



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

REQUEST FOR PROPOSAL
For
**G.J. Sutton Complex Demolition,
San Antonio, TX**

PROJECT #18-009-8455

RFP #303-9-01042

(Revised per Addendum #2)
Posting Date: 2/21/2019

Proposal Due Date: 3/11/2019 @ 3:00 PM

HSP Due Date / Proposal Opening: 3/12/2019 @ 3:00 PM

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REQUEST FOR PROPOSAL
G.J. Sutton Complex Demolition, San Antonio, TX
Project #18-009-8455

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 from qualified general contractors to perform the G.J. Sutton Complex demolition at 321 Center Street, San Antonio, TX, for Project 18-009-8455. Work will include abatement, demolition and removal of buildings, basements, and foundations, capping of utilities, and related site work.
2. **ESTIMATED BUDGET**: The estimated construction budget for the services described in the Request for Proposal (RFP) is three million dollars (\$3,000,000).
3. **CONTRACT TERM**: Construction is required to commence within fifteen (15) calendar days after the Notice to Proceed is issued. The contract period is estimated for a term of one hundred twenty (120) calendar days, however the duration shall be proposed by the Respondent. Work must be complete by December 31, 2019.
4. **STATE FUNDING**: 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.
5. **DEFINITIONS**:
 - 5.1. **Addendum**: A modification of the RFP or specifications issued by TFC.
 - 5.2. **Attachment C, 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).
 - 5.3. **Deconstruction**: The systematic disassembly of a building or its parts to recover the maximum economic and environmental value of materials through reuse and recycling.
 - 5.4. **Electronic State Business Daily (ESBD)** – the designated website that state agencies, universities, and municipalities use to post formal solicitations (over \$25K), addenda to posted solicitations, and awards. The link to the ESBD is <http://www.txsmartbuy.com/sp>
NOTE: YOU MUST USE GOOGLE CHROME WHEN NAVIGATING CPA WEBSITES
 - 5.5. **Good Faith Effort**: Effort required by vendors when completing the Attachment C, 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 HUB 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, D) Self-Performing Contract (performing all work with own materials and labor), or E) Utilizing a Mentor Protégé relationship (a formal agreement that is recognized by the State of Texas Comptroller of Public Accounts. For a listing of Mentor Protégé agreements click on link:<https://mycpa.cpa.state.tx.us/mentorprotege/ctg/menproPairs/>
NOTE: YOU MUST USE GOOGLE CHROME WHEN NAVIGATING CPA WEBSITES
 - 5.6. **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.

- 5.7. HUB Subcontracting Plan (HSP): The HUB Subcontracting Plan required by Chapter 2161 of the Texas Government Code (TGC) and by Title 34, Part 1, Chapter 20, Subchapter D, §20.281-§20.298 of the Texas Administrative Code (TAC).
- 5.8. Owner: The Texas Facilities Commission (TFC).
- 5.9. Project Manager: The individual designated by the Owner authorized to represent the Owner during the performance of the contract.
- 5.10. Salvage of Materials: Unless referenced otherwise in the contract documents, the contractor shall take ownership of all scrap and salvage materials and be permitted to recycle, reuse and resale the items as desired at the contractor's risk.

SECTION II STATEMENT OF WORK

1. Provide all materials, equipment, labor, coordination and supervisory activities necessary to complete demolition for the Project as is more fully described in the Attachment D, Project Manual, Attachment E, Project Drawings, Attachment F, Affected Soils Waste Management Plan, Attachment G, Demolition Assessment Report, Attachment H, Phase I Environmental Site Assessment, Attachment I, Construction Services Contract Template and Attachment L, Asbestos Abatement which include specifications, drawings, and other contract documents, prepared by Architect/Engineers (A/E) and TFC.
 - 1.1. The scope of work includes, but is not limited to, site preparation and security; demolition and removal of buildings, basements, foundations and flatwork; tree protection; underground utility capping; removal and delivery of salvageable equipment to TFC facilities; removal of historical artifacts; asbestos abatement; backfill and compaction of excavation; grading and planting the site; and reconstruction of the perimeter sidewalks. Coordination with the City of San Antonio Right of Way Management Department for all sidewalk and street closures, as well as payment of related permit fees will need to be covered in the base bid total.
2. Attachment F, Affected Soils Waste Management Plan (ASWMP) provides pertinent background information and establishes the best management practices to be enacted during earthwork and excavation activities with respect to affected soil areas that will be encountered in the demolition activities for the G.J. Sutton Building complex. The ASWMP identifies six areas of concern (AOCs) and provides a discussion of the recommended methods for segregating known or suspected affected soil at these locations, as well as the process for determining the suitability of excavated soils for reuse onsite or offsite disposal as waste at a permitted landfill facility. All affected soils must be properly disposed at a permitted landfill facility per TCEQ regulations.
3. For the consideration of this RFP asbestos abatement of the buildings is to be considered part of the demolition contract and budget of this RFP.
4. Exclusion of the bat colony and remediation of their biological hazard will be performed under a separate contract prior to demolition.
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 A, 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 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 C, 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.

<u>EVENT</u>	<u>DATE</u>
Issue RFP	02/06/2019
Mandatory Pre-Proposal Conference (OR)	02/14/2019 Thursday @ 9:00 AM
Mandatory Pre-Proposal Conference	02/20/2019 Wednesday @ 9:00 AM
Optional Site Re-visit	02/26/2019 Tuesday @ 9:00 AM
Deadline for Submission of Questions	03/05/2019
Deadline for Submission of Proposals	03/11/2019 Monday @ 3:00 PM
Deadline for Submission of HSP and RFP Opening	03/12/2019 Tuesday @ 3:00 PM
Notification of Interview Selection	03/15/2019
Interview(s)	03/26/2019
Award by Commission	04/18/2019
Execute Contract	05/09/2019

2. **MANDATORY PRE-PROPOSAL CONFERENCES:** The mandatory pre-proposal conferences are scheduled for **Thursday 2/14/2019 @ 9:00 AM, and Wednesday 2/20/2019 @ 9:00 AM**. The location of the pre-proposal conferences is the G.J. Sutton Building, 321 Center Street, San Antonio, TX. The parking lot is accessible only from the E. Crockett Street side. Check-in with security in the lobby. **Respondents must attend at least one of the two scheduled pre-proposal conferences.** TFC shall reject proposals submitted by contractors that did not attend one of the mandatory pre-proposal conferences.
 - 2.1. **Site Visits:** A tour of the Buildings will be conducted immediately after each pre-submittal conference, and on the Optional Site Re-visit date.

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, Contractor's Proposal Form;
- 3.1.1.2. Attachment C, HUB Subcontracting Plan;
- 3.1.1.3. Attachment J, Non-Collusion Affidavit;
- 3.1.1.4. Original Bid Bond or Check;
- 3.1.1.5. Litigation History; and
- 3.1.1.6. Acknowledgement of All Addenda.

3.1.2. Include one (1) original and five (5) copies of the:

- 3.1.2.1. Attachment B, Contractor's Qualification Form;
- 3.1.2.2. Company Information;
- 3.1.2.3. Relevant Experience and Qualifications;
- 3.1.2.4. Methodology;
- 3.1.2.5. Salvage and Recycling Plan;
- 3.1.2.6. Budget/Schedule Compliance; and
- 3.1.2.7. Quality Control and Safety Program.

- 3.1.3. Additionally, Respondent shall provide a CD or USB flash memory drive containing a complete copy of the vendor's response to this RFP. The format shall be in 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, Contractor's Proposal Form, the Attachment B, Contractor's Qualification Form, the Attachment C, HUB Subcontracting Plan, the Attachment J, Non-Collusion Affidavit, and the Bid Bond or Check 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; and
 - 3.4.1.7. 11-Digit State of Texas Taxpayer Vendor Identification Number.
- 3.4.2. **Relevant Experience and Qualifications: <25 pts.>**
- 3.4.2.1. **Relevant Experience:**
- 3.4.2.1.1. Complete and submit the Attachment B, 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 B, Contractor's Qualifications Form.
 - 3.4.2.1.2. Particularly indicate your firm's experience with:
 - 3.4.2.1.2.1. Partial or whole building deconstruction;
 - 3.4.2.1.2.2. Demolition of buildings constructed before 1973;
 - 3.4.2.1.2.3. Performing work for state, federal or municipal entities;
 - 3.4.2.1.2.4. Designing, installing, and removing temporary retention systems;
 - 3.4.2.1.2.5. Salvage and recycling of demolished materials; and
 - 3.4.2.1.2.6. Performing work in San Antonio including coordination with the Development Services Department.
 - 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. Provide an Organizational Chart with roles and responsibilities of the team assigned to support the Project.
 - 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. Negative responses from Owners and A/E 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 is a minimum requirement 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.

3.4.3. Methodology, Salvage/Recycling Plan, and Budget/Schedule Compliance: <30 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:

- 3.4.3.1.1. Processes and techniques used to understand the Statement of Work;
- 3.4.3.1.2. Detailed sequence of demolition and removal work, including start and end dates for each activity;
- 3.4.3.1.3. Temporary retaining system or other proposed method of protecting the existing curbs, storm drain inlets, streets and utilities, including method of removal upon completion;
- 3.4.3.1.4. Proposed dust and noise control measures;
- 3.4.3.1.5. Coordination of work with subcontractor's and/or consultants;
- 3.4.3.1.6. Maintaining budgets; and
- 3.4.3.1.7. Maintaining schedules.

3.4.3.2. **Salvage and Recycling Plan:**

3.4.3.2.1. Texas Commission on Environmental Quality has established a goal of diverting at least 40% of materials from Texas municipal solid waste streams. Provide a detailed salvage and recycling plan for equipment and materials, not already defined in the contract documents, that would help to meet or exceed that goal. The plan should include:

- 3.4.3.2.1.1. Estimate of total demolition materials to be generated;
- 3.4.3.2.1.2. Estimate of percentage of demolition materials to be salvaged, reused or recycled;
- 3.4.3.2.1.3. Proposal for the salvage of reusable and saleable materials;
- 3.4.3.2.1.4. Proposal for recycling or reuse of demolished materials;
- 3.4.3.2.1.5. Materials sorting procedures;
- 3.4.3.2.1.6. Reporting process for reuse, recycling and disposal amounts; and
- 3.4.3.2.1.7. Identification of facilities for disposal, recycling and reuse of materials.

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

3.4.3.3.1. **For the five (5) most relevant recently completed projects completed within the last 10 years,** 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.

- 3.4.3.3.2. **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:

- 3.4.4.1.1. Respondent shall provide the name and job title of the person in the organization who oversees the quality assurance program.
- 3.4.4.1.2. 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.
- 3.4.4.1.3. Provide process flow chart on how quality is maintained and achieved.
- 3.4.4.1.4. Respondent shall describe the firm's policy regarding establishing quality control processes 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 your insurance broker's letterhead.
- 3.4.4.2.2. Indicate the name and job title of the person in your organization who manages your safety program.
- 3.4.4.2.3. 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 past or pending litigation or claims filed against Respondent that may affect performance under a contract with TFC.
- 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 J, Non-Collusion Affidavit: The Attachment J, Non-Collusion Affidavit must be enclosed with the response to the proposal. The Attachment J, Non-Collusion Affidavit form can be obtained electronically at the following link: <http://tfc.state.tx.us/divisions/facilities/prog/construct/formsindex>, the 'Forms Index', Document #3.

3.4.8. **Insurance Requirements for Contractors:** Insurance Requirements contained within Attachment I, Construction Services Contract Template shall be reviewed by an authorized agent of your insurance broker prior to submitting a response. Upon acceptance of the high scorer's negotiated proposed pricing, the insurance requirements shall be met by providing the certificates of insurance and the corresponding policy endorsements.

3.4.9. **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 (ESBD). It is the responsibility of interested parties to periodically check the ESBD for updates to the solicitation prior to submitting proposals. Respondent's failure to periodically check the 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.

3.4.10. **Compensation and Fees: <40 pts.>** Provide pricing on the Attachment A, 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.

3.4.11. **Attachment C, HUB Subcontracting Plan:** In accordance with the Texas Government Code (TGC), Sections 2161.181-182 and Title 34, Part 1, Chapter 20, Subchapter D, §20.281- §20.298 of the Texas Administrative Code (TAC), the TFC shall make a Good Faith Effort to utilize HUBs in contracts for general services, construction services, professional and consulting services, and commodities contracts. Failure to complete and return the Attachment C, HUB Subcontracting Plan shall result in rejection of the response. 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 § 20.284:

- 11.2% for heavy construction other than building contracts,
- 21.1% for all building construction,
- **32.9% for all special trade construction contracts,**
- 23.7% for professional services contracts,
- 26.0% for all other services contracts, and
- 21.1% for commodities contracts

Statement of Probability: TFC has determined that subcontracting opportunities are probable in connection with this procurement Solicitation. Therefore, a HUB Subcontracting Plan (HSP) is required as a part of the Respondent's Proposal. The Respondent shall develop and administer a HSP as a part of the Respondent's Contract.

3.4.11.1. As mandated by 34 TAC § 20.285 Respondents must submit an Attachment C, HSP that identifies all subcontracting items and complies with good faith effort requirements of the Attachment C, HSP, and in accordance with the Comptroller of Public Accounts HUB rules 34 TAC §20.285 (d).

3.4.11.2. Pursuant to TGC § 2161.252(B), the Texas Facilities Commission shall reject any response that does not include a fully completed HSP. An incomplete HSP is considered a material failure to comply with the solicitation requirements.

3.4.11.3. The HSP shall become a provision of the contract between the awarded Respondent and TFC. The awarded Respondent can only change the HSP if (a) the Respondent complies with 34 TAC Section 20.285; (b) the Respondent provides its proposed changes to TFC for review; (c) TFC approves the Respondent's proposed changes to its HSP; and (d) TFC and the Respondent amends their contract by submitting a revised HUB Subcontracting Plan containing the changes approved by TFC.

3.4.11.4. If TFC determines that the Respondent failed to implement the HSP in good faith, TFC, in addition to any other remedies, may report nonperformance to the Texas Comptroller in accordance with 34 TAC, Section 20.285, (g) (5).

- 3.4.11.5. HUB subcontracting opportunities may be available in the following commodity class/item codes and descriptions: 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: <https://comptroller.texas.gov/purchasing/nigp/>

<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)
909-76	Site Work (Incl. Site Clean-Up)
912-23	Construction, General (Backfill Services, Digging, Ditching, Road Grading, etc.)
912-40	Demolition Services
914-30	Concrete
914-38	Electrical
962-39	Hauling Services
977-63	Scaffolding and Ladders Rental or Lease
988-52	Landscaping (Including Design, Fertilizing, Planting, etc.)
990-46	Guard and Security Services

- 3.4.11.6. If assistance is needed in preparing the HUB Subcontracting Plan, potential Respondents may contact Yolanda Strey by email at HUB@tfc.state.tx.us

3.5. Inquiries:

- 3.5.1. All non-HUB inquiries shall be submitted in writing to John Goodrich by email to: john.goodrich@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 John Goodrich 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 ESBD at: <http://www.txsmartbuy.com/sp>. 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 by **3:00 PM** Central Time on the date specified in the Schedule of Events. TFC reserves the right to accept late proposals; however, no submittals shall be accepted once the submittal opening process has begun, notwithstanding acceptable evidence that the delivery of the submittal was the fault of the shipper or the submittal was under agency control at the time of the opening.

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 TGC (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 electronic copy as referenced above, Respondent should mark the medium 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. **Do not mark your entire proposal as "CONFIDENTIAL."**

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: John Goodrich RFP #303-9-01042 Central Services Building P.O. Box 13047 Austin, TX 78711-3047	TFC – Bid Services ATTN: John Goodrich RFP #303-9-01042 Central Services Building, Rm. 176 1711 San Jacinto Blvd. Austin, TX 78701 Hours – 8:00 AM to 5:00 PM	TFC – Bid Services ATTN: John Goodrich RFP #303-9-01042 Central Services Building 4 th Floor Receptionist 1711 San Jacinto Blvd. Austin, TX 78701 Hours – 8:00 AM to 5:00 PM

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.

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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	40%
• Relevant Experience and Qualifications	25%
• Methodology	
• Salvage & Recycling Plan	
• Budget & Schedule Compliance (total for the three)	30%
• Quality Control / Safety Programs	05%
	100%
• Litigation History Statement	Pass/Fail

- 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 initial sixty (60) points for qualification 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. Representation by major subcontractors as part of the Respondent's team is encouraged.
- 4.3.3. An Agenda for the interview will be provided by TFC requiring an elaboration of company relevant experience, proposed methodology, and salvage and recycling plan 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 will 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 TGC, 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.txsmartbuy.com/vpts>). 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.
5. **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.

6. **PROTEST PROCEDURES**: Protests shall be governed by Texas Administrative Code Title 1, Administration, Part 5 Texas Facilities Commission, Chapter 111 Administration, Subchapter C Complaints and Dispute Resolution, §111.32 Protests/Dispute Resolution/Hearings.
7. **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
REVISED CONTRACTOR'S PROPOSAL FORM
(Revised per 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:	18-009-8455
Project Title:	G.J. Sutton Complex Demolition, San Antonio, TX
Using Agency:	Texas Facilities Commission
Project Location:	321 Center Street, San Antonio, TX 78202

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.

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.

BASE BID TOTAL	Dollars \$	
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UNIT PRICES Note: The following Unit Prices are for installed items and includes all costs of removal of existing components, materials, labor, profit, and overhead.		
Description	Unit of Measurement	Unit Price Dollar \$/Unit
1. Additional sidewalk replacement per City of San Antonio standards	Square Foot	
2. Additional erosion control matting with seed	Square Foot	
3. Additional backfill and compaction	Cubic Yard	
4. Removal of abandoned in place utilities	Linear Foot	
5. Removal of footings in excess of 1 foot horizontal from building face, or in excess of 15' vertically from grade	Cubic Yard	
6. Removal and disposal of contaminated soil – Class 1 Soils	Cubic Yard	
7. Removal and disposal of contaminated soil – Class 2 Soils	Cubic Yard	
8. Removal and disposal of contaminated soil – Class 3 Soils	Cubic Yard	
9. Installation of 6' security fencing	Linear Foot	
10. Removal of additional courtyard flatwork	Square Foot	
11. Removal of additional courtyard retaining walls	Square Foot	

12. Removal of additional curbs	Linear Foot	
13. Removal of additional asphalt paving	Square Foot	

ALTERNATE PRICES		
1. ADD Alternate: Excavate Areas of Concern 4, 5 and 6 per Attachment F, Affected Soils Waste Management Plan, including backfill and compaction.	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 provided herein following the date of a Notice to Proceed.

Base Time: _____ **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 three hundred dollars (\$300) per day.

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

They have not given, offered to give, nor intend 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 TAC, Title 34, Part 1, Chapter 20.

Pursuant to TGC, 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.

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.

HB1295 of the 84th Legislature mandates that you must comply with the following:

TGC 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 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.

Go to: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

Information on using the new filing application is also posted on the TEC's website as of January 1, 2016.

Questions concerning the Form 1295 may be directed to TFC Legal Services, Martin V. Blair; martin.blair@tfc.state.tx.us

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: _____

(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 B

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 C

HUB Subcontracting Plan

(Posted on the ESBD)

For electronic completion (RECOMMENDED) click here:

<https://comptroller.texas.gov/purchasing/vendor/hub/forms.php>

NOTE: YOU MUST USE GOOGLE CHROME WHEN NAVIGATING CPA WEBSITES

ATTACHMENT D

Project Manual

(Posted on the ESBD)

ATTACHMENT E

Project Drawings

(Posted on the ESBD)

ATTACHMENT F

Affected Soils Waste Management Plan

(Posted on the ESBD)

ATTACHMENT G

Demolition Assessment Report

(Posted on the ESBD)

ATTACHMENT H

Phase I Environmental Site Assessment

(Posted on the ESBD)

ATTACHMENT I

Construction Services Contract Template

(Posted on the ESBD)

ATTACHMENT J

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 #3

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ATTACHMENT K
RFP CHECKLIST

Checklist for RFP #303-9-01042

Title: G.J. Sutton Complex Demolition, San Antonio, TX

RFP Deadline Date: 3/11/2019 @ 3:00 PM

RFP Opening Date, Attachment C, HUB Subcontracting Plan Due Date: 3/12/2019 @ 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 A, Revised Contractor's Proposal Form](#) _____
- Original Bid Bond or Check _____
- Acknowledge Addenda _____
- [Attachment J, Non-Collusion Affidavit](#) _____
- Litigation History _____

2. Submit one (1) original and five (5) copies: _____

- Company Information _____
- [Attachment B, Contractor's Qualification Form](#) _____
- Budget Compliance Form _____
- Schedule Compliance Form _____
- Experience & Qualifications _____
- Methodology _____
- Proposed Salvage & Recycling Plan _____
- Quality Program & Safety Program _____

3. Submit one (1) PDF copy on a CD or USB Flash Drive: _____

HUB SUBCONTRACTING PLAN SUBMITTAL:

- [Attachment C, HUB Subcontracting Plan](#) _____