

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

FOR
LAMAR UNIVERSITY
BEAUMONT, TEXAS**

**NEW SCIENCE AND TECHNOLOGY
BUILDING**

RFQ No.:

758-16-05027

Submission Date:

March 24, 2016 – 2:00 p.m. (C.D.T.)

Prepared By:

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TABLE OF CONTENTS

Section 1 - General Information & Requirements

- 1.1 General Information
- 1.2 Public Information
- 1.3 Type of Contract
- 1.4 Clarifications and Interpretations
- 1.5 Submission of HUB Commitment Letter, Qualifications and Proposals
- 1.6 Point-Of-Contact
- 1.7 Evaluation of Qualifications and Proposals
- 1.8 Owner's Reservation of Rights
- 1.9 Acceptance of Evaluation Methodology
- 1.10 No Reimbursement for Costs
- 1.11 Pre-Proposal Conference
- 1.12 Eligible Respondents
- 1.13 Historically Underutilized Businesses Submittal Requirements
- 1.14 Certain Proposals and Contracts Prohibited
- 1.15 Sales and Use Taxes
- 1.16 Certification of Franchise Tax Status
- 1.17 Required Notices of Workers' Compensation Insurance Coverage
- 1.18 Prevailing Wage Rate Determination
- 1.19 Delinquency in Paying Child Support

Section 2 - Executive Summary

- 2.1 Historical Background
- 2.2 Mission Statement
- 2.3 Project Description, Scope and Budget
- 2.4 Facility Program
- 2.5 Project Planning Schedule
- 2.6 Owner's Special Conditions

Section 3 - Requirements For Statement of Qualifications

- 3.1 Respondent's Statement of Qualifications and Availability To Undertake The Project
- 3.2 Respondent's Ability To Provide Construction Management Services
- 3.3 Qualifications of The Construction Manager-at-Risk Team and the Execution of Services
- 3.4 Respondent's Past Performance on Representative Construction Manager-at-Risk Projects
- 3.5 Respondent's Ability to Establish Budgets and Control Costs on Past Projects
- 3.6 Respondent's Ability to Meet Schedules on Past Projects
- 3.7 Respondent's Knowledge of Current Construction Methodologies, Technologies, and Best Practices
- 3.8 Respondent's Ability to Identify and Resolve Problems on Past Projects
- 3.9 Respondent's Ability to Manage Construction Safety Risks
- 3.10 Respondent's General Understanding of the Construction Manager-at-Risk Contract
- 3.11 Respondent's Warranty and Service Support Program for this Project
- 3.12 Execution of Offer

Section 4 - Requirements For Pricing and Delivery Proposals

- 4.1 General Information
- 4.2 Evaluation of Proposals
- 4.3 Requirements for Proposals
 - 4.3.1 Respondent's Safety Management for This Project
 - 4.3.2 Respondent's Pricing and Delivery Proposal

Section 5 - Format for Statement of Qualifications and Pricing and Delivery Proposals

- 5.1 General Instructions
- 5.2 Page Size, Binding, Dividers and Tabs
- 5.3 Table of Contents
- 5.4 Pagination
- 5.5 Submission Packaging

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SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner”) on behalf of **Lamar University** are soliciting Statements of Qualifications and Proposals (“RFQ/P”) for selection of a Construction Manager-at-Risk firm for the **New Science and Technology Building** (“Project”), on the University’s campus in **Beaumont, Texas**. This solicitation sets forth the terms, conditions, and requirements for prospective Construction Manager-at-Risk entities to be considered for this work. (Prospective Construction Manager-at-Risk entities submitting their qualifications and proposals in response to this solicitation are called “Respondents”). **The Owner is requiring that Statements of Qualifications, Proposals and HUB Commitment Letter be submitted at the same time, but submitted in separate, sealed packages.**
- 1.1.1 The evaluation of qualifications is the first step the Owner will take 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). This RFQ/P solicitation package provides the information necessary to prepare and submit Qualifications for consideration and initial ranking by the Owner. During this first step in the selection process, Owner will evaluate and rank Respondents according to fixed evaluation criteria, considering only their qualifications and independent of any cost and compensation considerations.
- 1.1.2 In the second step of the process, Owner will open and evaluate the Pricing and Delivery Proposals submitted in accordance with Section 4 of this RFQ/P. The results of the Qualifications and the Proposals evaluations will then be combined to determine the “best value” proposition for the Owner.
- 1.1.3 In the third step of the process, the “most” qualified Respondents may be requested to attend an interview with the Owner to confirm their Proposal and answer additional questions. This step usually only involves three to five of the highest ranked Respondents. Based on interview results, the Owner may readjust its evaluations of those interviewed. **Owner reserves the right to conclude the evaluations and make a best value selection without conducting interviews.**
- 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 (CMAR), a copy of which is posted on Owner's website at <http://www.tsus.edu/about/policies.html>

1.3.1 The CMAR should be viewed as a draft and is subject to change. The Uniform General Conditions may be viewed on the TSUS website at: <http://www.tsus.edu/about/policies.html>

1.4 **CLARIFICATIONS AND INTERPRETATIONS:** Any clarifications or interpretations of this RFQ/P that materially affect or change its requirements will be issued formally 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 in its response to the RFQ/P.

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. 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. The deadline for the receipt of written questions is stated in Section 2.5.

1.4.2 ADDENDA, IF REQUIRED, WILL BE ISSUED BY THE TEXAS STATE UNIVERSITY SYSTEM FOR THIS RFQ/P VIA THE ELECTRONIC BUSINESS DAILY WEBSITE AT: <HTTP://ESBD.CPA.STATE.TX.US>. REFERENCE THE RFP NUMBER PROVIDED IN THIS RFQ/P.

1.5 **SUBMISSION OF HUB COMMITMENT LETTER, QUALIFICATIONS AND PROPOSALS:**

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

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

March 24, 2016, 2:00 p.m., (C.D.T.)

Stacy Carter
Lamar University
4400 Martin Luther King, Jr. Boulevard.
Plummer Bldg., Room 120
Beaumont, TX 77705
(409) 880-8379 (FOR DIRECTIONS IF NEEDED)

1.5.3 Submit (2) **two** PDF format of all solicitation documents required herein on a disc or thumb drive for archival purposes. The disc or thumb drive must be packaged in a separate, sealed

package different from the Statement of Qualifications, the Proposal package and the HUB Commitment Letter.

- 1.5.4 Submit **(6) six** identical copies of the Qualifications. This is the response to Section 3 of the RFQ/P and include the Execution of Offer (see 3.12.16.1). Provide **(2) two** copies of the Pricing and Delivery Proposal as identified in 4.3.2. An original signature must be included on the “Execution of Offer” document submitted with each copy and on the Pricing and Delivery Proposal. (The Proposal must be packaged in a separate, sealed package different from the Statement of Qualifications package and from the HUB Commitment Letter).
- 1.5.5 Submit **(1) one** original and **(5) five** copies of the HUB Commitment Letter as a separate package to both the Qualifications and the Proposal packages as described in Section 1.13.
- 1.5.6 Qualifications and/or Proposals received after the state official deadline will be returned to the Respondent unopened. The Point-of-Contact identified in Section 1.5 will identify the official time clock at the RFQ/P submittal location identified above.
- 1.5.7 The Owner will not acknowledge or receive Qualifications or Proposals that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 1.5.8 Properly submitted HUB Commitment Letters, Qualifications and Proposals will not be returned to Respondents.
- 1.5.9 Respondent materials must be enclosed in a sealed envelope (box or container) addressed to the Point of Contact person and include the HUB Commitment Letter, Pricing and Delivery Proposal and the Qualification materials. The packages must clearly identify the submittal deadline, the RFQ/P number, and include the name and email address of the Respondent’s contact person on all envelopes, The HUB Commitment Letter, Pricing and Delivery Proposal and the Qualification materials must be packaged in separate, sealed envelopes within the sealed envelope (box or container).
- 1.5.10 The names of the submitting Respondent(s) will be read aloud immediately following the date and time published in Article 1.5.2.
- 1.5.11 Submitting Respondents’ HCL s will be reviewed for completeness prior to evaluations of qualifications. Disqualified HCL s will be returned to the submitting Respondent after the selection and negotiation of the successful Respondent.
- 1.5.12 After the evaluation and grading of the Qualifications, Pricing and Delivery Proposals will be opened and read aloud at the time, date and location noted below:

March 31, 2016, 2:00 p.m. C.D.T.

Texas State University System Office Conference Room
Thomas J. Rusk State Building
208 East 10th Street, Suite 600
Austin, TX 78701-2407

- 1.6 **POINT-OF-CONTACT:** The Owner designates the following person as its representative and Point-of-Contact for this RFQ/P. Respondents shall restrict all contact with the Owner and direct

all questions regarding this RFQ/P, including questions regarding terms and conditions, in writing to the Point-of-Contact person, via email.

Katherine Miller, AIA
Senior Director, Facilities Planning & Design
Lamar University
4410 Jimmy Simmons Blvd
Beaumont, TX 77705
Email: Katherine.Miller@Lamar.edu

- 1.7 **EVALUATION OF QUALIFICATIONS AND PROPOSALS:** The evaluation of the Qualifications and Proposals shall be based on the requirements described in this RFQ/P. All properly submitted Qualifications and Proposals 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 an interview process.
- 1.7.1 Statement of Qualifications packages shall not include any information regarding Respondent's fees, pricing, or other compensation. Such information should be kept separate from the qualifications and should be submitted as a separate package according to this RFQ/P.
- 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 responses to the current solicitation and reissue a completely new solicitation involving the same project, or to simply reject any and all responses and temporarily or permanently abandon the Project. Owner makes no representations, written or oral, that it will enter into any form of agreement for any project with any Respondent to this RFQ/P and no such representation is intended or should be construed by the issuance of this RFQ/P.
- 1.9 **ACCEPTANCE OF EVALUATION METHODOLOGY:** By submitting its Qualifications in response to this RFQ/P, Respondent accepts the evaluation process and acknowledges and accepts that determination of the "most qualified" firm(s) will require subjective judgments by the Owner. The results of this most qualified determination will be combined with the Proposal evaluation results to determine the best value proposition for 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/P 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-PROPOSAL CONFERENCE:** A mandatory pre-proposal conference will be held at the time and location described below.

March 2, 2016, Time TBD, C.S.T.

Lamar University
TBD
Beaumont, Texas 77705

(409) 880-8641 (FOR DIRECTIONS IF NEEDED)

Detailed driving directions can be found on the following webpage:
<http://www.lamar.edu/about-lu/campus-map/driving-directions.html>

- 1.12 **ELIGIBLE RESPONDENTS:** Only individual firms or lawfully formed business organizations may apply. (This does not preclude a Respondent from using consultants.) The Owner will contract only with the individual firm or formal organization that submits a Qualification.
- 1.13 **HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS:** It is the policy of the Texas State University System and each of its component institutions, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, the TSUS has adopted the Policy on Utilization of Historically Underutilized Businesses (See 1.13.2). The Policy applies to all contracts with an expected value of \$100,000 or more. If TSUS determines that subcontracting opportunities are probable, then a HUB Commitment Letter is a required element of the Qualifications. Failure to submit a required HUB Commitment Letter will result in rejection of the Qualifications.
- 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 (HCL) is required as a part of the Respondent's Qualifications. The Respondent shall develop and administer a HCL as a part of the Respondent's Qualifications in accordance with the Policy on Utilization of Historically Underutilized Businesses (HUB).
- 1.13.2 Refer to the Texas State Comptrollers website for the Policy on Utilization, Historically Underutilized Business to download the latest forms and instructions:
<http://www.cpa.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>
- 1.13.3 The "Statement of Probability" determines the probability for subcontracting opportunities.
- 1.13.4 Submit originals and copies of the HUB Commitment Letter **in a separate attachment apart from the submittal of qualifications and apart from the proposal and qualifications packages** as stated in Article 1.5.5 of this RFQ/P.
- 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 for General Decision Number: General Decision Number: TX160306 01/08/2016; TX306 Superseded General Decision Number: TX20150306; State: Texas; Construction Type: Building; County: Jefferson County in Texas, can be found on the following website: <http://www.wdol.gov/dba.aspx>
- 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: Lamar University was founded in 1923 a few blocks from the current location as South Park Junior College and enrolled 125 students in its first fall semester. The name changed to Lamar College in 1932 in honor of Mirabeau B. Lamar, second president of the Republic of Texas and the "Father of Education" in Texas. In the early 1940s, Lamar separated from the South Park school district, which had created the college, and moved to its current location.

In 1951, the school became Lamar College of Technology, a state-supported four-year institution, the first junior college in Texas to make such a transition. Lamar experienced tremendous growth during the 1950s and 1960s in both the number of students and the number of buildings on campus.

Lamar's stature as a research institution continued to grow with the introduction in 1970 of its first doctoral program. In 1971, the name changed to Lamar University. During the 1970s, the university began operating branch campuses in Port Arthur and Orange, which later became separate institutions. During the 1980s, the university was part of the Lamar University System.

Lamar University joined The Texas State University System in 1995. Under the leadership of President Emeritus James M. Simmons, who served from 1999 to 2013, and current President Kenneth R. Evans, the university experienced another period of significant growth adding a host of facilities to improve campus life, attracting generous donations from alumni and friends and prestigious research grants to improve scholarship and teaching, while setting repeated enrollment records.

Home to 15,000 students, Lamar University is one of the fastest growing universities in Texas and is one of eight institutions of The Texas State University System. LU offers more than 100 programs of study leading to bachelors, masters and doctoral degrees. Approximately 1,200 faculty and staff members work for the university on its 270-acre campus in Beaumont 90 miles east of Houston and 25 miles west of Louisiana. LU has more than 85,000 alumni who live in every county in Texas, in each of the 50 states and nations around the world.

The university has been nationally recognized for the quality of its core curriculum and the diversity of its student body. Small class sizes and a 19:1 student-to-faculty ratio allow students to build meaningful relationships with expert faculty who truly care about their success. LU is designated as a Carnegie Doctoral Research University, one of only 29 public schools in the nation to receive this honor.

LU stresses academic achievement by emphasizing hands-on learning at all levels, providing ample opportunities for undergraduate research and supporting an excellent program through the Reaud Honors College. The university is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and several LU colleges and programs hold additional specialized certifications recognizing their quality and expertise.

More than 2,200 students live on campus in modern, apartment-style residence halls known as Cardinal Village, which feature private bedrooms and furnished living areas. All Lamar University students have access to the Brooks-Shivers Dining Hall and the spacious Sheila Umphrey Recreational Sports Center.

The university also offers the Texas Academy of Leadership in the Humanities, which is a highly selective, early college entrance program for gifted and talented students eager for an enriched intellectual program enhanced by the disciplines of the humanities. The academy is one of only two residential programs for gifted and talented high school-aged students recognized by the Texas State Legislature. TALH students reside in Lamar University's Cardinal Village and take the courses from LU faculty.

Beyond the classroom, Lamar University students develop leadership skills and lifelong friendships in more than 200 campus clubs and organizations. Students make an impact through nationally affiliated fraternities and sororities, professional associations, cultural groups, religious clubs and service organizations.

2.2 **MISSION STATEMENT:** Lamar University engages and empowers students with the skills and knowledge to thrive in their personal lives and chosen fields of endeavor. As a doctoral granting institution, Lamar University is internationally recognized for its high quality academics,

innovative curriculum, diverse student population, accessibility, and leading edge scholarly activities dedicated to transforming the communities of Southeast Texas and beyond.

- 2.3 **PROJECT DESCRIPTION, SCOPE AND BUDGET:** The new Science and Technology building will be constructed on a site located on the southern portion of campus. The new building is sited to take advantage of a future pedestrian corridor planned for Cunningham Street and new campus entry off Rolfe Christopher Drive. The site is a prominent location and will be a highly visible as Lamar University continues to grow. As a platform for research creativity, this new facility will embody a new paradigm for interaction, instruction, and research at the University. Allotting over three-fourths of assignable square footage to instructional laboratories for upper-level biology, interdisciplinary flex research laboratories, and an innovation space, the new facility will allow the University to better serve students and faculty across all science disciplines and form strategic partnerships for various research initiatives. Upper level biology instruction will focus on experimental methods, systematics and technology, cell/molecular biology, organisms, and botany. An exterior, prefabricated greenhouse is included in the project for additional instructional purposes. Flexible research labs will serve organic/wet chemistry, cell/molecular biology, biochemistry, computation, and engineering. The innovation space will provide necessary capabilities to build and prototype special design and interdisciplinary research projects focused on energy, sustainability, medical devices, and global health at the undergraduate and graduate level. The new Science and Technology building will also include a multipurpose space, faculty offices, a senior leadership suite, and required building support spaces. These spaces will support the University's growing demand for science instruction and research, reflect a high level of quality instruction, and ensure faculty presence within the new facility. .As currently programmed, the building totals approximately 78,400 gross square feet (gsf), which translates to approximately 46,500 assignable square feet (asf) at a 60% efficiency factor.

Accessible parking, a service drive to the exterior yard and loading dock area, a limited number of service vehicle parking spaces and a drive for pick up and drop off are envisioned to be located on the immediate building site. Outside of the scope of this project, a new parking lot will be constructed to replace the 250 spaces that will be displaced by the new building.

An upgrade and/or expansion to the South Central Plant is anticipated to provide chilled water and electrical service to the new building site and is part of the project scope. A tunnel extension will be required from the Speech and Hearing building to the new building site to distribute these utilities. Domestic water, natural gas, sanitary sewer and fiber runs will likely be tied into existing utilities along Rolfe Christopher Drive. A study of existing campus utilities is currently underway to assess current and future capacities and will be shared with the project team when it is available. Many goals and priorities guided the building committee during the programming phase for the new Science and Technology building. Some of the key principles are as follows: showcase Lamar's commitment to education and research; create a collaborative and innovative place to be; replace substandard upper level biology instructional labs; create interdisciplinary instructional and research lab space; provide unique capabilities and flex space to facilitate innovative research; serve as a recruitment tool for faculty, students, professionals, research, industry, funding opportunities, and potential donors; showcase research on display; incorporate sustainable design principles; be flexible, modular, reconfigurable, adaptable; feel: light, bright, and modern, but also timeless in its design.

The total Construction Cost Limitation for this project is \$46,300,000.

- 2.4 **FACILITY PROGRAM:** The Facility Program for this Project is in progress and will be completed prior to the announcement of the short-listed firms. This document will be shared with those firms

selected to participate in the interview stage of the selection process, or in the absence of interviews, to the selected, most qualified respondent prior to any detailed discussions of design services scope or related fee.

2.5 **PROJECT PLANNING SCHEDULE:** Key Project planning schedule milestones are:

- 2.5.1 Mandatory Pre-Proposal Conference Wednesday, March 2, 2016
- 2.5.2 RFQ/P Submission of Written Questions Deadline (12:00pm) Tuesday, March 8, 2016
- 2.5.3 Receive SOQ, Proposals and HCL Thursday, March 24, 2016
- 2.5.4 Read Proposals Aloud at System Office Thursday, March 31, 2016
- 2.5.5 Interview shortlisted firms (if required) Thursday, April 7, 2016
- 2.5.6 Owner selects Construction Manager at Risk Friday, April 8, 2016
- 2.5.7 Schematic Design Begins Tuesday, April 5, 2016
- 2.5.8 Execute CM@R Contract Monday, May 9, 2016
- 2.5.9 NTP for Pre-Construction Services Monday, May 9, 2016
- 2.5.10 A/E Completes Schematic Design Wednesday, August 3, 2016
- 2.5.11 Design Development begins Wednesday, August 3, 2016
- 2.5.12 A/E completes Design Development Binder for BOR Thursday, October 6, 2016
- 2.5.13 Board of Regents Approval of DDs Thursday, November 17, 2016
- 2.5.14 Owner Approves GMP Friday, December 16, 2016
- 2.5.15 NTP is issued and Construction begins Tuesday, February 14, 2017
- 2.5.16 A/E completes Construction Documents Thursday, March 16, 2017
- 2.5.17 Owner accepts Substantial Completion of Construction Wednesday, August 8, 2018
- 2.5.18 Furniture and Special Equipment Move-In Complete Wednesday, August 22, 2018
- 2.5.19 Final Completion Friday, September 7, 2018
- 2.5.20 Occupancy Wednesday, August 22, 2018

The schedule of events presented above represent a basic timeline for the project. A final project timeline will be developed with the Owner at a later time. The Owner can be expected to work with the A/E and the CM@R attempting to validate and improve on this initial schedule.

2.6 **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 and become a part of the contract. These specifications sections shall be a part of the Construction Manager at Risk Agreement that will be signed. They will be available for review at the pre-proposal conference.

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 5. 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 ability to bond your firm 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 (if applicable), with a potential maximum construction cost of **\$46,300,000**. Bonding requirements are set forth in Article 17 of the Agreement and the Uniform 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 Identify if your firm is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity. If so, 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.

3.3 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 their city(s) of residence.
 - 3.3.3 Identify any consultants that are included as part of the proposed team, their role related experience for this Project. List projects for which the consultant(s) has worked with the Respondent.
 - 3.3.4 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, Construction, close-out and warranty Services.
 - 3.3.5 Describe your Construction Management and Execution plan for providing Preconstruction Phase Services required for this Project.
 - 3.3.6 Provide a detailed list of all Preconstruction Services you will provide to the Owner and the Architect/Engineer (A/E) on this Project. The Texas State University System expects to receive the full scope of Pre-Construction Services as defined by the Construction Manager-At-Risk Contract under Article 5, a form of which may be accessed on the System's website at the following web address: <http://www.tsus.edu/publications-forms/forms-contracts.html>
- For this Project, Schematic Design for the design professional and Pre-Construction Services will commence concurrently.
- 3.3.7 Describe what you perceive as the critical Pre-Construction issues for this Project.
 - 3.3.8 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.
 - 3.3.9 Describe your Bid/Proposal Package Strategy for completion of the Construction Documents and for procuring Cost of the Work from subcontractors, vendors, suppliers, etc.
 - 3.3.10 Describe your plans to interface with the A/E and its consultants to enhance the design and planning process on this Project.
 - 3.3.11 Describe your Constructability Program for this Project and how it will be implemented.
 - 3.3.12 Describe your philosophy for maximizing Project scope for the Owner during Preconstruction Services, minimizing risk to yourself, and identifying when savings can be returned to the Owner during construction.
 - 3.3.13 For Pre-Construction and Construction Services, provide examples of records, reports, monitoring systems, and information management systems you will use on this Project for these distinct phases of the Project.
 - 3.3.14 Describe what you perceive are the critical Construction issues for this Project.

- 3.3.15 Describe your ability and desire to self-perform work on this Project, and the method for determining yourself as the “best value” through a competitive proposal process.
- 3.3.16 Describe your approach to containing storm water run-off and meeting the regulatory requirements of the Texas Commission on Environmental Quality’s (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) General Construction Permit No. TXR150000 and your Storm Water Pollution Prevention Program for projects that will disturb land.
- 3.3.17 Describe your approach to coordinating inspections and approvals with the Texas Department of Licensing and Regulation regarding Texas Accessibility Standards, the State Fire Marshal 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 that are MOST RELATED TO THIS PROJECT within the last five (5) years. Provide not less than three but not more than five. Project Team personnel who are listed in Article 3.3.2 are preferred for the projects listed in 3.4. List the projects in order of priority, with the most relevant project listed first. Provide the following information for each project listed (Maximum of 5 Projects):
- Project name, location, contract delivery method, and description
 - Color images (photographic or machine reproductions)
 - 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
 - Final project size in gross square feet
 - Type of construction (new, renovation, or expansion)
 - Actual Notice To Proceed date for Pre-Construction Services
 - Original 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
 - Name of Project Manager (individual responsible to the Owner for the overall success of the project)
 - Name of Project Superintendent(s) (individual responsible for coordinating the day-to-day work)
 - Names of Mechanical, Plumbing and Electrical subcontractors
- 3.4.2 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
 - The 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 previously executed projects that most closely represent the Owner’s needs based on the Project description included in the RFQ/P.

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/P process.

- 3.4.3 Identify a maximum of three (3) completed projects, of any type, for which your firm has received an award for construction excellence from a recognized organization and provide descriptive information for each.

3.5 CRITERION FIVE: RESPONDENT'S ABILITY TO ESTABLISH BUDGETS AND CONTROL COSTS ON PAST PROJECTS

- 3.5.1 Describe your fiduciary responsibility as a Construction Manager-at-Risk using Guaranteed Maximum Price contracts for publicly funded projects.
- 3.5.2 From the three (3) projects most related to this project and 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.
- 3.5.3 Describe your cost control methods during construction and how you procure subcontracts, confirm scope, amount, and ensure proper payment. From the three (3) projects most related to this project and listed in response to Section 3.4 of this RFQ/P, provide examples of how these techniques were used and the degree of accuracy achieved.
- 3.5.4 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
- 3.5.5 If the Owner intends to accept a Guaranteed Maximum Price prior to completion of Construction Documents. Describe: 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.
- 3.5.6 Describe the normal percentage for new construction and renovation contingencies desired at completion of 100% CDs, and how these contingencies will be managed through the completion of Construction Phase Services
- 3.5.7 Describe your philosophy regarding Payment and Performance bonds required by the Owner on this project, and the bonds your firm requires of subcontractors including SUBGUARD.
- 3.5.8 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.

3.6 CRITERION SIX: RESPONDENT'S ABILITY TO MEET SCHEDULES ON PAST PROJECTS

- 3.6.1 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.
- 3.6.2 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/P, provide examples of how these techniques were used, including specific scheduling challenges/requirements and actual solutions.
- 3.6.3 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/P, provide examples of how these techniques were used.
- 3.6.4 Describe your experience with CPM scheduling. From any of three (3) of the projects listed in response to Section 3.4 of this RFQ/P, provide a sample of the monthly schedule reports, including identified milestones and schedule recovery plans.
- 3.6.5 Provide a simple CPM Milestone schedule on 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.

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

- 3.7.1 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 the three (3) projects most related to this project and listed in response to Section 3.4 of this RFQ/P.
- 3.7.2 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
- 3.7.3 Provide an example of a successful constructability program used to maintain project budgets without sacrificing quality.
- 3.7.4 Describe your methodology for advertising, evaluating and selecting trade subcontractors for "major" institutions of higher education as a Construction Manager at Risk.

- 3.7.5 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.
 - 3.7.6 Describe your implementation of a quality control process for this Project during the Design Development stage through completion of Construction Documents stage.
 - 3.7.7 As the Construction Manager-at-Risk, describe your relationship with the local subcontracting community.
 - 3.7.8 Describe your past experience dealing with congested campuses/site conditions for any project listed in Section 3.4 of this RFQ/P.
 - 3.7.9 Provide any other details regarding special services, products, advantages or other benefits offered to the Owner by the Respondent.
 - 3.7.10 Provide resumes, indicating the scheduling experience of all personnel responsible for establishing and updating the project schedule, and their city(s) of residence for this Project.
 - 3.7.11 Describe your plan for meeting or improving the Owner's proposed schedule for design and/or construction. If you propose to improve the schedule, describe the impact on quality of services, materials or workmanship that may occur.
- 3.8 CRITERION EIGHT: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS ON PAST PROJECTS
- 3.8.1 Describe your understanding of the administrative challenges and opportunities associated with providing Preconstruction and Construction services for the Texas State University System on this project, and your strategy for resolving these issues.
 - 3.8.2 Understanding the schedule limitations, provide an analysis of the Owner's project planning schedule in Section 2.5 of this RFQ/P and describe your plan for communicating constructability, phasing, value engineering and other budget options in a form that will quickly facilitate the Owner's decision making.
 - 3.8.3 For any combination of three (3) projects listed in response to Section 3.4 of this RFQ/P, describe any conflicts with the Owner, Consultants, Architect/Engineer, or subcontractors and describe the methods used by the Respondent to resolve those conflicts.
 - 3.8.4 Provide examples of Preconstruction services provided that creatively incorporated mechanical, electrical, and plumbing solutions in similar structures.
- 3.9 CRITERION NINE: RESPONDENT'S ABILITY TO MANAGE CONSTRUCTION SAFETY RISKS
- 3.9.1 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.
 - 3.9.2 Describe the level of importance for Enforcement and Support of Project Safety that the firm includes in performance evaluations for Superintendents and Project Managers.

- 3.9.3 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.
- 3.9.4 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.
- 3.9.5 Describe the Safety and Insurance/Claims History information and weighting that the firm includes in the submission and award process for “best value” Subcontracts.
- 3.9.6 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
- 3.9.7 Does the firm or any other company within the same holding group of companies expect to compete for self-performance of any work beyond General Conditions on this project?
- 3.9.8 Identify the firm’s Experience Modification Rate (EMR) for the three (3) most recent annual insurance-year ratings.
- 3.9.9 Identify the firm’s annual OSHA Recordable Incident Rates (RIR) for all work performed during the past three (3) calendar years.
- 3.9.10 Identify the firm’s annual OSHA Lost Workday Case Incident Rates (LWCIR) for all work performed during the past three (3) calendar years.
- 3.10 CRITERION TEN: RESPONDENT’S GENERAL UNDERSTANDING OF THE CM@R CONTRACT
- 3.10.1 Describe your understanding of the fiduciary responsibility owed to the Owner (as a public agency) for tracking all construction costs and contingencies on this Project, and how you intend to fulfill that responsibility.
- 3.10.2 Identify any terms of the Agreement that you will ask to change before signing Construction Manager at Risk Agreement.
- 3.10.3 Describe your methods for advertising, receiving proposals, awarding contracts and paying trade contractors on this Project, including review by the Owner.
- 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 Describe how you will measure the quality of service provided to the Owner for this Project.
- 3.11.3 Provide reference letters from three (3) Owners identified in Sections 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/P is a solicitation for Qualifications and Proposals and is not a contract or an offer to contract; (2) the submission of Qualifications/Proposals by Respondent in response to this RFQ/P 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/P; 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/P.
- 3.12.2 By signature hereon, Respondent offers and agrees to furnish to the Owner products and/or services more particularly described in it Qualifications and to comply with all terms and conditions and requirements set forth in the RFQ/P documents and contained herein.
- 3.12.3 By signature hereon, Respondent affirms that he has neither given, nor intend 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/Proposal.
- 3.12.4 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.
- 3.12.5 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/P;

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/P;

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/P 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;

3.12.6.5.1 All statements, information and representations prepared and submitted in response to this RFQ/P 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/P 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.

3.12.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Resident Respondent as defined in 34 TAC 20.32 (68).

3.12.9 By signature hereon, Respondent certifies as follows:

3.12.9.1 "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."

3.12.9.2 "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.”

- 3.12.9.3 “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.”
- 3.12.10 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 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/P response. All such disclosures will be subject to administrative review and approval prior to the Owner entering into any contract with Respondent.
- 3.12.11 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFQ/P. (ref. Section 2155.004 Texas Government Code).
- 3.12.12 Respondent represents and warrants that all articles and services quoted in response to this RFQ/P 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.
- 3.12.13 By signature hereon, Respondent signifies his compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.
- 3.12.14 By signature hereon, Respondent agrees to defend, indemnify, and hold harmless the State of Texas, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities, arising out of, connected with, or resulting from any acts or omissions of Respondent or any agent, employee, subcontractor, or supplier of Respondent in the execution or performance of any agreements or other contractual arrangements which may result from the submission of Respondent’s Qualifications.
- 3.12.15 By signature hereon, Respondent agrees that any payments that may become due under any agreements or other contractual arrangements, which may result from the submission of Respondent’s Qualifications, will be applied towards any debt including, but not limited to, delinquent taxes and child support that is owed to the State of Texas.
- 3.12.16 By signature hereon, Respondent certifies that no member of the Board of Regents of the Texas State University System, or the Executive Officers of the 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]

3.12.16.1 Execution of Offer: RFQ/P No. 758-16-05027 – RFQ/P for New Science and Technology Building for Lamar University

The Respondent must complete, sign and return this Execution of Offer as part of their qualifications 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 disqualify the submittal.

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 each person who owns at least 10% of the Respondent’s business entity by name:

(Name)

(Name)

(Name)

(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 Date)

(Type Email address for RFQ/P Notification)

**END OF QUALIFICATIONS PACKAGE.
SUBMIT THE ABOVE SEPARATELY FROM THE HUB COMMITMENT LETTER AND THE
PRICING AND DELIVERY PROPOSAL IN A SEALED PACKAGE**

SECTION 4 – PRICING AND DELIVERY PROPOSAL

4.1 GENERAL INFORMATION: This Request for Proposals (“RFP”) is the second 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). Unlike normal solicitations of this type, in this solicitation **Owner is requiring that the Proposal package accompany the Statement of Qualifications package, but the two should be packaged in separate, sealed packaging and delivered at the same time.** Include the name and email address of the Respondent’s contact person on all envelopes. Mark the exterior of all envelopes to identify whether the Proposal or Qualifications is contained therein. In the possible third step of the process Owner may conduct interviews with three to five of the most qualified respondents in order to finalize the best value rankings; however, Owner also reserves the right to select the best value respondent without interviews. Observe the following guidelines:

- 4.1.1 Submit **(2) two** identical copies of the Proposal.
- 4.1.2 Late received Proposals will be returned to the respondent unopened.
- 4.1.3 The Owner will not acknowledge or receive Proposals that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 4.1.4 Properly submitted Proposals will not be returned to respondents.
- 4.1.5 Proposal 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 RFP number, and the name and return address of the respondent.
- 4.1.6 Properly submitted Proposals will be opened publicly and the names of the respondents will be read aloud at the time, date and location identified in Article 1.5.12 of this RFQ/P.

4.2 EVALUATION OF PROPOSAL: The evaluation of the Proposals shall be based on the Respondent’s actual Pre-Construction Phase Fee, Construction Phase Fee, General Conditions Costs and other requirements as described in this RFQ/P.

4.3 REQUIREMENTS FOR PROPOSAL: Respondents shall carefully read the information contained in the following criteria and submit a complete response. Incomplete responses will be considered non-responsive.

4.3.1 CRITERION ONE: RESPONDENT’S SAFETY MANAGEMENT PROGRAM FOR THIS PROJECT

4.3.1.1 Identify (in separate figures) the percentage of the Construction Cost that is to be included in the Project general conditions for each of the following pieces of the Project Safety Program:

- on-site safety education & training,
- personal protective equipment, signage, and hardware,
- first aid and emergency response equipment,
- safety incentives and recognition,
- contingency for post incident drug testing and incident management costs; and
- miscellaneous other safety-related expenses (NOTE: DO NOT LIST items that will appear elsewhere in the Project’s General Conditions; office equipment, salaries, etc.)

4.3.2 CRITERION TWO: RESPONDENT’S PRICING AND DELIVERY PROPOSAL

Complete the attached “Pricing and Delivery Proposal” form.

RESPONDENT'S PRICING AND DELIVERY PROPOSAL

Proposal of: _____
(Respondent's Company Name)

To: Brian McCall, Ph.D.
Chancellor
Texas State University System
Austin, Texas

Project Name: **RFQ/P for CM@R for New Science and Technology Building for Lamar University**

RFQ/P No.: **758-16-05027**

Having carefully examined all the requirements of this RFQ/P, the proposed form of Agreement, and any attachments to them, the undersigned proposes to furnish Construction Manager-At-Risk services as required for this Project on the following terms:

4.3.2.1 ESTABLISHMENT OF THE CONSTRUCTION MANAGER'S BUDGET LIMITATION: The Owner has established a Construction Cost Limitation (CCL) amount for the project of **\$46,300,000**, which includes a construction manager contingency commensurate with the current stage of project development (project programmed, but design not started). This is the Owner's current target for the Guaranteed Maximum Price for the project.

4.3.2.2 RESPONDENT'S PRE-CONSTRUCTION PHASE FEE: The Respondent shall identify a Pre-Construction Phase Fee, pursuant to Article 5 of the Agreement.
\$ _____

4.3.2.3 RESPONDENT'S CONSTRUCTION PHASE FEE: Using the Anticipated GMP identified above, the Respondent shall identify a Construction Phase Fee percentage, pursuant to Article 14 of the Agreement:

Respondent's Proposed Construction Phase Fee **Percentage**: _____ %

Respondent's Equivalent Estimated Construction Phase Fee **Amount** (*percentage times the anticipated GMP above*): \$ _____

4.3.2.4 RESPONDENT'S NOT-TO-EXCEED GENERAL CONDITIONS COSTS: Using the Project Planning Schedule, the Respondent shall identify a General Conditions not-to-exceed percentage amount as defined by Article 13 and Exhibit C of the Agreement and the 2005 Uniform General Conditions of the Texas Building and Procurement Commission.

Respondent's Proposed General Conditions **Percentage:**

_____ %

Respondent's Equivalent Estimated General Conditions **Amount** (percentage times the anticipated GMP above):

\$ _____

Additional fees or services required by any business policies adopted by a Respondent that are not specifically identified in Attachment 1 (attached) shall be included in the fee proposed in Article 4.3.2.3.

Total Construction Duration (Notice to Proceed for Construction to Substantial Completion): 540 Days / 18 Months

- 4.3.2.5 LIQUIDATED DAMAGES: Liquidated Damages as defined by the Agreement are set at: **\$2,000** per calendar day.
- 4.3.2.6 Using the not-to-exceed General Conditions costs identified above, the Respondent shall identify all project management, bonds, insurance, field office and office supply costs for the Project as listed below:

Allowable General Condition Line Item Category		Estimated Total Cost		
On-Site Project Management Staff				
Bonds and Insurance		\$		
Temporary Project Utilities		\$		
Field Offices & Office Supplies		\$		
Estimated On-Site Project Management Staff and Rates				
Position		Quantity	Months	Monthly Salary Rate
Project Executive				\$
Project Manager				\$
Superintendent(s)				\$
Assistant Superintendent(s)				\$
Project Engineer/Expedito(r)s				\$
Field/Office Engineer(s)				\$
Field Office Support Staff				\$
CPM Scheduler				\$
Safety Coordinator/Assistant(s)				\$
TOTAL:				\$

***WHEN THE DESIGNATED POSITION IS UTILIZED LESS THAN FULL TIME FOR THE PROJECT, THE QUANTITY SHALL BE REFLECTED AS A PERCENTAGE OF THE POSITION'S TIME ON THE PROJECT (I.E. 50% TIME UTILIZATION ON THE PROJECT WOULD REFLECT A QUANTITY OF ONE HALF).**

4.3.2.7 **ADDENDA:** Receipt is hereby acknowledged of the following addenda to this RFQ/P (initial if applicable).

Addendum	Initial	Addendum	Initial
No. 1		No. 4	
No. 2		No. 5	
No. 3		No. 6	

4.3.2.8 **AWARD OF CONTRACT AND COMMENCEMENT OF SERVICES:** The undersigned agrees to execute the Contract after notification that the Respondent has been identified by the Owner as the Respondent with the “best value” Proposal, and to commence services on or before the commencement date stated by the Owner in a Notice to Proceed. The Owner reserves the right to accept or reject and all Proposals and to waive proposal irregularities. Proposals shall be valid and not withdrawn for a period of ninety (90) days from the date of opening thereof.

Respectfully Submitted and Certified By:

(Respondent’s Printed Name)	(Title)
(Authorized Signature)	(Date)

State of Texas Tax Account No. _____

SUBMIT THE ABOVE SEPARATELY FROM THE HUB COMMITMENT LETTER AND THE QUALIFICATION PROPOSAL IN A SEALED PACKAGE

SECTION 5 – FORMAT FOR STATEMENT OF QUALIFICATIONS AND FOR PROPOSALS

5.1 GENERAL INSTRUCTIONS

- 5.1.1 Qualifications shall be prepared **SIMPLY AND ECONOMICALLY**, providing a straightforward, **CONCISE** description of the Respondent's ability to meet the requirements of this RFQ/P. Emphasis shall be on the **QUALITY**, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs.
- 5.1.2 Qualifications and Proposal shall each be a **MAXIMUM OF FIFTY (50) PRINTED PAGES**. The cover, table of contents, divider sheets, HUB Commitment Letter (Section 1.13), and Execution of Offer do not count as printed pages.
- 5.1.3 Respondents shall carefully read the information contained in this RFQ/P and submit a complete response to all requirements and questions as directed. Incomplete Qualifications will be considered non-responsive and subject to rejection.
- 5.1.4 Qualifications and any other information submitted by Respondents in response to this RFQ/P shall become the property of the Owner.
- 5.1.5 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ/P documents, or irregularities of any kind are subject to rejection by the Owner, at its option.
- 5.1.6 The Owner makes no representations of any kind that an award will be made as a result of this RFQ/P, 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/P when deemed to be in Owner's best interest.
- 5.1.7 Proposals shall consist of answers to questions identified in Section 4 of the RFQ/P. It is not necessary to repeat the question in the Qualifications; however, it is essential to reference the question number with the corresponding answer.
- 5.1.8 Failure to comply with all requirements contained in this RFQ/P may result in the rejection of the Qualifications.

5.2 PAGE SIZE, BINDING, DIVIDERS AND TABS:

- 5.2.1 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.**
- 5.2.2 Additional attachments shall **NOT** be included with the Qualifications or Proposals. Only the responses provided by the Respondent to the questions identified in Sections 3 and 4 of this RFQ/P will be used by the Owner for evaluation.
- 5.2.3 Separate and identify each criterion response to Sections 3 and 4 of this RFQ/P by use of a divider sheet with an integral tab for ready reference.

5.3 TABLE OF CONTENTS:

5.3.1 Submittals shall include a “Table of Contents” with page numbers for each page of each submittal (qualifications and proposal).

5.4 PAGINATION:

5.4.1 Number all pages of the submittal sequentially using Arabic numbers (1,2, 3, etc.)

5.5 SUBMISSION PACKAGING:

5.5.1 The Owner is requiring that Statements of Qualifications, Proposals and HUB Commitment Letter be submitted at the same time, but submitted in separate, sealed packages.

II. ATTACHMENTS TO THIS RFQ/P

1. Attachment 1 –Allowable General Condition Line Items
2. Attachment 2 - Exhibit “F”
3. Attachment 3 - HUB Commitment Letter

- **END OF REQUEST FOR QUALIFICATIONS / PROPOSALS** -

ATTACHMENT 1

ALLOWABLE GENERAL CONDITION LINE ITEMS

On-Site Project Management Staff
Safety Coordinator/Assistant(s)
Project Executive
Office Engineer(s)
Project Expeditor(s)
Assistant Superintendent(s)

CPM Scheduler
Superintendent(s)
Project Manager(s)
Project Support Staff
Out-of-State Project Specific Travel*

Bonds and Insurance

Builder's Risk Insurance
General Liability Insurance
Payment and Performance Bonds
Other Project Insurance as Required by Contract

Temporary Project Utilities

Non-LEED Recycling Dumpsters

Project Electricity
Monthly Telephone / Internet Service
Street Rental and Barricades
Fencing and Covered Walkways
Temporary Water Distribution and Meters
Temporary Electrical Distribution and Meters
Site Erosion Control (BMP) and Project Entrance(s)

Project Water, Ice and Supplements to prevent dehydration
Temporary Toilets
Temporary Fire Protection
Telephone / Internet System Installation

Field Offices & Office Supplies

Partnering Costs
Job Photos/Videos
Project Specific Signage
Postage/Special Shipping
Project/As-Built (Record) Drawings
Project Milestone Event(s)*
Move-In/Out and Office Setup
Employee Identification System
Small Tools and Storage Trailers
Monthly Office Trailer Rental Costs
Mobilization and Demobilization (Equipment Only)

First Aid Supplies
Reproduction Services
Monthly Office Supplies
Remote Parking Expenses
Project Reference Manuals
Security System/Watchman
Safety Material and Equipment
Drinking Water and Accessories(including Ice)
Office Clean-Up/Janitorial Services
Field Engineering

* Specific justification and all estimated costs shall be submitted and approved by the Owner prior to any travel or event.

END OF ATTACHMENT 1

ATTACHMENT 2

**EXHIBIT F
CM'S PERSONNEL AND MONTHLY SALARY RATES**

Project No. & Name: _____ - _____
[CM - Insert Project No.] [CM - Insert Project Name]

The following Monthly Salary Rate (MSR) shall identify the estimated billable rate prior to execution of the Contract, and shall be confirmed during the Guaranteed Maximum Price Proposal phase for use throughout Construction Phase Services on the Standard Schedule of Values Format for all salaried General Conditions type personnel pursuant to the Contract. The MSR shall include the employee's estimated monthly direct salary expense (including possible future salary increases), plus any employer payroll taxes and/or fringe benefit contributions as identified below. Any additional employer contributions not identified below shall be included in the Construction Phase Fee pursuant to Article 15 of the Contract.

Employee		Estimated Employer's Monthly Contributions						Monthly Salary Rate
Name and Title	Estimated Monthly Direct Salary Expense	Federal & State Unemployment (Less than 1%)	Social Security & Medicare (Less than 7.65%)	Worker's Compensation	Health & Insurance	Pension / 401(k)	Vacation / Holiday	
1.	\$	\$	\$	\$	\$	\$	\$	\$
2.	\$	\$	\$	\$	\$	\$	\$	\$
3.	\$	\$	\$	\$	\$	\$	\$	\$
4.	\$	\$	\$	\$	\$	\$	\$	\$
5.	\$	\$	\$	\$	\$	\$	\$	\$
6.	\$	\$	\$	\$	\$	\$	\$	\$
7.	\$	\$	\$	\$	\$	\$	\$	\$
8.	\$	\$	\$	\$	\$	\$	\$	\$
9.	\$	\$	\$	\$	\$	\$	\$	\$
10.	\$	\$	\$	\$	\$	\$	\$	\$
11.	\$	\$	\$	\$	\$	\$	\$	\$
12.	\$	\$	\$	\$	\$	\$	\$	\$

CM shall certify, to the best of his knowledge, that the above referenced salary information is accurate.

CM signature: _____ (same individual who signs contract)

END OF ATTACHMENT 2

(BUSINESS LETTERHEAD)

SAMPLE

Letter of HUB Commitment for RFQ for Construction Manager @Risk

Date:

Katherine Miller, AIA
Sr. Director, Facilities Planning & Design
Lamar University
Beaumont, Texas 77705

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

Dear Ms. Miller:

In accordance with the requirements outlined in the specification section 1.13 "HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS" I am pleased to forward this HUB Subcontracting 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 University'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 University's HUB goals. Provide recent examples where your firm has met or exceeded HUB goals on previous projects.