



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

**REQUEST FOR QUALIFICATIONS  
FOR CONSTRUCTION MANAGER-AT-RISK  
FOR  
Water Remediation and MEP at Lyndon B.  
Johnson Building (LBJ) in Austin, Texas**

**PROJECT #20-003-5095**

**RFQ #303-0-01174**

Dated: March 2,2020

Qualifications and HUB Subcontracting Plan  
Due Date: April 7, 2020 3:00 PM

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**REQUEST FOR QUALIFICATIONS**  
**Water Remediation and MEP at Lyndon B. Johnson Building (LBJ) in Austin, Texas**

**Project #20-003-5095**

**SECTION I**  
**GENERAL**

1. **SCOPE:** In accordance with the provisions of Texas Government Code, Chapter 2269, Subchapter F, Construction Manager-at-Risk Method, and Rules and Procedures adopted by the Texas Facilities Commission (TFC), TFC is requesting qualifications for a Construction Manager-at-Risk (CMR) to provide estimating and construction services to address water intrusion issues identified at the Lyndon B. Johnson State Office Building (LBJ), located at 111 E. 17th Street, Austin, Texas. hereinafter described as TFC Project #20-003-5095 (the Project). This Project will be administered by TFC. This procurement will be a two-step award process with a two-part work requirement.
  - 1.1. Step One of the solicitation will include a submittal of company experience and qualifications focusing on projects of similar size and type. Respondents will be evaluated on experience and qualifications, as detailed in Section IV, Submittal Information.
  - 1.2. Step Two of the solicitation will include only the highest ranked five or fewer Respondents from Step One who will be asked to provide pricing.
2. **COST OF WORK:** Respondents to the RFQ should consider the “Cost of Work to be **Three Million, Two Hundred and Eighty Thousand Dollars (\$3,280,000)**, not including any Pre-construction Management fees, Construction Management fees, and Construction General Conditions, as part of the construction budget or the **Guaranteed Maximum Price (GMP)**.”
3. **CONTRACT TERM:** Construction is required to commence within Fourteen (14) calendar days after the Notice to Proceed for Construction is issued. For planning purposes, the pre-construction time period is estimated to be One Hundred and Eighty (180) calendar days. The construction contract period is projected for a term of Three Hundred and Sixty Five (365) 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 CMR Service Contract shall apply.

4. **DEFINITIONS:**
  - 4.1. Addendum: - A modification of the specifications issued by TFC.
  - 4.2. 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*
  - 4.3. Good Faith Effort: Effort required by vendors when completing the Attachment D, 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: [http://esbd.cpa.state.tx.us/hubmenpro/menpro\\_pairs.cfm](http://esbd.cpa.state.tx.us/hubmenpro/menpro_pairs.cfm).  
*NOTE: YOU MUST USE GOOGLE CHROME WHEN NAVIGATING CPA WEBSITES*
  - 4.4. 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.

- 4.5. 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, Part 1, Subchapter D, §20.281- §20.298 of the Texas Administrative Code (TAC).
- 4.6. Owner: The Texas Facilities Commission.
- 4.7. Project Manager: The individual designated by the Owner authorized to represent the Owner during the performance of the contract.

## **SECTION II PROJECT DESCRIPTION**

1. Construction Manager-At-Risk Services to include, but may not be limited to: replacing plaza including canopy anchor system, repairs to HVAC systems, enhancements to indoor air quality, improvements to mechanical, electrical and plumbing systems and correcting life safety and security deficiencies and correcting architectural deficiencies and finishes.
2. For the consideration of this RFQ, 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 RFQ. Any required abatement will be either negotiated with the CMR awarded the contract or addressed by TFC separately.
3. Third Party Testing: TFC shall provide or contract with third party for Testing and Balancing Services, RAS Review, Commissioning, and Construction Materials Testing.

## **SECTION III SCOPE OF WORK**

1. **PART ONE:** Collaborate with TFC and its Architects and Engineers (A/E), Tom Green and Company Engineers, Inc., during the completion of construction documents including Schematic Design, Design Development, 50% Construction Documents, 90% Construction Documents review and comments at 100% completion of Construction Documents. The Respondent's expertise will be used to affect value engineering, establish a project schedule and ultimately determine the Guaranteed Maximum Price (GMP). The services include attending meetings, consultation of plan reviews, constructability reviews, and cost estimating.
2. **PART TWO:** In accordance with the approved schedule and GMP, Contractor shall facilitate bidding and selection of subcontractors in accordance with HUB requirements, and provide and/or secure and install all materials, labor, coordination, management and supervisory activities necessary to complete construction of the Project in accordance with the drawings, specifications and other contract documents that will be prepared by the A/E & TFC.
3. **ESBD POSTING:** Documents are available for review on the state of Texas Electronic State Business Daily (ESBD) at <http://www.txsmartbuy.com/sp>. Select 'Texas Facilities Commission - 303' from the **Agency Name** drop-down box and 'Posted' from the **Status** drop-down box.
4. **SUBCONTRACTORS:** Subcontractors providing services shall meet the same requirements and level of experience as required of the Respondent. No subcontract 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:
  - 4.1. Respondents planning to subcontract all or a portion of the work shall identify the proposed subcontractors on the Attachment D, HUB Subcontracting Plan.
  - 4.2. Subcontracting shall be at the Respondent's expense.
  - 4.3. TFC retains the right to check a subcontractor's background and make a determination to approve or reject the use of submitted subcontractors.
  - 4.4. 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.
5. Respondents will be held to have satisfactory understanding regarding all existing conditions and to have included in the proposal an amount sufficient to cover all work including permits, fees, etc.

**SECTION IV**  
**SUBMITTAL INFORMATION**

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

<b><u>Event</u></b>	<b><u>Date</u></b>	<b><u>Day &amp; Time</u></b>
Issue RFQ	03/02/2020	
<b>Mandatory Pre-Submittal Conference (OR)</b>	<b>03/24/2020</b>	<b>Tuesday, 10:00 AM</b>
<b>Mandatory Pre-Submittal Conference</b>	<b>03/25/2020</b>	<b>Wednesday, 10:00 AM</b>
Deadline for Submission of Questions	03/31/2020	
<b>Deadline for Submission of Qualifications &amp; HSP</b>	<b>04/07/2020</b>	<b>Tuesday, @ 3:00 PM</b>
Notification of Short List Selection	04/14/2020	
<b>Deadline for Submission of Proposals/Opening</b>	<b>04/21/2020</b>	<b>Tuesday, @ 3:00 PM</b>
Notification of Interview Selection	04/28/2020	
<b>Interviews</b>	<b>05/05/2020</b>	
Award by Commission	06/18/2020	
Execute Contract	07/13/2020	

2. **MANDATORY PRE-SUBMITTAL CONFERENCE AND SITE VISIT:** **Mandatory pre-submittal teleconferences will be scheduled on Tuesday, March 24, 2020 at 10:00 AM and Wednesday, March 25, 2020 at 10:00 AM.** Respondents must have an employee of their firm sign in to at least one (1) of the two (2) teleconferences. TFC shall reject qualifications submitted by firms that did not register to participate in one of the mandatory pre-submittal teleconferences.

Pre-Registration is required.

Register in advance for the Tuesday, March 24 meeting with this link:  
[https://zoom.us/meeting/register/uJMtc-6urT4j3rtzj3EUqJFByCyOJrZVA](https://zoom.us/join/joinMeeting?zmtc=6urT4j3rtzj3EUqJFByCyOJrZVA)

Register in advance for the Wednesday, March 25 meeting with this link:  
[https://zoom.us/meeting/register/upUtdu2sqDIohDHohCwbcvIAzdH2KYctuw](https://zoom.us/join/joinMeeting?zmtc=upUtdu2sqDIohDHohCwbcvIAzdH2KYctuw)

After registering, you will receive a confirmation email containing information about joining the meeting.

Site Visit: There will be no optional site visit for this project.

3. **SUBMISSION REQUIREMENTS:**

3.1. **Submission:**

- A. **Step One:** The initial submittal is of qualifications only. Respondents shall submit one (1) original of the following:

1. Attachment A, Execution of Submittal;
2. Attachment D, HUB Subcontracting Plan;
3. Acknowledgement of Addenda;
4. Original Bid Bond or Check; and
5. Litigation History Statement;

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

6. Company Information;
7. Attachment C, Contractor's Qualification Form;
8. Experience and Qualifications;
9. Methodology; and

10. Quality/Safety Programs & Safety Record.

Pages should be numbered and contain an organized, paginated table of contents corresponding to the section and pages of the RFQ.

Additionally, Respondent shall provide a CD or USB flash memory drive containing a complete copy of the vendor's response to this RFQ. The format shall be Adobe Acrobat version 9.0 or higher.

- B. **Step Two:** For the five or fewer Respondents chosen from Step One, Respondent shall submit one (1) original of the following:
1. Attachment B, CMR Proposal Form; and
  2. Attachment F, Non-Collusion Affidavit.
- C. Respondents to this RFQ are responsible for all costs of submittal preparation and delivery.
- 3.2. **Step One Contents:** Below is a summary of required information. Submittals 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, Execution of Submittal, the Attachment C, Contractor's Qualification Form, the Attachment D, HUB Subcontracting Plan, and the Bid Bond shall be returned with the response. Failure to do so shall result in disqualification.
- A. **Company Information:** Including, but not limited to the following:
1. Company description
  2. Ownership information
  3. Physical and Mailing addresses
  4. Other company locations/offices
  5. Primary Contact
  6. Office and mobile telephone number, and email address of company's Primary Contact
  7. 11-Digit State of Texas Vendor Identification Number
- B. **Relevant Experience and Qualifications: <40 pts.>**
1. **Relevant Experience:**
    - a. Complete and submit the Attachment C, Contractor's Qualification 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 free-form narrative that describes in detail any qualifications and other projects not enumerated on Attachment C, Contractor's Qualifications Form.
    - b. Particularly indicate your firm's experience with deferred maintenance and building renovation projects. Also, indicate your firm's experience and project examples with the following:
      - 1) Water Remediation,
      - 2) performing construction activities in secured and occupied multi-story buildings,
      - 3) mechanical (HVAC), electrical, and plumbing system renovations,
      - 4) interior remodeling/finishes,
      - 5) life safety and emergency systems,
      - 6) accurate cost estimation,
      - 7) construction moving and phasing plan preparation,
      - 8) coordination with Owner, A/E, and third party testing agents and provide examples of these past projects.
    - c. Demonstrate the Company's or Individual's relevant CMR experience to the type of work solicited in the RFQ.
    - d. Names of top management and key employees and each person's duties. Include the background and experience of these key employees.

- e. Provide an Organizational Chart with roles and responsibilities of key individuals assigned to support the Project.
2. **Budget/Schedule Compliance:** On the Attachment C, Contractor's Qualifications Form, Contractor shall demonstrate their ability to meet schedule completion dates and maintain project budgets.
- a. **For the five (5) most relevant recently completed projects within the past five (5) years**, contractor shall demonstrate **experience in meeting completion date schedules** by providing the original construction duration and final construction duration on their last five relevant completed projects. Provide the location of each project. Provide appropriate explanation on the causation when a variance of 5% or more is experienced.
  - b. **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 completion budget. Variances of 5% or more shall be explained for the causation in exceeding the stated awarded budget.
3. **Minimum Qualifications:**
- a. 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 submittal.
  - b. Negative responses from Owners and A/E firms that are familiar with contractor's performance, depending on problems encountered, may be grounds for disqualification.
- C. **Methodology: <30 pts.>**
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 RFQ Scope of Work into a realized and finished project. This shall include, but not be limited to:
- a. Processes and techniques used to understand the Statement of Work;
  - b. Problem solving;
  - c. Value engineering;
  - d. Maintaining budgets;
  - e. Maintaining schedules;
  - f. Staff sizing and roles;
  - g. Company workload in proportion to the Project outlined in the Statement of Work; and
  - h. Developing priorities for adjusting the scope of work to match available funding in coordination administration;
  - i. Coordination of multiple, varying design packages estimating and bidding;
  - j. Developing cost estimates of repairs or replacements in coordination with the A/E;
  - k. Coordination with Owner and third party consultants/testing agents;
  - l. Coordination of work in a secured and occupied multi-story building;
  - m. Coordination with the Owner Representative to ensure there are no unexpected outages or disruptions to the tenants occupying the building during construction;
  - n. Coordination with the City of Austin to obtain permits, along with planning and perform setting up barricades and street closures.
- D. **Quality Control Program & Safety Program: <10 pts.>**
1. **Quality Assurance:** The Respondent shall provide a description of the firm's quality assurance processes and program, and the name and job title of the person in the organization who oversees said program.

2. **Quality Control:** Vendor shall describe its quality requirements and means of measurement. 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. TFC reserves the right to require a copy of the Quality Control Manual, which, if awarded, may become an exhibit to the contract.
  3. **Safety Program and Contractor's Safety Record:** Provide the company's workers' compensation experience modification rate (EMR) for the last five years as part of the submittal. This shall be submitted in your response on your insurance carrier's letterhead. 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 if your firm's proposal is scored within the highest range of proposals, which will become a Contract Document after award.
- E. **Litigation:** <Pass/Fail>
1. Provide details of all past or pending litigation or claims filed against Respondent for the past five (5) years.
  2. Respondents involved in litigation, depending upon the circumstances, may be disqualified.
- F. **Attachment A, Execution of Submittal:** Failure to sign and return the Execution of Submittal with the response shall result in rejection of the response.
- G. **Bid Bond:** Submittals shall be accompanied by a bid security in the form of an original bid bond, certified and/or cashier's check (on a solvent bank in the State of Texas) drawn to order of the Texas Facilities Commission, in the sum of **\$25,000.00**. No other form of security will be accepted. The Bid Bond submitted by the awarded vendor will be held until GMP is accepted by TFC, and Performance and Payment Bonds subsequently received and approved.
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.
  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.
- H. **Insurance Requirements for CMRs:** The insurance requirements, located in the Attachment G, CMR Service Contract Template, shall be reviewed by an agent of your insurance company 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 (COIs) and the corresponding policy endorsements.**
- I. **Attachment D, HUB Subcontracting Plan:** Submittal Requirements: 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 D, 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 Submittal. The awarded Respondent shall develop and administer an HSP as a part of the Respondent's Contract.

1. As mandated by 34 TAC § 20.285 Respondents must submit an Attachment D, HSP that identifies all subcontracting items and complies with good faith effort requirements of the Attachment D, HSP, and in accordance with the Comptroller of Public Accounts HUB rules 34 TAC §20.285 (d).
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. 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.
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).
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://cmlbreg.cpa.state.tx.us/commodity\\_book/Numeric\\_index.cfm](https://cmlbreg.cpa.state.tx.us/commodity_book/Numeric_index.cfm)

6. **The Attachment D, HUB Subcontracting Plan submitted with the initial response to this RFQ solely addresses the Part One pre-construction collaborative phase of the scope of work. A revised Attachment D, HUB Subcontracting Plan shall be submitted by the awarded Respondent prior to Part Two construction.**
7. If assistance is needed in preparing the HUB Subcontracting Plan, potential Respondents may contact Yolanda Strey by email at [HUB@tfc.state.tx.us](mailto:HUB@tfc.state.tx.us)
8. **Prior to soliciting bids in preparation for GMP, the CMR shall coordinate with the TFC HUB Coordinator to schedule a "Meet the Prime" event in order to promote outreach to HUBs for subcontracting opportunities.**
9. Requirement to Utilize HUB Compliance Reporting System. Pursuant to Texas Administrative Code, Title 34 §§ 20.85(f)(1)(2) and 20.287(b), TFC administers monthly HSP-PAR compliance monitoring through a HUB Compliance Reporting System commonly known as B2G. The successful Respondent and any subcontractors must submit required PAR information into the B2G system. Any delay in the timely submission of PAR information into the B2G system will be treated as an invoicing error subject to dispute under Tx. Gov't Code Section 2251.042.

3.3. **Step Two Contents:** Step Two only applies to the five or fewer Respondents chosen from the Step One qualification evaluation. Below is a summary of required information. 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 B, CMR Proposal Form and the Attachment F, Non-Collusion Affidavit shall be submitted upon request; failure to do so shall result in disqualification.

- A. **Attachment B, CMR Proposal Form:** This form must be completed and returned. Respondents may not add qualifications, conditions 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.
  1. **The Offer:** The offer (as more fully set forth in the Attachment B, CMR Proposal Form.) shall be comprised of three components listed below. Only components 3.3.A.1.b. and

3.3.A.1.c listed below are utilized in computing the possible twenty (20) points for compensation and fees.

- a. A Pre-Construction Management Not-to-Exceed fee for collaboration with TFC and its A/E during the pre-construction phase described in Section III Scope of Work, par. 1 Part 1. This pricing component will be negotiated with the Respondent evaluated as the highest scoring firm. If a cost cannot be agreed upon, the negotiations will be formally terminated and TFC will attempt to negotiate an agreement with the next firm in order of scoring until an agreement is reached or the list is exhausted, upon which the solicitation will be cancelled and may be re-issued.
  - b. A Construction Management Fee as a percentage of the estimated Cost of Work. Such fee shall represent overhead and profit.
  - c. A Not-to-Exceed fee for Construction General Conditions.
- B. **Construction Time:** Construction time is estimated at Three Hundred and Sixty-Five (365) calendar days.
- C. **Submittal Duration:** If TFC has not made an award 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 responses will be honored after this ninety (90) day period.
- D. **Attachment F, Non-Collusion Affidavit:** The Attachment F, Non-Collusion Affidavit must be enclosed with the proposal. The Attachment F, Non-Collusion Affidavit form can be obtained electronically at the following link, 'Forms Index', Document #3, <http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/>

#### 3.4. **Inquiries:**

- A. All inquiries shall be submitted in writing to James Gonzalez by email to: [james.gonzalez@tfc.state.tx.us](mailto:james.gonzalez@tfc.state.tx.us)
- B. 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.
- C. 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.
- D. Any Respondents finding discrepancies between the provided documents, or in doubt as to their exact meaning, shall notify TFC at once. TFC may then, as an option, issue addenda clarifying the same. TFC is not responsible for oral instructions or for misinterpretation of the drawings and specifications.
- E. Upon issuance of this RFQ, beside written inquiries as described above, other employees and representatives of TFC will not answer questions or otherwise discuss the contents of the RFQ 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 conducting business unrelated to this solicitation.

#### 3.5. **Solicitation Submission:**

- A. All submittals shall be received and time stamped at TFC prior to 3:00 P.M. Central Time on the date specified in the Schedule of Events. TFC reserves the right to accept late submittals; 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.
- B. Submittals should be placed in a separate envelope/package and correctly identified with your company name, RFQ number, Purchaser's name, and submittal deadline/opening date. 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 submittal to TFC by the specified date.
- C. Receipt of all addenda to this RFQ 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 ESD. It is the responsibility of interested parties to periodically check the ESD for updates to the procurement prior to submitting qualifications. Respondent's failure to periodically check the ESD will in no way release the selected vendor from "addenda or additional information" resulting in additional costs to meet the requirements of the RFQ.

- D. TFC will not consider any submittal 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, 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."**

3.6. **Delivery of Submittals** - Submittals shall be delivered to TFC by one of the following methods:

U.S. Postal Service	Overnight/Express Mail	Hand Deliver
TFC – Bid Services ATTN: James Gonzalez RFQ #303-0-01174 Central Services Building P.O. Box 13047 Austin, TX 78711-3047	TFC – Bid Services ATTN: James Gonzalez RFQ #303-0-01174 Central Services Building, Rm. 176 1711 San Jacinto Blvd. Austin, TX 78701  Hours – 8:00 AM to 5:00 PM	TFC – Bid Services ATTN: James Gonzalez RFQ #303-0-01174 Central Services Building 4 <sup>th</sup> Floor Receptionist 1711 San Jacinto Blvd. Austin, TX 78701  Hours – 8:00 AM to 5:00 PM

3.7. **Receipt of Submittals**

- A. Submittals will be opened at the Central Services Building, 4<sup>th</sup> Floor Receptionist, 1711 San Jacinto Blvd., Austin, Texas.
- B. Submittals will be received until the date and time established for receipt, then opened.
- C. Telephone, facsimile, or email submittals are not an acceptable response to this RFQ.
- D. All submittals become the property of TFC after the submittal deadline/opening dates.

4. **EVALUATION AND AWARD**

- 4.1. The intent of TFC is to award a contract to the vendor whose qualifications and pricing are considered to be '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 below.
- 4.2. An evaluation committee will be established to evaluate submittals. The committee will include employees of TFC, and may include other impartial individuals who are not TFC employees. By submitting qualifications in response to this RFQ, Respondent accepts the solicitation and evaluation process, and acknowledges and accepts that scoring of the qualifications may involve

some subjective judgments by the evaluation committee. The evaluation committee will evaluate and score each submittal based on the following criteria:

<u>Step 1 Criteria</u>	<u>Weight</u>
• Experience and Qualifications	40%
• Methodology and Budget/Schedule Compliance	30%
• Quality/Safety Programs & Safety Record	<u>10%</u>
	<b>80%</b>
• Litigation History	<b>Pass/Fail</b>
<u>Step 2 Criteria</u>	<u>Weight</u>
• Compensation and Fees (CM Fee + Construction General Conditions)	20%
• Step 1 Criteria	<u>80%</u>
	<b>100%</b>

- 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 Step One criteria listed above. The following will be expected during an interview:
- A. One hour is allocated for the interview.
  - B. 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 a critical component of the interview.
  - C. Agenda questions for the interview will be provided by TFC requiring an elaboration of company relevant experience and qualifications, proposed methodology, and quality and safety programs.
- 4.4. Giving priority in order of the ranking determined by the scores, TFC will undertake to negotiate an agreement with the Respondent, which is evaluated as the highest scoring, deemed the best value to the State. The Evaluation Committee will determine if price negotiations are necessary and may negotiate final pricing per TGC, Chapter 2269, Subchapter D, §2269.254 (b), (c). If an agreement cannot be negotiated, the negotiations will be formally terminated and TFC will attempt to negotiate an agreement with the next Respondent in order of scoring until an agreement is reached or the list is exhausted, upon which the solicitation will be cancelled and may be re-issued.
- 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, the 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.
- 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 TAC Title 1, Administration, Part 5 Texas Facilities Commission, Chapter 111 Administration, Subchapter C Complaints and Dispute Resolution, §111.32 Protests/Dispute Resolution/Hearings.
- 4.8. Order of 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 Attachments to the Contract, Request for Qualifications, and Respondent's Response to Request for Qualifications.

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**ATTACHMENT A**  
**EXECUTION OF SUBMITTAL**

**NOTE: RESPONDENTS SHALL COMPLETE AND RETURN THIS ATTACHMENT WITH THEIR SUBMITTAL. FAILURE TO DO SO SHALL RESULT IN DISQUALIFICATION OF THE SUBMITTAL.**

**By signature hereon, the Respondent certifies that:**

1. All statements and information prepared and submitted in the response to this RFQ are current, complete and accurate.
2. He/she has not given, offered to give, nor intends to give at anytime 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 Execution of Submittal or signing it with a false statement shall void the submitted offer or any resulting contracts.
3. Neither the Respondent or the firm, corporation, partnership, or institution represented by the Respondent 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.
4. By signing this submittal, 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.
5. Under Section 2155.004, TGC, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.
6. Pursuant to TGC, Title 10, Subtitle D, Section 2155.004(a), the bidder has not received compensation for participation in the preparation of specifications for this solicitation.
7. Respondent is in compliance with TGC, Title 6, Subtitle A, Section 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 dates of employment with Respondent.
8. Respondent agrees that any payments due under any contract arising from this submittal will be applied towards any debt, including but not limited to delinquent taxes and child support that is owed to the State of Texas.
9. HB1295 of the 84<sup>th</sup> 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](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](mailto:martin.blair@tfc.state.tx.us)

10. 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.
11. 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. The response includes the names of each person with a minimum of twenty-five percent (25%) ownership of the business entity submitting the response. Respondents that have pre-registered this information on the CPA Centralized Master Bidders List have satisfied this requirement. If not pre-registered, Respondent shall provide the name(s) below. Upon award, Respondent shall provide TFC Procurement the Social Security number(s) of the individual(s) listed below.
12. Respondent agrees that any terms and conditions attached to a Response will not be considered.

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

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

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

**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.

**ATTACHMENT B**  
**CMR PROPOSAL FORM**  
**(Submitted at Step 2 by Selected Respondents Only)**

1. Proposing Firm's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_
2. Project Number: 20-003-5095  
Project Title: Water Intrusion (MEP/Water Remediation) at Lyndon B. Johnson Building (LBJ) in Austin, Texas  
Using Agency: Texas Comptroller of Public Accounts  
Project Location: 111 E. 17<sup>th</sup> Street, Austin Texas

Having carefully examined the RFQ and solicitation documents, proposal Attachments as well as the premises and conditions affecting the work, as prepared by TFC, we hereby propose to complete the work for the following amounts:

**Pre-Construction Management Fee** for a Not-to-Exceed fee in collaborating with TFC and A/E during design phases To be negotiated with the Respondent evaluated as the highest scoring firm

**Construction Management Fee** as a PERCENTAGE fee of the Cost of Work for construction (CMR's overhead and profit). For purposes of this RFQ solicitation only, **use Three Million, Two Hundred and Eighty Thousand Dollars (\$3,280,000), as the Cost of Work:**

%

Not-to-Exceed fee for **Construction General Conditions:**  
General Conditions shall include the following for the duration of the Project:

- Bonds and Insurance
- Project Management / Supervisory / Support / Administrative Personnel (both office and field)
- Temporary Field Offices / Facilities / Storage (including equipment, materials and temporary utilities)
- Background Checks / Employee I.D.s
- Health and Safety
- Construction Documentation
- Transportation
- Parking
- Temporary Barriers, Signage, and Controls
- Cleaning and Waste Disposal

Dollars \$

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

**Base Time:** Three Hundred and Sixty Five (365) calendar days

**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**

Obtain a copy at the following website, Construction Contracts Item #1 at TFC website link below

**ATTACHMENT D**

**HUB Subcontracting Plan**

(Posted on the ESBD)

For electronic completion (RECOMMENDED) click here:  
<https://comptroller.texas.gov/purchasing/vendor/hub/forms.php>

**ATTACHMENT E**

**Project Manual**

(Posted on the ESBD)

**ATTACHMENT F**

**Non-Collusion Affidavit**

Obtain a copy at the following website, Construction Contracts Item #3 at TFC website link below

**ATTACHMENT G**

**CMR Service Contract Template**

(Posted on the ESBD)

**ATTACHMENT H**

**A/E Assessment or Deficiency List**

(Posted on the ESBD)

TFC website link: <http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/>

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**ATTACHMENT I**  
**RFQ CHECKLIST**

**Checklist for RFQ #303-0-01174**

**Title: RFQ for CMR for Water Intrusion (MEP/Water Remediation) at Lyndon B. Johnson Building (LBJ) in Austin, Texas**

**Opening Date: 4/07/2020 @ 3:00 PM**

Vendor Name and Address:

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

Contact: \_\_\_\_\_

TX Taxpayer #: \_\_\_\_\_

Office Phone: \_\_\_\_\_

Mobile Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Attended a Pre-Submittal Conference: \_\_\_\_\_

**STEP ONE SUBMITTAL:**

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

- Attachment A - Execution of Submittal \_\_\_\_\_
- Attachment D - HUB Subcontracting Plan \_\_\_\_\_
- Bid Bond or Check \_\_\_\_\_
- Acknowledgement of Addenda \_\_\_\_\_
- Litigation History Statement \_\_\_\_\_

2. Submitted one (1) original and three (3) copies of the following:

- Company Information \_\_\_\_\_
- Attachment C - Contractor's Qualification Form \_\_\_\_\_
- Experience and Qualifications \_\_\_\_\_
- Methodology \_\_\_\_\_
- Quality/Safety Programs & Safety Record \_\_\_\_\_

3. Submitted one (1) PDF copy on CD or Flash Drive \_\_\_\_\_

**STEP TWO SUBMITTAL:**

1. Submitted one (1) original:

- Attachment B - CMR Proposal Form \_\_\_\_\_
- Attachment F - Non-Collusion Affidavit \_\_\_\_\_