



Texas Facilities Commission  
P.O. Box 13047  
Austin, Texas 78711-3047

REQUEST FOR PROPOSAL  
For  
**JHW Data Center  
Fire Suppression System Project**

**PROJECT #15-017-6067**

**RFP #303-6-01250 ADDENDUM #2**

Posting Date: March 1, 2016

Proposal Due Date: April 5, 2016, 3:00 PM  
HSP Due Date / Proposal Opening: April 6, 2016, 3:00 PM

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**REQUEST FOR PROPOSAL**  
**John H. Winters Fire Suppression System Project**  
**Project #15-017-6067**

**SECTION I**  
**GENERAL**

1. **SCOPE:** In accordance with the provisions of Texas Government Code, Chapter §2269 Subchapter D, Competitive Sealed Proposal Method, and Rules and Procedures adopted by the Texas Facilities Commission (TFC), TFC is soliciting proposals for the installation of a new fire suppression system at the Southeast Data Center of Building C at the John H Winters (JHW) complex. The John H Winters Fire Suppression System Project, Project No. 15-017-6067 will be to remove and replace the existing fire suppression system located at 701 West 51st Street, Austin TX 78751 with a new code compliant system. Existing system not to be deactivated until new clean agent system installed and tested.

The estimated construction budget for the services described in the Request for Proposal is seven hundred thousand Dollars (\$700,000).

2. **CONTRACT TERM:** Construction is required to commence within ten days (10) calendar days after the Notice to Proceed is issued. The contract period is projected for a term of one hundred twenty (120) calendar days except as may be otherwise amended or negotiated.

This contract is contingent upon the continued availability of funding. If funds become unavailable through lack of appropriations, legislative budget cuts, amendment of the Appropriations Act, state agency consolidations, or any other disruption of current appropriations, provisions of the Termination Article in the Construction Services Contract shall apply.

3. **DEFINITIONS:**

Addendum: A modification of the specifications issued by TFC.

HUB Subcontracting Plan (HSP): The Historically Underutilized Business (HUB) Subcontracting Plan (HSP) required by Chapter §2161 of the Texas Government Code (TGC) and by Title 34, Chapter 20, Subchapter B, §20.10- §20.28 of the Texas Administrative Code (TAC).

Good Faith Effort: Effort required by vendors when completing the HUB Subcontracting Plan, which demonstrates the respondent has completed one of the following for the planned subcontracting needs: A) Using strictly HUBs for all subcontracting needs, B) Meeting stated agency goal for HUB subcontracted needs using both HUBs and Non-HUB vendors, C) Performing “Traditional Good Faith Effort” of notifying two minority/women trade organizations and soliciting bids from three HUBs for each subcontracting opportunity, and allowing seven business days for response, or D) Self-Performing Contract (performing all work with own materials and labor).

Historically Underutilized Business (HUB): Historically Underutilized Business (HUB) – pursuant to TGC, Chapter §2161, means a business that is at least 51% owned by an Asian Pacific American, a Black American, a Hispanic American, a Native American, an American Woman, and/or a United States Veteran with a minimum 20% Disability rating; is an entity with its principal place of business in Texas; and has an owner residing in Texas with proportionate interest that actively participates in the control, operations, and management of the entity’s affairs.

Owner: The Texas Facilities Commission.

Project Manager: The individual designated by the Owner authorized to represent the Owner during the performance of the contract.

**SECTION II**  
**STATEMENT OF WORK**

1. Provide all materials, equipment, labor, coordination and supervisory activities necessary to complete construction of the project as more fully described in the Attachment D, Project Manual, and Attachment E, Project Drawings, which include specifications, drawings, and other contract documents, prepared by the A/E and TFC.

2. For the consideration of this RFP, TFC is assessing any known asbestos materials in the existing facility to be abated prior to demolition and construction. Any asbestos abatement of the building is to be considered outside of the construction contract and budget of this RFP.
3. The documents are only available in electronic format online, on CD-ROM, and through the plan rooms listed below. The cost of obtaining printed sets is solely the responsibility of interested respondents. Compact discs may be obtained by contacting Eric Workman, the Architect/Engineer at:

TTG Engineers, Inc.  
12710 Research Blvd, Suite 355  
Austin, TX 78759  
512-416-1654

3.1. Free CDs will be available at the pre-proposal conferences.

4. Bid documents are available for review at the TFC office, 1711 San Jacinto, Suite 202, Austin, Texas, the architect/engineer's office, and the following plan rooms:

**STATEWIDE:** These statewide online plan rooms go into every RFP/RFQ. Just list name and web address.

**Reed Construction Data, Online.** visit: [www.reedconstructiondata.com](http://www.reedconstructiondata.com)

**FW Dodge/McGraw-Hill Online** visit: <http://construction.com>

**Builders Exchange of Texas, Online** visit: <http://www.btxt.com>

**AUSTIN:**

**AMTEK Plan Rooms & Engineering Reports: 7801 N Lamar Blvd., Suite A137, Austin, TX 78752; Phone: 512.323.0508, Fax: 512.323.0920, [austinplanroom@amtekusa.com](mailto:austinplanroom@amtekusa.com)**

~~**Associated Builders and Contractors: 3006 Longhorn Blvd. Ste. 104, Austin, TX 78758; Phone: 512.719.5263, Fax: 512.719.3278, [planroom@abccentraltexas.org](mailto:planroom@abccentraltexas.org)**~~

~~**Association of General Contractors: 609 S Lamar, Austin, TX 78704; Phone: 512.442.7887, Fax: 512.442.3503, [nthomson@agcaustin.org](mailto:nthomson@agcaustin.org)**~~

~~**COA Dept of Small Minority Business Resources: 4201 Ed Bluestein Blvd. Ste.#2103, Austin, TX 78721; Phone: 512.974.7799, Fax: 512.974.7622, [hemant.motwani@austintexas.gov](mailto:hemant.motwani@austintexas.gov)**~~

**US Hispanic Contractors Association de Austin (USHCA-A) and Hispanic Contractor's Associations de Tejas (HCAT): 323 Congress Ave., Suite 250, Austin, TX 78701; Phone: 512.922.0507, [info@ushca-austin.com](mailto:info@ushca-austin.com)**

~~**Austin Black Contractors Association: 6448 Hwy 290 East, Ste E-107, Austin, TX 78723; Phone 512.467.6894 or 512.927.8290, Fax 512.467.9808, [brc\\_pro@swbell.net](mailto:brc_pro@swbell.net)**~~

~~**Asian Construction Trade Association: 4201 Ed Bluestein Blvd., Suite 2105, Austin, TX 78721; Phone 512.926.5400, Fax 512.926.5410, [asiancontractor@gmail.com](mailto:asiancontractor@gmail.com)**~~

**CDCNEWS (CDC Publishing, LLC): 4201 West Parmer Lane, Suite A200, Austin, TX 78727; Phone: 512.219.5150, Fax: 512.219.5155. [mshelby@cdcnews.com](mailto:mshelby@cdcnews.com)**

**HOUSTON:**

~~**FW Dodge: MHC/ReproMAX, A&E/Division of Thomas Reprographics: 10606 Hempstead Road, Suite 110; Houston TX 77092; Phone: 713.316.9411, Fax: 713.316.9469, [terriehams@mcgraw-hill.com](mailto:terriehams@mcgraw-hill.com)**~~

~~**Builders' Exchange of Texas: 3910 Kirby, Ste. 131, Houston, TX 77098-4151, Phone: 713.523.6222, Fax: 713.874.0747, [josh@virtualbx.com](mailto:josh@virtualbx.com)**~~

~~Associated Builders and Contractors: 3910 Kirby, Ste. 131, Houston, TX 77098, Phone: 713.523.6222, Fax: 713.874.0747, [russell@abchouston.org](mailto:russell@abchouston.org)~~

~~Associated General Contractors of Houston: 3825 Dacoma St. Houston, TX 77092; Phone: 713.843.3700 Fax: 713.843.3701, Karen Schell, [KSchell@isqft.com](mailto:KSchell@isqft.com)~~

~~Houston Minority Business Enterprise Center Planroom: 4801 Woodway, Ste. 210, Houston, TX 77056, Phone: 713.644.0821 ext. 1254; Milton Thibodeaux, [mt@gacompanies.com](mailto:mt@gacompanies.com)~~

~~Association of Minority Contractors of Houston: 14418 Hiram Clarke, Houston, TX 77045.~~

**SAN ANTONIO:**

~~FW Dodge: MHC/ReproMAX, Thomas Reprographics, 1223 Arion Parkway, Suite 108, San Antonio, TX 78216; Phone: 210.495.0084, Fax: 210.495.0557, contact Hector, [dodge\\_planroomMW@mcgraw-hill.com](mailto:dodge_planroomMW@mcgraw-hill.com)~~

Hispanic Contractors Association of San Antonio, 4047 Naco Perrin Boulevard, Suite 201-B, San Antonio, TX 78217, Phone: 210.444.1100, Fax: 210.444.1101, [admin@hcadesa.org](mailto:admin@hcadesa.org)

~~Association of General Contractors: 10806 Gulfdale, San Antonio, TX 78216, Phone: 210.349.4921, Fax: 210.349.4017, [dmarsh@sanantonioagc.org](mailto:dmarsh@sanantonioagc.org).~~

Hispanic Chamber of Commerce: 200 E. Grayson Ste. #203, San Antonio, TX 78215, Phone: 210.225.0462 ext/223, [adrianm@sahcc.org](mailto:adrianm@sahcc.org)

~~COSA Business & Development Services Center: 100 W. Houston, Ste 1900, San Antonio, TX 78205, PO Box 839966 San Antonio, TX 78283 Andrea Mullens; Phone: 210.207-3900 or Hope Barrera Phone: 210.207-3915, [pat.tovar@sanantonio.gov](mailto:pat.tovar@sanantonio.gov)~~

Virtual Builder's Exchange of Texas: 4047 Naco Perrin, Suite 100, San Antonio, TX, 78217; Phone: 210.564.6900, Fax: 210.564-6902, contact: [sarrah@virtualbx.com](mailto:sarrah@virtualbx.com)

5. Respondents will be held to have studied the plans and specifications, to have visited the proposed work site, to have satisfactory understanding regarding all existing conditions and measurements, and to have included in the Attachment B, Contractor's Proposal Form an amount sufficient to cover all work including permits, fees, etc.
6. **SUBCONTRACTORS**: Subcontractors providing service under the contract shall meet the same requirements and level of experience as required of the respondent. No subcontract under the contract shall relieve the primary respondent of responsibility for the service. If the respondent uses a subcontractor for any or all of the work required, the following conditions shall apply under the listed circumstances:
  - 6.1. Respondents planning to subcontract all or a portion of the work shall identify the proposed subcontractors on the Attachment A, HUB Subcontracting Plan.
  - 6.2. Subcontracting shall be at the respondent's expense.
  - 6.3. TFC retains the right to check subcontractor's background and make determination to approve or reject the use of submitted subcontractors.
  - 6.4. The respondent shall be the only contact for TFC and subcontractors. Respondent shall list a designated point of contact for all TFC and subcontractor inquiries.

**SECTION III  
PROPOSAL INFORMATION**

1. **SCHEDULE OF EVENTS**: TFC reserves the right to change the dates shown below.

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
Issue RFP	03/01/2016
Mandatory Pre-Proposal Conference (OR)	03/11/2016, Friday @ 3:00 PM

<b>Mandatory Pre-Proposal Conference</b>	<b>03/16/2016, Wednesday @ 3:00 PM</b>
Deadline to Submit Alternate Clean Agent Fire Suppression System	03/22/2016, 3:00 PM
Deadline for Submission of Questions	03/22/2016, 3:00 PM
<b>Alternate System Determination</b>	<b>03/24/2016</b>
<b>Deadline for Submission of Proposals</b>	<b>04/05/2016, Tuesday @ 3:00 PM</b>
<b>Deadline for Submission of HSP and RFP Opening</b>	<b>04/06/2016, Wednesday @ 3:00 PM</b>
<b>If No Interview are Needed:</b>	
Notice of Award	04/14/2016
<b>If Interviews Needed:</b>	
Interviews	04/14/2016
Notice of Award	04/19/2016

2. **MANDATORY PRE-PROPOSAL CONFERENCE**: The mandatory pre-proposal conferences are scheduled for Friday, March 11, 2016 at 3:00 PM and Wednesday, March 16, 2016 at 3:00 PM. The location of both pre-proposal conferences is at the John H. Winters Complex, 701 W 51st Street, Austin, TX 78751. A site visit will be held after each pre-proposal conference. Check in with security in the lobby of the east or west towers.

Free parking is readily available around the building for the conferences. **Respondents must attend at least one of the two scheduled pre-proposal conferences.** The TFC shall reject proposals submitted by contractors that did not attend one of the mandatory pre-proposal conferences.

3. **PROPOSAL REQUIREMENTS:**

3.1. **Submission:**

3.1.1. Respondents shall submit one (1) original of each of the following:

- 3.1.1.1. Attachment A, HUB Subcontracting Plan;
- 3.1.1.2. Attachment B, Contractor's Proposal Form;
- 3.1.1.3. Attachment G, Non-Collusion Affidavit;
- 3.1.1.4. Bid Bond;
- 3.1.1.5. Litigation History; and
- 3.1.1.6. Acknowledgement of Addenda.

3.1.2. Include one (1) original and three (3) copies of the:

- 3.1.2.1. Attachment C, Contractor's Qualification Form;
- 3.1.2.2. Company Information;
- 3.1.2.3. Relevant Experience and Qualifications;
- 3.1.2.4. Methodology and Budget/Schedule Compliance;
- 3.1.2.5. Quality Control and Safety Program; and
- 3.1.2.6. Any other documentation required by this proposal.

3.1.3. Additionally, respondent shall provide a CD containing a complete copy of the vendor's response to this RFP. The format shall be Adobe Acrobat version 9.0 or higher.

3.2. Proposal pages should be numbered and contain an organized, paginated table of contents corresponding to the section and pages of the proposal.

3.3. Respondents to this RFP are responsible for all costs of proposal preparation and delivery.

3.4. Content: Below is a summary of required information. Proposals submitted incomplete or without this information will be evaluated accordingly. TFC reserves the right, in its sole judgment and discretion, to waive minor technicalities and errors in the best interest of the state. The Attachment A, HUB Subcontracting Plan, the Attachment B, Contractor's Proposal Form, the Attachment C, Contractor's Qualification Form, the Attachment G, Non-Collusion Affidavit, and the Bid Bond shall be returned with the response to proposal. Failure to do so may result in disqualification.

3.4.1. **Company Information:** Including, but not limited to the following:

- 3.4.1.1. Company description
- 3.4.1.2. Ownership information
- 3.4.1.3. Physical and Mailing address

- 3.4.1.4. Other company locations/offices
- 3.4.1.5. Primary Contact
- 3.4.1.6. Office & Mobile phone number, and email of Primary Contact
- 3.4.1.7. 11-Digit State of Texas Taxpayer Vendor Identification Number

3.4.2. **Relevant Experience and Qualifications:** <20 pts.>

3.4.2.1. **Relevant Experience:**

- 3.4.2.1.1. Complete and submit the Attachment C, Contractor's Qualifications Form. The form can be obtained electronically at the TFC website: <http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/> document #1, Index of Forms. Respondent should also provide a free-form narrative that describes, in detail, any qualifications not enumerated on Attachment C, Contractor's Qualifications Form.
- 3.4.2.1.2. Particularly indicate your firm's experience with working within secured and occupied buildings, coordinating with owner and A/E regarding construction phasing plans, working within computer room data center environments, experience in installing "clean agent" fire suppression systems, and coordinating all phases of fire protection, electrical and other disciplines to allow for a fire suppression turn-key project.
- 3.4.2.1.3. Demonstrate that the respondent has successfully been in business, or the principals shall have had ownership/executive management in a previous company with comparable type experience, for the services solicited in the RFP.
- 3.4.2.1.4. Demonstrate Company's or Individual's relevant experience for the type of work solicited in the RFP.
- 3.4.2.1.5. Names of top management and key employees and each person's duties. Include the background and experience of these employees.
- 3.4.2.1.6. Provide an Organizational Chart with roles and responsibilities of the team assigned to support the project.
- 3.4.2.1.7. Negative responses from Owners and Architect/Engineer firms which are familiar with contractor's performance, depending on problems encountered, may be grounds for disqualification.

3.4.2.2. **Contractor Qualifications:** The following minimum requirements are required of contractors:

- 3.4.2.2.1. Out of state contractors doing business in Texas shall have a Certificate of Authority to do business in Texas. A copy of the certificate shall be submitted with the proposal.
- 3.4.2.2.2. Additional qualifications for the Installation Contractor of the "clean agent" fire suppression system.
  - 3.4.2.2.2.1. Installation Contractor shall be a ~~nationally recognized~~ company specializing in fire alarm and detection systems;
  - 3.4.2.2.2.2. Installing Contractor shall be an experienced firm regularly engaged in the installation of automatic clean agent, or similar fire suppression systems in strict accordance with all applicable codes and standards
  - 3.4.2.2.2.3. Installing Contractor must have a minimum of 5 years' experience in the design, installation, and testing of clean agent or similar fire suppression systems.
  - 3.4.2.2.2.4. Installing Contractor shall employ a NICET Level II or higher certified special hazard designer who will be responsible for this project;
  - 3.4.2.2.2.5. Installation Contractor shall employ factory trained and NICET Level III certified technicians;
  - 3.4.2.2.2.6. Installing Contractor shall be trained by the supplier to design, install, test and maintain fire suppression systems;

3.4.2.2.7. Installation Contractor shall have a minimum of 10 years' experience in the fire protective signaling systems industry.

3.4.2.2.8. Installation Contractor shall maintain a service organization within 50 miles of the project location;

3.4.3. **Methodology & Budget/Schedule Compliance:** <15 pts.>

3.4.3.1. Proposed Methodology: A detailed plan outlining the methodology intended to be employed by the respondent that demonstrates the processes of implementation regarding the requirements of the RFP Scope of Work into a realized and finished project. This shall include, but not be limited to;

- 1) processes and techniques used to understand the Statement of Work;
- 2) problem solving;
- 3) value engineering;
- 4) maintaining budgets;
- 5) maintaining schedules;
- 6) staff sizing and roles;
- 7) company workload in proportion to the project outlined in the Statement of Work;
- 8) coordination of work with subcontractor's and/or consultants; and
- 9) working within occupied and secured buildings.

3.4.3.2. **Budget/Schedule Compliance:** Contractor shall demonstrate their ability to meet schedule completion dates and maintain project budgets.

3.4.3.2.1. For the five (5) **most relevant recently completed projects**, contractor shall demonstrate experience in meeting **completion date schedules** by providing the original construction duration and final actual construction duration. Provide appropriate explanation on the causation when a variance of 5% or more is experienced.

3.4.3.2.2. For the same five (5) **most relevant recently completed projects** as above, contractor shall demonstrate experience in maintaining **construction budgets** by providing the awarded budget and the final actual completion budget. Provide appropriate explanation on the causation when a variance of 5% or more is experienced.

3.4.4. **Quality Control Program & Safety Program:** <5 pts.>

3.4.4.1. **Quality Control Program:** Quality Assurance / Quality Control: The respondent shall provide the name and job title of the person in the organization who oversees the quality assurance program. Vendor shall describe its quality assurance program, quality requirements and means of measurement. TFC reserves the right to require a copy of the Quality Control Manual and Quality Assurance Processes, which, if contracted, will become a contract document. Provide process flow charts on how quality is maintained and achieved. The respondent shall describe the firm's policy regarding establishing quality control processes similar to ISO 9000 and other in-place controls for adherence to budget, quality, safety and schedule.

3.4.4.2. **Safety Program:**

3.4.4.2.1. Provide the company's workers' compensation experience modification rate (EMR) for the last five years as part of the proposal. This shall be included in the proposal on the insurance broker's letterhead.

3.4.4.2.2. Also, indicate the name and job title of the person in your organization who manages your safety program. Provide a description of your firm's safety program. TFC reserves the right to require a copy of your safety manual, which, if contracted, will become a contract document.

3.4.5. **Bid Bond:** Proposal shall be accompanied by a bid security in the form of an original bid bond, certified check or cashier's check (drawn on a solvent bank in the State of Texas), remittance to the Texas Facilities Commission, in the sum of not less than five percent (5%) of the base bid amount of the proposal. No other form of security will be accepted.

- 3.4.5.1. Should the contractor fail, neglect, or refuse to begin performance of the contract after receiving the award, said security will be forfeited to TFC. Performance shall be considered begun upon acknowledgement of the contract award and the furnishing of all required security bonds and insurance coverage.
- 3.4.5.2. If TFC has not made an award within ninety (90) calendar days after responses are opened, respondents may withdraw their responses without prejudice; however, respondents have the option to extend the time in which their bids will be honored after this ninety (90) day period.
- 3.4.6. **Litigation:** <Pass/Fail>
- 3.4.6.1. Provide details of all litigation history, including but not limited to administrative claims and proceedings and arbitration within the past five (5) years.
- 3.4.6.2. Respondents involved in litigation, depending upon the circumstances of the litigation, may be disqualified at the sole discretion of TFC.
- 3.4.7. **Attachment G, Non-Collusion Affidavit:** The Attachment G, Non-Collusion Affidavit must be enclosed with the response to the proposal. The Attachment G, Non-Collusion Affidavit form can be obtained electronically at the following link, the 'Forms Index', Document #4. <http://tfc.state.tx.us/divisions/facilities/prog/construct/formsindex>
- 3.4.8. **Acknowledgement of Addenda:** Receipt of all addenda to this RFP shall be acknowledged by returning a signed copy of the signature page of each addendum with the response. Any amendment to this procurement solicitation will be posted as an addendum on the Electronic State Business Daily. It is the responsibility of interested parties to periodically check the ESBDD for updates to the solicitation prior to submitting proposals. Respondent's failure to periodically check the Electronic State Business Daily (ESBD) will in no way release the selected vendor from "addenda or additional information" resulting in additional costs to meet the requirements of the RFP.
- 3.4.9. **Compensation and Fees:** <60 pts.> Provide pricing on the Attachment B, Contractor's Proposal Form. Respondents may not add qualifications, conditions, clarifications or exceptions to the proposal. Any such representation by the respondent may be cause for rejection of the proposal at the full and sole discretion of TFC.
- 3.4.10. **Attachment A, HUB Subcontracting Plan:** In accordance with the Texas Government Code, Sections §2161.181-182 and Title 34, Chapter 20, Subchapter B, §20.14(d)(1)(D)(iii) of the Texas Administrative Code (TAC), the Texas Facilities Commission (TFC) shall make a good faith effort to utilize Historically Underutilized Businesses (HUBs) in contracts for construction services, including professional and consulting services; and commodities contracts. The purpose of the HUB Program is to promote full and equal business opportunities for all businesses in State contracting in accordance with the following HUB utilization goals as specified in 34 TAC § 20.13:
- 11.2% for heavy construction other than building contracts,
  - 21.1% for all building construction,
  - **32.7% for all special trade construction contracts,**
  - 23.6% for professional services contracts,
  - 24.6% for all other services contracts, and
  - 21.0% for commodities contracts.
- 3.4.10.1. As mandated by 34 TAC § 20.14, Respondents must submit an Attachment A, HUB Subcontracting Plan that identifies all subcontracting items and complies with good faith effort requirements outlined in Attachment A, HUB Subcontracting Plan and in accordance with the Comptroller of Public Accounts HUB rules [34 TAC §20.14(d)(1)(D)(iii):
- 3.4.10.2. Pursuant to TGC § 2161.252(B), the Texas Facilities Commission shall reject any Response that does not include a fully completed Attachment A, HUB Subcontracting Plan. An incomplete Attachment A, HUB Subcontracting Plan is considered a material failure to comply with the solicitation requirements.

- 3.4.10.3. The Attachment A, HUB Subcontracting Plan shall become a provision of the contract between the awarded Respondent and TFC. The awarded Respondent can only change the Attachment A, HUB Subcontracting Plan if (a) the Respondent complies with 34 TAC Section 20.14; (b) the Respondent provides its proposed changes to TFC for review; (c) TFC approves the Respondent's proposed changes to its Attachment A, HUB Subcontracting Plan; and (d) TFC and the Respondent amends their contract by submitting a revised Attachment A, HUB Subcontracting Plan containing the changes approved by TFC.
- 3.4.10.4. If TFC determines that the Respondent failed to implement the HUB subcontracting plan in good faith, TFC, in addition to any other remedies, may report nonperformance to the Texas Comptroller in accordance with 34 TAC, Section 20.14, (g) (5).
- 3.4.10.5. HUB subcontracting opportunities may be available in the following commodity 'Class'/'Item' codes.

The list below contains the 'Class' (three-digit) and 'Item' (two-digit) codes of potential subcontracting trades for this solicitation. These codes are defined by the National Institute of Governmental Purchasing (NIGP). A complete listing of all NIGP Class & Item Codes can be found at: <http://www.window.state.tx.us/procurement/tools/comm-book/>

<u>Class/Item</u>	<u>Description</u>
155-70	Portable Toilets
330-55	Fencing, Temporary (For Construction and Other Industrial or Safety Uses)
450-72	Scaffolding, Sectional (Including Work Platforms)
906-28	Energy Conservation; New Energy Sources (Solar, etc.)
909-76	Site Work (Incl. Site Clean-Up)
910-14	Door Installation, Maintenance, and Repair (Metal)
910-23	Firestop Systems (Includes Installation and Fireproofing)
910-48	Locksmith Services
910-56	Panel Wall Systems Installation, Maintenance, and Repair
910-75	Wall and Ceiling Repair and Replacement (Including Drywall)
912-20	Construction, Fire Protection (Includes Fire Escapes)
914-38	Electrical
914-44	Flooring
914-50	Heating, Ventilating and Air Conditioning (HVAC)
925-44	General Construction: Management, Scheduling, Cost Estimation - Engineering
962-39	Hauling Services
977-63	Scaffolding and Ladders Rental or Lease
990-46	Guard and Security Services

The list above is not, nor is it intended to be a comprehensive list that identifies all subcontracting opportunities. HUB vendors can be found by searching the State's Centralized Master Bidders List (CMBL), found at <https://mycpa.cpa.state.tx.us/tpasscmblsearch/index.jsp>.

- 3.4.10.6. If further assistance is needed in preparing the HUB Subcontracting Plan, potential respondents may contact TFC HUB Coordinator Yolanda Strey at 512-475-0453, or by email at [HUB@tfc.state.tx.us](mailto:HUB@tfc.state.tx.us). The deadline for return of the completed Attachment A, HUB Subcontracting Plan is 04/06/2016 @ 3:00 PM. This extra twenty-four hour period is to allow vendors to finalize the subcontracting opportunities.

### 3.5. Inquiries:

- 3.5.1. All non-HUB RFP inquiries shall be submitted in writing to Rico Gamino by email to: [rico.gamino@tfc.state.tx.us](mailto:rico.gamino@tfc.state.tx.us).
- 3.5.2. All inquiries submitted by email shall be in an editable format, i.e. Microsoft Word, or standard email, as opposed to an un-editable format such as Adobe Acrobat .pdf files.

- 3.5.3. Any respondents finding discrepancies between the drawings and specifications, or in doubt as to their exact meaning, shall notify TFC at once. TFC, may then, as an option, issue addenda clarifying same. TFC is not responsible for oral instructions or for misinterpretation of the drawings and specifications. Any respondent who has objections to the use of a material, appliance or method of construction as shown or specified, shall register written objections with Rico Gamino at TFC. In the case of contradictory work item requirements between documents, the more stringent requirement shall apply.
- 3.5.4. All inquiries will result in written responses with copies posted to the Electronic State Business Daily at: <http://esbd.cpa.state.tx.us/> If respondents do not have Internet Access, copies may be obtained through the point of contact listed above.
- 3.5.5. Upon issuance of this RFP, beside written inquiries as described above, other employees and representatives of TFC will not answer questions or otherwise discuss the contents of the RFP with any potential vendor or their representatives. Failure to observe this restriction may result in disqualification of any subsequent response. This restriction does not preclude discussions between affected parties for the purpose of conducting business unrelated to this proposal.

3.6. **Proposal Submission:**

- 3.6.1. All proposals shall be received and time stamped at TFC prior to **3:00 PM** Central Time on the date specified in the Schedule of Events. TFC reserves the right to accept late proposals; however no proposals shall be accepted once the proposal opening process has begun.
- 3.6.2. Proposals should be placed in a separate envelope/package and correctly identified with RFP number, Purchaser’s name, proposal deadline/opening date and time. If submitting multiple responses, each response should be placed in a separate envelope with correct identification. It is the respondent’s responsibility to appropriately mark and deliver the proposal to TFC by the specified date.
- 3.6.3. TFC will not consider any proposal that bears a copyright. As a state agency, TFC will strictly adhere to the requirements of Chapter 552 of the Texas Government Code (the "Texas Public Information Act") regarding the disclosure of public information. As a result, by participating in this solicitation process Respondent acknowledges that all information, documentation, and other materials submitted in response to this solicitation may be subject to public disclosure under the Texas Public Information Act. TFC does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the Texas Public Information Act. Respondents are advised to consult with their legal counsel concerning disclosure issues resulting from this process and to take precautions to safeguard trade secrets and proprietary or otherwise confidential information. TFC assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Respondents. If it is necessary for Respondent to include trade secrets or proprietary or otherwise confidential information in its submittal, Respondent must clearly mark in bold red letters the term “**CONFIDENTIAL**” using at least **14 point font**, on that specific part or page of the submittal which Respondent believes to be confidential. All submittals and parts of submittals that are not marked confidential will be automatically considered to be public information. Should trade secrets or proprietary or otherwise confidential information be included in the submitted CD, as referenced above, Respondent should mark the CD with the word “**CONFIDENTIAL.**” If TFC receives a public information request seeking information marked by Respondent as confidential, Respondent will receive notice of the request as required by the Texas Public Information Act. If TFC receives a public information request for submittals and parts of submittals that are not marked confidential, the information will be disclosed to the public as required by the Texas Public Information Act.

3.7. **Delivery of Proposals:** Proposals shall be submitted to TFC by one of the following methods:

U.S. Postal Service	Overnight/Express Mail	Hand Deliver
TFC – Bid Services ATTN: Rico Gamino RFP #303-6-01250 Central Services Building	TFC – Bid Services ATTN: Rico Gamino RFP #303-6-01250 Central Services Building, Rm. 176	TFC – Bid Services ATTN: Rico Gamino RFP #303-6-01250 Central Services Building

P.O. Box 13047 Austin, TX 78711-3047	1711 San Jacinto Blvd. Austin, TX 78701  Hours – 8:00 AM to 5:00 PM	4 <sup>th</sup> Floor Receptionist 1711 San Jacinto Blvd. Austin, TX 78701  Hours – 8:00 AM to 5:00 PM
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**3.8. Proposal Opening**

- 3.8.1. Proposals will be opened at the Central Services Building, 4th Floor Receptionist, 1711 San Jacinto Blvd., Austin, Texas.
- 3.8.2. Proposals will be received until the date and time established for receipt, then opened.
- 3.8.3. Telephone, facsimile, or email proposals are not an acceptable response to this RFP.
- 3.8.4. All submitted proposals become the property of TFC after the RFP deadline/opening date.

**4. PROPOSAL EVALUATION AND AWARD**

- 4.1. The intent of TFC is to award a contract to the vendor whose proposal is considered to be the best value to the state. When considering ‘best value’ and award, the Owner reserves the right to set a minimum requirement regarding the criteria listed in par 4.2.
- 4.2. An evaluation committee will be established to evaluate the proposals. The committee will include employees of TFC and may include other impartial individuals who are not TFC employees. By submitting a proposal in response to this RFP, Respondent accepts the solicitation and evaluation process and acknowledges and accepts that scoring of the proposals may involve some subjective judgments by the evaluation committee. The evaluation committee will evaluate and score each proposal based on the following criteria:

<u>Criteria</u>	<u>Weight</u>
• Compensation and Fees	60%
• Relevant Experience and Qualifications	20%
• Methodology / Budget & Schedule Compliance	15%
• Quality Control / Safety Programs	5%
• Litigation History Statement	<u>Pass/Fail</u>
	100%

- 4.3. The evaluation committee may conduct an interview of the finalist(s) to make a determination for award recommendation. Scoring of the interview shall replace the scoring of the proposal. The following will be expected during an interview:
  - 4.3.1. One hour is allocated for the interview.
  - 4.3.2. Attendance by team members assigned to the project to represent themselves as to their relevant experience and proposed involvement in the project. Representation by the Project Manager and the Superintendent is essential in this interview.
  - 4.3.3. An Agenda for the interview will be provided by TFC requiring an elaboration of company relevant experience and proposed methodology for the Project.
- 4.4. A breakdown of the lump sum into a schedule of values based on the Construction Specifications Institute divisions of work per the Project Manual included in this RFP may be required of qualified respondents prior to the interview. The Evaluation Committee will determine if price negotiations are necessary and may negotiate final pricing per Texas Government Code, Chapter 2269, Subchapter D, §2269.155(b), (c). Award of a contract may be made without negotiations, if in the best interest of the State. The evaluation committee will evaluate the finalists and make a recommendation for award.
- 4.5. In evaluating proposals to determine the best value for the State of Texas, TFC may consider information related to past contract performance of a Respondent including, but not limited to, CPA’s Vendor Performance Tracking System (available at [http://www.window.state.tx.us/procurement/prog/vendor\\_performance/](http://www.window.state.tx.us/procurement/prog/vendor_performance/)). Prior work performance with

TFC, and other State agencies or governmental entities which are familiar with a Respondent's performance, depending on problems encountered, may be grounds for disqualification.

- 4.6. Right to Audit: Vendor understands that acceptance of funds under this contract acts as acceptance of the authority of the State Auditor's Office, TFC, or any successor agency, to conduct an audit or investigation in connection with those funds. Vendor further agrees to cooperate fully with the above parties in the conduct of the audit or investigation, including providing all records requested. Vendor shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the vendor and the requirement to cooperate is included in any subcontract awarded.
- 4.7. Protests shall be governed by Texas Administrative Code Title 1, Administration, Part 5 Texas Facilities Commission, Chapter 111 Administration, Subchapter 1 Complaints and Dispute Resolution, §111.32 Protests/Dispute Resolution/Hearings.
- 4.8. Order Precedence: In the event of conflicts or inconsistencies between this contract and its attachments, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority: Signed Contract, Exhibits to the Contract, Request for Proposals, Attachments to the RFP, and Respondent's Response to Request for Proposal.

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**ATTACHMENT A**  
**HUB Subcontracting Plan**  
(Posted on the ESBD as 'Package #2')

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**ATTACHMENT B**  
**CONTRACTOR'S PROPOSAL FORM**  
**ADDENDUM 2**

*NOTE: THIS ATTACHMENT MUST BE SIGNED AND RETURNED WITH THE PROPOSAL. PROPOSALS WHICH DO NOT INCLUDE THIS ATTACHMENT SHALL BE DISQUALIFIED. THE PROPOSAL SHALL BE DISQUALIFIED IF FALSE STATEMENTS ARE CONTAINED IN THIS ATTACHMENT.*

Proposing Firm's Name: \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Project Number:	15-017-6067
Project Title:	John H. Winter's Data Center Fire Suppression Project
Using Agency:	Health and Human Services Commission
Project Location:	701 W. 51 <sup>st</sup> Street, Austin, TX 78751, Building C, South East Data Center

Having carefully examined the RFP, solicitation documents, drawings and specifications for the referenced project, as well as the premises and conditions affecting the work, as prepared by A/E firm, we hereby propose to furnish all labor, materials, equipment, coordination and supervisory activities necessary to complete the work for the following amounts and times.

<b>BASE BID TOTAL</b>	<b>Dollars \$</b>	
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<b>HALON CREDIT</b>	<b>Dollars \$</b>	
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<b>ALLOWANCES: Provide pricing of new wall construction and wall repairs as a price per square foot. Estimated cost for wall work as listed below should not be included in Base Bid Total above.</b>		
Materials and Labor for construction of new 1-hr Rated Framed Wall	\$/ Sq. Ft.	
Materials and Labor for Repair to existing 1-hr Rate Framed Wall	\$/ Sq. Ft.	
Materials and Labor for construction of new Non-Rated Framed Wall	\$/ Sq. Ft.	
Materials and Labor for Repair to existing Non-Rated Framed Wall	\$/ Sq. Ft.	

<b>EXTRA MATERIALS – Provide an optional price add-on below to include the furnishing of extra materials, packaged with protective covering for storage, and identified with labels clearly describing contents as follows:</b>		
1. Break Rods for Manual Stations: Furnish quantity equal to 15 percent of the number of manual pull stations installed; minimum of 6 rods.	Dollars \$	
2. Notification Appliances: Furnish quantity equal to 10 percent of each type and number of units installed, but not less than one of each type.	Dollars \$	
3. Smoke Detectors or Sensors, Fire Detectors, and Flame Detectors: Furnish quantity equal to 10 percent of each type and number of units installed but no less than one of each type.	Dollars \$	
4. Detector or Sensor Bases: Furnish quantity equal to 2 percent of each type and number of units installed but not less than one of each type.	Dollars \$	

**Base Time:** The Respondent, by the signature of their authorized representative below, further agrees that, if awarded the contract, the work will be substantially complete in the calendar day time indicated herein following the date of a Notice to Proceed.

Base Time: 120 calendar days

Provided the proposal is accepted, the Respondent, by their signature herein, agrees to initiate contract performance by furnishing all required insurance in accordance with the specified conditions of the Contract. Should the Respondent fail to complete these particulars within fifteen (15) days after receipt of the Award Notification Letter, the Owner may retain as forfeit the enclosed Certified Check, Cashier's Check or Bid Bond in the sum of not less than five percent (5%) of the total price of the proposal.

Furthermore, the Respondent shall provide surety bonds in accordance with the specified conditions of the Contract within ten (10) days of receipt of a fully executed Contract. Should the Respondent fail to complete these particulars within ten (10) days after receipt of the fully executed Contract, the Owner may retain as forfeit the enclosed Certified Check, Cashier's Check or Bid Bond in the sum of not less than five percent (5%) of the total price of the proposal.

Should the Respondent fail to complete the work within the Contract period, including all officially approved extensions thereto, the Owner has determined liquidated damages at **\$400** per day.

All statements and information prepared and submitted in the response to this RFP are current, complete and accurate.

He/she has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted response. Failure to sign the Contractor's Proposal Form or signing it with a false statement shall void the submitted offer or any resulting contracts.

Neither the proposer or the firm, corporation, partnership, or institution represented by the proposer or anyone acting for such firm, corporation, or institution has violated the antitrust laws of this State, codified in Section 15.01, et seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the offer made to any competitor or any other person engaged in such line of business. The Respondent's signature herein assigns to the Owner any and all claims for overcharges associated with his contract for this project which arise under the Antitrust Laws of the United States, 15 USCA, Section 1, Et. Seq. (1973).

By signing this proposal, respondent certifies that if a Texas address is shown as the address of the respondent, respondent qualifies as a Texas Resident Bidder as defined in Texas Administrative Code, Title 34, Part 1, Chapter 20.

Pursuant to Texas Government code, Title 10, Subtitle D, Section 2155.004(a), the respondent has not received compensation for participation in the preparation of specifications for this solicitation.

Respondent is in compliance with TGC, Title 6, §669.003, relating to contracting with an executive of a state agency. If Section §669.003 applies, respondent shall provide the following information as an attachment to this response: Name of former executive; name of state agency; date of separation from state agency; position with respondent; and date of employment with respondent.

HB1295 Requirements: HB1295 of the 84<sup>th</sup> Legislature mandates that you must comply with the following:

Texas Government Code Section 2252.908, and new rules promulgated by the Texas Ethics Commission ("TEC") pursuant to Section 2252.908, require a disclosure of interested parties by contractors that enter into certain types of government contracts. To comply with the law and new rules, contractors must file a Disclosure of Interested Parties Form 1295 ("Form 1295") with the TEC and the Texas Facilities Commission ("TFC").

As of January 1, 2016, the TEC has made available on its website the new filing application that must be used to file Form 1295. Upon the selection of a contractor, contractor will be required to immediately complete the Form 1295 and return it to the TFC Legal Services Division:

[Martin.blair@tfc.state.tx.us](mailto:Martin.blair@tfc.state.tx.us)

to review, and then TFC will send final notification to the TEC.

TFC may, in its sole discretion, may wait to execute the contract until the form is filed with TEC.

Go to: <https://www.ethics.state.tx.us/index.html>. Under the heading HOT TOPICS, click on ‘New Form 1295 Filing Application’. Information on using the new filing application is also posted on the TEC’s website as of January 1, 2016.

Contractors must use the application to enter the required information on Form 1295 and print a copy of the form and a separate certification of filing that will contain a unique certification number. An authorized agent of a contractor must sign the printed copy of the form and have the form notarized. The completed Form 1295 and certification of filing must be filed with TFC no later than thirty (30) days after the effective date of the contract.

Upon receipt of the signed, notarized form, TFC will notify the TEC of the receipt of the filed Form 1295 and certification of filing. The TEC is required by law to post the completed Form 1295 to its website within seven business days after receiving notice from TFC.

**The Respondent's signature herein certifies that the firm is not currently delinquent in the payment of any debt owed to the State of Texas, including but not limited to, franchise taxes and child support, and that any payments due the firm under this contract will be applied to that debt.**

System for Award Management (SAM): Prior to awarding state funds for goods and/or services rendered, the State of Texas will conduct a required search of your firm using the Federal System for Award Management (SAM). This is a federal government maintained database that record and track organizations either known to or suspected of contributing to terrorist organizations. No state funds may be paid to an individual or firm whose name appears on this list. TFC reserves the right, in its sole discretion, to deny and/or exclude any individual or firm from an award whose name appears on this list.

Texas Family Code Compliance Requirement:

Under TGC, Title 5, Subtitle D, Section §231.006, Family Code (relating to child support), the individual or business entity named in this solicitation is eligible to receive the specified payment and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate. Include the name(s) of each person with a minimum of twenty-five percent (25%) ownership of the business entity submitting the response below. Upon award, respondent shall provide TFC Procurement the Social Security number(s) of the individual(s) listed below.

Firm Owner(s), Partners, Sole Proprietors, or Share Holder(s)  
of twenty-five percent (25%) interest or more:

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_

(Respondent may use bottom of page if necessary.)

**RESPECTFULLY SUBMITTED:**

Authorized Signature: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Respondent's Corporate Charter No.: \_\_\_\_\_

If a Corporation, attach a corporation resolution or other official corporate documentation, which states that person signing this proposal is an authorized person to sign for and legally bind the corporation.

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**ATTACHMENT C**

**Contractor's Qualification Form**

The Contractor's Qualifications Form can be obtained electronically from the Forms Index,  
<http://tfc.state.tx.us/divisions/facilities/prog/construct/formsindex>

Document #1

**ATTACHMENT D**

**Project Manual**

(Posted as 'Package #3' on the ESBD)

**ATTACHMENT E**

**Project Drawings**

(Posted as 'Package #4' on the ESBD)

**ATTACHMENT F**

**Construction Services Contract**

(Posted as 'Package #5' on the ESBD)

**ATTACHMENT G**

**Non-Collusion Affidavit**

The Non-Collusion Affidavit Form can be obtained electronically from the Forms Index,  
<http://tfc.state.tx.us/divisions/facilities/prog/construct/formsindex>

Document #4

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**ATTACHMENT H**  
**RFP CHECKLIST**

**Checklist for RFP #303-6-01250**

**Title: JHW Data Center Fire Suppression System Project**

**RFP Deadline Date: 04/05/2016 @ 3:00 PM**

**RFP Opening Date, Attachment A, HUB Subcontracting Plan Due Date: 04/06/2016 @ 3:00 PM**

Vendor Name and Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact: \_\_\_\_\_  
Texas Taxpayer VIN#: \_\_\_\_\_  
Office Phone: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Attended Pre-proposal conference: \_\_\_\_

**PROPOSAL:**

1. Submit one (1) original of the following:

- Attachment B, Contractor’s Proposal Form Addendum #2 \_\_\_\_\_
- Bid Bond \_\_\_\_\_
- Acknowledge Addenda \_\_\_\_\_
- Attachment G, Non-Collusion Affidavit \_\_\_\_\_
- Litigation History \_\_\_\_\_

2. Submit one (1) original and three (3) copies: \_\_\_\_

- Company Information \_\_\_\_\_
- Attachment C, Contractor’s Qualification Form \_\_\_\_\_
- Budget Compliance Form \_\_\_\_\_
- Schedule Compliance Form \_\_\_\_\_
- Experience & Qualifications \_\_\_\_\_
- Methodology \_\_\_\_\_
- Quality Program & Safety Program \_\_\_\_\_

3. Submit one (1) PDF copy on a CD: \_\_\_\_\_

**HUB SUBCONTRACTING PLAN SUBMITTAL:**

- Attachment A, HUB Subcontracting Plan \_\_\_\_\_