project: Schools for the 21<sup>st</sup> Century for the Puerto Rico Infrastructure Financing Authority, issued by the Puerto Rico Public-Private Partnership Authority (the Authority) on [DATE].

The Insurance Company hereby certifies that it intends to provide all required insurance set forth in the RFQ in the event the prospective Proponent is selected by the Authority for approval and execution of an Agreement in response to the future Request for Proposals.

\_\_\_\_\_  
Name of Insurance Company

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**FORM 4: LETTER OF INTENT FOR BONDING**

*[Letterhead of each and combined Construction company within prospective]*

Schools PPP Committee  
Puerto Rico Infrastructure Financing Authority (AFI)  
Capital Center II, 15<sup>th</sup> Floor  
235 Arterial Hostos Avenue  
San Juan, Puerto Rico 00918-1454

Dear PPP Committee,

This is to advise that [legal name of Surety], who is authorized to do business in Puerto Rico, is prepared to provide a Performance Bond as described in the Request for Qualifications issued by the Puerto Rico Public-Private Partnership Authority (the Authority) on [DATE] for the Design, Build and Infrastructure Conservation Services for the School Modernization Project: Schools for the 21<sup>st</sup> Century for the Puerto Rico Infrastructure Financing Authority, should [Name of the prospective Proponent] be awarded a Public-Private Partnership Contract pursuant to a future Request for Proposals for the Project.

The maximum available bonding capacity for the prospective Proponent is \_\_\_\_\_.

\_\_\_\_\_  
Name of Surety Company

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date