



**TEXAS FACILITIES COMMISSION**

P. O. Box 13047

Austin, Texas 78711-3047

**REQUEST FOR QUALIFICATIONS  
Professional Engineering Services for  
Deferred Maintenance Retrocommissioning  
at Various State Office Buildings**

**RFQ #303-6-01308**

**(Revised per Addendum #2)**

**Posting Date: 4/1/2016**

**Submittal / Opening Date: 4/14/2016 @ 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 architectural/engineering (A/E) services for Deferred Maintenance Retrocommissioning at Various State Office Buildings. It is the intent of TFC to award multiple Professional Service Provider (PSP) contracts. See Attachment F for details of the six Project Building Groups.
2. **CONTRACT TERM:** It is the intention of TFC to award a contract for full prime professional architectural/engineering (A/E) services for the term of the project. Services undertaken pursuant to this RFQ will be required to commence within ten (10) days of delivery of a Notice to Proceed.

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 A/E Services Contract shall apply.

3. **DEFINITIONS:**

Addendum: A modification of the specifications issued by TFC.

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://esbd.cpa.state.tx.us/>.

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

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). 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.

Owner: The Texas Facilities Commission.

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

PSP: Professional Service Provider

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**SECTION II  
PROJECT DESCRIPTION**

1. The Texas Facilities Commission received legislative appropriation to correct deferred maintenance deficiencies at various state office buildings. These buildings consist of a wide variety of buildings and occupancy types. This project includes pre-audit of existing equipment, retrocommissioning services, and coordination with A/E and Construction Manager-at-Risk under multiple prime contracts for various state office buildings.
2. It is the intent of TFC to award multiple PSP contracts to the respondents whose qualifications are considered to be 'most qualified' for the services solicited in this RFQ. Upon notification of scored ranking, the highest scoring respondent will have first choice of no more than two Building Groups at their discretion. This award selection process will continue with each next highest scoring respondent until all six Building Groups are selected. TFC, however, reserves the right to make exceptions to the stated award allowance per respondent, should competition be insufficient or the exception is in the best interests of the state.
3. The total budgeted amount for all six Project Building Groups is \$2,000,000.

\*\*See Attachment F for additional information\*\*

**SECTION III  
SCOPE OF SERVICES**

1. The scope of services includes, but is not limited to:
  - a. Pre-Audit of all existing equipment and condition
  - b. Retrocommissioning Services
  - c. Coordinate with A/E of record and Construction Manager-at-Risk to address issues identified during design, construction, and warranty phases
  - d. Reporting and documentation of pre-audit and retrocommissioning of existing and new/renovated equipment and condition
2. 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.

<b>EVENT</b>	<b>DATE</b>	
Issue RFQ	03/07/2016	
<b>Mandatory Pre-Submittal Conference (OR)</b>	<b>03/14/2016</b>	<b>Monday @ 9:30 AM</b>
<b>Mandatory Pre-Submittal Conference</b>	<b>03/24/2016</b>	<b>Thursday @ 1:30 PM</b>
Deadline for Submission of Questions	03/28/2016	
<b>Deadline for Submission of Qualifications &amp; HSP</b>	<b>04/14/2016</b>	<b>Thursday @ 3:00 PM</b>
Notification to Interview	04/22/2016	
<u>If Interviews are NOT required by TFC</u>		
Award by Commission	06/15/2016	
Execute Contract	07/06/2016	
<u>If Interviews are required by TFC</u>		
<b>Interviews of short listed firms</b>	<b>05/05/2016</b>	
Award by Commission	06/15/2016	
Execute Contract	07/06/2016	

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 **Monday 3/14/2016 @ 9:30 AM, and Thursday 3/24/2016 @ 1:30 PM.** The pre-submittal conferences will be conducted at the **Central Services Building, 1711 San Jacinto Blvd., Austin.** Check-in with the Receptionist on the fourth floor. 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.

For the pre-submittal conferences there is metered parking (quarters) on the street, or free parking on the top level of State Garage B, 1511 San Jacinto Blvd., Austin, TX 78701.

[http://www.tspb.texas.gov/plan/maps/doc/capitol\\_complex\\_maps/capitol\\_complex\\_employee\\_parking.pdf](http://www.tspb.texas.gov/plan/maps/doc/capitol_complex_maps/capitol_complex_employee_parking.pdf)

3. **SUBMISSION REQUIREMENTS:**

- 3.1. General:

- 3.1.1. Respondents shall submit one (1) original and three (3) copies of the submittal. Provide one (1) separate copy of the Attachment A, HUB Subcontracting Plan. Additionally, respondent shall provide a CD 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.

- 3.1.2. 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, HUB Subcontracting Plan, the Attachment B, Execution of Submittal, and the Attachment C A/E Questionnaire Form 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
- 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 C, A/E Questionnaire Form. The form can be obtained electronically at the TFC website: <http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/> Document #20, Index of Forms.

- 3.2.2.1.2. Particularly indicate your firm's experience with providing pre-audit and retrocommissioning services with existing and new equipment. Also indicate your firm's experience with 1) architectural and engineering systems related to renovation in a secured and occupied single-story and multi-story building, 2) project scheduling, 3) experience with coordination between Owner, A/E, and Construction Manager-at-Risk during each phases to address any issues arise during pre-audit or retrocommissioning.

- 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 A, HUB Subcontracting Plan. An Attachment C, A/E Questionnaire Form may be included in the submittal for each major subconsultants/subcontractors, and any additional company information provided as appropriate.
- 3.2.2.1.4. In addition to the five most relevant projects detailed in the Attachment A, A/E 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 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.
- 3.2.2.1.6. Provide an Organizational Chart for the project team.
- 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 TBPE Certificate of Registration with your response.

3.2.3. **Methodology & Budget/Schedule 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:

- 1) processes and techniques used to understand the Statement of Work, 2) problem solving, 3) maintaining schedules, 4) staff sizing and roles, 5) company workload in proportion to the project outlined in the Statement of Work, 6) coordination of work with Owner and other consultants, 7) coordination with Construction Manager-at-Risk, 8) coordination of work in a secured and occupied single-story and multi-story buildings, 9) documentation of results from pre-audit and retrocommissioning of existing and new/renovated equipment.

- 3.2.3.2. **Budget/Schedule Compliance:** Budget and Schedule compliance should be demonstrated using the Attachment C, A/E 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 meeting completion date schedules by providing the original duration and final duration on these five

projects. Provide appropriate explanation on the causation when a variance of 5% or more is experienced.

- 3.2.3.2.2. For the same five (5) **most relevant projects completed within the last five years** as above, respondent shall demonstrate experience in maintaining budgets by providing the awarded budget and the final completion budget. 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: <P/F>**

- 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 B, 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 ESBDD for updates to the solicitation prior to solicitation submittal. Respondent's failure to periodically check the Electronic State Business Daily (ESBD) will in no way release the selected vendor from "addenda or additional information" resulting in additional costs to meet the requirements of the RFQ.

**3.2.8. Attachment A, HUB Subcontracting Plan:** In accordance with the Texas Government Code, Sections 2161.181-182 and Title 34, Chapter 20, Subchapter B, §20.10- §20.28 of the Texas Administrative Code (TAC), the Texas Facilities Commission (TFC) shall make a good faith effort to utilize Historically Underutilized Businesses (HUBs) in contracts for construction services, including professional and consulting services; and commodities contracts. The purpose of the HUB Program is to promote full and equal business opportunities for all businesses in State contracting in accordance with the following HUB utilization goals as specified in 34 TAC § 20.13:

- 11.2% for heavy construction other than building contracts,
- 21.1% for all building construction,
- 32.9% 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.

As mandated by 34 TAC § 20.14, Respondents must submit an Attachment A, HUB Subcontracting Plan that identifies all subcontracting items and complies with good faith effort requirements outlined in Attachment A, HUB Subcontracting Plan and in accordance with the Comptroller of Public Accounts HUB rules 34 TAC §20.14 (d)(1)(D)(iii).

- 3.2.9.1. Pursuant to TGC § 2161.252(B), the Texas Facilities Commission shall reject any response that does not include a fully completed Attachment A, HUB Subcontracting Plan. An incomplete Attachment A, HUB Subcontracting Plan is considered a material failure to comply with the solicitation requirements.
- 3.2.9.2. The Attachment A, HUB Subcontracting Plan shall become a provision of the contract between the awarded Respondent and TFC. The awarded Respondent can only change the Attachment A, HUB Subcontracting Plan if (a) the Respondent complies with 34 TAC Section 20.14; (b) the Respondent provides its proposed changes to TFC for review; (c) TFC approves the Respondent's proposed changes to its Attachment A, HUB Subcontracting Plan; and (d) TFC and the Respondent amends their contract by submitting a revised Attachment A, HUB Subcontracting Plan containing the changes approved by TFC.
- 3.2.9.3. If TFC determines that the Respondent failed to implement the HUB subcontracting plan in good faith, TFC, in addition to any other remedies, may report nonperformance to the Texas Comptroller in accordance with 34 TAC, Section 20.14, (g) (5).
- 3.2.9.4. 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: <http://www.window.state.tx.us/procurement/tools/comm-book/>

These 'Class' & 'Item' Codes can assist in searching for Historically Underutilized Businesses (HUB's). All vendors, including HUBs, register their firm on the Centralized Master Bidders List (CMBL) according to the NIGP Class and Item codes. The CMBL can be located at: <https://mycpa.cpa.state.tx.us/tpasscmbsearch/index.jsp>

<u>Class/Item</u>	<u>Description</u>
925-07	Air Conditioning, Heating and Ventilating Engineering
925-33	Engineering Services, Professional
925-36	Engineering Services
925-67	Mechanical Engineering

The list above is not, nor is it intended to be a comprehensive list that identifies all subcontracting opportunities.

HUB vendors can be found by searching the State's Centralized Master Bidders List (CMBL), found at <https://mycpa.cpa.state.tx.us/tpasscmbsearch/index.jsp>

If further assistance is needed in preparing the HUB Subcontracting Plan, potential respondents may contact the TFC HUB Coordinator Yolanda Strey at 512-475-0453, or by email at [HUB@tfc.state.tx.us](mailto:HUB@tfc.state.tx.us)

### 3.3. **Inquiries:**

- 3.3.1. All non-HUB RFQ inquiries shall be submitted in writing to John Goodrich by email to: [john.goodrich@tfc.state.tx.us](mailto: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 inquires will result in written responses with copies posted to the Electronic State Business Daily at: <http://esbd.cpa.state.tx.us/> If respondents do not have Internet access, copies may be obtained through the point of contact listed above.
- 3.3.4. 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.
- 3.4.2. Submittals should be placed in a separate envelope/package and correctly identified with RFQ number, 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 submitted CD, as referenced in Section 3, Submission Requirements, par. 3.1, Submission, subparagraph 3.1.1. Step One, Respondent should mark the CD with the word "**CONFIDENTIAL**." If TFC receives a public information request seeking information marked by Respondent as confidential, Respondent will receive notice of the request as required by the Texas Public Information Act. If TFC receives a public information request for submittals and parts of submittals that are not marked confidential, the information will be disclosed to the public as required by the Texas Public Information Act.

**3.5. 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 #303-6-01308 Central Services Building P.O. Box 13047 Austin, TX 78711-3047	TFC – Bid Services ATTN: John Goodrich RFQ #303-6-01308 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 #303-6-01308 Central Services Building 4 <sup>th</sup> Floor Receptionist 1711 San Jacinto Blvd. Austin, TX 78701  Hours – 8:00 AM to 5:00 PM

3.6. **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 not to accept late submittals.
- 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 as a 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 whose qualifications are considered to be 'most qualified' for the services solicited in this RFQ.
- 4.2. 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.
- 4.3. The evaluation committee will evaluate and score each submittal based on the following criteria:

<b><u>Criteria</u></b>	<b><u>Weight</u></b>
Relevant Experience and Qualifications	60%
Methodology / Budget & Schedule Compliance	20%
Quality Assurance / Quality Control	20%
Litigation History Statement	<u>P/F</u>
	100%

- 4.4. 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:
  - 4.4.1. A short presentation detailing company history and projects relevant to the current project, and confirmation of information presented in the submittal.
  - 4.4.2. 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.
  - 4.4.3. An agenda for the interview will be provided by TFC requiring an elaboration of company relevant experience and proposed methodology for the Project.
- 4.5. 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.

4.6. 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.window.state.tx.us/procurement/prog/vendor\\_performance/](http://www.window.state.tx.us/procurement/prog/vendor_performance/)). Prior work performance with TFC, and other State agencies or governmental entities which are familiar with a Respondent's performance, depending on problems encountered, may be grounds for disqualification.

#### 4.7. Post-Submittal Requirements

4.7.1. Professional liability insurance in a minimum amount of \$1,000,000 and other standard business insurance coverage, as may be required by the contract.

4.7.2. 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. **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**  
HUB Subcontracting Plan  
(Posted as 'Package #2' on the ESBD)

For electronic completion of the HSP (RECOMMENDED) click here:

<http://www.window.state.tx.us/procurement/prog/hub/hub-forms/>

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**ATTACHMENT B**  
**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:**

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

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.

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.

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.

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.

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

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

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.

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

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

As of January 1, 2016, the TEC has made available on its website the new filing application that must be used to file Form 1295. Upon the selection of a contractor, contractor will be required to immediately complete the Form 1295 and return it to the TFC Legal Services Division: [martin.blair@tfc.state.tx.us](mailto:martin.blair@tfc.state.tx.us) to review, and then TFC will send final notification to the TEC.

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

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

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

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

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. 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 C**  
A/E Questionnaire

The form can be obtained electronically at the TFC  
website: <http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/>  
Document #20, Index of Forms.

**ATTACHMENT D**  
A/E Services Contract Template  
(Posted as 'Package #3' on the ESBD)

2015 Uniform General Conditions (Document #6C), Supplementary General Conditions to the  
2015 UGC (Document #6D), and the A/E Guidelines (Document #19)

The forms can be obtained electronically at the TFC  
website: <http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/>

**ATTACHMENT E**  
TFC Criminal Background Checks and Application Guidelines

The form can be obtained electronically at the TFC  
website: <http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/>  
Document #6E, Forms Index.

**ATTACHMENT F**  
Project Building Groups  
(Posted as 'Package #4' on the ESBD)

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**ATTACHMENT G**  
**RFQ CHECKLIST**

**Checklist for RFQ #303-6-01308**

**Title: Professional Engineering Services for Deferred Maintenance Retrocommissioning  
at Various State Office Buildings**

**Opening Date: 4/14/2016 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, HUB Subcontracting Plan \_\_\_\_\_
- Attachment B, Execution of Submittal \_\_\_\_\_
- Attachment C, A/E Questionnaire Form \_\_\_\_\_
- Attachment C, A/E Questionnaire Form Major Subs \_\_\_\_\_
- Copy of TBPE Certificate of Registration \_\_\_\_\_
- Acknowledgement of Addenda \_\_\_\_\_

2. Submit one (1) separate copy of Attachment A, HUB Subcontracting Plan \_\_\_\_\_

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