



State of Utah

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Division of Facilities Construction and Management

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Addendum No. 1

Date: July 18, 2013

To: Architects / Engineers

From: Rick James - Project Manager

Reference: Pierre Lassonde Entrepreneur Center at the David Eccles School of Business
University of Utah – Salt Lake City, Utah
DFCM Project No. 13285750

Subject: **Addendum No. 1**

Pages	Addendum Cover Sheet	3 pages
	<u>Claim of Business Confidentiality Form.</u>	3 pages
	Total	6 pages

Note: This Addendum shall be included as part of the Contract Documents. Items in this Addendum apply to all drawings and specification sections whether referenced or not involving the portion of the work added, deleted, modified, or otherwise addressed in the Addendum. Acknowledge receipt of this Addendum in the space provided on the Bid Form. Failure to do so may subject the Bidder to Disqualification.

1.1 **SCHEDULE CHANGES:** There are no Project Schedule changes.

1.2 **GENERAL ITEMS:** Questions/Answers/Clarifications

1.2.1 Furnishings for all the resident bedrooms will be selected and purchased by the University of Utah. The design team will design and specify all other furnishings.

1.2.2 Question: Please clarify whether or not a 'dining component' will be a part of the scope of services for programming and design of the new Lassonde Entrepreneur Center. In other words, is it advisable for a 'food services designer' to be part of the architects consultant team?

Answer: The food services will be provided by a private vendor which will be selected by the University. The design team will be asked to provide rough-in utilities connections and provide a layout which will be anticipated to be used by the food vendor. Often the food vendor has not been selected during the design period. This process has not been fully determined at this time.

- 1.2.3 Question: Where is the funding for the project coming from?
Answer: The funding will consist of donor funds, UofU money, and bonding.
- 1.2.4 Question: Would there be some savings if the project is located on one of the sites adjacent to the Honor's Housing?
Answer: This has not been determined. Further study is needed.
- 1.2.5 Question: What is the nature of the parking issue for the project?
Answer: If the site selection requires the construction of additional parking or payment of parking displacement fees, the budget as currently stated would be increased.
- 1.2.6 Question: Will the project be moving right into design at the conclusion of programming?
Answer: Yes.
- 1.2.7 Question: What does iconic mean?
Answer: The desire is for an extraordinary building inside and out that will inspire.
- 1.2.8 Question: Can an out of state firm be the prime?
Answer: Yes, there is no rule against it. In the majority of cases contracts with A/E firms providing programming and design services, A/E firms are located in the State of Utah.
- 1.2.9 Question: Will geotechnical and surveying consultants need to be part of the A/E team?
Answer: No. The University will contract this work separately.
- 1.2.10 Question: Design Approach is heavily weighted in the selection criteria. Should it be addressed in the proposal or just the interview?
Answer: Yes, shortlisting, if necessary will be scored on the same selection criteria, so it would be wise to address all of them in the written proposal.
- 1.2.11 Question: Specifically, we are hoping that you can expand upon how this line reads - as it relates to this specific project.
18. Licensure: The Consultant shall comply with and require its subconsultants to comply with the license laws of the State of Utah.
Answer: Prime consultant firms must have a principal(s) within the firm which are licensed architects in the State of Utah. Prime consultants on the competing team must have the firm name registered at the Utah Department of Commerce (see website commerce.utah.gov).
- 1.2.12 Question: Regarding the RFP, on page 5, under "Reference Documents", it states that two previous studies have been included for reference; feasibility study and ideas for an innovative community. Am unable to find the ideas for an innovation community online. Where is it located?
Answer: This document is posted below the Feasibility Study on the website under this specific project.

- 1.2.13 Correct the following typo on the project description page:
*The Pierre Lassonde Entrepreneur Center at the David Eccles School of Business located on the campus of the University of Utah is requesting proposals for programming and architectural services for a distinctive mixed use building including residential space, student entrepreneur activities and classrooms. At an anticipated 172,000 GSF, this project will provide a strong link between **Housing and Residential Education** and the innovative programs of the Pierre Lassonde Entrepreneur Center. The project will provide 401 residents and numerous students from a variety of interests with exposure to a 24-hour entrepreneurial and innovation tinkering space currently referenced as “the garage” where students of various backgrounds will be able to experiment on their own as well as collaborate with others on projects.*
- 1.2.14 Omit the sentence which is in the parentheses in the following paragraph.
Site Considerations and Schedule
There are currently four sites under consideration. It is anticipated that the final site selection will be made prior to the commencement of programming (I understood the final site selection was going to be completed prior to the start of design). Due to the need for this mixed use project, programming is expected to be completed no later than December 1, 2013. There will be a need to have the finalized project budget complete in October of 2013 in order to be considered for approval during the 2014 State Legislature.
- 1.2.15 See the attached “Attachment A” consisting of the “Important Instructions To Claim Business Confidentiality” and “Claim of Business Confidentiality Form”. Submit the completed “Claim of Business Confidentiality Form” in your submittal documents immediately after the Termination/Debarment section.

ATTACHMENT "A"

**IMPORTANT INSTRUCTIONS TO CLAIM BUSINESS
CONFIDENTIALITY**

Provided with this Addendum #3 is the Claim of Business Confidentiality Form. **To claim business confidentiality, this form must be submitted with the proposal or any other submitted documents.**

We have also provided some of the statutory references of the Utah Governmental Records Access and Management Act (GRAMA).

This explanation should be made for each provision, paragraph or section that meets the requirements for a Claim of Business Confidentiality.

Examples of what may qualify for a Claim of Business Confidentiality: client lists, non-public financial statements and certain reference information.

Example of what does not qualify for a Claim of Business Confidentiality: the amount of each offeror's cost proposal shall be disclosed after the contract is awarded. [Utah Administrative Code R23-1-15 (16)(b)]

You will be notified if there is a concern about your submitted Claim of Business Confidentiality, prior to any public release of such claimed information.

STATUTORY REFERENCES FOR CONFIDENTIALITY CLAIM:

This provides some examples of protected records under GRAMA.

GRAMA, Utah Code Ann., Subsection 63G-2-305, provides in part that the following records are protected if properly classified by a government entity:

UCA 63G-2-305. Protected records.

(1) **trade secrets** as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309 (Business Confidentiality Claims) [NOTE: Trade Secrets in 13-24-2 is defined as:

"Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(a) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
(b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.];

(2) **commercial information or non-individual financial information obtained from a person if:**

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309; . . .

[this statute provides further examples of protected records]

UCA 63G-2-309. Confidentiality claims.

(1) (a) (i) Any person who provides to a governmental entity a record that the person believes should be protected under Subsection 63G-2-305(1) [**TRADE SECRET**] or (2) [**COMMERCIAL INFORMATION OR NON-INDIVIDUAL FINANCIAL INFORMATION**] or both Subsections 63G-2-305(1) and (2) **shall provide with the record:**

(A) **a written claim of business confidentiality;** and

(B) **a concise statement of reasons supporting the claim of business confidentiality. . . .**

CLAIM OF BUSINESS CONFIDENTIALITY FORM

Pursuant to Utah Code Ann., Subsections 63G-2-305(1) and (2), and in accordance with Section 63G-2-309, **Firm Name** asserts a claim of business confidentiality to protect the following information submitted as part of a Request for Proposals.

Please see the Statutory References for Confidentiality Claim on the preceding page, especially in regard to the definition of trade secrets and other information that can be protected from public disclosure under GRAMA.

This statement of reasons supporting the claim of business confidentiality applies to the following information on this proposal:

Please complete the following information and include this form in your submittal documents immediately after the Termination/Debarment section.

Project Name		
Project No.		
Page	Paragraph	Reason

If more space is needed, please insert additional rows and/or provide additional pages.

If you do not want to have any information redacted from your entire proposal, please check the box below:

Signed:

Date:

Printed Name and Title