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2 VETERANS ADMINISTRATION
3 CONTRACT MEETING VA 101-17-R-0320
4 OCTOBER 26, 2017
5 WYNDHAM HOTEL
6 TULSA, OKLAHOMA
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13 **PRESENT:**

14 TAMIM CHOWDHURY
15 ALLYSON LEE
16 BILL CRAIG
17 ROB FORNEY
18 JONATHAN PLASENCIA
19 GREG SORENSON
20 CHRIS COOK

21 **REPORTED BY:**

22 NICHOLE MYERS, CSR, RPR
23
24
25

1 *(Whereupon, the meeting began at*
2 *10:02 a.m.)*

3 MR. CRAIG: Good morning, all, and thank
4 you for coming to the new Tulsa Outpatient Clinic
5 prebid. We appreciate your interest. And to get
6 today started, I want to introduce Jonathan
7 Plasencia who is the associate director of the
8 Muskogee Medical Center and he'll say a few
9 words.

10 MR. PLASENCIA: Thank you. So it's
11 actually Plasencia. It's not easy to pronounce,
12 but I'll give you a pass on that. Jonathan
13 Plasencia. It's actually the Eastern Oklahoma VA
14 Healthcare System. So Muskogee is where our
15 inpatient beds are, but, you know, in Tulsa
16 that's where most of our veterans are. This is a
17 very important, you know, healthcare center that
18 we're going to be opening here; so I really
19 appreciate the interest and the turnout for
20 everyone that's here that's interested in bidding
21 on the project and, you know, partnering with us
22 to build that healthcare center. So appreciate
23 it. That's really it. We'll go ahead and get
24 started with whatever else is next.

25 MR. CRAIG: So next I'd like to

1 introduce the contracting officer who is Tamim 10:03AM
2 Chowdhury and he'll have a few words as well.

3 MR. CHOWDHURY: Thank you, Bill. Well,
4 first off, I want to thank everybody for being
5 here, for your interest in the project. You 10:03AM

6 know, in terms of -- in terms of project schedule
7 and in terms of getting updates for the rest of
8 the project FBO is going to be your primary

9 source. We always want to be able to reference
10 Fed Biz Opps as it comes to any amendment, any 10:04AM
11 types of documentation as it relates to this

12 project. I guess before we -- before we get
13 started, I just want to say one thing, that the
14 federal government has the authority and has the

15 ability to award on initial offers. And, you 10:04AM
16 know, I know that, you know, we hear this all the
17 time, but I'm telling you directly as the

18 contracting officer for this procurement, submit
19 your proposal, even your initial proposal at this
20 point as your final. You know, we will be 10:04AM

21 looking -- if we find responsive offers that also
22 meet the federal requirement and we find that
23 it's the best interest of the federal government

24 to award on initial offers after working in
25 concert with the local offices here. So with 10:04AM

1 that, I'm going to hand it over to Bill.

10:04AM

2 MR. CRAIG: How many of you have been to
3 one of these prebids before?

4 *(whereupon, participants raised*
5 *hands.)*

10:05AM

6 MR. CRAIG: Well, thank you for coming
7 back. One of the important things that I say
8 now, that I'm going to say in the middle, that
9 I'm going to say at the end to those of you that
10 have been to some of these or been involved with
11 ones that we've been involved with is no matter
12 what is said today, no matter what is said on a
13 phone call or an e-mail, until you see it posted
14 on Fed Biz, it's not official. So please realize
15 that we're happy to take your questions. We're
16 going to try to give you some direction, but
17 until it actually comes out officially from VA
18 and the contracting officer, the procurement has
19 not changed. So what is in the solicitation
20 documents, many of you -- the reason I asked also
21 if any of you had done this before -- a lot of
22 things are the same, but there are things that
23 are different. And so from that standpoint,
24 please look and read the solicitation because, as
25 I said, every solicitation stands on its own and

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1 there are things in there that are different. So 10:05AM
2 with that said, let's get into the presentation.

3 This is just the overall agenda.

4 There's a lot of stuff up here. A lot of it has
5 literally been taken directly out of the design 10:06AM
6 guide and the solicitation documents. So I'm not
7 going to read everything. We're going to talk
8 about some highlights that we would like you to
9 make sure that you're aware of as we go forward.

10 We introduced Tamim. Allyson Lee is over here. 10:06AM

11 MS. LEE: Hi.

12 MR. CRAIG: We have -- you met Jonathan.
13 Is Trevor Malone here?

14 MR. PLASENCIA: Treva.

15 MR. CRAIG: Treva. Sorry. Debby Yott. 10:06AM
16 Okay. Greg Sorenson is right here (indicating),
17 and Blane is right over here (indicating). We
18 also have -- we're very happy that he's here with
19 us -- is Chris Cook, who will be the senior
20 resident engineer who was nice enough to drive 10:06AM
21 two and a half hours to get here finding out
22 about it yesterday, or the day before. So thank
23 you for coming, Chris.

24 MR. COOK: Okay.

25 MR. CRAIG: In addition, Rob Forney is 10:07AM

1 the architect. And then I am Bill Craig and my
2 colleague in the back, who is Will Ruppe with
3 JLL, and we represent the VA. We ask that we
4 hold all questions to the end. The reason for
5 that is because the stenographer wants to make
6 sure that you get -- that she gets your questions
7 on the record so that we can follow up on any
8 questions that occur as well as make sure that
9 you and others that will be seeing the posting of
10 this meeting on FBO have the ability to see what
11 we talked about today. When you come up, please
12 say your name, what you're talking about, if you
13 can reference a section, that's helpful because
14 it helps us find the answers if we don't have
15 them today.

16 why are we doing this? Number one, we
17 basically want to reiterate again that every
18 solicitation stands on its own so we're talking
19 about VA 101-17-R-0320. We want to encourage as
20 many of you to participate and participate with
21 as good a proposal offer as you can. Summary
22 140,000 usable square feet. That's not 140,500.
23 It's 140,000 square feet. We are not authorized
24 to do anything over that number. In this case,
25 because of the size, we will do up to no more

1 than two floors. Obviously, the conceptual
2 bridging documents show that, but please be aware
3 that they have to be contiguous floors. So we
4 don't want to be on the fourth and the second.
5 We need to be first/second, third/fourth,
6 whatever it might be for an existing building.
7 945 parking spaces. And make sure that last one,
8 required within 32 months of award, is the actual
9 occupancy.

10:08AM

10:08AM

10 site location, I'm not going to go into
11 these, but you -- this has been consistent. We
12 went out and we asked for specials of interest
13 for research, our market research survey. It's
14 stated it remained the same.

10:09AM

15 special requirements we want to make you
16 aware of. Most of these have to do, and they're
17 basically saying, go to the SFO to go ahead and
18 find them. But just please with the special
19 requirements make sure that you pay special
20 attention to those in your offer.

10:09AM

10:09AM

21 Okay. Now I'm stuck. There we go.
22 Term, 15 year, 20 year term, 15 year, one five
23 year option. So we're asking you to show all
24 three of those in your offer because we will be
25 evaluating all three individually.

10:10AM

1 This is how to offer. If you've done it
2 before, probably the most important thing on this
3 slide is VA only gets disks. No hard copy. Hard
4 copy comes to JLL; so please make sure that no
5 hard copy is sent to VA. There's a good chance
6 they might not get it. And second of all, they
7 have no place to keep it.

10:10AM

10:10AM

8 Bid bonds, for those we require the bid
9 bond when you submit your offer. If you don't
10 have a bid bond based on the CO's selection, we
11 don't have to come back and ask for a
12 clarification, we can just consider it to be
13 non-responsive and your offer will not be
14 considered. The bid bond needs to stay open
15 through the entire procurement process.

10:10AM

10:10AM

16 Performance of payment bonds, if you are
17 fortunate enough to be the winner, the awardee,
18 obviously these are going to kick in. Please be
19 aware of them. This is for the full costs of the
20 construction and the project so be aware of, you
21 know, it could be a large amount with 140,000
22 square feet.

10:11AM

23 We are bound by the Davis Bacon wages so
24 please be aware of that as well. We love to --
25 we obviously want your best price, but we do

10:11AM

1 realize that we still have certain wages that we
2 have to abide by, and those are in the Davis
3 Bacon wages for your area.

10:11AM

4 This is new. Before we went out and we
5 basically did a market survey and then we
6 accepted or rejected sites or buildings. We no
7 longer do that. We have not accepted or rejected
8 any site that we have seen up until this point
9 and will not evaluate the sites, buildings until
10 the offers are made. So be very cognizant of the
11 fact of these site selection criteria because
12 that's what we'll be using as to whether your
13 site is considered acceptable or rejected. And
14 in this case, you know, rejected, you spent all
15 the time to do an offer, spent some money,
16 effort -- we're well aware of that -- and then
17 you find out my site didn't -- it got rejected.
18 So please be very, very aware of where your site
19 is and it matches up as we will be doing these
20 site criteria as we look at that and evaluate.

10:11AM

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10:12AM

21 sorry, this is not ours. Capital
22 letters, bigger print, no rejected sites will
23 evaluate as part of our evaluation of initial
24 offers.

25 waiver of restoration. VA will not be

10:13AM

1 responsible for putting the space back in any
2 shell condition. Once the lease is over, it's
3 yours, or whoever owns the building at the time.
4 Many of you unfortunately know about budget score
5 keeping. It's been an issue with us. We
6 apologize, but it is the rule of law that we must
7 abide by. It is a go, no go decision. It's not
8 like we fudge it. We don't get a chance to
9 basically say, well, we're just a few thousand
10 dollars over. If we don't score, we don't award.

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11 off-site improvements, you're
12 responsible for all off-site improvements.
13 Please do not come back to us, find out that you
14 have to put in a road, a stop light, whatever it
15 might be, and say, well, we didn't know, or more
16 importantly, we're going to charge you. We're
17 not paying for it. You need to know it all up
18 front. We obviously know it's in the rental rate
19 that you're going to offer us, but we're not
20 going to pay for anything you might find out
21 afterwards.

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10:14AM

22 Due diligence after the law, that is
23 what it is.

24 Liquidated damages in this case is \$4636
25 a day.

10:14AM

1 Recordation requirements. Many states,
2 counties are not required to record it. In our
3 case they are. So please find out what the cost
4 is in order to do that.

10:14AM

5 Independent technical review. For those
6 of us who worked with us before, Oculus will be
7 handling that and -- so bottom line there is just
8 remember that the time frame that they have to
9 respond, as you're thinking about your

10:14AM

10 construction schedules -- because one of the
11 things that's in this evaluation criteria is your
12 schedule. So we'll be looking at that closely.

10:14AM

13 Remember that when you make an offer,
14 it's open until award. You have the right to
15 withdraw the offer, but you don't have the right
16 to change the offer once you submitted it, unless
17 we come back to you and say we need to have a
18 change for whatever reason it might be.

10:15AM

19 It is a best value. This is not lowest
20 price technically acceptable lowest price.

10:15AM

21 Personally we've had one where somebody said my
22 price is the lowest so therefore I should win.
23 Protest it. Thrown out. This is for vets. This
24 is for people. This is medicine. So from that
25 standpoint, we're not just looking for the

10:15AM

1 cheapest alternative. We're looking for the one
2 that's going to help us provide the best medical
3 service. And the reason we want to do that is
4 because we want the vet to come back. We want
5 them to feel welcome. We want them to feel like
6 this is a place they want to be for healing. And
7 for that reason, we're looking for technical
8 aspects, not just price. We want the lowest
9 price, but we also want the highest technical.

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10 You see the techno factors defined are
11 even. We will establish a competitive range, but
12 remember what Tamim said when he started today,
13 if we can award initial offers -- there is a huge
14 push in D.C. to award initial offers. So please
15 be aware of that. I know all of you may chuckle.
16 It hasn't happened in a lot of years. Maybe you,
17 Derek, but I want you to be aware of it. It is a
18 huge push to start looking to do this. So please
19 make sure your initial offer is as good as you
20 can make it.

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21 This is basically going through the
22 trade-offs. So bottom line again, as I said
23 earlier, the contracting offer on best value. It
24 doesn't mean -- we'd love to have lowest price,
25 highest technical, but there will be trade-offs

10:16AM

1 as to what price is and what technical is. So it 10:16AM
2 doesn't mean we have to get to that. We want to
3 get to the best value we can have, who we believe
4 we're going to have.

5 Here are your evaluation factors. They are 10:17AM
6 listed in descending orders of importance.

7 Factor one, two, three, four. That is the order.

8 So I mentioned -- and I apologize, I said the
9 schedule, we're going to look at your schedule,
10 but it's not an evaluation factor. Actually this 10:17AM
11 is Bakersfield. I just did one of these last
12 month. So we'll still be looking at it.

13 Performance survey forms. Notice the three
14 years. Many of you love to send stuff you did
15 five years ago, ten years ago. We're not going 10:17AM
16 to look at it. We're literally looking at three
17 years ago. Now we also, though, do consider
18 projects that are open so it may have started ten
19 years ago. If they're ongoing, we will look at
20 them. Please remember, a second record must be 10:17AM
21 submitted for each contract and subcontract.

22 we're just -- you know, we're tightening up on
23 this. We used to be a little more lenient on
24 what we got and how we evaluate it but in this
25 case there's a lot of past performance coming in 10:18AM

1 and we really want to make sure that we're doing 10:18AM
2 it correctly so that everybody is treated fairly.

3 We now have the performance check

4 questionnaire. Okay. Underlined. When we

5 consider past performance evaluation, a separate 10:18AM

6 record must be completed and submitted by the

7 author's references. So make sure that if you're

8 saying that John Doe is your reference, that John

9 Doe is sending us a questionnaire because that is

10 confirming what you're saying versus we don't 10:18AM

11 know if they did it. We don't know if -- what

12 the reference feels like. And hopefully all your

13 references will go ahead and be very diligent

14 about that. The Friday, November 3rd, is not --

15 that is actually -- it's going to be 10:18AM

16 December 1st. That did not get changed out of

17 Bakersfield. So they have to be in by the day of

18 the offer due. If the offer changes, which we're

19 not expecting the offer date to be delayed at

20 this point in time, it will be questionnaire has 10:19AM

21 to arrive when the offers are due. So don't get

22 scared about that date.

23 In this case it is full and open so we

24 do have some points for small businesses. And

25 basically that's listed in your solicitation as 10:19AM

1 well if you're a small business.

10:19AM

2 operating costs. We will go ahead and
3 we will true up after year one. We think it's
4 the most fair way to do it so we find out there
5 was no low balling on the offer or there wasn't
6 something just got missed. So we will true up
7 after year two and go forward from there.

10:19AM

8 Rentable and net usable. This was -- you
9 know, everyone is different so just please be
10 aware what that is. Remember, all of our
11 evaluations and all of our payments are usable.
12 The only reason we have rentable is because of
13 the scoring. So when you're dealing with
14 appraisers or appraisals or our methods that
15 we're not using, that's the reason we use
16 rentable. Otherwise, everything is done in
17 usable.

10:20AM

10:20AM

18 Sustainable energy. We're using Green
19 Globes, not LEED. We apologize. We know that
20 the LEED checklist was sent out in the
21 solicitation package. We're not using LEED.
22 Green Globes. I wish I could tell you what Green
23 Globes are, but you just have to meet it. So if
24 you call me about Green Globes, I don't know what
25 it is.

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10:20AM

1 Utilities. We will be paying utilities
2 outside of the rent. Obviously, all the hookups,
3 everything that has to be done during the
4 construction, will be your responsibility and so,
5 you know, things here that are underlined are
6 also -- I think they're either bold or underlines
7 in this -- so you're clear on that.

10:20AM

10:21AM

8 Building maintenance is your
9 responsibility. Sometimes we get into these
10 larger clinics, we make it our responsibility on
11 the interior. In this case we're making it your
12 responsibility; so please be aware of that when
13 you're pricing.

10:21AM

14 Schedule A. For those of you that may not
15 know it, this is basically we are looking for you
16 to basically go ahead and have a deposit of 1.25
17 or basically five quarters of op ecs and real
18 estate taxes that you say it's going to take to
19 run this -- run the clinic. What we're trying to
20 avoid is some hiccup in the future where there's
21 a money issue on your end, there's a cash flow
22 issue, that we cannot afford to have our -- in
23 this case our lights are ours, but let's just say
24 the cleaning not happening or whatever may be
25 associated with things that you're responsible

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10:22AM

1 for. We have to make sure they're paid for so
2 that one and a half, one and a quarter is
3 basically you're feeding it every quarter. So
4 you continue with one and a quarter until
5 obviously you're in the last year of your -- of
6 your lease.

10:22AM

10:22AM

7 Schedule B. Pretty -- I'll call it simple.
8 We're trying to make it simple. We know it's
9 not. But you're filling in the unit costs and
10 the unit costs are all rolled up based on the
11 schedules to where we're going to basically have,
12 you know, the totals that we're looking at and
13 things like that. Because you-all know hopefully
14 Schedule B is a lump sum payment, which we will
15 reconcile at the end just before or during
16 acceptance of the space. Please notice that no
17 markup for overhead and profit. So these numbers
18 are not -- we're not going to see, oh, well, we
19 have a markup of overhead and profit. They
20 include those. So from that standpoint, that's
21 in there. We're not going to add anything
22 afterwards.

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23 Schedule C is what we call our enhanced
24 shell. For those of you do that GSA deals, you
25 would never see this. It would be part of

10:23AM

1 schedule B or tenant improvements. In our case
2 this is what makes us different. We basically
3 have schedule C and we're enhancing our shell
4 purposely based on our medical use.

10:23AM

5 schedule D. You'll see there's a couple
6 things that are important that are not in it,
7 your land, your cost of capital, which has a lot
8 to do with what your cost of your project's going
9 to be. We use these to basically look at

10:23AM

10 multiple offers. And if we see somebody that's,
11 let's say, 20 million dollars and their rent is
12 \$50, we see somebody who's 20 million dollars and
13 their rent is \$40, we're going to come back to
14 both of you and say, okay, individually what --
15 there's people out there that are less than you
16 and got the same price. What's going on? The
17 other person is -- people are higher than you,
18 why are you lower? Please make sure you can do
19 this. The one thing we don't want to happen is
20 that you can't perform. That doesn't do anybody
21 any good going forward, especially the vet.

10:23AM

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10:24AM

22 operating expenses. Our shell rent
23 includes the bottom -- probably can't see those,
24 but the real estate taxes, insurance, building
25 maintenance and replacement and management.

10:24AM

1 These commissions are obviously just paid one
2 time. You will be paying and what will be
3 changing by CPI are most of these expenses that
4 are above line 27, above it physically as we're
5 looking at it right now. This is an important
6 sheet that's been around for about two years now.
7 The difference is we do need you to fill out all
8 the way across so we can look at each year as we
9 go forward. Please see down here, here are your
10 lump sums and right now we want to have broken
11 up. That will be paid to you on acceptance just
12 like Schedule B. So you will be fronting those
13 as you build them, but we will then reimburse you
14 for the costs that you established it is or
15 whatever number you put in there -- that's up to
16 you -- at acceptance. So there's 32 months of
17 carry and whatever your construction cost --
18 construction timeline is.

19 Please make sure -- because how you get
20 paid is through the SAM. Okay. So basically
21 System Award Management, if you're not correct
22 and we don't have your correct DUNS numbers and
23 we don't have your correct information, there's
24 going to be a problem. And what we don't need is
25 a problem, and what you don't need is delayed

1 rent. So let's make sure that those are all as
2 accurate as possible.

3 I'm going to turn it over now to Rob.
4 He's going to talk a little bit about what they
5 created, and we'll have a little something
6 afterwards. We'll wrap it up and then we'll go
7 to your questions.

8 MR. FORNEY: I thought we'd start with
9 giving a little background of how we got to this
10 point and some key features of what we
11 incorporated into this conceptual design so that
12 you have some background on that. We really
13 start with the VA gives us a program for design
14 base program. It has projected services and work
15 loads for the building that will be built. We
16 implement the VA pack prototype design; so we
17 start with a prototype and we adapt it to Tulsa's
18 needs and what they want services wise. And what
19 we use -- I guess I should maybe click to the
20 plans -- is we have a planning grid which is part
21 of the prototype that allows for flexibility. So
22 we have modular spaces that we want to maintain
23 that allows more flexibility for the VA in the
24 future if there is any change in program or they
25 can do it with some limited hard construction

1 changes. So we work closely with both the VA
2 planners, CFM and the medical staff. We've had
3 several meetings with them. We've met with all
4 the departments. We've talked with them about
5 their needs, their adjacency, how they want
6 patients to flow through this building. So all
7 that's been thought out. We have -- we've
8 separated the staff areas in the back and how the
9 patients come in and the public zones and the
10 patient zones as they flow back to the clinic.
11 It's all well thought out as far as how -- how
12 this building works and flows so that it can be
13 efficient. The patients can find where they need
14 to go and get their services as efficiently as
15 possible.

16 So back to the site, there's a couple
17 key things on the site. Obviously it's a
18 conceptual layout. It's not exact to the site;
19 so we're designing what we want. You're
20 obviously going to have to adapt to your site.
21 We want a clear route to the patient drop-off.
22 That's important so patients understand where
23 they're going and how to get into the facility.
24 We separate the vehicle -- the service vehicles
25 and their flow so there's no cross flow between

1 them. And we also try to have roadways so
2 they're not directly pointing at the building.
3 That's a security issue that you'll find in the
4 security manual design guidelines. There's a 25
5 foot setback onto the building to any parking or
6 driveways. And then the staff areas, the staff
7 parking is separated from the patient parking.
8 We obviously have -- we're showing 945 spaces on
9 about 19 acres is what it comes to.

10:28AM

10:29AM

10 so if we go back to the plan, a couple
11 key things on the plan also we have one main
12 entry. So we have a lot of shared -- this is
13 kind of a shared waiting zone with different
14 departments and, you know, it's open. It's going
15 to be clear as far as how you flow through it.
16 Another important thing is for these blue pods
17 back here are the team rooms for the VA staff.
18 We want to try to get natural light in through
19 the back, which has a lot of glass and has glass
20 on the interior; so we want to try to get natural
21 light into the work area. There is -- there
22 is -- this is a business use building. It's
23 mainly business use, medical office, but there is
24 an ambulatory care portion of this building,
25 which is right here on the first floor. So it

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1 does need to be separated with, you know, fire 10:30AM
2 rated construction, but it is a permitted mixed
3 use type building.

4 Upstairs has more -- more back over here
5 and some mental health components over here, 10:30AM

6 dental and some educational and support spaces
7 there. So that's the -- oh, there's -- in mental
8 health there is a -- there is kind of a common
9 meeting space that can be opened up kind of like
10 this space here (indicating) that could be used 10:31AM
11 for small groups or also for a larger group,
12 group meeting.

13 And so we've had all the plans in here,
14 but we're not going to obviously look through
15 them on this presentation. The exterior, you 10:31AM

16 know, we've shown a conceptual design. We're
17 looking for design that's long lasting, durable
18 materials, projects the image of a medical center
19 that's esthetically pleasing. So you have some
20 latitude in that, but we've obviously selected 10:31AM

21 some materials and curtain walls and we're
22 showing fire cement panels, but this is the
23 central design. So obviously you have to adapt
24 it to what you present. So that's kind of an
25 overview of what we've done with the conceptual 10:31AM

1 design; so back over to Bill. 10:32AM

2 MR. CRAIG: Thanks, Rob. Again, these
3 are all in your solicitation package. We just
4 took this all out of conceptual drawing part of
5 it. 10:32AM

6 submission with offer, couple important
7 things. Detailed explanation. When I say
8 detailed explanation, the people that will --
9 most of the people that will be evaluating are
10 not engineers or architects; so the verbal or the 10:32AM
11 narrative is very, very important to understand
12 what you're planning on doing, why it makes sense
13 for the VA, why you're doing it. And these are
14 read and they're very important. So please make
15 sure that, you know, you do have these in 10:32AM
16 narrative forms because they really do help --
17 I'll call it the layperson that can't get into
18 the drawings and go, okay, I got this, I got
19 this, I got that.

20 This is kind of -- again, everything is 10:33AM
21 in the solicitation; so SFO, federal regulation
22 and most case -- in our case the building codes
23 and ordinances. In case of conflict, the more
24 stringent standard applies. Obviously
25 accessibility standards, you know, what our 10:33AM

1 patients are, they have -- they have obviously
2 ambulatory issues that need to be addressed; so
3 those are very important to us. We definitely
4 need the site because -- so many of you have
5 heard this -- from VA's perspective healing
6 starts from when they turn into the driveway.
7 And actually, it starts from when they I say
8 leave their house or their home, wherever they
9 are. But it's basically we're trying to keep
10 them -- think about from your site perspective --
11 we're trying to get them onto major roads, off of
12 major roads onto a thoroughfare and very -- you
13 know, into the site. We want to make it easy.
14 We want them to come back. If they don't come
15 back, this is all a big waste of time.

16 So you heard this at the beginning. This
17 is why it starts to come up in the end. Read the
18 solicitation in its entirety. While a lot of
19 parts are the same as others you may have seen,
20 some are different and they obviously have been
21 thought out and there's a reason they're
22 different. So we're going to need them to be
23 addressed properly, not this is the way I did it
24 last time.

25 The signatures are important as far as

1 making sure each page is initialed, not a
2 signature, but an initial.

10:34AM

3 offer, we talked about DUNS registered
4 in SAM. Small business it's very, very important
5 if you're claiming small business that we have --
6 that you provide us the documentation of why we
7 should consider you a small business. We're not
8 hunting them down. We're not trying to go find
9 it. We're not trying to do extra work because
10 we're looking at your -- and a lot of offers in
11 this case -- based on the size, we're expecting a
12 decent amount of offers. So you need to be able
13 to provide the backup that we then feel very
14 comfortable that you are whatever you're claiming
15 you actually are.

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16 1364s of your own construction. Obviously
17 that kind of goes without saying. I'm not sure
18 how that's still in there. But the attachment is
19 very important because we do look at the
20 attachment and that's kind of what we use now as
21 the basis of how we evaluate you. Because
22 another thing to look at, make sure those 1364s
23 and the attachments match. You'd be surprised at
24 how many we get where we can't tie them together
25 and it's kind of like well, which one do we go

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1 with? Do we go with one that's lower or one
2 that's higher? well, I can tell you many times
3 we might go with the one that's higher just
4 because we're going to cover our back side.

10:36AM

5 Because if we missed it, and you come back and
6 say, oh, no, it's the higher one, we're going to
7 make sure we evaluated the higher one. So it
8 will help everybody if all those things match.

10:36AM

9 This is just how you're going to put
10 together your format. So what we really need is,
11 you know, the cleaner the format the better. The
12 technical evaluation board, this is not their day
13 job. So when they're in a room, they obviously
14 have other things going on. We're trying to keep
15 them focused. We can keep them much more focused
16 if things actually come in line. And if most of
17 you, hopefully all of you are book marking. They
18 have to go find this, they have to go find this,
19 it's there. So please be aware of that.

10:36AM

10:36AM

20 Again, submitting questions on the 29th,
21 that's Bakersfield. I apologize. I did this.
22 I'm the only one to blame. So obviously the
23 questions -- I don't know, I think it's in a
24 couple weeks. I'd have to look, but whatever's
25 in the solicitation still exists as far as

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10:37AM

1 questions.

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2 And to questions, we are -- and I
3 apologize for not being able to provide you with
4 the answers that you submitted so far. I just
5 got questions yesterday. So we've been working
6 on them. We want to submit one; so we're
7 probably not going to submit them until after the
8 deadline passes when questions are due and then
9 we will send them out. So I just want to let you
10 know we have your questions. We're working on
11 them. We're not blowing them off, but we want to
12 make sure we give the right answers so that is
13 ongoing.

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10:37AM

14 No conditional offers. Conditional offer
15 comes, conditional offer goes out.

10:37AM

16 And the evidence of financial resources,
17 we understand there are certain net worth
18 individuals that don't necessarily want to
19 have -- we get side packages of their capability.
20 The problem is sometimes the side packages don't
21 get to the TEB. So what we're saying is whatever
22 financial information you're claiming as far as
23 that evaluation criteria needs to be in your
24 offer package with the other technical factors.
25 And remember that with technical factors because

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1 the TEB does not see your financial. They don't
2 know what your costs are. They're not going to
3 know what your costs are until the very end,
4 until the award occurs. So make sure financials
5 don't go into the price, where sometimes they go.
6 We call them out to be in the technical because
7 that's the -- that's where the TEB is going to be
8 evaluating. That's the tool they'll be using.

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10:38AM

9 Contract requirements. Again, these are
10 all repeats of things that are there that are in
11 your -- that are in the SFO. They came directly
12 out of it.

10:39AM

13 And we're at the point we're going to do
14 some questions. We only have one microphone so
15 I'm thinking about standing right there because
16 obviously we want to get everything into the
17 record. So if you have a question, you know,
18 come up one at a time. We've got plenty of time.
19 We ask for name. If you do know where the
20 question is coming from based on the section of
21 the solicitation, that would be helpful. It
22 doesn't have to happen. And if we can answer
23 something now, we'll do it. If we can't, it will
24 go back into our clarifications that will either
25 lead to amendments or just pure clarifications.

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1 So with that said, I'm going to go right here.

10:39AM

2 Derek.

3 MR. WEAVER: This is Derek Weaver with
4 Johnson Development. First, if I might, I'd like
5 to ask that the record reflect a smile is not a
6 chuckle. From a question standpoint, I've got
7 two. My first question is do the past
8 performance reference survey -- this is
9 specifically for Tamim and Allyson. In the

10:40AM

10 instructions for the past performance survey it's
11 a requirement that the reference submit that
12 directly to the VA. In several of our

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13 references, most of them in fact, are from VA
14 personnel. Several of them are from strategic
15 planners. We've had very nice references from

10:40AM

16 them. What is the VA's mechanism for -- and
17 we've submitted several proposals this year -- if
18 a VA employee requested to submit a past

19 performance reference survey, forgets to submit
20 that survey, omits to submit that survey and that

10:40AM

21 has a negative impact on our potential technical
22 score? Our concern is -- and this is a

23 hypothetical because I don't believe this has

24 happened to date -- but as the offeror we do not

25 have control over that event. The VA has control

10:41AM

1 over that event and it affects our score. That 10:41AM
2 is potentially a protestable omission or lack
3 of -- lack of follow through on a VA person or
4 part of their personnel. Is there a potential
5 that could be looked at differently? 10:41AM

6 MR. CHOWDHURY: So I think to -- well,
7 to address the major concern as it relates to
8 past performance and that particular requirement
9 in the SFO, just like everything else in the SFO
10 is the responsibility of the offeror to go ahead 10:41AM
11 and meet the requirements as specified in that
12 past performance clause. Now as it comes to, you
13 know, the OAJ form or the past perform reference
14 check that the VA would receive from the past
15 performance you submitted, ultimately it's your 10:42AM
16 responsibility to make sure that whoever that
17 you're -- that you're submitting as reference
18 check is submitting that reference check within
19 their appropriate time frame. Now, you know,
20 just because you may ask somebody and they say, 10:42AM
21 yeah, yeah, I'll do it, yeah, I'll send, and it
22 doesn't get sent, that's ultimately your
23 responsibility to make sure that, you know, it
24 does get sent. So my recommendation is just to
25 make sure wherever that you're going to submit a 10:42AM

1 reference to is reliable, somebody that is
2 willing to do it and somebody that wants to do
3 it, and then to continue to follow up with them.
4 At the end of the day, we're just only going to
5 take a look at -- at least as far as the team
6 here -- only going to be looking at the things as
7 it relates to what we have in front of us and
8 whether or not we got that -- got that form or
9 not.

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10:42AM

10 MS. LEE: And I wanted to clarify that a
11 non-responsive submission does not create a
12 negative evaluation. It creates a neutral
13 evaluation. We only create a negative evaluation
14 for past performance when we receive negative
15 responses from the people that you choose to fill
16 out the survey. So, for instance, if you reach
17 out to a VA employee that you've had experience
18 with on other construction projects, the onus is
19 on them to be responsive or not. But the fact
20 that we know the individual and they choose to be
21 non-responsive, it does not imply a negative
22 evaluation. If you received no past performance,
23 it's neutral. Only if you receive negative
24 feedback through those questionnaires is there
25 the ability to create a negative evaluation. So

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1 essentially in the scenario you described, you 10:43AM
2 reach out to a VA engineer who oversaw the
3 construction of a project and they chose to be
4 non-responsive to your question for a past
5 performance, that would be a neutral because you 10:44AM
6 didn't receive anything from VA to consider.
7 only -- it is only negative -- it can only be
8 perceived negatively if we receive a negative
9 evaluation to review.

10 MR. CRAIG: I'll give it back. I looked 10:44AM
11 at the solicitation. All of those questionnaires
12 are to come to me. So they're not going to the
13 VA. They're supposed to come to me. So I don't
14 know if that helps if the VA may feel -- whatever
15 you're telling them, I just want to make sure 10:44AM
16 everybody here knows that they're not going to
17 Tamim or they're not going to Allyson. They're
18 coming to me.

19 MR. WEAVER: Thank you. And as far as
20 us, sir, we consider you to be the VA as their 10:44AM
21 agent. But Allyson I think helps perhaps support
22 my question a little bit. And while a neutral
23 rating is good, it's negative potentially in the
24 sense that it's not positive; so potentially
25 there's a point differential. So it's a circular 10:44AM

1 error potentially that if a VA employee did not 10:45AM
2 take action, which perhaps it had previously --
3 and I can give a good for instance. Let's say
4 that we'd asked our VA references nine times this
5 year to submit past performance surveys and they 10:45AM
6 had, and it happened just as it was asked to
7 happen through the solicitation documents. But
8 what on the tenth time if they say I've had
9 enough of this, I don't have time to complete
10 this survey and submit it -- I believe we have a 10:45AM
11 new form for Tulsa so it's not the same form for
12 the previous nine times this year. So at that
13 point as Tamim had said, the VA itself is
14 affecting mine or anyone else's in this room
15 potential score. And I'm concerned that that is 10:45AM
16 a potentially protestable event. An alternative
17 would be if we had submitted several references
18 throughout the year, signed by that reference,
19 signed by several strategic planners and other
20 folks associated with VA projects, to keep 10:46AM
21 perhaps a database that could be referred by
22 contracting officers. Something that would
23 eliminate the opportunity for this error where
24 the VA or a VA personnel was causing the
25 potential procurement issue. So there may not be 10:46AM

1 an answer today, but it's something that should
2 be considered if you don't mind.

10:46AM

3 MR. PLASENCIA: I think there's an
4 answer if you want to --

5 MR. CHOWDHURY: So, again, I just want
6 to reaffirm that like at the end of the day, you
7 know, the onus on everybody's past performance,
8 past performance questionnaires they ultimately
9 offer. So, you know, the VA and VA employees are
10 under no responsibility and they're under no
11 requirement to go ahead and fill out any of these
12 forms at any time. So, you know, again, making
13 sure that who are -- you're choosing to be your
14 past performance reference check, just to make
15 sure that, you know, you're following up with
16 them and doing what you need to do on your side
17 because ultimately the onus is going to fall on
18 you. So in terms of your other suggestions, I
19 will definitely take them into consideration.

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20 You know, obviously always looking for new
21 processes. So thank you for -- thank you for the
22 suggestion.

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23 MR. WEAVER: I have one last question.
24 It's a lot easier, I hope. As it relates to OMB
25 scoring and capital versus operate leases, the

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1 fair market value is an important number, much
2 more important to you than it is to us but it is
3 a nice point of reference as we're engineering
4 our lease proposals for forms 1364 and its
5 attachments. Will you provide the group, the
6 offerors, what the fair market value estimate is
7 for this property?

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8 MR. CHOWDHURY: Again, so the short
9 answer is, no, we will not sharing the fair
10 market value of the property. With regards to
11 Federal OMB scoring, I highly recommend everybody
12 review OMB Circular A-11 which specifically
13 details and documents the process and the
14 evaluation that the government undergoes to make
15 sure something is capital versus an operating
16 lease. You know, I guess in short, we need to
17 make sure that we're under the 90 percent
18 threshold of the net present value of the
19 property over the fair market value. But we
20 won't be sharing the fair market value. You
21 know, should we not award on initial offers on
22 this particular project, you know, if there were
23 to be discussions, we would provide additional
24 information at that time as it's relevant to this
25 particular procurement. But we'll not be sharing

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1 the fair market value. 10:48AM

2 MR. CRAIG: Others?

3 MR. SUITONU: Hi, Chad Suitonu with PMRG
4 Juliet. I just wanted to reiterate what Derek
5 said about the -- getting the references. It's 10:49AM
6 not a question, but more of a comment. This is
7 our sixth proposal. We've gone to very important
8 clients, a lot of clients who are bigger than VA
9 to us, major hospital systems, and we're wearing
10 them out. Hey, for the sixth time, can you send 10:49AM
11 in this reference; so it does create a burden
12 upon the proposer. We jeopardize -- not
13 jeopardize, but we put pressure on another
14 relationship when, I agree, it could be simply
15 handled by us turning in the reference and then 10:49AM
16 maybe you possibly validating it, or if you
17 validated it last month, just take that
18 validation. I'd like your consideration on that
19 also.

20 I specifically had a question on the 10:49AM
21 site plan if Rob can answer it. But the truck
22 route, does it have to be absolutely dedicated
23 where no patient traffic can go on it? If that
24 is the case, it puts a burden on us to have to
25 build a curb cut and a dedicated route at an 10:50AM

1 expensive cost to the project. I guess is there 10:50AM
2 any leniency in the truck route sharing a portion
3 of the route with potential patient traffic?

4 MR. FORNEY: No. I mean that -- no, and
5 that is what the requirement is. That's what 10:50AM
6 we're striving to have. So if you can't provide
7 it with your site, it's going to -- it's going to
8 be some negative impact on your evaluation.

9 MS. LEE: And I just wanted to clarify
10 that we do not want veterans and service vehicles 10:50AM
11 sharing the same roadway. It just -- it doesn't
12 seem responsible, to be very honest with you, for
13 service vehicles and veterans to share the same
14 roadway. Please pay attention to our ingress and
15 egress requirements. And in your plans, it would 10:50AM
16 be very beneficial for you to designate where --
17 what you anticipate or how you program the site
18 for veterans, patient access, for employee
19 entrance and for service vehicles.

20 something I wanted to touch on, but I 10:51AM
21 guess I'll touch on it now also is to think about
22 the site. I know we have a large parking
23 requirement, and for you to specifically
24 designate where employees will park, where
25 veterans will park, our handicap requirement. 10:51AM

1 Think about the service vehicles and the
2 congestion of the site for whatever the service
3 vehicles to navigate through the back of the
4 building or to the loading dock. But those are
5 things that we really take into account when we
6 review the technical and how you program the
7 site. Just think if it makes sense for a large
8 service vehicle to navigate through such a
9 congested, compact parking area. It's often that
10 it gets overlooked. And then it -- when we're in
11 the construction phase it doesn't really make
12 sense from a navigation and spatial perspective.
13 But to close the loop on your question, it's not
14 ideal, and I think there is a hard requirement
15 for service vehicles and veterans patient
16 entrance to be separate.

17 MR. SUITONU: Just to clarify, so when
18 you say hard requirement, that's a go, no go? I
19 only have -- maybe it doesn't apply to this
20 project, but I'm also thinking about other
21 projects. I mean there's just not enough land.
22 There's no more land to build a dedicated truck
23 route on the site that I have. That may not
24 apply to Tulsa, but when you say hard
25 requirement, I guess that means you're going to

1 throw out our proposal if we share some type of 10:52AM
2 routing.

3 MS. LEE: I don't think we would throw
4 out a proposal. We know that you've invested
5 and, you know, made very expert calculations into 10:53AM
6 what is best for the site that you choose. But
7 it is very ideal that veterans and service
8 parking -- I mean service vehicles not share the
9 same entrance. Maybe there could be some
10 consideration for employee parking and service 10:53AM
11 vehicles, but definitely not for the veteran.

12 MR. SUTTON: Thank you.

13 MR. CRAIG: I think we all have to
14 remember, there's a very important word on top of
15 there. It's called conceptual. 10:53AM

16 MS. LEE: Right.

17 MR. CRAIG: So from the standpoint we're
18 telling you what we want, and I can tell you that
19 when you get into the actual evaluation meetings
20 that's kind of where -- that's where we'd like to 10:53AM
21 be and you would get a better score, but
22 obviously we've got to look at everything until
23 all the offers come in. It'd be based on your
24 statement that Tulsa, the land situation, we
25 can't get that. That doesn't mean we'll go away. 10:54AM

1 we'll have to figure out another way to take care
2 of it, which we would do in subsequent
3 discussions.

10:54AM

4 Any other questions? Any other
5 statements?

10:54AM

6 MS. LEE: I'm looking -- yeah, just a
7 few things to touch on. Please make sure as you
8 negotiate your land options that they're fully
9 executed land options with the only -- with the
10 only term for consideration being dependent on
11 VA's lease award. Please look at the
12 contingencies on the land and if it prohibits VA
13 or commits VA as a third party to any commitment,
14 whether it be shared parking, sharing space,
15 sharing the land with their neighbor, anything
16 like that, just make sure it's a very good land
17 option that really only has the contingency of a
18 VA lease award. If in the event you offered
19 structured parking, please specify how much is
20 being offered surface versus structured parking.

10:54AM

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21 In the 1217 and 1364 versus the
22 attachment to pricing, please provide us numbers
23 that don't go to the fifth decimal place. Keep
24 the change like change, 15 cents is 15 cents, not
25 15680 cents. Please just give us real dollar and

10:55AM

1 cent values. It does create issues in scoring,
2 and we definitely don't want that. We want to
3 provide you, if we have a feedback period or a
4 discussion period or negotiations where we talk
5 about numbers, we want to be meaningful
6 conversations where your dollar values made sense
7 to us literally and that the cents were rounded
8 to the 10th place.

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9 Bookmarking is definitely something for
10 technical evaluation groups. It's very important
11 the bookmarks, the submarks, if you were to break
12 it down by subfactor, even though it rolls up
13 into one major factor and one scoring number, I
14 can tell you that our technical evaluation group,
15 it's not something they do every day; so having
16 the ability to effectively navigate your proposal
17 is important. We don't want them to overlook
18 your strengths. And so navigating your proposal
19 through the bookmarking, it seems very simple,
20 but it does get difficult when we can't find
21 portions of your offer or details or narratives
22 that are missing.

10:56AM

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23 With the financing, short-term versus
24 long-term financing, please make it very clear to
25 us. We receive all these numbers, all these

10:56AM

1 backings. We see how much cash you have on hand. 10:57AM
2 It's a lot. It sounds like you can finance it
3 upfront, but there's no real narrative that
4 explains how you plan to do it. Just knowing
5 that you have enough cash and enough banking 10:57AM
6 financial support is not enough. A narrative to
7 complement that so we can effectively ascertain
8 the kind of financing, how it will be handled in
9 the short term immediately after award, how it
10 will be managed in the long term is very 10:57AM
11 important to us and something that we have
12 difficulty ascertaining without a narrative to
13 complement, you know, all of those financial
14 deliverables.

15 MR. CRAIG: Thanks, Allyson. I just 10:57AM
16 looked up again two things where I did not
17 correctly put it on the deck. So questions are
18 due a week from today, the 2nd. So any other
19 questions, please get those in. We'll try to
20 turn those around. We have a lot of the answers 10:57AM
21 already so I believe we can turn those around,
22 depending on how many we get, very quickly. And
23 the due date of the offer is December 1st. So
24 those two numbers are the same as they are in the
25 solicitation. They have not changed. So with 10:58AM

1 that, number one, we all appreciate you being
2 here today. And I know many of you traveled
3 pretty far to be here. We thank you for your
4 interest in VA, and we hope to be able to
5 evaluate some great offers and make an award. So
6 thank you very much. Have a great day.

10:58AM

10:58AM

7 MS. LEE: Thank you.

8 *(whereupon, the meeting was concluded*
9 *at 10:58 a.m.)*

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C E R T I F I C A T E

State of Oklahoma)
) ss
County of Tulsa

I, Nichole M. Myers, a Certified Shorthand Reporter within and for Tulsa County, State of Oklahoma, do hereby certify that I reported in stenograph the meeting; that my stenograph notes were thereafter transcribed and reduced to typewritten form under my supervision, as the same appears herein.

I further certify that the foregoing 44 pages contain a full, true and correct transcript of the meeting taken at such time and place.

I further certify that I am not attorney for or relative to said parties, or otherwise interested in the event of said action.

WITNESS MY HAND AND SEAL this 2nd day of November, 2017.

NICHOLE M. MYERS, RPR
CSR NO. 1704