

**REQUEST FOR QUALIFICATIONS  
FOR  
INDEFINITE-DELIVERY INDEFINITE-QUANTITY  
(IDIQ)  
FACILITIES DESIGN AND CONSTRUCTION  
PROGRAM MANAGEMENT SERVICES**

**FOR THE  
TEXAS STATE UNIVERSITY SYSTEM  
AUSTIN, TEXAS**

**RFQ No.:  
758-19-00063**

**Submission Date:  
May 7, 2019 - 3:00 p.m. (C.D.T.)**

**Prepared By:**  
Peter Maass, Director of Capital Projects Administration  
The Texas State University System  
601 Colorado Street  
Austin, TX 78701  
512-463-1808  
[peter.maass@tsus.edu](mailto:peter.maass@tsus.edu)

**TABLE OF CONTENTS**

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

**REQUEST FOR QUALIFICATIONS FOR  
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**SECTION 1 – GENERAL INFORMATION & REQUIREMENTS**

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner” or “System”) is soliciting Statements of Qualifications for the selection of one or more firms to provide certain program management services for planning, design and construction of facilities (“Services”) for Owner’s System Office (“System Office”) and/or its component institutions (“Component(s)”) on an hourly fee basis as needed by the Owner. Such services are expected to include but are not limited to services related to pre-project planning, estimating, programming, design, bid and construction phases of the project delivery process or any other service that is beneficial in the delivery of facilities. The firm will render these services to the Owner and in some cases directly to a Component as needed, with no minimum amount of services specified. **In particular, the firm must be prepared to assign at least one person with significant project planning and management experience to be available as needed to support the oversight efforts of the Owner. Please see Section 2.2 for a fuller discussion of the scope of this engagement.** A contract with the selected firm(s) will be issued as an indefinite quantity contract with a term expiring on August 31, 2021 and an option for the Owner to extend the contract for one (1) additional two (2) year term. The total value of each contract will be limited to Three Million Dollars (\$3,000,000); however, the Owner reserves the right to increase this limit with appropriate internal authorization. This solicitation sets forth the terms, conditions, and requirements for prospective firms to be considered for this work. (Prospective firms are hereinafter referred to as “Respondents”)
- 1.1.1 Collecting Statements of Qualifications (“Qualifications”) in response to this Request for Qualification (“RFQ”) is the first step in selecting the Respondent. This RFQ provides the information necessary for Respondents to prepare and submit Qualifications for consideration and initial ranking by the Owner. In the next step the Owner will determine an initial ranking of the Respondents. If the initial ranking of the Respondents is reasonably conclusive, the Owner may make a “most qualified” selection based upon the written Qualifications only. If not, then the Owner may conduct interviews with a “short list” of Respondents.
- 1.1.2 The Owner may select up to five (5) of the top ranked qualified Respondents to participate in an interview with the Owner, to confirm and clarify the qualifications submitted and to answer additional questions. The Owner will then rank the interviewed Respondents in order to determine one or more of the most qualified Respondent(s).
- 1.1.3 After selecting the most qualified Respondent(s) the Owner will negotiate the services to be provided by the Respondent and a suitable fee schedule for those services. Further information regarding the contract is in Section 1.3. In the event that the Owner is not successful in concluding a contract with the most highly qualified Respondent(s), the Owner may terminate negotiations with such Respondent(s) and attempt to negotiate a contract with the next most highly ranked Respondent, and so forth. The Owner may enter into contracts with up to three (3) Respondents as a result of this solicitation.

- 1.2 **PUBLIC INFORMATION:** All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the solicitation is completed. The Owner complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information. Additionally, pursuant to the provisions of *Texas Government Code* Section 2261.253, the contract resulting from this solicitation will be posted on the Owner's website.
- 1.3 **TYPE OF CONTRACT:** Any contract resulting from this solicitation will be in the form of the Owner's Standard Indefinite Quantity Professional Services Agreement, a copy of which will be provided to all firms selected for interviews or, in the case where no interviews are conducted, to the selected most qualified Respondent.
- 1.4 **CLARIFICATIONS AND INTERPRETATIONS:** Discrepancies, omissions or doubts as to the meaning of RFQ documents shall be communicated in writing to the Owner for interpretation. Any responses to inquiries, clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by the Owner as a written addendum. All such addenda issued by the Owner before the proposals are due shall become part of the RFQ. Respondents shall acknowledge receipt of each addendum in its Qualifications. Respondents shall be required to consider only those clarifications and interpretations that the Owner issues by addenda. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications. It is the responsibility of all Respondents to regularly check the status of formal addenda and five (5) days before the submittal deadline. The deadline for the receipt of written questions is stated in Section 2.3.
- 1.4.1 ADDENDA AND AWARD INFORMATION WILL BE ISSUED BY THE OWNER FOR THIS RFQ VIA THE ELECTRONIC BUSINESS DAILY WEBSITE AT THE FOLLOWING LINK: [HTTP://WWW.TXSMARTBUY.COM/SP](http://www.txsmartbuy.com/sp). REFERENCE "BOARD OF REGENTS/TEXAS STATE UNIVERSITY SYSTEM - 758" AND THE RFQ NUMBER PROVIDED IN THIS RFQ.
- 1.5 **SUBMISSION OF QUALIFICATIONS:**
- 1.5.1 The Qualifications must be received **at the address specified in Section 1.5.2 prior to the date and time deadline**. The Owner will not consider any response to this solicitation that is not received at the address specified by the deadline.
- 1.5.2 **DEADLINE AND LOCATION:** The Owner will receive Qualifications and HUB Subcontracting Plan as separate attachments at the time and location described below.
- May 7, 2019 - 3:00 p.m. (Central Daylight Time)**
- Peter Maass, RA, NCARB, CTCM  
Director of Capital Projects Administration  
The Texas State University System  
601 Colorado Street  
Austin, TX 78701
- 1.5.3 Submit **one (1)** electronic version of the Qualifications on a flash drive in Adobe Acrobat PDF format.

- 1.5.4 Submit **five (5)** identical copies of the Qualifications. An original signature must be included on the Respondent's "Execution of Offer" document, Section 3.7.14, submitted with each copy of the Qualifications.
- 1.5.5 Submit **one (1) original** and **one (1) copy** of the HUB Subcontracting Plan (HSP) as **separate attachments** to the Qualifications as described in Section 1.13.
- 1.5.6 Qualifications and HSP materials received after the deadline in 1.5.2 will be returned to the Respondent unopened. The Point-of-Contact identified in Section 1.6 will identify the official time clock at the RFQ submittal location identified above.
- 1.5.7 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 title and number, and the name, return address and email address of the Respondent contact person on all envelopes. The HSP shall be included with the Qualifications packet but sealed separately.
- 1.5.10 Properly submitted Qualifications will be opened publicly and the names of the Respondents will be read aloud immediately after the submissions of Qualifications deadline stated in Section 1.5.2.
- 1.6 POINT-OF-CONTACT: The Owner designates the following person as its representative and Point-of-Contact for this RFQ. Respondents shall restrict all contact with the Owner and direct all questions regarding this RFQ, No. 758-19-00063, including questions regarding terms and conditions and technical specifications, to the Point-of-Contact. All inquiries regarding this RFQ must be made in writing, via email only.
- Peter Maass, RA, NCARB, CTCM  
Director of Capital Projects Administration  
The Texas State University System  
601 Colorado Street  
Austin, TX 78701  
Email: peter.maass@tsus.edu
- 1.7 EVALUATION OF QUALIFICATIONS: The evaluation of the Qualifications shall be based on the requirements described in this RFQ. All properly submitted Qualifications will be reviewed, evaluated, and ranked by a Selection Committee appointed by the System's Director of Capital Projects Administration. The top five (5) or fewer ranked Respondents may be selected by the Owner for further consideration by participating in an interview wherein Qualifications will be presented and examined in further detail and where questions will be posed by the Selection Committee and answered by the Respondent.
- 1.7.1 Qualifications submittals should not include any information regarding Respondent's proposed fees, pricing, or other compensation considerations as these will not be a factor in the selection of the most qualified firm.

- 1.8 OWNER'S RESERVATION OF RIGHTS: The Owner reserves the right to reject any and all Qualifications and re-solicit for new Qualifications, or to reject any and all submissions and temporarily or permanently abandon this procurement. Owner makes no representations, written or oral, that it will enter into any form of agreement with any Respondent to this RFQ for any project and no such representation is intended or should be construed by the issuance of this RFQ. The Owner reserves the right to waive the failure of any response to comply with requirements set forth in this RFQ where the failure is not, in the Owner's opinion, substantial in nature.
- 1.9 ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its Qualifications in response to this RFQ, Respondent accepts the evaluation process and acknowledges and accepts that determination of the "most qualified" Respondent(s) will require subjective judgments by the Owner. Determinations by the Selection Committee will be subject to routine administrative review by the Owner's executive officers but, once a selection is announced, it will not be subject to further review.
- 1.10 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the Respondent's participation in this RFQ process shall be at the sole risk and responsibility of the Respondent.
- 1.11 PRE-SUBMITTAL CONFERENCE: There will be no pre-submittal conference conducted for this selection process.
- 1.12 ELIGIBLE RESPONDENTS: Only individual firms or lawfully formed business organizations may apply (This does not preclude a respondent from using consultants.) The Owner will contract only with the individual firm or formal organization that submits a Qualification.
- 1.13 HISTORICALLY UNDERUTILIZED BUSINESSES' SUBMITTAL REQUIREMENTS: It is the policy of the Owner and each of its Components, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, specific plans and representations by Respondents that appear to facilitate the Owner's commitment to supporting HUB enterprises will be favorably considered in the selection process. Failure to submit specific plans and representations regarding HUB utilization, and failure to address the subject at all, will be interpreted by the Selection Committee as an intention to not support the program.
- 1.13.1 STATEMENT OF PROBABILITY: The System has determined that subcontracting opportunities are probable in connection with this procurement solicitation. Therefore, a HUB Subcontracting Plan (HSP) is required as a part of the Respondent's Qualifications.
- 1.13.2 The HSP information may be downloaded from the Texas State Comptroller's website at the following URL link:  
<https://comptroller.texas.gov/purchasing/vendor/hub/forms.php>
- 1.14 CERTAIN PROPOSALS AND CONTRACTS PROHIBITED: Under Section 2155.004, *Texas Government Code*, a state agency may not accept a proposal or award a contract that includes proposed financial participation by a person who received compensation from the agency to participate in preparing the specifications or request for proposals on which the proposal or contract is based. All vendors must certify their eligibility by acknowledging the following statement, "Under Section 2155.004, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and

acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate." If a state agency determines that an individual or business entity holding a state contract was ineligible to have the contract accepted or awarded as described above, the state agency may immediately terminate the contract without further obligation to the vendor. This section does not create a cause of action to contest a proposal or award of a state contract.

- 1.15 SALES AND USE TAXES: Section 151.311, *Texas Tax Code*, permits the purchase free of state sales and use taxes of tangible personal property to be incorporated into realty in the performance of a contract for an improvement to realty for certain exempt entities that include the Owner. The section further permits the purchase tax-free of tangible personal property (other than machinery or equipment and its accessories and repair and replacement parts) for use in the performance of such a contract if the property is "necessary and essential for the performance of the contract" and "completely consumed at the job site." In addition, the section permits the purchase tax-free of a tangible service for use in the performance of such a contract if the service is performed at the job site and if "the contract expressly requires the specific service to be provided or purchased by the person performing the contract" or "the service is integral to the performance of the contract."
- 1.16 CERTIFICATION OF FRANCHISE TAX STATUS: Respondents are advised that the successful Respondent will be required to submit certification of franchise tax status as required by State Law (*Texas Tax Code* Chapter 171). The Respondent agrees that each subcontractor and supplier under contract will also provide a certification of franchise tax status.
- 1.17 DELINQUENCY IN PAYING CHILD SUPPORT: Under Section 231.006, *Texas Family Code*, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.
- 1.18 SERVICES PREVIOUSLY PROVIDED BY CONSULTANT. As required by Section 2254.029(b), *Texas Government Code*, the Owner hereby discloses that services described in this RFQ have been previously provided by a consultant to the Owner under an existing contract. While the Owner intends to continue the current contract with this consultant and reserves the right to award a new contract to the current consultant should that consultant respond to this RFQ, all responses to this RFQ will be considered and evaluated on their own merits.
- 1.19 CEO DETERMINATION OF NEED FOR SERVICES: As provided by *Texas Government Code*, Section 2254.028(c), the Chancellor, as Chief Executive Officer ("CEO") of the Texas State University System, has found that the consulting services sought pursuant to this notice are both reasonable and necessary to Owner and its Components. The System Office, with a very limited staff, has the responsibility of overseeing more than Five Hundred Million Dollars (\$500,000,000) in construction projects at any given time at up to seven different Component locations. The Chancellor finds that System Office personnel can oversee these projects in a cost-effective manner by utilizing the planning and construction expertise of consultants on an as-needed basis. Such a structure will allow Owner to have the benefit of expertise that it could not reasonably expect to find in a salaried employee and to pay only for the services that it needs to support existing staff's administrative efforts. Moreover, staffing in the planning and construction area at the Components differs widely, and the Chancellor finds that the proposed consulting arrangement will be cost effective in providing assistance to Components on an as-needed basis.
- 1.20 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. The Texas Board of Architectural Examiners, 333 Guadalupe Street, Suite 2-350, Austin, Texas 78701, telephone (512) 305-9000, has jurisdiction over individuals licensed under the Architects' Registration Law, Chapter 1051, *Texas Occupations Code*.

- 1.21 **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.
- 1.22 **NONDISCRIMINATION:** In their execution of the contract(s) resulting from this solicitation, this agreement, all contractors, subcontractors, their respective employees, and others acting by or through them shall comply with all federal and state policies and laws prohibiting discrimination, harassment, and sexual misconduct. Any breach of this covenant may result in termination of this agreement.

## **SECTION 2 – EXECUTIVE SUMMARY**

### **2.1 HISTORICAL BACKGROUND:**

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

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

The selected Respondent will provide program and/or project management services for facilities planning, design and construction projects throughout the System. Services may be required in connection with any or all of the following phases of project delivery: pre-project planning, estimating, programming, design, bid and construction, as well as any other service that may assist the Owner in the delivery of facilities.

The volume of project activity anticipated over the next two (2) years will require that the System utilize outside consultants as an extension of its oversight operations. As a result, the Respondent(s) must be prepared to assign at least one (1) qualified person with significant experience and unique abilities in project planning and management, who will be available as needed to support the oversight efforts of the System Office. Such personnel will represent the System Office and participate at project meetings, provide comprehensive review and analysis of drawings, constructability reports, cost estimates, pay applications, change orders, project schedules, and other project documents, and will interact with the project architect-engineer and construction manager-at-risk and the Owner's project manager in a collaborative manner that provides value to the System Office and to the projects at each Component campus. The person who represents the System Office must be proficient in e-Builder or similar project management information system and Microsoft Office, must understand and align with the culture of the System Office in



identifying, tracking and resolving problems in an expeditious manner, and must work independently with little oversight while delivering a superior work product. In short, through his or her project leadership efforts, the specified person must create and maintain added value and garner respect through their actions in support of the Owner, contractor and architect-engineer, as the System Office representative.

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

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

**The contract will have an initial term ending August 31, 2021 with an option for one (1) additional two (2) year term.** The contract will provide for an indefinite quantity of services to be provided as required by the Owner, with no requirement that Owner request any minimum quantity of services. Respondent will be compensated on an hourly fee basis in accordance with a fee schedule to be negotiated with the successful Respondent(s). The contract may also provide for the negotiation of specific engagements on a lump-sum fee basis upon the mutual agreement of the parties.

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

2.3.1	Owner Publishes RFQ .....	04/15/2019
2.3.2	Deadline for submission of written questions (12:00 p.m. C.D.T.) .....	04/26/2019
2.3.3	Deadline for submittal of Qualifications (3:00 p.m. C.D.T.) .....	05/07/2019
2.3.4	Owner selects short listed Respondents .....	05/14/2019
2.3.5	Interviews of short-listed Respondents (if required) .....	05/28/2019
2.3.6	Owner selects most qualified Respondent(s) .....	06/05/2019
2.3.7	Owner negotiates fee schedule(s) and executes Agreement(s) .....	06/14/2019

**SECTION 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS**

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

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

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

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

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

3.2.1 Provide the following information for the Respondent's 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. This will not be counted toward the 50-page limit.

3.2.3 Declare if Respondents firm or any of its consultant team are 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 Respondent that would affect Respondent's performance under a contract with the Owner.

3.2.5 Identify if the Respondent is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity. If yes, specify date(s), details, circumstances, and prospects for resolution.

3.2.6 Declare if any relationship exists by relative, business associate, capital funding agreement, or any other such kinship between any individual member of the Respondent's team and any Owner employee, officer or Regent. If so, please explain.

3.2.7 Provide a claims history under professional malpractice insurance for the past five (5) years for the Respondent's firm and any team members proposed to provide professional services.

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

3.3.1 Identify the key professionals that will be involved in program management services and their likely roles. **Specifically name the person who will support the oversight efforts for the System Office (see Section 2.2). In addition, specifically name a person who will be secondarily responsible for such efforts in the event the designated person becomes unavailable.**

3.3.2 Provide resumes stating the experience and expertise of the professionals that will be involved in providing program management services, including their experience with similar tasks, the number of years with the firm, and their city of residence.

- 3.3.3 Indicate whether the Respondent intends to use consultants or sub-consultants in rendering professional services to the Owner. If so, indicate the roles of such consultants and describe the Respondent's process in working with consultants and integrating them into the process of providing program management services.

3.4 CRITERION FOUR: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE ENGAGEMENTS FOR PROGRAM MANAGEMENT

- 3.4.1 List a maximum of three (3) projects for which Respondent has provided program management services that are most closely related to the services described in this RFQ. Any engagements with the Owner, other Texas public institutions of higher education and other Texas state-funded projects should be included. List the projects in order of priority, with the most relevant project listed first. Provide the following information for each project listed:

- Project name, location, contract delivery method, and description of the type of services provided and, if applicable, the reclaimed dollar savings provided as a result of these services.
- Color images (photographic or machine reproductions).
- Construction cost at Programming, Schematic Design, Design Development, 50% and 100% Construction Documents, and at Guaranteed Maximum Price ("GMP") or Bid amount.
- Final construction cost denoting change orders by type (i.e. scope change, unforeseen, errors and omissions).
- Programmed project size (if applicable).
- Final project size in gross square feet.
- Type of construction (new, renovation, or expansion).
- Originally Scheduled Notice to Proceed for Pre-Construction Services.
- Actual Notice to Proceed for Pre-Construction Services.
- Originally Scheduled Notice to Proceed, Substantial Completion, and Final Payment dates for Construction Services.
- Actual Notice to Proceed, Substantial Completion, and Final Payment dates for Construction Services.

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

- The client's name and representative who served as the day-to-day liaison(s) during the design and construction phases of the project, including telephone number and email address.
- Architect/Engineer's name and representative who served as the day-to-day liaison(s) during the design and construction phase of the project, including telephone number and email address.
- Length of business relationship with the client.
- References shall be considered relevant based on specific project participation and experience with the Respondent. The Owner reserves the right to contact any other references at any time during the RFQ process.

- 3.4.2 List a maximum of three (3) engagements for which Respondent has provided consulting services other than program management services that are most closely related to the services described in this RFQ. Any engagements with Owner, other Texas public institutions of higher education and other State of Texas entities should be included. List

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

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

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

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

### 3.5 CRITERION FIVE: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES

3.5.1 Describe the Respondent's philosophy, methodology, and its processes for (a) discovering failures to adhere to programming requirements carried forth into design and (b) successful management of cost and schedule controls.

3.5.2 Provide specific examples of how these techniques or procedures were used in up to three (3) projects listed in response to Criterion 3.4.

3.5.3 Describe the proposed project team's demonstrated technical competence and management qualifications with institutional projects, particularly those for higher education.

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

3.6.1 List and fully describe any technical tools including but not limited to computer software or hardware that enable Respondent to provide effective program management services. Demonstrate proficiency in the use of project management information systems. Experience with the e-Builder project management software system is preferred.

3.6.2 Provide specific examples of how these tools were used in up to three (3) projects listed in response to Criterion 3.4.

### 3.7 CRITERION SEVEN: EXECUTION OF OFFER

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

**THIS EXECUTION OF OFFER MUST BE COMPLETED, SIGNED, AND RETURNED WITH THE RESPONDENT'S QUALIFICATIONS. FAILURE TO COMPLETE, SIGN AND RETURN THIS EXECUTION OF OFFER WITH THE QUALIFICATIONS MAY RESULT IN REJECTION OF THE QUALIFICATIONS.**

SIGNING A FALSE STATEMENT MAY VOID THE SUBMITTED QUALIFICATIONS OR ANY AGREEMENTS OR OTHER CONTRACTUAL ARRANGEMENTS, WHICH MAY RESULT FROM THE SUBMISSION OF RESPONDENT'S QUALIFICATIONS, AND THE RESPONDENT MAY BE REMOVED FROM ALL PROPOSER LISTS. A FALSE CERTIFICATION SHALL BE DEEMED A MATERIAL BREACH OF CONTRACT AND, AT

OWNER'S OPTION, MAY RESULT IN TERMINATION OF ANY RESULTING CONTRACT OR PURCHASE ORDER.

- 3.7.1 By signature hereon, Respondent acknowledges and agrees that (1) this RFQ is a solicitation for qualifications and is not a contract or an offer to contract; (2) the submission of Qualifications by Respondent in response to this RFQ will not create a contract between the Owner and Respondent; (3) the Owner has made no representation or warranty, written or oral, that one or more contracts with the Owner will be awarded under this RFQ; and (4) Respondent shall bear, as its sole risk and responsibility, any cost which arises from Respondent's preparation of a response to this RFQ.
- 3.7.2 By signature hereon, Respondent offers and agrees to furnish to the Owner the products and/or services more particularly described in its Qualifications, and to comply with all terms, conditions and requirements set forth in the RFQ documents and contained herein.
- 3.7.3 By signature hereon, Respondent affirms that it has not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the submitted Qualifications.
- 3.7.4 By signature hereon, a corporate Respondent certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171, *Texas Tax Code*, or that the corporate Respondent is exempt from the payment of such taxes, or that the corporate Respondent is an out-of-state corporation that is not subject to the Texas Franchise Tax, whichever is applicable.
- 3.7.5 By signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership or owner represented by the Respondent, nor anyone acting for such firm, corporation, or institution has violated the antitrust laws of this state, codified in Section 15.01, ET. seq., *Texas Business and Commerce Code*, or the Federal antitrust laws, nor communicated directly or indirectly the Qualifications made to any competitor or any other person engaged in such line of business.
- 3.7.6 By signature hereon, Respondent represents and warrants that:
- 3.7.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;
- 3.7.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
- 3.7.6.3 Respondent is aware of, is fully informed about, and is in full compliance with all applicable federal, state and local laws, rules, regulations and ordinances;
- 3.7.6.4 Respondent, if selected by the Owner, will maintain insurance as required by the Contract;
- 3.7.6.5 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that the Owner will rely on such statements, information and representations in selecting the successful Respondent. If selected by the Owner as the successful Respondent,

Respondent will notify the Owner immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.

- 3.7.7 By signature hereon, Respondent certifies that the individual signing this document and the documents made part of the RFQ is authorized to sign such documents on behalf of the company and to bind the company under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications.
- 3.7.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Bidder as defined in *Texas Administrative Code* Title 34, Part 1, Chapter 20, Subchapter A, Division 2, Rule Section 20.25(8).
- 3.7.9 By signature hereon, Respondent certifies as follows:
- 3.7.9.1 "Under Section 231.006, *Texas Family Code*, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate."
- 3.7.9.2 "Under Section 2155.004, *Texas Government Code*, the vendor or applicant certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."
- 3.7.9.3 Under Section 2254.004, *Texas Government Code*, the vendor or applicant certifies that each individual or business entity which is an engineer or architect proposed by Respondent as a member of its team was selected based on "demonstrated competence and qualifications only."
- 3.7.10 By signature hereon, Respondent certifies that no relationship, whether by relative, business associate, capital funding agreement or by any other such kinship exist between Respondent and an employee of Owner and any Component, or Respondent has not been an employee of Owner and any Component within the immediate twelve (12) months prior to Respondent's RFQ response. All such disclosures will be subject to administrative review and approval prior to the Owner entering into any contract with Respondent.
- 3.7.11 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFQ. (ref. Section 2155.004 *Texas Government Code*).
- 3.7.12 By signature hereon, Respondent signifies his compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.
- 3.7.13 By signature hereon, Respondent agrees to defend, indemnify, and hold harmless the State of Texas, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities, arising out of, connected with, or resulting from any acts or omissions of Respondent or any agent, employee, subcontractor, or supplier of Respondent in the execution or performance of any

agreements or other contractual arrangements which may result from the submission of Respondent's Qualifications.

3.7.14 By signature hereon, Respondent agrees that any payments that may become due under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications, will be applied towards any debt including, but not limited to, delinquent taxes and child support that is owed to the State of Texas.

3.7.15 By signature hereon, Respondent certifies that no member of the Board of Regents of the Texas State University System, or the executive officers of the Owner or its Components, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract.

*(Execution of Offer continues on the following page)*

**3.7.16 EXECUTION OF OFFER: RFQ No. 758-19-00063 – Request for  
Qualifications for IDIQ Program Management Services for Texas State  
University System**

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

Respondent's Company Name: \_\_\_\_\_

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

If a Corporation:

Respondent's State of Incorporation: \_\_\_\_\_

Respondent's Charter No: \_\_\_\_\_

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

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

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

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

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

Submitted and Certified By:

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

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

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

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

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

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

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

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

\_\_\_\_\_  
(Date)



## **SECTION 4 – FORMAT FOR STATEMENT OF QUALIFICATIONS**

### **4.1 GENERAL INSTRUCTIONS**

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

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

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

- 4.2.3 Separate and identify the response to each of the criteria in Section 3 of this RFQ by use of a divider sheet with an integral tab for ready reference.
- 4.3 TABLE OF CONTENTS: Submittals shall include a “Table of Contents” and give page numbers for each part of the Qualifications.
- 4.4 PAGINATION: Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.); the Respondent is not required to number the pages of financial statements or HUB Subcontracting Plan.

**END OF REQUEST FOR QUALIFICATIONS**