

# Weld Re-5J School District

## REQUEST FOR QUALIFICATIONS/PROPOSAL - DISTRICT WIDE BUILDING COMMISSIONING SERVICES



**Weld Re-5J School District**  
**2020-24 Capital Construction Program**  
110 Centennial Drive, Unit A  
Milliken, CO 80543

**Owner's  
Representative:**

**R L H engineering, inc.**

Project Management & Environmental Consulting

601 Gyrfalcon Court, Unit A

Windsor, Colorado 80550

970-686-5695

970-686-5696 fax

The purpose of this Request for Qualifications/Proposal is to obtain qualifications, capabilities, and a pricing structure from qualified firms interested in providing Building Commissioning Services for multiple Projects planned in Weld Re-5J (Johnstown/Milliken).

Weld Re-5J passed a \$149 million bond question on the November 2020 ballot to fund capital projects throughout the District. The projects include renovating existing schools to enhance security and create capacity in overcrowded schools, roof and HVAC repairs/replacements, and improvements to educational spaces for college and career preparation, and other critical building upgrades. One (1) new High School and one (1) new Elementary School (BEST ) are planned, as well as an addition/renovation conversion of the existing High School into a Middle School, addition/renovation of the existing Milliken Middle Schools, and addition/renovation of the existing Milliken ES facility will be constructed.

Weld Re-5J is currently seeking Building Commissioning Services for the following projects: New Roosevelt High School Replacement, New Letford Elementary School Replacement (BEST), Roosevelt High School Conversion, Milliken MS Addition/Renovation and Milliken Elementary School Addition/Renovation. Building commissioning services for limited services for miscellaneous SSCIP projects, may be added to the scope of services, at the discretion of Weld Re-5J, at a later date. It is intended that the Commissioning Authority (CxA) be engaged by January 2020 to begin assessment of the Owner's Project Requirements (OPR) and Basis of Design (BOD) for the New High School and New Elementary School (BEST) projects.

**I. RFQ TIMELINE AND GENERAL REQUIREMENTS** (Dates are tentative and subject to change)

- 12/7/20 Issue Cx RFQ
- 12/10/20 Clarification Deadline for Questions by 4:00 p.m.
- 12/15/20 Response to Clarification Questions sent to all applicants meeting the deadline for notification.
- 12/18/20 **Qualifications due from applicants by 4:00 p.m.**
- 12/23/20 Selection of successful Cx firm, notification of selection, and begin fee and contract negotiation (all contracts will be subject to attorney review and approval)
- 1/6/21 District Board meeting to approve Cx contract

Prospective Cx firms must submit one (1) copy in electronic format of RFQ response in an email, clearly identifying that this is a response to this RFQ, addressed to the primary contact:

Owner's Representative for Weld Re-5J School District:

RLH Engineering  
Matthew C. Little  
[mlittle@rlhengineering.com](mailto:mlittle@rlhengineering.com)  
(970) 415-3651

All official communication with respondents and questions regarding this RFQ will be via email to the District's primary contact, Matt Little ([mlittle@rlhengineering.com](mailto:mlittle@rlhengineering.com)).

The District reserves the right to accept or reject any or all qualification statements depending on the best interests of the District. All costs incurred by prospective Cx firms associated with qualification statement preparation, interviews and contract negotiations are the responsibility of the Cx firm.

## **II. PROJECT DESCRIPTION(S) AND BACKGROUND**

### **A. New Weld Re-5J High School**

#### **1. Location**

TBD

The District has two prospective sites that are currently being evaluated for selection.

#### **2. The Facility**

This New Weld Re-5J High School is programmed for 230,000 square feet on a 60-80 acre site supporting a student population of approximately 1,300. The budget for this project is \$110,000,000 which is intended to include all hard and softs for development. The District is working to develop and expand opportunities for Career and Technical Education opportunities for all students in addition to College Readiness. With this new flagship High School, the District intends to take the spirit of the Rough Rider community and embody those principles of excellence, teamwork, and collaboration in the new campus.

#### **3. Budget**

The projected design and construction budget for the new Weld Re-5J High School is \$110M.

#### **4. Schedule and Delivery**

Weld Re-5J is currently soliciting a Design Build RFQ for the team that will build the new High School. Construction will begin in June 2021 and be ready for occupancy in August 2023.

### **B. Existing Roosevelt High School conversion into Middle School**

#### **1. Location**

Roosevelt High School  
616 North 2<sup>nd</sup> Street

Johnstown, CO 80534

## **2. The Facility**

Following occupancy of the New Weld Re5J High School the Design Build Team will be tasked with the renovation of the existing Roosevelt High School into a new District Middle School. The budget for this work (hard and soft cost total), is \$16,000,000. The project may pursue at BEST Grant match depending on the investigation of the current facility condition and final construction solution. The conversion of the existing Roosevelt High School is anticipated to be a mix of addition and renovation and at full build-out support a 900 student 6-8 Middle School.

## **3. Budget**

The projected design and construction budget for the RHS conversion is \$16M.

## **4. Schedule and Delivery**

Weld Re-5J desires to have the new construction completed and prepared for August 2024 occupancy. Weld Re-5J anticipates using Design-Build delivery for this project. The District is currently assessing Design Build team submittals, with selection and contract in early 2021. The redevelopment of the Roosevelt High School is anticipated to take place following the opening of the new Weld Re-5J High School with completion by June 2024.

### **C. New Letford Elementary Replacement School (BEST funded)**

#### **1. Location**

Land that has been donated by the Town of Johnstown  
155 Silverbell Drive  
Johnstown, CO 80534

#### **2. The Facility**

As part of the Bond program, the District will replace the aging Letford Elementary School with a new facility on a new 10 acre site. Weld Re-5J School District secured a BEST Grant to partially fund the new 75,000 SF four track Elementary Serving approximately 600 students.

#### **3. Budget**

The design and construction budget for the new Elementary School is \$34.1M.

#### **4. Schedule and Delivery**

Weld Re-5J anticipates using Construction Manager / General Contractor (CM/GC) delivery for this project. Weld Re-5J is undergoing AE selection for

this project currently, with the Architect to be chosen in January 2021. The project is scheduled to begin construction in 2021 and be open for students August 2022. Once occupied, the existing Letford Elementary is scheduled to be demolished and the site converted to a City Park.

**D. Milliken Elementary School, Pioneer Ridge Elementary School, and Milliken Middle School Renovations**

**1. Locations**

Milliken Elementary School  
100 Broad Street  
Milliken, CO 80534

Pioneer Ridge Elementary School  
2300 Cinnamon Teal Avenue  
Johnstown, CO 80534

Milliken Middle School  
266 South Irene Avenue  
Milliken, CO 80534

**2. The Facilities**

As part of the Bond program, the facilities are requiring capital renewal upgrades, secured entry upgrades, and mechanical systems upgrades.

**3. Budget**

The design and construction budget for the Milliken Elementary School renovation is \$4.5M.

The design and construction budget for the Pioneer Ridge Elementary School renovation is \$2M.

The design and construction budget for the Milliken Middle School renovation is \$5.5M.

**4. Schedule and Delivery**

Weld Re-5J anticipates using Design-Bid-Build for these facilities. The Milliken ES and Pioneer Ridge ES projects are scheduled to begin construction in 2022 and be complete in August 2022. The Milliken MS project is scheduled to begin construction in 2024 and be complete in December 2024.

**III. SCOPE OF SERVICES (Exhibit A to the Cx Agreement):**

Proposal for Commissioning Services shall include as a minimum the following:

## **A. Scope of Work**

The purpose of the commissioning process is to assist in providing Weld Re-5J a high level of assurance that the numerous complex systems have been installed in the prescribed manner for the various schools:

The District's goals for the commissioning process include:

- To ensure that intended design performance is achieved, and to verify that the equipment is installed and tested per manufacturer's recommendations.
- Verify systems receive operational checkout by contractors.
- Improve occupant satisfaction and reduce warranty callbacks.
- Improve final acceptance and improve systems reliability.
- Assist in evaluating energy savings options.
- Assist in evaluating energy savings options associated with LEEDv4 Building Design and Construction (BD+C) Guidelines for the New Elementary School Project.

## **B. Equipment and Systems to be commissioned**

Generally, Commissioning may include, but not be limited to, the following systems:

1. Hot water systems
2. Chilled water systems
3. Air handling / distribution systems
4. Laboratory systems
5. Building automation systems
6. Plumbing systems and fixtures
7. Lighting control
8. Generators, UPS or other backup systems
9. Low-voltage systems
  - a. Public address
  - b. Voice/data
  - c. Security (access control, cameras, duress)
  - d. Fire alarm
  - e. Irrigation control
10. Building enclosure / envelope (if Alt 2 accepted)

## **C. Commissioning Team**

The commissioning team will be headed by the commissioning agent (CxA) and will consist of (as applicable) the Owner (WELD RE-5J), the owner's representative (OR), architect-engineer (AE), and General Contractor (GC). Depending upon the project delivery method, the GC may be Design Builder (DB), Construction Manager / General Contractor (CM/GC) or General Contractor. The team may also consist of relevant subcontractors (including controls and test-and-balance), relevant sub-consultants and facility operating staff. The CxA will be involved in all of the following phases: design, construction, acceptance, and warranty.

The team will meet as needed to review the commissioning process. Meetings will be coordinated between WELD RE-5J and the design/construction teams and scheduled well in advance of the planned meeting times. The lead person from each of the above-mentioned team sub-groups should attend the commissioning coordinator's meeting. Communication, documentation and cooperation are critical to the commissioning task. All team members must emphasize these points to help make the process run smoothly and successfully. Meeting minutes will be documented by the CxA and distributed to the commissioning team.

#### **D. Tasks and Responsibilities**

The tasks and responsibilities for the commissioning (Cx) process are listed below. For the most part, the tasks happen sequentially, although some are ongoing and overlapping.

- 1) **Base Bid: Fundamental Commissioning and Verification + Enhanced Systems Commissioning**
  - a. **Issuance of Owner's Project Requirements (OPR):** CxA will meet with Weld Re-5J, OR, AE and GC to develop an OPR document. This document will assist the AE or DB in developing a Basis of Design (BOD) for the project. Support the commissioning team during this effort with the selection of commissioning alternates and clarify the scope and budget of the selected commissioning process.
  - b. **Commissioning Plan:** Develop a plan intended to give an overall view of the process, a good idea of the various stages of commissioning, and what items will be involved or needed at each stage. Update the Cx Plan as needed to reflect any changes to the OPR or BOD.
  - c. **Design Review:** The CxA will review the OPR, BOD, and at a minimum three design submittals (50% DD, 50% CD and 95% CD are anticipated, but could be adjusted with coordination with WELD RE-5J/OR) and offer energy-efficiency, commissioning, and O&M related input, including test-and-balance and will include a letter-report to the design team. The CxA shall attend design meetings when applicable, review sequences of operation, and prepare appropriate reports.
  - d. **Commissioning Specifications:** Develop and incorporate commissioning requirements into the construction documents prior to the beginning of construction. This should include requirements for both fundamental and enhanced commissioning.
  - e. **Commissioning Kickoff Meeting:** The CxA will conduct a kickoff meeting with the commissioning team to introduce the team, identify roles and responsibilities, review the Cx Plan and review the remaining Cx activities. The CxA will update the Cx Plan as needed based on the kickoff meeting.
  - f. **Construction Observations:** The construction observations conducted by the CxA are an independent effort from the design team's efforts. The CxA observes the construction process and reports findings to the Owner, OR,

AE and GC and specific subcontractors, where appropriate. These observations will aid contractors in dealing with installation issues and, in a number of cases, will provide information for subsequent review by the design team, during their own walk-through. The CxA will:

- i. Make regular job-site visits, which include checks of installation practices, attend construction meetings and report unresolved issues, and provide a field observation report for each site visit within 10 business days of a site visit. These are typically as needed but should be at least bi-weekly during construction and installation of all system components in the Cx scope.
  - ii. Work with GC to get commissioning activities on the master construction schedule.
  - iii. Create installation verification checklists for GC and verify completed checklist.
  - iv. Coordinate with GC sequence of events for controls, TAB, and commissioning.
  - v. Verify proper installation and testing of equipment/systems to be commissioned.
  - vi. Observe equipment start-up ensuring adherence to manufacturer's recommendations.
  - vii. Test components as prescribed in commissioning specifications.
- g. **Submittal Review:** The CxA will make use of submittals, with access provided by the Owner, for developing the pre-functional and functional procedures. Review and commentary on the submittals will take place where appropriate. Submittal review shall be performed concurrent with the AE and GC and shall be returned with comments within ten (10) business days.
- h. **Pre-Functional (PF) Performance Procedures:** Pre-functional checklists verify that the physical installation of equipment meets the design intent, specifications and applicable codes for the building. The forms are written by the CxA and are to be filled out by the CxA with the assistance of the installing contractor or contractors. Toward the end of the pre-functional process, the vendor or installing contractor will provide any applicable start-up documentation. While the contractors are carrying out the installation process and assisting with the PF forms, the CxA will conduct site visits to provide assistance and observe installation and start-up progress.
- i. **Controls Point-to-point Verification:** The CxA will *Witness, execute and document verification tests with contractor. Point-to-Point and sequence checkout will be performed for all systems* to verify the point-to-point report submitted by the control system contractor. Information from the design intent controls drawings and contractor documentation will be checked against the CxA's findings.
- j. **TAB:** The CxA will review all draft TAB procedures and processes, which shall be submitted in advance of any work. The CxA will provide Oversight and Verification of the TAB process, including independent verification of 10% of the TAB values and will review the draft TAB report.



- k. **Functional Performance (FP) Procedures:** The CxA will develop procedures and forms and will carry out the plan. The appropriate contractors and/or vendors will be responsible for assisting with the operation of equipment for these procedures. The procedures give an outline of the methods for system verification used by the CxA, and documentation of the process is made on functional performance forms (checklists). Functional performance checklists are intended to verify the final functional abilities of individual equipment and systems. Functional checks shall follow an “inverted pyramid” flow, meaning that subsystem components are tested, and then system components, followed by system-level testing, and finally integrated system testing. Sampling strategies shall not be assumed when estimating the level of effort for the FP testing.
- l. **CFR and O&M Plan:** The CxA will furnish a sample Current Facility Requirements (CFR) and Operations & Maintenance (O&M) Manual table of contents and will review all CFR and O&M manuals provided by contractors for the equipment and systems covered by the commissioning process. The review will verify that CFR and O&M instructions include and are consistent with the commissioning process and that conditions encountered during commissioning are properly addressed. Part of the review process will verify that instructions, piping diagrams, etc., are specific (edited where necessary) to the actual equipment provided in the project.
- m. **Systems Manual:** The CxA will work with the commissioning team during the design development phase to outline the scope and format for the project systems manual. The systems manual will include information necessary to operate, maintain, and recommission all energy-consuming systems within the building.
- n. **Staff Training:** On-site training programs for the various building systems will be taught by the appropriate design/construction party. The CxA will provide planning guidance and program overviews. The GC is responsible for providing a proposed agenda and schedule of the training beforehand for approval by the CxA and the Owner. Video documentation of training sessions is strongly recommended but not included as part of this proposal. The CxA will verify that the training program is completed according to the owner’s requirements for all commissioned systems.
- o. **Construction Issues:** Any issues identified during observations and checkouts will be noted by the CxA and reported to the appropriate parties in an issues log. As part of their contractual responsibilities, the design and construction team, as appropriate, will develop and implement solutions that address these issues. The CxA will maintain the issues log.
- p. **Commissioning Report:** The CxA will prepare a final commissioning report for the Owner. The report will contain specific component and system checkout information (pre-functional and functional forms) as well as relevant commissioning-related information regarding system operation.

The commissioning report is intended to augment the CFR and O&M submissions rather than to replace them. In addition to this final commissioning report, interim observation reports along with completed commissioning forms will be issued as appropriate.

- q. **Post Construction Documents:** Before building occupancy, the CxA will complete and deliver the necessary operating documents and reports that are defined in this scope of work. This will include but is not limited to: systems manual (including O&M manuals), reviewed record documents, documentation of operator training, completed functional performance test reports, current issues log, and updated Cx Plan addressing commissioning completed and resolution path for open issues.
- r. **Warranty Phase:** The CxA will:
  - i. Perform appropriate seasonal testing before 2-year warranty period expires.
  - ii. Perform a 10-month review of building operations after substantial completion.
  - iii. Completion of some of the facilities is expected by August 2022, and seasonal testing should be anticipated during the winters of '22, '23 and '24 (these dates are subject to change at Owner's discretion).
- s. **Ongoing Commissioning Plan:** The CxA will issue an ongoing commissioning plan before the 10-month review. The plan will include, but is not limited to: definition of process, recommended schedule, blank testing materials (FP forms) and issues log.

## **2) Alternate #1: Monitoring Based Commissioning (MBCx)**

- a. **Owner's Project Requirements (OPR):** Incorporate MBCx requirements into the OPR. Conduct a MBCx coordination meeting to coordinate requirements and activities with the commissioning team.
- b. **Commissioning Plan Update:** The CxA will incorporate the MBCx requirements into the project's Cx Plan during the design development phase. This will include but not be limited to: outline the evaluation process and recommend sub-metering and building automation system trending.
- c. **Commissioning Documents:** The CxA will ensure the MBCx requirements are fully accounted for and addressed in the commissioning documents and testing procedures. This will include but not be limited to: Specifications, Design Reviews, Submittal Reviews, Systems Manual, Staff Training, Issues Log, final Cx Report, and Post Construction Documentation, etc. (see fundamental + enhanced requirements for other possible documents).
- d. **Implement MBCx Plan:** During the functional performance testing, execute the MBCx monitoring and analysis. This should be done concurrently, whenever possible, with the functional performance testing prior to

occupancy. Confirm execution of the MBCx commissioning plan during the 10-month review. This will include review of monthly metering and trend reports provided by the building automation system (or other monitoring-based commissioning software).

### **3) Alternate #2: Building Envelope Commissioning (BECx)**

- a. **Owner's Project Requirements (OPR):** Incorporate BECx requirements into the OPR. Conduct a BECx design integration meeting to coordinate requirements and activities with the commissioning team.
- b. **Commissioning Plan Update:** The CxA will incorporate the BECx requirements into the project's Cx Plan during the design development phase. Develop the BECx Plan in compliance with ASTM E2813 *Standard Practice for Building Enclosure Commissioning*.
- c. **Commissioning Documents:** The CxA will ensure the BECx requirements are fully accounted for and addressed in the commissioning documents and testing procedures. This will include but not be limited to: Specifications, Design Reviews, Submittal Reviews, Systems Manual, Staff Training, Issues Log, final Cx Report, and Post Construction Documentation, etc. (see fundamental + enhanced requirements for other possible documents).
- d. **Implement BECx Plan:** During the design, construction and occupancy/operation phases of the project the CxA will incorporate the following along with the base fundamental + enhanced commissioning efforts:
  - i. Conduct an enclosure peer review and focus on: Detailing of enclosure continuity, Thermal, moisture, and air performance of assemblies, Constructability, Long-term performance and maintenance.
  - ii. Schedule a preconstruction BECx conference before construction of the building enclosure starts and include the commissioning team.
  - iii. Conduct site observation(s) of the critical enclosure components.
  - iv. Perform field testing (all field testing will require cooperation and preparation by the contractor as directed by the CxA) as follows:
    1. Water spray nozzle testing at fenestration in general conformance with AAMA 501.2.
      - a. Assume testing a total of 5 assemblies installed on the project.
      - b. Report pass/fail and identify remediation options in the case of failure.
    2. Thermography testing consistent with ASTM C1060: Practice for Thermographic Inspection of Insulation Installations in Envelope Cavities of Frame Buildings.
      - a. Report air leakage sites and thermal bridges.
  - v. Conduct a review of the building enclosure during the 10-month warranty phase evaluation.

### **E. Invoices and Payment**

The Owner shall be billed monthly on time and material basis or actual hours expended for the Scope of Services provided, Not-to-Exceed the proposal/contract amount. Additionally, invoicing shall be provided separately for each facility.

### **F. Fees and Agreement**

See attached spreadsheet (Exhibit B1-B4) – Provide fees as indicated, with current year Billing Rates and estimate of rate increases for subsequent years relevant to the project schedules.

In addition, respondent shall acknowledge review of the Cx Agreement and provide commentary on any requested changes to the Agreement. Weld Re-5J will consider changes to the Agreement, but requested changes are subject to approval by Weld Re-5J, their legal counsel and insurance provider, and cannot guarantee requested changes will be honored.

### **G. Qualifications Section:**

In order to select the firm best qualified for the Weld Re-5J project we are asking that the prospective Consultant respond to the following questions.

1) Approach to Project

Describe your firm's process and strategies for providing the Tasks and Responsibilities for the Cx scope of work. Also describe other services provided that may not be identified in the Tasks and Responsibilities for the Cx scope of work. Identify any work performed by subcontractors, and which area will be self-performed. Identify other current project commitments and ability of the firm and proposed staff to serve this project.

2) Work Experience

List all K-12 school facility commissioning experience and qualifications related to the proposed project. Documented experience on at least five (5) building projects with similar scope of work as required for Base Bid and Alternate activities (include new construction and addition/renovation). Project experience should clearly be in a CxA role and not MEP design role. Provide references of completed projects. Also, indicate which types of systems were utilized and commissioned on these projects.

3) Personnel

Identify the commissioning coordinator, and any key personnel, their skill and qualifications, technical competence, experience on similar projects, capacity to

undertake the project, and their availability throughout the duration of the project. The commissioning personnel conducting the Construction Observation shall meet the following requirements:

- A licensed Professional Engineer (required).
- A certified commissioning agent from a recognized organization (required)
  - i.e. AABC Commissioning Group Certified Commissioning Authority (ACG CxA) certification, Certified Commissioning Professional (CCP).
- NEBB certified testing & balancing professional (required)
- Identify if any of the services required in this RFQ/P will be sub-contracted.
- Identify personnel responsible for Lighting Control and Low-voltage commissioning, MBCx and BECx and their relevant qualifications and experience in these roles. Identify if the personnel performing Design Review will also be responsible for Construction Observation and other construction-phase Cx services.

4) Insurance Certificate(s)

Provide sample insurance certificate(s), which identifies types of coverages offered by your firm. Minimum Insurance Requirements are identified in Exhibit C, standard Consultant Agreement.

**H. Evaluation Criteria:** Award of Contract will be based on the following:

Criteria	Point Value
Billing Rates/Cost for Base Scope and Alternates	25 points
Approach to Project/Quantity of Hours per Project and Site Visits per Project	30 points
Work Experience/Key Personnel Qualifications	30 points
References (minimum 5)	15 points
<b>Total</b>	<b>100 points</b>

The District will select the most qualified firm based on the RFQ review process and will begin negotiations with that firm. If contract terms and fees cannot be agreed upon, the District shall reserve the right to negotiate with the second ranked firm.

**Award of Contract**

- A. All submitted responses will receive a decision memorandum and scoring matrix following the selection process.
- B. Submission of a proposal indicates bidder's acceptance of the evaluation method. The district reserves the right to reject any or all proposals for any reason, and to re-issue the RFQ/P.

- C. The District's Consultant Agreement is attached to the RFQ/P. Respondent shall provide review and commentary as described in Section F.

## **I. Legal Requirements**

1. The selected firm will be required to indemnify and hold the District and its agents and employees harmless from and against all suits or actions of any kind, including, but not limited to, workers' compensation claims brought against them for or on accounts of any damages or injuries received or sustained by any parties, by or from the acts of the successful firm or its agents or employees.
2. The selected firm shall indemnify and hold the District and its agents and employees harmless from any and all claims, causes of action, suits and liabilities, including attorneys' fees and costs arising out of or relating to disclosure of any information included in the successful firm's proposal.
3. Prior to the commencement of any work, Firm shall forward Certificates of Insurance to the District and its Owner's Representative. The insurance required shall be procured and maintained by the Firm for the duration of the contract. The insurance shall be with a carrier licensed in the State of Colorado and shall have "A" or better Best rating. The District will not accept any form of Agreement or General Conditions in which a Limitation of Liability states any figures less than the insurance limits noted above.
4. Firm shall name Weld Re-5J as additional insured on all insurance except Workers' Compensation. The Firm shall furnish the District and its Owner's Representative with Certificates of Insurance prior to commencement of work.

5. Verification of Information:

Applicants are hereby notified that the District will rely on the accuracy and completeness of all information provided in making its selection. As such, Applicants are urged to carefully review all information provided to ensure clarity, accuracy and completeness of such information. As the District deems necessary and appropriate in its sole discretion, Weld Re-5J reserves the right to make any inquiries or other follow up required to verify the information provided. The District reserves the right to select any or reject any and all submissions in their best interest.

6. Disclosure of Information:

All submissions and other materials provided or produced pursuant to this RFQ may be subject to the Colorado Open Records Law, CRS 24-72-201 ET. Seq. As such, Applicants are urged to review these disclosure requirements and any other exceptions to disclosure of information furnished by another party and, prior to submission to Weld Re-5J, appropriately identify materials, which are not subject to disclosure. In the event of a request to the District for disclosure of such information, the District shall

advise the Applicant of such request to give the Applicant an opportunity to object to the disclosure of designated confidential materials furnished to the District.

7. Discrimination in Employment:

Connection with the performance of work on this project, the selected Service Provider agrees not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified, solely because of race, color, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability; and the Service Provider further agrees to insert the foregoing provision in all subcontracts hereunder.

8. Applicable Laws:

This selection process and the performance of any selected shall be subject to, governed by and construed in accordance with applicable Federal Laws, the laws of the State of Colorado and the Charter, and other applicable regulations as the same may be amended from time to time.

9. Cost of Developing Qualifications:

Any costs associated with developing qualifications, preparing for and attending an interview is the sole responsibility of the Service Provider. The District assumes no liability for any costs incurred throughout the entire selection process.

10. Qualification Ownership:

All qualifications, including attachments, supplementary materials, sketches, etc. shall become the property of the District and will not be returned to the applicant.