

REQUEST FOR QUALIFICATIONS
FOR
CONSTRUCTION MANAGER-AT-RISK

FOR
TEXAS STATE UNIVERSITY SYSTEM
AUSTIN, TEXAS

Renovation of O. Henry Hall

RFQ No.:

758-16-00039

Submission Date:

August 19, 2016 – 3:00 p.m. (C.D.T.)

Prepared By:

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**REQUEST FOR QUALIFICATIONS FOR
CONSTRUCTION MANAGER-AT-RISK**

Texas State University System

Austin, Texas

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SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner”) is soliciting statements of qualifications (“Qualifications”) for selection of a Construction Manager at Risk firm for **Renovation of O. Henry Hall** (“Project”), in **Austin, Texas**, in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications. (Prospective Construction Manager at Risk entities are hereinafter referred to as “Respondents”).
- 1.1.1 This Request for Qualifications (“RFQ”) is the first step in a three-step process for selecting a Construction Manager at Risk firm for the Project as provided by Texas Education Code §51.782(e). The RFQ provides the information necessary to prepare and submit Qualifications for consideration and initial ranking by the Owner. Based on the initial ranking, the Owner may select up to five (5) of the top ranked Respondents to respond to a separate Request for Proposals in the second step of the process.
- 1.1.2 In the second step of the process, Request for Proposals (“RFP”), the top selected Respondents will be required to submit additional information to the Owner, including fee proposals and general conditions prices (“Proposals”). The Owner will rank the Proposals in the order that they provide the “best value” for the Owner based on the published selection criteria and on the ranking evaluations. If the Owner believes that scoring is inconclusive to determine “best value”, then the Owner may conduct interviews with a “short list” of respondents as an optional third step to this process, “Interviews.”
- 1.1.3 The Interview is an optional third step in the selection process that may be utilized by the Owner to determine which respondent represents the “best value.” Should the Owner request Interviews, “short listed” Respondents would then be requested to attend an Interview with the Owner to confirm their Proposal and answer additional questions. The Owner will then rank the “short listed” Respondents in order to identify the respondent that represents “best value.”
- 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 (79th 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 Construction Management-at-Risk Contract, a copy of which is located on the Texas State University System’s website at the following link: <http://www.tsus.edu/about/policies.html>

1.4 CLARIFICATIONS AND INTERPRETATIONS: Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be formally issued by the Owner as a written addendum. It is the responsibility of all Respondents to check the status of formal addenda five days before the submission deadline and to obtain this information in a timely manner. All such addenda issued by the Owner before the submittals are due shall be acknowledged by Respondents and incorporated into its response to the RFQ.

1.4.1 Respondents shall be required to consider only those clarifications and interpretations that the Owner issues by addenda five (5) or more days prior to the submittal deadline (see Section 2.4 for date). Interpretations or clarifications obtained in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications.

1.4.2 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 RFQ.

1.5 SUBMISSION OF QUALIFICATIONS:

1.5.1 The qualifications must be received **at the address specified** prior to the deadline. 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 Owner.

1.5.2 DEADLINE AND LOCATION: The Owner will receive Qualifications and HUB Commitment Letter (HCL) at the time and location described below.

August 19, 2016 – 3:00 p.m. (C.D.T.)

Mr. Rob Roy Parnell, AIA, RAS, Associate Vice Chancellor for Facilities
Texas State University System
208 E. 10th Street, Suite 600
Thomas J., Rusk State Building
Austin, Texas 78701

1.5.3 Submit one (1) electronic version of the Qualification Package on CD or Thumb Drive format.

1.5.4 Submit five (5) identical copies of the Qualifications. An original signature must be included on the “Execution of Offer” document submitted with each copy.

1.5.5 Submit one (1) **original and one (1) copy** of the HUB Commitment Letter (HCL) as separate attachments to the Qualifications as described in Section 1.13.

1.5.6 Qualifications received after the state official deadline will be returned to the Respondent unopened.

1.5.7 The Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).

1.5.8 Properly submitted Qualifications will not be returned to Respondents.

- 1.5.9 Qualifications 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, Respondent name, email address of RFQ contact, and return address.
- 1.5.10 Properly submitted Qualifications will be opened publicly and the names of the Respondents will be read aloud
- 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 person, in writing, via email only.
- Mr. Rob Roy Parnell, AIA, RAS, Associate Vice Chancellor for Facilities
Texas State University System
Thomas J. Rusk State Building
208E. 10th Street, Suite 600
Austin, TX 78701
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 the Owner. The top five or fewer ranked Respondents may be selected by the Owner to participate in step two of the selection process.
- 1.7.1 Qualifications shall not include any information regarding Respondent's fees, pricing, or other compensation. Such information will be solicited from firms qualified by the Owner to participate in step two of the selection process.
- 1.8 OWNER'S RESERVATION OF RIGHTS: The Owner may evaluate the Qualifications based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Qualifications and re-solicit for new Qualifications, or to reject any and all proposals and temporarily or permanently abandon the Project. 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" firm(s) will require subjective judgments by the Owner. Determinations by the evaluation committee will be subjected to routine administrative review by the TSUS executive officers but, once a selection is announced, it will not be subjected 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. Respondents submit Qualifications and Proposals at their own risk and expense.

- 1.11 **MANDATORY PRE-SUBMITTAL CONFERENCE:** A **MANDATORY** pre-submittal conference will be held at the time and location described below.

July 28, 2016 – 8:30 a.m., (Central Daylight Time) at:

Texas State University System
Thomas J. Rusk State Building
208 E. 10th Street, Suite 600
Austin, TX 78701

- 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:** The HUB Subcontracting Plan (HSP) is not required by respondents as part of the RFQ submission. The HSP will be required by the selected team only. Submit a Letter of HUB Commitment Letter to describe how your firm will participate and demonstrate a good faith effort in achieving the University's HUB goals.
- 1.13.1 **STATEMENT OF PROBABILITY.** The Texas State University System has determined that subcontracting opportunities are probable in connection with this procurement solicitation. Therefore, a HUB Commitment Letter is required as a part of the Respondent's Qualifications.
- 1.13.2 The HUB Commitment Letter is attached to this solicitation.
- 1.13.3 The "Statement of Probability" determines the probability for subcontracting opportunities.
- 1.13.4 Submit one (1) original and one (1) copy of the HUB Commitment Letter **in a separate attachment apart from the submittal of qualifications and apart from the proposal, and disc or thumb drive** as stated in Article 1.5.5 of this RFQ.
- 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, 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, 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 Texas State University System. 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 (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.
- 1.17 **REQUIRED NOTICES OF WORKERS' COMPENSATION INSURANCE COVERAGE:** The Texas Workers' Compensation Commission has adopted a new rule, 28 TAC, sec. 110.110, relating to **REPORTING REQUIREMENTS FOR BUILDING OR CONSTRUCTION PROJECTS FOR GOVERNMENTAL ENTITIES**. The rule applies to all building or construction contracts advertised for bid on or after September 1, 1994. The rule implements sec. 406.096, Texas Labor Code, which requires workers' compensation insurance coverage for all persons providing services on a building or construction project for a governmental entity. The requirements of the rule are set forth in the Uniform General and Supplementary General Conditions for the Texas State University System Building Construction Contracts.
- 1.18 **PREVAILING WAGE RATE DETERMINATION:** **Respondents are advised that the Texas Prevailing Wage Law will be administered. The penalty for violation of prevailing wage rates has been increased from \$10.00 per underpaid worker per day or portion thereof to \$60.00. The Prevailing Wage Rate can be found on the following website: <http://www.wdol.gov/>**
- 1.19 **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.

SECTION 2 – EXECUTIVE SUMMARY

- 2.1 **HISTORICAL BACKGROUND:** The Texas State University System, founded in 1911, is the first higher education system established 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 west Texas.

Today, eight component institutions offer a broad range of academic and career opportunities. Throughout the System, faculty and staff are preparing students to work in and contribute to our global society.

The Texas State University System member institutions 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
- Sul Ross State University Rio Grande College

The Texas State University System is governed by a nine-member Board of Regents appointed by the governor. In addition, a nonvoting student regent is appointed annually to the board. The administration, which is headed by a board-appointed chancellor, is based in Austin, where it provides support to the System components and state government.

2.2 MISSION STATEMENT:

The mission of the Texas State University System is:

- To advance and extend knowledge, learning, and culture, especially within Texas
- To provide opportunities for individuals to develop intellectually, personally, and professionally.
- To prepare students to contribute to the state's and nation's economy, culture, and future.
- To offer undergraduate and graduate instruction leading to professional certificates and undergraduate, master's, and doctoral degrees.
- To provide public services that enrich the institutions, communities, and the state.
- To foster creative and artistic expression that enhances the cultural richness of the state.
- To support research and commercial development that result in new technologies and products which benefit the state.

2.3 PROJECT DESCRIPTION, SCOPE AND BUDGET: Texas State University System (TSUS) is requesting qualifications from qualified construction manager at risk firms with historic preservation experience and expertise to perform complete design services for the selective restoration/renovation of the O. Henry Hall Building located at the corner of East Sixth Street and Colorado in Austin, Texas.

O. Henry Hall was built during the period 1877-1881 as a federal courthouse and post office and was the sixth United States post office location in Austin, dating from the establishment of the first post office in 1840. The building was constructed by Abner Cook, famed early Texas builder, at a cost of \$200,000. James G. Hill of the U. S. Treasury Department was the supervising architect. Following construction of the new post office at 210 West Sixth Street in 1912-1914, the building continued to be used as a courthouse and later for miscellaneous federal agencies until 1968. Given to the University of Texas System (UTS) by the federal government, the building was restored by the university in 1971 and named O. Henry Hall after William Sidney Porter, a noted American short story writer whose pseudonym was O. Henry and whose trial was held here in the federal courthouse. Architecturally, the building is considered to be of national significance because of its exact symmetry and pure lines apparently inspired by the design of Italian High Renaissance palaces popular in the late 1870's. Compared to typical architectural design of federal courthouses in this period, this building is unique both in Texas and the nation. TSUS acquired the building from UTS in 2016.

The Project may be divided into several phases for both design and construction. At the discretion of TSUS, the selected respondent through this procurement process may be retained for later phases of work for three years past the substantial completion of the initial phase of Work.

The first phase consists of work associated with the complete replacement of the HVAC system that is currently served by hydronic piping from the University of Texas System infrastructure. The replacement system is anticipated as a stand-alone package unit using air cooling with new DDC controls and new ductwork and associated diffusers. Existing HVAC mechanical equipment located in the attic will need to be removed. Access to the equipment is anticipated to be through the standing seam roof panels via hoist equipment. The Project will be vacant during the initial construction phase. Knowledge of City of Austin policy regarding sidewalk and street

barricades/closures as well Austin Energy procedures/protocols is preferred. Existing ceiling tiles will be removed and replaced with new acoustical ceiling tile. A new commercial kitchen is anticipated on the third floor of the building with spatial modifications as necessary to meet the intent of a formal gathering space for special events. Accessibility upgrades to the exterior as well as the third floor are planned. Exterior Envelope work (e.g. select windows & brick restoration) as well as paint removal and re-application from the windows that are restored or partially restored are included as part of the scope of the Project. The Project has two elevators that will not need to be renovated for aesthetics and operation. IT/AV/Security back bone will need to be included as part of this Project.

Early procurement of long lead items is expected to be performed by the selected Construction Manager-at-Risk.

TSUS conducted a due diligence study which will provided to the short listed respondents.

The Construction Cost Limitation is estimated to be \$4,000,000.00.

All individuals including contractors, subcontractors, service providers and vendors operating a vehicle on property owned and operated by Texas State University System are responsible for their own parking. Contractors shall make every effort to carpool when possible.

2.4 PROJECT PLANNING SCHEDULE: Key Project planning schedule milestones are:

- 2.4.1 MANDATORY Pre-Submittal MeetingThursday, July 28, 2016
- 2.4.2 RFQ Submission of Written Questions Deadline (12:00pm) Monday, August 15, 2016
- 2.4.3 Receive SOQ, Proposals and HCL Friday, August 19, 2016
- 2.4.4 Read Proposals Aloud at System OfficeFriday, September 02, 2016
- 2.4.5 Interview Shortlisted Firms (if required)Friday, September 09, 2016
- 2.4.6 Owner Selects Construction Manager-at-Risk.....Friday, September 16, 2016
- 2.4.7 Schematic Design BeginsFriday, September 30, 2016
- 2.4.8 Execute CM@R Contract Monday, October 03, 2016
- 2.4.9 NTP for Pre-Construction Services Monday, October 03, 2016
- 2.4.10 A/E Completes Schematic Design Friday, November 18, 2016
- 2.4.11 Design Development Begins.....Friday, November 18, 2016
- 2.4.12 A/E Completes Design Development Binder for BOR Friday, January 06, 2017
- 2.4.13 Board of Regents Approval of DDs..... Friday, February 17, 2017
- 2.4.14 Owner Approves GMP Friday, February 24, 2017
- 2.4.15 NTP issued & Construction begins (order long-lead HVAC items)Friday, March 10, 2017
- 2.4.16 A/E Completes Construction Documents Friday, April 07, 2017
- 2.4.17 Owner Accepts Substantial Completion of Construction Tuesday, November 21, 2017
- 2.4.18 Furniture and Special Equipment Move-In Complete Tuesday, December 12, 2017
- 2.4.19 Final Completion Tuesday, December 19, 2017
- 2.4.20 Occupancy Tuesday, December 19, 2017

2.5 OWNER'S SPECIAL CONDITIONS: The Owner requires full compliance with specification Division 0: Contract Requirements and Division 1: General Requirements, which will be integrated into the specifications for the project. These specifications sections shall be a part of the Construction Manager at Risk Agreement that will be signed and they will be provided to Respondents who are selected to participate in the second phase of this selection process.

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 THE PROJECT** (Maximum of two (2) printed pages per question)

3.1.1 Provide a statement of interest for the Project including a narrative describing the Respondent’s unique qualifications as they pertain to this particular Project.

3.1.2 Provide a statement on the availability and commitment of the Respondent, its principal(s) and assigned professionals to undertake the Project.

3.2 **CRITERION TWO: RESPONDENT’S ABILITY TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES**

3.2.1 Provide the following information on your firm for the past **five** (5) fiscal years:

Volume

- Annual number, value and percent change of contracts in Texas per year;
- Annual number, value and percent change of contracts nationally per year;

Revenues

- Annual revenue totals and percent change per year;

Bonding

- Total bonding capacity;
- Available bonding capacity and current backlog;

3.2.2 Attach a letter of intent from a surety company indicating your firm’s ability to bond for the entire construction cost of the project. The surety shall acknowledge that the firm may be bonded for each stage/phase of the project, with a potential maximum construction cost of \$4,000,000.00. Bonding requirements are set forth in Article 17 of the Agreement and the Uniform General and Supplementary General Conditions for the Texas State University System Building Construction Contracts.

3.2.3 Identify if your firm is currently for sale or involved in any transaction to expand or to become acquired by another business entity. If so, please explain the impact both in organization and company direction.

3.2.4 Provide details of any past or pending litigation, or claims filed, against your firm that may affect your 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 family, business or financial relationship exist between your firm and any Owner employee, officer or Regent? If so, please explain.

3.3 CRITERION THREE: QUALIFICATIONS OF CONSTRUCTION MANAGER-AT-RISK TEAM AND THE EXECUTION OF SERVICES

- 3.3.1 Describe your management philosophy for the Construction Manager at Risk construction delivery method.
- 3.3.2 Provide resumes of the Construction Manager at Risk team that will be directly involved in the Project, including their experience with similar projects, the number of years with the firm, and the city of residence for each.
- 3.3.3 Describe, in graphic and written form, the proposed Project assignments and lines of authority and communication for each team member to be directly involved in the Project. Indicate the estimated percent of time these team members will be involved in the Project for Pre-construction and Construction Services.
- 3.3.4 Identify the proposed team members (including consultants) who worked on the Projects listed in Section 3.4 of this RFQ, and describe their responsibility in those projects compared to this project.
- 3.3.5 Identify any consultants that are included as part of the proposed team, their role, and related experience for this Project. List projects for which the consultant(s) collaborated with the Respondent.
- 3.3.6 Describe your Construction Management and Execution plan for providing Preconstruction Phase Services required for this Project.
- 3.3.7 Provide a detailed list of all Pre-Construction Services you will provide to the Owner and the Architect/Engineer (A/E) on this Project.
- 3.3.8 Describe what you perceive as the critical Pre-Construction issues for this Project.
- 3.3.9 Describe your procedures, objectives and personnel responsible for reviewing design and construction documents and for providing feedback regarding cost, schedule and constructability to the A/E and the Owner on this Project.
- 3.3.10 Describe your Bid/Proposal Package Strategy for completion of the Construction Documents and for procuring Cost of the Work from subcontractors, vendors, suppliers, etc.
- 3.3.11 Describe your plans to interface with the A/E and its consultants to enhance the design and planning process on this Project.
- 3.3.12 Describe your Constructability Program for this Project and how it will be implemented.
- 3.3.13 Describe how the designated PM and Superintendent will participate and contribute to the Constructability reviews.
- 3.3.14 Describe your process for attracting qualified and experienced mechanical, electrical and plumbing subcontractors to submit proposals for this project.
- 3.3.15 Describe what you perceive are the critical Construction issues for this Project.

- 3.3.16 Describe your ability and desire to self-perform work on this Project, and the method for determining whether you provide the “best value” through a competitive proposal process.
- 3.3.17 Provide examples of records, reports, monitoring systems, and information management systems you will use on this Project during Construction Services.
- 3.3.18 Describe your experience and approach to coordinating inspections and approvals with the Texas Department of Licensing and Regulation regarding Texas Accessibility Standards, the State Fire Marshal, Texas Historical Commission and other authorities having jurisdiction over the Project.

3.4 **CRITERION FOUR: RESPONDENT’S PAST PERFORMANCE ON REPRESENTATIVE CM@R PROJECTS**

3.4.1 Identify and describe the proposed Team’s past experience for providing Construction Manager at Risk Services on projects that are **MOST CLOSELY RELATED TO THIS PROJECT** within the last five (5) years. Provide information on not less than three nor more than five projects. 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
- Color images (photographic or machine reproductions)
- Original Construction Amount
- Construction cost at Schematic Design, Construction cost at Design Development, Construction cost at 50% Construction Documents, Construction cost at 100% Construction Documents, and GMP amount
- Final construction cost
- Categorize the change order (s) value in terms of Owner Added Scope, Error and Omission (both Architect/Engineer and CMR) or Unforeseen. For unforeseen, explain why constructability efforts in pre-construction services failed to discover the unforeseen condition(s).
- Final project size in gross square feet
- Type of construction (new, renovation, or expansion)
- Actual Notice To Proceed for Pre-Construction Services
- Dollar value of all authorized change orders
- Originally scheduled project duration
- Actual Notice To Proceed, Substantial Completion, and Final Payment dates for Construction Services
- Name of Project Manager (individual responsible to the Owner for the overall success of the project)
- Name of Project Superintendent (individual responsible for coordinating the day to day work)
- Names of Mechanical, Plumbing and Electrical subcontractors

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

- The Owner’s name and representative who served as the day-to-day liaison 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 during the construction phase of the project, including telephone number

- Length of business relationship with the Owner.
- Provide site plans, floor plans, and presentation or photographic images (interior and exterior) of the indoor community and outdoor recreation amenities of previously executed projects that most closely represent the Owner's needs based on the Project description included in the RFQ.

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.

3.5 CRITERION FIVE: RESPONDENT'S ABILITY TO MANAGE CONSTRUCTION SAFETY RISKS

3.5.1 Briefly describe the firm's approach for anticipating, recognizing and controlling safety risks and note the safety resources that the firm provides for each project's Safety program.

3.5.2 Identify the proposed safety management team members for Construction services. Include their previous titles, duties, city(s) of residence, experience and expertise; also their intended percent of monthly involvement and duration for this Project. Include all details necessary to demonstrate the credentials required by Project Safety specification.

3.5.3 Describe the methodology, including any technology or other assets that the firm intends to use for prevention and/or control of incidents and insurance claims on this Project.

3.5.4 For all projects that the firm has managed (or co-managed) in the past five (5) years, list and describe all events or incidents that have reached any of the following levels of severity:

- Any occupational illness or injury that resulted in death or total and permanent disability
- Three occupational illnesses or injuries that resulted in hospital admittances
- Explosion, fire or water damage that claimed 5% of the project's construction value
- Failure, collapse, or overturning of a scaffold, excavation, crane or motorized mobile equipment when workers were present at the project

3.5.5 Identify the firm's Experience Modification Rate (EMR) for the three (3) most recent annual insurance-year ratings.

3.5.6 Identify the firm's annual OSHA Recordable Incident Rates (RIR) for all work performed during the past three (3) calendar years.

Identify the firm's annual OSHA Lost Workday Case Incident Rates (LWCIR) for all work performed during the past three (3) calendar years.

3.6 CRITERION SIX: RESPONDENT'S ABILITY TO ESTABLISH BUDGETS AND CONTROL COSTS ON PAST PROJECTS

3.6.1 Describe your fiduciary responsibility as a Construction Manager at Risk using Guaranteed Maximum Price contracts for publicly funded projects.

- 3.6.2 From any three (3) of the projects listed in response to Section 3.4, describe your project estimating system for developing the GMP Proposal and how you will monitor and track these costs for this Project.
 - 3.6.3 Describe your cost control methods during construction and how you procure subcontracts, confirm scope, amount, and ensure proper payment. From any three (3) of the projects listed in response to Section 3.4 of this RFQ, provide examples of how these techniques were used and the degree of accuracy achieved.
 - 3.6.4 Describe your methodology for working with the the Owner, Project Architect/Engineer and their consultants to deliver a Guaranteed Maximum Price and to maintain the GMP throughout the design and construction process including any processes for establishing, tracking, and reporting during the development of the GMP
 - 3.6.5 Provide a sample of a cost estimate used to establish a contract amount from any project listed in Section 3.4 of this RFQ.
 - 3.6.6 The Owner may decide to accept a Guaranteed Maximum Price prior to completion of Construction Documents. Describe in such an event 1) your process for ensuring that the Design Documents provide the information necessary to arrive at a complete GMP, including all Owner requirements with reasonable contingencies, and 2) your process for subsequently ensuring that the 100% Construction Documents align with the project scope in the previously accepted GMP proposal documents.
 - 3.6.7 Describe the normal percentage for new construction and renovation contingencies at completion of 100% CDs, and how these contingencies will be managed through the completion of Construction Phase Services.
 - 3.6.8 Identify a maximum of three (3) projects from Section 3.4 of the previously issued RFQ with GMP contracts and the amount of savings (if any) returned to the Owner.
- 3.7 CRITERION SEVEN: RESPONDENT'S ABILITY TO MEET SCHEDULES ON PAST PROJECTS
- 3.7.1 Describe how you will develop, maintain and update the project schedule during design and construction. Identify the specific resources (i.e. personnel, hardware, software, etc.) to be used on this Project.
 - 3.7.2 Describe your approach to assuring timely completion of this project, including methods for schedule recovery, if necessary. From any three (3) of the projects listed in response to Section 3.4 of this RFQ, provide examples of how these techniques were used, including specific scheduling challenges/requirements and actual solutions.
 - 3.7.3 Describe how you develop and maintain work schedules during design and construction to coordinate with the Owner's project schedule. From any three (3) projects listed in response to Section 3.4 of this RFQ, provide examples of how these techniques were used.
 - 3.7.4 Describe your experience with Primavera CPM scheduling. From any of three (3) of the projects listed in response to Section 3.4 of this RFQ, provide a sample of the monthly schedule reports, including identified milestones and schedule recovery plans.

- 3.7.5 With respect to the team members whose resumes are provided in response to Criterion Three, indicate the scheduling experience and city of residence of each person responsible for establishing and updating the project schedule.
- 3.7.6 Provide a simple CPM Milestone schedule showing how your firm perceives this Project could be built. Identify specific critical process, phases, milestones, approvals, and procurements anticipated. Clearly identify the 10% Total Project Float that will be required during the Construction Phase.

3.8 CRITERION EIGHT: RESPONDENT'S KNOWLEDGE OF CURRENT CONSTRUCTION METHODOLOGIES, TECHNOLOGIES, QUALITY AND BEST PRACTICES

- 3.8.1 Describe your quality assurance program. Explain the methods used to ensure quality control during the Construction phase 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 of this RFQ.
- 3.8.2 Describe your procedures for implementing industry's "best practices" as defined by the Construction Industry Institute and similar organizations for:
 - Establishing and tracking project objectives
 - Using project scope definition resources (i.e. Project Definitions Rating Index (PDRI)) in order to obtain complete and accurate design and construction documents from the A/E
 - Partnering
 - Cost tracking
 - Change (order) management systems
- 3.8.3 Provide an example of a successful constructability program used to maintain project budgets without sacrificing quality.
- 3.8.4 Describe your methodology for advertising, evaluating and selecting trade subcontractors for "major" institutions of higher education as a Construction Manager at Risk.
- 3.8.5 Identify the quality control and commissioning team, their duties, city(s) of residence and their objectives for this Project.
- 3.8.6 Describe how your quality control team will measure the quality of construction and commissioning performed all trades but in particular by mechanical and electrical subcontractors and how will you address non-conforming work.
- 3.8.7 Describe your implementation of a quality control process for this Project during the Design Development stage through completion of Construction Documents stage
- 3.8.8 Describe your past experience dealing with congested or confined site conditions for any project listed in Section 3.4 of this RFQ.

3.9 CRITERION NINE: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS ON PAST PROJECTS

- 3.9.1 Describe your understanding of the administrative challenges and opportunities associated with providing Pre-Construction and Construction services for the Texas State University System on this project, and your strategy for resolving these issues.
- 3.9.2 Understanding schedule limitations, provide an analysis of the Owner's project planning schedule and describe how you plan to develop and communicate design, scope, and budget options in a manner that will help the Owner make timely and informed decisions.
- 3.9.3 From any combination of three (3) projects listed in response to Section 3.4 of this RFQ, describe any conflicts with the Owner, Consultants, Architect/Engineer, or subcontractors and describe the methods used by the Respondent to resolve those conflicts. However, if the Respondent has excellent examples of conflict resolution from other projects other than those listed under 3.4, those examples may be used to demonstrate creative problem solving.
- 3.9.4 Provide examples from any project described in response to Section 3.4 of Pre-Construction services provided that creatively incorporated mechanical, electrical, and plumbing solutions in similar structures.

3.10 CRITERION TEN: RESPONDENT'S GENERAL UNDERSTANDING OF THE CM@R CONTRACT

- 3.10.1 Describe your fiduciary responsibility to the Owner (as a public agency) for tracking all construction costs and contingencies on this Project.

3.11 CRITERION ELEVEN: RESPONDENT'S WARRANTY AND SERVICE SUPPORT PROGRAM FOR THIS PROJECT

- 3.11.1 Describe your warranty service support philosophy and warranty service implementation plan for this Project.
- 3.11.2 Provide reference letters from three (3) Owners identified in Section 3.4 that describe your response to, and performance on, warranty services AFTER substantial completion.

3.12 CRITERION TWELVE: 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.

- 3.12.1 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.
- 3.12.2 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.
- 3.12.3 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.
- 3.12.4 By signature hereon, Respondent that is a "taxable entity" under section 171.0002 of the Texas Tax Code certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171, Texas Tax Code.
- 3.12.5 By signature hereon, the Respondent hereby certifies that neither the Respondent nor anyone acting on behalf of Respondent 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.
- 3.12.6 By signature hereon, Respondent represents and warrants that:
 - 3.12.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;
 - 3.12.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
 - 3.12.6.3 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;
 - 3.12.6.4 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;
 - 3.12.6.5 Respondent, if selected by the Owner, will maintain insurance as required by the Contract;
 - 3.12.6.6 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.

3.12.7 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.

3.12.7.1 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).

3.12.8 By signature hereon, Respondent certifies as follows:

3.12.8.1 "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."

3.12.8.2 "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."

3.12.8.3 "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."

3.12.9 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 Texas State University System component, or Respondent has not been an employee of any Texas State University System 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.

3.12.10 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).

3.12.11 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.

3.12.12 By signature hereon, Respondent signifies his compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.

3.12.13 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.

- 3.12.14 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.
- 3.12.15 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 Texas State University System or its component institutions, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract, and that no member of the TSUS Board of Regents has a "substantial interest" (as that term is defined in Section 51.923 of the Texas Education Code) in the Respondent.

[Execution of Offer continues next page]

3.12.16 Execution of Offer: RFQ No. 758-16-00039 – RFQ for Construction Manager At-Risk for the Renovation of O. Henry Hall for the Texas State University System.

The Respondent must complete, sign and return this Execution of Offer as part of their 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 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 each person who owns at least 10% of the Respondent’s business entity by name:

(Name)

(Name)

(Name)

(Name)

Submitted and Certified By:

(Respondent’s Name)

(Title)

(Street Address)

(Telephone Number)

(City, State, Zip Code)

(Fax Number)

(Authorized Signature)

(Date)

(Email Address) required for RFQ Notification

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 Qualifications shall be a **MAXIMUM OF FIFTY (50) PRINTED PAGES (EXCLUDING THE HUB COMMITMENT LETTER AND THE EXECUTION OF OFFER)**. The cover, table of contents, divider sheets, HUB Commitment Letter (Section 1.13), 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 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.
- 4.1.6 The Owner makes no representations of any kind that an award will be made as a result of this RFQ, or subsequent RFP. 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.
- 4.1.7 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.
- 4.1.8 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 each criterion response to 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 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 the HUB Commitment Letter.

SECTION 5 - ATTACHMENTS TO THE RFQ (referenced as hyperlinks)

5.1 Policy on Utilization Historically Underutilized Businesses can be found on the Texas State Comptrollers website at:

<http://www.cpa.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>.

5.2 Uniform General Conditions for the Texas State University System Building Construction Contracts (UGC) can be found on the TSUS website at

<http://www.tsus.edu/about/policies.html>

- End of CM@R Request for Qualifications -

(BUSINESS LETTERHEAD)

SAMPLE

Letter of HUB Commitment for RFQ for Construction Manager @Risk

Date:

Peter. E. Graves
Vice Chancellor for Contract Administration
Texas State University System
208 E. 10th Street, Suite 600
Austin, Texas 78701

Re: Historically Underutilized Business Plan for (Project Title)
Project Number _____

Dear Mr. Graves:

In accordance with the requirements outlined in the specification section 1.13 “HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS” I am pleased to forward this HUB Commitment letter as an integral part of our proposal in connection with your invitation for request for this proposal.

I have read and understand the State of Texas’ policy on Utilization of Historically Underutilized Businesses (HUBs).

If awarded this contract we understand that we will be required to attend a meeting with the System’s HUB coordinator to discuss HSP requirements in soliciting for subsequent subcontractors for this project. Good Faith Effort will be documented and will contain a completed HUB Subcontracting Plan for each subcontracting opportunity.

Documentation of subcontracted work will be provided with each pay request on the Monthly Progress Assessment Report.

Sincerely,

Contractor’s Name

NOTE:

With your RFQ submit, a Letter of HUB Commitment, see sample letter above, and include how your firm will participate and demonstrate a good faith effort in achieving the System’s HUB goals. Provide recent examples where your firm has met or exceeded HUB goals on previous projects.