

**REQUEST FOR QUALIFICATIONS  
FOR  
INDEFINITE QUANTITY  
FACILITIES DESIGN AND CONSTRUCTION  
PROGRAM MANAGEMENT SERVICES**

**For the**

**TEXAS STATE UNIVERSITY SYSTEM**

**RFQ No.:**

**758-16-00035**

**Submission Date:**

**December 16, 2015 - 3:00 p.m. (C.S.T.)**

**Prepared By:**

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**TABLE OF CONTENTS**

<b>Section 1 - General Information &amp; Requirements</b>	3.2	Firm’s Ability to Provide Program Management Services
1.1 General Information	3.3	Qualifications of Assigned Firm Personnel and Their Likely Roles
1.2 Public Information	3.4	Respondent’s Performance on Past Representative Engagements for Design and Construction Project Management
1.3 Type of Contract	3.5	Respondent’s Knowledge of Best Practices
1.4 Clarifications and Interpretations	3.6	Respondent’s Program Management Technical Tools
1.5 Submission of Qualifications	3.7	Execution of Offer
1.6 Point-Of-Contact		<b>Section 4 - Format for Statement of Qualifications</b>
1.7 Evaluation of Qualifications	4.1	General Instructions
1.8 Owner’s Reservation of Rights	4.2	Page Size, Binding, Dividers, and Tabs
1.9 Acceptance of Evaluation Methodology	4.3	Table of Contents
1.10 No Reimbursement for Costs	4.4	Pagination
1.11 Pre-Submittal Conference		
1.12 Eligible Respondents		
1.13 Historically Underutilized Businesses’ Submittal Requirements		
1.14 Statement of Probability		
1.15 Certain Proposals and Contracts Prohibited		
1.16 Sales and Use Taxes		
1.17 Certification of Franchise Tax Status		
1.18 Delinquency in Paying Child Support		
1.19 Services Previously Provided by Consultant		
1.20 CEO Determination of Need for Services		
<b>Section 2 - Executive Summary</b>		
2.1 Historical Background		
2.2 Project Description, Scope and Budget		
2.3 Schedule		
<b>Section 3 - Requirements for Statement of Qualifications</b>		
3.1 Respondent’s Statement of Qualifications and Availability to Undertake Program Management Services		

REQUEST FOR QUALIFICATIONS  
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RFQ No.: 758-16-00035

**SECTION 1 – GENERAL INFORMATION & REQUIREMENTS**

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner”) is soliciting Statements of Qualifications for the selection of one or more firms (“Consultant”), to provide certain program management services for planning, design and construction of facilities for Owner’s System Office (“System Office”) and/or its component institutions (“Components”) on an hourly fee basis as needed by the Owner. Such services are expected to include but are not limited to services related to pre-project planning, estimating, programming, design, bid and construction phases of the project delivery process or any other service that is beneficial in the delivery of facilities. The Consultant will render these services to the System Office and in some cases directly to a Component as needed, with no minimum 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 needed to support the oversight efforts of the System Office. Please see section 2.2 for a fuller discussion of the scope of this engagement.** A contract with the selected firm(s) will be issued as an indefinite quantity contract with a term expiring on August 31, 2018, and an option for the Owner to extend the contract for one additional year. The total value of each Contract will be limited to \$2,000,000; however, the Owner reserves the right to increase this limit with appropriate internal authorization.
- 1.1.1 Collecting Statements of Qualifications in response to this RFQ is the first step in selecting the Consultant. This RFQ provides the information necessary for respondents to prepare and submit Statements of 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 five (5) 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 one or more of 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. The Owner may enter into contracts with up to three (3) firms as a result of this solicitation.
- 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 strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information. Additionally, if required pursuant to the provisions of Senate Bill 20 (79<sup>th</sup> Legislature 2015), 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.
- 1.4 **CLARIFICATIONS AND INTERPRETATIONS:** Responses to inquiries that directly affect an interpretation or change to this RFQ will be issued in writing by the System as an addendum. It is the responsibility of the Respondent to verify with the System, no later than five (5) working days prior to the submission deadline, whether any addenda have been issued. All such addenda issued by the System prior to the time that proposals are received shall be considered part of the RFQ, and the Respondent shall be required to consider and acknowledge receipt of each addendum in its Qualifications.
- 1.4.1 **ADDENDA AND AWARD INFORMATION WILL BE ISSUED BY THE TEXAS STATE UNIVERSITY SYSTEM FOR THIS RFQ VIA THE ELECTRONIC BUSINESS DAILY WEBSITE AT: [HTTP://ESBD.CPA.STATE.TX.US](http://ESBD.CPA.STATE.TX.US). REFERENCE THE RFQ NUMBER PROVIDED IN THIS SOLICITATION.**
- 1.5 **SUBMISSION OF QUALIFICATIONS:**
- 1.5.1 **DEADLINE AND LOCATION:** The Owner will receive Qualifications and HUB Subcontracting Plan as separate attachments at the time and location described below.
- December 11, 2015 - 3:00 p.m. (Central Standard Time)**
- Peter E. Graves, Vice Chancellor for Contract Administration  
Texas State University System  
Thomas J. Rusk State Building  
208 E. 10<sup>th</sup> Street, Suite 600  
Austin, TX 78701-2407
- 1.5.2 Submit **one (1)** electronic version of the Qualification Package on CD or flash drive format.
- 1.5.3 Submit **five (5)** identical copies of the Qualifications. An original signature must be included on the Respondent's "Execution of Offer" document submitted with each copy.
- 1.5.4 Submit **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. The HSP information may be downloaded from the State of Texas Comptroller's website at the following URL link:  
<http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>
- 1.5.5 Qualifications received after the deadline in 1.5.1 will be returned to the respondent unopened.
- 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 Qualifications, financial statements (see Section 3.2.2) and HSP materials must be enclosed in a sealed envelope (box or container) addressed to the Point-of-Contact person; the package must clearly identify the submittal deadline, the RFQ number, and the name, return address and email address of the respondent contact on all envelopes.
- 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 No. 758-15.00035 including questions regarding terms and conditions and technical specifications, to the Point-of-Contact person by email only.
- Rob Roy Parnell, Associate Vice Chancellor of Facilities  
Texas State University System  
Thomas J. Rusk State Building  
208 E. 10<sup>th</sup> Street, Suite 600  
Austin, TX 78701-2407  
Email: robroy.parnell@tsus.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 Vice Chancellor for Contract Administration. The top three 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 should 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 most qualified firm.
- 1.8 OWNER'S RESERVATION OF RIGHTS: 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 this procurement. 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. The Owner reserves the right to waive the failure of any response to comply with requirements set forth in this RFQ where the failure is not, in the Owner's opinion, substantial in nature.
- 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" firm(s) will require subjective judgments by the Owner.
- 1.10 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the respondent's participation in this RFQ 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 TSUS and each of its component institutions, 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.
- 1.14 STATEMENT OF PROBABILITY: The System 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.
- 1.15 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, 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.
- 1.16 SALES AND USE TAXES: Section 151.311, 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 TSUS. 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."
- 1.17 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 (H.B. 175, Acts 70th Leg. R.S., 1987, Ch. 283, p. 3242). The contractor agrees that each subcontractor and supplier under contract will also provide a certification of franchise tax status.
- 1.18 DELINQUENCY IN PAYING CHILD SUPPORT: Under Section 231.006, 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.
- 1.19 SERVICES PREVIOUSLY PROVIDED BY CONSULTANT. As required by Section 2254.029(b), Government Code, the Owner hereby discloses that services described in this RFQ

have been previously provided by a consultant to the Owner under an existing contract. While the Owner intends to continue the current contract with this consultant, and reserves the right to award a new contract to the current consultant, should that consultant respond to this RFQ, all responses to this RFQ will be considered and evaluated on their own merits.

- 1.20 CEO DETERMINATION OF NEED FOR SERVICES: As provided by Texas Government Code, Section 2254.028(c), the Chancellor, as chief executive officer of TSUS, has found that the consulting services sought pursuant to this notice are both reasonable and necessary to Owner and its components. The System Office, with a very limited staff, has the responsibility of overseeing more than \$500 million in construction projects at any given time at up to eight different locations. The Chancellor finds that System Office personnel can oversee these projects in a cost-effective manner by utilizing the planning and construction expertise of consultants on an as-needed basis. Such a structure will allow Owner to have the benefit of expertise that it could not reasonably expect to find in a salaried employee and to pay only for the services that it needs to support existing staff's administrative efforts. Moreover, staffing in the planning and construction area at the component institutions differs widely, and the Chancellor finds that the proposed consulting arrangement will be cost effective in providing assistance to components on an as-needed basis.

## **SECTION 2 – EXECUTIVE SUMMARY**

### **2.1 HISTORICAL BACKGROUND:**

The Texas State University System is the oldest and third largest higher education system in Texas. Beginning as an administrative means to consolidate the support and management of state teacher colleges, the System has evolved into a network of higher education institutions stretching from the Texas–Louisiana border to the Big Bend region of far West Texas. The student enrollment exceeds 80,000 at the eight Component locations throughout Texas. The institutions comprising the System include Lamar University, Sam Houston State University, Sul Ross State University, Texas State University, Lamar Institute of Technology, Lamar State College-Orange, Lamar State College-Port Arthur, and Sul Ross State University Rio Grande College.

### **2.2 DESCRIPTION, SCOPE AND BUDGET:**

The selected Consultant will provide program and/or project management services for facilities planning, design and construction projects throughout the System. Services may be required in connection with any or all of the following phases of project delivery: pre-project planning, estimating, programming, design, bid and construction, as well as any other service that may assist the Owner in the delivery of facilities. The Consultant will render these services to the System Office and/or directly to a Component as needed, with no minimum or maximum amount of services specified.

The volume of project activity anticipated over the next two years will require that the System utilize outside consultants as an extension of its oversight operations. As a result, the Consultant(s) must be prepared to assign at least one qualified person with significant experience and unique abilities in project planning and management, who will be available as needed to support the oversight efforts of the System Office. Such personnel will represent the System Office and participate at project meetings, provide comprehensive review and analysis of drawings, constructability reports, cost estimates, pay applications, change orders, project schedules, and other project documents, and will interact with the project architect-engineer and construction manager-at-risk and the Owner's project manager in a collaborative manner that provides value to

the System Office and to the projects at each campus. The person who represents the System Office must be proficient in e-Builder or similar Project Management Information Systems and Microsoft Office, must understand and align with the culture of the System Office in identifying, tracking and resolving problems in an expeditious manner, and must work independently with little oversight while delivering a superior work product. In short, through his or her project leadership efforts, the specified person must create and maintain added value and garner respect through their actions in support of the Owner, Contractor and Architect as the System Office Representative.

In the event the assigned person is unable to provide the services as specified above, the Respondent shall, as part of this procurement, identify a second candidate to fulfill these requirements.

The selected respondent must demonstrate competency and successful experience with the provision of services similar to those detailed above. Previous experience with planning, design and construction of projects undertaken by the State of Texas and its institutions of higher education is preferred.

**The contract will have an initial term ending August 31, 2018 with an optional one-year extension at the Owner's option.** The contract will provide for an indefinite quantity of services to be provided as required by the Owner, with no requirement that Owner request any minimum quantity of services. Consultant will be compensated on an hourly fee basis in accordance with a fee schedule to be negotiated with the successful respondent. The contract may also provide for the negotiation of specific engagements on a lump-sum fee basis upon the mutual agreement of the parties.

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

2.3.1	Written Questions Deadline (12:00 p.m.) .....	12/10/15
2.3.2	Owner receives Request For Qualifications .....	12/16/15
2.3.3	Owner announces "short list" of firms selected for interviews (if required) .....	1/14/16
2.3.4	Owner complete interviews for short list of respondents(if required) .....	1/21/16
2.3.5	Owner selects most qualified respondent(s) .....	1/22/16
2.3.6	Owner negotiates fee schedule(s) and executes Agreement(s) .....	1/29/16

**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 subject to rejection.

3.1 CRITERION ONE: RESPONDENT'S STATEMENT OF QUALIFICATIONS AND AVAILABILITY TO UNDERTAKE PROGRAM MANAGEMENT SERVICES (Maximum of two (2) printed pages per question)

- 3.1.1 Provide a statement of interest for the project including a narrative describing the Firm's unique qualifications as they pertain to the program management services described in this RFQ.
- 3.1.2 Provide a statement on the availability and commitment of the Firm and its principal(s) and assigned professionals to undertake the services described in this RFQ.



3.1.3 Provide a brief history of the Firm and each consultant proposed for the project.

3.1.4 Provide a graphic representation of the project team, identifying the Firm and any consultant proposed for the services described in this RFQ.

3.2 CRITERION TWO: FIRM'S ABILITY TO PROVIDE PROGRAM MANAGEMENT SERVICES

3.2.1 Provide the following information for the Firm:

- Legal name of the company as registered with the Secretary 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.

3.2.3 Is your company 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 your company that would affect your company's performance under a Contract with the Owner.

3.2.5 Is your company 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 Does any relationship exist by relative, business associate, capital funding agreement, or any other such kinship between your firm 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 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 program management services and their likely roles. **Specifically name the person who will support the oversight efforts in the TSUS System office (see Section 2.2). In addition, specifically name a person who will be secondarily responsible for such efforts in the event the designated person becomes unavailable.**

3.3.2 Provide resumes giving the experience and expertise of the professionals that will be involved in providing program management 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 firm 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 Firm's process in working with consultants and integrating them into the process of providing program management services.

3.4 CRITERION FOUR: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE ENGAGEMENTS FOR DESIGN AND CONSTRUCTION PROJECT MANAGEMENT

- 3.4.1 List a maximum of three (3) projects for which you have provided project management services that are most closely related to the services described in this RFQ. Any engagements with TSUS, other Texas public institutions of higher education and other Texas state-funded projects should be included. 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 and, if applicable, the reclaimed dollar savings provided as a result of these services.
- Color images (photographic or machine reproductions).
- Construction cost at Programming, Schematic Design, Construction cost at Design Development, Construction cost at 50% Construction Documents, Construction cost at 100% Construction Documents, and GMP or Bid amount.
- Final construction cost denoting change orders by type (i.e. scope change, unforeseen, errors and omissions).
- Programmed project size.
- 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 Notice To Proceed, Substantial Completion, and Final Payment dates for Construction Services.
- Actual 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.
- Architect/Engineer's name and representative who served as the day-to-day liaison(s) during the design and construction phase of the project, including telephone number
- Length of business relationship with the Owner.
- References shall be considered relevant based on specific project participation and experience with the Respondent. The Owner may contact references during any part of this process. 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 consulting services *other than project management services* that are most closely related to the services described in this RFQ. Any engagements with Owner, other Texas public institutions of higher education and other State of Texas entities should be included. List the engagements

in order of priority, with the most relevant engagement listed first. Provide the following information for each engagement listed:

- Name of Owner.
- 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 Owner's name and representative who served as the liaison during the delivery of services for the project, including telephone number.
- Length of business relationship with the Owner. The Owner may contact references during any part of this process. 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 the Firm's philosophy, methodology, and its processes for (a) discovering failures to adhere to programming requirements carried forth into design and (b) successful management of cost and schedule controls.
- 3.5.2 Provide specific examples of how these techniques or procedures were used in up to three (3) projects listed in response to Criterion 3.4.
- 3.5.3 Describe your project team's demonstrated technical competence and management qualifications with institutional projects, particularly those for higher education.

### 3.6 CRITERION SIX: RESPONDENT'S PROGRAM MANAGEMENT TECHNICAL TOOLS

- 3.6.1 List and fully describe any technical tools including but not limited to computer software or hardware that enable your firm to provide effective program management services. Demonstrate proficiency in the use of project management information systems. Experience with the e-Builder project management software system is preferred.
- 3.6.2 Provide specific examples of how these tools were used in up to three (3) projects listed in response to Criterion 3.4.

### 3.7 CRITERION SEVEN: 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.

- 3.7.1 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.
- 3.7.2 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.
- 3.7.3 By signature hereon, Respondent affirms that he 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.
- 3.7.4 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.
- 3.7.5 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, nor communicated directly or indirectly the Qualifications made to any competitor or any other person engaged in such line of business.
- 3.7.6 By signature hereon, Respondent represents and warrants that:
- 3.7.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;
- 3.7.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
- 3.7.6.3 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;
- 3.7.6.4 Respondent, if selected by the Owner, will maintain insurance as required by the Contract;
- 3.7.6.5 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.

- 3.7.7 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.
- 3.7.8 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 34 TAC 20.32 (68).
- 3.7.9 By signature hereon, Respondent certifies as follows:
- 3.7.9.1 "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."
- 3.7.9.2 "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."
- 3.7.9.3 "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."
- 3.7.10 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 any TSUS component, or Respondent has not been an employee of any TSUS 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.
- 3.7.11 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).
- 3.7.12 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.
- 3.7.13 By signature hereon, Respondent certifies that no member of the Board of Regents of the TSUS, or the Executive Officers of the TSUS or its component institutions, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract.

**3.7.14 EXECUTION OF OFFER: RFQ No. 758-16-00035 – Indefinite Quantity  
Program Management Services for Texas State University System**

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:

\_\_\_\_\_  
(Type Name)

\_\_\_\_\_  
(Type Name)

\_\_\_\_\_  
(Type Name)

\_\_\_\_\_  
(Type Name)

Submitted and Certified By:

\_\_\_\_\_  
(Type Respondent's Name)

\_\_\_\_\_  
(Type Title)

\_\_\_\_\_  
(Type Street Address)

\_\_\_\_\_  
(Type Telephone Number)

\_\_\_\_\_  
(Type City, State, Zip Code)

\_\_\_\_\_  
(Type Fax Number)

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Type Email Address) required for RFQ Notification

\_\_\_\_\_  
(Type 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 and could be entirely adequate with considerably fewer pages. The cover, table of contents, divider sheets, HUB Subcontracting Plan, if any, 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 Request for Qualifications 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:

4.3.1 Submittals shall include a “Table of Contents” and give page numbers for each part of the Qualifications.

4.4 PAGINATION:

4.4.1 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**