

**REQUEST FOR QUALIFICATIONS
FOR
CAMPUS MASTER PLAN UPDATE
PROFESSIONAL SERVICES**

**FOR
LAMAR UNIVERSITY
BEAUMONT, TEXAS**

CAMPUS MASTER PLAN UPDATE

RFQ No.:

758-19-05029

Submission Date:

June 13, 2019 – 2:00 p.m. (C.D.T.)

Prepared By:

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LAMAR UNIVERSITY
Beaumont, Texas
Campus Master Plan Update
RFQ No.: 758-19-05029**

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner”), on behalf of Lamar University, is soliciting Statements of Qualifications (“Qualifications”) for selection of a facilities planning firm (“Master Planner”) to undertake an Update of the 2012 Lamar University Campus Master Plan (“Project”) on the Lamar University, Beaumont, Texas campus, in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications (“RFQ”). The Owner is interested in selecting a firm that has direct experience in the master planning of facilities for institutions of higher education. Prospective Master Planner firms are hereinafter referred to as “Respondents”.
- 1.1.1 Collecting Qualifications in response to this RFQ is the first step in selecting a Master Planner. This RFQ provides the information necessary for Respondents to prepare and submit Qualifications for consideration 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 three (3) 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 Master Planner 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 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 where 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 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 may be posted on the Owner’s website.

- 1.3 **TYPE OF CONTRACT:** Any contract resulting from this solicitation will be in a form similar to the Owner's Standard Architect/Engineer Agreement, a copy of which will be provided to all Respondents 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 written addendum. All such addenda issued by the Owner before the proposals are due, become part of the RFQ. Respondents shall acknowledge receipt of and incorporate 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 check the status of formal addenda five (5) days prior to the submittal deadline. The deadline for the receipt of written questions and submittal deadline is stated in Section 2.5.
- 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>
REFERENCE "BOARD OF REGENTS/TXST UNIV SYS – 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.** 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. Respondents are advised to use other methods of delivery or, if using an overnight delivery service, to send the Qualifications 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 for RFQ No. 758-19-05029 at the time and location described below.
- June 13, 2019 - 2:00 p.m. (Central Daylight Time)**
- Ms. Kelli Morris
Lamar University
4400 MLK Blvd.
Plummer Building, Room 120
Beaumont, Texas 77705
- 1.5.3 Submit two (2) electronic versions of the Qualifications and HUB Subcontracting Plan ("HSP") on CDs or flash drives in Adobe Acrobat PDF format.
- 1.5.4 Submit six (6) 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 two (2) identical copies of the HSP as a separate attachment 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.
- 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 Qualification, 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. Packages 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.
- 1.6 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 **by email only.**
- Ms. Kelli Morris
Lamar University
4400 MLK Blvd.
Plummer Building, Room 120
Beaumont, Texas 77705
E-mail: kmorris1@lamar.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 Lamar University. Typically, that committee will contain both future users of the facilities developed by the Project and by facilities professionals, including representation from the Owner. The top three (3) 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 Respondent.
- 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” 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 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 component institutions, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (“HUB”) in all contracts. Accordingly, specific plans and representations by Respondents that appear to facilitate the State’s commitment to supporting HUB enterprises will be favorably considered in the selection process. Failure to submit specific plans and representations regarding HUB utilization, or failure to address the subject at all, will be interpreted by the Selection Committee as an intention not to support the program.
 - 1.13.1 STATEMENT OF PROBABILITY. The Owner has determined that subcontracting opportunities are probable in connection with this procurement solicitation. Therefore, a 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 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*.
- 1.19 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.

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.

Lamar University is a member of The Texas State University System and offers more than 100 programs of study leading to bachelor's, master's and doctoral degrees. The 270-acre campus in Beaumont is about 90 miles east of Houston and about 25 miles west of Louisiana.

In recent years, Lamar University has experienced another wave of growth with the recently completed Wayne A. Reaud Administration Building and the Center for Innovation, Commercialization, and Entrepreneurship. Additionally, a major renovation of the Setzer Student Center was completed in the spring of 2018 and a new Science and Technology Building was completed in early 2019, along with expansion of the South Central Plant.

- 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:** Lamar University is seeking the services of qualified Master Planner with significant higher education campus master planning experience to prepare an update to the 2012 Campus Master Plan approved by the Texas State University System in 2014. In addition to evaluation and confirmation that the overall existing plan remains sound, services are expected to entail the following:

- Documenting new buildings completed in the last 5 years;
- Incorporating plans that are now generally established for future facilities including a new campus Welcome Center, a Center for Performing and Fine Arts, New Digital Learning Center, a Music Practice Facility and a Facilities Management complex;
- Modify the plan to reflect status and preservation of the Plummer Building which was placed on the National Register of Historic Buildings in 2015;
- Take into consideration commercial development of the Triangle area east of campus;
- Document traffic pattern changes due to recent and future Texas Department of Transportation/City of Beaumont access and street upgrades; and
- Document recently acquired property at the south end of campus and the current and future development of a new south campus entrance.

2.4 Metal spiral bound and tabbed copies along with a digital copy of the 2012 Campus Master Plan for Lamar University including the evaluations, illustrative drawings, recommendations, cost estimates and schedules shall be provided to the successful Respondent.

2.5 **PROJECT PLANNING SCHEDULE:** Key Project schedule milestones (subject to change without notice) are as follows:

2.5.1	Owner publishes RFQ.....	05/22/2019
2.5.2	RFQ submittal questions deadline (12:00 p.m. C.D.T.)	06/04/2019
2.5.3	Deadline for submittal of Qualifications (2:00 p.m. C.D.T.).....	06/13/2019
2.5.4	Owner selects short listed Respondent for interviews (if required).....	06/17/2019
2.5.5	Interview of short listed Respondent (if required).....	06/19/2019
2.5.6	Owner selects most qualified Respondent.....	06/19/2019
2.5.7	Owner executes Agreement.....	07/05/2019
2.5.8	Project begins.....	07/08/2019
2.5.9	Presentation to Planning and Construction Committee of the Board of Regents	08/13/2019
2.5.10	Proposed final draft of Master Plan Update issued.....	10/07/2019
2.5.11	Owner approves Final Master Plan Update	10/17/2019
2.5.12	Master Plan Update approved by Board of Regents.....	11/14/2019
2.5.13	Final Master Plan Update issued to Owner.....	12/01/2019

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 Master Planner 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 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 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 and its principal(s) and assigned professionals, including all consultants to undertake the Project.
- 3.1.3 Provide a brief history of the Respondent's firm and each consultant proposed for the Project.
- 3.1.4 Provide a graphic representation of the project team, identifying the Respondent and each consultant proposed for the Project. The graphic representation shall depict current workloads and commitments for other projects for the Respondent and its consultants as well as the time resource and commitment for the Respondent and its consultants for this Project, for the schedule noted in Section 2.5.

3.2 CRITERION TWO: RESPONDENT'S ABILITY TO PROVIDE SERVICES

- 3.2.1 Provide the following information for the Respondent:
 - 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 Respondent's financial stability. If audited statements are not available, so state and provide recent financial statements with a cover letter from Respondent's Certified Public Accountant ("CPA"). Provide this information in a separate sealed envelope marked "Confidential Financial Information".
 - 3.2.2.1 If Respondent opts to have a CPA firm submit a cover letter, the letter shall contain information certifying the financial solvency of the Respondent and the date and results of the last audit performed by the CPA firm.
 - 3.2.2.2 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 Identify if the Respondent's firm or any of its consultant team is 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 the Respondent's firm or any of its consultant team 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 Respondent's 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 Respondent's firm and any team members proposed to provide professional master planning services.

3.3 CRITERION THREE: RESPONDENT'S ABILITY TO PROVIDE MASTER PLANNING 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 the team that will be involved in the Project. Indicate the estimated percent of time these individuals will be involved in the Project.
- 3.3.2 Provide resumes giving the experience and expertise of the professional members for each person 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 any proposed sub-consultants included in the master planning team and the role each will play for this Project.
- 3.3.5 Describe the Respondent's process in working with consultants and integrating them into the master planning process.
- 3.3.6 Identify the Respondent's past experience with any proposed consultants in the past five (5) years.

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

List a maximum of five (5) master planning projects for which Respondent has provided services that are most related to this Project. List the projects in order of priority, with the most relevant project listed first. Previous Owner projects and/or any other state-funded projects or projects for institutions of higher education are preferred. Provide the following information for each project listed:

- Project name, location, and description
- General description of the scope of the master planning effort involved in the project, including gross square footage of improvements, infrastructure and other aspects of the plan

- Description of services Respondent provided for the project
- Name of project principal/manager (individual responsible to the Owner for the overall success of the project)
- Name of project planner (individual responsible for coordinating the day to day work)
- Consultants

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 life of the project, including telephone number and email address
- Length of business relationship with the owner.

References shall be considered relevant based on specific project participation and experience with the Respondent. The Owner may contact references during any part of this process. The Owner reserves the right to contact any other references at any time during the RFQ process.

3.5 CRITERION FIVE: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES

- 3.5.1 Describe Respondent's philosophy, methodology, and process for master planning.
- 3.5.2 Describe Respondent's demonstrated technical competence and qualifications with institutional planning projects, particularly those for higher education.
- 3.5.3 Describe Respondent's cost estimating methods for the projects included in a master plan. For any combination of three (3) projects listed in response to Criterion 3.4, provide examples of how these techniques were used.

3.6 CRITERION SIX: RESPONDENT'S APPROACH TO THIS CAMPUS MASTER PLAN

- 3.6.1 State Respondent's philosophy and practice concerning the updating of existing campus master plans in Respondent's own planning efforts, and that are expected to guide Lamar University's campus development over the remaining years of the current master plan. The existing 2012 Lamar University Campus Master Plan can be viewed on the Lamar University website located at:
<https://www.lamar.edu/faculty-staff/planning-and-construction/index.html>
- 3.6.2 Explain what Respondent regards as key understandings between Owner and Master Planner and primary steps that should be taken by both to achieve a successful master planning effort.
- 3.6.3 Summarize the primary basic planning services that Respondent plans to offer and those Respondent desires to receive from the Owner during the planning effort.
- 3.6.4 Identify any key infrastructure elements (i.e. roads, utilities, etc.) that Respondent thinks must be included in the Project and provide suggestions of the extent to which these elements should be studied as a part of the Project efforts.

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. Respondent further certifies that it has not 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 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 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 Board of Regents has a "substantial interest" (as that term is defined in Section 51.923 of the *Texas Education Code*) in the Respondent.

[Rest of the page left intentionally blank.]

3.7.16 **Execution of Offer: RFQ No. 758-19-05029 - Campus Master Plan Update Professional Services for Lamar University, Beaumont, TX.**

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: _____

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)

(Type 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 FIFTY (50) PRINTED PAGES and could be entirely adequate with considerably fewer pages. The cover, table of contents, divider sheets, HSP, 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:

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 HSP.

END OF REQUEST FOR QUALIFICATIONS