

May 27, 2020

Kate Severin, NDCS Purchasing
NE Department of Correctional Services
801 West Prospector Place
Lincoln, NE 68522
Phone: 402 – 479 - 5717

Attn: Kate Severin, Request for Information 3016

RE: State of Nebraska NE Department of Correction Services REQUEST FOR INFORMATION 3016

Dear Kate,

Gilbane Development Company, along with its prospective consortium members, would like to thank you for the opportunity to respond to the Department of Correction Services' Request for Information 3016 to Design, Build, Finance a 1,200 to 1,800 bed correctional facility. In developing this response our team leveraged the following expertise: Gilbane Development Company (as Developer/Investor), Gilbane Building Company/Boyd Jones (as Design-Builder) and Dewberry (as Design Architect), in addition to consulting with close banking partner and underwriter. Although it was explicitly stated within the RFI that an RFP may not follow, our team felt it was prudent to provide NDCS with real-time market information from these market leading experts to afford it better understanding of the value that can be created should it pursue a public-private partnership to deliver the proposed correctional facility. Our team looks forward to the potential of a direct conversation with NDCS about this opportunity and the ability to serve NDCS in any capacity that best accommodates its goals and objectives.

Gilbane Development Company is the project development, financing and ownership arm of Gilbane, Inc., a private holding company in its fifth generation of family ownership and management. Gilbane Development Company has organized over \$5B in total development, which includes 25+ Public Private Partnerships, totaling over \$1.6B in project costs. Recent P3s executed by Gilbane Development company under the DBFOM model include 75,000 SF of laboratory and incubator space for George Mason University, 273,000 SF of hotel and conference center space at Texas A&M, and "College Town", a 16 acre site that now encompasses retail space, a Hilton Garden Inn, office space, 154 apartments and a 1,600 car parking garage.

Gilbane Building Company – Gilbane Building Company provides general contracting and construction management services and is currently ranked the #1 Correctional Facilities builder by *Engineering News-Record*. Through both the Development and the Building company, the 150-year-old Gilbane with annual revenues in excess of \$5 billion and provides premier services to develop, construct, and manage facilities and capital projects throughout the United States as well as internationally. Gilbane's local staff has

the national depth of resources and the experience to seamlessly deliver a best in class facility. As a testament to Gilbane Building Company's abilities, it operates on a national basis, servicing 10+ countries, with 45+ offices and 2,800 employees worldwide. In addition to its #1 ranking in the realm of Correctional Facilities, Gilbane Building Company also consistently makes appearances in the Top 10 builder rankings the Military, Government Office, Local Government, and State Government realms by *Engineering News-Record* and *Building Design + Construction*.

In coordination with our Design-Build partner (Gilbane Building Company/Boyd Jones), our team developed an detailed project budget and schedule. As a rough order of magnitude based on Gilbane Building Company's body of work, a 1,200 – 1,500 bed facility's design-build costs only would be between \$140MM - \$170MM. Our assumptions are based on \$80,000 per bed in hard costs, which translates to \$96MM – \$120MM, plus a conservative upwards factor for design work and the certain associated design only related soft costs. Additionally, our team would expect construction to take between 26 – 30 months. We look forward to continued conversation, and the ability to refine our understanding of the required scope and determine the path most beneficial to the Nebraska DOC.

Our team's approach to the design build solution would be the following:

- Gilbane/Boyd Jones will work with NDOC to create a custom plan to administer background checks on all construction personnel working on the site.
- In consultation with our design partner Dewberry, our team understands that sight lines are very important on projects like this and we can solve this issue two ways. Solution 1 would include a full holding room mock-up will be built to ensure all stakeholders can understand what they can see from the door and how the security features of the room work. Solution 2 will be to build the facilities in a virtual reality. In the virtual model we can actually place the cameras where they will be in reality and superimpose the images into the virtual monitors in the control room. This will ensure you know exactly what the cameras see from the control room. Gilbane can provide an example of this upon request
- Due to the complex of the security hardware, expert knowledge is crucial to the success of this project and is a major part of the lessons learned within the Gilbane Center of Excellence in Criminal Justice Facilities.

From a financing perspective, Gilbane Development Company approached a close banking relationship to get a sense for the various financing options the proposed project might be able to achieve in today's market. Given the scale of this opportunity and our understanding of the project's proposed scope, our team believes the project would garner significant capital markets interest, particularly in the public and private debt markets. If the Nebraska Department of Correctional Services purses a 30-year "lease" or even a limited 30-year "operations period" through a Leaseback or Availability Payment structure respectively, the project would likely achieve very favorable financing terms. Assuming NDCS develops a financeable set of project documents that demonstrate a predictable payment stream, the proposed project could likely achieve an interest rate in

today's market starting in the mid to low 4% range. Our team is highly confident in our ability to achieve a successful and affordable financial close, whether it be in a short/long term DBF format, or a 30-year "operations period" format. To pinpoint and estimate the availability or lease payment necessary to make the project feasible we would need a better understanding of the proposed scope, and the credit profile/guarantees of the agency/agencies responsible for payment. A continued conversation is imperative in determining this feasibility; however, no matter the scenario, Gilbane Development Company remains determined to seek the favorable and lowest cost financing option for the Nebraska Department of Corrections.

We understand that the RFI made a soft request for estimated operation, utility, and maintenance cost, but feel that these numbers are heavily dependent on the scope of operations, predetermined facility life (in years, which will determine construction costs), and operational facilities. We look forward to a continued conversation with NDCS to determine the components of Nebraska DCS's ideal facility and, in return, allow us to offer tangible responses. Our design partner Dewberry is a leading market-facing firm with a proven track record of working on public-private partnerships and we are confident they can provide cutting edge design solutions as they obtain a better understanding of Nebraska DCS's desires.

We would like to thank you again for the ability to respond to RFI 3016, and the potential for continued conversation. We have provided you with contact information for all our points of contact and welcome any questions and inquiries.

Sincerely,

A handwritten signature in black ink that reads "Darin M. Early". The signature is written in a cursive style with a horizontal line underneath the name.

Darin M. Early
Managing Director – Head of Public Private Partnerships
Gilbane Development Company
dearly@gilbaneco.com | 401-456-5528

**State of Nebraska NE Department of Correctional Services
REQUEST FOR INFORMATION**

RETURN TO: NE Department of
Correctional Services
Name: Kate Severin
Address: 801 West Prospector Place
City/State/Zip: Lincoln, NE 68522
Phone: 402-479-5717

RFI NUMBER	RELEASE DATE
RFI 3016 DESIGN/BUILD/FINANCE OPTIONS ADULT MALE CORRECTIONAL FACILITY	March 16, 2020
OPENING DATE AND TIME	DCS CONTACT
May 27, 2020 2:00 p.m. Central Time	Kate Severin

This form is part of the RFI package and must be signed in ink and returned, along with information documents, by the opening date and time specified.

PLEASE READ CAREFULLY!

SCOPE OF SERVICE

The State of Nebraska (State), Department of Correctional Services (NDCS) is issuing this Request for Information RFI 3016 for the purpose of gathering information regarding **Design/Build/Finance Options for a proposed Adult Male Multi-Security Level Correctional Facility**, to be operated by NDCS.

Written questions are due no later than April 6, 2020 and should be submitted via e-mail to **dcs.purchasing@nebraska.gov**

Bidder should submit six (6) original copies of the entire RFI response plus one electronic copy on a USB flash drive. RFI responses should be submitted by the RFI due date and time.

Sealed RFI responses should be received in the Nebraska Department of Correctional Services (NDCS) Central Office by the date and time of RFI opening indicated above.

RESPONDENT MUST COMPLETE THE FOLLOWING

By signing this Request For Information form, the respondent guarantees compliance with the provisions stated in this Request for Information.

FIRM: Gilbane Development Company

COMPLETE ADDRESS: 7 Jackson Walkway, Providence, RI 02903

TELEPHONE NUMBER: 401 - 456 - 5528

FAX NUMBER:

SIGNATURE: *Darin Early*

DATE: 5/27/2020

TYPED NAME & TITLE OF SIGNER: Darin Early, Managing Director – Head of Public Private Partnerships

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I. SCOPE OF THE REQUEST FOR INFORMATION

The State of Nebraska, Nebraska Department of Correctional Services (NDCS), is issuing this Request for Information, RFI 3016 for the purpose of gathering information regarding **Design/Build/Finance Options for an Adult Male Multi-Security Level Correctional Facility**.

ALL INFORMATION PERTINENT TO THIS REQUEST FOR INFORMATION CAN BE FOUND ON THE INTERNET AT: <http://das.nebraska.gov/materiel/purchasing.html>

A. SCHEDULE OF EVENTS

The State expects to adhere to the tentative RFI schedule shown below. It should be noted, however, that some dates are approximate and subject to change.

Any changes to this schedule of events will be posted as an addendum at: <http://das.nebraska.gov/materiel/purchasing.html>

ACTIVITY		DATE/TIME
1	Release Request for Information	Monday, March 16, 2020
2	Last day to submit written questions	Monday, April 6, 2020
3	State responds to written questions through Request for Information "Addendum" and/or "Amendment" to be posted to the internet at: http://das.nebraska.gov/materiel/purchasing.html	Friday, May 1, 2020
4	RFI opening Location: NDCS Central Office, Building #1 801 West Prospector Place Lincoln, NE 68522	Wednesday, May 27, 2020 2:00 PM Central Time
5	Request oral interviews/presentations and/or demonstrations (if required)	To Be Determined Post Opening Date

II. RFI RESPONSE PROCEDURES

A. OFFICE AND CONTACT PERSON

Responsibilities related to this Request for Information reside with the NDCS Central Office Purchasing Division. The point of contact for the RFI is as follows:

Name: Kate Severin, NDCS Purchasing
Agency: NE Department of Correctional Services
Address: 801 West Prospector Place
Lincoln, NE 68522
Telephone: (402) 479-5717
E-Mail: kate.severin@nebraska.gov

Questions to: dcx.purchasing@nebraska.gov

B. GENERAL INFORMATION

A subsequent Request for Proposal (RFP) may not be issued as a result of this RFI. There will **not be a contract as a result of this RFI** and the State is not liable for any cost incurred by vendors in replying to this RFI. If an RFP is issued, the information provided may assist the State of Nebraska in developing the Request for Proposal. This RFI does not obligate the State to reply to the RFI responses, to issue an RFP, or to include any RFI provisions or responses provided by vendors in any RFP.

C. COMMUNICATION WITH STATE STAFF

From the date the Request for Information is issued and until RFI opening (as shown in the Schedule of Events), contact regarding this RFI between potential vendors and individuals employed by the State should be restricted to written communication with the staff designated above as the point of contact for this Request for Information.

The following exceptions to these restrictions are permitted:

1. Written communication with the person(s) designated as the point(s) of contact for this Request for Information;
2. Contacts made pursuant to any pre-existing contracts or obligations; and
3. State-requested presentations, key personnel interviews, clarification sessions, or discussions.

Violations of these conditions may be considered sufficient cause to reject a vendor's response to the RFI. No individual member of the State, employee of the State, or member of a potential Interview Committee is empowered to make binding statements regarding this RFI. The State of Nebraska (NDCS) will issue any clarifications or opinions regarding this RFI in writing.

D. WRITTEN QUESTIONS AND ANSWERS

Any explanation desired by a vendor regarding the meaning or interpretation of any Request for Information provision should be submitted in writing to the NE Department of Correctional Services and clearly marked "RFI Number 3016 Design/Build/Finance Options for an Adult Male Multi-Security Level Correctional Facility Questions".

It is preferred that questions be sent via e-mail to dcx.purchasing@nebraska.gov

It is recommended that Bidders submit questions sequentially numbered, include the RFI reference and page number using the following format.

Question Number	RFI Section Reference	RFI Page Number	Question

Written clarifications will be provided through an addendum to be posted on the Internet at <http://das.nebraska.gov/materiel/purchasing.html> on or before the date shown in the Schedule of Events.

E. ORAL INTERVIEWS/PRESENTATIONS AND/OR DEMONSTRATIONS

The State reserves the right to conduct oral interviews/presentations and/or demonstrations if required at the sole invitation of the State.

Any cost incidental to the oral interviews/presentations and/or demonstrations shall be borne entirely by the respondent and will not be compensated by the State

F. SUBMISSION OF RESPONSE

The following describes the requirements related to the RFI submission, handling and review by the State.

To facilitate the response review process, six (6) original copies of the entire RFI response should be submitted plus one electronic copy on a USB flash drive. RFI responses should be submitted by the RFI due date and time.

A separate sheet must be provided that clearly states which sections (if any) have been submitted as proprietary or have copyrighted materials. RFI responses should reference the request for information number and be sent to the specified address. Please note that the address label should appear as specified on the face of each container. If a recipient phone number is required for delivery purposes, 402-479-5717 should be used. **The Request for Information number should be included in all correspondence.**

G. PROPRIETARY INFORMATION

Data contained in the response and all documentation provided therein, become the property of the State of Nebraska and the data become public information upon opening the response. If the vendor wishes to have any information withheld from the public, such information must fall within the definition of proprietary information contained within Nebraska's public record statutes. All proprietary information the vendor wishes the state to withhold must be submitted in a sealed package, which is separate from the remainder of the response. The separate package must be clearly marked PROPRIETARY on the outside of the package. **Vendor may not mark their entire Request for Information as proprietary.** Failure of the vendor to follow the instructions for submitting proprietary and copyrighted information may result in the information being viewed by other vendors and the public. Proprietary information is defined as trade secrets, academic and scientific research work which is in progress and unpublished, and other information which if released would give advantage to business competitors and serve no public purpose (see Neb. Rev. Stat. § 84-712.05(3)). In accordance with Attorney General Opinions 92068 and 97033, vendors submitting information as proprietary may be required to prove specific, named competitor(s) who would be advantaged by release of the information and the specific advantage the competitor(s) would receive. Although every effort will be made to withhold information that is properly submitted as proprietary and meets the State's definition of proprietary information, the State is under no obligation to maintain the confidentiality of proprietary information and accepts no liability for the release of such information.

H. REQUEST FOR INFORMATION OPENING

The sealed responses will be publicly opened and the responding entities announced on the date, time, and location shown in the Schedule of Events.

Post-opening and after review, all responses with the exception of Proprietary Information (see Section G. Proprietary Information) will be made available at:

<http://das.nebraska.gov/materiel/purchasing.html>

III. PROJECT DESCRIPTION AND SCOPE OF REQUESTED INFORMATION

The respondent(s) should provide the following information in response to this Request for Information.

A. PURPOSE AND BACKGROUND

The Nebraska Department of Correctional Services (NDCS) hereby requests information from firms, contractors, and financiers with expertise in secure facility construction, infrastructure, and/or construction-related public-private partnerships regarding their past projects and approach to developing taxpayer friendly construction solutions.

This Request for Information (RFI) is intended to serve as an informal research tool by which NDCS hopes to gather information and perspective to inform possible subsequent procurement processes and/or develop a defined plan to address the State's projected increased incarcerated population.

This RFI is issued solely for information and planning purposes. Responses to this RFI are not offers and cannot be accepted by the State to form a binding contract.

The RFI narrative should provide information, perspective, and solutions related to the feasibility of a Design/Build/Finance solution.

B. CURRENT POPULATION/PROJECTIONS

During calendar year 2019, the total average daily incarcerated population of NDCS was 5,661 inmates.

1. Males account for approximately 92%, while females comprise the remaining 8%.
2. With regard to custody level, about 20% of the male incarcerated population is classified to maximum custody and about 34% are medium custody.
3. Minimum and community account for the remaining approximately 45% (30% and 13%, respectively).

A recent study conducted for NDCS by the JFA Institute identified the primary driver of increased prison populations in recent years as an increase in the number of sentenced admissions each year, coupled with a decrease in parole releases.

Assuming these trends, and the characteristics of offenders sentenced to prison remain constant, the NDCS incarcerated population at the end of CY2030 is expected to be 7,327 (161% of current operational capacity). The yearly forecasts for the male and female population are shown in Table 2, below.

Table 3 illustrates the expected includes the estimated proportion of inmates by custody level, assuming the current custody distribution of inmates also remains constant in future years. As

shown, medium and maximum custody male inmates are expected to account for half of the total population by the end of CY 2030.

Table 2: NDCS Population Forecast, CY 2020-2030

CY	Male Projected	Female Projected	Total Projected
2020	5,308	459	5,767
2021	5,401	470	5,871
2022	5,549	478	6,027
2023	5,704	491	6,195
2024	5,817	504	6,321
2025	5,925	520	6,445
2026	6,086	526	6,612
2027	6,238	531	6,769
2028	6,374	540	6,914
2029	6,610	557	7,167
2030	6,765	562	7,327
Average Percent Change (2020-2030)	2.5%	2.0%	2.4%

Table 3: NDCS Projected Forecast, CY2020-2030, by Custody Level

FY	Gender	Maximum	Medium	Minimum	Community	Total
2020	Male	1068	1805	1,699	690	5,308
	Female	130	65	157	107	459
2021	Male	1087	1836	1,728	702	5,401
	Female	133	67	161	110	470
2022	Male	1116	1887	1,776	721	5,549
	Female	135	68	164	111	478
2023	Male	1148	1939	1,825	742	5,704
	Female	139	70	168	114	491
2024	Male	1170	1978	1,861	756	5,817
	Female	143	72	173	117	504
2025	Male	1192	2015	1,896	770	5,925
	Female	147	74	178	121	520
2026	Male	1225	2069	1,948	791	6,086
	Female	149	75	180	123	526
2027	Male	1255	2121	1,996	811	6,238
	Female	150	75	182	124	531
2028	Male	1282	2167	2,040	829	6,374
	Female	153	77	185	126	540
2029	Male	1330	2247	2,115	859	6,610
	Female	158	79	191	130	557
2030	Male	1361	2300	2,165	879	6,765
	Female	159	80	193	131	562

C. SCOPE OF REQUESTED INFORMATION

NDCS is projecting a new facility with a capacity of approximately 1200 to 1800 medium/maximum beds to include all programming and support functions necessary for a stand-alone facility. Support functions include food service, medical, maintenance, library, commissary, and any other area necessary to ensure that the facility is a stand-alone operation. ***Operational staff will be NDCS employees.***

A suitable site for a new facility would be approximately 320 acres in a location that has expansion capabilities with sufficient buffer areas. The location must be acceptable for support services such as transportation and reasonable proximity to medical/emergency services. The location shall have a workforce availability of sufficient potential employees. The proposed site must have sufficient infrastructure such as utilities (water, sewer, electrical, gas, etc.), communications, and environmental stability/suitability.

NDCS seeks perspective and ideas premised on financing (over a term not to exceed 30-years) and construction of this proposed facility.

The RFI should address technology solutions that improve service delivery, security, and/or operational costs, including procedures or solutions that have worked in other similarly situated communities over the past 10 -15 years, and what alternatives should be explored.

For planning purposes, the RFI should address general construction costs, estimate operational costs, utilities, maintenance costs, and estimate what an annual lease cost may be.

This RFI should also provide any information that would assist NDCS in planning future endeavors to address projected increases in capacity.

NDCS is open to all feasible potential solutions based on the current population projections.

D. ADDITIONAL RESOURCES

Respondents may find additional information regarding NDCS's current facilities, population, reports, and mission at our website: www.corrections.nebraska.gov

Respondents may also review the Nebraska Private Prison Contracting Act found in Nebraska Revised Statutes §§ 47-801 to 47- 807.

Form A

Respondent Contact Sheet

Request for Information Number 3016

Form A should be completed and submitted with each response to this RFI document. This is intended to provide the State with information on the vendor's name and address, and the specific persons who are responsible for preparation of the response.

Preparation of Response Contact Information	
Name:	Gilbane Development Company
Organization Address:	7 Jackson Walkway, Providence, RI 02903
Contact Person & Title:	Darin Early, Managing Director – Head of Public Private Partnerships
E-mail Address:	Dearly@gilbaneco.com
Telephone Number (Office):	401 – 456 - 5528
Telephone Number (Cellular):	917 – 287 – 7772
Fax Number:	401 – 588 – 5310

Each respondent shall also designate a specific contact person who will be responsible for responding to the State if any clarifications of the vendor's response should become necessary. This will also be the person who the State contacts to set up a presentation/demonstration, if required.

Communication with the State Contact Information	
Name:	Gilbane Development Company
Organization Address:	7 Jackson Walkway, Providence, RI 02903
Contact Person & Title:	Niddal Momani, Analyst
E-mail Address:	Nmomani@gilbaneco.com
Telephone Number (Office):	401 – 456 – 5663
Telephone Number (Cellular):	847 – 624 – 0798
Fax Number:	401 – 588 – 5395