



TEXAS FACILITIES COMMISSION

P. O. Box 13047

Austin, Texas 78711-3047

**REQUEST FOR QUALIFICATIONS
Professional Engineering Services for
Construction Materials Testing and Special Inspections
Capitol Complex Project, Phase 1**

RFQ #303-9-00434

PROJECT #16-018D-8001

Posting Date: 10/12/2018

Submittal / Opening Date: 11/13/2018 @ 3:00 PM

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**SECTION I
GENERAL**

1. **SCOPE**: In accordance with the provisions of Texas Government Code, Chapter 2254, Subchapter A, Professional Services, and Rules and Procedures adopted by the Texas Facilities Commission (TFC), TFC is requesting submittal of qualifications to provide prime professional engineering services for Project #16-018D-8001, Construction Materials Testing and Special Inspections for the Capitol Complex Project, Phase 1 in Austin, Texas, herein referred to as the "Project." TFC reserves the right to make multiple awards in the best interest of the state.
2. **CONTRACT TERM**: It is the intention of TFC to award a contract for full prime professional engineering services for the term of the Project. Services undertaken pursuant to this RFQ will be required to commence within fourteen (14) calendar days of delivery of a Notice to Proceed. The Project associated with the services requested in this solicitation is anticipated to be forty-eight (48) months in duration.
3. **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 Attachment D, Professional Services Agreement Template shall apply.
4. **DEFINITIONS**:

Addendum: A modification of the specifications issued by TFC.

Architect/Engineer (A/E): The firm TFC has engaged as the Architect/Engineer of Record for each package in the Project, and who will be responsible for preparing the Construction Documents for the package.

Construction Manager Agent (CMA): Balfour Beatty Construction LLC, the service provider engaged hereunder as the TFC's fiduciary agent to assist the TFC with management and coordination of the overall design and construction program for the Capitol Complex Projects.

Construction Materials Testing Firm (CMT): - Firm(s) contracted by TFC to perform the Construction Materials Testing as outlined in this Contract. The CMT shall be part of the Project team working independently of both the A/E and CMR to conduct the testing and special inspections outlined in the Contract.

Electronic State Business Daily (ESBD): the designated website where state agencies, universities, and municipalities 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

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

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 D, §20.281- §20.298 of the Texas Administrative Code (TAC).

Historically Underutilized Business (HUB): A business who certified with the Comptroller of Public Accounts by meeting the following requirements: 51% owned by an Asian Pacific American, Black American, Hispanic American, Native American, American woman, and/or 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 a proportionate interest that actively participates in the control, operations and management of the entity's affairs.

Master Architect or Master A/E: Page Southerland Page, Inc. is the service provider TFC has engaged pursuant to Texas Government Code §2254 as TFC's agent for oversight, coordination and management of the overall design of the Capitol Complex Projects by each of the Architect/Engineers for the Projects.

Owner: The Texas Facilities Commission.

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

Site Services Engineer (SSE): Cobb, Fendley & Associates is the service provider TFC has engaged to provide the preparatory data gathering, land surveying, and site environmental and geotechnical engineering services for the Project.

SECTION II **PROJECT DESCRIPTION**

1. The Capitol Complex Project Phase 1 consists of new construction as follows:
 - 1.1. Package 3: A Central Utility Plant and associated infrastructure to serve the structures in Phase 1, and designed and sized to allow for future expansion to serve future Phases 2 and 3 when authorized and funded by the Texas State Legislature.
 - 1.2. Package 4: A new state office building at 1801 Congress with five (5) levels of underground parking, and eight (8) levels of above grade parking on the east side. The building is approximately six hundred three thousand (603,000) square feet, and is fourteen (14) floors above grade.
 - 1.3. Package 5: A new state office building at 1601 Congress with five (5) levels of underground parking. The building is approximately four hundred twenty thousand (420,000) square feet, and is twelve (12) floors above grade.
 - 1.4. Package 6: A pedestrian mall and five (5) levels of underground parking between MLK Jr. Boulevard and 16th Street at what is currently Congress Avenue.
 - 1.5. Note: Package 1 consists of mass excavation for the Project, and Package 2 consists of utility relocations.
- **See Attachments G, H, and I for additional information**
2. **Approximate cost of construction for the aforementioned list of projects is estimated to be four hundred seventy-seven million dollars (\$477,000,000).**

SECTION III **SCOPE OF SERVICES**

1. The CMT shall provide professional services for construction materials testing and special inspections throughout the construction duration of forty-eight (48) months.
2. Scope of services shall be comprehensive in nature and will include, but not be limited to, the following list of testing and inspection requirements and all other services necessary and/or reasonably inferable to accomplish the Project. **TFC may divide the work among two or more firms, in order to maintain available resources. This division shall be per the Project Packages as described in Section II**

above. Each Respondent shall provide experience and qualifications for all aspects of the scope of work, either in-house or via a qualified subconsultant.

- 2.1. Field Testing and Inspections – Earthwork observation and testing to include field density tests;
- 2.2. On-site Concrete Observation/Testing;
- 2.3. Asphalt Observation/Testing;
- 2.4. Reinforcing Steel Observation;
- 2.5. Testing/Observation of Post Tensioned Concrete;
- 2.6. Tendon Stressing Records;
- 2.7. Pre-construction Testing;
- 2.8. Special Testing and Inspections;
 - 2.8.1. Special Inspections – High strength Bolted and Welded connections;
 - 2.8.2. Inspection of AESS in place;
 - 2.8.3. Field weld inspections; and
- 2.9. Fire Stopping Field Testing ASTM E2174.
- 3. Coordinate with third party Commissioning Agent, CMA, CMRs and A/Es throughout construction administration for scheduling.
- 4. See Attachment G, Materials Testing Requirements for detailed Material Testing requirements.
- 5. Also see Attachment D, Professional Services Agreement Template.
- 6. A/E services shall be offered with the understanding of full compliance with non-discrimination requirements of the State of Texas by the A/E.

SECTION IV
SUBMITTAL INFORMATION

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

EVENT	DATE
Issue RFQ	10/12/2018
Mandatory Pre-Submittal Conference	10/30/2018 Tuesday @ 10:00 AM
(OR)	
Mandatory Pre-Submittal Conference	11/01/2018 Thursday @ 10:00 AM
Deadline for Submission of Questions	11/06/2018
Deadline for Submission of Qualifications & HSP	11/13/2018 Tuesday @ 3:00 PM
Notification to Interview	11/20/2018
 <u>If Interviews are NOT required by TFC</u>	
Award by Commission	01/17/2019
 <u>If Interviews are required by TFC</u>	
Interviews of short listed firms	12/06/2018
Award by Commission	01/17/2019

Per Texas Government Code Chapter 2166.203, The Texas Facilities Commission is using the RFQ 'Issue Date' as noted in the Schedule of Events above as the official 30 day notification requirement for an interview with a design professional firm.

2. **MANDATORY PRE-SUBMITTAL CONFERENCE**: The mandatory pre-submittal conferences are scheduled for:

October 30, 2018, Tuesday @ 10:00 AM

And

November 1, 2018 Thursday @ 10:00 AM

The location of the pre-submittal conferences is:

Central Services Building
1711 San Jacinto Blvd.
Austin, TX 78701

Respondents must have an employee of their firm attend at least one (1) of the two (2) scheduled pre-submittal conferences. TFC shall reject submittals submitted by firms that did not attend one of the mandatory pre-submittal conferences. Check-in with the Receptionist on the fourth floor.

For the pre-submittal conferences, there is metered parking (coins) on the street, or free parking on the top level of State Parking Garage B, 1511 San Jacinto, Austin. **Print out the date appropriate Parking Permit for State Parking Garage B attached to the end of this RFQ to place on your dashboard.**

http://www.tspb.texas.gov/plan/maps/doc/capitol_complex_maps/capitol_complex_employee_parking.pdf

3. **SUBMISSION REQUIREMENTS**:

3.1. General: Respondents shall submit one (1) original and three (3) copies of the submittal. Provide one (1) separate copy of the Attachment C, HUB Subcontracting Plan. Additionally, Respondent shall provide a formatted 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. Pages should be numbered and contain an organized, paginated table of contents corresponding to the section and pages of the submittal. Respondents to this RFQ are responsible for all costs of submittal preparation and delivery.

3.2. Content: 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 A, Execution of Submittal, the Attachment B, CMT Questionnaire Form and the Attachment C, HUB Subcontracting Plan, shall be returned; failure to do so shall result in disqualification.

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

- 3.2.1.1. Company description;
- 3.2.1.2. Ownership information;
- 3.2.1.3. Physical and Mailing address;
- 3.2.1.4. Other company locations/offices;
- 3.2.1.5. Primary contact;
- 3.2.1.6. Office and mobile telephone number and email of primary contact; and

3.2.1.7. 11-Digit State of Texas Taxpayer Vendor Identification Number

3.2.2. **Relevant Experience & Qualifications:** <60 pts.>

3.2.2.1. **Relevant Experience:**

- 3.2.2.1.1. Complete and submit the Attachment B, CMT Questionnaire Form.
- 3.2.2.1.2. Particularly indicate your firm's experience with the following:
 - 3.2.2.1.2.1. Coordination of projects incorporating multiple buildings and structures within existing secured and occupied sites;
 - 3.2.2.1.2.2. Projects involving work within highly visible public spaces;
 - 3.2.2.1.2.3. Experience working with CMRs, and commissioning agents in the coordination and scheduling of testing throughout the duration of the project; and
 - 3.2.2.1.2.4. Experience working with large scale projects with varied testing procedures throughout a long construction period.
- 3.2.2.1.3. TFC will also consider the relevant experience and qualifications of major subconsultants/subcontractors, those proposed to perform approximately 15% or more of the project, listed on the Attachment C, HUB Subcontracting Plan. Provide any additional company information as appropriate.
- 3.2.2.1.4. In addition to the five most relevant projects detailed in the Attachment B, CMT Questionnaire Form, provide other pertinent project information, including current ongoing projects of comparable experience to the project solicited in this RFQ.
- 3.2.2.1.5. Provide an Organizational Chart for the project team.
- 3.2.2.1.6. Provide the names of management and key employees proposed for the project team and each person's responsibilities. Include the background and experience of these employees. Detail previous experience of team members working together on projects, and the firm's previous experience working with major subconsultants/subcontractors proposed for this project.
- 3.2.2.1.7. Negative responses and experiences from state client agencies, regulatory agencies, and TFC, which are familiar with firm's performance, depending on problems encountered, may be grounds for disqualification.
- 3.2.2.1.8. Company Location: Identify the location of your company's office that will directly support the Project. Explain how responsive service will be provided.

3.2.2.2. **Minimum Qualifications:**

- 3.2.2.2.1. Out of State vendors 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.
- 3.2.2.2.2. In accordance with Texas Occupations Code Title 6, Subchapter I § 1001.405. Practice by Business Entity; Registration, all Engineering firms submitting a response to this request for Qualifications must maintain current "business entity registration" with the Texas Board of Professional Engineers concurrent with their submission of said response and, if selected, through the term of the contract. **Provide a copy of your company's TBPE Certificate of Registration with your response.**

3.2.3. Methodology & Budget Compliance: <20 pts.>

- 3.2.3.1. **Proposed Methodology:** An outline of your firm's process to implement the requirements of the RFQ Scope of Work into a finished Project. Specifically, how will your firm approach and develop the various design challenges into one achievable, compliant and coherent Project.

This shall include, but not be limited to, the following:

- 3.2.3.1.1. Process and approach to plan testing throughout multiple bid packages and construction phases;
- 3.2.3.1.2. Research and problem solving strategies;
- 3.2.3.1.3. Past history working with CMRs, CMAs and A/Es;
- 3.2.3.1.4. Cost analysis and Project phasing and coordination;
- 3.2.3.1.5. Project tracking and contract administration;
- 3.2.3.1.6. Project management of schedules;
- 3.2.3.1.7. Typical scope of work outsourced to subcontractors and/or sub-consultants; and
- 3.2.3.1.8. Staff sizing, roles, and company workload in proportion to the Project.

- 3.2.3.2. **Budget Compliance:** Budget compliance should be demonstrated using the Attachment B, CMT Questionnaire Form:

- 3.2.3.2.1. **For the five (5) most relevant projects completed within the last five years,** Respondent shall demonstrate experience in maintaining budgets by providing the awarded budget and the final completion budget. Include project location. Provide appropriate explanation on the causation when a variance of 5% or more is experienced.

3.2.4. Quality Assurance / Quality Control: <20 pts.>

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

3.2.5. Litigation: <Pass/Fail>

- 3.2.5.1. Provide details of all litigation history, including but not limited to administrative claims and proceedings and arbitration within the past five (5) years.
- 3.2.5.2. Respondents involved in litigation with owners or Architect/Engineer firms may be disqualified.

3.2.6. Attachment A, Execution of Submittal: Failure to sign and return the Execution of Submittal shall result in rejection of the response.

3.2.7. Addenda Acknowledgment: Receipt of all addenda to this RFQ should be acknowledged by returning a signed copy of each addendum signature page with the response. Any amendment to this procurement solicitation will be posted as an addendum on the Electronic State Business Daily. It is the responsibility of interested parties to periodically check the

ESBD for updates to the solicitation prior to solicitation submittal. 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 RFQ.

3.2.8. Attachment C, 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 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 Proposals.

- 3.2.8.1. As mandated by 34 TAC § 20.285 Respondents must submit an Attachment C, HUB Subcontracting Plan that identifies all subcontracting items and complies with good faith effort requirements of the Attachment C, HUB Subcontracting Plan, and in accordance with the Comptroller of Public Accounts HUB rules 34 TAC §20.285 (d)(1)(D)(iii).
- 3.2.8.2. 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.
- 3.2.8.3. 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.
- 3.2.8.4. 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).
- 3.2.8.5. 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://cmlreg.cpa.state.tx.us/commodity_book/Numeric_index.cfm

Class/Item

907-83	Testing Services
925-42	Foundation Engineering
925-44	General Construction: Management, Scheduling, Cost Estimation Engineering
925-55	Inspection, General Engineering
968-47	Inspection Services, Construction Type
992-34	Concrete Testing Services
992-36	Core Sample, not concrete testing Services
992-55	Miscellaneous Testing and Calibration Services

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

3.2.9. Submission of Insurance Requirements:

3.2.9.1. Each Respondent by submission of its qualifications, represents that a review of the TFC insurance requirements included in the Attachment D, Professional Services Agreement Template to this RFQ has been completed with Respondent's insurance brokers, and that compliance with these requirements are either currently sufficient, or attainable.

3.2.9.2. Each Respondent shortlisted for interviews shall complete and submit the Attachment E, Statement of Compliance with TFC Insurance Requirements. A Respondent who fails to: (i) provide all policy information requested by Attachment D; or (ii) describe any absence of coverage required by the insurance requirements included in Attachment D to the RFQ, may at TFC's sole discretion, be disqualified from further consideration. Respondent shall check each applicable box, and populate each applicable blank in Attachment E. By submitting its information on Attachment E, Respondent represents the information therein is complete, and that its insurance policies comply with Attachment D, without deficiency, except as otherwise explained in accordance with the instructions in Attachment E.

3.2.9.3. The Respondent selected for award shall, electronically submit true and complete copies of certificates of insurance complying with the requirements set forth in the Attachment D, Professional Services Agreement Template to TFC's Insurance Specialist, Heidi Gonzales, at Heidi.Gonzales@tfc.state.tx.us. The certificates of insurance shall be submitted in a timely manner, as no contract will be executed without the receipt, review, negotiation, and TFC acceptance of the submitted policies. If the Respondent fails to meet the insurance requirements in a timely manner, the Respondent may in TFC's sole discretion be disqualified from further consideration.

3.3. Inquiries:

3.3.1. All non-HUB inquiries shall be submitted in writing to John Goodrich by email to: john.goodrich@tfc.state.tx.us

3.3.2. 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.

- 3.3.3. 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.
- 3.3.4. Upon issuance of this RFQ, beside written inquiries as described above, other employees and representatives of TFC and the using agency will not answer questions or otherwise discuss the contents of the RFQ with any potential Respondent. This restriction does not preclude discussions with TFC for the purpose of conducting business unrelated to this submittal. Failure to observe this restriction may be grounds for disqualification.

3.4. Submission Deadlines:

- 3.4.1. Submittals shall be received and time stamped at TFC by 3:00 PM Central Time by 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.
- 3.4.2. Submittals should be correctly identified with RFQ number, the Purchaser’s name, submittal deadline/opening date and time. It is the Respondent’s responsibility to appropriately mark and deliver this to TFC by the specified date.
- 3.4.3. 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 Texas Government Code (the "Texas Public Information Act") regarding the disclosure of public information. As a result, by participating in this solicitation process Respondent acknowledges that all information, documentation, and other materials submitted in response to this solicitation may be subject to public disclosure under the Texas Public Information Act. TFC does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the Texas Public Information Act. Respondents are advised to consult with their legal counsel concerning disclosure issues resulting from this process and to take precautions to safeguard trade secrets and proprietary or otherwise confidential information. TFC assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Respondents. If it is necessary for Respondent to include trade secrets or proprietary or otherwise confidential information in its submittal, Respondent must clearly mark in bold red letters the term “**CONFIDENTIAL**” using at least **14 point font**, on that specific part or page of the submittal which Respondent believes to be confidential. All submittals and parts of submittals that are not marked confidential will be automatically considered to be public information. Should trade secrets or proprietary or otherwise confidential information be included in the 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.

3.5. 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: John Goodrich RFQ 303-9-00434 Central Services Building P.O. Box 13047 Austin, TX 78711-3047	TFC – Bid Services ATTN: John Goodrich RFQ 303-9-00434 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 RFQ 303-9-00434 Central Services Building 4 th Floor Receptionist 1711 San Jacinto Blvd. Austin, TX 78701 Hours – 8:00 AM to 5:00 PM

3.6. **Receipt of Submittals:**

- 3.6.1. Submittals will be received at the Central Services Building, 4th Floor Receptionist, 1711 San Jacinto Blvd., Austin, Texas. 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.
- 3.6.2. Submittals will be received until the date and time established for receipt, then opened. Only the names of the Respondents will be made public. Tabulations will not be divulged until after contract award.
- 3.6.3. Telephone, facsimiles or emails are not acceptable when in response to this RFQ.
- 3.6.4. All submittals shall become the property of the State of Texas after the deadline/opening date.
- 3.6.5. Submittal shall constitute an offer for a period of ninety (90) days or until selection is made by TFC.

4. **EVALUATION AND AWARD:**

- 4.1. It is the intent of TFC to award a contract to the Respondent(s) whose qualifications are considered to be 'most qualified' for the services solicited in this RFQ. Due to the volume of testing required for this Project, TFC may award this contract to multiple vendors.
- 4.2. TFC reserves the right to make a determination to cancel the solicitation and not make a recommendation for an award.
- 4.3. An evaluation committee will be established to evaluate the 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, the Respondent accepts the solicitation and evaluation process and acknowledges and accepts that scoring of the submittals may involve some subjective judgments by the evaluation committee.
- 4.4. The evaluation committee will evaluate and score each submittal based on the following criteria:

<u>Criteria</u>	<u>Weight</u>
Relevant Experience and Qualifications	60%
Methodology / Budget Compliance	20%
Quality Assurance / Quality Control	<u>20%</u>
	100%
Litigation History Statement	Pass/Fail

- 4.5. When considering best value and award, TFC reserves the right to set a minimum requirement regarding the weighted criteria listed in par. 4.4 above.
- 4.6. The evaluation committee will determine if interviews/discussions are necessary. Award of a contract may be made without interviews/discussions if in the best interest of the state. The evaluation committee may determine that discussions are necessary to clarify or verify a written submittal. TFC may, at its discretion, elect to have Respondents provide oral presentations/interviews of their submittal. Scoring of the interview shall replace the initial scoring of the submittal. The following will be expected during an interview:
 - 4.6.1. One hour is allocated for the interview.
 - 4.6.2. A short presentation detailing company history and projects relevant to the current Project, and confirmation of information presented in the submittal.
 - 4.6.3. Attendance by team members assigned to the Project to represent themselves as to their relative experience and proposed involvement in the Project. Representation by the Project Manager is essential in this interview.

- 4.6.4. An agenda for the interview will be provided by TFC requiring an elaboration of company relevant experience and proposed methodology for the Project.
- 4.7. Giving priority in order of the ranking determined by the scores, TFC will undertake to negotiate a professional architectural/engineering agreement with the firm which is evaluated as the highest scoring firm, deemed the best value to the State. If the agreement cannot be executed, 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.
- 4.8. In evaluating submittals 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.
- 4.9. Post-Submittal Requirements
- 4.9.1. Professional liability insurance in a minimum amount of \$1,000,000 and other standard business insurance coverage, as may be required by the contract.
- 4.9.2. Should the award amount be equal to or greater than \$250,000.00
- 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/index.html>. Under the heading HOT TOPICS, click on "New Form 1295 Filing Application". Information on using the new filing application is also posted on the TEC's website as of January 1, 2016.
- Questions concerning the Form 1295 may be directed to TFC Legal Services, Martin V. Blair; martin.blair@tfc.state.tx.us.
- 4.9.3. Execution of an appropriate professional services contract.
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 it awards.
6. **PUBLIC DISCLOSURE**: No public disclosures or news releases pertaining to this contract shall be made without prior written approval of TFC.
7. **PROTESTS**: Protests filed in accordance with this solicitation 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.

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8. **ORDER PRECEDENCE**: In the event of conflicts or inconsistencies between this contract and its exhibits or attachments, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority: Signed Contract (or Notice of Award), Amendments to the Contract (or Notice of Award), Request for Qualifications, and Respondent's Response to Request for Qualifications.

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ATTACHMENT A
EXECUTION OF SUBMITTAL

NOTE: FAILURE TO SIGN AND RETURN THE EXECUTION OF SUBMITTAL SHALL RESULT IN REJECTION OF THE RESPONSE.

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 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 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. Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Resident Bidder as defined in Texas Administrative Code, Title 34, Part 1, Chapter 20.
5. Under Section 2155.004, Government Code, the vendor certifies that the individual or business entity named in this submittal 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 Texas Government code, Title 10, Subtitle D, Section 2155.004(a), the Respondent has not received compensation for participation in the preparation of specifications for this solicitation.
7. 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.
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. 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.
10. 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. 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.

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

Name: _____

Name: _____

Name: _____

Name: _____

Respondent represents and warrants that the individual signing this Execution of Submittal is authorized to sign this document on behalf of the Respondent and to bind the Respondent under any contract resulting from this submittal.

RESPONDENT(COMPANY): _____

SIGNATURE (INK): _____

NAME (TYPED/PRINTED) _____

TITLE: _____

DATE: _____

STREET: _____

CITY/STATE/ZIP: _____

TELEPHONE AND FACSIMILE NO.: _____

TEXAS IDENTIFICATION NUMBER (TIN)*: _____

*The Texas Identification Number is the taxpayer number assigned and used by the Texas Comptroller of Public Accounts. Enter this number in the space provided above. If this number is not known, complete the following:

Enter your Federal Employer's Identification Number _____

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ATTACHMENT B

CMT Questionnaire Form
(Posted on the ESBD)

ATTACHMENT C

HUB Subcontracting Plan
(Posted on the ESBD)

ATTACHMENT D

Professional Services Agreement Template
(Posted on the ESBD)

ATTACHMENT E

Statement of Compliance with Texas Facilities Commission Insurance Requirements
(Posted on the ESBD)

ATTACHMENT F

TFC Criminal Background Checks and Application Guidelines (Document #5E)
can be obtained electronically at the TFC website:
<http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/>

ATTACHMENT G

Materials Testing Requirements
(Posted on the ESBD)

ATTACHMENT H

Capitol Complex Master Plan
<http://www.tfc.state.tx.us/divisions/commissionadmin/tools/>

ATTACHMENT I

Conceptual Plans for Packages 3, 4, 5, & 6
The plans can be obtained electronically at the following sites:

Package 3: https://tfc.egnyte.com/fl/yQGWOqVbYK/100pct_Concept_Design_

Package 4: https://tfc.egnyte.com/fl/nIE0ikqOO3/100pct_Concept_Design_

Package 5: https://tfc.egnyte.com/fl/3GtXqj7D1k/2017-08-25_-_100pct_Concept_

Package 6: https://tfc.egnyte.com/fl/j7vdTMPj5B/100pct_Concept_

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ATTACHMENT J
RFQ CHECKLIST

Checklist for RFQ 303-9-00434

Title: Professional Engineering Services for Construction Materials Testing and Special Inspections Capitol Complex Project, Phase 1

Opening Date: 11/13/2018 at 3:00 PM

Vendor Name and Address	Contact: _____
_____	TX Taxpayer VIN#: _____
_____	Office#: _____
_____	Mobile#: _____
_____	Email: _____

Attended Pre-Submittal Conference: _____

1. Submit one (1) original and three (3) copies of submittal _____

Submittal Content:

- Company Information _____
- Relevant Experience and Qualifications _____
- Methodology _____
- Quality Assurance / Quality Control _____
- Litigation History Statement _____
- Attachment A, Execution of Submittal _____
- Attachment B, CMT Questionnaire Form _____
- Attachment B, CMT Questionnaire Form for Major Subs _____
- Attachment C, HUB Subcontracting Plan _____
- Copy of TBPE Certificate of Registration _____
- Acknowledgement of Addenda _____

2. Submit one (1) separate copy of Attachment C, HUB Subcontracting Plan _____

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



This vehicle is permitted to park at the top of GARAGE B from
10/30/2018 to 10/30/2018.

Agency requested: TEXAS FACILITIES COMMISSION

Requested by: LAURA HALL

Phone number: 512-463-8848

Request #: 09-2018-14848

Place this on the dashboard where it can be seen clearly
from the front of the vehicle. This permit is only valid for the
dates and location listed above. Got questions or need help,
call us Monday to Friday 7:30 am to 5pm @512-463-3476.



This vehicle is permitted to park at the top of GARAGE B from
11/01/2018 to 11/01/2018.

Agency requested: TEXAS FACILITIES COMMISSION

Requested by: LAURA HALL

Phone number: 512-463-8848

Request #: 09-2018-14849

Place this on the dashboard where it can be seen clearly
from the front of the vehicle. This permit is only valid for the
dates and location listed above. Got questions or need help,
call us Monday to Friday 7:30 am to 5pm @512-463-3476.