

**REQUEST FOR QUALIFICATIONS
FOR
ARCHITECT/ENGINEER
PROFESSIONAL SERVICES

FOR
SAM HOUSTON STATE UNIVERSITY
HUNTSVILLE, TEXAS**

Lowman Student Center Addition

RFQ No.:

758-16-06045

Submission Date:

December 8, 2015 – 2:00 p.m. (C.S.T.)

Prepared By:

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**REQUEST FOR QUALIFICATIONS FOR
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SAM HOUSTON STATE UNIVERSITY
HUNTSVILLE, TEXAS
LOWMAN STUDENT CENTER ADDITION
RFQ No.: 758-16-06045**

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner”) and **Sam Houston State University** are soliciting Statements of Qualifications for selection of an Architect/Engineer (A/E) firm for design of the **Lowman Student Center Addition** project (“Project”) on the Sam Houston State University campus in Huntsville, Texas, in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications (RFQ).
- 1.1.1 Collecting Statements of Qualifications in response to this RFQ is the first step in selecting an A/E firm. This RFQ provides the information necessary for respondents to prepare and submit Statements of Qualifications for consideration and initial ranking by the Owner. In the next step the Owner will determine an initial ranking of the respondents. If the initial ranking of the respondents is reasonably conclusive, the Owner may make a “most qualified” selection based upon the written Qualifications only. If not, then the Owner may conduct interviews with a “short list” of respondents.
- 1.1.2 The Owner may select up to five (5) of the top ranked qualified respondents to participate in an interview with the Owner to confirm and clarify the qualifications submitted and to answer additional questions. The Owner will then rank the interviewed respondents in order to determine a single most qualified respondent.
- 1.1.3 After selecting the most qualified respondent the Owner will negotiate the detailed professional services to be provided by the A/E and a suitable fee for those services. The Owner will request a fee proposal from the most qualified respondent, with supporting information demonstrating that the requested fee is justified by the level of effort (and related personnel costs) required to provide the services necessary for the design of the Project. Potential respondents should be aware that, except in unusual cases, the Owner does not consider billable time incurred while traveling to and from the Project site, Owner’s offices, or Board of Regents meetings as necessary to the completion of the Project. Potential respondents whose offices are located such that such time-consuming travel will be regularly required in the performance of services for the Project should consider this policy when deciding whether or not to submit their qualifications.
- 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.
- 1.3 **TYPE OF CONTRACT:** Any contract resulting from this solicitation will be in the form of the Owner’s Standard Architect/Engineer Agreement, a copy of which will be provided to all firms selected for interviews or, in the case where no interviews are conducted, to the selected most qualified respondent.

1.4 **CLARIFICATIONS AND INTERPRETATIONS:** Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by the Owner as an addendum on all media channels where it was initially advertised. It is the responsibility of all respondents to obtain this information in a timely manner. All such addenda issued by the Owner before the proposals are due, are considered to be part of the RFQ, and respondents shall acknowledge receipt of each addendum in its Qualifications. Respondents shall consider only those clarifications and interpretations that the Owner issues by addenda five (5) days prior to the submittal deadline (see Section 2.5 for date). Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications.

1.4.1 **ADDENDA AND AWARD INFORMATION WILL BE ISSUED BY THE TEXAS STATE UNIVERSITY SYSTEM FOR THIS RFQ VIA THE ELECTRONIC BUSINESS DAILY WEBSITE AT: [HTTP://ESBD.CPA.STATE.TX.US](http://ESBD.CPA.STATE.TX.US). REFERENCE THE RFP 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; 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 Qualifications and HSP Plans for RFQ No. 758-16-06045 at the time and location described below.

December 8, 2015, 2:00 p.m. (C.S.T.)

Denise Neu, Director
Facilities Planning, Design and Construction
Sam Houston State University
Physical Plant Administration
2424 Sam Houston Avenue
Huntsville, Texas 77341
Contact for directions if needed: Heather Dolezal (936) 294-1881

1.5.3 Submit (2) electronic versions of the Qualification Package on CD or flash drive format.

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

1.5.5 Submit (1) one original and (2) two identical copies of the HUB Subcontracting Plan (HSP) as a separate attachment from the Qualifications.

1.5.6 Qualifications and HSP materials received after the deadline in 1.5.2 will be returned to the respondent unopened.

1.5.7 The Owner will not acknowledge or consider 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, financial statements (see Section 3.2.2) and HSP materials must be enclosed in a sealed envelope (box or container) addressed to the Point-of-Contact person; the package must clearly identify the submittal deadline, the RFQ number, and the name, return address and email address of the respondent contact on all envelopes.
- 1.6 **POINT-OF-CONTACT:** The Owner designates the following person as its representative and Point-of-Contact for this RFQ. Respondents shall restrict all contact with the Owner and direct all questions regarding this RFQ, including questions regarding terms and conditions and technical specifications, to the Point-of-Contact person, in writing, via email.
- Denise Neu, Director
Facilities Planning, Design and Construction
Sam Houston State University
Physical Plant Administration
2424 Sam Houston Avenue
Huntsville, Texas 77341
- Email: deniseneu@shsu.edu
- 1.7 **EVALUATION OF QUALIFICATIONS:** The evaluation of the Qualifications shall be based on the requirements described in this RFQ. All properly submitted Qualifications will be reviewed, evaluated, and ranked by a Selection Committee appointed by the President of Sam Houston State University. Typically, that committee will include both future users of the facilities developed by the Project and facilities professionals, as well as representation from the TSUS System Office. The top five or fewer ranked respondents may be selected by the Owner for further consideration by participating in an interview wherein qualifications will be presented and examined in further detail and where questions will be posed by the Selection Committee and answered by the respondent.
- 1.7.1 Qualifications submittals should not include any information regarding respondent's proposed fees, pricing, or other compensation considerations as these will not be a factor in the selection of the most qualified firm.
- 1.8 **OWNER'S RESERVATION OF RIGHTS:** The Owner 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 submissions 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.
- 1.10 **NO REIMBURSEMENT FOR COSTS:** Respondent acknowledges and accepts that any costs incurred from the respondent's participation in this RFQ shall be at the sole risk and responsibility of the respondent.

- 1.11 **MANDATORY PRE-PROPOSAL CONFERENCE:** A MANDATORY pre-proposal conference is scheduled for November 10, 2015 at 10:30 a.m. at:

Sam Houston State University
2424 Sam Houston Avenue
Facilities Planning, Design and Construction, Room 165
Huntsville, TX 77340
Contact for directions if needed: Heather Dolezal (936) 294-1881
Link to map of Sam Houston State University South Complex:
<http://www.shsu.edu/map/sam-south.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 TSUS and each of its component institutions, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Refer to the Texas State Comptrollers website at:
<http://www.cpa.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>
Accordingly, specific plans and representations by respondents that appear to facilitate the State's commitment to supporting HUB enterprises will be favorably considered in the selection process. Failure to submit specific plans and representations regarding HUB utilization, or failure to address the subject at all, will be interpreted by the Selection Committee as an intention not to support the program.

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

- 1.16 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 DELINQUENCY IN PAYING CHILD SUPPORT: Under Section 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.
- 1.18 STATE REGISTRATION OF ENGINEERING FIRMS: Respondents are advised that the Texas Board of Professional Engineers requires that any entity providing engineering services to the public must register with the Texas Board of Professional Engineers. An entity is defined as a sole proprietorship, firm, partnership, corporation or joint stock association.
- 1.19 STATE REGISTRATION OF ARCHITECTURAL FIRMS: Respondents are advised that the Texas Board of Architectural Examiners requires that any entity (including architects, landscape architects and interior designers) providing architectural services (including architects, landscape architects and interior designers) to the public must register with the Texas Board of Architectural Examiners. An entity is defined as a sole proprietorship, firm, partnership, corporation or joint stock association.

SECTION 2 – EXECUTIVE SUMMARY

- 2.1 HISTORICAL BACKGROUND: Founded in 1879, Sam Houston State University is the third oldest public university in Texas. During its 134 years of service, the University has touched the lives of generations of Texans while helping to shape the educational, social, economic, and cultural development of the state. Sam Houston State University is a doctoral-granting university located in the rapidly growing I-45 corridor north of Houston. Currently, Sam Houston State has approximately 19,000 students enrolled in one of our 80 undergraduate or 55 graduate programs offered by 7 colleges. This year we have 224 doctoral students in our 6 doctoral programs.
- 2.2 MISSION STATEMENT: Sam Houston State University is a multicultural institution whose mission is to provide excellence by continually improving quality education, scholarship, and service to its students and to appropriate regional, state, national, and international constituencies.
- 2.3 DESCRIPTION, SCOPE AND BUDGET: The 67,000 sf addition to the Lowman Student Center will provide dedicated student recreation space, potentially including a bowling alley as well as expandable party rooms. A small catering kitchen and convenience store offering food, beverages and self-serve items are to be located adjacent to the relocated Kat Klub from the existing LSC. Additional food service opportunities with seating area for 250 are to be included along with multiple meeting rooms and a large divisible ballroom with associated pre-function space.

Total Construction Cost Limitation for the project is \$27,000,000.

- 2.4 FACILITY PROGRAM: The program will be provided to the short-listed firms
- 2.5 PROJECT PLANNING SCHEDULE: Key Project planning schedule milestones are:
 - 2.5.1 Mandatory Pre-Submittal Meeting Tuesday, November 10, 2015
 - 2.5.2 RFQ Submittal Questions Deadline (12:00 p.m.) Friday, November 20, 2015
 - 2.5.3 Owner receives Request For Qualifications Tuesday, December 8, 2015

2.5.4	Owner announces “short list” of firms selected for intrvws..	Tuesday, December 15, 2015
2.5.5	Owner selects most qualified respondent	Thursday, January 7, 2016
2.5.6	Owner negotiates fee and executes Agreement	Thursday, January 14, 2016
2.5.7	Owner selects Construction Manager at Risk	Thursday, February 25, 2016
2.5.8	Schematic Design begins	Thursday, January 14, 2016
2.5.9	Owner Executes CMR Agreement	Thursday, March 3, 2016
2.5.10	NTP for Pre-Construction Services	Thursday, March 3, 2016
2.5.11	A/E completes Schematic Design	Friday, March 11, 2016
2.5.12	Design Development begins	Monday, March 14, 2016
2.5.13	A/E completes Design Development Binder for BOR	Tuesday, July 5, 2016
2.5.14	Board of Regents Approval of DDs	Friday, August 19, 2016
2.5.15	Owner Approves GMP	Tuesday, July 12, 2016
2.5.16	NTP is issued and Construction begins	Monday, November 14, 2016
2.5.17	A/E completes Construction Documents	Monday, October 10, 2016
2.5.18	Owner accepts Substantial Completion of Construction	Wednesday, March 14, 2018
2.5.19	Furniture and Special Equipment Move-In Complete	Friday, May 11, 2018
2.5.20	Final Completion	Friday, April 13, 2018
2.5.21	Occupancy	Monday, May 14, 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 to validate and improve on this initial schedule.

SECTION 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

Respondents shall carefully read the information contained in the following criteria and submit a complete Statement of Qualifications responding to all questions in Section 3 formatted as directed in Section 4. Incomplete Qualifications will be considered non-responsive and are 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 Prime Firm’s and Project Team’s unique qualifications as they pertain to this particular project.
 - 3.1.2 Provide a statement on the availability and commitment of the Prime Firm and its principal(s) and assigned professionals, including all consultants to undertake the project.
 - 3.1.3 Provide a brief history of the Prime Firm and each consultant proposed for the project.
 - 3.1.4 Provide a graphic representation of the project team, identifying the Prime Firm and each consultant proposed for the project. The graphic representation shall depict current workloads and commitments for other projects for the prime and its consultants as well as the time resource and commitment for the prime and its consultants for this project for the time line noted in Article 2.5.

3.2 CRITERION TWO: PRIME FIRM'S ABILITY TO PROVIDE SERVICES

3.2.1 Provide the following information for the Prime Firm:

- Legal name of the company as registered with the Secretary State of Texas
- Address of the office that will be providing services
- Number of years in business
- Type of Operation (Individual, Partnership, Corporation, Joint Venture, etc...)
- Number of Employees by skill group
- Annual revenue totals for the past ten (10) years

3.2.2 Provide the three (3) most recent audited financial statements documenting your firm's financial stability. If audited statements are not available, so state and provide recent financial statements with a cover letter from your CPA. Provide this information in a separate sealed envelope marked "Confidential Financial Information."

3.2.2.1 This will not be counted as part of the 50-page limit referenced in Section 4.1.2. Do not include this information in the electronic file submission.

3.2.3 Is your company currently for sale or involved in any transaction to expand or to become acquired by another business entity? If yes, please explain the impact both in organizational and directional terms.

3.2.4 Provide any details of all past or pending litigation or claims filed against your company that would affect your company's performance under a Contract with the Owner.

3.2.5 Is your company currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity? If yes, specify date(s), details, circumstances, and prospects for resolution.

3.2.6 Does any family, business or financial relationship exist between your firm and any Owner employee, officer or Regent? If so, please explain.

3.2.7 Provide a claims history under professional malpractice insurance for the past five (5) years for the Prime Firm and any team members proposed to provide professional architectural or engineering services.

3.3 CRITERION THREE: PROJECT TEAM'S ABILITY TO PROVIDE DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES

3.3.1 Describe, in graphic and written form, the proposed project assignments and lines of authority and communication for principals and key professional members of each consultant that will be involved in the project. Indicate the estimated percent of time these individuals will be involved in the project for design and construction.

3.3.2 Provide resumes giving the experience and expertise of the professional members for each consultant that will be involved in the project, including their experience with similar projects, the number of years with the firm, and their city of residence.

3.3.3 Clearly identify the members of the proposed team who worked on the listed projects in Criterion 3.4, and describe their roles in those projects.

- 3.3.4 Describe the basis for the selection of the proposed sub-consultants included in the design team and the role each will play for this project.
- 3.3.5 Describe the Prime Firm's process in working with consultants and integrating them into the design process.
- 3.3.6 Describe how the Prime Firm and consultants will provide services during the construction administration process.
- 3.3.7 Identify the Prime Firm's past experience with the proposed consultants in the past five years.
- 3.3.8 Provide representative projects of the proposed consultants in Higher Education CM@R delivery method and how they will be beneficial to the delivery of this project.

3.4 CRITERION FOUR: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE PROJECTS

- 3.4.1 List a maximum of five (5) projects for which you have provided services that are most directly related to this project. 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)
- Final Construction Cost, including Change Orders
- Final project size in gross square feet
- Type of construction (new, renovation, or expansion)
- Actual start and finish dates for design
- Planned versus actual dates for Schematic Design, Design Development and 95% Construction Documents. Provide an explanatory justification for any slippage of dates exceeding 15 days between planned and actual for each milestone.
- Actual Notice To Proceed and Substantial Completion dates for construction
- Description of professional services Prime Firm provided for the project
- Name of Project Manager (individual responsible to the Owner for the overall success of the project)
-
- Name of Project Architect (individual responsible for coordinating the day to day work)
- Name of Project Designer (individual responsible for design concepts)
- Consultants
- Name of Project Manager for each Consultant.

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
- Contractor's name and representative who served as the day-to-day liaison during the Preconstruction and/or construction phase of the project, including telephone number
- Length of business relationship with the Owner.

References shall be considered relevant based on specific project participation and experience with the Respondent. The Owner may contact references during any part of

this process. The Owner reserves the right to contact any other references at any time during the RFQ/P process.

3.5 CRITERION FIVE: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES

- 3.5.1 Describe the Prime Firm's design philosophy, design methodology, and its process for integrating institutional standards into design.
- 3.5.2 Describe the Prime Firm's quality assurance program explaining the method used and how the firm maintains quality control during the development of Construction Documents and quality assurance during the Construction phase of a project. Provide specific examples of how these techniques or procedures were used for any combination of three (3) projects listed in response to Criteria 3.4.
- 3.5.3 Describe your project team's demonstrated technical competence and management qualifications with institutional projects, particularly those for higher education.
- 3.5.4 Describe your firm's experience working with the Construction Manager-at-Risk project delivery method. Discuss your method of working with the contractor as a team member to deliver a Guaranteed Maximum Price and to maintain the GMP throughout the design and construction process.
- 3.5.5 Describe your cost estimating methods for the design and construction phases. How do you develop cost estimates and how often are they updated? For any combination of three (3) projects listed in response to Criteria 3.4, provide examples of how these techniques were used and what degree of accuracy was achieved.
- 3.5.6 Describe the way in which your firm develops and maintains work schedules to coordinate with the Owner's project schedule. For any combination of three (3) projects listed in response to Criteria 3.4, provide examples of how these techniques were used.
- 3.5.7 Describe the project team's experience in managing the impact of MEP systems on renovation/historic buildings.
- 3.5.8 Describe the project team's approach to assuring timely completion of this project, including methods you will use for schedule recovery if necessary.

3.6 CRITERION SIX: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS ON PAST PROJECTS

- 3.6.1 What do you perceive as the critical issues for this project?
- 3.6.2 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.
- 3.6.3 Describe the the project team's experience with renovation/expansion projects in occupied facilities.
- 3.6.4 Provide examples of how the Respondent has creatively incorporated mechanical, electrical, and plumbing solutions in similar structures.

3.7 CRITERION SEVEN: RESPONDENT'S UNDERSTANDING OF AND EXPERIENCE WITH BUILDING INFORMATION MODELING (BIM)

- 3.7.1 Describe your Project Team's experience managing and facilitating BIM use on projects, especially similar projects and especially involving CM@R delivery method.
- 3.7.2 Show BIM experience on the resumes of your Team members.
 - 3.7.2.1 Identify any BIM Consultants and describe their roles and Project-related experience. Provide a list of projects where consultants previously worked with Respondent in roles similar to what is currently being proposed.
 - 3.7.2.2 Provide the skills and qualifications of your BIM Manager and BIM team.
- 3.7.3 Describe any BIM-based efficiencies the team has provided on past projects that align with the Owner's interest in energy savings, cost and schedule. Evaluators will be particularly looking for support for the following services (You need not specifically address these item by item. Describe what you perceive as critical BIM issues and opportunities for this project and highlight items you think address these.):
 - a. Pre-construction Services
 - b. Design management and coordination
 - c. Design assistance
 - d. Fabrication modeling for streamlining the submittal process
 - e. Design review and quality assurance
 - f. BIM-based analysis
 - g. BIM-based estimating
 - h. Owner decision support
 - i. Construction scheduling
 - j. Constructability modeling
 - k. Construction coordination
 - l. COBIA and commissioning data
 - m. Any additional BIM capabilities and experiences that could help this project
- 3.7.4 Describe how you can use BIM on this Project to:
 - a. Support better cost control assurance targeting a contractual Construction Cost Limitation (Target Guaranteed Maximum Price).
 - b. Reduce buy-out cost risks while tightening CM Risk Contingencies needed within a Guaranteed Maximum Price.

3.8 CRITERION EIGHT: 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.

- 3.8.1 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.
- 3.8.2 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.
- 3.8.3 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.
- 3.8.4 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.
- 3.8.5 By signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership or Owner represented by the Respondent, nor anyone acting for such firm, corporation, or institution has violated the antitrust laws of this state, codified in Section 15.01, ET. seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the Qualifications made to any competitor or any other person engaged in such line of business.
- 3.8.6 By signature hereon, Respondent represents and warrants that:
 - 3.8.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;
 - 3.8.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
 - 3.8.6.3 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;
 - 3.8.6.4 Respondent, if selected by the Owner, will maintain insurance as required by the Contract;
 - 3.8.6.5 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that the Owner will rely on such statements, information and representations in selecting the successful Respondent. If selected by the Owner as the successful Respondent, Respondent will notify the Owner immediately of any material change in any matters

with regard to which Respondent has made a statement or representation or provided information.

- 3.8.7 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.
- 3.8.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Bidder as defined in Rule 34 TAC 20.32 (68).
- 3.8.9 By signature hereon, Respondent certifies as follows:
- 3.8.9.1 "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."
- 3.8.9.2 "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."
- 3.8.9.3 "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."
- 3.8.10 By signature hereon, Respondent certifies that no relationship, whether by relative, business associate, capital funding agreement or by any other such kinship exist between Respondent and an employee of any TSUS component, or Respondent has not been an employee of any TSUS component within the immediate twelve (12) months prior to your RFQ response. All such disclosures will be subject to administrative review and approval prior to the Owner entering into any contract with Respondent.
- 3.8.11 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFQ. (ref. Section 2155.004 Texas Government Code).
- 3.8.12 By signature hereon, Respondent agrees that any payments that may become due under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications, will be applied towards any debt including, but not limited to, delinquent taxes and child support that is owed to the State of Texas.
- 3.8.13 By signature hereon, Respondent certifies that no member of the Board of Regents of the TSUS, or the Executive Officers of the TSUS or its component institutions, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract, 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.

3.8.14 Execution of Offer: RFQ No. 758-16-06045 – RFQ for Architect/Engineer Professional Services - Lowman Student Center Addition for Sam Houston State University

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

Respondent's Name: _____
(Company Name)

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

If a Corporation:

Respondent's State of Incorporation: _____

Respondent's Charter No: _____

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

(Name)

(Name)

(Name)

(Name)

Submitted and Certified By:

(Respondent's Name)

(Title)

(Street Address)

(Telephone Number)

(City, State, Zip Code)

(Fax Number)

(Authorized Signature)

(Email Address) for RFQ Notification

(Date)

SECTION 4 – FORMAT FOR STATEMENT OF QUALIFICATIONS

4.1 **GENERAL INSTRUCTIONS**

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

4.2 **PAGE SIZE, BINDING, DIVIDERS, AND TABS:**

- 4.2.1 Qualifications shall be printed on letter-size (8-1/2" x 11") paper and assembled with spiral-type bindings or staples. DO NOT USE METAL-RING HARD COVER BINDERS.
- 4.2.2 Additional attachments shall NOT be included with the Qualifications. Only the responses provided by the respondent to the questions identified in Section 3 of this RFQ will be used by the Owner for evaluation.

4.2.3 Separate and identify the response to each of the criteria in Section 3 of this RFQ by use of a divider sheet with an integral tab for ready reference.

4.3 TABLE OF CONTENTS:

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

4.4 PAGINATION:

4.4.1 Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.); the Respondent is not required to number the pages of any HUB Subcontracting Plan.

END OF REQUEST FOR QUALIFICATIONS