

**REQUEST FOR QUALIFICATIONS
FOR
INDEFINITE DELIVERY-INDEFINITE QUANTITY
ARCHITECTURAL / ENGINEERING
SERVICES
FOR
LAMAR STATE COLLEGE-ORANGE
ORANGE, TEXAS
AND THE
TEXAS STATE UNIVERSITY SYSTEM**

RFQ No.:

758-19-03008

Submission Date:

March 29, 2019 - 2:00 p.m. (C.D.T.)

Prepared By:

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TABLE OF CONTENTS

Section 1 - General Information & Requirements

- 1.1 General Information
- 1.2 Public Information
- 1.3 Type of Contract
- 1.4 Clarifications and Interpretations
- 1.5 Submission of Qualifications
- 1.6 Point-Of-Contact
- 1.7 Evaluation of Qualifications
- 1.8 Owner’s Reservation of Rights
- 1.9 Acceptance of Evaluation Methodology
- 1.10 No Reimbursement for Costs
- 1.11 Pre-Submittal Conference
- 1.12 Eligible Respondents
- 1.13 Historically Underutilized Businesses’ Submittal Requirements
- 1.14 Certain Proposals and Contracts Prohibited
- 1.15 Sales and Use Taxes
- 1.16 Certification of Franchise Tax Status
- 1.17 Delinquency in Paying Child Support
- 1.18 State Registration of Architecture Firms
- 1.19 State Registration of Engineering Firms

Section 2 - Executive Summary

- 2.1 Historical Background
- 2.2 Services Description, Scope and Budget
- 2.3 Schedule

Section 3 - Requirements for Statement of Qualifications

- 3.1 Respondent’s Statement of Qualifications and Availability to Undertake IDIQ A/E Services
- 3.2 Firm’s Ability to Provide IDIQ A/E Services
- 3.3 Qualifications of Assigned Firm Personnel and Their Likely Roles
- 3.4 Respondent’s Performance on Past Representative Engagements for IDIQ A/E Services

- 3.5 Respondent’s Knowledge of Best Practices

- 3.6 Execution of Offer

Section 4 - Format for Statement of Qualifications

- 4.1 General Instructions
- 4.2 Page Size, Binding, Dividers, and Tabs
- 4.3 Table of Contents
- 4.4 Pagination

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RFQ No.: 758-19-03008**

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner”) on behalf of **Lamar State College-Orange**, is soliciting Statements of Qualifications (“Qualifications”) for the selection of a firm, or firms (“Consultant”), to provide **Indefinite Quantity-Indefinite Delivery (“IDIQ”) Architectural/ Engineering (“A/E”)** services for planning, design, renovation and new construction of projects for **Lamar State College-Orange**, Orange, Texas (“Component”) on an hourly fee or lump sum basis as needed by the Owner. Expected required services include, but are not limited to, pre-project planning, estimating, programming, design, construction document preparation, bidding assistance, and construction phase administration, or any other service that is beneficial in the delivery of facilities. The Consultant will render these services to the Component as needed, with no minimum or maximum amount of services specified. In particular, the Consultant must be prepared to assign at least one person with significant project planning and management experience to be available as the point of contact for all efforts at the Component institution. A contract with the selected firm, or firms, will be issued as an indefinite quantity contract with a **2-year initial term and an option for the Owner to extend the contract for (1) one additional year. The total value of the Contract term shall not exceed Seven Hundred Fifty Thousand Dollars (\$750,000).** This solicitation sets forth the terms, conditions, and requirements for prospective Consultants to be considered for this work. (Prospective Consultant are hereinafter referred to as “Respondents”).
- 1.1.1 Collecting Qualifications in response to this Request For Qualifications (“RFQ”) is the first step in selecting the Consultant. This RFQ provides the information necessary for Respondents to prepare and submit Qualifications for consideration and initial ranking by the Owner. In the next step the Owner will determine an initial ranking of the Respondents. If the initial ranking of the Respondents is reasonably conclusive, the Owner may make a “most qualified” selection based upon the written Qualifications only. If not, then the Owner may conduct interviews with a “short list” of Respondents.
- 1.1.2 The Owner may select up to four (4) of the top ranked qualified Respondents to participate in an interview with the Owner to confirm and clarify the Qualifications submitted and to answer additional questions. The Owner will then rank the interviewed Respondents in order to determine the most qualified Respondent(s).
- 1.1.3 After selecting the most qualified Respondent(s) the Owner will negotiate the services to be provided by the Consultant and a suitable fee schedule for those services.
- 1.2 **PUBLIC INFORMATION:** All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the solicitation is completed. The Owner complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information. Additionally, pursuant to the provisions of *Texas Government Code* Section 2261.253, the contract resulting from this solicitation will be posted on the Owner’s website.

1.3 TYPE OF CONTRACT: Any contract resulting from this solicitation will be in the form of the Owner's Standard Indefinite Quantity Professional Services Agreement, a copy of which will be provided to all firms selected for interviews or, in the case where no interviews are conducted, to the selected most qualified Respondent(s).

1.4 CLARIFICATIONS AND INTERPRETATIONS: Discrepancies, omissions or doubts as to the meaning of RFQ documents shall be communicated in writing to the Owner for interpretation. Any response to inquiries, clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by the Owner as a written addendum. All such addenda issued by the Owner before the proposals are due become part of the RFQ. Respondents shall acknowledge receipt of and incorporate each addendum in its Qualifications. Respondents shall be required to consider only those clarifications and interpretations that the Owner issues by addenda. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications. It is the responsibility of all Respondents to check the status of formal addenda five (5) days before the submittal deadline. The deadline for the receipt of written questions is stated in Section 2.3.

1.4.1 ADDENDA AND AWARD INFORMATION, WILL BE ISSUED BY THE OWNER FOR THIS RFQ VIA THE ELECTRONIC BUSINESS DAILY WEBSITE AT THE FOLLOWING LINK: <http://www.txsmartbuy.com/sp> REFERENCE "BOARD OF REGENTS/TXST UNIV SYS - 758" AND THE RFQ NUMBER PROVIDED IN THIS RFQ.

1.5 SUBMISSION OF QUALIFICATIONS:

1.5.1 The Qualifications must be received **at the address specified in Section 1.5.2 prior to the date and time deadline**. Please note that overnight deliveries, such as FedEx and UPS, arrive at a central campus location but are not usually delivered to the specified location until after the time deadline. Respondents are advised to use other methods of delivery or, if using an overnight delivery service, to send the Qualifications a day earlier than usual. The Owner will not consider any response to this solicitation that is not received at the address specified by the deadline, regardless of whether it has been received by the University.

1.5.2 DEADLINE AND LOCATION: The Owner will receive Qualifications at the time and location described below.

March 29, 2019 - 2:00 p.m. (C.D.T.)

Ms. Cheryl Byley
Director of Purchasing and Contracts
Lamar State College Orange
290 N. 4th Street
Ron E. Lewis Library, 3rd Floor, Office 328
Orange, Texas 77630

1.5.3 Submit **two (2) identical copies** of the Qualification. An original signature must be included on the "Execution of Offer" document, Section 3.6.17, submitted with each copy of the Qualifications. Submit **two (2) disc or thumb drives** with identical copies of the Qualifications in Adobe Acrobat PDF format.

- 1.5.4 Qualifications must include **one (1) original and one (1) copy** of the HUB Subcontracting Plan (HSP) as separate attachments to the Qualifications as described in Section 1.13.
- 1.5.5 Qualifications received after the deadline in 1.5.2 will be returned to the Respondent unopened. The Point-of-Contact identified in Section 1.6 will identify the official time clock at the RFQ submittal location identified above.
- 1.5.6 The Owner will not acknowledge or consider Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 1.5.7 Properly submitted Qualifications will not be returned to Respondents.
- 1.5.8 Respondent's Qualifications materials must be enclosed in a sealed envelope (box or container) addressed to the Point-of-Contact person. Packages must clearly identify the submittal deadline, the RFQ title and number, and include the name, email address, and return address of the Respondent's contact person. The HUB Subcontracting Plan shall be included with the Qualifications packet but sealed separately.
- 1.5.9 Properly submitted Qualifications will be opened publicly and the names of the Respondents will be read aloud immediately after the submissions of Qualifications deadline stated in Section 1.5.2.
- 1.6 POINT-OF-CONTACT: The Owner designates the following person as its representative and Point-of-Contact for this RFQ. Respondents shall restrict all contact with the Owner and direct all questions regarding this RFQ, including questions regarding terms and conditions, to the Point-of-Contact. All inquiries regarding this RFQ must be made in writing, via email only.
- Ms. Cheryl Byley, Director of Purchasing and Contracts
Lamar State College Orange
410 Front Street
Orange, Texas 77630
Email: Cheryl.Byley@lsco.edu
- 1.7 EVALUATION OF QUALIFICATIONS: The evaluation of the Qualifications shall be based on the requirements described in this RFQ. All properly submitted Qualifications will be reviewed, evaluated, and ranked by a Selection Committee appointed by the Component as approved by the President or his/her designee. The top four (4) or fewer ranked Respondents may be selected by the Owner for further consideration by participating in an interview wherein Qualifications will be presented and examined in further detail and where questions will be posed by the Selection Committee and answered by the Respondent.
- 1.7.1 Qualifications submittals shall not include any information regarding Respondent's proposed fees, pricing, or other compensation considerations as these will not be a factor in the selection of the best qualified firm.
- 1.8 OWNER'S RESERVATION OF RIGHTS: The Owner may evaluate the Qualifications based on the anticipated completion of all or any portion of a project. The Owner reserves the right to reject any and all Qualifications and re-solicit for new Qualifications, or to reject any and all submissions and temporarily or permanently abandon the solicitation. Owner makes no representations, written or oral, that it will enter into any form of agreement with any Respondent to this RFQ for any project and no such representation is intended or should be construed by the issuance of this RFQ.

- 1.9 ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its Qualifications in response to this RFQ, Respondent accepts the evaluation process and acknowledges and accepts that determination of the “most qualified” Consultant(s) will require subjective judgments by the Owner. Determinations by the Selection Committee will be subject to routine administrative review by the Owner’s executive officers but, once a selection is announced, it will not be subject to further review.
- 1.10 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the Respondent’s participation in this RFQ process shall be at the sole risk and responsibility of the Respondent.
- 1.11 PRE-SUBMITTAL CONFERENCE: There will be no pre-submittal conference conducted for this selection process.
- 1.12 ELIGIBLE RESPONDENTS: Only individual firms or lawfully formed business organizations may apply (This does not preclude a Respondent from using consultants.) The Owner will contract only with the individual firm or formal organization that submits a Qualification.
- 1.13 HISTORICALLY UNDERUTILIZED BUSINESSES’ SUBMITTAL REQUIREMENTS: It is the policy of the Owner and each of its Components, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, specific plans and representations by Respondents that appear to facilitate the State’s commitment to supporting HUB enterprises will be favorably considered in the selection process. Failure to submit specific plans and representations regarding HUB utilization, and failure to address the subject at all, will be interpreted by the Selection Committee as an intention to not support the program.
- 1.13.1 STATEMENT OF PROBABILITY: The Owner 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 Qualifications.
- 1.13.2 The HSP information may be downloaded from the Texas State Comptroller’s website at the following URL link:
<https://comptroller.texas.gov/purchasing/vendor/hub/forms.php>
- 1.14 CERTAIN PROPOSALS AND CONTRACTS PROHIBITED: Under Section 2155.004, *Texas Government Code*, a state agency may not accept a proposal or award a contract that includes proposed financial participation by a person who received compensation from the agency to participate in preparing the specifications or request for proposals on which the proposal or contract is based. All vendors must certify their eligibility by acknowledging the following statement, "Under Section 2155.004, Texas Government Code, 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." If a state agency determines that an individual or business entity holding a state contract was ineligible to have the contract accepted or awarded as described above, the state agency may immediately terminate the contract without further obligation to the vendor. This section does not create a cause of action to contest a proposal or award of a state contract.
- 1.15 SALES AND USE TAXES: Section 151.311, *Texas Tax Code*, as amended effective October 1, 1993, permits the purchase free of state sales and use taxes of tangible personal property to be incorporated into realty in the performance of a contract for an improvement to realty for certain exempt entities that include the Owner. The section further permits the purchase tax-free of

tangible personal property (other than machinery or equipment and its accessories and repair and replacement parts) for use in the performance of such a contract if the property is "necessary and essential for the performance of the contract" and "completely consumed at the job site." In addition, the section permits the purchase tax-free of a tangible service for use in the performance of such a contract if the service is performed at the job site and if "the contract expressly requires the specific service to be provided or purchased by the person performing the contract" or "the service is integral to the performance of the contract."

- 1.16 **CERTIFICATION OF FRANCHISE TAX STATUS:** Respondents are advised that the successful Respondent will be required to submit certification of franchise tax status as required by State Law (*Texas Tax Code* Chapter 171). The contractor agrees that each subcontractor and supplier under contract will also provide a certification of franchise tax status.
- 1.17 **DELINQUENCY IN PAYING CHILD SUPPORT:** Under Section 231.006, *Texas Family Code*, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.
- 1.18 **STATE REGISTRATION OF ARCHITECTURE FIRMS:** Respondents are advised that the Texas Board of Architectural Examiners requires that any firm or business entity providing architectural services to the public, other than a sole proprietor doing business under his/her name, must annually register information regarding the firm or business entity with the Texas Board of Architectural Examiners. The Texas Board of Architectural Examiners, 333 Guadalupe Street, Suite 2-350, Austin, Texas 78701, telephone (512) 305-9000, has jurisdiction over individuals licensed under the Architects' Registration Law, Chapter 1051, *Texas Occupations Code*.
- 1.19 **STATE REGISTRATION OF ENGINEERING FIRMS:** Respondents are advised that the Texas Board of Professional Engineers requires that any entity providing engineering services to the public must register with the Texas Board of Professional Engineers. An entity is defined as a sole proprietorship, firm, partnership, corporation or joint stock association.

SECTION 2 – EXECUTIVE SUMMARY

- 2.1 **HISTORICAL BACKGROUND:** In fall 1969 Lamar University opened its first extension center in Orange, Texas, with classes held in the old Tilley Elementary School. In 1971 the Texas Legislature passed legislation enabling Lamar University to operate a two-year educational center, thus removing the extension status and allowing students to take two full years of coursework on the Orange campus. In 1971 the building was destroyed by fire, and a spirited community-wide fundraising effort netted more than \$250,000 for the purchase of the former Sabine Supply Company building, located at 410 Front Street in Orange. Classes began at this location in fall 1971. Since that time facilities, enrollment and course offerings have grown steadily. Academic programs are offered in four divisions: Arts and Sciences, Business and Technology, Allied Health, and Education.

The Texas Legislature authorized the creation of the Lamar University System in 1983. In 1991 the Texas Legislature provided degree-granting authority to Lamar University-Orange. Lamar University-Orange, along with sister institutions in Port Arthur and Beaumont, was merged with the Texas State University System, effective September 1, 1995. The Texas State University System also includes Sam Houston State University, Sul Ross State University and Texas State University.

During the 1999 legislative session Lamar University-Orange was officially renamed Lamar State College-Orange.

Lamar State College-Orange currently has a student body totaling approximately 2,450. A variety of two-year academic programs are offered, leading to associate of science degrees. These programs will transfer to four-year institutions for students seeking baccalaureate degrees. Several technical/occupational programs are available, which lead to associate of applied science degrees or certificates of completion.

2.2 **SERVICES DESCRIPTION, SCOPE AND BUDGET:** The scope of services is to provide, upon notification of a need and after providing a proposal and after contracting through a properly executed assignment document, architectural/engineering services including but not limited to the following:

- 2.2.1 Preparation of studies, reports, schematic plans, preliminary construction cost estimates, measurements, photographic documentation, and project analysis for facilities on the Lamar State College Orange Campus, Orange, Texas.
- 2.2.2 Recommend options for additions, remodeling, replacement or new construction including project cost analysis.
- 2.2.3 Design services to include preliminary design, construction drawings and specifications for new construction and renovation projects, including preparation of cost estimates and bidding documents, as well as, assistance in the procurement of construction services.
- 2.2.4 General contract administration including on-site observation during construction.
- 2.2.5 General consulting services for assisting the Owner with project management and program management services.
- 2.2.6 Architectural, structural, mechanical, electrical, plumbing, civil and other subconsultants as may be necessary to the A/E in fulfillment of its assignment.
- 2.2.7 **SUBCONSULTANTS:** Subconsultants providing services under any subsequent agreement shall meet the same requirements and level of experience as required of the Respondent. No subconsultant under the agreement shall relieve the primary Respondent of responsibility for the service. If the Respondent uses a subconsultant for any or all of the work required, the following conditions shall apply under the listed circumstances:
 - 2.2.7.1 Respondents planning to subcontract all or a portion of the work shall identify the proposed subconsultant.
 - 2.2.7.2 The Owner retains the right to check subconsultant’s background and make determination to approve or reject the use of submitted subconsultants.
 - 2.2.7.3 The Respondent shall be the only contact for the Owner and subconsultant. Respondent shall list a designated point of contact for all Owner and subconsultant inquiries.

2.3 **SCHEDULE:** Key schedule milestones (subject to change) are:

- 2.3.1 RFQ for A/E IDIQ Services issued.....02/12/2019
- 2.3.2 Deadline for submission of written questions.....03/20/2019

2.3.3	Deadline for the submittal of Qualifications.....	03/29/2019
2.3.4	Owner selects short listed Respondents	04/08/2019
2.3.5	Interviews of short listed of Respondents (if required).....	04/16/2019
2.3.6	Owner selects most qualified Respondent	05/01/2019
2.3.7	Owner and Respondent agree to terms of the A/E IDIQ Agreement	05/08/2019
2.3.8	Execute A/E IDIQ Agreement	05/08/2019

The schedule of events presented above represents a basic timeline for the solicitation. Time is of the essence for the Owner to bring the successful Respondent under contract to begin A/E IDIQ services. Respondent shall expedite contract negotiations to meet and/or improve on this schedule.

SECTION 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

Respondents shall carefully read the information contained in the following criteria and submit a complete statement of Qualifications to all questions in Section 3 formatted as directed in Section 4. Incomplete Qualifications will be considered non-responsive and will be subject to rejection.

3.1 **CRITERION ONE: RESPONDENT’S STATEMENT OF QUALIFICATIONS AND AVAILABILITY TO UNDERTAKE IDIQ A/E SERVICES - (Maximum of two (2) printed pages per question)**

- 3.1.1 Provide a statement of interest for the solicitation including a narrative describing the Respondent’s unique qualifications as they pertain to the services described in this RFQ.
- 3.1.2 Provide a statement on the availability and commitment of the Respondent and its principal(s) and assigned professionals to undertake the services described in this RFQ.
- 3.1.3 Provide a brief history of the Respondent and each proposed consultant.
- 3.1.4 Provide a graphic representation of the project team, identifying the Respondent and any consultant proposed for the services described in this RFQ.

3.2 **CRITERION TWO: FIRM’S ABILITY TO PROVIDE IDIQ A/E SERVICES**

- 3.2.1 **PROVIDE THE FOLLOWING INFORMATION FOR THE FIRM:**
 - Legal name of the firm as registered with the Secretary of State of Texas.
 - Address of the office that will be providing services.
 - Number of years in business.
 - Type of operation (Individual, Partnership, Corporation, Joint Venture, etc.).
 - Number of employees by skill group.
 - Annual revenue totals for the past ten (10) years.
- 3.2.2 Provide the three (3) most recent audited financial statements documenting your firm’s financial stability. This will not be counted toward the 50-page limit.
- 3.2.3 Identify if the Respondent’s firm or any of its consultant team is currently for sale or involved in any transaction to expand or to become acquired by another business entity. If yes, please explain the impact both in organizational and directional terms.

- 3.2.4 Provide any details of all past or pending litigation, or claims filed against the Respondent's firm or any of its consultant team that would affect Respondent's performance under a Contract with the Owner.
- 3.2.5 Identify if the Respondent is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity. If yes, specify date(s), details, circumstances, and prospects for resolution.
- 3.2.6 Declare if any relationship exist by relative, business associate, capital funding agreement, or any other such kinship between your firm on the Respondent's team and any Owner employee, officer or Regent. If so, please explain.
- 3.2.7 Provide a claims history under professional malpractice insurance for the past five (5) years for the Respondent's firm and any team members proposed to provide professional services.

3.3 CRITERION THREE: QUALIFICATIONS OF ASSIGNED FIRM PERSONNEL AND THEIR LIKELY ROLES

- 3.3.1 Identify the key professionals that will be involved in providing IDIQ A/E services and their likely roles. Specifically name the person who will support the oversight efforts with Lamar State College-Orange.
- 3.3.2 Provide resumes stating the experience and expertise of the professionals that will be involved in providing IDIQ A/E services, including their experience with similar tasks, the number of years with the firm, and their city of residence.
- 3.3.3 Indicate whether the Respondent intends to use consultants or sub-consultants in rendering professional services to the Owner. If so, indicate the roles of such consultants and describe the Respondent's process in working with consultants and integrating them into the process of providing IDIQ A/E services.

3.4 CRITERION FOUR: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE ENGAGEMENTS FOR IDIQ A/E SERVICES

- 3.4.1 List a maximum of five (5) projects for which you have provided IDIQ A/E services that are MOST CLOSELY RELATED to the services described in this RFQ. Any engagements with the Owner, Lamar State College-Orange, or other Texas public institutions of higher education and other Texas state-funded projects including public school districts should be included. Identify Respondent's experience with projects utilizing State or Federal grants or funds. List the projects in order of priority, with the most relevant project listed first. Provide the following information for each project listed:
 - Project name, location, contract delivery method, and description of the type of services provided
 - Color images (photographic or machine reproductions).
 - Construction cost at Programming, Design Development, 100% Construction Documents, and GMP or Bid amount.
 - Final construction cost, including any change orders by type (i.e. scope change, unforeseen, errors and omissions).
 - Programmed project size (if applicable).
 - Final project size in gross square feet.

- Type of construction (new, renovation, or expansion).
- Originally Scheduled Notice to Proceed for Pre-Construction Services.
- Actual Notice to Proceed for Pre-Construction Services.
- Originally Scheduled Construction Notice to Proceed, Substantial Completion, and Final Payment dates for Construction Services.
- Actual Construction Notice to Proceed, Substantial Completion, and Final Payment dates for Construction Services.

References (for each project listed above, identify the following):

- The Owner's name and representative who served as the day-to-day liaison(s) during the design and construction phases of the project, including telephone number and email address.
- A/E's representative who served as the day-to-day liaison(s) during the design and construction phase of the project, including telephone number and email address.
- Length of business relationship with the Owner.

References shall be considered relevant based on specific project participation and experience with the Respondent. The Owner reserves the right to contact any other references at any time during the RFQ process.

3.4.2 List a maximum of three (3) engagements for which you have provided traditional A/E consulting services that are most closely related to the services described in this RFQ. Any engagements with Owner, Lamar State College-Orange, other Texas public institutions of higher education and other State of Texas entities should be included. Identify any engagements with projects utilizing State or Federal grants or funds. List the engagements in order of priority, with the most relevant engagement listed first. Provide the following information for each engagement listed:

- Name of client.
- Description of the type and scope of services provided.
- Time period during which such services were rendered.

References (for each engagement or project listed above, identify the following):

- The client's name and representative who served as the liaison during the delivery of services for the project, including telephone number and email address.
- Length of business relationship with the client. The Owner reserves the right to contact any other references at any time during the RFQ process.

3.5 CRITERION FIVE: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES

- 3.5.1 Describe your quality assurance program. Explain the methods used to ensure quality control during the programming, design and documentation phases of a project. Provide specific examples of how these techniques or procedures were used from any three (3) projects listed in response to Section 3.4.1 or 3.4.2 of this RFQ.
- 3.5.2 Describe the firm's philosophy, methodology, controls, and its processes for successful management of cost and schedule.
- 3.5.3 Describe your project team's demonstrated technical competence and management qualifications with institutional projects, particularly those for higher education.

- 3.5.4 Provide any other details regarding special services, processes, advantages or other benefits offered to the Owner by the Respondent.

3.6 CRITERION SIX: EXECUTION OF OFFER

NOTE TO RESPONDENTS: **SUBMIT ENTIRE SECTION WITH RESPONSE.**

THIS EXECUTION OF OFFER MUST BE COMPLETED, SIGNED, AND RETURNED WITH THE RESPONDENT'S QUALIFICATIONS. **FAILURE TO COMPLETE, SIGN AND RETURN THIS EXECUTION OF OFFER WITH THE QUALIFICATIONS MAY RESULT IN REJECTION OF THE QUALIFICATIONS.** SIGNING A FALSE STATEMENT MAY VOID THE SUBMITTED QUALIFICATIONS OR ANY AGREEMENTS OR OTHER CONTRACTUAL ARRANGEMENTS, WHICH MAY RESULT FROM THE SUBMISSION OF RESPONDENT'S QUALIFICATIONS, AND THE RESPONDENT MAY BE REMOVED FROM ALL PROPOSER LISTS. A FALSE CERTIFICATION SHALL BE DEEMED A MATERIAL BREACH OF CONTRACT AND, AT OWNER'S OPTION, MAY RESULT IN TERMINATION OF ANY RESULTING CONTRACT OR PURCHASE ORDER.

- 3.6.1 By signature hereon, Respondent acknowledges and agrees that (1) this RFQ is a solicitation for qualifications and is not a contract or an offer to contract; (2) the submission of Qualifications by Respondent in response to this RFQ will not create a contract between the Owner and Respondent; (3) the Owner has made no representation or warranty, written or oral, that one or more contracts with the Owner will be awarded under this RFQ; and (4) Respondent shall bear, as its sole risk and responsibility, any cost which arises from Respondent's preparation of a response to this RFQ.
- 3.6.2 By signature hereon, Respondent offers and agrees to furnish to the Owner the products and/or services more particularly described in its Qualifications, and to comply with all terms, conditions and requirements set forth in the RFQ documents and contained herein.
- 3.6.3 By signature hereon, Respondent affirms that it has not given, 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 Qualifications.
- 3.6.4 By signature hereon, a corporate Respondent certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171, *Texas Tax Code*, or that the corporate Respondent is exempt from the payment of such taxes, or that the corporate Respondent is an out-of-state corporation that is not subject to the Texas Franchise Tax, whichever is applicable.
- 3.6.5 By signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership or Owner represented by the Respondent, nor 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. Respondent further certifies that it has not communicated directly or indirectly the Qualifications submitted to any competitor or any other person engaged in a similar line of business.

- 3.6.6 By signature hereon, Respondent represents and warrants that:
- 3.6.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;
 - 3.6.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
 - 3.6.6.3 Respondent is aware of, is fully informed about, and is in full compliance with all applicable federal, state and local laws, rules, regulations and ordinances;
 - 3.6.6.4 Respondent understands the requirements and specifications set forth in this RFQ and the terms and conditions set forth in the contract under which Respondent will be required to operate;
 - 3.6.6.5 Respondent, if selected by the Owner, will maintain insurance as required by the contract;
 - 3.6.6.6 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that the Owner will rely on such statements, information and representations in selecting the successful Respondent. If selected by the Owner as the successful Respondent, Respondent will notify the Owner immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.
- 3.6.7 By signature hereon, Respondent certifies that the individual signing this document and the documents made part of the RFQ is authorized to sign such documents on behalf of the company and to bind the company under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications.
- 3.6.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Bidder as defined in *Texas Administrative Code* Title 34, Part 1, Chapter 20, Subchapter A, Division 2, Rule Section 20.25(8).
- 3.6.9 By signature hereon, Respondent certifies as follows:
- 3.6.9.1 "Under Section 231.006, *Texas Family Code*, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate."
 - 3.6.9.2 "Under Section 2155.004, *Texas Government Code*, the vendor or applicant 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."
 - 3.6.9.3 Under Section 2254.004, *Texas Government Code*, the vendor or applicant certifies that each individual or business entity which is an engineer or architect proposed by

Respondent as a member of its team was selected based on “demonstrated competence and qualifications” only.

- 3.6.10 By signature hereon, Respondent certifies that no relationship, whether by relative, business associate, capital funding agreement or by any other such kinship exist between Respondent and an employee of Owner and any Component, or Respondent has not been an employee of Owner or any Component within the immediate twelve (12) months prior to your RFQ response. All such disclosures will be subject to administrative review and approval prior to the Owner entering into any contract with Respondent.
- 3.6.11 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFQ. (ref. Section 2155.004 *Texas Government Code*).
- 3.6.12 Respondent represents and warrants that all articles and services quoted in response to this RFQ meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health Law (Public Law 91-596) and its regulations in effect or proposed as of the date of this solicitation.
- 3.6.13 By signature hereon, Respondent signifies his compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.
- 3.6.14 By signature hereon, Respondent agrees to defend, indemnify, and hold harmless the State of Texas, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities, arising out of, connected with, or resulting from any acts or omissions of Respondent or any agent, employee, subcontractor, or supplier of Respondent in the execution or performance of any agreements or other contractual arrangements which may result from the submission of Respondent’s Qualifications.
- 3.6.15 By signature hereon, Respondent agrees that any payments that may become due under any agreements or other contractual arrangements, which may result from the submission of Respondent’s Qualifications, will be applied towards any debt including, but not limited to, delinquent taxes and child support that is owed to the State of Texas.
- 3.6.16 By signature hereon, Respondent certifies that no member of the Board of Regents of the Texas State University System, or the executive officers of the Owner or its Components, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract.

[Execution Offer continues next page]

3.6.17 EXECUTION OF OFFER: RFQ No. 758-19-03008 – IDIQ Architectural/Engineering Services for Lamar State College-Orange, Orange, Texas.

The Respondent must complete, sign and return this Execution of Offer as part of its submittal response. The Respondent’s company official(s) who are authorized to commit to such a submittal must sign submittals. **Failure to sign and return this form will subject the submittal to disqualification.**

Respondent’s Company Name: _____

Respondent’s State of Texas Tax Account No: _____
(This 11 digit number is mandatory)

If a Corporation:

Respondent’s State of Incorporation: _____

Respondent’s Charter No: _____

Identify by name, each person who owns at least 25% of the Respondent’s business entity:

(Name)

(Name)

(Name)

(Name)

Submitted and Certified By:

(Respondent’s Name)

(Title)

(Street Address)

(Telephone Number)

(City, State, Zip Code)

(Fax Number)

(Authorized Signature)

(Email Address) required for RFQ Notification

(Date)

SECTION 4 – FORMAT FOR STATEMENT OF QUALIFICATIONS

4.1 GENERAL INSTRUCTIONS

- 4.1.1 Qualifications shall be prepared **SIMPLY AND ECONOMICALLY**, providing a straightforward, **CONCISE** description of the Respondent's ability to meet the requirements of this RFQ. Emphasis shall be on the **QUALITY**, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs.
- 4.1.2 The statement of Qualifications shall be a **MAXIMUM OF 50 PRINTED PAGES**. The cover, table of contents, divider sheets, HUB Subcontracting Plan, and Execution of Offer do not count as printed pages.
- 4.1.3 Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete Qualifications will be considered non-responsive and subject to rejection.
- 4.1.4 Qualifications and any other information submitted by Respondents in response to this RFQ shall become the property of the Owner.
- 4.1.5 The Owner will not compensate Respondents for any expenses incurred in Qualifications preparation or for any presentations that may be made, unless agreed to in writing in advance or required by law. Respondents submit Qualifications at their own risk and expense.
- 4.1.6 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by the Owner, at its option.
- 4.1.7 The Owner makes no representations of any kind that an award will be made as a result of this RFQ. The Owner reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in Owner's best interest.
- 4.1.8 Qualifications shall consist of answers to questions identified in Section 3 of the RFQ. It is not necessary to repeat the question in the Qualifications; however, it is essential to reference the question number with the corresponding answer.
- 4.1.9 Failure to comply with all requirements contained in this RFQ may result in the rejection of the Qualifications.

4.2 PAGE SIZE, BINDING, DIVIDERS, AND TABS:

- 4.2.1 Qualifications shall be printed on letter-size (8-1/2" x 11") paper and assembled with spiral-type bindings or staples. **DO NOT USE METAL-RING HARD COVER BINDERS.**
- 4.2.2 Additional attachments shall **NOT** be included with the Qualifications. Only the responses provided by the Respondent to the questions identified in Section 3 of this RFQ will be used by the Owner for evaluation.
- 4.2.3 Separate and identify the response to each of the criteria in Section 3 of this RFQ by use of a divider sheet with an integral tab for ready reference.

- 4.3 TABLE OF CONTENTS: Submittals shall include a “Table of Contents” and give page numbers for each part of the Qualifications.
- 4.4 PAGINATION: Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.); the Respondent is not required to number the pages of any HUB Subcontracting Plan

[END OF REQUEST FOR QUALIFICATIONS]

Addendum No. 1

Issued March 13, 2019

REQUEST FOR QUALIFICATIONS FOR INDEFINITE DELIVERY-INDEFINITE QUANTITY

ARCHITECTURAL / ENGINEERING SERVICES

FOR

LAMAR STATE COLLEGE-ORANGE ORANGE, TEXAS AND THE TEXAS STATE UNIVERSITY SYSTEM

RFQ No.:

758-19-03008

Notice To All Respondents:

The following is Addendum No. 1 to the Request for Qualifications (RFQ)
ESBD Posting No. 758-19-03008 was posted on February 12, 2019

Prepared By:

Peter Maass, Director of Capital Projects Administration
Texas State University System
601 Colorado St. | Austin, TX 78701 | 512-463-1808
peter.maass@tsus.edu

I. General:

A. Below are the Questions that were presented along with Answers to each in relation to this RFQ as of March 12, 2019.

1. Question: May we submit a response to this RFP for just Fire Protection Engineering related services?
Answer: No, please refer to Section 2.2.6 of the RFQ.
2. Question: Will geotechnical, environmental and construction materials testing be procured through another RFQ or are they included under this one?
Answer: If needed, these services will be solicited separately. They are not be included in this RFQ.
3. Question: Can you clarify if you are looking for a team likely led by architectural firm and also include engineers such as structural and MEP in the RFQ response?
Answer: Please refer to Section 2.2 and 2.2.6 of the RFQ.
4. Question: Or simply looking for an Architect at this time and then as needed bring in consultants and engineers on per project basis?
Answer: Architectural/Engineering services will be sought on an as needed basis.
5. Question: Or are you open to selecting a structural firm separately thru this RFQ to have on call?
Answer: No.
6. Question: Does RFQ 758-19-03008 include Commissioning Services in your request for AE services.
Answer: No, commissioning services are not a part of this solicitation.
7. Question: Are you planning to procure these services directly with an engineering firm?
Answer: If required, commissioning services will be solicited separately.
8. Question: If they are not included in this RFQ, will there be another RFQ for Commissioning Services?
Answer: No commissioning services are anticipated at this time.
9. Question: The RFQ referenced above in the subject line states that “Consultant must be prepared to assign at least one person with significant project planning and management experience to be available as the point of contact for all efforts at the Component institution.” Is the expectation that the consultant have an on-site presence for the duration of the contract?

Answer: Any on-site presence of an architect/engineer will depend on the project and any such services would be negotiated as part of a project assignment under the IDIQ contract.

10. Question: In reference to RFQ No. 758-19-03008 are we allowed to submit a qualification package for just the services we are able to provide or is the University looking for a team to provide all of the services?

Answer: This solicitation is for architectural/engineering services. Please refer to Sections 2.2 and 2.2.6 of the RFQ.

11. Question: Also is the University only looking for architectural, structural, mechanical, electrical, plumbing, and civil services?

Answer: Please refer to Sections 2.2 and 2.2.6 of the RFQ.

12. Question: Can you clarify if you are looking for a full Architectural team to include full services including Structural Engineering or if you are interested in receiving separate Structural Engineering responses.

Answer: Please refer to Sections 2.2 and 2.2.6 of the RFQ

13. Question: Will these services be solicited in the near future?

Answer: It is anticipated that any future required structural engineering services would be secured through the IDIQ Architectural/Engineering Services Contract that is the subject of this RFQ.

14. Question: Can a non-A/E firm submit as a prime on this solicitation if they specialize in components of the scope, but not all the scope, or would you require submissions to include team members including subconsultants to be able to provide all the services noted in Section 2.2?

Answer: Respondents to this RFQ must be able to provide the services defined in Section 2.2. To be selected as “most qualified”, they must successfully demonstrate their qualifications through their responses to the requirements enumerated under Section 3 and be evaluated as most qualified by the Selection Committee.

- END OF ADDENDUM NO. 1 -