



Monday, June 26, 2006

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## **Kenilworth Project Facts**

This document contains two parts to help the public and the press better understand the Kenilworth redevelopment project, the State Building Commission, the role of the Department of Administration (DOA) Secretary, and the request for proposals (RFP) process.

Below you will find:

- *Terms and Facts* – background and terminology essential to understanding the process
- *Kenilworth Timeline* – a narrative of the project

### **Terms and Facts**

#### ***State of Wisconsin Building Commission***

Outlined in Chapter 13.48 of the Wisconsin State Statutes, the State of Wisconsin Building Commission is responsible for carrying out the state's long-range building program to ensure that the state's agencies and universities have the space they need to fulfill their missions.

According to s. 13.48(2) the Department of Administration Secretary is a nonvoting advisor to the Building Commission.

All state building projects – including lease space – require Building Commission approval.

#### ***Request for Proposals (RFP)***

The request for proposals (RFP) process is a standard procedure used in state government to solicit proposals from the private sector for state contracts and building projects. Requests for proposals outline what the state's needs are and require a formal response or "proposal" be submitted by a set deadline.

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### **Kenilworth Timeline**

In 1999 the University of Wisconsin-Milwaukee (UWM) began planning for the redevelopment of the Kenilworth dormitory.

On October 2, 2002 a request for proposals (RFP) was issued for the Kenilworth project. The deadline for responses was set for December 6, 2002.

In September 2003, an evaluation committee comprised of eight UWM members and three Department of Administration (DOA) members selected Prism, a development firm, for the purposes of negotiating a development contract.

Also in the fall of 2003, Cullen-Scion, another company that bid on the project, asserted to the Building Commission that the evaluation committee allowed Prism to revise its bid after the deadline.

As a result of information provided by Cullen-Scion, rather than consider the request for approval Building Commission members informed DOA staff at the January 2004 meeting that they had concerns about the way the RFP was handled by the evaluation committee, and asked DOA to determine whether there was a basis for competitors in the first RFP to challenge the decision.

DOA legal counsel reviewed the proceedings, and advised Secretary Marotta that given the alleged irregularities with the evaluation process the state would be subject to the risk of litigation.

Under Chapter 13.48 of Wisconsin State Statutes the DOA Secretary is a nonvoting advisor to the State Building Commission. At the January 2004 meeting the Secretary was asked to report back to the Building Commission about the assertions of impropriety presented to the commission by Cullen-Scion. It is the role of the DOA Secretary to consider claims that an RFP process was not in compliance with the administrative rules after the RFP process is complete. The Secretary must review objections and assess the need to rebid.

Based on the advice of DOA legal counsel, Secretary Marotta recommended that a new RFP for the project be issued.

In February 2004, UWM withdrew its request to move forward with Prism Development, and the Building Commission unanimously voted to issue a new RFP for the project.

In March 2004 a second RFP was issued.

An evaluation committee comprised of DOA, university and community members reviewed the proposals to the second RFP and selected Weas Development Corporation for the Kenilworth project.

The Building Commission was briefed extensively throughout the second RFP process and voted affirmatively to move forward on the second and final RFP

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and construction. On June 16, 2004, the Building Commission unanimously approved the evaluation committee's recommendation to negotiate with Weas Development, and on November 17, 2004 the commission unanimously approved the final terms of the project with an estimated cost of \$68.7 million.

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