

REQUEST FOR QUALIFICATIONS FOR

**REAL ESTATE FIRMS, BROKERS AND AGENTS TO PROVIDE REAL ESTATE SERVICES
FOR COMMISSION OWNED PROPERTIES**

ISSUING OFFICE

Pennsylvania Turnpike Commission

**Property Management Division
of the
Legal Department**

RFQ 14-10470-4912

DATE OF ISSUANCE

September 10, 2014

**REQUEST FOR QUALIFICATIONS FOR
REAL ESTATE FIRMS, BROKERS AND AGENTS TO PROVIDE REAL ESTATE SERVICES
FOR COMMISSION OWNED PROPERTIES**

RFQ 14-10470-4912

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PART I

GENERAL INFORMATION

I-1. Purpose. The Pennsylvania Turnpike Commission (Commission) seeks to retain the services of one or more Commercial and Residential Real Estate Firms, Brokers and Agents experienced in the sale, purchase and leasing of Commercial and Residential Real Estate. Through this Request for Qualifications (RFQ) process, the Commission seeks to establish a pool or pools of qualified Firms, Real Estate Brokers and Agents who will be available to provide such real estate services as needed from time to time. Please note that inclusion in the pool does not guarantee or provide assurances that a specific Firm, Broker or Agent will be selected to provide real estate services to the Commission.

This RFQ provides interested Real Estate Firms, Brokers and Agents with sufficient information to enable them to prepare and submit statements of qualifications for consideration by the Commission to satisfy a need for real estate services. Real Estate Firms, Brokers and Agents wishing to be considered for inclusion in the pool(s) should respond to this RFQ in all respects.

The Commission reserves the right to retain Real Estate Firms, Brokers and Agents who are not included in the pool(s) to provide real estate services. Such selection may be based on complexity and such other factors as the Commission deems, in its sole discretion, relevant.

Following the creation of the pool(s), the Commission reserves the right, in its sole and absolute discretion, to add or remove Real Estate Firms, Brokers and Agents from the pool(s) at any time.

I-2. Background.

The Turnpike System

The present system is composed of the following: a 359 mile Turnpike Mainline traversing the southern portion of Pennsylvania from east to west, a 110 mile north-south section identified as the Northeast Extension, a 16 mile north-south connection, known as the Beaver Valley Expressway which intersects the Turnpike Mainline in the southwestern portion of the Commonwealth, the 13 mile Amos K. Hutchinson Bypass, which adjoins the Turnpike Mainline near the New Stanton Interchange, a 23-mile section of the Mon/Fayette Project, an eight mile section from the Pennsylvania/West Virginia border to Fairchance, which is located just south of Uniontown, and the first part of the Southern Beltway, the Findlay Connector near Greater Pittsburgh International Airport. When completed, the Mon/Fayette Expressway will extend 65 miles from Interstate Route 68 in West Virginia to Interstate Route 376 near Pittsburgh.

The Pennsylvania Turnpike System has a total of 57 interchanges which connect it with major arteries and population centers in its 531 mile traffic corridor. Thirty of the interchanges are located on the Turnpike Mainline, including Turnpike Mainline barriers at the New Jersey and Ohio state lines, and 10 interchanges are situated on the Northeast Extension. The additional 17 interchanges are located on the three extensions previously noted. There are 17 service plazas along the Pennsylvania Turnpike System providing gasoline and diesel fuel, other automotive supplies and services, and restaurant services.

I-3. Issuing Office. This RFQ is issued for the Commission by the **Property Management Division of the Legal Department**. All questions regarding this RFQ must be directed to the Commission pursuant to the process identified in Section I-10 below. No questions will be addressed except through such process.

I-4. Scope. This RFQ contains instructions governing the statements of qualifications to be submitted and the material to be included therein; a description of the service to be provided; requirements which must be met to be eligible for consideration; general evaluation criteria; and other requirements to be met by each statement of qualifications.

I-5. Problem Statement.

A. General Description

The Commission is soliciting statements of qualifications from Real Estate Firms, Brokers and Agents for the purpose of creating a pool or pools of qualified Real Estate Firms, Brokers and Agents to provide Real Estate services for the sale, lease, purchase, development and/or management of Commission owned surplus property. Such selection may be made with or without the issuance of a subsequent Request for Qualifications with respect to a specific transaction.

The Commission does not intend to name all Real Estate Firms, Brokers and Agents that could potentially be deemed “qualified” to the pool(s), but rather intends to select those firms that best meet the Commission’s selection criteria, as identified in Section III-3 of this RFQ.

B. Requested Services

Real estate services for the sale, lease, purchase, development and/or management of Commission owned surplus property.

I-6 Type of Contract. It is proposed that if a contract is entered into as a result of this RFQ, work will be assigned on an open-end contract basis.

I-7. Rejection of Statements of Qualifications. The Commission reserves the right to reject any and all Statements of Qualifications received as a result of this request.

I-8. Subcontracting. Any use of subcontractors by a Respondent must be identified in the Statement of Qualifications. During the contract period use of any subcontractors by the selected Respondent, which were not previously identified in the Statement of Qualifications, must be approved in advance in writing by the Commission.

A firm that responds to this solicitation as a prime may not be included as a designated subcontractor to another firm that responds to the same solicitation. **Multiple responses under any of the foregoing situations may cause the rejection of all responses of the firm or firms involved.** This does not preclude a firm from being set forth as a designated subcontractor to more than one prime contractor responding to the project advertisement.

I-9. Incurring Costs. The Commission is not liable for any costs incurred by Respondents in their preparation and submission of Statements of Qualifications, in participating in the RFQ process or in anticipation of award of Real Estate Firm, Broker and Agent opportunities.

I-10. Questions and Answers. Written questions may be submitted to clarify any points in the RFQ which may not have been clearly understood. Written questions should be submitted via email to RFP-Q@paturnpike.com with **RFQ 14-10470-4912** in the subject line to be received no later than **2:00 p.m., local time, Thursday, September 25, 2014**. All questions and written answers will be posted to the website as an addendum to and become part of this RFQ. No questions regarding the RFQ will be addressed except through this process.

I-11. Addenda to the RFQ. If it becomes necessary to revise any part of this RFQ before the response date, addenda will be posted to the Commission's website under the original RFQ document. It is the responsibility of all Respondents to periodically check the website for any new information or addenda to the RFQ.

The Commission may revise a published advertisement. If the Commission revises a published advertisement less than ten days before the RFQ due date, the due date will be extended to maintain the minimum ten-day advertisement duration if the revision alters the project scope or selection criteria. Respondents are responsible to monitor advertisements/addenda to ensure the submitted Statement of Qualifications complies with any changes in the published advertisement.

I-12. Response. To be considered, Statement of Qualifications must be delivered to the Pennsylvania Turnpike Commission's Contracts Administration Department, Attention: Stephanie Newbury, on or before **2:00 PM** local time on **Tuesday, October 21, 2014**. The Pennsylvania Turnpike Commission is located at 700 South Eisenhower Boulevard, Middletown, PA 17057 (Street address). Our mailing Address is P. O. Box 67676, Harrisburg, PA 17106.

Please note that use of U.S. Mail, FedEx, UPS, or other delivery method, does not guarantee delivery to the Contracts Administration Department by the above listed time for submission. Respondents mailing submissions should allow sufficient delivery time to ensure timely receipt of their Statements of Qualifications. If the Commission office location to which submissions are to be delivered is closed on the Statement of Qualifications response date, due to inclement weather, natural disaster, or any other cause, the deadline for submission shall be automatically extended until the next Commission business day on which the office is open. Unless the Respondents are otherwise notified by the Commission, the time for submission of Statements of Qualifications shall remain the same.

I-13. Statements of Qualifications. To be considered, Respondents should submit a complete response to this RFQ, using the format provided in PART II. Each Statement of Qualifications should be submitted in four (4) hard copies. In addition to the hard copies of the Statements of Qualifications, **one complete and exact copy of the Statement of Qualifications (along with all requested documents) on CD-ROM or Flash Drive in Microsoft Office or Microsoft Office-compatible format.** The electronic copy must be a mirror image of the hard copy. The CD or Flash drive should clearly identify the Respondents and include the name and version number of the virus scanning software that was used to scan the CD or Flash drive before it was submitted. The Respondent shall present the Statements of Qualifications to the Contracts Administration Department only. No other distribution of Statements of Qualifications will be made by the Respondent. Each Statement of Qualifications page should be numbered for ease of reference.

An official authorized to bind the Respondent to its provisions must sign the Statement of Qualifications. If the official signs the Statement of Qualifications Cover Sheet (Appendix A to this RFQ) and the Statement of Qualifications Cover Sheet is attached to the Statements of Qualifications, the requirement will be met. For this RFQ, the Statements of Qualifications must remain valid for at least **120** days. Moreover, the contents of the Statement of Qualifications of the selected Respondent will become contractual obligations if a contract is entered into.

Each and every Respondent submitting Statements of Qualifications specifically waives any right to withdraw or modify it, except as hereinafter provided. Statements of Qualifications may be withdrawn by written or fax notice (fax number (717) 986-8714) received at the Commission's address for Statements of Qualifications delivery prior to the exact hour and date specified for Statements of Qualifications receipt.

Overnight Delivery Address:
Contracts Administration Department
Attn: Stephanie Newbury
PA Turnpike Commission
700 South Eisenhower Blvd.
Middletown, PA 17057

US Mail Delivery Address:
Contracts Administration Department
Attn: Stephanie Newbury
PA Turnpike Commission
P.O. Box 67676
Harrisburg, PA 17106

However, if the Respondent chooses to attempt to provide such written notice by fax transmission, the Commission shall not be responsible or liable for errors in fax transmission. Statements of Qualifications may also be withdrawn in person by a Respondent or its authorized representative, provided his/her identity is made known and he/she signs a receipt for the Statements of Qualifications, but only if the withdrawal is made prior to the exact hour and date set for Statements of Qualifications receipt. Statements of Qualifications may only be modified by the submission of a newly sealed Statements of Qualifications or submission of a sealed modification which complies with the requirements of this solicitation.

I-14. Economy of Preparation. Statements of Qualifications should be prepared simply and economically, providing a straightforward, concise description of the Respondent's ability to meet the requirements of the RFQ. For submissions, the body of the Statements of Qualifications shall not exceed twenty (20) pages of 12 point type, excluding required tables and appendices.

I-15. Discussions for Clarification. Proposers who submit Statements of Qualifications may be required to make an oral or written clarification of their Statements of Qualifications to the Issuing Office to ensure thorough mutual understanding and Proposer responsiveness to the solicitation requirements. The Issuing Office will initiate requests for clarification.

I-16. Statements of Qualifications Contents. Statements of Qualifications will be held in confidence and will not be revealed or discussed with competitors, unless disclosure is required to be made (i) under the provisions of any Commonwealth or United States statute or regulation; or (ii) by rule or order of any court of competent jurisdiction. All material submitted with the statement becomes the property of the Commission and may be returned only at the Commission's option. Statements of Qualifications submitted to the Commission may be reviewed and evaluated by any person other than competing Respondents at the discretion of the Commission. The Commission has the right to use any or all ideas presented in any response. Selection or rejection of the responding firm does not affect this right.

In accordance with the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. § 67.707 (Production of Certain Records), Respondents shall identify any and all portions of their Statement of Qualifications that contains confidential proprietary information or is protected by a trade secret. Statements of Qualifications shall include a written statement signed by a representative of the company/firm identifying the specific portion(s) of the response that contains the trade secret or confidential proprietary information.

Respondents should note that “trade secrets” and “confidential proprietary information” are exempt from access under Section 708(b)(11) of the RTKL. Section 102 defines both “trade secrets” and “confidential proprietary information” as follows:

Confidential proprietary information: Commercial or financial information received by an agency: (1) which is privileged or confidential; **and** (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

Trade secret: Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that: (1) 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** (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The term includes data processing software by an agency under a licensing agreement prohibiting disclosure.

65 P.S. §67.102 (emphasis added).

The Office of Open Records has determined that a third party must establish a trade secret based upon factors established by the appellate courts, which include the following:

- the extent to which the information is known outside of his business;
- the extent to which the information is known by employees and others in the business;
- the extent of measures taken to guard the secrecy of the information;
- the value of the information to his business and to competitors;
- the amount of effort or money expended in developing the information; and
- the ease of difficulty with which the information could be properly acquired or duplicated by others.

See Crum v. Bridgestone/Firestone North Amer. Tire., 907 A.2d 578, 585 (Pa. Super. 2006).

The Office of Open Records also notes that with regard to “confidential proprietary information the standard is equally high and may only be established when the party asserting protection shows that the information at issue is either ‘commercial’ or ‘financial’ and is privileged or confidential, and the disclosure **would** cause substantial competitive harm.” (emphasis in original).

For more information regarding the RTKL, visit the Office of Open Records’ website at www.openrecords.state.pa.us.

I-17. Debriefing Conferences. Respondents whose firms are not selected to be included in the pool or pools will be notified of the name of the selected respondents and given the opportunity to be debriefed, at their request. The Issuing Office will schedule the time and location of the debriefing. The Respondent will not be compared with other respondents.

I-18. News Releases. News releases pertaining to this project will not be made without prior Commission approval, and then only in coordination with the Issuing Office.

I-19. Term of Appointment. The Commission intends that the pool or pools established pursuant to this request will remain in effect for three years, but reserves the right to extend the term of the pool or pools for up to three (3) one-year extensions.

I-20. Respondent's Representations and Authorizations. Each Respondent by submitting its Statement of Qualifications understands, represents, and acknowledges that:

- a. All information provided by, and representations made by, the Respondent are material and important and will be relied upon by the Issuing Office in establishing pools. Any misstatement, omission or misrepresentation shall be treated as fraudulent concealment from the Issuing Office of the true facts relating to the submission of this Statement of Qualifications. A misrepresentation shall be punishable under 18 Pa. C.S. § 4904.
- b. To the best knowledge of the person signing the proposal for the Respondent, the Respondent, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four (4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed by the Respondent in its Statement of Qualifications.
- c. To the best of the knowledge of the person signing the Statement of Qualifications for the Respondent and except as otherwise disclosed by the Respondent, the Respondent has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the Respondent that is owed to the Commonwealth.
- d. The Respondent is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government, and if the Respondent cannot certify, then it shall submit along with the Statement of Qualifications a written explanation of why such certification cannot be made.
- e. Each Respondent, by submitting its Statement of Qualifications, authorizes all Commonwealth agencies to release to the Commission information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities.
- f. The Respondent has not, under separate contract with the Commission, made any recommendations to the Commission concerning the need for the services described in the RFQ.

I-21. Indemnification. The Respondent shall be responsible for, and shall indemnify, defend, and hold harmless the Commission and its Commissioners, officers, employees, and agents from any claim, liability, damages, losses, causes of action, and expenses, including reasonable attorneys' fees, arising from damage to life or bodily injury or real or tangible personal property caused by the negligence or other tortious acts, errors, and omissions of Respondent, its employees, or its subcontractors while engaged in performing the work of the Agreement or while present on the Commission's premises, and for breach of the Agreement regarding the use or nondisclosure of proprietary and confidential information where it is determined that Respondent is responsible for any use of such information not permitted by the Agreement. The indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for Contractor or its subcontractors under Workmen's Compensation Acts, Disability Benefits Acts, or other Employee Benefit Act.

I-22. Insurance. Respondent will comply with the Insurance Requirements as described in Appendix B - Insurance Requirements.

PART II

INFORMATION REQUIRED FROM RESPONDENTS

Statements of Qualifications must be submitted in the format, including heading descriptions, outlined below. To be considered, the response must respond to all requirements in this part of the RFQ. Any other information thought to be relevant, but not applicable to the enumerated categories, should be provided as an appendix to the Statement of Qualifications.

The Commission reserves the right to request additional information which, in the Commission's opinion, is necessary to assure that the Respondent's competence, number of qualified employees, business organization, and financial resources are adequate to perform according to the RFQ.

II-1. Required Information

A. Title Page

Show the name of Respondent's firm, address, telephone number, name of contact person, date and the subject: Real Estate Firms, Brokers and Agents to Provide Real Estate Service for Commission Owned Properties, RFQ #14-10470-4912.

B. Table of Contents

Include a clear identification of the material by section and by page number.

C. Cover Letter and Executive Summary

This letter should be signed by an individual who is authorized to negotiate terms, render binding decisions and commit the firm's resources.

Summarize the Respondent's understanding of the work to be done and make a positive commitment to perform the work necessary. This section should summarize the key points of your submittal.

(Limit to two pages.)

D. Firm Overview

Provide a brief history and description of your firm's business organization and its real estate practice and experience. Include the location of offices and the number of licensed Real Estate Brokers and Agents in each office. Discuss your firm's presence in and commitment to the Commonwealth of Pennsylvania. Include a discussion of the specific expertise and services that distinguish your firm.

E. Personnel and References

Provide the names, proposed roles, background and experience, office location and availability of the personnel that would work on the Commission's account, and specifically identify the primary person(s) who will be responsible for managing the relationship with the Commission. Proposed Real Estate Brokers and Agents must possess a valid Pennsylvania license. Respondent must submit a current resume for all proposed Real Estate Brokers and Agents listing relevant experience and applicable

professional affiliations. Provide a list of five clients for which each Real Estate Firm, Broker or Agent has performed real estate services within the past 36 months.

F. Relevant Experience

Provide a narrative statement regarding your Real Estate Firm, Broker and/or Agent experience. Additionally include a statement regarding your understanding of Sales and /or Leases of Commission owned Surplus Property and your ability to provide real estate broker and/or agent services in accordance with the same.

Describe your firm's experience in providing real estate broker and/or agent services to other clients, including governmental entities clothed with the power of eminent domain within the Commonwealth of Pennsylvania. Illustrate an ability to read and interpret engineering plans; evaluate and value impacts to real property, prepare reports, documents and complete other tasks associated with the sale and /or lease of real property. Describe the business practices that enable you to complete these tasks in an efficient, timely and, at times, expeditious manner.

Include a statement regarding any specialty real estate broker or sales services your firm may offer.

(Response to Part II-D through II-F should not exceed 20 pages.)

G. Potential Conflict of Interest

Identify any relationships or activities that might present a conflict of interest if your firm is selected to provide real estate broker and/or agent services as described in this RFQ.

H. Professional Liability Insurance

Describe the level of professional liability insurance carried, including the deductible amount, to cover errors and omissions and negligence.

II-2. Commitment to Diversity.

The Turnpike Commission is committed to the inclusion of disadvantaged, minority, and woman firms in contracting opportunities. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in the Contract, in their Statement of Qualifications. Proposed DBE/MBE/WBE firms must be certified by the Pennsylvania Unified Certification Program (www.paucp.com) at the time of the submission of the proposal. The utilization of disadvantaged, minority and women-owned businesses are encouraged and will be considered a factor in the evaluation determination.

A. Diversity Questionnaire. A diversity questionnaire is required to be completed by the Respondent to ensure a commitment to equal opportunity and affirmative action (see Appendix C).

B. Purpose of Diversity Questionnaire. The information requested in the Diversity Questionnaire is designed to elicit appropriate information about the Respondent in order to verify that its work environment demonstrates a strong commitment to diversity.

- C. Types of Information Requested.** The required information includes information on the demographics of the Respondent's upper level management and corporate commitment to diversity and equal opportunity initiatives.
- D. Certification Requirement.** A person authorized to bind the Respondent contractually must submit with the firm's statement of qualifications a certification outlining the Respondent's continued commitment to its diversity initiatives.

PART III

CRITERIA FOR SELECTION

III-1. Mandatory Responsiveness Requirements. To be eligible for selection, the Statement of Qualifications should be (a) timely received from a Respondent; and (b) properly signed by the Respondent.

III-2. Statements of Qualification will be reviewed, evaluated, and rated by a Technical Evaluation Team of qualified personnel. The Technical Evaluation Team will present the evaluations to the Professional Services Procurement Committee (PSPC). The PSPC will recommend for selection those firms that most closely meet the requirements of the RFQ and satisfy Commission needs. Consideration for inclusion in the pool(s) will only be made to Respondents determined to be responsive and responsible in accordance with Commonwealth Management Directive 215.9, Contractor Responsibility Program.

III-3. The following criteria will be used, in order of relative importance from the highest to the lowest, in evaluating each statement of qualifications.

1. Overall
 - a. Responsiveness, organization, and clarity of Statement of Qualifications.
 - b. Presence in and commitment to the Commonwealth of Pennsylvania.
 - c. Organization, size and structure of firm.
 - d. Ability to perform tasks in an efficient, timely and, at times, expeditious manner.
2. Assigned Personnel
 - a. Qualifications and experience of licensed real estate broker or agent and their sales record, tenure with firm, length of time in the industry and type of experience.
 - b. Responses of references.
 - c. Location and availability to Commission staff.
3. Firm Experience
 - a. Length of time in the industry.
 - b. Relevant experience.
 - c. Responses of references.
4. Commitment to Diversity. The Respondent's demonstrated diversity and equal employment record, including: (i) recognition of the Respondent's equal employment opportunity and diversity policies, programs and initiatives; (ii) the diversity of the staff that will be substantially involved in work performed for the Commission and the firm's plan for utilizing minority and women staff in such work; (iii) the Respondent's status as a certified MBE/WBE; and (iv) the Respondent's plan for utilizing minority and women staff in partnering or joint venture arrangements proposed by the firm, if applicable.

APPENDIX A – REQUEST FOR QUALIFICATIONS COVER SHEET

Pennsylvania Turnpike Commission

REAL ESTATE FIRMS, BROKERS AND AGENTS TO PROVIDE REAL ESTATE SERVICES FOR COMMISSION OWNED PROPERTIES

RFQ# 14-10470-4912

**Enclosed in two separately sealed submittals is the technical and cost proposal for the
Proposer identified below for the above referenced RFQ:**

Respondent Information:	
Respondent Name	
Respondent Mailing Address	
Respondent Website	
Respondent Contact Person	
Contact Person's Phone Number	
Contact Person's Fax Number	
Contact Person's Email Address	
Respondent Federal ID Number	

Submittals Enclosed:	
<input type="checkbox"/>	Technical Submittal

Signature
Signature of an official authorized to bind the Respondent to the provisions contained in the Respondent's submission: _____
Print Name
Title

**FAILURE TO COMPLETE, SIGN AND RETURN THIS FORM WITH THE
SUBMISSION MAY RESULT IN THE REJECTION OF THE SUBMISSION.**

**Appendix B – Insurance Specifications –
The Pennsylvania Turnpike Commission
Minimum Requirements
For RFQ #14-10470-4912**

Prior to the commencement of any work and until completion and final payment is made for the work / final acceptance of the work, the Professional Service Contractor will provide and maintain the following minimum levels of insurance at Professional Service Contractor's own expense. The cost of the required insurance shall be included in the Professional Service Contractor's bid price and no adjustment shall be made to the contract price on account of such costs unless such approval is provided. The term Professional Service Contractor shall include Subcontractors and Sub-Subcontractors of every tier. Professional Service Contractor shall furnish Certificates of Insurance evidencing and reflecting the effective date of coverage as outlined below. In no event shall Work be performed until the required evidence of Insurance is provided in accordance with these Contract Documents and is approved by the Pennsylvania Turnpike Commission (the "Commission"). If found to be non-compliant, the Commission may purchase the required insurance coverage(s) and the cost will be borne by the Professional Service Contractor through direct payment/reimbursement to the Commission or the Commission may withhold payment to the Professional Service Contractor for amounts owed to them.

- a) All insurance shall be procured from insurers permitted to do business in the State in which the project is taking place and having an A.M. Best Rating of at least "A-, Class VIII".
- b) Professional Service Contractor shall not have a Self Insured Retention (SIR) on any policy greater than \$25,000, which is the responsibility of the Professional Service Contractor. If Professional Service Contractor's policy(ies) has a Self Insured Retention exceeding this amount, approval must be received from the Commission prior to starting work. In the event any policy includes an SIR, the Professional Service Contractor is responsible for payment within the SIR of their policy(ies) and the Additional Insured requirements specified herein shall be offered within the SIR amount(s).
- c) All insurance required herein, with the exception of the Professional Liability Insurance, shall be written on an "occurrence" basis. Claims-Made coverage must include:
 - i. The retroactive date must be on or prior to the start of work under this contract; and
 - ii. The Professional Service Contractor must purchase "tail coverage/an extended reporting period" or maintain coverage for a period of three years, subsequent to the completion of their work / final payment.
- d) The Professional Service Contractor's insurance carrier (s) shall agree to provide at least thirty (30) days prior written notice to the Commission in the event coverage is canceled or non-renewed. In the event of cancellation or non-renewal of coverage(s), it is the Professional Service Contractor's responsibility to replace coverage to comply with the Contract requirements so there is no lapse of coverage for any time period.

In the event the insurance carriers will not issue or endorse their policy(s) to comply with the above it is the responsibility of the Professional Service

**Appendix B – Insurance Specifications –
The Pennsylvania Turnpike Commission
Minimum Requirements
For RFQ #14-10470-4912**

Contractor to report any notice of cancellation or non-renewal at least thirty (30) days prior to the effective date of this notice.

- e) Professional Service Contractor shall provide the Commission with Certificates of Insurance, evidencing the insurance coverages listed below, ten days prior to the start of work of this Project and thereafter upon renewal or replacement of each coverage. The Professional Service Contractor shall not begin any work until the Commission has reviewed and approved the Certificate of Insurance. The required insurance shall not contain any exclusions or endorsements, which are not acceptable to the Commission.

Failure of the Commission to demand such certificate or other evidence of full compliance with these insurance requirements or failure of the Commission to identify a deficiency from evidence that is provided shall not be construed as a waiver of Professional Service Contractor's obligation to maintain such insurance.

With respect to insurance maintained after final payment in compliance with a requirement below, an additional certificate(s) evidencing such coverage shall be provided to the Commission with final application for payment and thereafter upon renewal or replacement of such insurance until the expiration of the time period for which such insurance must be maintained.

- f) The Commission, (including the Commission's Parent, Subsidiaries, and Affiliates) shall be added as ADDITIONAL INSUREDS on all liability policies (except Workers' Compensation and Professional Liability Policy, where applicable), for ongoing operations and completed operations on a primary noncontributory basis. Coverage to include ongoing and completed operations using ISO Endorsements CG 2010 and CG 2037, or their equivalents. Each of the Additional Insured's respective members, employees, agents and representatives shall also be afforded coverage as an Additional Insured. Coverage should be provided for a period of three years subsequent to the completion of work/final payment.

If you are operating in a state that has implemented the "Anti-Indemnity" Additional Insured Endorsements, you are required to provide the state specific additional insured endorsements for ongoing and completed operations. These states include but are not limited to: Montana, New Mexico, Oregon, Colorado, Kansas, California, Louisiana, and Texas.

The Commission reserves the right to require Professional Service Contractor to name other parties as additional insureds as required by the Commission.

There shall be no "Insured versus Insured Exclusion" on any policies; all policies will provide for "cross liability coverage".

- g) Waiver of Rights of Subrogation: Professional Service Contractor shall waive all rights of recovery against the Commission and all the additional insureds for loss

**Appendix B – Insurance Specifications –
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Minimum Requirements
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or damage covered by any of the insurance maintained by the Professional Service Contractor.

- h) The amount of insurance provided in the aforementioned insurance coverages, shall not be construed to be a limitation of the liability on the part of the Professional Service Contractor.
- i) The carrying of insurance described shall in no way be interpreted as relieving the Professional Service Contractor of any responsibility or liability under the contract.
- j) Any type of insurance or any increase in limits of liability not described above which the Professional Service Contractor requires for its own protection or on account of statute shall be its own responsibility and at its own expense.
- k) Professional Service Contractor shall promptly notify the Commission and the appropriate insurance company(ies) in writing of any accident(s) as well as any claim, suit or process received by the insured Professional Service Contractor arising in the course of operations under the contract. The Professional Service Contractor shall forward such documents received to his insurance company(ies), as soon as practicable, or as required by its insurance policy(ies).

REQUIRED COVERAGES - the following may be provided through a combination of primary and excess policies in order to meet the minimum limits set forth below:

1. Workers' Compensation and Employer's Liability:

Provided in the State in which the work is to be performed and elsewhere as may be required and shall include:

- a) Workers' Compensation Coverage: Statutory Requirements
- b) Employers Liability Limits not less than:

Bodily Injury by Accident:	\$500,000 Each Accident
Bodily Injury by Disease:	\$500,000 Each Employee
Bodily Injury by Disease:	\$500,000 Policy Limit
- c) USL&H, and FELA Coverage, if applicable.
- d) Includes sole proprietorships and officers of corporation who will be performing the work.
- e) Where applicable, if the Professional Service Contractor is lending or leasing its employees to the Commission for the work under this contract (e.g. crane rental with operator), it is the Professional Service Contractor's responsibility to provide the Workers Compensation and Employer's Liability coverage and to have their policy endorsed with the proper Alternate Employer Endorsement.

2. Commercial General Liability:

Provided on ISO form CG 00 01 12 07 or an equivalent form including Premises -

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The Pennsylvania Turnpike Commission
Minimum Requirements
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Operations, Independent Contractors, Products/Completed Operations, Broad Form Property Damage, Contractual Liability, and Personal Injury and Advertising Injury.

- a) Occurrence Form with the following limits:
 - (1) General Aggregate: \$2,000,000
 - (2) Products/Completed Operations Aggregate: \$2,000,000
 - (3) Each Occurrence: \$1,000,000
 - (4) Personal and Advertising Injury: \$1,000,000
 - b) Products/Completed Operations Coverage must be maintained for a period of at least three (3) years after final payment / completion of work (including coverage for the Additional Insureds as set forth in these Insurance Requirements).
 - c) The General Aggregate Limit must apply on a **Per Project basis**.
 - d) No Exclusions for development, construction, building conversion, etc with respect to the project's location and / or where the work is to be completed by the Professional Service Contractor.
 - e) Coverage for "Resulting Damage".
 - f) No sexual abuse or molestation exclusion.
 - g) No amendment to the definition of an "Insured Contract" except as noted below.
 - h) The definition of an "Insured Contract" must be amended to provide coverage for all work on or within 50 feet of a railroad. A stand alone Railroad Protective Liability policy may be required based on the scope of this project.
3. **Automobile Liability:**
- a) Coverage to include All Owned, Hired and Non-Owned Vehicles (or "Any Auto"), if you do not have any Owned Vehicles you are still required to maintain coverage for Hired and Non-Owned Vehicles as either a stand alone policy or endorsed onto the Commercial General Liability policy above
 - b) Per Accident Combined Single Limit \$1,000,000
 - c) For Professional Service Contractor(s) involved in the transportation of hazardous material, include the following endorsements: MCS-90 and ISO-9948.
4. **Commercial Umbrella Liability:**
- a) Policy(ies) to apply on a Following Form Basis of the following:
 - (1) Commercial General Liability,
 - (2) Automobile Liability, and
 - (3) Employers Liability Coverage.
 - b) Minimum Limits of Liability
 - Occurrence Limit: \$10,000,000
 - Aggregate Limit (where applicable): \$10,000,000

**Appendix B – Insurance Specifications –
The Pennsylvania Turnpike Commission
Minimum Requirements
For RFQ #14-10470-4912**

5. Rigger's Liability Insurance:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) "All Risk" Replacement Cost Coverage
- b) No overload exclusion
- c) Minimum Occurrence Limit: \$1,000,000

6. Pollution Liability Insurance:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) Covering losses caused by pollution incidents that arise from the operations of the Professional Service Contractor described under the scope of services of this contract. This is to include all work completed by the Professional Service Contractor, including testing and / or removal of any and all pollutants.
- b) Minimum Limits of Liability:
 - Occurrence Limit: \$2,000,000
 - Aggregate Limit: \$2,000,000
- c) Insurance to be maintained for the duration of the work and for a period of three (3) years after completion of work / final payment.
- d) No Exclusions for Silica, Asbestos, Lead and / or Lead Based Paint testing.
- e) Include Mold Coverage for full policy limit of liability.
- f) Shall include coverage for all pollutants as defined under the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6901 et. Seq. ("RCRA") or any related state or city environmental statute or the removal of any petroleum contaminated material at the project.
- g) All owned and / or 3rd Party disposal facilities must be licensed and maintain pollution liability insurance of not less than \$2,000,000, if applicable.

7. Professional Liability Insurance:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) Minimum Limits of Liability
 - Per Claim Limit: \$5,000,000
 - Aggregate Limit: \$5,000,000
- b) The Definition of "Covered Services" shall include the services required in the scope of this contract.
- c) Coverage shall be extended to cover "Green Building", if applicable.

**Appendix B – Insurance Specifications –
The Pennsylvania Turnpike Commission
Minimum Requirements
For RFQ #14-10470-4912**

8. Watercraft and Aircraft Liability:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) Provide coverage for bodily injury, property damage, personal and advertising injury arising out of any owned, leased, hired, or borrowed watercraft or aircraft; and
- b) Minimum Limits of Liability:
\$10,000,000 Per Occurrence
\$10,000,000 Aggregate

9. Crime Insurance:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) Include the Employee Theft and Theft, Disappearance and Destruction coverage parts.
- b) The Employee Theft Coverage part shall include the Clients' Property Endorsement (ISO Form CR 04 01, or its equivalent).
- c) Coverage may be provided in the form of a Financial Institution Bond.
- d) Minimum Limits of Liability:
Per Occurrence: \$1,000,000

10. Privacy Liability:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) Professional Service Contractor shall maintain coverage for third party liability arising out of breach of privacy, inclusive of confidential and proprietary business information, HIPAA violations and other breaches of personally identifiable information and/or protected health information that may arise from their work with this contract.
- b) Minimum Limits of Liability:
Per Claim: \$1,000,000
Aggregate: \$1,000,000
- c) Privacy Breach Notification and Credit Monitoring: \$250,000 Per Occurrence

**Appendix B – Insurance Specifications –
The Pennsylvania Turnpike Commission
Minimum Requirements
For RFQ #14-10470-4912**

11. Owned, Leased, Rented or Borrowed Equipment:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) Professional Service Contractor shall maintain Property Coverage for their owned, leased, rented or borrowed equipment, tools, trailers, etc. for the full replacement cost of the equipment.
- b) Coverage to be provided on an Agreed Amount Basis with no Coinsurance
- c) Coverage to be provided on an All Risk basis.

12. Property Coverage:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) Professional Service Contractor shall provide coverage for damage to their work, materials to be part of the project (on-site and off-site), and in transit.
- b) Professional Service Contractor must determine if the Builder's Risk policy, if in place for this project, is adequate to protect the interest of the Professional Service Contractor.
- c) Valuable Papers coverage is to be included with a minimum \$500,000 Limit.

13. Installation Floater:

(IF DESIGNATED BY **PROFESSIONAL SERVICE CONTRACTOR'S SCOPE OF WORK**)

- a) Professional Service Contractor shall provide coverage for damage to property in the course of installation or transit to the installation site.
- b) Coverage shall be equal to the full replacement cost of the equipment or materials being installed. Coverage shall also be provided for any ensuing loss of Business or Rental Income.
- c) Professional Service Contractor must determine if the Installation Floater policy, if in place for this project, is adequate to protect the interests of Commission.

**Appendix B – Insurance Specifications –
The Pennsylvania Turnpike Commission
Minimum Requirements
For RFQ #14-10470-4912**

14. Indemnification:

The **CONTRACTOR** shall be responsible for, and shall indemnify, defend, and hold harmless the **COMMISSION** and its Commissioners, officers, employees, and agents (the “Indemnified Parties”) from all claims, liabilities, damages, and costs including reasonable attorneys’ fees, for bodily injury (including death) and damage to real or tangible personal property arising from or related to the negligence or other tortious acts, errors, and omissions of **CONTRACTOR**, its employees, or its subcontractors while engaged in performing the work of this Agreement or while present on the **COMMISSION**’s premises, and for breach of this Agreement regarding the use or nondisclosure of proprietary and confidential information where it is determined that **CONTRACTOR** is responsible for any use of such information not permitted by this Agreement. This indemnification obligation shall not be reduced in any way by any limitation on the amount or type of damages, compensation, or benefits payable by **CONTRACTOR** or its subcontractors under any employee benefit act including but not limited to workers’ compensation acts, disability benefits Acts, or other employee benefit act.

APPENDIX C

Diversity Questionnaire

PENNSYLVANIA TURNPIKE COMMISSION

Diversity Questionnaire

I. Company Demographic Profile

Number of Employees (report employees in only one category) Race/Ethnicity														
Job Categories	Hispanic or Latino		Non-Hispanic or Latino											
	Male	Female	Male						Female					
			White	Black or African-American	Native Hawaiian or other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African-American	Native Hawaiian or other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races
Executives/Senior Level Officials and Managers														
First/Mid-Level Officials and Managers														
Professionals														
Technicians														
Sales Workers														
Administrative Support Workers														
Craft Workers														
Operatives														
Laborers and Helpers														
Service Workers														
Total														
2013 Total														
2012 Total														

(NOTE: proposers can also attach Employer Information Reports EEO-1 for the last 3 years)

II. Demographic Profile of Staff Assigned to this Engagement

Number of Employees (report employees in only one category) Race/Ethnicity														
Job Categories	Hispanic or Latino		Non-Hispanic or Latino											
	Male	Female	Male						Female					
			White	Black or African-American	Native Hawaiian or other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African-American	Native Hawaiian or other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races
Executives/Senior Level Officials and Managers														
First/Mid-Level Officials and Managers														
Professionals														
Technicians														
Sales Workers														
Administrative Support Workers														
Craft Workers														
Operatives														
Laborers and Helpers														
Service Workers														
Total														

III. Employment Practices Information

1. Please provide a copy of your company's equal opportunity and affirmative action policy.
2. Does your company actively recruit minority and women professionals for senior level positions? Yes or No

IV. MBE/WBE Certification Status

1. Is your company certified as a minority or woman-owned business enterprise with the certifying agencies listed above? Yes or No
2. If yes, please provide a copy of your certification.
3. If No, please list all other jurisdictions and/or certifying bodies that have deemed your company minority and/or women-owned. Also, please provide a copy of each certification.
4. If your company has applied for but has not, as of the issuance of the RFQ, been certified as a minority or women-owned business enterprise by the certifying agencies listed above, you must submit proof of a pending application, including the filing date.

V. Strategic Plan and Diversity Initiatives

1. Please provide a copy of your company's Diversity Policy statement.
2. Does your company have a full-time "Director of Diversity" or someone whose primary responsibility is to oversee administration and compliance with the company's diversity business development? Yes or No
3. Separate from your company's Diversity Policy Statement, is your company's CEO or Chief Procurement Officer ("CPO") committed to and engaged in the process of diversity business development? Yes or No

If yes, please attach a signed statement from your CEO or CPO, if available.

4. Does your company have a registration process for disadvantaged, minority, and women-owned companies interested in doing business with you (Supplier Diversity)?

Yes or No

5. Does your company currently track procurement spending with diversity, minority and women owned businesses? Yes or No

6. Does your company have a documented numeric goal for utilizing disadvantaged, minority, and women owned businesses as suppliers? Yes or No

If yes, please provide documentation of this goal as a percentage of total procurement dollars.

VI. Joint Venture / Strategic Partnerships / Sub-contracting *(if applicable)*

1. Has your company engaged in any prior partnering arrangements with certified MBE/WBE companies? (Responses should include the nature of the engagement, how such arrangement was structured, and a description of how the services and fee were allocated).
2. Please state your company's willingness, if any, to partner with a certified MBE/WBE. Explain how you would suggest structuring such an arrangement and allocating work in a manner that ensures that partnered MBE/WBE companies receive appropriate credit and compensation for the services they provide.

Addendum No. 1

RFQ #14-10470-4912

REAL ESTATE FIRMS, BROKERS AND AGENTS TO PROVIDE REAL ESTATE SERVICES FOR COMMISSION OWNED PROPERTIES

Prospective Respondents: You are hereby notified of the following information in regard to the referenced RFQ:

REVISION

1. On Page 9 of 11, Part II-2, has been revised to read as follows:

II-5. Commitment to Diversity.

The Turnpike Commission is committed to the inclusion of disadvantaged, minority, and woman firms in contracting opportunities. Responding firms shall clearly identify Diverse Business (DB) firms, expected to participate in the Contract, in their Statement of Qualifications. Proposed DB firms must be certified by a Third-party Certifying Organization that certifies a small business, minority-owned business, women-owned business or veteran-owned small business as a diverse business. This includes: (1) the National Minority Supplier Development Council; (2) the Women's Business Development Enterprise National Council; (3) the Small Business Administration; (4) The Department of Veteran Affairs; (5) the Pennsylvania Unified Certification Program. The utilization of DB firms is encouraged and will be considered a factor in the evaluation determination.

A, B, C, D remains the same.

2. On Page 11 of 11, Part III, Item 4, has been revised to read as follows:

Commitment to Diversity. The Respondent's demonstrated diversity and equal employment record, including: (i) recognition of the Respondent's equal employment opportunity and diversity policies, programs and initiatives; (ii) the diversity of the staff that will be substantially involved in work performed for the Commission and the firm's plan for utilizing minority and women staff in such work; (iii) the Respondent's status as a certified DB; and (iv) the Respondent's plan for utilizing DB staff in partnering or joint venture arrangements proposed by the firm, if applicable.

3. Appendix C has now been revised and is attached to this Addendum and is to be made part of this RFQ.

All other terms, conditions and requirements of the original RFQ dated September 10, 2014 remain unchanged unless modified by this Addendum.