

ATTACHMENT NO. 6

RULES FOR INTERVIEWS AND NEGOTIATIONS

A. Rules for Interviews

1. At the Interviews, the Proposer shall be represented by a person or persons representing the Proposer who is/are familiar with all aspects of the Proposer's Design-Build Proposal. At least one person acting on behalf of the Proposer shall have the power to speak with authority on behalf of the Proposer in regard to the Design-Build Proposal without requiring further authorization of persons not present in the Interviews. No firm shall be represented and no person shall be present in the Interviews that are not directly interested and involved in the outcome of the RFP process; observers will not be permitted.

2. The date, time and place for Interviews, if conducted, shall be scheduled by the District and notice thereof given to each Proposer. Interviews will consist of Post-Evaluation Discussions (i.e., Discussions held after evaluation and scoring of the Design-Build Proposals).

3. The length of Interviews may be dictated by the subject matter discussed, but shall not be more than 90 minutes in length.

4. There shall be no disclosure to competing Proposers during Interviews of prices or pricing information or of technical information that is, and is appropriately marked as constituting, "Proprietary Information" as defined in and required by the Instructions to Proposers.

5. District shall have the right to disclose and discuss with any or all Proposers technical information contained in a Proposal that does not constitute "Proprietary Information" as defined in the Instructions to Proposers.

6. Proposers shall be accorded fair and equal treatment; provided, however, that this requirement shall not be interpreted as requiring that the communications that occur during Interviews be limited to identical subject matters for all Proposers with whom Interviews are conducted.

7. Communications during Interviews will not include exchanges, in the nature of "bargaining", but may include informing the Proposer that its price is considered too high, or too low, or that its technical approach is viewed as too elaborate, inefficient or otherwise disadvantageous, and may include revealing the results of any analysis used to support these conclusions.

8. Nothing stated in these rules for Interviews shall be interpreted as limiting or precluding the District's right to conduct Negotiations.

B. Rules for Conduct of Negotiations

1. At the Negotiations, the Proposer shall be represented by a person or persons representing the Proposer who are familiar with all aspects of the Proposer's

Design-Build Proposal. At least one person acting on behalf of the Proposer shall have the power to speak with authority on behalf of the Proposer in regard to the Design-Build Proposal and to contractually bind the Proposer, without requiring further authorization of persons not present. No firm shall be represented and no person shall be present that is not directly interested and involved in the outcome of the RFP process; observers will not be permitted. If both Negotiations and Limited Negotiations are conducted, the person or persons having authority to contractually bind the Proposer shall be the same person or persons acting on behalf of the Proposer.

2. The date, time and place for Negotiations shall be scheduled by the District. Notice thereof shall be given separately to the Proposer or Proposers selected to engage in Negotiations.

3. The length of Negotiations shall be dictated by the subject matters discussed. Such time may be devoted as the RFP Selection Committee determines is appropriate and necessary. Negotiations may be held, in the discretion of District, in one or multiple rounds.

4. There shall be no disclosure to competing Proposers during Negotiations of prices or pricing information contained in competing Design-Build Proposals or of technical information that is, and that is appropriate marked as, “Proprietary Information” as defined in and required by the Instructions to Proposers .

5. District shall have the right to disclose and discuss with any or all Proposers technical information contained in a Proposal that is not “Proprietary Information” as defined in the Instruction to Proposers.

6. Negotiations may include “bargaining”, which includes persuasion, alteration of assumptions and positions, give-and- take, and may apply to price, schedule, technical requirements, and contract terms.